

NIPOMO COMMUNITY SERVICES DISTRICT

AGENDA

February 2, 2000

CLOSED SESSION (CONFERENCE ROOM) 6:30 P.M.

CONFERENCE WITH LEGAL COUNSEL GC§54956.9
NCSD vs. State Dept of Health Services CV 990706

REGULAR SESSION 7:00 P.M. BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

GENE KAYE, **PRESIDENT**
AL SIMON, **VICE PRESIDENT**
ROBERT BLAIR, **DIRECTOR**
RICHARD MOBRAATEN, **DIRECTOR**
ALEX MENDOZA, **DIRECTOR**

STAFF

DOUGLAS JONES, **GENERAL MANAGER**
DONNA JOHNSON, **SECRETARY TO THE BOARD**
JON SEITZ, **GENERAL COUNSEL**

NOTE: All comments concerning any item on the agenda are to be directed to the Board Chairperson.

A. CALL TO ORDER

B. FLAG SALUTE

ROLL CALL

C. PUBLIC COMMENTS PERIOD

PUBLIC COMMENTS

Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda, or pending before the Board. Presentations are limited to three (3) minutes or otherwise at the discretion of the Chair.

D. ADMINISTRATIVE ITEMS (The following may be discussed and action may be taken by the Board.)

D-1) WATER AND SEWER REPLACEMENT STUDY

Review and receive final water and sewer replacement study by Boyle Engineering

D-2) REQUEST FOR SERVICE - TRACT 1876 (RIEWALD)

Request to renew an Intent-to-Serve letter for a 9-lot development on Colt Lane

D-3) REQUEST FOR SERVICE - TRACT 2370 (KRICHEVSKY)

Request for an Intent-to-Serve Letter for a 6-lot development on Evergreen Way

D-4) BOARD OF DIRECTORS BY-LAWS

Annual Review of the Board By-Laws

E. OTHER BUSINESS (The following may be discussed and action may be taken by the Board.)

E-1) STATE WATER SALE

Review SLO Co. Water Conservation Dist. Proposal for temporary sale of State Water Contract

E-2) WATER LINE ACROSS NIPOMO PARK

Review location and estimated costs

E-3) MONTECITO VERDE II SEWER SYSTEM

Review RWQCB correspondence and schedule to connect sewers to District system

F. CONSENT AGENDA The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parenthesis.

F-1) WARRANTS (RECOMMEND APPROVAL)

F-2) BOARD MEETING MINUTES (RECOMMEND APPROVAL)

Approval of Minutes of January 19, 2000 Regular Board meeting

G) MANAGER'S REPORT

G-1) Cal. Co. article on water issues

G-2) Global Warming article

G-3) Information on low flush toilets

G-4) Incident Report

H. DIRECTORS COMMENTS

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL GC§54956.9 (a) & (b)

- ✓ a. SMVWCD vs NCSD Case No. CV 770214 and related cases, Case Nos. CV 990266, CV 990391, CV 990392, CV 990556, CV 990558, CV 990738, CV 990739, SM 112867, SM 113421, SM 113422, SM 113424, SM 113425, SM 113788, SM 113789
- ✓ b. NCSD vs. Shell Oil, et. al. Case No. CV 077387

ADJOURN

FEB 02 2000

TO: BOARD OF DIRECTORS
FROM: DOUG JONES J
DATE: FEBRUARY 2, 2000

WATER AND SEWER REPLACEMENT STUDY

ITEM

Review of the final report on the Water And Sewer Replacement Study.

BACKGROUND

The District Board acquired the services of Boyle Engineering to prepare a water and sewer replacement study for the Town Division's water and sewer system and the Black Lake Division's water and sewer system. The study did an inventory of all the District facilities in the water and sewer operations. A useful life and a cost to replace each facility was determined. The study breaks out in five year periods the items that need to be replaced and the associated costs with these replacements. By planning for the replacement and building cash reserves for the replacement, the District will avoid or at least significantly reduce the impact of varying funding needs on a year-to-year basis and avoid significant fluctuations in water and wastewater rates to accommodate those funding needs. The Board reviewed the draft report in a Study Session held on January 12, 2000 and made their comments to the Boyle representatives. Those comments have been incorporated into the final report.

The data from the Water and Sewer Replacement Study will be incorporated into a future Rate Study for the District.

RECOMMENDATION

Staff recommends that Your Honorable Board receive and file the Water and Sewer Replacement Study prepared by Boyle Engineering.

BD2000/Replacement Study

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: FEBRUARY 2, 2000

REQUEST FOR SERVICE
TRACT 1876

ITEM

Request to renew an Intent-to-Serve letter for water and sewer service for Tract 1876.

BACKGROUND

The District has received correspondence from Mike Neuhauser, General Partner of Coastal Oak Properties, requesting a renewal of their Intent-to-Serve letter issued November 14, 1989. Tract 1876 is a nine (9) lot development on Colt Lane next to Highway 101.

Staff recommends that an Intent-to-Serve letter be re-issued for Tract 1876 with the following conditions.

1. Enter into a Plan Check and Inspection Agreement and pay the appropriate fees.
2. Submit improvement plans in accordance with the District Standards and Specifications for review and approval.
3. Pay all appropriate District water, sewer and other fees associated with this development.
4. A 3/4" PVC conduit to be installed at side-by-side meter boxes for future automatic meter reading.
5. Construct the improvements required and submit the following:
 - a. Reproducible "As Builts" - A paper copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water/sewer improvements
 - b. Offer of Dedication
 - c. Engineer's Certification
 - d. A summary of all water and sewer improvement costs
6. This Intent-to-Serve Letter will expire two years from date of issuance.

RECOMMENDATION

Staff recommends that Your Honorable Board approve the Intent-to-Serve letter with the above conditions.

221 Blue Sky Drive
Arroyo Grande, CA 93420

January 18, 2000

Mr. Douglas Jones, General Manager
Nipomo Community Services District
148 S. Wilson St.
Nipomo, CA 93444

Re: Tract 1876

Dear Mr. Jones:

I wish to request a renewed **Intent to Serve Letter** for the subject tract. You have advised me that the original letter dated November 14, 1989 has expired. Along with this request I am enclosing two copies of the Public Improvement Plans for your review.

Very truly yours,

Coastal Oak Properties, LP



Mike Neuhauser
General Partner

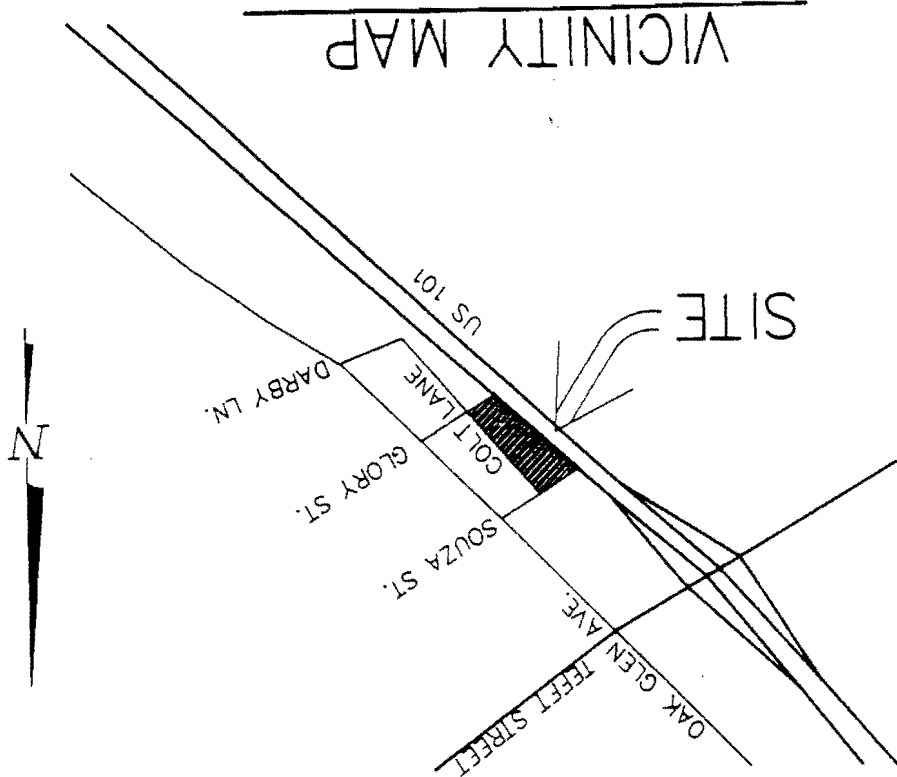
Cc: Russ Garrison
Dennis Bethel & Assoc.

RECEIVED

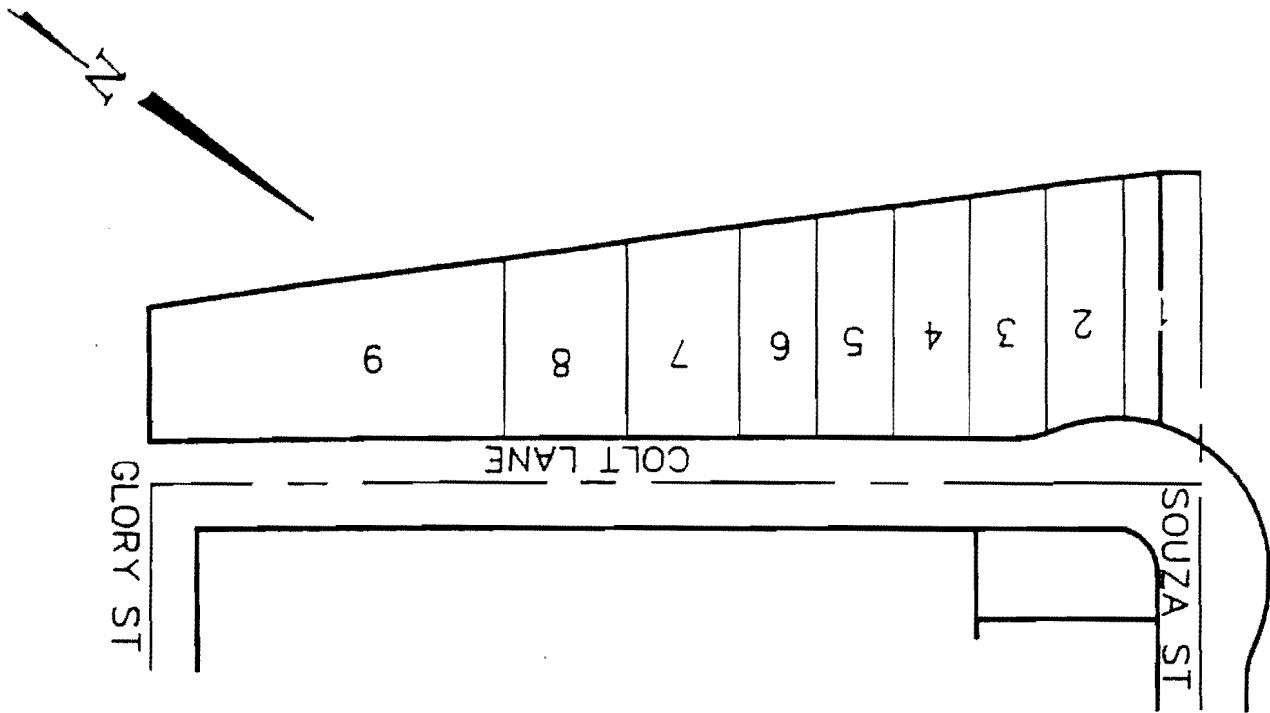
JAN 19 2000

NIPOMO COMMUNITY
SERVICES DISTRICT

VICINITY MAP



PROJECT MAP



TO: BOARD OF DIRECTORS
FROM: DOUG JONES *DJ*
DATE: FEBRUARY 2, 2000

REQUEST FOR SERVICE
TRACT 2370

ITEM

Request for water service for Tract 2370

BACKGROUND

The District has received correspondence from Westland Engineering for water service to a six (6) lot development on Evergreen Way. The attached parcel map shows the proposed development.

