

TO: BOARD OF DIRECTORS  
FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER  
DATE: MARCH 6, 2015

**AGENDA ITEM  
F  
MARCH 11, 2015**

**GENERAL MANAGER'S REPORT**

**ITEM**

Standing report to your Honorable Board -- *Period covered by this report is February 21, 2015 through March 6, 2015.*

**DISTRICT BUSINESS**

**Administrative**

- Nipomo area groundwater is in a *potentially severe* water shortage condition as defined by the court appointed group that monitors basin health. The District is in Stage II (2) shortage conditions as defined by our Water Shortage Response and Management Plan.
- The District uses an active education and outreach program and escalating block water pricing to encourage water conservation. District water rates are set such that water in the highest block cost 300% more than in the lowest. By design, these escalating prices *reward* conservation and *penalize* water waste. The District approach to conservation is both frugal and effective.
- Construction of the District's supplemental water pipeline is progressing on schedule. Initial water deliveries are expected by July 2015. The District is preparing for a change over in water disinfection practices that will be undertaken as part of bringing in the new supply.
- Drought conditions prevail throughout our County and region. The Nipomo area received less than an inch of rain during the past two-weeks. Both of the County-maintained local rain gauges have measured less than 50% of their long term seasonal average.
- On February 24, District Public Information Director Jessica Matson attended the SLO/SB Counties Water Efficiency Meeting. Eighteen agencies were represented at the meeting and provided reports on drought response. A summary of the meeting is provided as Attachment A.
- The District received longevity distribution credits totaling almost \$7,700 against 2015-16 insurance renewals with SDRMA – see Attachment B.

**Public Outreach**

The following Public Outreach Program materials are provided as Attachment C:

- A summary of outreach and education activities
- Press release log
- District related news coverage
- District website and social media traffic summary

**Safety Program**

No accidents, incidents, or injuries to report.

**Fire Hydrant Metered Use**

The District provides limited water sales via metered fire hydrant for construction and other in-District requests and local county projects. Project specific hydrant meters are set upon request and a hydrant located adjacent to the District office is outfitted with a meter for common use.

During the month of January, three project specific hydrants were in service. Only one of these hydrants metered use; 45 units (~34,000 gallons) metered by the Speiss Construction hydrant meter. Speiss Construction is constructing the District Supplemental Water facilities. Additionally, 11 units of water (~8,000 gallons) were utilized at the common hydrant meter for County projects, including street sweeping and construction of the park and ride facility.

**Connection Report**

No new water or sewer connections were added during January. Twelve new water connections and eight new sewer connections were added in 2014. Three hundred and fifty seven (357) water connections and three hundred and ninety eight (398) sewer connections have been added in the past ten years.

Nipomo Community Services District  
 Water and Sewer Connections

**END OF MONTH CONNECTION REPORT**

	MAY-14	JUN-14	JUL-14	AUG-14	SEPT-14	OCT-14	Nov-14	DEC-14	JAN-15
Water Connections (Total)	4315	4315	4319	4321	4322	4322	4324	4325	4325
Sewer Connections (Total)	3108	3108	3111	3112	3112	3112	3112	3112	3112
Meters turned off (Non-payment)	13	38	15	25	15	22	13	41	13
Meters off (Vacant)	47	49	46	45	42	41	40	41	44
Sewer Connections off (Vacant)	17	18	16	16	13	13	12	13	15
New Water Connections	0	0	4	2	1	0	2	1	0
New Sewer Connection	1	0	3	1	0	0	0	0	0
Galaxy & PSHH at Orchard and Division Sewer Connections billed to the County	464	464	464	464	464	464	468	468	468

**Other Items and News of Interest**

The following are included as attachments to this Report:

- Senator Monning’s Spring Newsletter
- Public Law Newsletter
- Las Vegas Water Rate Hike

**Meetings**

*Meetings Attended (telephonically or in person):*

- February 25, Regular Board Meeting
- February 27 & March 5, Management Coordination
- February 27, Staff Performance Reviews (2)
- February 27, Annual County Chapter CSDA
- March 3, Annual Staff Performance Review
- March 4, City of Santa Maria Blending Station

*Meetings Scheduled:*

- *March 10, Golden State Water Company*
- *March 11, Regular Board Meeting*
- *March 11, Panel Discussion, League of Women Voters*
- *March 12 & 19, Management Coordination*
- *March 13, Groundwater Management Act overview*
- *March 16, Finance and Audit Committee*
- *March 16, Board Officers*
- *March 17, Director of Engineering and Operations*
- *March 18, NMMA Technical Group*

**RECOMMENDATION**

Staff seeks direction and input from your Honorable Board

**ATTACHMENTS**

- A. February 24 Purveyor Meeting Summary
- B. February 19, SDRMA Credits
- C. District Outreach and Education Summary
- D. Senator Monning Newsletter
- E. Public Law Update
- F. Las Vegas Rate Hike

March 11, 2015

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ATTACHMENT A

**Water Efficiency Meeting**  
**Water Purveyors of Santa Barbara & SLO Counties**  
**February 24, 2015**

**Water Supply Status, Drought Actions & Messages**

Mary, UC Cooperative Extension:

- Created a SLO Drought Task Force
- Reservoirs are low
- County is currently assessing the number of dry wells

Courtney, Cambria CSD:

- Desalination plant is currently online and runs 10hrs/day, 4 days/week; \$9 million project
- District has been receiving complaints regarding the noise of the plant
- It takes 60 days for the plant to create water
- The District welcomes tours of the new plant
- Stage III (most severe) water shortage; water rationing per capita
- Current water restrictions include no outside irrigation
- Achieved 40% reduction in residential water use

City of Morro Bay:

- Residential water use is down 8%; the City has been conserving for awhile
- Rely on State water
- City runs its desalination plant every Tuesday as a back-up water source

City of Grover Beach:

- The city is "somewhat sustainable" for about a year and a half
- Sent out notices to customers to reduce use by 10% or receive penalties
- Water use is currently down 30%

Mayra, City of Santa Maria:

- The city's supply is currently in good shape
- Send out conservation messages via tv, bill inserts, etc.

City of Paso Robles:

- Currently in a Level II Shortage – irrigation restrictions of 3 days/wk year round
- Looking forward to Lake Nacimiento pipeline this April

Ron, City of SLO:

- Stage I water shortage
- The city currently has three sources of water but will soon stop pumping from Santa Margarita Lake
- Looking forward to Nacimiento water in April

Jason, Los Osos CSD:

- District has implemented their conservation plan after working with a marketing firm
- Give out free low-flow shower heads, outreach at weekly farmer's markets
- "Badge of Honor" program for conservation at schools, businesses, etc.

Goleta Water District:

- Stage II water shortage; enforcing watering restrictions
- Working on reducing agricultural consumption via rates; currently they pay less per units than residential

Atascadero Mutual Water:

- Stage II water shortage
- 18% reduction in pumping
- Added a 5<sup>th</sup> tier drought rate

Templeton CSD:

- Level I water shortage
- Water sources are Salinas River and Atascadero sub-basin

Kathy, City of Santa Barbara:

- Stage II water shortage since May
- City is offering water/irrigation check-ups
- City will possibly be going into Stage III; doing lots of outreach
- Reclamation facility will go back online this spring

Mike, Montecito Water District:

- Serious water shortage, Stage IV
- Mandatory water allotments; penalties for going over range from \$5-25/unit
- Have achieved between 40-60% reduction all year
- District focuses on landscape watering

City of Lompoc:

- Stage I water shortage; asking for 15% reduction
- Lompoc only has groundwater but is currently in good condition
- Irrigation restrictions of 2 days/wk

Golden State Water:

- Stage II water shortage; asking for 20% reduction
- Have no ability to fine for overuse
- Have received an increase in applications for current rebate programs

SLO County Service Areas (Shandon/Cayucos/Santa Margarita/Avila):

- Irrigation restrictions of 2 days/wk

City of Buellton:

- Stage II water shortage
- Have some restrictions in place but supply is OK

**Update on CUWCC and the New Norm in Landscaping, Executive Director Greg Weber**

- CUWCC's Sept. 17<sup>th</sup> report and presentation: Achieving a New Normal in Landscaping
  - o (T:PUBLIC INFO PROGRAM\ADMINISTRATION\Water Efficiency Meetings - SB SLO Counties\CUWCC Achieving a New Normal in California Landscaping)
- Contacts: [landscape@cuwcc.org](mailto:landscape@cuwcc.org); [greg@cuwcc.org](mailto:greg@cuwcc.org)

**Changes to UWMP Guidance and DWR Drought Assistance, Water Use Efficiency Secretary Peter Brostrom**

- "2015 Urban Water Management Plans & Drought Assistance"

