

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: MARCH 21, 2008

**AGENDA ITEM
F
MARCH 26, 2008**

MANAGER'S REPORT

ITEM

Standing report to your Honorable Board --*Period covered by this report March 5, 2008 through March 19, 2008.*

DISTRICT BUSINESS

Administrative

Maria Vista Estates has set a total of ten water meters.

DOHS issued the attached Notice of Violation on March 12, 2008 for staff's failure to take System Water Coliform samples during the first week in January (Previously Reported).

Attached is staff's report on the 3/5 to 3/7 lobby trip to Washington, DC.

Attached is an article regarding the two eminent domain initiatives that have qualified for the November Statewide Ballot; an evaluation of NCSD water usage; and minutes from the 1/9/08 IWMA Board Meeting.

Attached is a listing of upcoming meetings and events per the request of Director Vierheilig.

Safety Program

No injury reports during the period.

Project Activity

Staff will provide a verbal projects update to the Board at the Board Meeting. Attached is the Supplemental Water fiscal report through February 2008.

Conservation Program Activities

Staff has initiated implementation of the Water Conservation Program.

RECOMMENDATION

Staff seeks direction and input from your Honorable Board.

ATTACHMENTS

- Notice of Violation
- Report on 3/5 to 3/7 lobby trip to Washington, DC
- Summary of Eminent Domain Initiatives
- Evaluation of NCSD Water Usage
- IWMA 1/9/08 Minutes
- February 2008 Supplemental Water Projects Fiscal Report
- Listing of Upcoming Meetings and Events

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STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

RECEIVED

MAR 14 2008

NIPOMO COMMUNITY
SERVICES DISTRICT

IN RE: Nipomo CSD
P.O. Box 326
Nipomo, CA 93444

TO: Mr. Bruce Buel
General Manager

NOTICE OF VIOLATION

WATER SYSTEM NO.: 4010026

The Division of Drinking Water and Environmental Management of the Department of Public Health (hereinafter Department) hereby issues a Notice of Violation to the Nipomo Community Services District (mailing address: P.O. Box 326, Nipomo, CA 93444) for the following violation:

1. Section 116650 of Chapter 4, Part 12, Division 104 of the California Health and Safety Code (H&S Code), authorizes the issuance of a Notice of Violation for failure to comply with the requirements of the California Safe Drinking Water Act, or any regulation, standard, permit or order issued thereunder.

VIOLATION

The Drinking Water Field Operations Branch of the Department of Public Health (hereinafter Department) hereby issues a Notice of Violation to the Nipomo Community Services District (hereinafter NCSD) for the following violation:

Total Coliform Rule (TCR) Sampling

Title 22, California Code of Regulation (CCR), Section 64423 (c), specifically, the NCSD failed to collect the minimum number of routine Total coliform samples as required by the TCR. A water system with a monthly population served between 7,601 to 12,900 and 2,701 to 4,600 service connections is required to collect a minimum of three routine Total coliform samples per week.

1. On Monday, February 4, 2008, Peter Sevcik, the District Engineer for Nipomo CSD notified the Department that no routine coliform samples were collected during the first week of January 2008.

According to Section 116650 of the Health and Safety Code, the above is classified as a non-continuing violation.

BACKGROUND

The NCSD serves a population of approximately 12,626 through 3,995 service connections. The NCSD operates by the authority of a domestic water supply permit issued by the Department on July 7, 1998, and a permit amendment issued October 2, 2001, adding a new well, Dana School Well No. 3. The NCSD receives its water supply from nine active wells: Black Lake Well No. 4, Black Lake Well No. 3, Eureka Well, Church Well, Olympic Well, Omiya Well No. 2, Via Concha Well, Bevington Well

No. 2, and the Dana School Well No. 3. The NCSD maintains the Savage Well No. 2 as inactive. Water obtained from all of the active sources receives chlorination treatment. Storage and pressure for the two pressure zone system is maintained by five reservoirs with a total storage capacity of 3.4 million gallons (MG). The NCSD maintains a standby emergency interconnection with the Golden State Water Company – Nipomo/Vista.

DIRECTIVES

The NCSD is hereby directed to take the following actions:

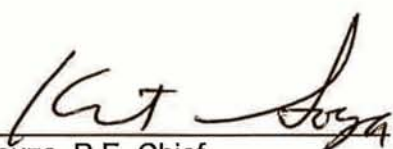
1. Immediately, follow proper TCR routine and repeat sampling/reporting procedures in accordance with Article 3, Title 22, CCR, Sections 64423, and 64424.
2. Notify the public of the monitoring failure to collect and analyze the required amount of routine bacteriological distribution samples for the month of January 2008 in conformance with Section 64423, CCR, Title 22. Per Section 64463.7, Tier 3 Public Notice, the system may use the annual report detailing all violations and occurrences for the previous twelve months. The violation needs to be included in the 2007 Consumer Confidence Report.

A copy of the CCR and certification form shall be submitted to:

Kurt Souza, P.E., Chief
Southern California Section
Santa Barbara District
Drinking Water Field Operations Branch
1180 Eugenia Place, Suite 200
Carpinteria, CA 93013-2000

Date

3/11/08


Kurt Souza, P.E. Chief
Southern California Section
Santa Barbara District (CDPH-DWFOB)

cc: San Luis Obispo County Environmental Health

MONTHLY SUMMARY OF DISTRIBUTION SYSTEM COLIFORM MONITORING

System Name <p style="text-align: center; font-size: 1.2em;">Nipomo Community Services District</p>	System Number <p style="text-align: center; font-size: 1.2em;">4010026</p>
Sampling Period <p style="text-align: center; font-size: 1.2em;">January</p>	Year <p style="text-align: center; font-size: 1.2em;">2008</p>

	Number Required	Number Collected	Number Total Coliform Positives	Number Fecal/ E.coli Positives
1. Routine Samples (see note 1)	15	16	0	0
2. Repeat Samples Following Samples Which are Total Coliform Positive and Fecal/E.coli <i>Negative</i> (see notes 5 and 6)				
3. Repeat Samples Following Routine Samples Which are Total Coliform <i>Positive</i> and Fecal/E.coli Positive (see notes 5 and 6)				
4. MCL Computation For Total Coliform Positive Samples				
a. Totals (sum of columns)	15	16		
b. If 40 or more samples collected in month, determine percent of samples that are total coliform positive [(total number positive/total number collected) x 100]				
c. Is system in compliance. ...with fecal/E. coli MCL? (see notes 2 and 3)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		
...with monthly MCL? (see note 4)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		
5. Invalidated Samples (Note what samples, if any, were invalidated; who authorized the invalidation; and when replacement samples were collected. Attach additional sheets, if necessary.)				
6. Summary Completed By:				

STATE HEALTH SERVICES

FEB 3 2008

SANTA BARBARA

Signature 	Title <p style="text-align: center; font-weight: bold;">District Engineer</p>	Date <p style="text-align: center;">2/8/2008</p>
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NOTES AND INSTRUCTIONS:

1. Routine samples include:
 - a. Samples required pursuant to 22 CCR Section 64423, and any additional samples required by an approved routine sample siting plan established pursuant to 22 CCR Section 64422.
 - b. Extra samples required for systems collecting less than five routine samples per month that had one or more total coliform positives in previous month;
 - c. Extra samples for systems with high source water turbidities that are using surface water or groundwater under direct influence of surface water and do not practice filtration in compliance with regulations;
2. Note: For a repeat sample following a total coliform positive sample, any fecal/E.coli positive repeat (boxed entry) constitutes an MCL violation and requires immediate notification to the department (22, CCR, Section 64426.1).
3. Note: For repeat sample following a fecal/E.coli positive sample, any total coliform positive repeat (boxed entry) constitutes an MCL violation and requires immediate notification to the department (22, CCR, Section 64426.1).
4. Total coliform MCL (Notify Department within 24 hours of MCL violation):
 - a. For systems collecting less than 40 samples, if two or more samples are total coliform positive, then the MCL is violated.
 - b. For systems collecting 40 or more samples, if more than 5.0 percent of samples collected are total coliform positive, then the MCL is violated.
5. Positive results and their associated repeat samples must be tracked on the worksheet on the other side.
6. For systems collecting more than one routine sample per month, three repeat samples must be collected for each total coliform positive sample. Repeat samples must be collected within 24 hours of being notified of the positive results.
7. For systems collecting one or less routine samples per month, four repeat samples must be collected for each total coliform positive sample.