Staff recommends that an Intent-to-Serve letter for water be issued for Tract 2370 with the following conditions.

1. Enter into a Plan Check and Inspection Agreement and pay the appropriate fees.
2. Submit improvement plans in accordance with the District Standards and Specifications for review and approval.
3. Pay all appropriate District water and other fees associated with this development.
4. A 3/4" PVC conduit to be installed at side-by-side meter boxes for future automatic meter reading.
5. Construct the improvements required and submit the following:
 - a. Reproducible "As Builts" - A paper copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water improvements
 - b. Offer of Dedication
 - c. Engineer's Certification
 - d. A summary of all water improvement costs
6. This Intent-to-Serve Letter will expire two years from date of issuance.

RECOMMENDATION

Staff recommends that Your Honorable Board approve the Intent-to-Serve letter with the above conditions.

January 13, 2000

Doug Jones
c/o Nipomo Community Services District
P.O. Box 326
Nipomo, CA 93444

RE: Intent to serve letter for Tract Map #2370

Dear Doug,

We are submitting an application to the County of San Luis Obispo's Planning Department for a development of six lots on this property. The County's Planning Department requires an intent to serve letter from NCSD in order to process the tentative Tract Map. The owner of the property is Thor Krichevsky at 1054 Evergreen Way, Nipomo, CA 93444; Assessor's Parcel Number 091-283-017 & 022. Please note that there are two existing residences on the properties. Please provide us with an intent to serve letter. A copy of the proposed Tract Map and a reduction is enclosed for your review.

Sincerely,

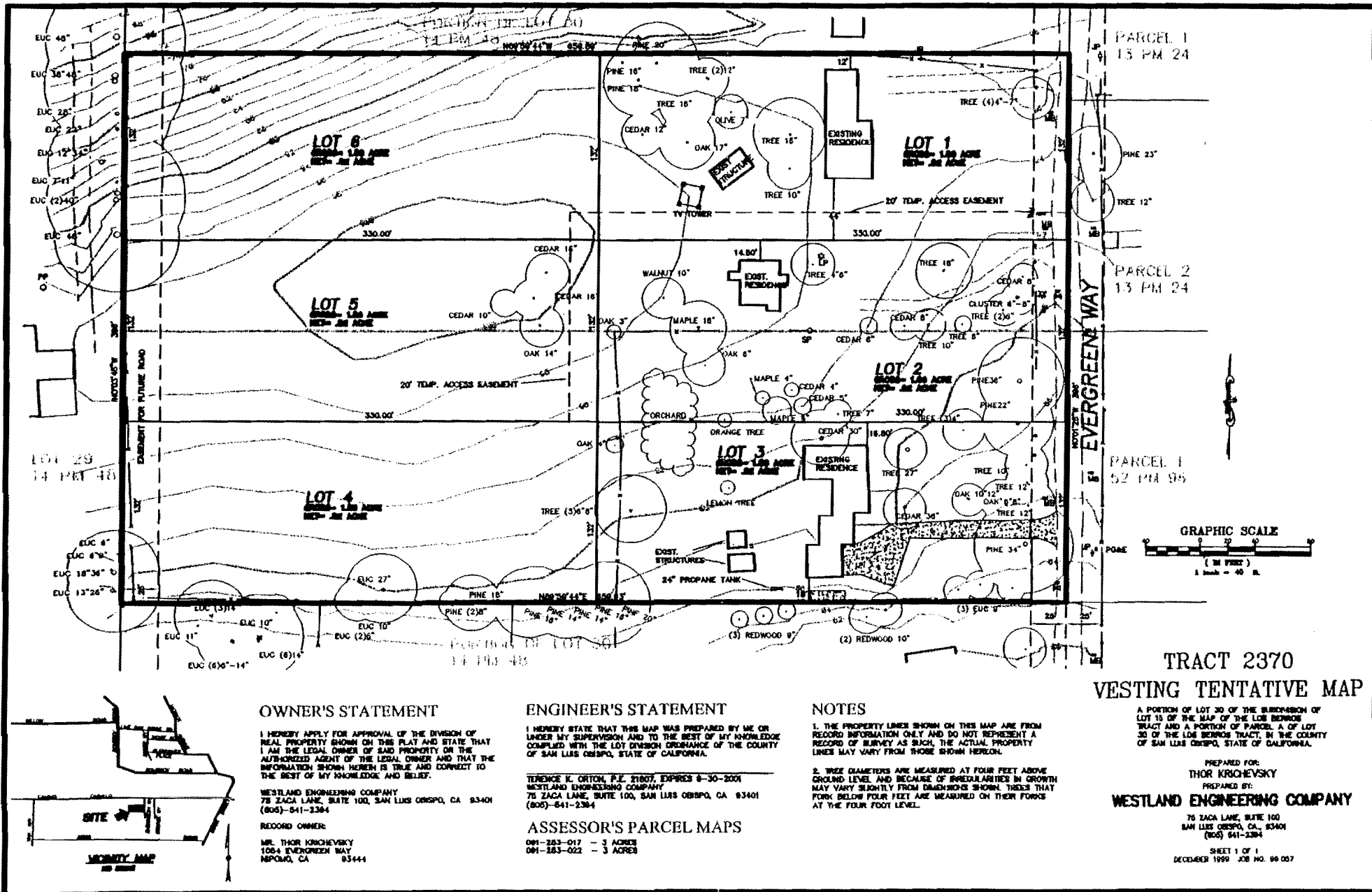


Pamela Jardini
Westland Engineering



JAN 18 2000

NIPOMO COMMUNITY
SERVICES DISTRICT



**TRACT 2370
VESTING TENTATIVE MAP**

A PORTION OF LOT 30 OF THE SUBDIVISION OF LOT 13 OF THE MAP OF THE LOS BERRIOS TRACT AND A PORTION OF PARCEL A OF LOT 30 OF THE LOS BERRIOS TRACT, IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.

PREPARED FOR:
THOR KRIGHEVSKY
PREPARED BY:
WESTLAND ENGINEERING COMPANY
75 ZACA LANE, SUITE 100
SAN LUIS OBISPO, CA, 93401
(805) 641-2384
SHEET 1 OF 1
DECEMBER 1999 JOB NO. 99 057

OWNER'S STATEMENT

I HEREBY APPLY FOR APPROVAL OF THE DIVISION OF REAL PROPERTY SHOWN ON THIS PLAT AND STATE THAT I AM THE LEGAL OWNER OF SAID PROPERTY OR THE AUTHORIZED AGENT OF THE LEGAL OWNER AND THAT THE INFORMATION SHOWN HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WESTLAND ENGINEERING COMPANY
75 ZACA LANE, SUITE 100, SAN LUIS OBISPO, CA 93401
(805)-641-2384

RECORD OWNER:
MR. THOR KRIGHEVSKY
1004 EVERGREEN WAY
MORFANO, CA 93444

ENGINEER'S STATEMENT

I HEREBY STATE THAT THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIED WITH THE LOT DIVISION ORDINANCE OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.

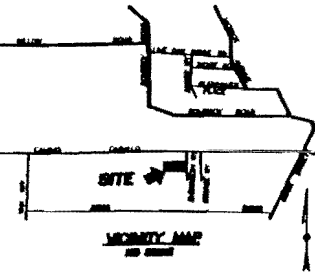
TERENCE K. ORTON, P.E. 21807, EXPIRES 8-30-2001
WESTLAND ENGINEERING COMPANY
75 ZACA LANE, SUITE 100, SAN LUIS OBISPO, CA 93401
(805)-641-2384

ASSESSOR'S PARCEL MAPS


091-283-017 - 3 ACRES
091-283-022 - 3 ACRES

NOTES

1. THE PROPERTY LINES SHOWN ON THIS MAP ARE FROM RECORD INFORMATION ONLY AND DO NOT REPRESENT A RECORD OF SURVEY AS SUCH, THE ACTUAL PROPERTY LINES MAY VARY FROM THOSE SHOWN HEREON.
2. TREE DIAMETERS ARE MEASURED AT FOUR FEET ABOVE GROUND LEVEL AND BECAUSE OF IRREGULARITIES IN GROWTH MAY VARY SLIGHTLY FROM DIMENSIONS SHOWN. TREES THAT FORK BELOW FOUR FEET ARE MEASURED ON THEIR FORKS AT THE FOUR FOOT LEVEL.



AGENDA ITEM (D-4)
FEB 02 2000

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: FEBRUARY 2, 2000

BOARD OF DIRECTORS BY-LAWS

ITEM

Annual review of the Board of Directors By-Laws.

BACKGROUND

Section 8 of the Board By-Laws states the following:

The Board By-Law Policy shall be reviewed annually at the first regular meeting in February. The review shall be provided by District Counsel and ratified by Board action. At the request of any Director, the Board By-Laws may be reviewed at any time subject to Section 2.3.

The last modifications to the Board By-Laws was adopted on October 6, 1999 – Resolution 99-710.

Staff has received requests by Board members to modify the by-laws. The proposed changes are shown in the highlighted areas of the most recently adopted version attached.

