

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER

FROM: WHITNEY MCDONALD
DISTRICT COUNSEL

DATE: JANUARY 3, 2019

AGENDA ITEM
E-1
JANUARY 09, 2018

**ADOPT ORDINANCE AMENDING
NIPOMO COMMUNITY SERVICES DISTRICT CODE CHAPTER 3.24
REGARDING WATER CONSERVATION REQUIREMENTS**

ITEM

Adopt an ordinance amending Chapter 3.24 of the Nipomo Community Services District ("District") Code regarding the District's Water Conservation Requirements. [RECOMMEND READ FULL TITLE, WAIVE FURTHER READING OF THE ORDINANCE, ADOPT ORDINANCE, AND DIRECT DISTRICT COUNSEL AND STAFF TO PREPARE AND PUBLISH SUMMARY OF ORDINANCE PER WATER CODE SECTION 376.]

BACKGROUND

At your Boards December 12, 2018 Board Meeting, staff introduced an ordinance amending District Code 3.24 regarding the water conservation requirements. Your Board is required to have a second reading of the proposed ordinance amendment per Government Code Section 25131. This staff report addresses the Government Code requirement.

In 2008, the Nipomo Community Services District ("District") Board of Directors adopted Resolution 2008-1069, a Water Conservation Program ("Conservation Program") that recognized and addressed the need for conserving water within the District. Subsequently, in 2014 the District adopted Resolution 2014-1336, Water Shortage Response and Management Plan ("WSRMP") that incorporated water conservation measures. The Board, at its discretion, reserved the right to order or not order those water conservation provisions within the WSRMP based on the condition of the Santa Maria Valley Groundwater Basin ("Basin") under the Nipomo Mesa.

In July 2015, the District began importing water onto the Nipomo Mesa through the Nipomo Supplemental Water Project ("NSWP"). At the time the Board adopted the resolutions regarding the Conservation Program and the WSRMP, the District relied exclusively on groundwater from the Basin. Much of the language in the Conservation Program and the WSRMP was drafted to manage the limited groundwater supply. With the addition of imported water through the NSWP, the District desires to update both the Conservation Program and the WSRMP. However, the amendments to District Code Section 3.24 being proposed at this time are specific only to the Conservation Program. The WSRMP resolution modifications will be addressed separately at a later date.

The proposed amendments to District Code Chapter 3.24 will clarify the effect and force of the District's Conservation Program. The amendment codifies the District's Conservation Program, where previously these water conservation requirements were adopted through resolution. Of significance, the amendment separates the District's Conservation Program from the WSRMP,

an action needed as the District continues to increase its reliance on imported water through the NSWP.

At a minimum, the District will be at Stage I of the Conservation Program at all times, a voluntary level of water conservation. With the proposed amendments to Code Chapter 3.24, the District can implement conservation measures consistent with the Nipomo Mesa Management Area Technical Group's recommendations as the District increases imported water.

FISCAL IMPACT

The amendments to the Code are consistent with current water conservation program costs. There is no fiscal impact to the District other than time spent developing the ordinance which is included in the District's annual budget.

STRATEGIC PLAN

Goal 1. WATER SUPPLIES. Actively plan to provide reliable water supply of sufficient quality and quantity to serve both current customers and those in the long-term future.

RECOMMENDATION

It is recommended that your Board conduct the second reading of the Ordinance, read the full title, waive further reading of the ordinance, and direct District Counsel and staff to prepare and publish a summary of the ordinance, utilizing the following language: "I move that we adopt AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING NIPOMO COMMUNITY SERVICES DISTRICT CODE CHAPTER 3.24, waive further reading of the ordinance, and direct District Counsel and staff to prepare and publish a summary of the ordinance in accordance with Water Code section 376."

