


TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL   
DATE: MAY 8, 2009

**AGENDA ITEM  
F  
MAY 13, 2009**

**MANAGER'S REPORT**

**ITEM**

Standing report to your Honorable Board --*Period covered by this report April 16, 2009 through May 6, 2009.*

**DISTRICT BUSINESS**

**Administrative**

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

Staff submitted a Pre-Application for Federal Stimulus Funding for the Waterline Intertie Project on February 26, 2009. The State published rankings on April 21, 2009, which did not include NCSD's requested funding.

Staff is processing applications for the Annual Chipping Event.

General Manager Bruce Buel and Engineer Peter Sevcik attended the CWEA Conference in Palm Springs from 4/28/09 to April 30, 2009. Attached is a summary of the event.

The SLO County Board of Supervisors did review County Staff's proposed Smart Growth edits to the General Plan Framework on April 29, 2009 and made most of the edits requested by the District to limit application of increased density provisions in areas with resource constraints.

The Board of Supervisors also extended the existing moratorium on in-county bio-solids disposal for another three years and directed County Staff to cooperate with waste generators to develop a funding proposal to pay for an Environmental Impact Report on alternative sludge and composting regulations.

SLO County FC&WCD filed the "Regional Acceptance Process" Materials with DWR and SWRCB on April 29, 2009, including proposed rankings to local projects in the County's Integrated Water Management Plan. All three of NCSD's projects – WIP, Southland WWTF Upgrade and Salts Management – remain high priority projects in the new materials.

The SWRCB, on April 30, 2009, released its draft "20 X 2020 Water Conservation Plan". Comments on the draft are due by May 22, 2009.

DWR held a briefing on the draft State Water Plan update on May 1, 2009. Materials from the Briefing are available for review at the NCSD Office.

Staff conducted one set of interview to fill the open maintenance worker position and narrowed the field to two candidates who will be interviewed on May 8, 2009.

Staff has scheduled interviews with prospective Inspectors for May 11, 2009.

The County Board of Supervisors will consider adoption of the 2009 Growth Management Program limitations at its May 19, 2009 Meeting.

The County Planning Department has published its Public Hearing Draft of the Conservation and Open Space Element. The Planning Commission is scheduled to review the draft on June 14, 2009; July 9, 2009 and July 23, 2009.

Staff has mailed the "Prepay" notice to Blacklake Customers explaining their option to either prepay the water surcharge by May 31, 2009 or to pay off the surcharge over ten years in installments.

The General Manager and District Legal Counsel will appear before the County's Debt Issuance Council on May 8, 2009 to discuss the formation of a JPA to support the creation of an assessment district that includes lands outside of the District. Both Golden State Water Company and the Woodlands have agreed to pay for the at risk cost of forming such an assessment district.

The State has announced that it will defer disbursement of any grants related to voter approval of Proposition 1A in 2007.

Attached is the March Monthly Fiscal Report for the Waterline Intertie Project.

Attached is a copy of Grover Beach's Ordinance regulating graffiti abatement. The Board is scheduled to discuss a potential NCSD program at your May 27, 2009 Board Meeting.

Attached are excerpts from the recent IWMA Board Meeting Minutes.

**Safety Program** - No injuries or accidents occurred in this period.

**Conservation Program Activities** - 54 NCSD customers used the high efficiency clothes washer rebate program before it was placed on hold.

### **RECOMMENDATION**

Staff seeks direction and input from your Honorable Board.

### **ATTACHMENTS**

- March WIP Fiscal Report
- Summary of CWEA Conference
- Grover Beach Graffiti Ordinance
- Excerpts from IWMA Board Meeting Minutes

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2009\MANAGERS REPORT090408.DOC

**NIPOMO COMMUNITY SERVICES DISTRICT  
WATERLINE INTERTIE PROJECT  
MONTHLY REPORT TO THE BOARD OF DIRECTORS  
MARCH 31, 2009**

REVENUES FY 2008-2009 (1)	<u>MONTH OF</u> <u>MARCH</u>	<u>FISCAL YEAR</u> <u>7/1/2008 TO</u> <u>6/30/2009</u>
Supplemental Water Capacity Fees Collected	0.00	59,937.75
Interest Income (monthly & quarterly posting)	10,984.35	70,533.58
Revenue Subtotal	10,984.35	130,471.33
<b>EXPENDITURES FY 2008-2009 (2)</b>		
<u>CONSULTANTS</u>		
1590-A1 Feasibility Study (Cannon)	0.00	0.00
1590-A2 EIR Preparation (Wood & Assoc)	9,471.36	72,196.00
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	0.00	0.00
1590-A6 Project Support (Cannon)	0.00	0.00
1590-A7 Groundwater Grant Assistance (SAIC)	0.00	0.00
<u>LEGAL</u>		
1590-B1 Shipsey & Seitz	3,264.00	8,168.50
1590-B2 McDonough, Holland & Allen	0.00	0.00
1590-B3 Richards, Watson & Gershon	0.00	0.00
<u>LAND ACQUISITION</u>		
1590-C1 Appraisals (Tarvin & Reeder Gilman)	0.00	0.00
1590-C2 Property Negotiations (Hamner Jewell)	1,450.00	9,957.50
1590-C3 Property Acquisitions	673.00	673.00
<u>FINANCIAL</u>		
1590-D1 Reed Group	0.00	7,585.45
1590-D2 Lobbying	4,500.00	25,450.00
<u>ENGINEERING</u>		
1590-E1 Preliminary Engineering Design (Boyle)	0.00	2,194.43
1590-E2 Water Modeling by Carollo (City of Santa Maria)	0.00	0.00
1590-E3 Alternative Water Supplies (Boyle)	0.00	0.00
1590-E4 Project Information (Boyle)	0.00	0.00
1590-E5 Project Design (Boyle)	81,497.12	477,955.99
1590-E6 Pressure Testing	1,174.50	2,151.90
<u>OTHER</u>		
1590-F1 FGL Environmental	0.00	0.00
1590-F2 Copy/Print	0.00	0.00
<u>PERMITS</u>		
1590-G1 Santa Maria Valley Water Conservation District	0.00	130.00
<u>ASSESSMENT DISTRICT</u>		
1590-H1 Wallace Group	28,057.55	42,918.65
<u>SALARY AND BENEFITS (3)</u>		
1590-Z1 Wages-Capitalized	2,403.87	22,355.89
1590-Z2 Payroll Taxes-Capitalized	34.82	382.66
1590-Z3 Retirement-Capitalized	651.58	6,096.30
1590-Z4 Medical-Capitalized	235.59	2,050.59
1590-Z5 Dental/Vision-Capitalized	29.10	260.85
1590-Z6 Workers Compensation-Capitalized	20.38	188.48
Expenditure Subtotal	133,462.87	680,716.19
Net Revenues less Expenditures	(122,478.52)	(550,244.86)
Beginning Fund Balance as of July 1, 2008		3,795,001.08
Ending Fund Balance as of March 31, 2009		3,244,756.22