RECOMMENDATION

After the modified By-Laws have been reviewed by District Counsel, your Honorable Board may proceed with the adoption of Resolution 00-723.

Bd2000\ByLaws.DOC

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 00-723**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
REVISING BOARD BYLAWS**

WHEREAS, the Board of Directors of Nipomo Community Services District is committed to providing excellence in legislative leadership that results in the provision of the highest quality of services to its constituents.

WHEREAS, in order to assist in the government of the behavior between and among members of the Board of Directors, the following rules shall be observed.

WHEREAS, the District is a member of the Special District Risk Management Authority (**SDRMA**). The District participates in the SDRMA Credit Incentive Program which includes the adoption of Board policies and procedures (Directors By-laws) for the District to receive a one point credit.

WHEREAS, SDRMA has adopted 1998-1999 Credit Incentive Program whereby the District can receive a one point credit for an annual review of Board By-Laws conducted by the District's Legal Counsel and ratified by Board action.

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

NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTOR BYLAWS

1. OFFICERS OF THE BOARD OF DIRECTORS

1.1 The officers of the Board of Directors are the President and Vice President.

1.2 The President of the Board of Directors shall serve as chairperson at all Board meetings. He/she shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.

1.3 In the absence of the President, the Vice President of the Board of Directors shall serve as chairperson over all meetings of the Board. If the president and Vice President of the Board are both absent, the remaining members present shall select one of themselves to act as chairperson of the meeting.

1.4 The President and Vice President of the Board shall be elected annually at the last regular meeting of each calendar year.

1.5 The term of office for the President and Vice President of the Board shall commence on January 1 of the year immediately following their election.

1.6 The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by himself/herself and/or the Board. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

2. MEETINGS

2.1 Regular meetings of the Board of Directors shall be held on the first and third Wednesday of each calendar month in the Board Room at the District Office.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 00-723
PAGE 2

2.2 Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

2.3 The General Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors. Any Director may call the General Manager and request an item to be placed on the agenda no later than 4:30 o'clock p.m. one week prior to the meeting date.

2.4 No action or discussion may be taken on an item not on the posted agenda; provided, however, matters deemed to be emergencies or of an urgent nature may be added to the agenda under the procedures of the Brown Act. Pursuant to the Brown Act:

- (a) Board Members may briefly respond to statements or questions from the public; and
- (b) Board Members may, on their own initiative or in response to public questions, ask questions for clarification, provide references to staff or other resources for factual information, or request staff to report back at a subsequent meeting; and
- (c) A Board Member or the Board itself may take action to direct staff to place a matter on a future agenda.

2.5 The President, or in his/her absence the Vice President shall be the presiding officer at District Board meetings. He/she shall conduct all meetings in a manner consistent with the policies of the District. He/she shall determine the order in which agenda items shall be considered for discussion and/or actions taken by the Board. He/she shall announce the Board's decision on all subjects. He/she shall vote on all questions and on roll call his/her name shall be called last.

2.6 A majority of the Board shall constitute a quorum. However, all actions must be approved by a minimum of three Board members. When there is no quorum for a regular meeting, the President, Vice President, or any Board member shall adjourn such meeting, or, if no Board member is present, the District secretary shall adjourn the meeting.

2.7 A roll call vote shall be taken upon the passage of all ordinances and resolutions, and shall be entered in the minutes of the Board showing those Board members voting aye, those voting no and those not voting or absent. A roll call vote shall be taken and recorded on any vote not passed unanimously by the Board. Unless a Board member states that he or she is not voting because of a conflict of interest, his or her silence shall be recorded as an affirmative vote.

2.8 Public Comment and Public Testimony shall be directed to the President of the Board and limited to three minutes unless extended or shortened by the President in his/her discretion.

2.9 Any person attending a meeting of the Board of Directors may record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding that the recording cannot continue without noise, illumination, or obstruction of view that constitutes or would constitute a persistent disruption of the proceedings. All video tape recorders, still or motion picture cameras shall be located and operated from behind the public speakers podium once the meeting begins.

3. PREPARATION OF MINUTES AND MAINTENANCE OF TAPES

3.1 The minutes of the Board shall be kept by the District Secretary and shall be neatly produced and kept in a file for that purpose, with a record of each particular type of business transacted set off in paragraphs with proper subheads;

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 00-723
PAGE 3

3.2 The District Secretary shall be required to make a record only of such business as was actually passed upon by a vote of the Board and, except as provided in Section 3.3 below, shall not be required to record any remarks of Board Members or any other person;

3.3 Any Director may request for inclusion into the minutes brief comments pertinent to an agenda item, only at the meeting that item is discussed.

3.4 The District Secretary shall attempt to record the names and addresses of persons addressing the Board, the title of the subject matter to which their remarks related, and whether they spoke in support or opposition to such matter; and

3.5 Whenever the Board acts in a quasi-judicial proceeding such as in assessment matters, the District Secretary shall compile a summary of the testimony of the witnesses.

3.6 Any tape or film record of a District meeting made for whatever purpose at the direction of the District shall be subject to inspection pursuant to the California Public Records Act. District tape and film records may be erased ninety (90) days after the taping or the recording.

4. MEMBERS OF THE BOARD OF DIRECTORS

4.1 Directors shall prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged between Directors before meetings.

4.2 Information that is exchanged before meetings shall be distributed through the General Manager, and all Directors will receive all information being distributed.

4.3 Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.

4.4 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.

5. AUTHORITY OF DIRECTORS

5.1 The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act or expenditure.

5.2 Directors do not represent any fractional segment of the community, but are, rather, a part of the body which represents and acts for the community as a whole.

5.3 The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.

5.4 The Board of Directors at a regular or special meeting may authorize a Director or Staff to speak or communicate on behalf of the District or represent the District at a meeting or related function. Board members shall not express their opinions as representing the Board as indicated in Paragraph 5.5.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 00-723
PAGE 4

5.5 A Director expressing comments other than at Board Meetings, Special Meeting or at the specific direction of the Board of Directors pursuant to Section 5.4 shall make it clear that he/she is speaking on his/her own behalf and not representing the District or its Board of Directors.

6. DIRECTOR GUIDELINES

6.1 Board Members, by making a request to the General Manager or Administrative Assistant, shall have access to information relative to the operation of the District, including but not limited to statistical information, information serving as the basis for certain actions of Staff, justification for Staff recommendations, etc. If the General Manager or the Administrative Assistant cannot timely provide the requested information by reason of information deficiency, or major interruption in work schedules, work loads, and priorities, then the General Manager or Administrative Assistant shall inform the individual Board Member why the information is not or cannot be made available.

6.2 In handling complaints from residents and property owners of the District, said complaints should be referred directly to the General Manager.

6.3 In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the General Manager.

6.4 When approached by District personnel concerning specific District policy, Directors should direct inquires to the General Manager or Administrative Assistant. The chain of command should be followed.

6.5 Directors and General Manager should develop a working relationship so that current issues, concerns and District projects can be discussed comfortably and openly.

6.6 When responding to constituent request and concerns, Directors should respond to individuals in a positive manner and route their questions to the General Manager, or in his/her absence, to the Administrative Assistant.

6.7 Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

7. DIRECTOR COMPENSATION (Established pursuant to Resolution 95-450)

7.1 Each Director is authorized to receive one hundred dollars (\$100.00) as compensation for each regular, adjourned or special meeting of the Board attended by him/her and for each day's service rendered as a Director by request of the Board.

7.2 Each Director is authorized to receive fifty dollars (\$50.00) as a compensation for each meeting other than regular, adjourned or special meetings and/or other function attended by him/her and each half day's service rendered as a Director at the request of the Board.

7.3 Director compensation shall not exceed six full days in any one calendar month.

7.4 Each Board Member is entitled to reimbursement for their expenses incurred in the performance of the duties required or authorized by the Board.

8. BOARD BY-LAW REVIEW POLICY

The Board By-law Policy shall be reviewed annually at the first regular meeting in February. The review shall be provided by District Counsel and ratified by Board action. At the request of any Director, the Board By-Laws may be reviewed at any time subject to Section 2.3.

9. RESTRICTIONS ON RULES

9.1 The rules contained herein shall govern the Board in all cases to which they are applicable, and in which they are not inconsistent with State or Federal laws.

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

AYES: Directors
NOES:
ABSENT:
ABSTAIN:

the foregoing resolution is hereby adopted this 2nd day of February 2000.

Gene Kaye, President
Nipomo Community Services District

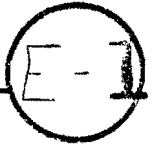
ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
District Legal Counsel

AGENDA ITEM
FEB 02 2000



TO: BOARD OF DIRECTORS
FROM: DOUG JONES *D*
DATE: FEBRURAY 2. 2000

STATE WATER SALE

ITEM

Background of SLO County's State Water Sale

BACKGROUND

The Board of Directors have directed staff to review the SLO County Flood Control and Water Conservation District proposal for a temporary sale of its State Water allocation contract to other agencies. Staff has contacted a representative from the County Flood Control and Water Conservation District who said there is a tentative proposal to temporarily sell the unallocated portion of the County's State Water contract to San Diego County which would pay for the water on an annual basis, which would relieve the SLO County taxpayers from paying for it. The proposal would be a temporary sale in which the County would reserve the right to receive the water back on a three year advance notification. Payment for the County's unallocated State Water contract is on an annual basis in which the fees vary from year and therefore the tax rate is set to cover the cost annually. If the water would be sold to cover its cost, then the tax rate would be zero. Until any temporary sale is completed and the contract signed, the taxpayers in the County pick up the annual cost of the unallocated portion of the County's State Water Contract.

RECOMMENDATION

This is an information item.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: FEBRUARY 2, 2000

AGENDA ITEM 
FEB 02 2000

WATER LINE ACROSS NIPOMO PARK

ITEM

Construction of water line across Nipomo Regional Park

BACKGROUND

Presently the District's distribution system production which is on the westerly side of the District flows to a single intersection at Pomeroy, Osage and Sandydale Roads. Since the District has established additional production on the west side, i.e. Sundale Well, it is proposed that a new water line be extended across the southerly end of the Nipomo Regional Park connecting Osage Rd. to Tefft Street. This will enhance the circulation of water from the west side (where most of the production is) to the east side (where most of the storage is). Attached for the Board's review is an estimate of the costs for design and construction of the proposed water line.