ATTACHMENTS

- A. Ordinance 2019-XXXX, AN ORDINANCE OF BOARD OF THE DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING NIPOMO COMMUNITY SERVICES DISTRICT CODE CHAPTER 3.24
- B. Ordinance 2019-XXXX, Redline depicting changes to existing District Code Chapter 3.24

JANUARY 9, 2019

ITEM E-1

ATTACHMENT A

ORDINANCE NO. 2019-XXXX

**AN ORDINANCE OF BOARD OF THE DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING NIPOMO COMMUNITY SERVICES DISTRICT
CODE CHAPTER 3.24**

The Board of Directors of the Nipomo Community Services District ordains as follows:

SECTION 1. Recitals:

- A. The Central Coast region of California, like other parts of the state, frequently suffers from severe droughts, the most recent occurring during the years 2012-2017.
- B. In response to the most recent drought, the Governor of the State of California declared a drought state of emergency and imposed a number of emergency water conservation requirements. Following the conclusion of the drought in 2017, the Governor terminated the 2014 Drought State of Emergency and a number of orders and other declarations issued pursuant to that declaration of emergency. However, in so doing, the Governor specifically retained the orders and provisions contained in Executive Order B-36-16, entitled "Making Water Conservation a California Way of Life." The purpose of this Order is to ensure that water conservation requirements remain in effect in perpetuity in order to protect the ongoing availability of water resources.
- C. The District is a party to the Santa Maria Groundwater Adjudication, *Santa Maria Valley Water Conservation District v. City of Santa Maria, et al.* Case No. CV770214 ("Groundwater Litigation"). Pursuant to Section VI of the 2005 Stipulation incorporated into the January 25, 2008 Final Judgment in the Groundwater Litigation, the Nipomo Mesa Management Area Technical Group ("NMMA TG") adopted a Water Shortage Conditions and Response Plan and a Well Management Plan addressing measures that may be implemented in the event of potentially severe or severe water shortage conditions. The Well Management Plan includes a "List of Recommended Water Use Restrictions" which the Nipomo Mesa Management Area ("NMMA") water suppliers, such as the District, may be requested to implement in response to water shortage conditions in the NMMA.
- D. Water Code section 375 allows public entities such as the District that supply water for the benefit of persons within their service areas to "adopt and enforce a water conservation program to reduce the quantity of water used by those persons for the purpose of conserving the water supplies of the public entity." (Water Code § 375(a).) The statute also provides that, with respect "to water delivered for other than agricultural uses, the ordinance or resolution may specifically require the installation of water-saving devices that are designed to reduce water consumption." (Water Code § 375(b).)
- E. Similarly, Water Code section 71640, et seq., made applicable to the District by Government Code section 61100(a), allows the District to enact an ordinance setting forth restrictions, prohibits, and exclusions for the use of District water. As stated in Water Code section 71640:

A district may restrict the use of district water during any emergency caused by drought, or other threatened or existing

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water shortage, and may prohibit the wastage of district water or the use of district water during such periods for any purpose other than household uses or such other restricted uses as the district determines to be necessary. A district may also prohibit use of district water during such periods for specific uses which it finds to be nonessential.

- F. The District wishes to enact a Water Conservation Ordinance in order to establish certain water conservation measures that may be needed to address drought, threatened or existing water shortages, the waste of District water, or potentially severe or severe water shortage conditions identified by the NMMA TG. The District Board of Directors finds and declares that this Water Conservation Ordinance is necessary to enable the District to meet current and future water conservation requirements and to ensure the ongoing availability of water to meet the needs of the District's customers.

SECTION 2. Chapter 3.24 of the Nipomo Community Services District Code, referenced herein as "District Code," shall be amended and replaced in its entirety to read as follows:

Chapter 3.24 - WATER CONSERVATION REQUIREMENTS

Sections:

3.24.010 - Water Conservation Measures

By Resolution of the Board of Directors, the District may order any or all of the following actions to conserve water during times of drought, to address threatened or existing water shortages, or to respond to potentially severe or severe water shortage conditions as identified by the Nipomo Mesa Management Area Technical Group:

Stage	Conservation Measures
I	<ul style="list-style-type: none">a. District customers shall comply with all state mandates.b. District customers may be required to implement any or all of the following additional measures:<ul style="list-style-type: none">i. Fix all plumbing and irrigation leaks immediately.ii. Irrigate after 8:00 p.m. and before 9:00 a.m.iii. Use minimal irrigation at all times.iv. Check all irrigation systems periodically.v. Do not allow excessive irrigation run off.vi. Recirculate water in ornamental water features and fountains.