(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 6-30-09\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>7/1/2008 TO 6/30/2009</u>	<u>GRAND TOTAL</u>
1645	Reservation Fee-City of Santa Maria	37,500.00	0.00	0.00	0.00	0.00	37,500.00
1590-A1	Feasibility Study (Cannon)	25,887.29	0.00	0.00	0.00	0.00	25,887.29
1590-A2	EIR Preparation (Wood & Assoc)	29,037.48	87,100.23	16,053.83	45,407.70	72,196.00	249,795.24
1590-A3	Est/Preliminary Schedule (Cannon)	3,706.19	2,602.75	0.00	0.00	0.00	6,308.94
1590-A4	Proposed Routes/Facilities (Cannon)	5,050.07	520.00	0.00	0.00	0.00	5,570.07
1590-A5	Prop 50 Grant Application	2,757.00	6,210.00	0.00	1,857.60	0.00	10,824.60
1590-A6	Project Support (Cannon)	0.00	11,797.44	0.00	0.00	0.00	11,797.44
1590-A7	Groundwater Grant Assistance (SAIC)	0.00	0.00	0.00	15,000.00	0.00	15,000.00
1590-B1	Shipsey & Seitz	0.00	23,095.55	17,564.25	2,201.50	8,168.50	51,029.80
1590-B2	McDonough, Holland & Allen	0.00	34,177.28	15,871.65	0.00	0.00	50,048.93
1590-B3	Richard, Watson & Gershon	0.00	9,472.38	27,954.81	0.00	0.00	37,427.19
					0.00	0.00	
1590-C1	Appraisals (Tarvin & Reeder Gilman)	0.00	0.00	16,170.00	10,000.00	0.00	26,170.00
1590-C2	Property Negotiations (Hamner Jewell)	0.00	0.00	0.00	0.00	9,957.50	9,957.50
1590-C3	Property Acquisitions	0.00	0.00	0.00	0.00	673.00	673.00
1590-D1	Reed Group	0.00	2,809.85	0.00	0.00	7,585.45	10,395.30
1590-D2	Lobbying	0.00	0.00	0.00	38,801.11	25,450.00	64,251.11
1590-E1	Preliminary Engineering Design (Boyle)	0.00	6,470.33	223,286.67	103,460.19	2,194.43	335,411.62
1590-E2	Water Modeling by Carollo (City of SM)	0.00	0.00	24,942.00	0.00	0.00	24,942.00
1590-E3	Alternative Water Supplies (Boyle)	0.00	0.00	164,230.48	70,772.01	0.00	235,002.49
1590-E4	Project Information (Boyle)	0.00	0.00	0.00	6,000.00	0.00	6,000.00
1590-E5	Project Design (Boyle)	0.00	0.00	0.00	0.00	477,955.99	477,955.99
1590-E6	Pressure Testing	0.00	0.00	0.00	0.00	2,151.90	2,151.90
1590-F1	Lab Testing (FGL Environmental)	0.00	0.00	5,047.00	0.00	0.00	5,047.00
1590-F2	Copy/Print	0.00	0.00	740.24	1,022.01	0.00	1,762.25
1590-G1	Permits	0.00	0.00	0.00	0.00	130.00	130.00
1590-H1	Assessment District	0.00	0.00	0.00	0.00	42,918.65	42,918.65
1590-Z1	Wages-Capitalized	0.00	29,076.92	35,884.51	28,197.08	22,355.89	115,514.40
1590-Z2	Payroll Taxes-Capitalized	0.00	587.22	587.42	455.96	382.66	2,013.26
1590-Z3	Retirement-Capitalized	0.00	8,418.08	10,344.53	8,110.84	6,096.30	32,969.75
1590-Z4	Medical-Capitalized	0.00	2,861.36	3,367.02	2,564.88	2,050.59	10,843.85
1590-Z5	Dental/Vision-Capitalized	0.00	0.00	247.90	328.23	260.85	836.98
1590-Z6	Workers Compensation-Capitalized	0.00	260.35	341.83	225.21	188.48	1,015.87
		103,938.03	225,459.74	562,634.14	334,404.32	680,716.19	1,907,152.42

**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	161,198.75	246,198.75	3,595,000.00
FY June 30, 2010	85,000.00	158,988.75	243,988.75	3,510,000.00
FY June 30, 2011	90,000.00	156,425.00	246,425.00	3,420,000.00
FY June 30, 2012	90,000.00	153,545.00	243,545.00	3,330,000.00
FY June 30, 2013	95,000.00	150,397.50	245,397.50	3,235,000.00

T:\DOC\FINANCE\SUPP WATER\COST SUMMARY.XLS

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

<b>PROJECT</b>	<b>DEVELOPER</b>	<b>SUMMARY</b>	<b>DATE PAID</b>	<b>WATER SUPPLY PORTION</b>	<b>PIPELINE PORTION</b>	<b>SUPPLEMENTAL TOTAL</b>
CALFIRE	CALFIRE	Fire system Fee	8/21/2008	41,568.11	5,137.64	46,705.75
Villagio Market	Nester	Fire system Fee	10/20/2008	11,082.28	1,369.72	12,452.00
CO 05-0113	David	Final Fees-Balance due to fee increase 7/1/08	10/6/2008	694.20	85.80	780.00
<b>FISCAL YEAR 2008-2009</b>			<b>SUBTOTAL</b>	53,344.59	6,593.16	59,937.75

CARRY FORWARD TOTALS FOR FY 04-05,  
FY 05-06, FY 06-07 AND FY 07-08

2,623,733.26	323,931.49	2,947,664.75
--------------	------------	--------------


<b>GRAND TOTAL</b>	<b>2,677,077.85</b>	<b>330,524.65</b>	<b>3,007,602.50</b>
--------------------	---------------------	-------------------	---------------------



# 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](http://www.nipomocsd.com)

---

TO: HONORABLE BOARD  
FROM: BRUCE BUEL   
DATE: MAY 2, 2009  
RE: SUMMARY OF SPRING CWEA CONFERENCE

I attended the CWEA Conference in Palm Springs from Tuesday 4/28 through Thursday 4/30. The opening session featured EPA Executive Alexis Strauss. Ms Straus commented on EPA's efforts to evaluate pharmaceuticals, ship discharges, and private lateral contamination.