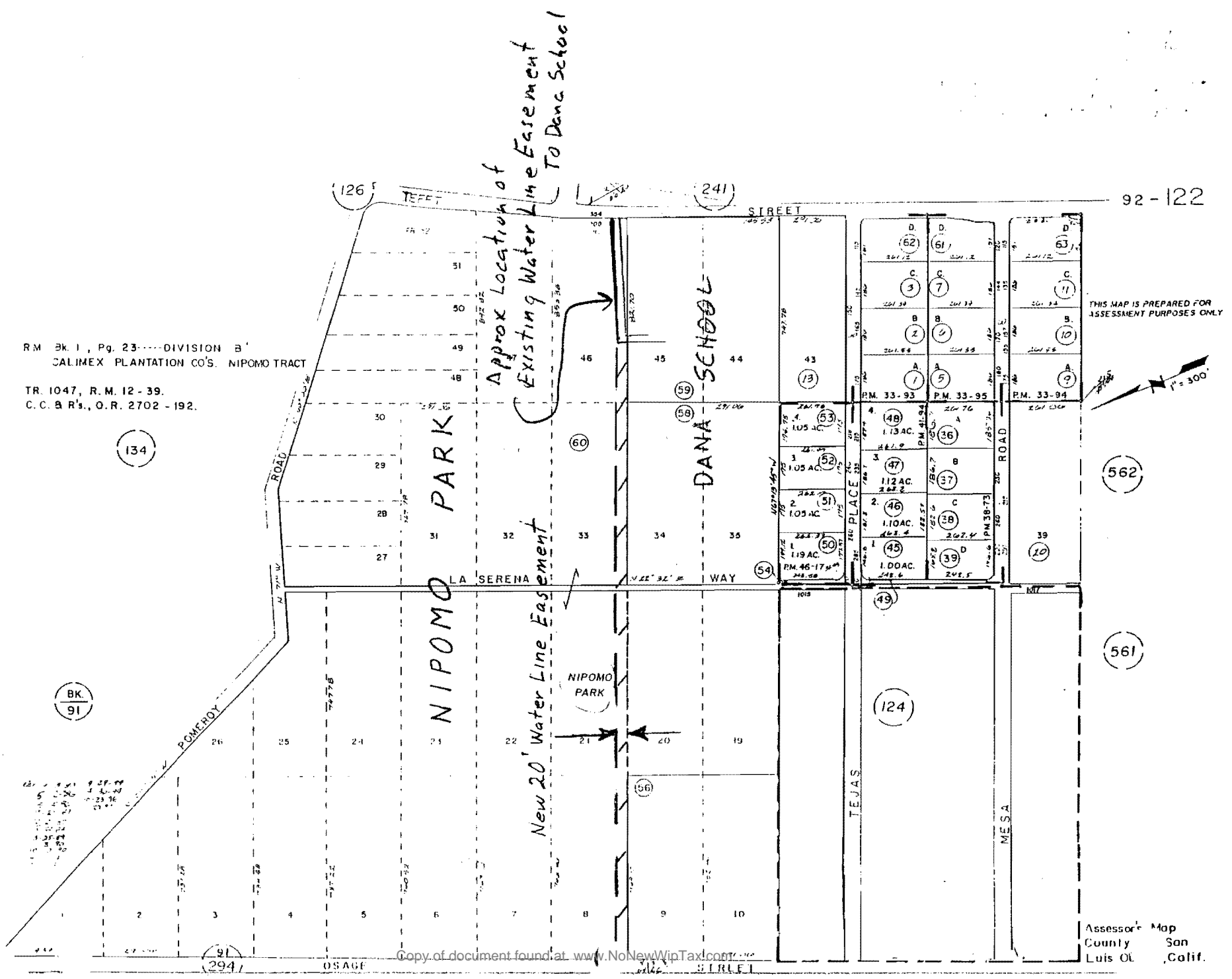
RECOMMENDATION

Staff recommends that the Board authorize staff to proceed with acquiring engineering services from Garing, Taylor and Associates to design the system and bring back the design concepts to the Board for approval to go to bid and appropriate funding for this project.

Bd2000\Park water line.DOC

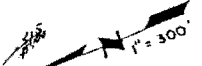
R.M. BK. 1, Pg. 23-----DIVISION B
CALIMEX PLANTATION CO'S. NIPOMO TRACT

TR. 1047, R.M. 12-39.
C.C. & R's., O.R. 2702-192.



92-122

THIS MAP IS PREPARED FOR ASSESSMENT PURPOSES ONLY



134

BK
91

562

561

124

294

OSAGE

Copy of document found at www.NoNewWipTax.com

Assessor's Map
County Son
Luis O. Calif.



Civil Engineering
 Surveying
 Project Development

RECEIVED
 JAN 17 2000
 NIPOMO

January 17, 2000

Nipomo Community Services District
 Mr. Doug Jones, General Manager
 P.O. Box 326
 Nipomo, CA 93444

SUBJECT: REQUEST FOR PROPOSAL FOR EASEMENT PREPARATION, DESIGN AND CONSTRUCTION MANAGEMENT OF A WATER TRANSMISSION MAIN BETWEEN OSAGE STREET AND TEFFT STREET WITHIN THE COUNTY PARK, NIPOMO, CALIFORNIA.

Dear Doug,

Garing, Taylor & Associates, Inc. (GTA) is pleased to present this proposal to the Nipomo Community Services District (NCS D) in response to your Request for Proposal (RFP). As you know, GTA has designed several projects for the NCS D during the past several years including the preparation of required CEQA documentation. Attached is GTA's hourly rate schedule.

Our proposed scope of work and fee estimate for the proposed project is outlined as follows:

SCOPE OF WORK AND PROPOSED ENGINEERING COSTS

TASK A	Prepare right-of-way documents and exhibits for waterline easement acquisition by NCS D (includes survey to flag property line and tie out oak trees).	\$2,000.00
TASK B	Survey alignment control line and elevation shots along proposed alignment (design field survey work).	\$1,500.00
TASK C	Prepare cadd plan and profile improvement plans, engineering cost and quantity estimate, and prepare specifications for the waterline design (scale 1" = 40').	\$8,500.00
TASK D	Prepare Initial Study for CEQA compliance and negative declaration. In the event that a focused or full EIR is required, work will be charged at the time and materials rates attached.	\$2,000.00



Doug Jones
January 17, 2000
Page 2

TASK E	Construction survey staking	\$2,000.00
TASK F	Construction management and inspection	<u>\$5,000.00</u>
Total Proposal =		\$21,000.00*

* Cost shown does not include extra work for a focused EIR, if required. The information regarding the number and the nature of the impacts to be addressed in a focused EIR is not known at this time. If a focused EIR is required GTA proposes to do the work per the attached T& M rates.

TIME SCHEDULE

1. CEQA requirements are unknown at this time. If the initial study results in the issuance of a negative declaration, the CEQA process can be expected to take up to 6 months prior to adoption. Plans can be processed simultaneously. However, if the initial study results in the requirement for a focused EIR, the process may take up to one year to complete.
2. Preparation of RW acquisition documents will take about 3 weeks.

GTA can begin work on the project within 10 days of authorization to proceed.

Yours Truly,

GARING, TAYLOR & ASSOCIATES, INC.



Robert C. Lupinek, P.E.
Project Engineer

Approved: _____

Nipomo Community Services District

Date

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: FEBRUARY 2, 2000

MONTECITO VERDE II
SEWER SYSTEM

ITEM

Connecting Montecito Verde II to the District area-wide sewer system

BACKGROUND

The District has maintained the on-site disposal system in Montecito Verde II since 1984. Due to age, the Montecito Verde II disposal system has deteriorated to the point where it should be connected to the District's system and the on-site system abandoned.

The District received the attached letter from the Regional Water Quality Control Board strongly encouraging the District to proceed with connecting the on-site system to the District's system. The RWQCB has requested a time frame for the connection of Montecito Verde II.

In 1994, the District acquired the services of Cannon Associates to develop a conceptual design to connect the Montecito Verde II system to the District's system. Due to the limited capacity of the sewer plant at that time, the District did not proceed. With the completion of the sewer plant, capacity is now available for connecting the 32 homes in Montecito Verde II.

In September 1999, San Luis Obispo County conducted an economic survey of the 32 home owners, and it was determined that this project may be eligible for a Community Development Block Grant Program (CDBG). In December 1999, the District submitted a CDBG application to the County for their review. The Board of Supervisors will make a determination in March if the Montecito Verde II project will receive grant funds. The grant funds can be used for the construction of the on and off site improvements. The grant funds cannot be used to pay capacity fees or right of ways.

A schedule of the project was submitted as part of the grant application (copy attached).

RECOMMENDATION

Staff recommends that the CDBG schedule be submitted to the RWQCB. If the CDBG application is not approved in March by Board of Supervisors, the District will submit a revised schedule at that time.

10. Description of proposed project or activity, including schedule of milestones and description of how project will benefit the target population:

The proposed project is the design and construction of sewer facilities to connect 32 single family residences to the area wide sewer treatment facility. The project will include the abandonment of the failing on-site community septic tank system, construction of sewer laterals to each home, and building the infrastructure to tie in to the area wide sewer system.

The project will benefit 100% of the target population. The target population being 32 single family homes currently connected to an on-site community septic tank system.

Schedule

Request for proposals for engineering design	May 2000
NEPA (Environmental Assessment)	May-July 2000
Award contract for engineering design after adoption Of 2000-2001 Budget	June 2000
CEQA	July-August 2000
Construction project to bid	August 2000
Award construction contract	September 2000
Project completion	November 2000



California Regional Water Quality Control Board

Central Coast Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/~rwqcb3>
81 Higuera Street, Suite 200, San Luis Obispo, California 93401-5427
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis
Governor

January 18, 2000

Doug Jones, General Manager
Nipomo Community Services District
P. O. Box 326
Nipomo, CA 93444-0326

Dear Mr. Jones:

RE: MONTECITO VERDE II SUBDIVISION; CONNECTION TO SEWER SYSTEM

On January 5, 2000 Regional Board staff inspected the septic disposal system at Montecito Verde Subdivision. The discharge is subject to Waste Discharge Requirements Order No. 82-33. The Nipomo Community Services District is the Discharger responsible for compliance with Order No. 82-33.


The Montecito Verde subdivision is twenty years old and the sewage disposal system is showing its age. Our field records show that Regional Board inspectors have noted system decay over the past five years. On December 6, 1995 we issued the Services District a Notice of Violation related to the dilapidated condition of the septic system. In response to that violation the District stated that the Montecito Verde tract would be hooked to the community sewer system and the onsite disposal system would be abandoned.