DHS 8477 (10/2004)

Abalone Coast Bacteriology Lab

4149 Santa Fe Road, Suite 6 San Luis Obispo CA, 93401

Phone: 595-1080 Fax: 595-1080

Order #	08-0045
Date/Time Rec'd:	1/8/08 1245

Nipomo CSD
P.O. Box 326
Nipomo, CA 93444

Contact:	Rick Motley
Phone:	431-1309
Sampler:	Rick Motley

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 JAN 10 2008
 NIPOMO COUNTY
 SERVICES CENTER

Project: System water samples 40-026

Sample #	Sample description	Date / Time	Analysis	Method	Result	Units	PQL	Completed
-1	(.49) #1 9-1 Ridge	1/8/08 @ 925	Presence/Absence	SM 9223 B.	Absent	/100mL	1	1/9/08
			E-coli	IDEXX	Absent	/100mL	1	1/9/08
			Hetero Plate Count	SM 9215 B.	5.	CFUs/mL	1	1/10/08
-2	(.38) #2 13-1 Links	1/8/08 @ 930	Presence/Absence	SM 9223 B.	Absent	/100mL	1	1/9/08
			E-coli	IDEXX	Absent	/100mL	1	1/9/08
			Hetero Plate Count	SM 9215 B.	<1.	CFUs/mL	1	1/10/08
-3	(.45) #3 8-1 Ewing	1/8/08 @ 920	Presence/Absence	SM 9223 B.	Absent	/100mL	1	1/9/08
			E-coli	IDEXX	Absent	/100mL	1	1/9/08
			Hetero Plate Count	SM 9215 B.	<1.	CFUs/mL	1	1/10/08
-4	(.47) #4 S-1 Quad tank- survey	1/8/08 @ 1015	Presence/Absence	SM 9223 B.	Absent	/100mL	1	1/9/08
			E-coli	IDEXX	Absent	/100mL	1	1/9/08
			Hetero Plate Count	SM 9215 B.	<1.	CFUs/mL	1	1/10/08
-5	(.34) #5 25-1 Lyn/Pomeroy	1/8/08 @ 945	Presence/Absence	SM 9223 B.	Absent	/100mL	1	1/9/08
			E-coli	IDEXX	Absent	/100mL	1	1/9/08
			Hetero Plate Count	SM 9215 B.	<1.	CFUs/mL	1	1/10/08
-6	(.16) #6 Olympic well	1/8/08 @ 955	Presence/Absence	SM 9223 B.	Absent	/100mL	1	1/9/08
			E-coli	IDEXX	Absent	/100mL	1	1/9/08

Report Completion Date: 1/10/2008

Reviewed: 
Amanda Smith, Lab Director

1/10/08
AS

Abalone Coast Bacteriology Lab

4149 Santa Fe Road, Suite 6 San Luis Obispo CA, 93401
 Phone: 595-1080 Fax: 595-1080

Order #	08-0119
Date/Time Rec'd:	1/15/08 1325

Nipomo CSD
 P.O. Box 326
 Nipomo, CA 93444

Contact:	Rick Motley
Phone:	431-1309
Sampler:	Rick Motley

Project: System water samples 40-026

Sample #	Sample description	Date / Time	Analysis	Method	Result	Units	PQL	Completed
-1	(.54) 1-2 Southland	1/15/08 @ 1100	Presence/Absence	SM 9223 B.	Absent	/100mL	1	01/16/08
			E-coli	IDEXX	Absent	/100mL	1	01/16/08
			Hetero Plate Count	SM 9215 B.	<1.	CFUs/mL	1	01/17/08
-2	(.51) 12-2 Red Berry	1/15/08 @ 1020	Presence/Absence	SM 9223 B.	Absent	/100mL	1	01/16/08
			E-coli	IDEXX	Absent	/100mL	1	01/16/08
			Hetero Plate Count	SM 9215 B.	2.	CFUs/mL	1	01/17/08
-3	(.39) 2S2 Stand pipe survey	1/15/08 @ 1040	Presence/Absence	SM 9223 B.	Absent	/100mL	1	01/16/08
			E-coli	IDEXX	Absent	/100mL	1	01/16/08
			Hetero Plate Count	SM 9215 B.	<1.	CFUs/mL	1	01/17/08
-4	(.41) 6-2 Wilson	1/15/08 @ 940	Presence/Absence	SM 9223 B.	Absent	/100mL	1	01/16/08
			E-coli	IDEXX	Absent	/100mL	1	01/16/08
			Hetero Plate Count	SM 9215 B.	<1.	CFUs/mL	1	01/17/08
-5	(.21) 27-2 Vista del Rio	1/15/08 @ 1000	Presence/Absence	SM 9223 B.	Absent	/100mL	1	01/16/08
			E-coli	IDEXX	Absent	/100mL	1	01/16/08
			Hetero Plate Count	SM 9215 B.	3700.	CFUs/mL	1	01/17/08
-6	(.49) Quad Tank-survey	1/15/08 @ 930	Presence/Absence	SM 9223 B.	Absent	/100mL	1	01/16/08
			E-coli	IDEXX	Absent	/100mL	1	01/16/08
			Hetero Plate Count	SM 9215 B.	<1.	CFUs/mL	1	01/17/08

Report Completion Date: 1/18/2008

Reviewed: *Amanda Smith*
 Amanda Smith, Lab Director

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JAN 23 2008

NIPOMO COMMUNITY SERVICE DISTRICT

1/22/08 AS

Abalone Coast Bacteriology Lab

4149 Santa Fe Road, Suite 6 San Luis Obispo CA, 93401
 Phone: 595-1080 Fax: 595-1080

Order #	08-0143
Date/Time Rec'd:	1/17/08 1335

Nipomo CSD
 P.O. Box 326
 Nipomo, CA 93444

Contact:	Rick Motley
Phone:	431-1309
Sampler:	Rick Motley

Project: System water samples 40-026

Sample #	Sample description	Date / Time	Analysis	Method	Result	Units	PQL	Completed
-1	(.18) #7 Vista del Rio - Retest	1/17/08 @ 1130	Presence/Absence	SM 9223 B.	Absent	/100mL	1	01/18/08
			E-coli	IDEXX	Absent	/100mL	1	01/18/08
			Hetero Plate Count	SM 9215 B.	1360.	CFUs/mL	10	01/19/08

Report Completion Date: 1/19/2008

Reviewed: *Amanda Smith*
 Amanda Smith, Lab Director

JAN 23 2008
 NIPOMO COMMUNITY SERVICES DISTRICT

STATE HEALTH SERVICES
 FEB 1
 SANTA BARBARA

1/21/08
 AS

Abalone Coast Bacteriology Lab

4149 Santa Fe Road, Suite 6 San Luis Obispo CA, 93401
 Phone: 595-1080 Fax: 595-1080

Order #	08-0183
Date/Time Rec'd:	1/24/08 1345

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 1/24/08
 CLINICAL MICROBIOLOGY

Nipomo CSD
 P.O. Box 326
 Nipomo, CA 93444

Contact:	Rick Motley
Phone:	431-1309
Sampler:	Rick Motley

Project: System water samples 40-026

Sample #	Sample description	Date / Time	Analysis	Method	Result	Units	PQL	Completed
-1	(.50) 5-3 Quad survey	1/24/08 @ 1000	Presence/Absence	SM 9223 B.	Absent	/100mL	1	01/25/08
			E-coli	IDEXX	Absent	/100mL	1	01/25/08
			Hetero Plate Count	SM 9215 B.	2.	CFUs/mL	1	01/26/08
-2	(.40) 3-3 Juniper	1/24/08 @ 950	Presence/Absence	SM 9223 B.	Absent	/100mL	1	01/25/08
			E-coli	IDEXX	Absent	/100mL	1	01/25/08
			Hetero Plate Count	SM 9215 B.	<1.	CFUs/mL	1	01/26/08
-3	(.37) 7-3 Waypoint	1/24/08 @ 940	Presence/Absence	SM 9223 B.	Absent	/100mL	1	01/25/08
			E-coli	IDEXX	Absent	/100mL	1	01/25/08
			Hetero Plate Count	SM 9215 B.	2.	CFUs/mL	1	01/26/08
-4	(.44) 11-3 Sunday	1/24/08 @ 920	Presence/Absence	SM 9223 B.	Absent	/100mL	1	01/25/08
			E-coli	IDEXX	Absent	/100mL	1	01/25/08
			Hetero Plate Count	SM 9215 B.	4.	CFUs/mL	1	01/26/08
-5	(.48) Meridith	1/24/08 @ 1010	Presence/Absence	SM 9223 B.	Absent	/100mL	1	01/25/08
			E-coli	IDEXX	Absent	/100mL	1	01/25/08
			Hetero Plate Count	SM 9215 B.	6.	CFUs/mL	1	01/26/08
-6	(.46) #6 Standpipe survey	1/24/08 @ 930	Presence/Absence	SM 9223 B.	Absent	/100mL	1	01/25/08
			E-coli	IDEXX	Absent	/100mL	1	01/25/08
			Hetero Plate Count	SM 9215 B.	3.	CFUs/mL	1	01/26/08