- T:\PUBLIC INFO PROGRAM\ADMINISTRATION\Water Efficiency Meetings - SB SLO Counties\UWMP 2015\_SB and SLO WUE Meeting 2 24 15 II
- <http://water.ca.gov/urbanwatermanagement/uwmp2015.cfm>
- Submittal of 2015 plan will be due to DWR by July 1, 2016
- There will be an opportunity to promote the Value of Water in your area
- Drought assistance: residential landscaping & distribution system water loss workshops
- Video resource: <http://cuwcc.org/resources/video-library>
- Save Our Water campaign: Saving Water Rain or Shine; <http://saveourwater.com/>
- Contact: [brostrom@water.ca.gov](mailto:brostrom@water.ca.gov)

#### **Classes/Workshops in 2014**

- SLO/Atascadero: used DWR's info for a workshop on landscaping/for landscaping professionals; 90+ in attendance
- Santa Barbara: completed a workshop on greywater/rainwater harvesting; held a hands-on workshop for landscape professionals using Maste Gardeners as speakers; 80+ in attendance
- Watershed Wise Landscape Program; G3 landscape classes; <http://watershedwiselandscape.com>
- Atascadero: held Watershed Walks; partnered with local agencies such as land conservancies and toured springs, etc while talking about water issues

#### **Social Media**

- YouTube: check out WaterWiseSB videos
- Mail Chimp E-newsletter; can post directly to social media
- Facebook: using the "Boost Post" function has been successful; will target certain groups
- Pinterest: can use to show water wise landscapes

#### **Print Materials**

- Atascadero & Cambria: door hangers for noticeable water runoff
- <http://waterwisesb.org> has printable downloads under Landscape-Brochures

#### **Watering Calculator**

- Apx \$5,000 + monthly fee for customized calculator
- Can change settings & numbers during drought, etc.
- Look at <http://www.waterwisesb.org/irrigation.aspx?id=1317>

March 11, 2015

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ATTACHMENT B



Special District Risk  
Management Authority

Maximizing Protection.  
Minimizing Risk.

1112 I Street, Suite 300  
Sacramento, California 95814-2865  
T 916.231.4141  
T 800.537.7790  
F 916.231.4111  
www.sdrma.org



February 19, 2015

Ms. Lisa Bognuda  
Finance Director/Assist GM  
Nipomo Community Services District  
Post Office Box 326  
Nipomo, California 93444-0326

Dear Ms. Bognuda,

**On January 8, 2015, the SDRMA Board of Directors approved a longevity distribution for the sixth year in a row.** The Longevity Distribution Policy was adopted by the Board to recognize and reward members for their loyalty and commitment to SDRMA programs. The policy is consistent with the goals and objectives of the Board's strategic business plan and helps ensure pool stability by rewarding members for remaining in our Property/Liability and Workers' Compensation programs.

There is no action required by your agency. Every member that has completed the 3 full program year initial commitment period for either the Property/Liability or Workers' Compensation program is eligible to receive a longevity distribution credit for that particular program when they renew coverage. The longevity distribution may only be declared by the Board of Directors each year only after all Board policy reserve requirements have been met. The amount available for the longevity distribution is the amount of investment earnings on reserves above the Board approved confidence level for each program as of June 30. The distribution is weighted based on the member's length of time in that program and the amount of the member's annual contributions compared to the total contributions of all pool members.

This year, the Board approved a longevity distribution in the amount of \$819,256 for Property/Liability members and \$178,031 for Workers' Compensation members. For the Property/Liability program, over 90% of members will receive the distribution credit and for the Workers' Compensation program, over 87% of members will receive the distribution credit.

**Congratulations! Since you have participated in our Property/Liability program for 20 years as of June 30, 2014, your agency will receive a longevity distribution credit on your 2015-16 renewal invoice in the amount of \$7,525! We encourage you to share this valuable news with your governing body!**

**REMINDER** – We hope to see you at our Annual Membership Meeting and Safety/Claims Education Day on March 24, 2015 at the Hilton Sacramento Arden West Hotel! Visit our website, [www.sdrma.org](http://www.sdrma.org) and click on "Register for a training workshop" in the lower right-hand column for more information.

Thank you for your participation and helping make SDRMA a premier risk management provider! If you have any questions, please contact the SDRMA Finance Department at 800.537.7790 or 916.231.4141.

Sincerely,  
Special District Risk Management Authority

A handwritten signature in blue ink that reads "David Aranda".

David Aranda, President  
Board of Directors

Special District Risk  
Management Authority

Maximizing Protection,  
Minimizing Risk.

1112 I Street, Suite 300  
Sacramento, California 95814-2865  
T 916.231.4141  
T 800.537.7790  
F 916.231.4111  
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**Congratulations! Since you have participated in our Workers' Compensation program for 10 years as of June 30, 2014, your agency will receive a longevity distribution credit on your 2015-16 renewal contribution invoice in the amount of \$165! We encourage you to share this valuable news with your governing body!**

**REMINDER** – We hope to see you at our Annual Membership Meeting and Safety/Claims Education Day on March 24, 2015 at the Hilton Sacramento Arden West Hotel! Visit our website, [www.sdrma.org](http://www.sdrma.org) and click on "Register for a training workshop" in the lower right-hand column for more information.

Thank you for your participation and helping make SDRMA a premier risk management provider! If you have any questions, please contact the SDRMA Finance Department at 800.537.7790 or 916.231.4141.

Sincerely,  
Special District Risk Management Authority

David Aranda, President  
Board of Directors

March 11, 2015

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ATTACHMENT C

**NCSO Outreach Summary  
March 2015**

<b>Date Started</b>	<b>Outreach</b>	<b>Description</b>	<b>Status</b>	<b>Date Completed</b>
2/28/2014	Brochure	Creation of "Detecting Leaks" insert for "Water Meter" brochure	In Progress	
6/5/2014	Emergency Information	Pre-written emergency communications for local news, website, online outlets	In Progress	
7/10/2014	Emergency Communication Plan	Development of District's Emergency Communications Plan	In Progress	
10/1/2014	Spanish Brochure	Translation of "Tracking Water Use with Water Meters" brochure	In Progress	
10/9/2014	Spanish Brochure	Translation of Toilet tab packets	In Progress	
10/9/2014	Spanish Brochure	Translation of "13 Ways to Conserve Water at Home" brochure	In Progress	
2/19/2015	Manager's Column	Article 24 for Manager's Column in Adobe Press, pub date 1/30	Complete	2/20/2015
2/23/2015	Chamber Email Blast	Conservation Tip for Chamber of Commerce weekly email update	Complete	2/23/2015
2/24/2015	Conservation	Attended SB/SLO Counties Water Efficiencies Meeting	Complete	2/24/2015
2/26/2015	Chamber Newsletter	Conservation ad for Chamber of Commerce March newsletter	Complete	2/26/2015
2/2/2015	District Newsletter	2015 1st quarter newsletter for February distribution	Complete	2/27/2015
3/2/2015	Chamber Email Blast	Conservation Tip for Chamber of Commerce weekly email update	Complete	3/2/2015
3/2/2015	Ad	Conservation 1/4 page ad in 3/6 Adobe	Complete	3/2/2015
2/20/2015	Website Updates	Home page; minutes; photos; Manager's Column; press releases; etc	Complete; Ongoing	3/5/2015
2/20/2015	Social Media	Content posting	Complete; Ongoing	3/5/2015
2/18/2015	Supplemental Water Delivery	Outreach plan/schedule	In Progress	
2/20/2015	Community Outreach	Preparation for District outreach at community event at St. Joseph Church's Festival 3/22	In Progress	

### **Not Enough Rain – Serious Conditions Continue**

*The mission of the Nipomo Community Services District is to provide its customers with reliable, quality, and cost-effective services now and in the future.*

With just enough rain to knock down the dust, our State and Region remain in serious drought conditions. As February comes to a close, it seems inevitable that this rain year will be as dry as the last two and may be the driest in 120 years.

Rain recharges local groundwater, and local groundwater currently provides 100% of the Nipomo area's water supply. The increase in water demand over time, coupled with low rain fall in recent years, has resulted in the area's groundwater dropping to the lowest level in our 30-year record.

The District's Supplemental Water Project, which will bring a new source of water to the Mesa, is progressing on schedule with delivery of water anticipated this July.

The District continues to be in Drought Stage II (of five stages). This means conservation is strongly encouraged. The encouragement is done mainly through rate structure. If you are an NCSD customer, the amount you pay for water increases as your use increases. If the drought worsens, the District's elected Board may need to consider 'drought premiums' that would make it substantially more expensive to use water in the highest volume categories.