I also attended a five hour session on development of Solar Energy at WWTFs. Two speakers shared their experience in developing their own solar arrays; two speakers presented industry perspectives on financing solar arrays and one speaker spoke on options to evaluate cost effectiveness.

I attended two sessions on disaster preparedness – one dealing with treatment of injured workers/customers and one on recovery planning.

Peter Sevcik and I spent an afternoon talking to vendors regarding SCADA systems and fabrication of control panels.

Peter Sevcik also attended sessions on the start up of Bio-Lac Wave Oxidation systems.

T:\STAFF FOLDERS-OFFICE\BRUCE\MEMOS\2008 MEMOS\090502CWEA CONFERENCE.DOC

**ORDINANCE NO. 09-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
GROVER BEACH, CALIFORNIA, RESCINDING AND  
REPLACING CHAPTER 15 TO ARTICLE III OF THE GROVER  
BEACH MUNICIPAL CODE, GRAFFITI ORDINANCE**

**WHEREAS**, the City of Grover Beach recognizes that graffiti on public and private property in the City of Grover Beach constitutes a threat to the public health, safety and welfare, in that the presence of graffiti is detrimental to property values, degrades the quality of life in the community, is often connected to gang activity and may therefore lead to an increase in crime, and, if not promptly removed, invites further vandalism; and

**WHEREAS**, the City of Grover Beach currently has a Graffiti Abatement Program which relies solely upon community cooperation and participation; and

**WHEREAS**, the City of Grover Beach does further desire that those who commit acts of vandalism, and if a minor, their parents be held accountable for the removal and prevention of graffiti; and

**WHEREAS**, the City of Grover Beach desires to improve upon the existing Graffiti Abatement Program through the adoption of the proposed ordinance in order to provide the City with alternatives and to include additional enforcement tools, education, a cost recovery mechanism should it be necessary, and a reward system.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Grover Beach as follows:

**PART 1.**

**SECTION 1. RECITALS**

The above recitals and findings are true and correct.

**SECTION 2.**

Chapter 15 to Article III of the Grover Beach Municipal Code is hereby rescinded and replaced as follows:

**CHAPTER 15. GRAFFITI ORDINANCE**

**Section 3998.01 Purpose.** The purpose of this chapter is to provide a program to prevent and control the further spread of graffiti within the City, to establish a process for the removal of graffiti from real and personal property, and to assess and recover costs related to such removal.

**Section 3998.02 Definitions.** For the purposes of this chapter, unless the context clearly indicates otherwise, the following words and phrases are defined as follows:

(A) "Graffiti" includes any unauthorized inscription, writing, lettering, word, figure, marking, drawing or design that is marked, written, etched, scratched, drawn, or painted or otherwise placed on any part of building, structure, facility or surface, regardless of the nature of the material of that part.

(B) "Unauthorized" means either without the prior consent of the property owner or in violation of any law or regulation.

(C) "Graffiti abatement costs and expenses" means and includes, but are not limited to, the following costs and expenses incurred by the city:

- (1) The costs and expenses of having graffiti removed from defaced property;
- (2) The costs and expenses of having defaced property repaired or replaced when the city determines that the removal of the graffiti would not be cost effective;
- (3) The costs of administering and monitoring the participation of a defendant and his or her parents or guardians in a graffiti abatement program;
- (4) The related administrative, overhead, and incidental costs incurred in performing or causing the performance of the enforcement, abatement or collection procedures described in this chapter; and
- (5) Related court costs and attorneys' fees in accordance with Government Code Section 38773.5.

(D) "Graffiti eradication costs and expenses" include but are not limited to the following costs and expenses incurred by the city:

- (1) All costs enumerated above in the definition of "graffiti abatement costs and expenses"; and
- (2) The law enforcement costs and expenses incurred in identifying and apprehending a responsible party.

(E) "Graffiti implements" include, but are not limited to, the following items possessed with the intent to deface any property:

- (1) "Aerosol paint container" means any aerosol container, regardless of the materials from which it is made, which is adapted or made for the purpose of spraying paint or other substance capable of defacing property. "Aerosol paint container" does not include a container of less than six ounces capacity provided to a minor for the minor's use or possession under the supervision of the minor's parent, guardian, instructor or employer.
- (2) "Felt tip marker" means any broad tip marker pen with a tip exceeding three-eighths of one inch in width, or any similar implement containing an ink that is not water soluble.



(3) "Paint stick or graffiti stick" means any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure, and upon application, leaving a mark at least one-sixteenth of one inch in width, which cannot be removed with water after it dries.

(F) "Graffiti implements" do not include the above items if they are furnished for use in school-related activities that are part of an approved instructional program, when such items are used under controlled and supervised situations within the classroom or on the site of a supervised project.

(G) "Police Chief" means the Chief of Police of the City of Grover Beach or his or her designee.

(H) "Real or personal property" includes, but is not limited to: buildings or other structures, such as walls; fences; signs; retaining walls; driveways; walkways; sidewalks; curbs; street lampposts; hydrants; trees; electric, light, power, telephone or telegraph poles; drinking fountains; display stands; utility boxes; and garbage receptacles.

(I) "A person in control of real property" means:

- (1) A renter or lessee of real property where a term of the rental agreement or lease provides that the renter or lessee is responsible for the upkeep and maintenance of the real property including painting of the property.
- (2) A manager who is designated by the person in control of the real property.