Report Completion Date: 1/28/2008

Reviewed: *Amanda Smith*
 Amanda Smith, Lab Director

1/29/08
 AS

Abalone Coast Bacteriology Lab

4149 Santa Fe Road, Suite 6 San Luis Obispo CA, 93401
 Phone: 595-1080 Fax: 595-1080

Order #	08-0216
Date/Time Rec'd:	1/29/08 1340

Nipomo CSD
 P.O. Box 326
 Nipomo, CA 93444

Contact:	Rick Motley
Phone:	431-1309
Sampler:	Rick Motley

RECEIVED


FEB 07 2008

NIPOMO COMMUNITY
 SERVICES DISTRICT

Project: System water samples 40-026

Sample #	Sample description	Date / Time	Analysis	Method	Result	Units	PQL	Completed
-1	(.39) #1 25-4 Lyn/Pomeroy	1/29/08 @ 1105	Presence/Absence	SM 9223 B.	Absent	/100mL	1	01/30/08
			E-coli	IDEXX	Absent	/100mL	1	01/30/08
			Hetero Plate Count	SM 9215 B.	<1.	CFUs/mL	1	01/31/08
-2	(.44) #2 9-4 Ridge	1/29/08 @ 1130	Presence/Absence	SM 9223 B.	Absent	/100mL	1	01/30/08
			E-coli	IDEXX	Absent	/100mL	1	01/30/08
			Hetero Plate Count	SM 9215 B.	<1.	CFUs/mL	1	01/31/08
-3	(.48) #3 21-4 Champion	1/29/08 @ 1115	Presence/Absence	SM 9223 B.	Absent	/100mL	1	01/30/08
			E-coli	IDEXX	Absent	/100mL	1	01/30/08
			Hetero Plate Count	SM 9215 B.	<1.	CFUs/mL	1	01/31/08
-4	(.51) #4 2-S-4 Standpipe	1/29/08 @ 1050	Presence/Absence	SM 9223 B.	Absent	/100mL	1	01/30/08
			E-coli	IDEXX	Absent	/100mL	1	01/30/08
			Hetero Plate Count	SM 9215 B.	<1.	CFUs/mL	1	01/31/08
-5	(.48) #5 8-4 Ewing	1/29/08 @ 1100	Presence/Absence	SM 9223 B.	Absent	/100mL	1	01/30/08
			E-coli	IDEXX	Absent	/100mL	1	01/30/08
			Hetero Plate Count	SM 9215 B.	<1.	CFUs/mL	1	01/31/08
-6	(.46) #6 Quad Tank- survey	1/29/08 @ 1025	Presence/Absence	SM 9223 B.	Absent	/100mL	1	01/30/08
			E-coli	IDEXX	Absent	/100mL	1	01/30/08
			Hetero Plate Count	SM 9215 B.	<1.	CFUs/mL	1	01/31/08

Report Completion Date: 1/31/2008

Reviewed: 
 Amanda Smith, Lab Director

2/4/08
 AS



NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET
POST OFFICE BOX 326
NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932
Web site address www.nipomocsd.com

TO: HONORABLE BOARD
FROM: BRUCE BUEL *BB*
DATE: MARCH 11, 2008
RE: SUMMARY OF 3/5/08 TO 3/7/08 LOBBY TRIP TO WASHINGTON, DC

President Winn and I left for Washington, DC, on Wednesday 3/5/08 and arrived at 8:20pm.

Attached is a copy of our schedule of visits that we made on Thursday 3/6/08 and a copy of the handout that we provided to each contact. Although the schedule anticipated our meeting with Ryan Hunt from Senator Feinstein's office, we actually met with Will Dyer. We also made a presentation to Senator Boxer's Legislative Research Assistant, Danielle Leone. In addition to talking to Representative Capps, we spoke to Jonathan Levenshus, her Legislative Director. We were not able to talk to Kevin McCarthy since he was on the floor at the time of our visit, so we talked to his aide, Kyle Lombardy.

Each office promised to try to get federal funding for our project. Each office cautioned that the adoption of appropriations would not occur until after the election, in early 2009 and that the debate over earmarks could limit the availability of funding for local projects in the 2008-09 federal budget.

We left Washington DC at 9am on Friday 3/7/08 and got back at 7pm.

Attached is a summary of the cost of the trip.

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MARLOWE & COMPANY

Government Affairs Consultants
Washington, DC

Nipomo CSD Washington, DC Trip March 6, 2008

Marlowe & Company contact info:
Greg Burns - (202) 390-3204 (mobile)

March 6, 2008:

- 9:30 am Meet Greg Burns & Chris Wagner in the Hart Atrium
Hart Senate Office Building
- 10:00 am Meeting with Ryan Hunt (Senator Feinstein's Office)
Hart 331
- 11:30 am Meeting with Danielle Leone (Senator Boxer's Office)
Hart 112
- 12:00 pm Lunch with Greg Burns & Chris Wagner
- 2:00 pm Meeting with Representative Capps
Longworth 1110
- 2:30 pm Meeting with Representative McCarthy
Longworth 1523

NIPOMO COMMUNITY SERVICES DISTRICT FY 2009 FACT SHEET

NIPOMO COMMUNITY SERVICES DISTRICT BACKGROUND

Nipomo is located in southern San Luis Obispo County on the Central Coast next to Highway 101 and is located approximately halfway between Los Angeles and San Francisco. The nearest city to the north is Arroyo Grande and the nearest city to the south is Santa Maria in Santa Barbara County.

The Nipomo Community Services District (NCSO) was formed in 1965 and currently provides water, wastewater, lighting, and solid waste disposal services to approximately 12,000 residents of the Nipomo area.

NCSO relies on groundwater from the Nipomo Mesa Management Area for 100% of its water supply. This groundwater basin, however, is adjacent to the Pacific Ocean and is subject to salt water intrusion. Current groundwater measures of the basin indicate only 66,000 acre-feet of water in the basin, a shocking drop of 27% from April to October, 2007. While the reasons for this sudden drop are not fully understood, this level is only 6,000 acre-feet above the point where the District believes salt-water intrusion will begin to affect parts of the basin. That intrusion would have devastating effects on the aquifer, because areas invaded by saltwater could no longer be used to store potable water.

The District has adopted a comprehensive Water Conservation Plan and is proceeding to implement the plan, including a multi-tiered rate structure, substantial education, and rebate programs for turf replacement and purchase of efficient irrigation controllers. NCSO previously completed a toilet retrofit program and is cooperating with San Luis Obispo County in developing retrofit programs upon sale of existing residences. In addition, NCSO is developing Emergency Water Shortage Regulations to control demand should the available groundwater in storage above sea level drop below safe levels.

Furthermore, because of decisions made by San Luis Obispo County with regard to growth in unincorporated parts of the County, the average annual growth rate on the Nipomo Mesa over the last decade has been roughly 4% and is expected to continue at similar rates. While the NCSO has no control over growth in its area, it is expected to continue to provide reliable sources of water for the community. It also is not the only water user who draws on the Nipomo Mesa water, yet is the only water user tasked with adding more water supplies.