We still need everyone's help to protect our groundwater basin. District customers did a great job in 2014, ending the year with a 24% reduction in groundwater pumping. Below are some tips to consider as you continue to conserve.

#### **What YOU can do:**

- Re-think your landscaping choices; consider converting your lawn to a native shrub garden.
- If you have drought-tolerant landscape already, don't water it from September – May and water once a month June – August.
- Redouble your efforts on stopping water waste in the home; shorter showers, fix that leaky faucet/toilet, capture 'warming' water to use on plants.
- Learn how to use the water meter on your supply line to track water use.
- Talk it up with your neighbors and friends, share ideas on how to save water.

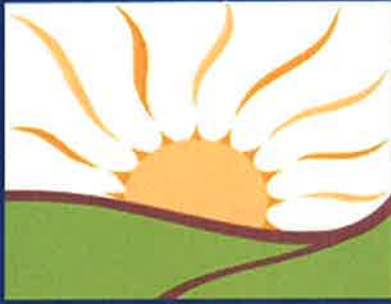
**What have YOU DONE to conserve?** If you have cut your water use, we want to hear from you! Additionally, if you have converted your landscape to native, drought-tolerant plants, we want to hear from you. You may be featured in upcoming District communications. Contact the District at [info@ncsd.ca.gov](mailto:info@ncsd.ca.gov).

Remember, saving water is its own reward – because saving water, saves money!

Until next time...

**Jessica Matson**

**From:** Nipomo Chamber of Commerce <info@nipomochamber.org>  
**Sent:** Monday, February 23, 2015 1:04 PM  
**To:** Jessica Matson  
**Subject:** Monday News, February 23, 2015



**Nipomo**  
CHAMBER OF  
COMMERCE



Richard Malvarose  
Chamber President  
Nipomo Properties

Monday News

February 23, 2015

## *Nipomo Chamber February Luncheon*

*Thursday, February 26  
11:45-1:00pm*

*Blacklake Golf Resort  
1490 Golf Course Ln  
Nipomo*

*Speaker  
Hernaldo Baltodano  
Attorney at Law  
10 Pitfalls for Employers to Avoid*

*Please RSVP with Menu Selection  
929-1583 or email  
info@nipomochamber.org*

*Menu - Reuben Sandwich w/Fries*

### Chamber Hours

Monday through Friday  
9 am to 5 pm

239 W. Tefft St.  
Nipomo, CA 93444

Office: 805.929.1583  
Fax: 805.929.5835

[info@nipomochamber.org](mailto:info@nipomochamber.org)

### For Info Contact:

Amber Wilson  
Executive Director  
[amber@nipomochamber.org](mailto:amber@nipomochamber.org)

### Platinum Sponsor

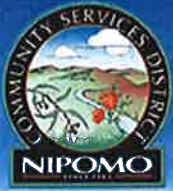
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[Nipomo](#)

President's Circle  
Sponsors

[Community Health  
Centers](#)

[Nipomo Recreation](#)



## **NIPOMO** Community Services District

We are now on   /NipomoCSD

### **Saving water also saves money!**

With the recent rains, don't forget to shut off your irrigation timers! Landscapes need little to no watering during winter months.

#### **REDUCE YOUR USE**

For more information on how to reduce water use, visit  
[www.ncsd.ca.gov](http://www.ncsd.ca.gov).

**Now Accepting Auction**



**Nipomo**  
CHAMBER OF  
COMMERCE

# THE CHAT March 2015

The mission of the Nipomo Chamber of Commerce is to promote the civic, economic, agricultural, educational, & social welfare of Nipomo.



**Nipomo Chamber President**  
**Richard Malvarose**  
Richard@nipomoproperties.com

**Nipomo Chamber of Commerce**

**Email:**

[info@nipomochamber.org](mailto:info@nipomochamber.org)

239 W. Tefft St.  
Nipomo, CA 93444  
805/929-1583  
Fax: 805/929-5835

**Amber Wilson**  
**Executive Director**

## INSIDE THE CHAT

- 1 President's Message
- 2 Meet Our Ambassadors
- 3 New and Renewing Members
- 4 2015 Mixer Schedule
- 5 Supervisor's Message
- 7 Business Spotlight
- 9 Community Events
- 12 Flyers
- 27 Networking with the Chamber



## PRESIDENT'S MESSAGE

It's a great time to live on the Central Coast. There's a tangible uptick in business interests in Nipomo with nine new businesses coming to or already here. The American Entrepreneur is a brave soul who steps up and brings a service to the consumer. It can be a frightening, frustrating and very rewarding experience. Kudos to you the business owner who's chasing the American Dream, providing employment to our residents and bringing much needed services to our area. As always the Chamber is here for you to help you market, grow and improve your business. Stop by and see what we can do for you.

Respectfully,  
*Richard Malvarose*

## Platinum Sponsor



**Rabobank**



**Rabobank**



**Rabobank**

## President's Circle



## Major Sponsors



Rotary Club  
of Nipomo



HEALING  
TOUCH  
JULY 2014



**NIPOMO**  
PROPERTIES



**Trilogy**  
at Monarch Dunes



FEDERAL CREDIT UNION



**Santa Maria Refinery**





**FINALLY, Some Rain!**

Turn your irrigation down or off from now until late spring.  
Most landscapes require little or no water in the winter.

**SAVE WATER, SAVE MONEY!**

For tips go to our website: [www.ncsd.ca.gov](http://www.ncsd.ca.gov) or social media   /NipomoCSD



Nipomo Community Services District

FROM  
THE  
NIPOMO  
COMMUNITY  
SERVICES  
DISTRICT

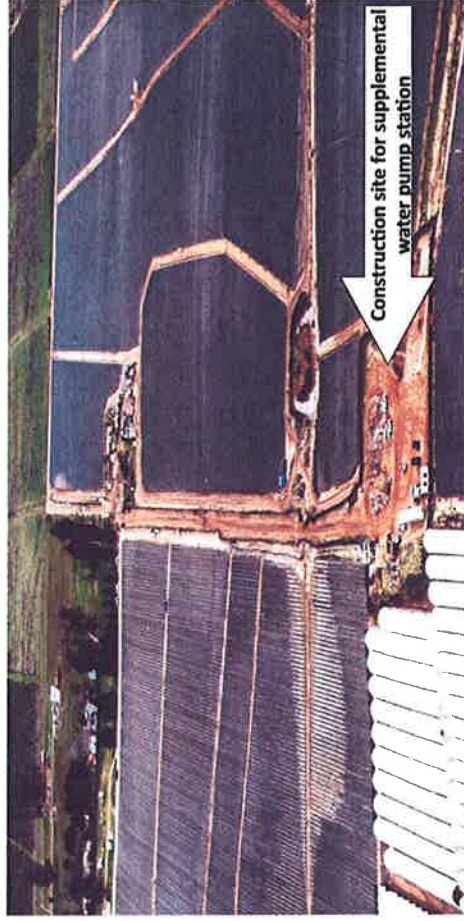


# Nipomo Community Services District

Important information from Nipomo Community Services District ... Issue 9

## Preparing for Supplemental Water

Supplemental water is on schedule for delivery this summer.



Construction site for supplemental water pump station

The District is preparing to increase water supply sources for the first time in its fifty-year history with the construction of a supplemental water supply pipeline. The image above shows construction of our new supplemental water pump station on the south end of the Mesa. Supplemental water will facilitate better management of the local groundwater resource. Currently, groundwater is the only water supply to the District and entire Nipomo Mesa. This new, supplemental supply was previously unavailable and represents a long-term solution that will help balance our groundwater basin and secure our future water supply.

*Continued on pg. 2*

Nipomo Community Services District

148 S. Wilson St., PO Box 326, Nipomo, CA 93444 | 805/529-1133 | info@ncsd.ca.gov | www.ncsd.ca.gov

Contact us at 805-929-1133 | www.ncsd.ca.gov | info@ncsd.ca.gov



148 S. Wilson Ave.  
PO Box 326  
Nipomo, CA 93444

### NIPOMO COMMUNITY SERVICES DISTRICT

#### ELECTED BOARD

- Craig Armstrong, *President*
- Dan A. Gaddis, *Vice President*
- Bob Blair, *Director*
- Ed Eby, *Director*
- Dan Woodson, *Director*

#### STAFF

- Michael S. LeBrun, *General Manager*
- Lisa Bognuda, *Finance Director*
- Peter Sevcik, *Director of Engineering and Operations*
- Jessica Matson, *Public Information Director*



WE WANT TO HEAR FROM YOU!