(J) "Responsible party" means:

(1) Any person, including a minor, who has been determined to have placed graffiti on real or personal property of another person.

(2) A minor who has: confessed to, admitted to, or pled guilty or no contest to, a violation of Penal Code Section 594, 594.3, 640.5, 640.6, or 640.7; or who has been convicted by final judgment of a violation of Penal Code Section 594, 594.3, 640.5, 640.6, or 640.7; or who has been declared a ward of the juvenile court pursuant to Welfare and Institutions Code Section 602 by reason of the commission of an act prohibited by Penal Code Section 594, 594.3, 640.5, 640.6, or 640.7.

(3) The parents or guardians having custody and control of a minor who is a responsible party also are responsible parties for the purpose of this chapter.

**Section 3998.03 Nuisance Declared.** The City Council declares that graffiti is a public and private nuisance, and may be abated pursuant to this chapter, or as otherwise provided by law.

**Section 3998.04 Graffiti Prohibited.**

(A) It is unlawful for any person regardless of age to place graffiti as defined in Section 3998.02 (a) upon any real or personal property when the graffiti is visible from any public right of way or from any other public or private property.

(B) It is unlawful for any person who owns or is in control of any real or personal property within the city to knowingly allow graffiti to remain upon, real or personal property, for a period of time longer than 72 hours after having been given notice as provided for in Section 3998.12, when the graffiti is visible from any public right of way or from any other public or private property.

(C) Aiding or abetting graffiti prohibited. It shall be unlawful for any person, regardless of age, to aid, abet or encourage another to paint, etch or in any other manner apply graffiti upon public or private, real or personal property of any kind within the City of Grover Beach.

**Section 3998.05 Graffiti Eradication Program.** The Police Chief is authorized to establish a comprehensive graffiti eradication program within the city which may, but is not required to, include the following: proactive enforcement to identify, apprehend and prosecute persons who have placed graffiti on the real or personal property of another; establishment of procedures to pursue restitution of graffiti eradication costs from responsible parties; establishment of a preventive education program within local schools to prevent graffiti; establishment of an offender education program with the intent of diverting those apprehended for graffiti related offenses; establishment of a "graffiti hotline" to be used by the community to report real or personal property which has been defaced with graffiti; coordination of an adopt an area or neighborhood for reporting and clean up of graffiti; and the coordination and maintenance of a graffiti wipe-out program which utilizes available resources and enlists citizen volunteers and those who are responsible for community service as an imposition of sentence or condition of probation with the goal of cleaning graffiti from real or personal property within the city within seventy-two hours of its appearance.

**Section 3998.06 Identification of Responsible Party.** To assist the Police Chief in identifying the responsible party in incidents of graffiti, the Police Chief is authorized to request and receive any report or materials containing the names and addresses of responsible parties to the fullest extent allowed by law.

(A) This authority includes, without limitation, the authority to receive a report from the county probation officer containing the names and addresses of parent or guardians having custody and control of minors who are responsible parties pursuant to California Government Code Section 38772(c).

(B) The Police Chief may apply to the juvenile court for the release of the names and addresses of responsible parties who are minors.

**Section 3998.07 Recovery of Graffiti Eradication Costs and Expenses.**

(A) Any responsible party as defined in this chapter shall be liable to the City for all graffiti eradication costs and expenses.

(B) All responsible parties for graffiti on a particular property shall be jointly and severally liable for the graffiti eradication costs and expenses.

**Section 3998.08 Invoice for Graffiti Eradication Costs and Expenses.** The Police Chief, or his or her designee, shall cause to be sent an invoice for graffiti eradication costs and expenses to a responsible party. In addition to information on the standard invoice for city service fees, the invoice for graffiti abatement costs and expenses shall contain:

(A) The address or location of the defaced real or personal property and the location and a description of the defaced personal property, sufficient to identify the defaced property;

(B) A summary of the graffiti abatement actions performed;

(C) A listing of the graffiti abatement costs and expenses incurred;

(D) The identity of the responsible party and the basis of that determination;

(E) A description of the payment process, including the time within which and the place to which the graffiti eradication costs and expenses shall be paid;

(F) A statement advising that the graffiti abatement costs and expenses shall be a personal obligation of the party;

(G) A statement advising that the City may pursue a special collection process for the graffiti abatement costs and expenses against real property owned by the responsible party; and

(H) A description of the process by which a responsible party may protest the determination that he or she is a responsible party or the amount of the graffiti abatement costs and expenses.

**Section 3998.09 Graffiti Removal.** Graffiti which is visible from any public right-of-way or public or private property shall be removed in accordance with the following provisions:

(A) Removal by Property Owner. The property owner or other person in control of such property shall be encouraged to perform the removal with his/her own resources;

(B) Removal by the City with Consent of Property Owner. The City or its agents may remove graffiti upon satisfaction of the following conditions:

(1) The consent of the owner of the property is obtained; or

(2) The property owner has requested the City to remove the graffiti and has shown that they are unable to, due to financial or physical reasons;

(3) The property owner executes a release and right of entry form permitting such graffiti removal;

(4) The City shall not paint or repair a more extensive area than is necessary to remove the graffiti, unless the Police Chief determines that a more extensive area needs repainting or repairing in order to avoid an aesthetic disfigurement to the neighborhood or community, or unless the property owner agrees to pay for the cost of repainting or repairing the more extensive areas; and

(5) The owner provides paint of a specific color or match if they so desire or are able to.

(C) Removal by City without Consent of Property Owner. If the above solution fails to result in the successful removal of graffiti, the Police Chief may order abatement of graffiti from real or personal property when the owner does not remove the graffiti with his or her own resources, or satisfy the conditions of subsection (a) or (b) of this section.

**Section 3998.10 Property Owner's Obligation to Remove.** All persons who own real or personal property upon which graffiti has been placed shall cause the removal of such graffiti, in the manner set forth in section 3998.11, within seventy two (72) hours after it is placed on the property. If the owner fails to do so, the Police Chief may abate and remove graffiti on public or private property in accordance with the procedure set forth in Section 3998.11 and 3998.12.