Not only does the NCSO recognize its responsibility to provide more water for the residents, farmers, and businesses of south San Luis Obispo County, but the California Court, in the pending Groundwater Adjudication, has demanded that NCSO develop a supplemental source of water to reduce its reliance on the groundwater basin.

WATERLINE INTERTIE PROJECT DESCRIPTION

In response to the Court's directive and the impending threat of salt water intrusion, NCSD has developed the proposed Waterline Intertie Project to buy 3,000 acre feet per year of supplemental water from the City of Santa Maria. The District and the City of Santa Maria have negotiated a Memorandum of Agreement regarding this plan and the District has the full support of the City. The City of Santa Maria currently has a surplus of water from groundwater drawn from the Santa Maria basin and its connection to the Coastal Branch of the State Water Project.

The NCSD Waterline Intertie Project will include the construction of a water pipe from the City of Santa Maria water distribution system across the Santa Maria River to the existing water distribution system within the NCSD. The Intertie Project will be implemented within the next 2 years, with construction expected to take 6 to 8 months, and will cost roughly \$24 million. The vast majority of this cost will be borne by NCSD water users in the form of higher water rates.

The Waterline Intertie Project will avoid the further depletion of the Nipomo Mesa Management Area groundwater area. In addition, this project will prevent sea water intrusion by providing supplemental water consistent with the proposed settlement agreements related to the groundwater negotiation.

NCSD has prepared an engineering feasibility study and circulated a draft Environmental Impact Report regarding the construction of the Waterline Intertie Project to transport the new water from the City of Santa Maria to the District.

FY 2009 REQUEST

The Nipomo Community Services District requests \$2,000,000 from the State and Tribal Assistance Grant account in the FY 2009 Interior and Environment Appropriation Act for construction of a water pipeline from the City of Santa Maria across the Santa Maria River to the existing water distribution system within the NCSD.

FY 2009 House: \$

FY 2009 Senate: \$

FY 2009 Conference: \$

3/5/08 – 3/7/08 Washington DC Trip Expense Report

Airfare	\$1,392
Hotel	\$1,012
Meals	\$204
Taxi	\$69
Parking	\$45
Mileage	<u>\$220</u>
TOTAL	\$2,942

Hidden Agendas versus Real Reform

By Chris McKenzie, executive director, League of California Cities



Next June, voters will be given the opportunity to choose between a real eminent domain reform ballot measure and bogus reform which would do more to harm than to help California property owners.

Next June, voters will be given the opportunity to choose between a real eminent domain reform ballot measure and bogus reform which would do more to harm than to help California property owners. The League of California Cities (League), along with other local government groups, homeowners, seniors, environmentalists, affordable housing advocates, business leaders, labor groups and others are supporting the Homeowners Protection Act. The Homeowners Protection Act is responsible eminent domain reform that ensures that an owner occupied home can never be taken through eminent domain and turned over to a private developer.

A second initiative also scheduled for the June ballot, the Hidden Agendas Scheme, uses eminent domain as a smokescreen to enact a much more radical agenda that will have negative repercussions for all Californians. The measure threatens much needed public water development projects, decimates important local land-use decision making, guts environmental protections and abolishes rent control and all other forms of renter protections. In fact, more than 95 percent of the funding for the measure has come from wealthy apartment and mobile home park owners who seek to repeal rent control.

The Hidden Agendas Scheme should sound similar to another battle the League, California Special Districts Association, California State Association of Counties and more than 300 other groups fought last year – Proposition 90. Prop. 90 was an attempt to use eminent domain as a Trojan Horse to slip harmful and far-reaching provisions into law that would have cost taxpayers billions and ended quality of life protections for Californians.

Our coalition's goal is to enact responsible eminent domain reform which will protect the public. We are confident we will be successful in June when voters enact the Homeowners Protection Act. This article will recap how we got to this point and why passing this measure is so important now.

The Kelo Factor and Proposition 90

Following the 2005 U.S. Supreme Court decision in *Kelo vs. the City of New London*, much attention has been focused on eminent domain reform. In that case, the Court ruled that the city of New London, Connecticut could use eminent domain to acquire the home of a Suzette Kelo for the sole purpose of economic development.

Public reaction to that decision was overwhelming. Many were concerned their homes could be in jeopardy. Though California already had much stricter eminent domain provisions than Connecticut, the League and other local government groups recognized more could be done to give homeowners stronger protections.

In late 2005 and early 2006, we began working on a set of legislative reforms. Our coalition was making good progress when a rich, out of state developer from New York filed an initiative for the November 2006 California ballot. That measure ultimately qualified and became Proposition 90. Those who drafted and funded Prop. 90 used the public concern about the Kelo decision to include other far-reaching provisions that had nothing to do with eminent domain. Once the initiative was filed and it was clear how destructive the measure was, all efforts focused on defeating Prop. 90 and legislative discussions were put on hold.

Proponents hoped they could gloss over the problems with Prop. 90, deceive voters and pass the measure, but a broad coalition of more than 300 groups, including the League of California Cities and CSDA, joined together to fight it. Once voters understood that Prop. 90 would have cost taxpayers billions, hurt the environment, stymied business development and threatened our communities, they voted it down.

ACA 8 and AB 887 - Legislative Solutions

After defeating Prop. 90, local governments, environmental groups, homeowners and business groups were able to again focus our energies on achieving real eminent domain reform through the legislative process. In early 2007 our coalition, along with Assemblyman Hector De La Torre (D-South Gate), together introduced responsible eminent domain reform measures, Assembly Constitutional Amendment 8 and Assembly Bill 887.

continued on page 18

Being Propositioned: Initiatives and the 2008 Ballot

2008 looks to be a busy election year in California. There are three elections for elected offices: the presidential primaries in February; primaries for state legislative and congressional seats (and some local government); the presidential general elections, and general elections for legislative seats (and some local governments). But on top of these, the ballot looks to be filled top to bottom with a list of initiatives. These range from eminent domain reform to repealing a compact between the state and Native American tribes regarding the expansion of casinos. Here is a list of initiatives pertinent to special districts that will be (or are seeking to be) on the various ballots in 2008.

- Eminent domain, striking a fine balance. In an effort to provide protections to homeowners and small business owners, but still allowing local governments the ability to provide services, a coalition of local governments, homeowners associations, business interests and others has introduced a sensible eminent domain reform initiative. This initiative, similar to the League of California Cities' Assembly Constitutional Amendment 8 (De La Torre), seeks to strike a fine balance, placing into the Constitution restrictions on local governments from transferring private property to private interests. It also allows a small business owner to participate fully in the redevelopment of his or her area. But it also allows govern-

ments to provide essential services and maintain quality of life. The coalition supporting this effort submitted gathered signatures in December 2007 and will qualify for the June 2008 ballot. CSDA is part of this coalition and supports this initiative.

- Eminent domain, Prop. 90 redux. The Howard Jarvis Taxpayers Association (HJTA) has introduced an initiative that is similar to Proposition 90 from 2006, dealing with "reforming" eminent domain. This highly restrictive measure is similar in scope to Prop 90 and would even impact the water storage projects the governor is pressing for. CSDA has taken an "oppose" position to this initiative. This is expected to be on the June 2008 ballot, though the November 2008 ballot is not out of the question.
- Term limits for state legislators. Current law allows a legislator to serve six years (three terms) in the Assembly and eight years in the Senate (two terms), for a total of 14 years served. This initiative, qualified for the February ballot and given the name of Proposition 93, would limit the total time served to 12 years, but allow legislators to serve all 12 years in the same house, or as divided up as they'd like. This has been planned without the redistricting aspect that was promised by the Legislature.

continued on page 19

Hidden agendas vs real reform [continued]

These two bills would have offered unprecedented new Constitutional protections against eminent domain.

Ultimately our legislative package failed to get the necessary two-thirds vote for passage and our coalition moved forward with the Homeowners Protection Act for June 2008. At the same time, wealthy landlords decided to move forward with the Hidden Agendas Scheme. Though neither measure has officially qualified as of the date of this publication, each campaign turned in the necessary signatures and both are expected to appear on the June ballot.

Hidden Agendas vs. Real Eminent Domain Reform

The Homeowners Protection Act is straightforward eminent domain reform uncomplicated by unnecessary provisions. The language is simple – it will prohibit the taking of owner-occupied homes through eminent domain for transfer to another private entity. It directly addresses the *Kelo* decision and does

not attempt to surreptitiously insert other unrelated issues.