### How Have You Conserved Water?

The District finished 2014 strong with an over 24% reduction in pumping thanks to the efforts of many! Saving water also saves money! We want to hear how you have saved by cutting back your water use! Write us at info@ncsd.ca.gov and tell us about what you have done.



Additionally, if you have converted your landscape to drought tolerant plants, we would like to hear from you. Send us a picture or simply contact us at info@ncsd.ca.gov. You may be featured in an upcoming District newsletter and other communications.

### Our Website Has Resources for You

#### CONSERVATION TIPS

The District's website provides tips on how to reduce water use at home. Visit [www.ncsd.ca.gov](http://www.ncsd.ca.gov) and click on the "Conservation" quick link in the upper right of the home page.

#### SIGN UP FOR NEWS AND ALERTS

Sign-up on our website to receive meeting, news, and emergency notifications from the District.

#### YOU CAN ALSO CALL OR EMAIL ANY TIME

As always, if you have any questions, concerns, or feedback, we want to hear from you. Feel free to contact us at [info@ncsd.ca.gov](mailto:info@ncsd.ca.gov) or at 805-929-1133.

Go to: [www.ncsd.ca.gov](http://www.ncsd.ca.gov)

Connect with us: /NipomoCSD

# Serving the Community for Fifty Years | 1965 - 2015



## Preparing for Supplemental Water Continued...

District customers are making a significant investment to bring supplemental water to the Mesa. The District desires to protect this investment by ensuring the supplemental water supply results in direct and sustained reduction in urban related groundwater pumping across the Nipomo Mesa.

The District's project will ultimately bring 3,000 acre feet per year of supplemental supply to the Nipomo Mesa. 2,500 acre-feet of the new supply will be used to offset existing groundwater demands to comply with a court order and in hopes of returning our local basin to balance and long-term sustainability. The remaining 500 acre-feet is reserved for planned new development within the District.

The project is progressing on-schedule and is anticipated to be completed by this June with delivery to customers by July.

The District is also preparing to change the method of disinfection used for our water system.

Along with introducing a new source of supply, the District will be changing the method of disinfecting the water supply. In the coming months, watch for more information regarding these changes and what they mean to you.

For updates on the project, visit the District's website at [www.ncsd.ca.gov](http://www.ncsd.ca.gov).



Watch for upcoming information regarding our new supply and the change in the method of disinfection for supplemental water.

## The District Celebrates 50 Years of Service

For fifty years the Nipomo Community Services District has upheld its mission to provide its customers with reliable, quality, and cost-effective services now and in the future.

The District was formed in January 1965 by a group of community leaders who recognized that Nipomo needed to address critical water quality and supply problems. The first elected Board of Directors included William C. Black, Cecil E. Davis, James A. Kitchen, Jim Miller and John R. Mylan.

The District celebrated this milestone with an Open House/Celebration on Wednesday, January 28th and were visited by Assemblyman Katcho Achadjian's office and SLO County 4th District Supervisor Lynn Compton's office. The District also received recognition from Senator Bill Monning and Congresswoman Lois Capps for 50 years of service to the community.

Numerous previous Directors including founding Director Cecil Eugene "Gene" Davis also attended the event.

The public was able to meet their Directors, tour the office, view student conservation posters, and view District history and equipment.

Displays will remain up for the next several months for public viewing. In addition, the public is always welcome to attend Board of Directors meetings which are held the second and fourth Wednesday of every month at 9 AM.



1. Board President Armstrong accepts recognition from Assemblyman Achadjian's office for their service. 2. President Armstrong presents former Directors Vrethling and Harrison with recognitions for their service. 3. General Manager, Michael LeBlond recognizes past Directors and staff for their service. 4. Senator Bill Monning and Congresswoman Lois Capps. 5. NCSO celebrated 50 years of service on January 28th. 6. Staff give information about District equipment.

# FINALLY, Some Rain!

Turn your irrigation down or off from now until late spring.  
Most landscapes require little or no water in the winter.

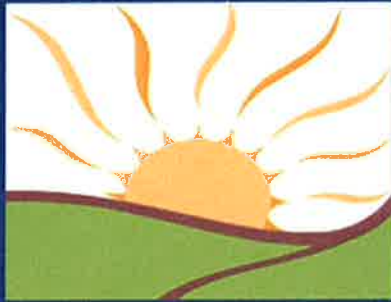
Nipomo Community Services District | [info@ncsd.ca.gov](mailto:info@ncsd.ca.gov) | [www.ncsd.ca.gov](http://www.ncsd.ca.gov)  
Conservation Information, Tips and Rebates at [www.ncsd.ca.gov](http://www.ncsd.ca.gov)



#NipomoCSD

**Jessica Matson**

**From:** Nipomo Chamber of Commerce <info@nipomochamber.org>  
**Sent:** Tuesday, March 03, 2015 3:51 PM  
**To:** Jessica Matson  
**Subject:** Monday News, March 3 - On Tuesday! 2015



**Nipomo**  
CHAMBER OF  
COMMERCE



Richard Malvarose  
Chamber President  
Nipomo Properties

**Monday News**

**March 3, 2015**

**Nipomo Chamber**  
**March Mixer**

**Thursday, March 12th**  
**5:00-7:00pm**

**@**

**Nipomo Chamber of Commerce**  
**239 W. Tefft St.**

**Hosted by**  
**Well's Fargo Bank**

***Come mingle and network with community leaders and business partners and enjoy refreshments, door prizes, good friends and fun.***

**Chamber Hours**

Monday through Friday  
9 am to 5 pm

239 W. Tefft St.  
Nipomo, CA 93444

Office: 805.929.1583  
Fax: 805.929.5835

[info@nipomochamber.org](mailto:info@nipomochamber.org)

**For Info Contact:**

Amber Wilson  
Executive Director  
[amber@nipomochamber.org](mailto:amber@nipomochamber.org)

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Centers**

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# FINALLY, Some Rain!

Turn your irrigation down or off from now until late spring.  
Most landscapes require little or no water in the winter.

**SAVE WATER, SAVE MONEY!**

For tips go to our website: [www.ncsd.ca.gov](http://www.ncsd.ca.gov) or social media



NIPOMO  
Nipomo Community  
Services District

**Now Accepting Auction**

# OPINION

## Civil discourse necessary for democracy to work

March is Women's History Month, and this year also marks the 95th anniversary of the League of Women Voters.

The League of Women Voters of San Luis Obispo County joins nearly 800 local and state league chapters in honoring this milestone for the national league.

Ninety-five years after the league's founding, our members are proud of the progress it has made in making democracy work.

The League of Women Voters was founded by Carrie Chapman Catt in 1920, six months before the 19th Amendment granting women the right to vote in federal elections was ratified.

The league began as a "mighty political experiment" designed to help 20 million women carry out their new responsibilities as voters.

It soon became clear that men, too, could benefit from the league's efforts to encourage the informed and active participation of citizens in government.

From the beginning, the league has been dedicated to improving the voting process, promoting voter participation and protecting the right to vote for

### GUEST COMMENTARY

MARILEE HYMAN  
PRESIDENT, LEAGUE OF WOMEN  
VOTERS OF SAN LUIS OBISPO COUNTY

all citizens.

That work continues today. We support expanded early voting and online voter registration, and we challenge all efforts to limit the ability of voters to exercise their basic right to vote.

We oppose voter photo ID laws, barriers to voter registration and efforts to limit polling places or voting times to discourage voting.

We work to modernize and streamline the voting process and ensure compliance with the Voting Rights Act and the National Voter Registration Act.

To guarantee each citizen's vote has value, we support independent redistricting to ensure voting districts are not drawn to benefit or disadvantage one party or constituency.

We support campaign finance reform and the regulation of big money in elections so that voters can have confidence in the integrity of our democratic

process and be assured that our elections are fair, free and accessible.

The League of Women Voters of San Luis Obispo County is more than 50 years old. Since 1962, we have provided voter service and educational programs to enable voters to make informed decisions at election time and to educate the public on issues important to the well-being of our communities.

Our candidate forums and pros and cons on ballot measures provide an opportunity for voters to get unbiased information as they prepare to vote.

Beginning this year, we have a new initiative — an effort to promote civil discourse at public meetings and in political discussion.

Like many of our fellow citizens, we are unsettled by the closed-mindedness and even anger we sometimes see in public discourse.

We are concerned that we aren't listening to each other, that we aren't coming together to solve our common problems and that the ability of our public institutions to serve our communities is being undermined as a result.

We believe that by adhering to basic rules of civil discourse we can improve our government and society and be more effective in addressing our problems.