**Section 3998.11 Standards for Graffiti Removal.** Graffiti shall be removed or completely covered in a manner that renders it inconspicuous. When graffiti is painted out, the color used to paint it out shall match the original color of the surface, or the surface shall be completely repainted with a new color that is aesthetically compatible with existing colors and architecture. The removal shall not leave shadows and shall not follow the pattern of the graffiti such that the letters or similar shapes remain apparent on the surface after graffiti markings have been removed. If the area is heavily covered with graffiti, the entire surface shall be repainted.

**Section 3998.12 Graffiti Abatement and Cost Recovery Proceedings.** Abatement of graffiti and assessment of graffiti abatement and/or eradication costs shall be in accordance with the following procedure:

(A) Following a report of graffiti from any source, the Police Chief shall issue a notice of intent to abate the graffiti as a public nuisance, and shall serve such notice by any of the following methods:

(1) By personal service on the owner, occupant or person in charge or control of the property;

(2) By posting at a conspicuous place on the property or abutting public right-of-way; or

(3) By sending a copy of such notice by registered or certified mail addressed to the owner at the address shown on the last available assessment roll, or as otherwise known.

(B) The notice of intent shall be in substantially in the following form:

**NOTICE OF INTENT TO ABATE NUISANCE-GRAFFITI**

\_\_\_\_\_  
\_\_\_\_\_  
(Name and address of person notified)

\_\_\_\_\_  
(Date)

NOTICE IS HEREBY GIVEN that you are required by Grover Beach Municipal Code Chapter 15 of Article III to, at your sole expense, remove or paint over the graffiti in existence on the property located at (address), which is visible to public view, by (date). If you fail to do so, the City or its agents will enter your property and remove or paint over the graffiti. The cost of such removal and/or painting will be assessed against you and your property, and such costs will constitute a lien upon such property until paid.

You may request a hearing to contest this notice. To request a hearing, you must submit a written request to the Police Chief by (date). If a request is not received by this date by the Police Chief, the Police Chief shall have the authority to proceed with the abatement of the graffiti inscribed on your property without further notice or hearing, and at your expense.

Your presence is not required at the hearing. In lieu of attendance, you may submit a sworn written statement executed under penalty of perjury, as to why you are not responsible for the removal of the graffiti, and/or assessment of costs of removal and/or painting. If you do not appear in person at the hearing, your sworn written statement as described will be considered as your sole testimony.

(C) Upon receipt of a request for hearing, the Police Chief shall set a date and time for the hearing and notify the person requesting the hearing of the date, time, and location of the hearing. All hearings under this chapter shall be held before the Police Chief who shall hear all facts and testimony he or she deems pertinent. Said facts and testimony may include testimony on the location of the graffiti and the circumstances concerning its placement on the real or personal property. The Police Chief shall not be limited by the technical rules of evidence. After the hearing, the Police Chief shall serve notice of his or her written decision to the person requesting the hearing, or other affected parties, within ten working days.

(D) Any owner of the real or personal property on which graffiti is to be abated that is not satisfied with the decision of the Police Chief to abate said graffiti, may appeal to the City Manager or his or her designee. The written appeal must be filed with the City Manager within ten (10) working days of service of the Police Chief's decision. The City Manager, or his or her designee, may uphold the order of the Police Chief to abate the graffiti granted under this chapter if the City Manager, or his or her designee, determines that the graffiti is detrimental to the public safety or welfare.

**Section 3998.13 Assessment and Payment of Costs.**

(A) Following abatement, the Police Chief shall send an invoice to the owner of the real or personal property upon which graffiti has been abated. The notice shall specify all graffiti abatement costs.

(B) The total cost of graffiti abatement, including all administrative costs, shall be paid by the owner or other person in control of the real property or the owner of personal property upon which graffiti has been abated, within thirty calendar days after service of the invoice.

(C) Pursuant to Government Code Section 38773.5, the total cost of abatement, including all administrative costs, shall constitute a special assessment against the property subject to the graffiti abatement, if not paid in full within thirty (30) days after service of the invoice. After the assessment is made, it shall constitute a lien on the property subject to the graffiti abatement. Such special assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ordinary municipal taxes.

**Section 3998.14 Cost of Abatement a Personal Obligation.** Instead of making the cost of abating a nuisance a special assessment against the property subject to the graffiti abatement, the City may make the cost the personal obligation of the property owner or other person creating, causing committing or maintaining the nuisance. In such a case, all of the procedures of this chapter apply except those specially related to assessment of the property. Property owner or person in control will remain responsible for all abatement costs until reimbursement is collected by the City from the person creating, causing, or committing the nuisance.

**Section 3998.15 Alternative Means of Enforcement.** Nothing in this chapter shall be deemed to prevent the City Council from authorizing the City Attorney to commence any other available civil or criminal proceedings to abate a public nuisance in addition to or alternative to proceedings set forth in this chapter.

**Section 3998.16 Possession of Graffiti Implements.**

(A) **By Minors at or Near School Facilities.** It shall be unlawful for any person under the age of eighteen (18) years to possess any graffiti implement as defined in Section 3998.02 (e) while on any school property, grounds, facilities, buildings, structures, or in areas immediately adjacent to those specific locations, upon public property, or upon private property without the prior written consent of the owner or occupant of such private property.

(B) **In Designated Public Places.** It shall be unlawful for any person to possess any graffiti implement, as defined in Section 3998.02 (e) while in any public place.

**Section 3998.17 Reward for Information.**

(A) Pursuant to Section 53069.5 of the Government Code, the City may offer a reward of up to five hundred dollars (\$500) for any person or persons who furnish information, in whatever method that provides for adequate identification of the violator(s) which may include photo or video evidence, to the City's Police Department leading to the arrest and conviction, adjudication as a juvenile offender, or confession of any person for violation of Section 3998.04 of this code or California Penal Code Section 594. In the event of multiple contributors of information, the reward amount shall be divided by the City in the manner it shall deem appropriate. For the purposes of this section, diversion of the offending violator to a community service program, or a plea bargain to a lesser offense, may constitute a conviction.

(B) Moneys collected from penalties shall be deposited into the City's fund, and those moneys may be utilized to pay for the monetary reward and graffiti control program.