Supporters of the Hidden Agendas Scheme are calling their measure the California Property Owners and Farmland Protection Act. Don't be fooled. The initiative is nothing more than another bait-and-switch measure that purports to be about eminent domain reform but is bogged down with intentional and flawed language harmful to California.

We believe the scope of the Hidden Agendas Scheme is immense and could do as much harm as Prop. 90.

HIDDEN AGENDAS SCHEME DEEPENS ALREADY SEVERE WATER CRISIS

One of the flawed provisions that could severely impact special districts is a provision that could prohibit the use of eminent domain to acquire land or water for *public* water projects. The Hidden Agendas Scheme prohibits using eminent domain for the "transfer of ownership, occupancy or use of private property or associated property rights to a

public agency for the consumption of natural resources..."

Since all water projects involve the consumption of natural resources, this language could literally derail all future public and private water projects in the state, including the acquisition of land for reservoirs, groundwater and surface storage water projects, the construction of a new Delta conveyance system, which more than 25 million Californians depend upon for drinking water and 2.5 million acres of farmland depend on, and right-of-way for pipelines and canals to deliver water to new homes and businesses.

In fact, the language is so alarming that the Association of California Water Agencies has taken an oppose position to the Hidden Agendas Scheme before the measure has even qualified.

LAND USE PLANNING AND ENVIRONMENTAL PROTECTIONS IN PERIL

In addition to the devastating impacts the Hidden Agendas Scheme would have on water projects around the state, it would also significantly hinder local government land-use planning decisions. The measure prohibits government actions that "transfer an economic benefit" to one property owner at the expense of another property owner. However, courts have ruled that virtually all environmental regulations and land-use decisions are likely to impose costs on the affected party, while transferring economic benefits to another private party. Thus, under the Hidden Agendas Scheme, property owners could use this precedent as an opportunity to sue over land-use decisions that do not appeal to them because they could argue it transfers an economic benefit from them to their neighbors, or to the public agency, or to another business.

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WATER RESOURCES

For example, if a local government scaled back a housing development to address nearby residents' concerns over traffic, noise, or environmental concerns, that homebuilder could file a suit against the local government alleging lost economic benefit from the homes unable to be built. Under the provisions of the Hidden Agendas Scheme, the homebuilder's economic benefit had been transferred to the residents who had concerns about the project. Similarly, if the local government approved the original project with more homes, the residents could sue saying their existing home values were diminished (because of increased noise or traffic), alleging the local government was transferring an economic benefit from them to the developer.

This measure is a recipe for litigation and delays. Local jurisdictions would be frozen – unable to pass laws to protect the environment, approve new businesses, build needed housing, or make our communities livable and enjoyable.

At a minimum, cities and counties and special districts will likely be paralyzed for years while this measure gets litigated to the highest levels of the courts – all at the expense of state and local governments, and ultimately taxpayers.

RENT CONTROL ROLLBACK

To round out the other glaring problems with the Hidden Agendas Scheme, the measure also seeks to end rent control and all renter protections across the state. This provision could ultimately eliminate rent control protections for hundreds of thousands of renters, seniors and working families.

Most of the funding for the Hidden Agendas Schemes comes from wealthy apartment and mobile home park owners. It's not hard to figure out why this provision was intentionally placed in the measure – but measure drafters may have created the final fatal flaw. Internal polling shows that rent control remains a popular issue across party lines and socio-economic classes, and attempts to abolish it generally fare poorly.

Get Involved Today

The election may not be until June, but there is already an active campaign underway to defeat the Hidden Agendas Scheme and to pass real eminent domain reform, the Homeowners Protection Act. Just like in the budget battles of years past, we're going to need special districts involved in this fight. To learn more about how you can help, visit our website www.eminentdomainreform.com. ■

Being Propositioned [continued]

- Healthcare reform financing. The debate over healthcare reform has been raging on the entire fall season. While a compromise between the governor and the Legislature seems to be in the works, as of the writing of this article, there were still several outstanding issues that have yet to be finalized. A major question is how this \$12 to \$14 billion effort will be financed. While the policy aspect might find a compromise in the next few weeks, the financing portion will be put on—what is most likely—the November 2008 ballot.
- Restrictions on contributions by local government associations. An initiative to ban local governments from contributing funds to proposition campaigns has been introduced by Howard Jarvis Taxpayers Association. Currently, local government associations—such as CSDA, the California State Association of Counties, and the League of California Cities—do not make campaign contributions to elected officials, but do selectively contribute funds to coalitions in support or opposition to various initiatives. This new initiative, if passed, may potentially restrict special districts' voice on issues that affect them and all Californians. As of this writing, CSDA is conducting a legal review of the initiative language to better understand its full scope and impact. The proposed initiative will most likely be on the November 2008 ballot.
- Water storage issues. As of the writing of this article, the governor and the Legislature were

coming close to a \$10.735 billion water bond. The effort is to provide significant funds dedicated to restore the Delta and to improve water supply reliability and enhance conservation efforts throughout the state. The Legislature is looking to do a floor vote in both houses in early-December, before the end of the special session. While proponents were looking to put it on the February ballot, it may be too late. If the proposed bond will not go on the February ballot, it will most likely be on the November 2008 ballot for approval by Californians.

A few outliers

- Pension reform. Former Assembly Member Keith Richman (R-Northridge) filed an initiative to reform the state and local governments' pension system. The proposed initiative seeks a formula that determines pensions and extends the years an employee would have to work to get them. By all accounts, signatures are still being gathered.
- Redistricting of state legislative districts. There has been some criticism of the current procedure of legislators drawing their own districts. While legislative leaders have promised to change the process and take the inherent conflict of interest in drawing their own districts away and give the responsibility to another group, they have yet to do so. A number of initiatives have been introduced to reform redistricting, some giving the task to an independent group, while another would allow judges to draw the districts. Whether these will qualify remains up in the air. ■



NIPOMO COMMUNITY SERVICES DISTRICT

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

MEMO

TO: BRUCE BUEL
 FROM: CELESTE WHITLOW
 DATE: MARCH 11, 2008
 RE: COMPARISON OF NCSD WATER CONSUMPTION, 2006-2008

BACKGROUND

Comparison of NCSD customers' water usage, comparing 2006, 2007 and 2008, is provided.

FINDINGS

Tracking the water usage in 2008 and comparing it to the amount of water used in the same time period in 2006 and 2007, showed that there has been a steady increase in the average consumption-per-meter usage over that period of time.

Comparing 2007 to 2006, there was a 0.32% increase in the average water consumption per meter. Comparing 2007-2008, there was a 22.31% increase.

If this percentage increase should continue throughout 2008, based on the consumption of 2007 (2849.40 AF/2007) and the percentage increase, we can anticipate a consumption increase of about 635 AF/2008, for a total of about 3485.05 AF/2008.

Thank you for the opportunity to perform this analysis and comparison.

Celeste Whitlow
 Conservation and Public Outreach Specialist

Table 1: COMPARISON OF CONSUMPTION, JAN. and FEB.,* YEARS 2006, 2007, 2008 (ALL CATEGORIES)					
	January	February	Total to Mo.	Meters	AF/Meter
Yr2006	237.59	89.73	327.32	3995	0.0819
Yr2007	220.46	118.70	339.16	4077	0.0832
Yr2008	253.40	92.22	345.62	4093	0.0844

Percent Change, JAN. and FEB.,* 2006-2007, 2007-2008		
	2006-2007	2007-2008
Percent Change	0.32%	22.31%

*Figures are based on the Public Water System Statistics for the Department of Water Resources (calendar year), for water billed. Because of our billing schedule, water billed in one month is actually for the two previous months. Example: Water billed in January 2008 is actually for November and December of 2007.



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FINDINGS

Tracking the water usage in 2008 and comparing it to the amount of water used in the same time period in 2006 and 2007, showed that there has been a steady increase in the average consumption-per-meter usage over that period of time.

Comparing 2007 to 2006, there was a 0.1.53% increase in the average water consumption per meter. Comparing 2007-2008, there was a 1.51% increase.

If this percentage increase should continue throughout 2008, based on the consumption of 2007 (2849.40 AF/2007) and the percentage increase, we can anticipate a consumption increase of about 42.92 AF/2008, for a total of about 2892.32 AF/2008.