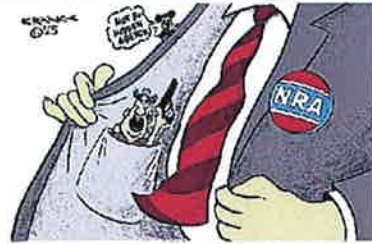
We are committed to encouraging communication that is characterized by mutual respect, fairness and attentive listening in which all participants have a right to speak and a right to be heard.

You will soon see us at public meetings urging calm, polite and respectful speech and behavior.

Expect to see more voter service, educational programs and advocacy on the issues we care about — all presented in a nonpartisan, dispassionate and resolutely civil way.

Shell Beach resident Marilee Hyman has been president of the League of Women Voters of San Luis Obispo County since 2013. For more information, call the league office at 782-4040 or visit [www.slwcv.org](http://www.slwcv.org).

### KRANKY



CONCEALED CARRY

### LETTERS TO THE EDITOR

#### Is nuclear power really 'green'?

How "green" is nuclear power? Here are some facts: The mining, milling, refining and enriching of uranium is extremely carbon-intensive.

Building a nuclear plant, at least a six- to eight-year process, requires massive excavation and hundreds of thousands of tons of concrete and steel, very carbon-intensive processes.

Storing nuclear waste for thousands of years requires ungodly amounts of carbon input.

The once-through cooling system at Diablo Canyon Power Plant uses 2.5 billion gallons of Pacific Ocean water daily, discharging it back into the ocean at 18 to 20 degrees warmer than the ambient ocean temperature, adding to the net increase of ocean water temperature and, hence, contributing to global warming.

The 2,100 metric tons of highly radioactive nuclear waste that are stored at Diablo Canyon have nowhere to go — the waste is slated to be stored on site at the intersection of at least 13 earthquake faults (three of them major, active faults) for up to 600 years.

The waste, if not cooled properly, could catch fire and cause an uncontrolled release of radiation across 4,500 square miles of California, contaminating

everything in its path and causing trillions of dollars in damage to our state.

Nuclear power plants need electricity from the grid to run into the plant in order to prevent a nuclear meltdown.

Many people think that nuclear power plants can run independently of the grid. It's just not so. The electricity flowing into the plant is what keeps the critical backup safety systems running.

If there were a long interruption of service to the grid, we would all be toast.

"Green" nuclear energy? I don't think so.

Linda Seelye

SAN LUIS OBISPO MEMBER FOR PUBLIC AFFAIRS, SAN LUIS OBISPO

#### Protesting manipulation of our dunes

It seems those in power have struck again, this time in the form of limiting entrance to our beach, Oceano Dunes State Vehicular Recreation Area.

As of Feb. 15, the Coastal Commission, at the behest of the power elite, has limited entrance to all wishing to recreate on our beach to a ridiculous fraction of what it was before.

There are numerous reports of Californians and many other vacationers on social media being turned away because of this ongoing debate about

airborne particulates, sand drift, the snowy plover and, of course, the Sierra Club, which monopolizes our court system with frivolous lawsuits, all in the name of conservation.

This is all a ploy to backlog an already overburdened system of checks and balances. Air quality here next to our ocean has been and continues to be ever-changing.

Flora that's been artificially introduced in and around the dunes in the hopes of cutting down sand drift changes wind direction and creates different turbulence,

which kicks up more sand and deposits it where it wasn't before.

Scientific speculation about wind drift patterns are only that — and take years to graph — and are useless, as our weather is in constant change.

Our dunes are being manipulated to the satisfaction of those who wish to eradicate all automobile traffic.

That is unsound, self-serving and politically charged and would destroy our local economy, all in the name of conserving something that has been in existence for thousands of years.

Man creates and man destroys, which is what's happening here.

Al DeLeon  
SAN LUIS OBISPO  
GUARDIAN

### RUBES



"Dude, you should really try this. You're much too high-strung."

**SOLD**

Beautiful Home in Foxenwoods Estates With Attached & Permitted Guest Quarters! Pride of Ownership Throughout This Expansive Property With 5 Bedrooms, 4 Baths, 3355 Sq Ft, Private & Lush Backyard Entirely On Drip System, Many Upgrades, New Spacious Deck! \$645,000!

**Diane Adams**  
805.570.9099  
LIC #01103806

**LARGE CHERRYWOOD ESTATES** home offers 4 bedrooms (3 as per law records), 3 baths, and a 3 car garage. Centrally located in Santa Maria making it close for shopping, schools and freeways. Perfect family home or for any buyers looking for space.

**Yolanda Perez**  
(805) 748-7514  
BRE#01741813

**Do You Need Some Quiet?**

Then head world out there isn't it? Sometimes there is so much noise, inside and outside, that I can hardly hear myself think. There is the noise of the sad world news, the noise of family and work demands. There is always something. Maybe, down deep, you just long for a moment of quiet in the holy. Do you long for something bigger and finer and stronger than you? If you would like to feel a little peace and beauty join us Thursdays at 6:00 p.m. for a service of evening prayer, candle lighting, song and replenishment. No preaching, just being. I'm Eugenia Gamble, I'm the pastor and I'd love to meet you.

St. Ann's Community Presbyterian Church  
2315 Thompson St.  
423.8079 nipomocpresby2@npsd.org

**FINALLY, Some Rain!**

Turn your irrigation down or off from now until late spring. Most landscapes require little or no water in the winter.

**SAVE WATER, SAVE MONEY!**

For tips go to our website: [www.ncsd.ca.gov](http://www.ncsd.ca.gov) or social media @nipomocSD