(C) Claims for rewards under this section shall be filed with the City Clerk as are other claims against the City. Each claim shall:

- (1) Specifically identify the date, location and kind of property damaged or destroyed;
- (2) Identify the person who was convicted of or who confessed to violating Grover Beach Municipal Code Section 3998.04 or California Penal Code Section 594;
- (3) Identify the court and the date upon which the conviction occurred or the place and the date of the confession;
- (4) No claim for a reward shall be allowed unless an authorized representative of the City investigates and verifies the accuracy of the claim and recommends that it be allowed. The investigation must determine that the claimant's information was relevant and directly responsible for the arrest and conviction of the suspect.

(D) The person committing the graffiti violation, and, if that person is not an emancipated minor, then the custodial parent or guardian of the minor shall be liable for any rewards paid pursuant to this section.

**PART 2. SEVERABILITY**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional.

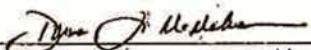
**PART 3.** This Ordinance shall become effective thirty (30) days after the date of its adoption, and within fifteen (15) days after its adoption, it shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

**INTRODUCED** at a regular meeting of the City Council held March 16, 2009 and **PASSED, APPROVED, and ADOPTED** by the City Council on April 6, 2009 on the following roll call vote, to wit:

**AYES:** Council Members Bright, Mires, Peterson, Mayor Pro Tem Nicolls,  
and Mayor Shoals.  
**NOES:** Council Members – None.  
**ABSENT:** Council Members – None.  
**ABSTAIN:** Council Members – None.

  
\_\_\_\_\_  
JOHN P. SHOALS, MAYOR

ATTEST:

  
\_\_\_\_\_  
DONNA L. McMAHON, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
MARTIN D. KOCZANOWICZ, CITY ATTORNEY



*Draft*

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

**MINUTES OF MARCH 11, 2009**

**1. Call to Order/Roll Call.**

**Board Members Present:**

Ed Arnold, City of Arroyo Grande  
Ellen Beraud, City of Atascadero  
Carla Borchard, City of Morro Bay  
Dave Brooks, Authorized Districts  
Ted Ehring, City of Pismo Beach  
Nick Gilman, City of Paso Robles  
Adam Hill, County Supervisor  
Jan Marx, City of San Luis Obispo  
Frank Mecham, County Supervisor  
Robert Mires, City of Grover Beach  
Jim Patterson, County Supervisor

**Board Members Absent:**

Katcho Achadjian, County Supervisor  
Bruce Gibson, County Supervisor

**Staff Members Present:**

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

**2. Public Comments.** Debralee Coleman, office manager Troesh Recycling, Inc. Dba RoXsand, spoke about their recycling operations, and urged all cities and the county to use recycled road base on their projects.

**3. Manager's Report.** Bill Worrell reported on the municipal programs, California Integrated Waste Management Board members, and distributed a ream of recycled paper to all members.

## 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 January 14, 2009 IWMA Board Meetings (approved).**
5. **Draft Minutes of the February 25, 2009 Executive Committee Meeting (receive and file).**

## PUBLIC HEARING

6. **Introduction of a Proposed Used Latex Paint Management Ordinance.** Bill Worrell provided an overview of the proposed used latex paint management ordinance. Questions centered on whether the program was a free program and enforcement. There were no comments from the public, either written or oral, and the public discussion was closed.

**It was moved by Board Member Beraud, seconded by Board Member Patterson to introduce Ordinance No. 2009-1, waive reading of the ordinance, modify the ordinance to clarify program costs and set a public hearing for May 13, 2009. Motion passed on the following roll call vote:**

**AYES:** Arnold, Beraud, Borchard, Ehring, Gilman, Hill, Marx, Mecham, Mires, Patterson and Brooks  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Achadjian, Gibson

## REGULAR CALENDAR

7. **2007 Annual Report.** Bill Worrell reported the IWMA 2007 Annual Report was filed with the CIWMB on March 2, 2009. The region's diversion rate in 2007 was 64%. The report is pending approval by the CIWMB. **Motion was made, seconded and passed 11-0-2 absent (Achadjian, Gibson) to receive and file.**

8. **Grant Applications.** Bill Worrell reviewed grants available from the Department of Conservation City/County Recycling Grant, Department of Conservation Beverage Container Recycling Grant, California Integrated Waste Management Board Household Hazardous Waste Grant, and California Integrated Waste Management Board Used Oil Block Grant. Staff requested approval to apply for the grants and obtain letters of authorization from member jurisdictions.

Motion was made by Board Member Mecham authorizing the Manager to submit grant applications to the California Integrated Waste Management Board (CIWMB) and the Department of Conservation (DOC) and obtain letters of authorization from the Member Jurisdictions as needed, and further authorize the Manager to execute the subsequent grant agreements and amend the IWMA budget to reflect the grants. Seconded by Board Member Hill and passed 11-0-2 absent (Achadjian, Gibson).

Board member Mecham left the meeting.

12. **Proposed FY 09/10 Program Goals and Status of FY 08/09 Goals.** Bill Worrell reported on a list of proposed FY 09/10 program objectives and the status of FY 08/09 Goals. Mike Hoover, owner and general manager of Chicago Grade Landfill, spoke about problems with composting food waste and the benefits of a biomass energy project, which project he has continued working on for Chicago Grade Landfill. Board Members discussed AB32 and product packaging.

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

14. **Member Comments and Future Agenda Items.**

15. **Closed Session.** The Authority adjourned to a closed session for discussion of the manager's annual performance review (Government Code Section 54957).

16. **Report on Closed Session.** The Integrated Waste Management Authority considered one item in closed session and the following action was taken:

a. **Manager's Annual Performance Review (Government Code Section 54957).** The IWMA concluded that Mr. Worrell's performance is outstanding.

Motion was made by Board Member Marx to authorize the President to sign an amendment to the IWMA Manager's contract. Seconded by Board Member Ehring and passed on the following roll call vote:

**AYES:** Arnold, Beraud, Brooks, Borchard, Ehring, Gilman, Hill, Marx, Mires, Patterson  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Achadjian, Gibson, Mecham

17. **Adjournment.** The meeting was adjourned to the next regular meeting of the IWMA scheduled for May 13, 2009, at 1:30 p.m. in the San Luis Obispo Board of Supervisor's Chambers, County Government Center, San Luis Obispo, CA.