Operation of the Montecito Verde II disposal system in its current condition (deteriorated concrete structure) is a Violation of Waste Discharge Requirements that dates back to our original notice of December 6, 1995. Regardless of condition, the septic system at Montecito Verde must be abandon since the subdivision is within Nipomo's septic disposal prohibition area. The Board established the prohibition area in 1978 by adopting Resolution 78-02. The conditions of the resolution included a ten-year grace period following the completion of a community sewer treatment plant. In 1985 the District's treatment plant was completed and in 1995 the grace period for septic systems within the prohibition area ended.

We understand that the District has renewed its effort to connect the Montecito Verde tract and the project is scheduled for your 2000/2001 fiscal year. We strongly support your efforts to connect this subdivision to the community sewer. Please submit your current project schedule, including major milestones and completion dates, no later than **March 6, 2000**. This request is made pursuant to Section 13267 of the California Water Code. Failure to submit the information could result in additional enforcement actions.

If you have questions, please call **Michael LeBrun at (805) 542-4645**.

Sincerely,

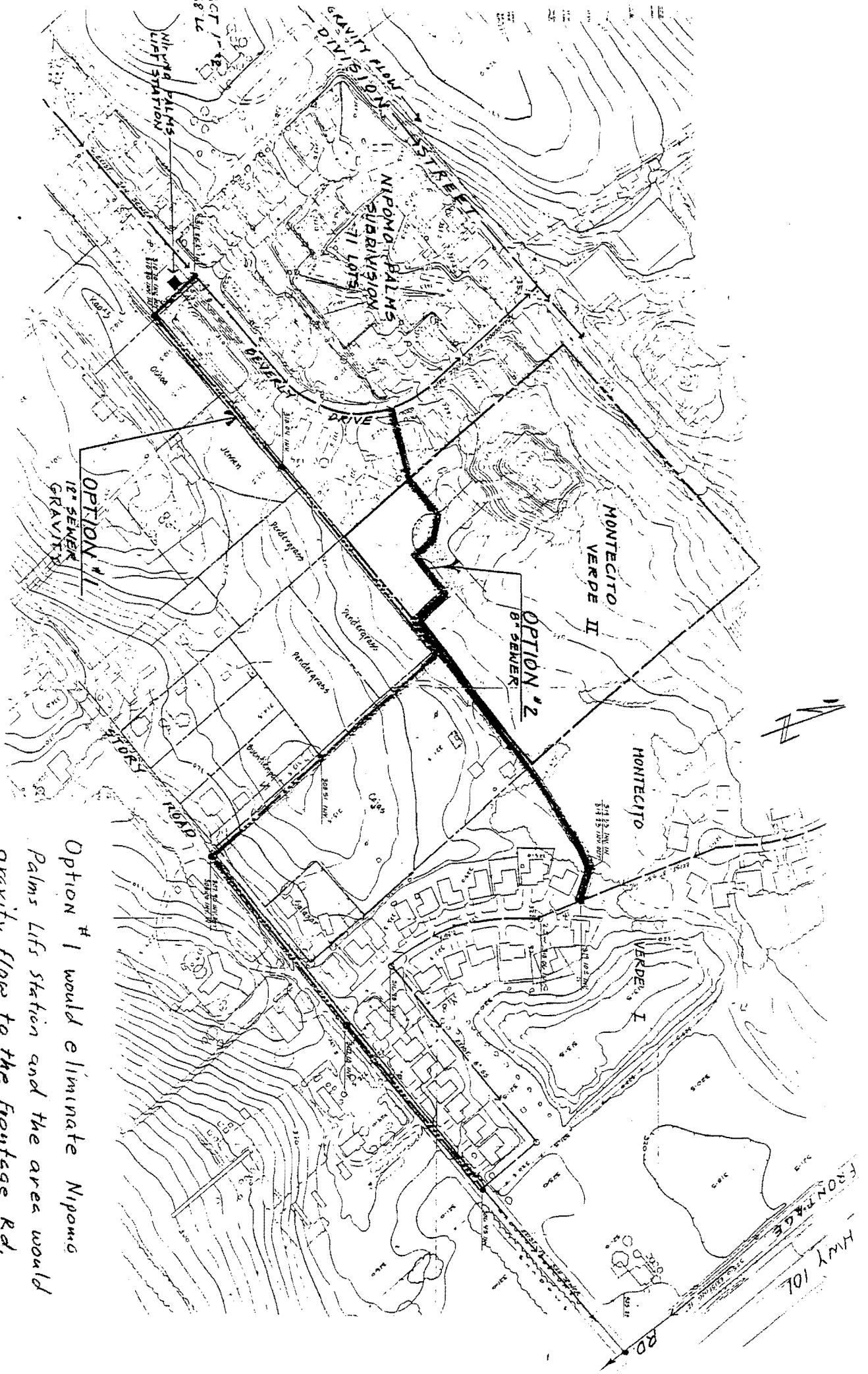

for: Roger W. Briggs
Executive Officer

JAN 21 2000

California Environmental Protection Agency



Option #1 would eliminate Nipomo Palms Lifts Station and the area would gravity flow to the Frontage Rd,



AGENDA ITEM
FEB 02 2000



TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: FEBRUARY 2, 2000

CONSENT AGENDA

The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parenthesis.

- F-1) WARRANTS (RECOMMEND APPROVAL)

- F-2) BOARD MEETING MINUTES (RECOMMEND APPROVAL)
Approval of Minutes of the January 19, 2000 Regular Board meeting

C:\W:Bd2000\Consent Feb.DOC

WARRANTS FEBRUARY 2, 2000

HAND WRITTEN CHECKS

18244	Pacific Bell	157.10
18246	Richard Mobraaten	50.00
18247	Alex Mendoza	50.00
18248	Alex Mendoza	50.00
18249	Richard Mobraaten	50.00
18250	McMillen Const.	303.25

Void Check # 18245, 11406-11410

WARRANTS/2000/W020200.doc

COMPUTER GENERATED CHECKS

11427	01/31/00	DOUG JONES	\$300.00
11428	01/31/00	PUBLIC EMPLOYEES RETIREMENT SYSTEM	\$1,809.23
11429	02/02/00	ADVANTAGE ANSWERING PLUS	\$114.00
11430	02/02/00	ADB SYSTEMS	\$241.29
11431	02/02/00	AMERICAN WATER WORKS ASSOCIATION	\$44.75
11432	02/02/00	ROBERT BLAIR	\$100.00
11433	02/02/00	BOYLE ENGINEERING CORPORATION	\$2,000.00
11434	02/02/00	DANA PROPERTIES	\$205.90
11435	02/02/00	EAGLE COMMUNICATIONS	\$563.91
11436	02/02/00	FGL ENVIRONMENTAL ANALYTICAL CHEMIST	\$1,457.40
11437	02/02/00	GTE WIRELESS	\$33.61
11438	02/02/00	GREAT WESTERN ALARM AND COMMUNICATIO	\$25.00
11439	02/02/00	IKON OFFICE SOLUTIONS	\$74.50
11440	02/02/00	JOHNSON, DONNA	\$74.92
11441	02/02/00	GENE KAYE	\$100.00
11442	02/02/00	MCI TELECOMMUNICATIONS	\$48.78
11443	02/02/00	McMILLEN CONSTRUCTION COMPANY	\$408.28
11444	02/02/00	McKESSON WATER PRODUCTS	\$22.15
11445	02/02/00	MAINLINE	\$210.00
11446	02/02/00	ALEX MENDOZA	\$100.00
11447	02/02/00	MID STATE BANK-MASTERCARD	\$125.89
11448	02/02/00	MOBRAATEN, RICHARD	\$100.00
11449	02/02/00	MORRO GROUP, INC.	\$4,149.87
11450	02/02/00	CALPERS HEALTH BENEFIT DIVISION	\$3,212.23
11451	02/02/00	POOR RICHARD'S PRESS	\$248.09
11452	02/02/00	PRECISION JANITORIAL SERVICE	\$135.00
11453	02/02/00	RICHARDS, WATSON & GERSHON	\$6,351.30
11454	02/02/00	SAN JOAQUIN SUPPLY CO	\$55.35
11455	02/02/00	SANTA MARIA TOOL, INC.	\$81.00
11456	02/02/00	SHIPSEY & SEITZ, INC.	\$3,421.50
11457	02/02/00	ALBERT SIMON	\$100.00
11458	02/02/00	SOUTHERN CALIF GAS COMPANY	\$54.63
11459	02/02/00	T.L.C. BACKHOE SERVICES	\$1,950.00
11460	02/02/00	WESTBURNE/AIR COLD INC.	\$35.69
11461	02/02/00	WEST GROUP	\$305.66

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

AGENDA ITEM

FEB 02 2000



JANUARY 19, 2000 7:00 P.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

GENE KAYE, **PRESIDENT**
AL SIMON, **VICE PRESIDENT**
ROBERT BLAIR, **DIRECTOR**
RICHARD MOBRAATEN, **DIRECTOR**
ALEX MENDOZA, **DIRECTOR**

STAFF

DOUGLAS JONES, **GENERAL MANAGER**
DONNA JOHNSON, **SECRETARY TO THE BOARD**
JON SEITZ, **GENERAL COUNSEL**

NOTE: All comments concerning any item on the agenda are to be directed to the Board Chairperson.

CALL TO ORDER AND FLAG SALUTE

1. ROLL CALL

President Kaye called the meeting to order at 7:00 p.m. and led the flag salute.
At Roll Call, all Board members were present.

President Kaye presented an engraved gavel to past-President Blair in appreciation of serving as president of the Board for 1999. Director Blair thanked the staff and the Board.

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS

Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda, or pending before the Board. Presentations are limited to three (3) minutes or otherwise at the discretion of the Chair.

During this agenda item, the following members of the public spoke:

Nancy DePue- Lucia Mar Unified School District - Spoke in favor of resolving the water for the school.

BOARD ADMINISTRATION (The following may be discussed and action may be taken by the Board.)

3. PUBLIC HEARING - WIDOW LANE SEWER REIMBURSEMENT RESOLUTION NO. 00-715 Public hearing on the cost spread to property owners benefiting from Widow Lane Sewer Improvements

President Kaye opened the Public Hearing to hear comments on the reimbursement for a sewer line constructed in Widow Lane, northerly of Southland Street to provide sewer service to properties belonging to Mr. Mike Kelley and Mr. John Perkins.

During this agenda item, the following members of the public spoke:

Terry Aguilar 771 Widow Lane, Nipomo - asked questions about the construction in the Widow Lane easement, which were answered. The reimbursement period is for 10 years.