**Nipomo Community Services District**



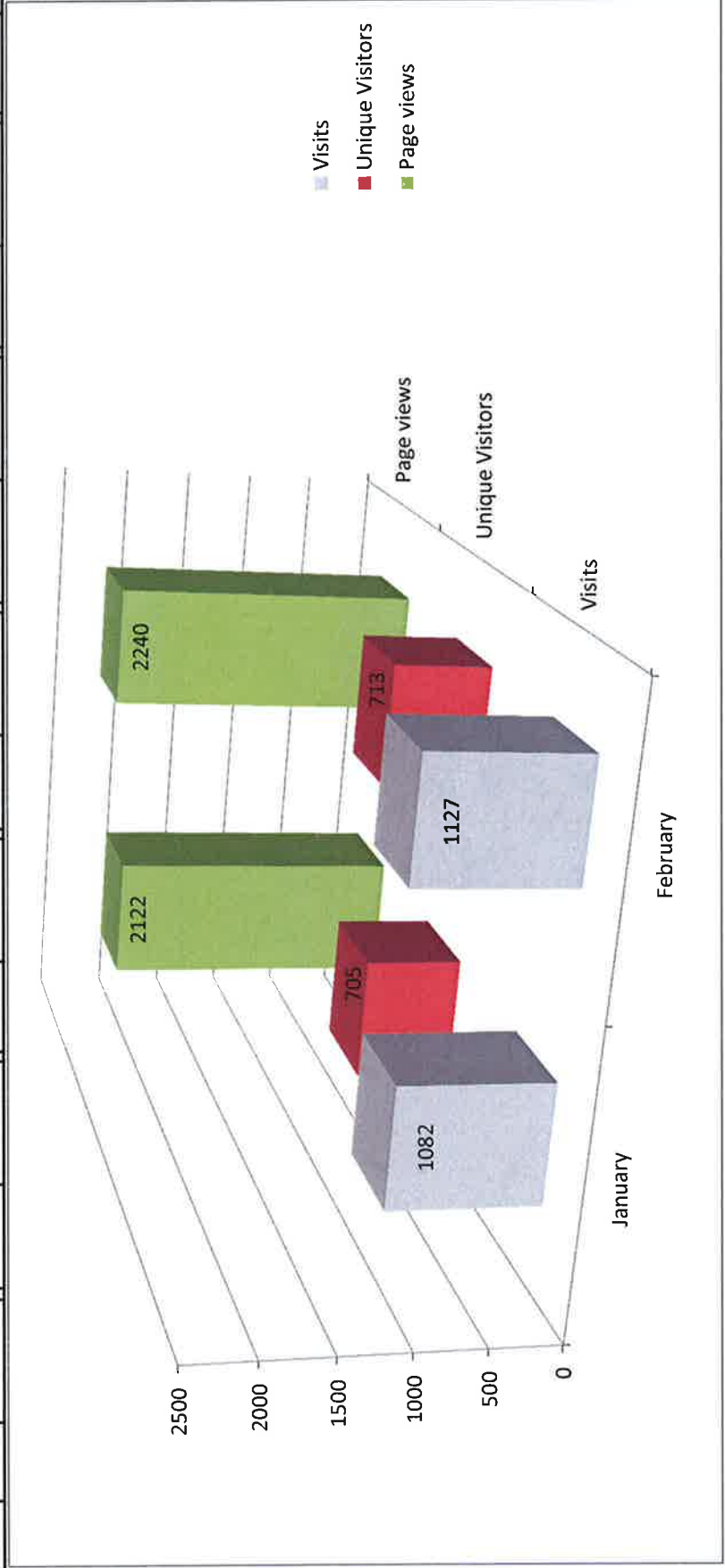
## 2015 Website Traffic Summary

Week	Visits	Unique Visitors	Pageviews	Pages/Visit	Avg. Visit Duration	Bounce Rate	% New Visits	Highest Traffic Day	Significant Actions During the Week Possibly Contributing to Traffic
12/29/14 - 1/4/15	163	116	324	1.99	0:01:37	58.28%	52.15%	Wed 12/31	Low due to holiday
1/5/15 - 1/11/15	303	211	604	1.99	0:01:31	56.77%	50.17%	Mon 1/5	
1/12/15 - 1/18/15	234	165	458	1.96	0:01:32	51.28%	50.85%	Tue 1/13	
1/19/15 - 1/25/15	249	190	450	1.81	0:01:40	58.23%	53.82%	Fri 1/23	
1/26/15 - 2/1/15	253	190	518	2.05	0:01:42	51.78%	56.92%	Wed 1/28	
2/2/15 - 2/8/15	296	213	599	2.02	0:01:36	59.46%	46.96%	Mon 2/2	
2/9/15 - 2/15/15	255	184	493	1.93	0:01:12	54.51%	52.55%	Mon 2/9	
2/16/15 - 2/22/15	316	225	595	1.88	0:01:34	57.28%	49.05%	Tue 2/17	
2/23/15 - 3/1/15	251	182	525	2.09	0:01:53	48.61%	49.80%	Tue 2/24	



### Website Traffic Summary

2014	Visits	Chg from Prev Mo	Unique Visitors	Chg from Prev Mo	Page views	Chg from Prev Mo	Pages/Visit	Chg from Prev Mo	Avg. Visit Duration	Chg from Prev Mo	Bounce Rate	Chg from Prev Mo	% New Visits	Chg from Prev Mo
January	1082		705		2122		1.96		0:01:35		54.34%		52.77%	
February	1127	4.16%	713	1.13%	2240	5.56%	1.99	1.53%	0:01:35	0.00%	55.37%	1.90%	49.42%	-6.35%
March														
April														
May														
June														
July														
August														
September														
October														
November														
December														



2015 Social Media Summary

FACEBOOK

Week	New Users	Comment Likes	Comment Shares	User Posts	*Content Views	Most Popular Post
2014	19					
12/5/14 - 1/8/15	4	2	0	0	NA	
1/9/15 - 2/5/15	2	4	0	0	NA	
2/6/15 - 2/19/15	2	2	0	0	NA	
2/20/15 - 3/5/15	3	4	0	0	NA	

\*data will be available after 30 users

TWITTER

Week	New Followers	Re-tweets (shared)	Mentions (comments)	Link Visits (visits to links)	Content Views (Impressions)	Most Popular Post
2014	30					
12/5/14 - 1/8/15 (28 day period)	7	4	0	8	1,100	Options for disposing of your tree... <a href="http://fb.me/1o4KKY5dO">http://fb.me/1o4KKY5dO</a> (97 views) We hope you are yours had a great Christmas! As a reminder, the office is closed today and will reopen Monday at 8 AM. (84 views)
1/9/15 - 2/5/15 (28 day period)	5	5	6	6	980	Your Monday tip has to do with MULCH! #savewater savemoney #everydropcounts (68 views) A lot of works goes into making sure your water is safe. Here's a fun video of people drinking sewage water for... <a href="http://fb.me/7m0RQqjUd">http://fb.me/7m0RQqjUd</a> (148 views)
2/6/15 - 2/19/15 (14 day period)	3	0	0	5	699	We'll take the rain but the storms did not provide us enough to ease drought symptoms. In January, District... <a href="http://fb.me/3ADhXucdM">http://fb.me/3ADhXucdM</a> (35 views)
2/20/15 - 3/5/15 (14 day period)	3	0	0	4	555	Ever wondered who your District's staff are? The friendly faces of NCSD (picture of staff) (31 views)

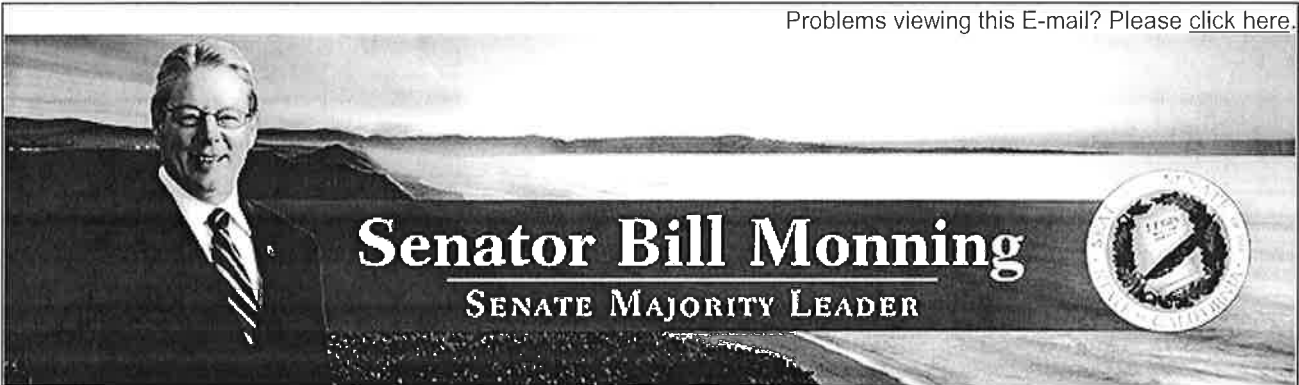
March 11, 2015

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ATTACHMENT D

**From:** Senator.Monning@outreach.senate.ca.gov  
**Sent:** Thursday, March 05, 2015 4:11 PM  
**Subject:** Senator Monning's Spring Newsletter

Problems viewing this E-mail? Please [click here](#).



## **SPRING 2015 NEWSLETTER**

Dear Friends:

Members of the state Senate introduced a package of legislative proposals that will strengthen California's leadership in the development and support of clean-energy. The proposals include the establishment of historic benchmarks for pollution reduction, energy efficiency, and petroleum use that will spur innovation and investment and maintain California's lead in creating jobs in the advanced energy sector.

Senate Bill (SB) 32 (Pavely) sets an overarching climate pollution reduction target of 80 percent below 1990 levels by 2050 and identifies priorities to guide implementation. This target is guided by science and this bill provides the flexibility to adjust strategies to meet the target based on changing technological and economic conditions.

SB 350 (De León-Leno) would reduce petroleum use by 50 percent, have 50 percent of electricity come from renewable sources, and increase energy efficiency in all existing buildings by 50 percent, by the year 2030. State agencies and energy providers are already making steady progress toward these goals and setting these new "Golden State Standards" will allow them to marshal resources more effectively to help all Californians. These new targets will create incentives to invest in technologies and infrastructure that create a sustainable future for our communities and expand the market for clean-energy industries.

Keeping the focus on building the new economy of the future, SB 189 (Hueso) proposes a high-level expert Committee to advise and inform state clean energy and climate actions to ensure maximum job creation and economic benefits to all Californians.

SB 185 (De León) ensures that the state's largest public pension funds also keep their focus on the future and lead by example through moving investments beyond coal. With coal power in retreat and the value of coal dropping, massive state portfolios should be moved to lower carbon investments and reflect the values of the next generation.

To learn about any of these measures, visit the California State Legislature website at: <http://www.legislature.ca.gov/>.

## CAPITOL NEWS

### **SB 128: End of Life Options Legislation Introduced**

At the end of January, I introduced Senate Bill (SB) 128 which would establish the End of Life Options Act in California, modeled after Oregon's Death with Dignity Act (1997). The bill would allow a mentally competent, terminally ill adult in California in the final stages of life to request aid-in-dying medication from a physician. Terminally ill individuals would be granted the right to obtain a prescription from their physician for medication to be self-administered after two physicians confirm a prognosis of six months or less to live, a written request and two oral requests for the medication are made a minimum of 15 days apart, and two witnesses attest to the request. The two physicians must also confirm that the patient making the request is mentally competent to personally make health care decisions. Participation by physicians, pharmacists, and health care providers would be voluntary.