Table 1: COMPARISON OF CONSUMPTION, JAN. and FEB.,* YEARS 2006, 2007, 2008 (ALL CATEGORIES)					
	January	February	Total to Mo.	Meters	AF/Meter
Yr2006	237.59	89.73	327.32	3995	0.0819
Yr2007	220.46	118.70	339.16	4077	0.0832
Yr2008	253.40	92.22	345.62	4093	0.0844

Percent Change, JAN. and FEB.* 2006-2007, 2007-2008		
	2006-2007	2007-2008
Percent Change	1.53%	1.51%

Thank you for the opportunity to perform this analysis and comparison.

Celeste Whitlow
 Conservation and Public Outreach Specialist

*Figures are based on the Public Water System Statistics for the Department of Water Resources (calendar year), for water billed. Because of our billing schedule, water billed in one month is actually for the two previous months. Example: Water billed in January 2008 is actually for November and December of 2007.

*****CORRECTED COPY*****

DATE: March 12, 2008 ITEM: 4

Approve **Deny**

Continue to _____

TO: Integrated Waste Management Authority

FROM: William A. Worrell, Manager

RE: Draft Minutes of the January 9, 2008 IWMA Board Meetings (Action Item - Voice Vote)

RECOMMENDATION

Approve minutes

ATTACHMENT: Draft Minutes of the January 9, 2008 IWMA Board Meetings

Draft

**SAN LUIS OBISPO COUNTY
INTEGRATED WASTE MANAGEMENT AUTHORITY
BOARD MEETING**

MINUTES OF JANUARY 9, 2008

1. Call to Order/Roll Call.

Board Members Present:

Chuck Ashton, City of Grover Beach
Ellen Beraud, City of Atascadero
Dave Brooks, Authorized Districts
Ted Ehring, City of Pismo Beach
Melody DeMeritt, City of Morro Bay
Bruce Gibson, County Supervisor
John Hamon, City of Paso Robles
Jerry Lenthall, County Supervisor
Christine Mulholland, City of San Luis Obispo
Harry Ovitt, County Supervisor
Jim Patterson, County Supervisor

Board Members Absent:

Katcho Achadjian, County Supervisor
Ed Arnold, City of Arroyo Grande

Staff Members Present:

William A. Worrell, Manager
Carolyn Goodrich, Board Secretary
Ray Biering, IWMA Counsel

- 2. Public Comments.** None.
- 3. Manager's Report.** Bill Worrell reported on municipal programs and IWMA grants.

CONSENT CALENDAR

Motion was made, seconded and unanimously passed to approve the Consent Calendar.

Those items approved are as follows:

4. **Draft Minutes of the October 31, 2007 IWMA Board Meetings (approved).**

PRESENTATION

5. **Zero Waste Presentation.** Mike Hoover, General Manager of Chicago Grade Landfill, provided a Zero Waste Presentation.

REGULAR CALENDAR

6. **Introduction of a Proposed Battery and Fluorescent Tube Ordinance.** Bill Worrell advised that the Board directed staff to prepare a draft take back universal waste ordinance for the board to consider. Ray Biering reviewed the draft ordinance. Questions centered on participation and enforcement. There were no comments from the public, either written or oral, and public discussion was closed.

It was moved by Board Member Hamon, seconded by Board Member Ovitt to introduce Ordinance No. 2008-1 and set a public hearing for March 12, 2008. Motion passed on the following roll call vote:

AYES: Ashton, Beraud, Brooks, DeMeritt, Ehring, Gibson, Hamon, Mulholland, Ovitt, Patterson and Lenthall

NOES: None

ABSTAIN: None

ABSENT: Achadjian and Arnold

7. **Letter of Support for CIWMB Rosalie Mule's Reappointment.** Bill Worrell reported that Rosalie Mule's term expired at the end of 2007 and staff recommends the IWMA support her reappointment. There were no comments from the public, either written or oral, and public discussion was closed. **Motion was made by Board Member Mulholland, seconded by Board Member Ashton and passed 11-0-2 absent (Achadjian and Arnold) to authorize the IWMA President to send a letter of support for Rosalie Mule's reappointment to the CIWMB Board of Directors.**

8. **Grant Application.** Bill Worrell reported the CIWMB has approved \$1.4 million for the used oil opportunity grant program and grant applications must be submitted before the February 21, 2008 deadline. There were no comments from the public, either written or oral, and public discussion was closed.

Motion was made by Board Member Ehring, seconded by Board Member Mulholland and passed 11-0-2 absent (Achadjian and Arnold) authorizing the Manager to submit a grant application to the California Integrated Waste Management Board, and authorize the Manager to execute the subsequent grant agreement.

9. IWMA Correspondence. Motion was made, seconded and passed to receive and file the IWMA correspondence.

10. Member Comments and Future Agenda Items. Board Member Mulholland requested the IWMA Board discuss an ordinance for plastic bags. Board Member Patterson added discussion should include a ban on styrofoam packaging. Board Member DeMeritt requested a discussion about Zero Waste at a future meeting.

11. Adjournment. The meeting was adjourned to the next regular meeting of the IWMA scheduled for **March 12, 2008, at 1:30 p.m. in the San Luis Obispo Board of Supervisor's Chambers, County Government Center, San Luis Obispo, CA.**

THESE MINUTES ARE NOT OFFICIAL NOR A PERMANENT PART OF THE RECORD UNTIL APPROVED BY THE IWMA AT THE NEXT REGULAR MEETING.

DATE: March 12, 2008 ITEM: 5

Approve Deny

Continue to _____

TO: Integrated Waste Management Authority

FROM: William A. Worrell, Manager

RE: Draft Minutes of the February 27, 2008 Executive Committee Meeting (Receive and File)

RECOMMENDATION

Receive and File

ATTACHMENT: Draft Minutes of the February 27, 2008 Executive Committee Meeting

**San Luis Obispo County
INTEGRATED WASTE MANAGEMENT AUTHORITY MEETING
Executive Committee
MINUTES OF FEBRUARY 27, 2008**

1. **Call to Order/Roll Call.** The meeting was called to order by President Jerry Lenthall.

Executive Committee

Members Present:

Harry Ovitt, San Luis Obispo County
Jerry Lenthall, San Luis Obispo County
Ron Munds, SWTAC Representative (non-voting)

Executive Committee

Members Absent:

Christine Mulholland, City of San Luis Obispo

IWMA Staff:

Ray Biering, IWMA Counsel
William A. Worrell, Manager
Carolyn Goodrich, Board Secretary

2. **Public Comments.** None.
3. **Manager's Report.** None.
4. **Minutes of the October 24, 2007 Executive Committee Meeting.** The minutes of the October 24, 2007 Executive Committee Meeting were unanimously approved, together with recommendations and findings as set forth therein.
5. **Draft Minutes of the January 9, 2008 IWMA Board Meeting (receive and file).**
6. **March 12, 2008 IWMA Board Meeting Agenda.** The Executive Committee reviewed and approved the tentative agenda for the March 12, 2008 IWMA Board Meeting.
7. **Member Comments and Future Agenda Items.** None.
8. **Closed Session.** The Executive Committee adjourned to a closed session to conduct the manager's annual performance review (Government Code Section 54957).
9. **Report on Closed Session.** No final action was taken; no report.

10. **Adjournment.** There being no further business, the meeting was adjourned to **April 23, 2008** at 12:00 p.m. in the San Luis Obispo County Integrated Waste Management Authority Office, 870 Osos Street, San Luis Obispo, CA 93401.

THESE MINUTES ARE NOT OFFICIAL NOR A PERMANENT PART OF THE RECORD UNTIL APPROVED BY THE IWMA EXECUTIVE COMMITTEE AT THE NEXT REGULAR MEETING.

DATE: March 12, 2008 ITEM: 6

Approve Deny
 Continue to _____

TO: Integrated Waste Management Authority

FROM: William A. Worrell, Manager

RE: Proposed Battery and Fluorescent Tube Ordinance (Action Item - Roll Call Vote)
Consider approving the proposed battery and fluorescent tube mandatory take back ordinance

RECOMMENDATION

1. Hold a public hearing to receive testimony on the proposed Ordinance Number 2008-1 An Ordinance Establishing a Household Batteries and Fluorescent Tubes Management Program.
 2. Approve adoption of the proposed Ordinance Number 2008-1 An Ordinance Establishing a Household Batteries and Fluorescent Tubes Management Program.
 3. Direct staff to send a sample resolution to member jurisdiction for their adoption supporting the ordinance.
-

DISCUSSION

At the January 9, 2008 the Board introduced this proposed ordinance and set the matter for public hearing at this meeting.