Upon motion of Director Blair and seconded by Director Simon, the Board approved Resolution 00-715 with a 5-0 vote.

RESOLUTION NO. 00-715

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING THE REIMBURSEMENT AMOUNTS
FOR WIDOW LANE SEWER LINE IMPROVEMENTS (KELLEY/PERKINS)**

7. **REPLACEMENT OF PB WATER SERVICES - RESOLUTION NO. 00-717**
Review of bids and award contract for the replacement of PB water services

Bids were requested and received for replacement of PB water services within the District. District Counsel, Jon Seitz, read the resolution in title only. There were no public comments. Upon motion of Director Simon and seconded by Director Blair, the Board unanimously approved Resolution 00-717 with 5-0 vote awarding the contract to TLC Backhoe with Alternate 1 - Copper for \$167,190.

**RESOLUTION NO. 00-717
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING THE CONTRACT TO TLC BACKHOE
FOR REPLACEMENT OF POLYBUTYLENE PIPE WATER SERVICES**

8. **CONSENT AGENDA** *The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the consent agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parenthesis.*

Items a - f were pulled from the Consent Agenda for Board discussion. There were no public comments Items g, h and i. They were unanimously approved by motion of Director Simon and seconded by Director Blair. Vote 5-0.

a) **WARRANTS**

There were no public comments.

Motion by Director Mobraaten, second by Director Mendoza Vote 5-0

b) **BOARD MEETING MINUTES**

Approval of Minutes of the December 1, 1999 Regular Board meeting
Approval of Minutes of the December 15, 1999 Regular Board meeting
Approval of Minutes of the January 12, 2000 Study Session

There were no public comments.

Motion by Director Blair, second by Director Mobraaten Vote 5-0

c) **RESOLUTION NO. 00-718**

Adoption of Records Management and Records Retention Policy

There were no public comments.

Motion by Director Mobraaten, second by Director Mendoza Vote 5-0

d) **RESOLUTION NO. 00-719**

Adoption of the District Investment Policy

There were no public comments.

Motion by Director Simon, second by Director Mendoza Vote 5-0

19, 2000
FIVE

Committee Appointments

President Kaye appointed the following committee members

Committees for 2000	Member	Alternate
Nipomo Community Advisory Committee	Gene Kaye	Al Simon
Water Resources Advisory Committee	Doug Jones	Bob Blair
Chamber of Commerce	Dick Mobraaten	Gene Kaye

The following committees require two (2) members

Committees for 2000	Members
Finance Committee	Gene Kaye and Al Simon
Water Committee	Al Simon and Bob Blair
High School Committee	Alex Mendoza and Dick Mobraaten

District Legal Counsel, Jon Seitz, announced the need to go into Closed Session concerning the matters below.

CLOSED SESSION

- CONFERENCE WITH LEGAL COUNSEL GC§54956.9 (a) & (b)
- a. SMVWCD vs NCSO Case No. CV 770214 and related cases
Case Nos. CV 990556, CV 990391, CV 990392, CV 990558, CV 990266,
CV 770214, SM 113422, SM 112867, SM 113425, SM 113421
 - b. NCSO vs. State Dept of Health Services CV 990706

The Board came back into Open Session. Instructions were given to the negotiator.

ADJOURN

President Kaye adjourned the meeting at 9:50 p.m.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JANUARY 19, 2000

AGENDA ITEM
FEB 02 2000



MANAGER'S REPORT

G-1) California County article on water issues

Attached is a copy of the article facing California water issues, which may be of interest to the Board.

G-2) Global warming article

Attached is an article of global warming for your information.

G-3) Information on low flush toilet

Attached is an article for your information concerning low flush toilets.

G-4) Incident Report

Attached is the 4th quarter Incident Report

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As the new millennium begins, county decision-makers should know about the water management initiatives and strategies that could shape California's future use of this resource.

Come Rain or Come Shine

After five wet years, the longest stretch in the state's modern history, there is fear among those who remember the 1977 and 1987-1992 droughts that Californians are due for some dry years. Whether 2000 is a wet or dry year, water issues connect all 58 counties, and county officials know that these issues—often expressed by a confusing alphabet soup of acronyms—frequently cross county lines.

During the recent wet years, the state has experienced tremendous growth. Areas such as the Central Valley have experienced population booms, leading communities and governments to take a hard look at the state's finite water supply. Historically, growth has been linked to water development, but it was not until the 1990s that local land use agencies and water districts were required to communicate about the impacts of proposed development projects on water supply.

A new buzzword emanating from state and federal levels is "smart growth," the idea of allowing development while protecting and ensuring resources. Look for state legislation in 2000 carrying water and smart-growth labels.

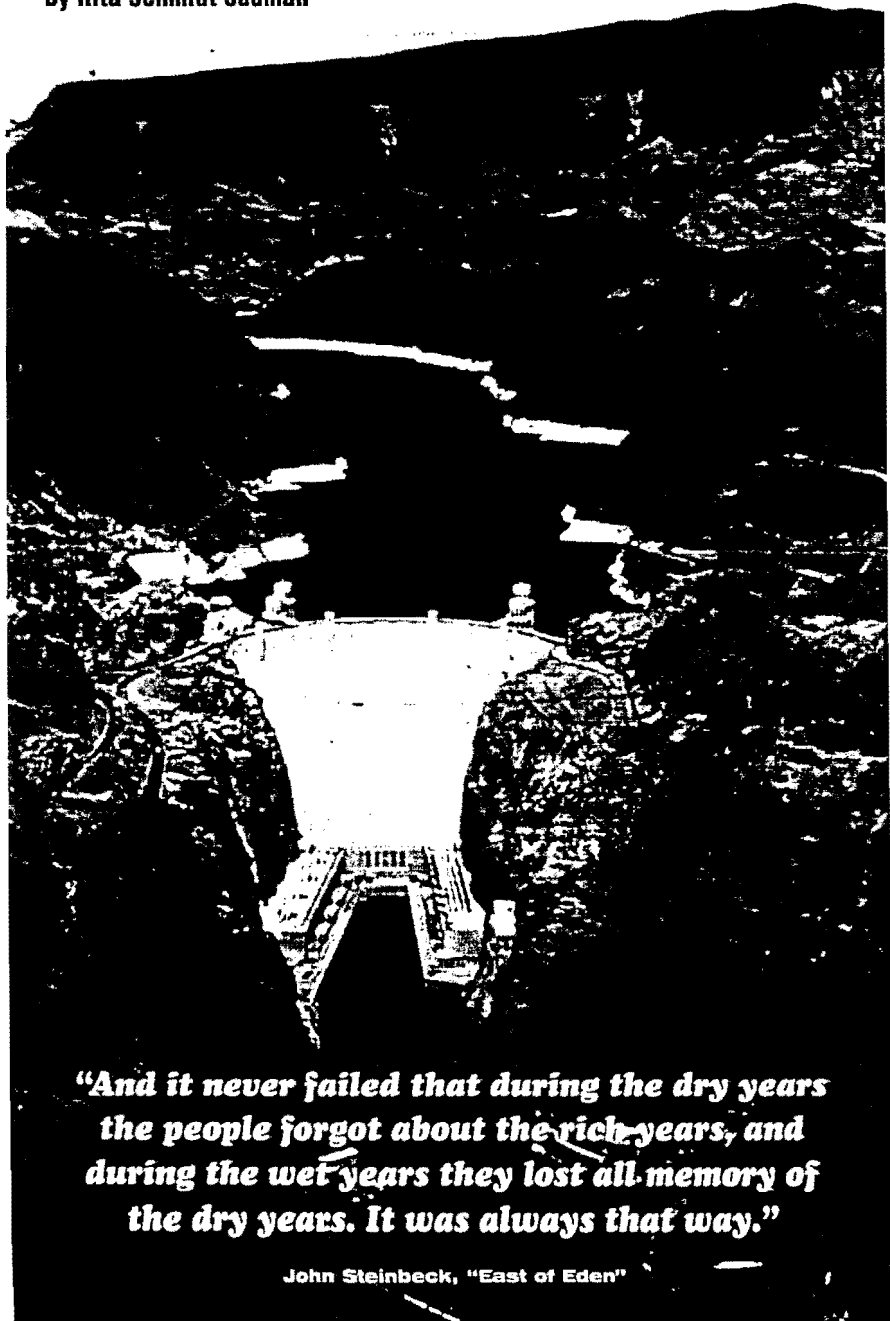
If you've been reading the newspaper or watching your local television news, you've already heard about some of the water issues affecting people's lives. Water issues are important, and they are complex, so what follows is a discussion of a few crucial topics you may want to better understand, because your county is probably involved in them.

SEE "WATER" · PAGE 18

Located on the Nevada-Arizona border, Hoover Dam controls the flow of the Colorado River, which supplies Californians with more than 4 million acre-feet of water a year.

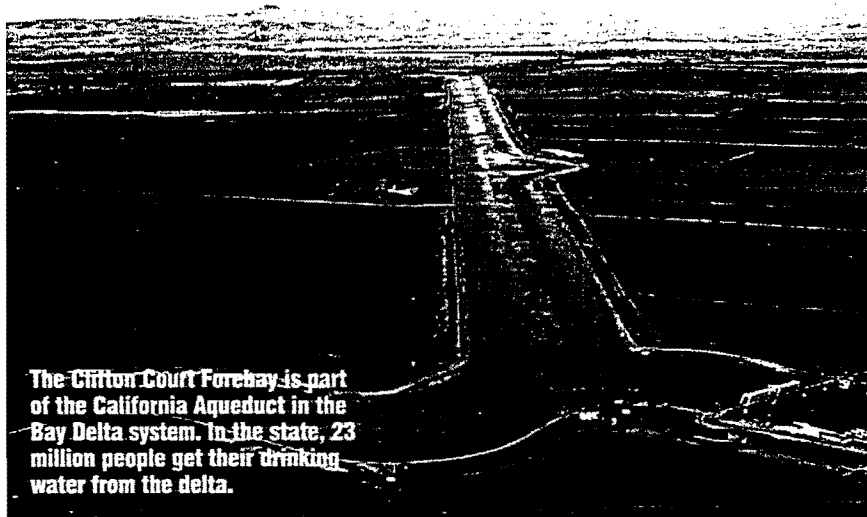
All photos courtesy of the Water Education Foundation

By Rita Schmidt Sudman



"And it never failed that during the dry years the people forgot about the rich years, and during the wet years they lost all memory of the dry years. It was always that way."