*Senator Monning with coauthor Senator Wolk (right) and Assemblymember Talamantes-Eggman.*

### **SB 203: Warning Labels on Sugary Drinks**

On February 11, 2015, I introduced Senate Bill (SB) 203, which would require health warning labels on sugary drinks, such as sodas, sweet teas, sports drinks, and energy drinks. The proposed warning label would be placed on the front of containers or at the point of purchase for beverages with added sweeteners that have 75 or more calories per 12 ounces and read: **STATE OF CALIFORNIA SAFETY WARNING: Drinking beverages with added sugar(s) contributes to obesity, diabetes, and tooth decay.** Our experience educating the public about the dangers associated with tobacco has proven that warning labels are an effective method of informing consumers of the scientifically known health risks associated with a widely available product. SB 203 will help consumers make more informed decisions about their sugary beverage purchases and consumption.

## DISTRICT NEWS

### **Annual Mid-State Fair Board Dinner**

I had the opportunity to congratulate the individuals honored at the Paso Robles Mid-State Fair Board dinner. The preparation and planning for the 12-day event in Paso Robles every July is extensive, especially considering the Mid-State fair is one of the largest in the California. In 2014, the Mid-State Fair won the State's 150th Anniversary State Parks display contest. It was an honor to be a part of an evening where we all came together to celebrate agriculture, recreation, and community.



*Senator Monning with John Shoals, Grover Beach Mayor (left); Steve Martin, Paso Robles Mayor (left middle); and David Baldwin, Member of the Mid-State Fair Board (right).*

### **Arts Council for Monterey County JUMP StArt Gallery**

In early February, the Arts Council for Monterey County hosted the artwork of incarcerated youth who participated in the Juveniles Utilizing Massive Potential Starting with Arts (JUMP StArts) program. The Arts Council for Monterey County is one of seven organizations in California that receives funds from a JUMP StArt grant. These grants help to teach and educate incarcerated juveniles in a variety of artistic mediums. The art pieces were incredibly moving and inspiring.

### **Arana Gulch Multi-Use Trail Ribbon Cutting**

In mid-January, the Santa Cruz community gathered to celebrate the Arana Gulch Multi-Use Trail Project that was in the making for over 20 years. The bridge at Hagemann Gulch and the causeway at Arana Creek are now complete and open to the public. This new multi-use resource will provide a safe connection for pedestrians and bicyclists traveling between the east and the west sides of town. Congratulations on this momentous achievement!

Thank you for taking the time to read my newsletter.

Sincerely,

**Bill Monning**  
Senator, 17th District

**California State Senator Bill Monning - 17th Senate District**

**Web site:** <http://sd17.senate.ca.gov/>

**Contact:** [Senator Bill Monning](#)

**Capitol Office**  
State Capitol,  
Room 313  
Sacramento, CA  
95814  
(916) 651-4017

**Monterey District  
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Monterey, CA 93940  
(831) 657-6315

**San Luis Obispo  
District Office**  
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Suite 201  
San Luis Obispo, CA  
93401  
(805) 549-3784

**Santa Clara Satellite  
Office**  
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Suite A  
Gilroy, CA 95020  
(408) 847-6101

**Santa Cruz District  
Office**  
701 Ocean St.  
Suite 318A  
Santa Cruz, CA  
95060  
(831) 425-0401



**CALIFORNIA SENATE  
MAJORITY CAUCUS**

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**Update Email**

March 11, 2015

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ATTACHMENT E



# Looking Below the Surface

By Michael R. Cobden

Water policy wonks sometimes joke that California enacts comprehensive water legislation about every hundred years. Surface water — lakes, rivers, and streams — has been regulated under legislation adopted in 1914. Last year, the Legislature made California the last Western state to regulate groundwater in underground basins or “aquifers.” Although the legislation is not comprehensive — it applies only to some aquifers — it is nonetheless significant, and if the model survives implementation, we can expect it eventually to be applied to all groundwater in the state.

The 2014 groundwater legislation is three bills: A.B. 1739 (Dickinson, D-Sacramento), S.B. 1168 (Pavley, D-Agoura Hills) and S.B. 1319 (Pavley). In contrast to centralized regulation of surface water by the State Water Resources Control Board (SWRCB), the Legislation regulates groundwater through local “groundwater sustainability agencies” (GSAs). The Legislation applies to some 400-plus basins identified in the Department of Water Resources Bulletin 118; adjudicated basins are exempt. Fifteen agencies are statutorily designated as “exclusive” GSAs for their basins. Counties, cities and water agencies elsewhere should identify the basins which underlie their jurisdictions or affect their water supplies and identify potential stakeholders. Cities and counties may participate in groundwater

management whether or not they operate water utilities.

A GSA is either a single agency designated to regulate a basin or a joint powers agency (JPA) formed by several agencies interested in a basin. There may be more than one GSA for a basin, but their management areas may not overlap. The management area of a GSA is determined in part by the notice a prospective GSA sends to the SWRCB and publishes before formation. If any part of a basin is not regulated by a GSA, the county is the default GSA for that area. Thus a basin may have multiple GSAs, formed by counties, cities, water districts or JPAs of these agencies.

Although the Legislation is not clear, it appears a GSA may claim an entire basin as its management area, whether or not it or its members otherwise have jurisdiction over that whole area. Thus a single local agency could elect to serve as a GSA governing a basin overlaid by others and regulate its neighbors’ groundwater production. There is no requirement a proposed GSA admit to a JPA agencies that have a stake in the management of groundwater in the GSA’s boundaries. While most basins will likely identify GSAs via collaboration, we expect disputes in at least some cases. These will be resolved in court unless the Legislature responds with further legislation. If no local GSA is formed for a basin by January 2017, the State Department of Water Resources will to regulate that basin.

Once designated, GSAs have substantial authority to regulate or suspend groundwater pumping, limit well-drilling, and impose fees and penalties, among other powers. (A more detailed article on the fee power of cities, counties and GSAs under the Legislation appears on page 3 of this newsletter.) GSAs must develop groundwater sustainability plans to identify basin conditions and safe yields and to plan to manage groundwater extractions through monitoring, regulation, and fines.

Plautus reminds us that “it is wretched business to be digging a well just as thirst is mastering you.” (Mostellaria II, 1, 32.) Our fourth year of severe drought brings a “dismally meager” snowpack and many of our aquifers in overdraft, with significant subsidence in some. This will make it challenging to establish a new groundwater management regime without conflict. We recommend that every city and county overlaying an eligible basin and every water provider with an interest in the groundwater resources of those basins begin immediate talks with stakeholders to ensure itself a seat at the GSA table. Further developments are likely, so stay tuned.

♦♦♦

For more information on this topic, contact Michael at 530/798-2416 or [mcobden@chwlaw.us](mailto:mcobden@chwlaw.us).

# Tax & Fee Class Actions on the Rise

By Holly O. Whatley

For decades, California courts interpreted California law to bar class action suits for refunds of local taxes. Individual refunds claims, of course, were allowed; as were suits to obtain prospective relief to end or correct an allegedly unlawful tax or fee. But the California Supreme Court's decisions in *Ardon v. City of Los Angeles* (2011) and *McWilliams v. City of Long Beach* (2013) changed that landscape. Together, these decisions make claims for local tax refunds subject to the Government Claims Act, regardless of any contrary local charter provision or ordinance. And the Government Claims Act allows class actions for refunds of local (but not State) taxes, assessments, fees and other revenues.

The class action plaintiffs' bar has responded to this invitation. Since *McWilliams* was decided in 2013, a flurry of class actions have been filed against local agencies around the state seeking tax or fee refunds, including several in the last 12 months seeking telephone tax refunds. Several class actions have also been filed seeking refunds of allegedly unlawful public utility rates — particularly water rates, given the developing case law under Propositions 218 and 26 for retail and wholesale agencies, respectively. Even the Howard Jarvis Taxpayers Assn., which historically pursued its impact litigation agenda through suits for prospective relief and attorneys' fees, has entered the fray — most recently with a class challenge to a city's water rates for extra-territorial customers.

While this trend is ominous news for local agencies and those who depend on them for services, local agencies have options to defend and resolve class actions that are unavailable to private entities. First, class claims remain subject to the Government Claims Act, which means that any refund claims should be limited to one year before a claim is filed. Second, class representative still must submit a written claim to the agency before filing suit. This gives agencies

an early opportunity to consider refunds or other actions to reduce exposure and to avoid litigation if possible or, at least, to reduce the scope of any resulting suit. Counsel should carefully review such an approach to determine how it will affect any class suit that may follow. Finally, if a local agency opts to settle and to pay refunds, it is much more likely that a court will approve the return of any unclaimed amounts to the agency for its use to benefit its residents rather than the more typical requirement for private entities to pay such funds to a non-profit entity closely tied to the interests of the class (a so-called "cy pres" payment). This is because the local agency is itself a social benefit organization required to expend its revenue for public benefit.