On January 9, 2008 one minor change was requested to the proposed ordinance. That change has been made. No other requests for change have been received since the January 9, 2008 meeting.

As previously discussed, in February 2006, the Universal Waste Exemption for households and small businesses expired. Batteries, fluorescent tubes and certain electronic waste must now be managed as universal waste. At the March 8, 2006 Board Meeting, staff was directed by the Board to develop a model universal waste ordinance. Staff developed a draft ordinance and presented it to the Board at the May 10, 2006 Board Meeting. The Board approved in concept the draft model ordinance. On May 26, 2006, the IWMA submitted a grant application to the CIWMB to fund a battery and fluorescent tube take back program.

On March 14, 2007, staff reported back on the draft ordinance and reported that the CIWMB had

selected the IWMA grant and that staff was beginning to implement the grant. This 3-year grant paid for the establishment and servicing of battery and fluorescent tube retail take back. Almost all local retailers are participating in the program with the exception of some large national chains such as Target and Home Depot.

At the October 31, 2007 Board Meeting staff indicated that an ordinance would be brought to the Board at the next meeting. Staff also indicated that instead of a model ordinance for each jurisdiction to consider, staff would bring back an IWMA ordinance that would cover the region.

The proposed ordinance requires retailers who sell batteries and/or fluorescent tubes to take back these items under the following conditions:

1. From a consumer that buys batteries and/or fluorescent tubes (maximum amount equal to number of batteries and fluorescent tubes being purchased).
2. From a consumer who documents the previous purchase of batteries and/or fluorescent tubes (maximum amount limited to the number of batteries and fluorescent tubes previously purchased).
3. From a consumer who lives in the jurisdiction (maximum amount limited to 15 batteries and 8 fluorescent tubes per week).

Unlike the draft ordinance, this ordinance would be adopted by the IWMA and apply to the IWMA region. In addition enforcement would be the responsibility of either the IWMA or the local jurisdiction.

FISCAL IMPACT

None.

ATTACHMENT: Proposed Ordinance Number 2008-1 An Ordinance Establishing a Household Batteries and Fluorescent Tubes Management Program

San Luis Obispo County Integrated Waste Management Authority ORDINANCE NO. 2008-1

AN ORDINANCE ESTABLISHING A HOUSEHOLD BATTERIES AND FLUORESCENT TUBES MANAGEMENT PROGRAM

The Board of Directors of the San Luis Obispo County Integrated Waste Management Authority ordains as follows:

Section 1. General Provisions

The San Luis Obispo County Integrated Waste Management Authority (IWMA) finds and declares all of the following:

(a) The purpose of this Ordinance is to have the IWMA, a joint powers agency established pursuant to Government Code Section 6500 and empowered by its member jurisdictions to exercise the members' common powers to achieve the mandates imposed by the Integrated Waste Management Act of 1989 (AB 939) on a regional basis, enact a comprehensive and innovative system for the proper and legal management of used household batteries and fluorescent tubes in San Luis Obispo County.

(b) The purpose of this Ordinance is to enact a law that establishes a program that is convenient for consumers and the public to return and ensure the safe and environmentally sound disposal of used household batteries and fluorescent tubes, and to provide a "no-cost" system for consumers for the return of used batteries and fluorescent tubes.

(c) The purpose of this Ordinance is to assure that the costs associated with the handling and disposal of used household batteries and fluorescent tubes are the responsibility of the producers and retailers of household batteries and fluorescent tubes, and not local governments or their service providers, state government, or taxpayers.

(d) The purpose of this Ordinance is to reduce the likelihood of the illegal disposal of hazardous materials, and it is the intent of this Ordinance to ensure that all costs associated with the proper management of used household batteries and fluorescent tubes are internalized by the producers and consumers of household batteries and fluorescent tubes at or before the point of purchase, and not at the point of discard.

(e) The purpose of this Ordinance is to assure that manufacturers and retailers of household batteries and fluorescent tubes, while working to achieve the goals and objectives of this Ordinance, should have the flexibility to partner with each other and with those private and nonprofit business enterprises that currently provide collection and processing services to develop and promote a safe and effective used household batteries and fluorescent tubes recycling system.

(f) The purpose of this Ordinance is to provide for the safe and convenient collection, reuse, and recycling of 100 percent of the used household batteries and fluorescent tubes discarded in the IWMA Region at no cost to the consumer.

LISTING OF UPCOMING MEETINGS AND EVENTS

3/27 @ 9am @ BoS Chambers – LAFCO
4/2 @ 1:30pm @ City/Co Library – WRAC
4/4 @ 9am @ Santa Clara – Hearing on Water Rights Issues
4/7 @ 2pm @ NCSD – Southland WWTF Upgrade Committee Meeting
4/7/08 @ 6:30pm @ NCSD – Special NCSD Board Meeting re Oakglen
4/9 @ 9am @ NCSD – Board Meeting
4/10 @ 9am @ NCSD – Finance and Audit Committee Meeting
4/14 @ 1pm @ NCSD – SWP Committee Meeting
4/16 @ 2pm @ Avila Beach Community Center – AB 1234 Training
4/28/08 @ 6:30pm @ NCSD – SCAC Meeting
4/30/08 @ 9am @ NCSD – Board Meeting

* * * *

Board of Supervisors – Most Tuesdays
WRAC – 1st Wed
SLO County Planning Commission – 2nd Thursday
LAFCO – 3rd Thursday
SCAC – Last Monday
Chamber – Last Wed Lunch + Quarterly Tues Breakfast
SLO County Planning Commission – 4th Thursday

**NIPOMO COMMUNITY SERVICES DISTRICT
WATERLINE INTERTIE PROJECT
MONTHLY REPORT TO THE BOARD OF DIRECTORS
FEBRUARY 2008**

REVENUES FY 2007-2008 (1)	<u>MONTH OF</u> <u>FEBRUARY</u>	<u>FISCAL YEAR</u> <u>7/1/2007 TO</u> <u>6/30/2008</u>
Supplemental Water Capacity Fees Collected	0.00	1,018,879.25
Interest Income (monthly & quarterly posting)	4,723.61	70,490.02
Revenue Subtotal	4,723.61	1,089,369.27
EXPENDITURES FY 2007-2008 (2)		
<u>CONSULTANTS</u>		
1590-A1 Feasibility Study (Cannon)	0.00	0.00
1590-A2 EIR Preparation (Wood & Assoc)	1,954.50	1,954.50
1590-A3 Estimate/Preliminary Schedule (Cannon)	0.00	0.00
1590-A4 Proposed Routes/Facilities (Cannon)	0.00	0.00
1590-A5 Prop 50 Grant Applicatin	405.00	1,328.40
1590-A6 Project Support (Cannon)	0.00	0.00
1590-A7 Groundwater Grant Assistance (SAIC)	0.00	15,000.00
<u>LEGAL</u>		
1590-B1 Shipsey & Seitz	0.00	1,249.50
1590-B2 McDonough, Holland & Allen	0.00	0.00
1590-B3 Richards, Watson & Gershon	0.00	0.00
<u>LAND ACQUISITION</u>		
1590-C1 Tarvin & Associates	0.00	0.00
<u>FINANCIAL</u>		
1590-D1 Reed Group	0.00	0.00
1590-D2 Lobbying (Marlowe & Company)	11,404.12	20,404.12
<u>ENGINEERING</u>		
1590-E1 Preliminary Engineering Design (Boyle)	36,094.95	36,094.95
1590-E2 Water Modeling by Carollo (City of Santa Maria)	0.00	0.00
1590-E3 Alternative Water Supplies (Boyle)	0.00	70,772.01
1590-E4 Project Information (Boyle)	6,000.00	6,000.00
<u>OTHER</u>		
1590-F1 FGL Environmental	0.00	0.00
1590-F2 Copy/Print	0.00	0.00
<u>SALARY AND BENEFITS (3)</u>		
1590-Z1 Wages-Capitalized	4,423.07	18,245.17
1590-Z2 Payroll Taxes-Capitalized	111.35	311.69
1590-Z3 Retirement-Capitalized	636.02	5,248.75
1590-Z4 Medical-Capitalized	223.97	1,669.00
1590-Z5 Dental/Vision-Capitalized	28.75	213.23
1590-Z6 Workers Compensation-Capitalized	17.68	145.65
Expenditure Subtotal	61,299.41	178,636.97
Net Revenues less Expenditures	(56,575.80)	910,732.30
Beginning Fund Balance as of July 1, 2007		2,354,803.02
Ending Fund Balance as of February 29, 2008		3,265,535.32

(1) See attached "Supplemental Water Fees Collected" Schedule for more detail.