John Steinbeck, "East of Eden"



The Clifton Court Forebay is part of the California Aqueduct in the Bay Delta system. In the state, 23 million people get their drinking water from the delta.

"WATER" - FROM PAGE 17

The Water Bond

On March 7 Californians will be asked to vote on Proposition 13, the \$1.97 billion water bond proposal. Fighting over storage provisions for cities and farms sank the last bond measure in 1998. The March 2000 bond issue does not contain money for new water storage, only money to study storage plans—\$20 million. But that was enough for Governor Davis to convince Republicans during the 1999 legislative session to support the Democrat-backed measure.

If it gains voter approval in March, the Costa-Machado bond includes millions of dollars for local watershed, conservation, and

pollution projects. If approved by the voters, salmon protection and fish and wildlife habitat would receive \$120 million. The bond would provide \$200 million for projects to store water in existing groundwater basins and to provide other funds to improve water quality, flood control, levees, and water infrastructure. Supporters say the bond will provide an extra one million acre-feet of water per year (the equivalent of one Folsom Lake) to protect against a future drought. And since there is something in the bond issue for almost every water interest in most of the state's 58 counties, all of the usually warring parties—urban, agricultural, and environmental—have agreed to support the bond.

Water Marketing

It may be difficult to see how Northern California counties are linked to the Colorado River; however, the more the southern part of the state uses water from the Colorado River, the less pressure is put on Northern California's water supplies. Recently, Southern California water agencies signed an agreement that could lead to Imperial Valley farmers transferring 200,000 acre-feet of water a year to San Diego.

Under the proposal, the San Diego County Water Authority would finance water conservation measures on farms in the Imperial Valley to conserve an equal amount of water. Key to making this historic water transfer happen is the pending agreement among California's Colorado River users to meet Interior Secretary Bruce Babbitt's demand that the state develop a plan to live within its Colorado River apportionment of 4.4 million acre-feet.

The major parties representing agricultural and urban interests in Southern California have now agreed to a plan to do this, primarily through water conservation in the agricultural sector and water transfers to the urban sector. This will open the door to Secretary Babbitt, by court decree the water-master of the Colorado River, to move ahead with plans to allow interstate transfers of Colorado River water between California, Arizona, and Nevada.

Water marketing—the sale, exchange, or lease of water from one user to another—occurs primarily between agricultural users and from agricultural to urban users. When the next drought occurs, look for increased water marketing to affect all counties. Transfer or marketing arrangements are expected to be a key tool for meeting rising water demand, given our increasing population.

Anticipating increased needs for water, with or without a drought, private companies are starting to play a greater role in the development of a water market. These private companies have made a business out of purchasing land with water rights (primarily groundwater) on the premise that they can sell water to areas in short supply.

New EPA Program

Your county probably has been addressing non-point source pollution through watershed management and "best management practices." Now a new U.S. EPA program and court orders will regulate the limit of wasteload allocations, known as Total Maximum Daily Loads, or TMDLs, that can be

discharged into a water body.

The EPA is proposing a new rule to expand the existing storm water program regulations to include small municipal storm sewer systems in urban areas. It's possible that every city and county in California soon will be stretching its budget to adopt a program that will fundamentally change the approach to storm water management.

A consent decree arising out of a lawsuit in federal court between EPA and two environmental groups sets a schedule for determining and implementing water quality standards and TMDLs for every impaired water body in the Los Angeles basin. Similar decrees were entered into for the San Francisco Bay Area and Orange County. The state's nine Regional Water Quality Control Boards are now in the process of developing TMDLs for each identified water body in California.

As county government officials know, controlling non-point seasonal pollution is more difficult than controlling industrial point sources. Local government could be charged with the responsibility for achieving specific numeric effluent targets. Needless to say, your county will want to contact its regional board and become involved in the TMDL process.

A Bay Delta Solution

The Sacramento-San Joaquin Delta is the vital link for the state's water supply. The Sacramento-San Joaquin Delta is a 1,150-square-mile region located where California's two greatest rivers, the Sacramento and San Joaquin, converge and flow into San Francisco Bay. Battles have raged for decades about how to get water through the delta for use in Central and Southern California.

It's been five years since a coalition of state and federal agencies, water users, and environmental and public interest groups declared a truce and joined forces to work on a plan to fix the Bay-Delta system. Since two-thirds of Californians get their drinking water from the delta, and almost half of the state's fruits and vegetables depend on delta water, it's crucial to find a way to move water through the delta in an environmentally friendly way. That's the goal of the state-federal coalition of agencies called CALFED.

Last June, CALFED released a draft plan identifying a staged solution to fix the delta. CALFED held a series of public meetings from Shasta to San Diego County to receive input on the report. One innovative plan in the report calls for the establishment of an Environmental Water Account, which fishery

biologists could tap into when additional instream flows are needed, thus reducing the impact on agricultural and urban water users. In addition, increased water recycling, water conservation, water transfers, ground-water storage, and millions of dollars in additional habitat restoration projects and improvements in delta levees are included in the 30-year, \$10 billion package.

Consensus Elusive

If it sounds as though the problem is on its way to being solved, you may be jumping ahead. Many agricultural users complain that there are no major water storage facilities in the report. They say the latest plan de-emphasizes the development of additional surface water storage capacity and puts storage too far into the future. They also claim that too much emphasis on fish restoration will push many thousands of farm acres out of production.

Some urban interests also have been critical of the plan. Cities want a reliable supply of water. Many in the south state counties, represented through the Metropolitan Water District of Southern California, say they don't see enough water reliability in the present plan. Better water quality is another major concern for urban users.

Environmentalists don't trust the water user community to operate a delta facility (like a peripheral canal) to move water around or through the delta.

A key determinant of CALFED's success could be Governor Davis, who has stated

that no single interest group in the CALFED process will get everything it wants. So far none of the interest groups has openly criticized the Governor's involvement in California water issues, whereas many have been critical of the federal role in enforcing regulations, such as the Endangered Species Act.

Since the delta is a complex place, it has been difficult for CALFED to develop a consensus-based solution: No action can be taken in isolation. CALFED believes a need exists to develop assurances about how to operate the system and the use of an adaptive management approach based on the best available science. Although major disagreements exist among the stakeholders, it's hoped that all of these water interests will continue meeting around the CALFED table.

For more information on California water issues, the nonprofit and impartial Water Education Foundation provides information for the public through publications such as *Western Water* magazine and the *Layperson's Guide* series, and through briefings, tours, and school programs. Contact the foundation at 916/444-6240 or visit the foundation's Web site at www.water-ed.org. ■

Rita Schmidt Sudman is executive director of the Water Education Foundation. The foundation's mission is to create a better understanding of water issues and to help resolve water problems through educational programs.

Global Warming Is 3000-Year-Old News

By ARTHUR B. ROBINSON
And NOAH E. ROBINSON

Opponents of the use of coal, oil and natural gas—the world's primary energy sources—received what looked to be good news last week. A National Research Council panel of 11 members, after reviewing and evaluating existing experimental data over the last 20 years, concluded that there has probably been a rise in the Earth's surface temperature.

Unfortunately for advocates of the Kyoto treaty, atmospheric temperatures over the same two decades have not risen. The climate model chosen to support the Kyoto plan—a scheme to sharply reduce energy use—predicts that atmospheric temperature should have risen by one degree to two degrees Fahrenheit over those 20 years. Yet satellites and weather balloons have shown no verifiable atmospheric temperature rise.

Indeed, despite the hype, the NRC findings do little to advance the argument that people have caused global warming. The NRC panel's 85-page report, though concluding that surface temperature has risen a little, is full of inconclusive results. The first sentence of the report's concluding remarks reads: "The various kinds of evidence examined by the panel led it to conclude that the observed disparity between the surface and lower- to mid-tropospheric [atmospheric] temperature trends during this particular 20-year period is *probably at least partially real.*" (Italics added.)

The report further says that uncertainties in all of the records—surface, satellite and balloon—are too great to draw conclusions about the relative effects of volcanic eruptions, measurement errors due to localized human activity in urban areas, instrument errors, human release of greenhouse gases and other factors. The report concludes that "major advances" in scientific methods will be necessary before these questions can be resolved.

A Lost Myth

Other findings have also been inconclusive. The Commerce Department announced that U.S. surface temperatures in 1999 were the second-warmest on

record. What the department failed to mention is that it has other surface records in which 1999 falls below 1934, and that NASA ranks 1999 as the 14th-warmest-year of the century. In the global atmosphere, satellites show 12 years warmer than 1999 and 8 cooler, while weather balloons show 15 warmer and 27 cooler.

All this is bad news for the antitechnologists. They desperately needed word of their long-awaited "greenhouse signal,"

Kyoto supporters cheer new findings that the Earth's surface temperature is probably rising. But this trend isn't recent and isn't man-made.

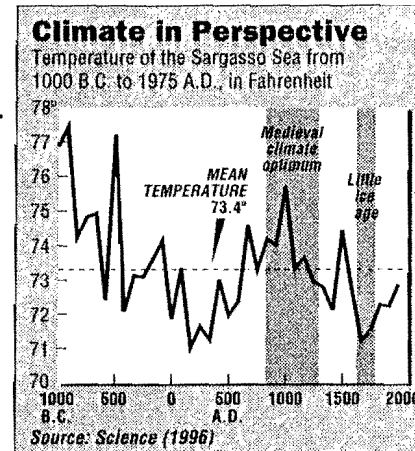
due to arrive with the new millennium. Now, in the absence of more solid proof, opposition to their global plans will continue to grow. Already, more than 17,000 American scientists have signed a petition opposing the Kyoto treaty. Treaty supporters, meanwhile, are increasingly relying on their multimillion-dollar media campaign promoting a perception of human-caused global warming.

That the Earth is warming is, of course, very old news. The current warming trend began about 300 years ago, at the low point of the Little Ice Age. Indeed, receding glaciers and other geographic phenomena caused by this 300-year trend were cited by the NRC committee as support for their belief that the current rise in surface temperatures is probably real.

This rising trend and the fluctuations within it are closely correlated with solar activity. Solar increases during the early 20th century caused a substantial rise in temperatures. This was followed by a cooling cycle. During this latter period, environmentalists spread doomsday scenarios about "global cooling"—a phenomenon, they claimed, caused by hydrocarbon fuels. Over the last 20 years, temperatures leveled, and now may be resuming their

previous rise. The change has allowed the same environmentalists to spread fears of "global warming"—demonizing, of course, hydrocarbon fuels.