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II	<p>a. District customers shall comply with all state mandates.</p> <p>b. District customers may be required to implement any or all of the following additional measures:</p> <ul style="list-style-type: none">i. Implement all Stage I conservation measures.ii. Cover swimming pools and spas when not in use.iii. Do not use water to wash down exterior surfaces (e.g. driveways, sidewalks, decks, walls, etc.)
III	<p>a. District customers shall comply with all state mandates.</p> <p>b. District customers may be required to implement any or all of the following additional measures:</p> <ul style="list-style-type: none">i. Implement all Stage I and II conservation measures.ii. Turn off all automated irrigation systems.iii. Provide minimum necessary irrigation to preserve trees and shrubs.iv. Do not use water for dust control or construction.v. Do not use hoses without automatic shut-off devices to wash cars or equipment.vi. Turn off ornamental water features and fountains.
IV	<p>a. District customers shall comply with all state mandates.</p> <p>b. District customers may be required to implement any or all of the following additional measures:</p> <ul style="list-style-type: none">i. Implement all Stage I, II, and III conservation measures.ii. Do not use District water for irrigation or outdoor uses of any sort.
V	<p>a. District customers shall comply with all state mandates.</p> <p>b. District customers may be required to implement any or all of the following additional measures:</p> <ul style="list-style-type: none">i. Implement all Stage I, II, III, and IV conservation measures.ii. Additional measures to reduce water use as identified by the District.

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3.24.020 - Penalties.

Violation of any mandatory requirements of this Chapter or of any Resolution of the Board of Directors implementing Section 3.24.010 may be enforced pursuant to District Code Section 3.04.370, which remedies are cumulative and in addition to any other remedies provided by law.

SECTION 3. This Ordinance supersedes and replaces the Water Conservation Program previously adopted by the District Board of Directors pursuant to District Resolution No. 2008-1069, which shall have no further force or effect as of the effective date of this Ordinance.

SECTION 4. Any sections, portions of sections, or subsections of the District Code not specifically amended and replaced herein shall remain in full force and effect.

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

SECTION 6. The Board of Directors of the District finds that this Ordinance is not a project as defined by the California Environmental Quality Act ("CEQA"), CEQA Guidelines Sections 15378(b)(2) because it constitutes general policy and procedure making which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. The Board of Directors further finds that the adoption of this Ordinance is not a project as defined in CEQA Guidelines Section 15378 because it can be seen with certainty that it will not result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The Board of Directors further finds that the adoption of this Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15307 because it consists of actions authorized by state law to assure the maintenance, restoration, or enhancement of a natural resource (water), and involves procedures for protection of the environment. The District General Manager is directed to prepare and file an appropriate notice of exemption.

SECTION 7. Pursuant to Water Code Section 376, this Ordinance shall take effect upon adoption. Within ten (10) days after its adoption, this Ordinance shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation that is printed, published, and circulated in the District. Before the expiration of the fifteenth (15th) day after passage this Ordinance, District Counsel shall prepare and cause to be published once, with the names of the members of the Board of Directors voting for or against the Ordinance, a summary of the Ordinance in a newspaper of general circulation within the District.

INTRODUCED at its regular meeting of the Board of Directors held on _____, 2019, and PASSED and ADOPTED by the Board of Directors of the Nipomo Community Services District at its regular meeting on the ____ day of _____, 2019, by the following

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roll call vote, to wit:

AYES:
NOES:
ABSENT:
CONFLICTS:

President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

MARIO IGLESIAS
General Manager and
Secretary to the Board

WHITNEY G. McDONALD
District Legal Counsel

JANUARY 9, 2019

ITEM E-1

ATTACHMENT B

ORDINANCE NO. 2019-XXXX

AN ORDINANCE OF BOARD OF THE DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING NIPOMO COMMUNITY SERVICES DISTRICT
CODE CHAPTER 3.24

The Board of Directors of the Nipomo Community Services District ordains as follows:

SECTION 1. Recitals:

- A. The Central Coast region of California, like other parts of the state, frequently suffers from severe droughts, the most recent occurring during the years 2012-2017.
- B. In response to the most recent drought, the Governor of the State of California declared a drought state of emergency and imposed a number of emergency water conservation requirements. Following the conclusion of the drought in 2017, the Governor terminated the 2014 Drought State of Emergency and a number of orders and other declarations issued pursuant to that declaration of emergency. However, in so doing, the Governor specifically retained the orders and provisions contained in Executive Order B-36-16, entitled "Making Water Conservation a California Way of Life." The purpose of this Order is to ensure that water conservation requirements remain in effect in perpetuity in order to protect the ongoing availability of water resources.
- C. The District is a party to the Santa Maria Groundwater Adjudication, *Santa Maria Valley Water Conservation District v. City of Santa Maria, et al.* Case No. CV770214 ("Groundwater Litigation"). Pursuant to Section VI of the 2005 Stipulation incorporated into the January 25, 2008 Final Judgment in the Groundwater Litigation, the Nipomo Mesa Management Area Technical Group ("NMMA TG") adopted a Water Shortage Conditions and Response Plan and a Well Management Plan addressing measures that may be implemented in the event of potentially severe or severe water shortage conditions. The Well Management Plan includes a "List of Recommended Water Use Restrictions" which the Nipomo Mesa Management Area ("NMMA") water suppliers, such as the District, may be requested to implement in response to water shortage conditions in the NMMA.
- D. Water Code section 375 allows public entities such as the District that supply water for the benefit of persons within their service areas to "adopt and enforce a water conservation program to reduce the quantity of water used by those persons for the purpose of conserving the water supplies of the public entity." (Water Code § 375(a).) The statute also provides that, with respect "to water delivered for other than agricultural uses, the ordinance or resolution may specifically require the installation of water-saving devices that are designed to reduce water consumption." (Water Code § 375(b).)
- E. Similarly, Water Code section 71640, et seq., made applicable to the District by Government Code section 61100(a), allows the District to enact an ordinance setting forth restrictions, prohibits, and exclusions for the use of District water. As stated in Water Code section 71640:

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A district may restrict the use of district water during any emergency caused by drought, or other threatened or existing water shortage, and may prohibit the wastage of district water or the use of district water during such periods for any purpose other than household uses or such other restricted uses as the district determines to be necessary. A district may also prohibit use of district water during such periods for specific uses which it finds to be nonessential.

F. The District wishes to enact a Water Conservation Ordinance in order to establish certain water conservation measures that may be needed to address drought, threatened or existing water shortages, the waste of District water, or potentially severe or severe water shortage conditions identified by the NMMA TG. The District Board of Directors finds and declares that this Water Conservation Ordinance is necessary to enable the District to meet current and future water conservation requirements and to ensure the ongoing availability of water to meet the needs of the District's customers.

SECTION 2. Chapter 3.24 of the Nipomo Community Services District Code, referenced herein as "District Code," shall be amended and replaced in its entirety to read as follows:

~~Chapter 3.24 - WATER CONSERVATION REQUIREMENTS WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN[1]~~

Section:

Footnotes:

~~(1)~~

Editor's note— Ord. No. 2015-122, § 1, adopted August 12, 2015, repealed Ch. 3.24, §§ 3.24.010—3.24.060, which pertained to Water Conservation and Emergency Water Shortage Regulations. See also the Code Comparative Table and Disposition Table. Res. No. 2014-1336, adopted April 23, 2014, did not specifically amend the Code, but has been included herein as a new Ch. 3.24, § 3.24.010.

3.24.010 – [Adopted.]
NCSD Water Shortage Response and Management Plan

Sections:

3.24.010 - Water Conservation Measures

By Resolution of the Board of Directors, the District may order any or all of the following actions to conserve water during times of drought, to address threatened or existing water shortages, or to respond to potentially severe or severe water shortage conditions as identified by the Nipomo Mesa Management Area Technical Group:

Stage STAGE	GROUNDWATER	RESPONSE	RELIEF OF
	CONDITION Conservation Measures	ACTIONS	RESTRICTIONS