The broader lesson of these cases is that the risk of challenge to agency rate-making is now markedly higher. Local governments of all sorts are well advised to review their revenues, identify any risks — such as post-1986 taxes not approved by voters and rates not made on the basis of a strong rate-making record reviewed by capable counsel — and find ways to mitigate them. It is no longer wise to keep one's head down and hope that defects in your revenue portfolio go unnoticed.

In short, though the State gives itself statutory immunity from class action tax and fee refund claims, local agencies are at risk. The trend, particularly over the last year, demonstrates that cities, counties and special districts must now expect suits challenging local taxes and fees to include class refund claims and should prepare to deal with the unique, complex, procedural and substantive issues that class treatment raises — at least until the Legislature sees fit to extend to local agencies the same protection from class claims the State enjoys!

♦♦♦

For more information on this topic, contact Holly at 213/542-5704 or [hwhatley@chwlaw.us](mailto:hwhatley@chwlaw.us).

## Welcome, Pamela Graham!

Pamela Graham joins CH&W as Senior Counsel in our Los Angeles office as a member of our litigation team. Her practice covers a wide range of litigation, including land use, employment law, municipal finance and public revenues, and general contract disputes.

Pamela brings over 12 years' experience litigating complex commercial matters. Prior to joining CH&W, she practiced at Irell & Manella LLP for 7 years and at Drinker, Biddle & Reath LLP for 5. There, Pamela represented clients in entertainment, retail, and other industries in a variety of matters, including business torts, employment disputes, securities fraud, and trademark and copyright litigation. She has broad experience in both state and federal courts, handling all phases of litigation from pleading to appeal. She has successfully defended a number of jury and bench trials.

Pamela earned her law degree *magna cum laude* from Loyola Law School in 2001. She served as the Chief Production Editor of the Loyola of Los Angeles Law Review. She received the Dean's Academic Scholarship from 1999 to 2001, as well as the First Honors Award in legal research and writing, torts, and federal courts. Pamela earned her B.A. in journalism and mass communication and political science from the University of North Carolina at Chapel Hill in 1996.

Immediately following law school, Pamela served as a law clerk to the Honorable Ronald S.W. Lew of the United States District Court, Central District of California.

Welcome, Pamela!

# Groundwater Law Allows New Fees

By Michael G. Colantuono

New groundwater legislation gives local government new revenue authority — and new bills to pay. A.B. 1739 (Dickinson, D-Sacramento), S.B. 1168 (Pavley, D-Agoura Hills), and S.B. 1319 (Pavley) establish a new groundwater management regime in California. This legislation is of vital interest to all California local governments — including all cities and counties whether or not they provide water service. It will affect water service, land use, and revenues. A summary of the law appears on the cover of this newsletter; our concern here is with fees.

GSA's will monitor and regulate groundwater use in hundreds of groundwater basins around the State. They will fund their work with service fees on groundwater wells, expressly subject to Proposition 218, and regulatory fees subject to Propositions 13 and 26. Under these measures, GSA fees may not exceed the cost of service and no class of customers may be obliged to subsidize another.

**SERVICE FEES.** Local agencies engaging in groundwater management before a GSA is designated may impose service fees and they and GSA's may impose such fees until a groundwater sustainability plan (GSP) is adopted. Agencies which are members of multi-agency GSA's may also impose such fees. Service fees may recover all a GSA's costs, including administration, operation, maintenance, property acquisition, supply, treatment, and distribution of water.

**REGULATORY FEES** "including, but not limited to, permit fees and fees on ground water extraction or other regulated activity, to fund the costs of a groundwater sustainability program, including, but not limited to, preparation, adoption, and amendment of a groundwater sustainability plan, and investigations, inspections, compliance assistance, enforcement, and program administration, including a prudent reserve" are allowed.

GSA's may impose fees to recover the cost to meter wells and fees on a "state or local agency that extracts groundwater".

Regulatory fees may recover a closed list of GSA regulatory costs: preparation, adoption, and amendment of a GSP, as well as investigations and enforcement. GSA regulatory fees may be property related fees subject to Proposition 218, limited to cost. Those not subject to Proposition 218 will be subject to Proposition 26 unless an exception applies. Proposition 26's exception for regulatory fees also limits fees to cost of service.

The Legislature recognized GSA's must gather and analyze information to construct fees that comply with the constitutional cost-of-service limitation and expressly granted them the power to do so. It has also recognized the need for due process in setting fees and for dispute resolution.

**STATE FEES.** The Legislation also authorizes the State Water Resources Control Board (SWRCB) to impose fees to recover its regulatory costs for groundwater management and dispute resolution and expressly subjects its fees to Proposition 26. SWRCB functions under the Legislation include review of groundwater production reports, preparing GSP's if local governments fail to do so, and resolving groundwater rights disputes.

**FINES AND PENALTIES.** Both GSA's and the SWRCB can impose fines and penalties, which are not limited to cost of service of service or regulation.

Plainly, the ambitious project to make California the last Western state to regulate groundwater means a substantial expansion of local government and new burdens on the SWRCB. Those efforts will be funded by fees on groundwater use. Thus, local agencies which wish to be GSA's and those which use groundwater will need rate-making expertise. That includes consultants and legal counsel to assist in rate-making, enforcement, and to resolve disputes.

This will be a fast-developing area, as GSA's must be designated by 2017 and

plans adopted by 2020 for priority basins and 2022 for other basins. As always, we'll keep you posted!

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## Fee Cases On the Horizon

Several important rate-making cases will be decided in early 2015. The Sacramento Court of Appeal found Redding's payment in lieu of taxes (PILOT) from its electric utility to its general fund not to be grandfathered by Proposition 26 because it was adopted by budgets, which expire. It remanded the case to the trial court so the City may cost-justify the PILOT. Both parties sought rehearing and the City Council has authorized a petition for review by the California Supreme Court.

A case testing San Juan Capistrano's tiered water rates was argued January 20th. Argument suggested the Orange County Court of Appeal may find the rate-making record insufficient to justify the fees. Decision in this closely watched case is due by April.

Due in March is a decision in Ventura's successful Proposition 218 challenge to groundwater charges of the United Water Conservation District requiring municipal and industrial water users to pay three times what agriculture pays. A decision of the Ventura Court of Appeal is due by early March.

Another groundwater case under Proposition 218 involving the Santa Clara Valley Water District is set for argument this month in the San Jose Court of Appeal. Decision will be due in May.

Plainly, 2015 is starting with a bang in the law of rate-making. For now, rate-makers do well to get good counsel when making rates. Change is coming, so stay tuned!

♦♦♦

*For more information on this subject, contact Michael at 530/432-7357 or [mcolantuono@chwlaw.us](mailto:mcolantuono@chwlaw.us).*

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March 11, 2015

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ATTACHMENT F

## **Water rate hike OK'd for valley homes, businesses (Las Vegas)**

Julie Jacobson / AP

By Conor Shine

Tuesday, March 3, 2015 | 11:21 a.m.

Water rates are going up for valley homes and businesses to help pay for a new \$650 million pumping station that will keep water flowing into Las Vegas, even as Lake Mead shrinks.

The Clark County Commission, sitting as the board of the Las Vegas Valley Water District, voted today to approve a fixed surcharge to water bills based on the size of the customer's water meter.

The average homeowner will see monthly bills increase by \$2.41 starting in 2016, with an increase of \$3.61 per month in 2017 and \$4.81 in 2018.

The added revenue will be used to help pay for the new pumping station at Lake Mead that will work even if lake elevation levels drop below 1,000 feet.

The project is a complement to the \$817 million third intake straw being built at the lake to allow water to be drawn into the pumping station from lower elevations than the existing two intake straws.

The majority of construction on the third intake was completed in December, and the structure is expected to be operational this summer.

Water levels at Lake Mead are at 1,089 feet of elevation and could drop as low as 1,066 feet over the next two years, according to projections from the Bureau of Reclamation.

The lake level has been declining because of a severe drought over the last 15 years, and officials fear it could plunge further if the drought continues.

The need for a new pumping station and the proposed rate increase to pay for it were endorsed by a citizen-led committee of business and community leaders organized by the Southern Nevada Water Authority.

The rate increases still need to be approved by water districts in North Las Vegas, Henderson and Boulder City.

The hike comes after a separate increase to pay off construction debt on the third intake straw and other projects was approved in 2013. That increase will add \$5 to residents monthly water bills by 2017.

County Commissioner Steve Sisolak said he thought the rate increases were justified. "Rate increases are always difficult, but sometimes they're necessary," he said.