**DATE: May 13, 2009 ITEM: 5**

**Approve**    **Deny**

**Continue to** \_\_\_\_\_

**TO: Integrated Waste Management Authority**

**FROM: William A. Worrell, Manager**

**RE: Draft Minutes of the April 22, 2009 Executive Committee Meeting (Receive and File)**

---

**RECOMMENDATION**

Receive and File

---

**ATTACHMENT: Draft Minutes of the April 22, 2009 Executive Committee Meeting**

**SAN LUIS OBISPO COUNTY  
INTEGRATED WASTE MANAGEMENT AUTHORITY  
EXECUTIVE COMMITTEE MINUTES  
OF  
APRIL 22, 2009**

---

**1. Call to Order/Roll Call.**

**Executive Committee**

**Members Present:**

Dave Brooks, Authorized Districts  
John Hamon, City of Paso Robles  
Ron Munds, SWTAC Representative (non-voting)  
Bruce Gibson, San Luis Obispo County

**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 Executive Committee Meeting.** The minutes of the February 25, 2009 Executive Committee Meeting were received and filed.

**5. Draft Minutes of the March 11, 2009 IWMA Board Meeting (receive and file).**

**6. May 13, 2009 IWMA Board Meeting Agenda.** The Executive Committee reviewed and approved the tentative agenda for the May 13, 2009 revised to add an update on Cold Canyon Landfill expansion to the manager's report and eliminate the correspondence item.

**7. Member Comments and Future Agenda Items.** IWMA President Gibson requested information on program funding for sludge.

**8. Adjournment.** There being no further business, the meeting was adjourned to August 26, 2009 at 12:00 p.m. in the San Luis Obispo County Integrated Waste Management Authority Office, 870 Osos Street, San Luis Obispo, CA 93401.

DATE: May 13, 2009 ITEM: 6

Approve  Deny

Continue to \_\_\_\_\_

**TO: Integrated Waste Management Authority**

**FROM: William A. Worrell, Manager**

**RE: Proposed Latex Paint Ordinance (Action Item - Roll Call Vote)** Consider approving the proposed latex paint mandatory take back ordinance.

---

### **RECOMMENDATION**

1. Hold a public hearing to receive testimony on the proposed Ordinance Number 2009-1 An Ordinance Establishing a Used Regulated Paint Management Program.
2. Approve adoption of the proposed Ordinance Number 2009-1 An Ordinance Establishing a Used Regulated Paint Management Program.

---

### **DISCUSSION**

At the March 11, 2009 IWMA Board Meeting the Board introduced this proposed ordinance and set the matter for public hearing at this meeting.

As previously discussed, the IWMA as part of Product Stewardship, is shifting the burden of managing wastes that are banned from the landfill but are not classified as hazardous waste, to the responsible parties. For example, the IWMA has transferred the burden for proper management of household batteries, fluorescent tubes and sharps to retailers who sell these products.

The California Department of Toxic Substance Control has determined that latex paint is a regulated waste and can not be disposed of in a landfill. Since 2001 the CIWMB has been discussing the issue of how to manage latex paint, without much success.

At the March 12, 2008 IWMA meeting, the Board approved in concept a mandatory take back ordinance for used latex paint. The ordinance was very similar to the mandatory take back household battery and fluorescent tube ordinance and the sharps ordinance. IWMA staff was also directed to apply for a grant from the CIWMB to fund a latex paint take back program. In December, 2008 the

IWMA was awarded a \$387,435 grant to implement the latex paint take back program.

The attached ordinance is very similar to the household battery and fluorescent bulb take back ordinance and the sharps take back ordinance in that it requires retailers who sell these products to take them back from the public under the following conditions:

1. From a consumer that buys latex paint in an amount not to exceed the amount being purchased.
2. From a consumer who documents the previous purchase of latex paint in an amount not to exceed the amount previously purchased.
3. From a consumer who lives in the jurisdiction (maximum amount limited to 2 gallons per week).

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 2009-1 An Ordinance Establishing a Used Regulated Paint Management Program.

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL *BBB*  
DATE: MAY 8, 2009

**AGENDA ITEM  
G  
MAY 13, 2009**

COMMITTEE REPORTS

**ITEM**

Review Committee Matters.

**BACKGROUND**

Attached are minutes from the 4/20/09 Supplemental Water Project Committee Meeting.

Attached are minutes from the 5/3/09 Water Conservation Committee meeting.

The Supplemental Water Project Committee is scheduled to meet at 2:00pm on Monday May 18, 2009.

The Water Conservation Committee is scheduled to meet at 2:30pm on Friday June 5, 2009.

**RECOMMENDATION**

It is recommended that your Honorable Board discuss the meetings as appropriate.

**ATTACHMENT –**

- 4/20/09 SWP COMMITTEE MEETING MINUTES
- 5/4/09 WATER CONSERVATION COMMITTEE MEETING MINUTES

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2007\COMMITTEE REPORTS 090513.DOC



# NIPOMO COMMUNITY SERVICES DISTRICT

MONDAY, APRIL 20, 2009

2:00 P. M.

## **SPECIAL MEETING MINUTES SUPPLEMENTAL WATER PROJECT DESIGN & CONSTRUCTION COMMITTEE**

---

### COMMITTEE MEMBERS

ED EBY, CHAIR

CLIFFORD TROTTER, MEMBER

### PRINCIPAL STAFF

BRUCE BUEL, GENERAL MANAGER

LISA BOGNUDA, ASSIST. GENERAL MANAGER

DONNA JOHNSON, BOARD SECRETARY

JON SEITZ, GENERAL COUNSEL

PETER SEVCIK, DISTRICT ENGINEER

### **MEETING LOCATION**

**District Board Room**

**148 S. Wilson Street**

**Nipomo, California**

#### **1. CALL TO ORDER, ROLL CALL AND FLAG SALUTE**

Chairperson Eby called the meeting to order at 2:00 p.m. and led the flag salute. Committee members Trotter and Eby were both present. Also present were General Manager Bruce Buel, District Engineer Peter Sevcik, District Superintendent Tina Grietens, District Legal Counsel Jon Seitz, AECOM/Boyle representative Mike Nunley, The Wallace Group representative Kari Wagner and one member of the public.