(2) See attached "Supplemental Water Cost Summary" for more detail.

(3) Salary and Benefits of Project Manager are allocated among NCSD projects and capitalized as part of the cost of the project.

T:\documents\projects\supplemental Water\Financial Reports\FY 6-30-08\monthly report to board.xls

**NIPOMO COMMUNITY SERVICES DISTRICT
SUPPLEMENTAL WATER COST SUMMARY**

<u>A/C #</u>	<u>DESCRIPTION</u>	<u>7/1/2004 TO 6/30/2005</u>	<u>7/1/2005 TO 6/30/2006</u>	<u>7/1/2006 TO 6/30/2007</u>	<u>7/1/2007 TO 6/30/2008</u>	<u>GRAND TOTAL</u>
1645	Reservation Fee-City of Santa Maria	37,500.00	0.00	0.00	0.00	37,500.00
1590-A1	Feasibility Study (Cannon)	25,887.29	0.00	0.00	0.00	25,887.29
1590-A2	EIR Preparation (Wood & Assoc)	29,037.48	87,100.23	16,053.83	1,954.50	134,146.04
1590-A3	Est/Preliminary Schedule (Cannon)	3,706.19	2,602.75	0.00	0.00	6,308.94
1590-A4	Proposed Routes/Facilities (Cannon)	5,050.07	520.00	0.00	0.00	5,570.07
1590-A5	Prop 50 Grant Application	2,757.00	6,210.00	0.00	1,328.40	10,295.40
1590-A6	Project Support (Cannon)	0.00	11,797.44	0.00	0.00	11,797.44
1590-A7	Groundwater Grant Assistance (SAIC)	0.00	0.00	0.00	15,000.00	15,000.00
1590-B1	Shipsey & Seitz	0.00	23,095.55	17,564.25	1,249.50	41,909.30
1590-B2	McDonough, Holland & Allen	0.00	34,177.28	15,871.65	0.00	50,048.93
1590-B3	Richard, Watson & Gershon	0.00	9,472.38	27,954.81	0.00	37,427.19
					0.00	
1590-C1	Tarvin Appraisal	0.00	0.00	16,170.00	0.00	16,170.00
1590-D1	Reed Group	0.00	2,809.85	0.00	0.00	2,809.85
1590-D2	Lobbying (Marlowe & Company)	0.00	0.00	0.00	20,404.12	20,404.12
1590-E1	Preliminary Engineering Design (Boyle)	0.00	6,470.33	223,286.67	36,094.95	265,851.95
1590-E2	Water Modeling by Carollo (City of SM)	0.00	0.00	24,942.00	0.00	24,942.00
1590-E3	Alternative Water Supplies (Boyle)	0.00	0.00	164,230.48	70,772.01	235,002.49
1590-E4	Project Information (Boyle)	0.00	0.00	0.00	6,000.00	6,000.00
1590-F1	Lab Testing (FGL Environmental)	0.00	0.00	5,047.00	0.00	5,047.00
1590-F2	Copy/Print	0.00	0.00	740.24	0.00	740.24
1590-Z1	Wages-Capitalized	0.00	29,076.92	35,884.51	18,245.17	83,206.60
1590-Z2	Payroll Taxes-Capitalized	0.00	587.22	587.42	311.69	1,486.33
1590-Z3	Retirement-Capitalized	0.00	8,418.08	10,344.53	5,248.75	24,011.36
1590-Z4	Medical-Capitalized	0.00	2,861.36	3,367.02	1,669.00	7,897.38
1590-Z5	Dental/Vision-Capitalized	0.00	0.00	247.90	213.23	461.13
1590-Z6	Workers Compensation-Capitalized	0.00	260.35	341.83	145.65	747.83
		103,938.03	225,459.74	562,634.14	178,636.97	1,070,668.88

**NIPOMO COMMUNITY SERVICES DISTRICT
CERTIFICATES OF PARTICIPATION
DEBT SERVICE SCHEDULE**

	<u>PRINCIPAL</u>	<u>INTEREST</u>	<u>TOTAL DEBT SERVICE</u>	<u>PRINCIPAL BALANCE</u>
				4,000,000.00
FY June 30, 2004	0.00	136,384.79	136,384.79	4,000,000.00
FY June 30, 2005	75,000.00	169,950.00	244,950.00	3,925,000.00
FY June 30, 2006	80,000.00	167,625.00	247,625.00	3,845,000.00
FY June 30, 2007	80,000.00	165,225.00	245,225.00	3,765,000.00
FY June 30, 2008	85,000.00	163,132.50	248,132.50	3,680,000.00
FY June 30, 2009	85,000.00	162,240.00	247,240.00	3,595,000.00
FY June 30, 2010	85,000.00	160,157.50	245,157.50	3,510,000.00

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**NIPOMO COMMUNITY SERVICES DISTRICT
SUPPLEMENTAL WATER FEES COLLECTED**

PROJECT	DEVELOPER	SUMMARY	DATE PAID	WATER SUPPLY PORTION	PIPELINE PORTION	SUPPLEMENTAL TOTAL
2939	NEWDOLL	FINAL FEES-BALANCE DUE TO FEE INCREASE 7/1/07	7/25/2007	6,699.92	828.08	7,528.00
2595	BAUR	FINAL FEES-BALANCE DUE TO FEE INCREASE 7/1/07	7/24/2007	1,801.36	222.64	2,024.00
CO 06-0082	BEAUCHAMP	FINAL FEES-BALANCE DUE TO FEE INCREASE 7/1/07	8/7/2007	900.68	111.32	1,012.00
CO 04-0606	PEOPLE SELF HELP	FINAL FEES-BALANCE DUE TO FEE INCREASE 7/1/07	8/27/2007	1,935.75	239.25	2,175.00
2595	PUHEK	FINAL FEES-BALANCE DUE TO FEE INCREASE 7/1/07	10/15/2007	5,024.94	621.06	5,646.00
092-130-044	ROOSEVELT APTS	DEPOSIT FOR TWO 4" DOMESTIC, ONE 2" IRRIGATION, ONE 4" IRRIGATION, ONE 4" FIRE SYSTEM, ONE 6" FIRE SYSTEM AND CREDIT FOR ONE 1" SERVICE	10/31/2007	725,246.10	89,637.15	814,883.25
090-135-006	SPENCER	DEPOSIT FOR ONE 1" DOMESTIC, ONE 1" IRRIGATION AND ONE 3" FIRE SYSTEM	11/27/2007	45,625.40	5,639.10	51,264.50
CO 06-0037	VILLAGE AT NIPOMO	DEPOSIT FOR ONE 1.5" DOMESTIC, ONE 4" DOMESTIC AND THREE 1" IRRIGATION AND CREDIT FOR 5 1" DOMESTIC	11/26/2007	53,644.75	6,630.25	60,275.00
2658	PACE	FINAL FEES-BALANCE DUE TO FEE INCREASE 7/1/07	11/27/2007	3,602.72	445.28	4,048.00
092-130-043	CIDER VILLAGE	FINAL FEES-BALANCE DUE TO FEE INCREASE 7/1/07	12/18/2007	62,320.90	7,702.60	70,023.50
FISCAL YEAR 2007-2008			SUBTOTAL	906,802.52	112,076.73	1,018,879.25

CARRY FORWARD TOTALS FOR FY 04-05,
FY 05-06 AND FY 06-07

1,146,297.23	141,327.02	1,287,624.25
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GRAND TOTAL **2,053,099.75** **253,403.75** **2,306,503.50**