The chart nearby places all of this in historical perspective. Derived from isotopic ratios in the skeletons of marine organisms deposited in a region of the Atlantic Ocean, this record shows temperatures during the past three millennia. Clearly seen are the Little Ice Age and the much warmer period about 1000 years ago known as the Medieval Climate Optimum, so named because the climate was unusually benign. Earth tem-



peratures are now near the 3,000-year average and clearly not unusual.

What will temperatures be during the 21st century and beyond? No one knows. Astronomers are not yet able to predict future solar activity. If current trends continue, however, our environment will be much improved.

Already, plant growth and diversity—from the forests and fields of North America to the rain forests of South America—have shown a marked increase. This is the result of carbon dioxide fertilization, a process that occurs when man moves carbon from below-ground deposits of coal, oil and natural gas, and puts it into the atmosphere where it is then used to make more plants and animals.

Some studies indicate that North American forests are growing so fast that they are storing all of the human-released carbon from North America. Animals, because they eat plants, have increased just as rapidly. When this biological miracle stabilizes—one or two centuries in the future—it is estimated that the plant and animal population of the Earth may have doubled. Farm production is also being increased by carbon dioxide fertilization, and will continue to accelerate.

A warmer planet, with milder weather (as experienced during medieval times) and much more wildlife—how could a true environmentalist wish for more? Worries about flooding in this warmer world are unjustifiable. Floods did not occur 1000 years ago. Scientists have shown that it would take thousands of years for the ice caps to melt, if they melted at all. As warmer temperatures increase snow in the polar regions, sea levels might actually decrease.

Technological Wealth

Meanwhile, short-term efforts to improve the environment, such as the plan by California's South Coast Air Quality Management District to require all public vehicles to be powered by electricity, natural gas, or other clean-burning fuels, will use more hydrocarbon fuels rather than less. Electricity—especially now that nuclear power and hydroelectric dams are considered politically incorrect—will continue to be produced primarily by burning hydrocarbons. The energy delivered to an electric car requires more hydrocarbon fuel per mile than does the direct use of hydrocarbon fuel.

Our scientists and engineers have provided the technological wealth that now finances most of our environmental programs. They will continue to do so unless pseudo-environmentalism torpedoes our economic progress along with the hopes and futures of billions of people in the less developed world.

Arthur Robinson and Noah Robinson are chemists at the Oregon Institute of Science and Medicine.

REVIEW & OUTLOOK

Forbidden Flushes

It may be the 21st century, but not all U.S. technology is roaring uphill. Take toilets. Americans across the political spectrum have begun to notice that toilets at the millennium have a remarkably hard time doing what they're supposed to do—flush properly. This used to be one of the most reliable things in life. What happened?

A 1992 federal law, passed without hearings as part of a back-room deal between environmentalists and toilet makers, mandated that every new toilet use only 1.6 gallons a flush, unlike the old tanks, which consumed 3.5 gallons. The law took effect in 1994 for homes and in 1998 for business properties.

The new, low-gal toilets often end up clogging and overflowing because they don't produce enough momentum to get the job done on the first try. Rather than conserve water, as many people are well aware, some new toilets actually end up using *more* water through repeat flushes. Thus, some offices and home bathrooms have taken on the odor of the ancient privy. A 1998 survey by the National Association of Homebuilders found that 72% of their members believe the new toilets are a problem.

Relax, say the environmentalists. They claim toilet models now coming on the market work better and that the need for conservation is great given that toilets can consume 30% of the water used in an average household. Emmanuel A. Kampouris, the former chairman and CEO of plumbing giant American Standard, takes issue. He says that while his company now makes a new toilet model getting positive reviews, the regulations are burdensome and unnecessary no matter what manufacturers say publicly.

The Mr. Clean in this sordid tale is Rep. Joe Knollenberg, a Michigan Republican. He's sponsored a bill (H.R. 859) that would create choice for toilets. It would end the fine for manufacturing a forbidden toilet as well as the local enforcement that blocks new homes and remodeled bathrooms from passing inspection if they have 3.5 gallon toilets. This same 1992 bill also restricts the flow rate of new shower heads to 2.5 gallons per minute.

All this toilet totalitarianism has created a black market for 3.5 gallon units. Dissidents troll junkyards looking for old models. A plumbing supply store owner says he will sell the big toilets, "but you have to tell me you're taking it out of the country."

There's always Canada, land of re-

striction-free toileting. Veteran Plumbing in Windsor, Ontario, just across from Detroit, is doing brisk business in 3.5 gallon toilets (duty-free, incidentally under the Nafta trade pact). Mark Hoying of the U.S. Customs Service told the Detroit News he sees many shoppers with packaged toilets in their back seats.

The biggest obstacle to Rep. Knollenberg's bill is domestic toilet manufacturers. They cut the deal with environmental groups in 1992 because 17 states had already imposed the 1.6 gallon requirement and they preferred a uniform national standard. "Those states may have had reason to conserve water back then," Rep. Knollenberg says. "That's no reason to impose a one-size-fits-all toilet on the entire country."

Several toilet makers funded a test study that concluded that more than 90% of 250 consumers were satisfied with the performance of the 1.6 gallon toilets. But the American Society of Plumbing Engineers isn't so sure. "That study doesn't say the 1.6 toilets actually work," says executive director Stan Wolfson. "All it shows is that they conserve water when flushed. No one has done a real study on this issue."

The closest thing to an independent view of the controversy comes from Bob Bellini, vice president of Varsity Plumbing in Flushing, N.Y. Contractor magazine noted that he has run comprehensive tests for six months on more than 150 makes of 1.6 gallon toilets. The good news, he reports, is, "We're comfortable with five toilets on the market right now. So there are actually 1.6 toilets out there that work." The bad news is that 145 models weren't up to Mr. Bellini's standards.

Environmentalists vow to fight Rep. Knollenberg's bill. "This is a superficial issue that appeals to those who mistrust government and are hostile to a federal role in environmental protection or public health issues," said Ed Osann, a lobbyist for the Natural Resources Defense Council.

Still, 14 Democrats, including Reps. James Barcia of Michigan and Ed Pastor of Arizona, have co-sponsored the bill. Daniel Waitzman, a self-described "old-fashioned liberal," says his New York City co-op building installed restricted-flush toilets in 1995 and "we have been miserable ever since." "The government," Mr. Waitzman says, "has no place in our bathrooms."



M.E. Cohen

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INCIDENT REPORT
OCT 1999 THRU JAN 2000

LOCATION	COMMENT	CAUSE & ACTION
246 TREVINO	METER BOX LID BROKE	REPLACED LID
243 SUMMIT STATION	LOW PRESSURE	CONTRACTOR PULLING FROM F,H, WITHOUT METER
504 BANYON	MANHOLE LID POPS UP	SECURED
204 E BRANCH	LOW PRESSURE	VALVE STUCK, REPLACED ANGLE STOP
804 CAMINO CABALLO	ROAD NEEDS REPAIR	LEAK REPAIR, ADDED BASE
1345 EWING	LOW PRESSURE	SYSTEM OK, 83.59 TANK, 62PSI AT METER
796 & 798 SOUTHLAND	NO WATER	MCMILLEN CONST HIT SERVICES, HE REPAIRED THEM
1330 HETRICK	WATER SMELLS	LIVING IS MOBLE, WITH WASHER HOOKED-UP OUTSIDE INCORRECTLY
1248 FUTURA	PARTICLES IN WATER	WATER CLEAR AT METER, SHE HAS NEVER FLUSHED AS ADVISED
575 WOODGREEN	HIGH PRESSURE	CUSTOMER REGULAR VALVE BROKE, CUSTOMER TO REPAIR
234 SUMMIT STATION	VERY LOW PRESSURE	SYSTEM OK
CAMINO CABALLO/ WAYPOINT	LOW PRESSURE	FIRE HYDRANT HIT, REPAIRED
259 SUMMIT STATION	LOW PRESSURE	SYSTEM OK, 40 PSI AT METER
526 LOS GALLOS	SAND IN WATER	F.H. METER IN USE, FLUSHED
532 WOODGREEN	LOW PRESSURE	CUSTOMER REGULAR VALVE STUCK, CUSTOMER TO REPAIR
BLACK OAK/LIVE OAK RIDGE	LOW PRESSURE	FIRE HYDRANT HIT, REPAIRED
259 SUMMIT STATION	LOW PRESSURE	TANK LEVEL DROPPED DUE TO POWER FAILURE
259 SUMMIT STATION	LOW PRESSURE	40PSI AT METER, WE WILL SET PRESSURE GAUGE
VIA CONCHA/WILLOW	WATER RUNNING DOWN ROAD	CLA VALVE BROKE, REPAIR & CLEANED UP
205 W BENNETT	SEWER IN YARD	CUSTOMER SEWER LATERAL BROKE IN LAWN, CUST TO REPAIR
340 ANISE	WATER SMELLS	FLUSHED FIRE HYDRANT, CUST TO FLUSH WATER HEATER
736 CRYSTAL	SAND IN WATER	SERVICE REPAIRED & FLUSHED
1330 HETRICK	LOW PRESSURE	VALVE AT NEW HOUSE NOT ON ALL THE WAY, 40PSI AT METER
259 SUMMIT STATION	LOW PRESSURE	CHART RECORDER PICKED UP, NO DROP, 35-40PSI AT HOSE BIB
MVII	SEWER SMELLS	PONDS CLEANED
640 SHELTER RIDGE	DIRTY WATER	NEW CONSTRUCTION, FLUSHED FIRE HYDRANT, CUST TO FLUSH
662 WOODGREEN	LOW PRESSURE	PRESSURE REGULATOR ON HOME STUCK, CUSTOMER TO REPAIR
970 CAMINO CABALLO	LID POPS UP WHEN DRIVEN ON	REPLACED METAL METER BOX LID
893 PRIMROSE	SEWER BACKUP IN HOUSE	VANDALIZED MANHOLE, REPAIRED, INSURANCE TO HANDLE CLAIM
710 CRYSTAL	DRIVEWAY NEEDS REPAIR	SERVICE REPAIRED, CLEANED AND PUT BASE DOWN
522 HIGOS	LOW PRESSURE	PRESSURE REGULATOR STUCK, CUSTOMER REPAIR
1035 OLYMPIC	LOW PRESSURE IN SPRINKLERS	CUSTOMER VALVE ON MAIN BROKE, CUSTOMER REPAIR
BLACKLAKE AREA	NO WATER	SIGHT VALVE BROKE, PRESSURE TANK @ WTP, REPLACED
671 W TEFFT	NO WATER	METER ON, CUSTOMER VALVE TURNED OFF