#### **2. REVIEW STATUS OF WATERLINE INTERTIE PROJECT**

General Manager Bruce Buel summarized progress in advancing the Waterline Intertie Project and Mike Nunley reviewed his monthly update. Committee discussion followed on the status of the levee, the status of negotiations with the City of Santa Maria, the Woodlands, Golden State Water Company and Rural Water Company and the process for advancement of the project. There was no public comment.

#### **3. REVIEW CONCEPT DESIGN REPORT**

Bruce Buel and Mike Nunley summarized the process for finalizing the Concept Design Report. Committee questions regarding the discharge of chlorination water after the mains had been disinfected, the mid path intercept, storage of the drilling mud, and the selection of tank material. There was no public comment.

NIPOMO COMMUNITY SERVICES DISTRICT  
MONDAY, APRIL 20, 2009  
**SPECIAL MEETING MINUTES**  
SUPPLEMENTAL WATER PROJECT  
DESIGN & CONSTRUCTION COMMITTEE  
- 2 -

**4. REVIEW WIP FEIR CERTIFICATION**

Bruce Buel summarized staff's proposed resolution certifying the FEIR. Ed Eby inquired as to the findings necessary at this stage and Jon Seitz responded. Ed Eby also requested that staff clarify the proposed additional response to page 128 of Mr. Harold Snyder's subsequent submittal. There was no public comment.

**5. DISCUSS BASIS OF ASSESSMENT RESEARCH**

Bruce Buel summarized the recent research and introduced Kari Wagner. Ed Eby asked for more explanation regarding calculation of non-residential usage relationships and requested the correction of an error in the text. Cliff Trotter inquired as to the process for buy-in of additional assessments. Ed Eby asked for a clarification in the language of the draft JPA and Jon Seitz responded. Bill Nelson asked for a comparison of the Boundaries of the NMMA, the FC&WCD and the Proposed Assessment District. Bruce Buel and Jon Seitz described the sensitivity analysis that they were preparing for presentation to the Board at the Board's March 20<sup>th</sup> Special Meeting. The Committee agreed, by consensus, that the research was very helpful and that it could serve as a defensible basis for calculating the assessment. Additional Committee discussion followed regarding the packaging of the assessment vote.

**6. CONSIDER FY2009-10 LEVEL OF EFFORT RE DESALINATION**

Cliff Trotter urged the District to back off of desalination given the intense effort required to develop the WIP. Bruce Buel agreed that staff was fully occupied with the WIP and would have little or no time to devote to desalination in FY2009-10.

**7. SET NEXT COMMITTEE MEETING**

The Committee agreed to have another meeting on Monday, May 18, 2009 at 2:00 p.m. to discuss the Basis of Assessment and status of the design, the Final EIR and the Concept Design. There was no public comment.

**8. ADJOURN**

The meeting was adjourned at 3:05 p.m.



# 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.NCSD.CA.GOV

## MINUTES OF THE 5/04/09 SPECIAL MEETING OF THE WATER CONSERVATION COMMITTEE

### 1. CALL TO ORDER, ROLL CALL AND FLAG SALUTE

Chairman Winn called the Special Meeting to order at 9am in the NCSD Board Chambers. Both Chairman Winn and Director Vierheilg were in attendance along with District Legal Counsel and staff members Bruce Buel and Celeste Whitlow. Two members of the public were present.

### 2. INITIATE DEVELOPMENT OF EMERGENCY WATER SHORTAGE REGULATIONS

Bruce Buel and Jon Seitz provided an overview of the 2007-08 Board discussion of Emergency Water Shortage Regulations and relevant new information since winter 2008. Mike Winn observed that the County has a new Board of Supervisor majority and we are in the third year of a drought. Larry Vierheilg questioned the basis for a 15% reduction in Stage I and commented on the number of stages. Committee discussion followed on the number of stages, with the consensus that there should be two emergency stages in addition to the normal or regular stage prior to the import of supplemental water, assuming that the Court sanctioned the NMMA TG 2008 Annual Report and Response Plan. Discussion followed on the components of the Well Management Plan ordered by the Stipulation in a Severe or Potentially Severe Water Shortage situation. The Committee requested that staff coordinate with GSWC, RWC and the Woodlands regarding their respective processes for approving new meters. Mike Winn indicated that he supported staff's proposal for a Stage 1 demand reduction target of 15% because it is consistent with LAFCO's number; it is consistent with NCSD's Water Conservation Plan; and it appeared to be feasible. It is also lower than the 20% to 22% reductions being considered by the State.

The Committee then reviewed the text on a section-by-section basis with agreement on most of staff's recommendations. In regards to Section 3.24.030 Mike Winn requested the addition of a new definition for "AFY" and an edit to "Mixed Use SM". In regards to Section 3.24.040, the Committee agreed by consensus to two emergency stages in addition to normal or regular stage. In regards to Section 3.24.060C the Committee recommended that the District use monthly billing. The Committee requested that the numbering between 3.24.080 and 3.24.100 be corrected. In regards to Section 3.24.095C1, the Committee recommended that the provisions for imprisonment be deleted. There was no public comment.

### 3. DISCUSS WATER WASTE ORDINANCE VIOLATIONS

Committee discussion focused on the various types of water waste with the conclusion that regulation was needed to address customer water waste. The Committee directed staff to present the old regulations and/or a staff revised version at the next committee meeting so that the Committee could use them as a starting point to discuss noticing and enforcement. There was no public comment.

**MINUTES OF THE 5/04/09 MEETING OF THE  
WATER CONSERVATION COMMITTEE  
Page 2**

**4. DISCUSS DRAFT TURF REPLACEMENT PROGRAM**

Celeste Whitlow presented staff's rough draft program and requested Committee feedback. Mike Winn indicated that he was prepared to provide feedback on specific aspects of such a program but he reserved the right to oppose the program in its final form. The Committee worked through the draft on a bullet by bullet basis and directed staff to revise the draft for presentation to the Board. There was no public comment.

**5. SET NEXT COMMITTEE MEETING**

The Committee agreed to meet again at 2:30pm on Friday June 5, 2009. There was no public comment.

**6. ADJOURNMENT**

Chairman Winn adjourned the meeting at 11:50am.

T:\BOARD MATTERS\BOARD MEETINGS\MINUTES\MINUTES 2009\WATER CONS COMM\090504.DOC