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I	All times	<p>a. • Active outreach and education programs regarding water conservation best management practices and District customers shall comply with all state mandates as issued from.</p> <p>b. District customers may be required to implement any or all of the State of California from time to time.</p> <ul style="list-style-type: none"> • Four Tier escalating water rates. • Recommended Customer Measures: <ul style="list-style-type: none"> ◦ following additional measures: <p>i. Fix all plumbing and irrigation leaks immediately.</p> <p>ii. Irrigate after 8:00 p.m., and before 9:00 a.m.</p> <ul style="list-style-type: none"> ◦ Minimum to no <p>iii. Use minimal irrigation in winter months.</p> <ul style="list-style-type: none"> ◦ at all times. <p>iv. Check all irrigation systems monthly.</p> <ul style="list-style-type: none"> ◦ periodically. <p>v. Do not allow excessive irrigation run off.</p> <ul style="list-style-type: none"> ◦ <p>vi. Recirculate water in ornamental water features (and fountains).</p> <ul style="list-style-type: none"> • New applications for water service are accepted and processed. • Supplemental water is allocated to all new projects. • New water service connections are made. 	Not Applicable.
II	Potentially Severe Water Shortage Conditions exists	<p>a. • More aggressive conservation outreach and education efforts.</p> <ul style="list-style-type: none"> • Four Tier escalating water rates. • Encourage District customers shall comply with all state mandates. <p>b. District customers may be required to implement any or all of the following practices:</p> <ul style="list-style-type: none"> ◦ All additional measures: <p>i. Implement all Stage I Measures.</p>	Potentially Severe Water Shortage no longer exist.

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		<p align="center">o <u>conservation measures.</u></p> <p>ii. <u>Cover Swimming Pools</u> swimming pools and spas: o <u>when not in use.</u></p> <p>iii. <u>Do not use water to wash down exterior surfaces (e.g. driveway, deck, home).</u> <ul style="list-style-type: none"> • New applications for water service are accepted and processed. • Supplemental water is allocated to new projects. • New water service connections are made. <u>driveways, sidewalks, decks, walls, etc.)</u> </p>	
<p>III</p>	<p>Severe Water Shortage conditions exists</p>	<p>a. • District targets a 30% reduction in production (Equating to a 736 acre foot or 240 million gallons of reduction in production on an annual basis). <ul style="list-style-type: none"> • Implement Stage III Drought Rates to encourage reduction in customer water demand. • Encourage customers shall comply with all state mandates. <p>b. <u>District customers may be required to implement any or all of the following practices:</u> o <u>All additional measures:</u></p> <p>i. <u>Implement all Stage I and II conservation measures.</u> o</p> <p>ii. <u>Turn off all automated irrigation systems.</u> o</p> <p>iii. <u>Provide minimum necessary irrigation to preserve trees and high-value landscape.</u> <ul style="list-style-type: none"> o Do not drain or fill swimming pools or spas. o shrubs. </p> <p>iv. <u>Do not use water for dust control or construction.</u> o</p> <p>v. <u>Do not use hoses without automatic shut-off devices to wash cars or equipment.</u> o</p> </p>	<p>Severe Water Shortage no longer exist.**</p>

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		<p>vi. Turn off and drain ornamental fountains and water features.</p> <ul style="list-style-type: none"> • Suspend accepting applications for new water service. • Existing applications for new water service continue to be processed with allocations of supplemental water. • New water service connections are made <u>and fountains.</u> 	
IV	<p>Severe Water Shortage conditions exists for > 1 YEAR or is triggered by both the Key Wells Index and the Coastal Criterion.</p>	<p>a. District targets a 50% reduction in production (Equating to a 1,227-acre foot reduction in production on an annual basis).</p> <ul style="list-style-type: none"> • Implement Stage IV Drought Rates to encourage reduction in customer water demand. • Encourage customers <u>shall comply with all state mandates.</u> <p>b. <u>District customers may be required to implement any or all of the following practices:</u></p> <ul style="list-style-type: none"> • All additional measures: <ul style="list-style-type: none"> i. <u>Implement all Stage I, II, and III conservation measures.</u> ii. <u>Do not use District water for irrigation/ or outdoor uses of any sort.</u> <ul style="list-style-type: none"> • New applications for water service are NOT accepted (Stage III). • Cease processing existing applications for new water service. No allocation of supplemental water is made. • New water service connections are made only to projects with preexisting service commitments. 	<p>Severe Water Shortage conditions no longer exist.</p>
V	<p>Severe Water Shortage conditions for > 2 years with BOTH triggers (Key Wells</p>	<p>a. District targets a 60% reduction in production (Equating to a 1,473-acre foot reduction in production on an annual basis).</p> <ul style="list-style-type: none"> • Implement Stage V Drought Rates to encourage additional reduction in customer water demand. • Declaration of a Water Shortage Emergency in accordance with CA Water Code Section 350. • Suspend all new water service connections. • Encourage customers to implement all Stage 	<p>Severe Water Shortage conditions no longer exist.</p>

ORDINANCE NO. 2019-XXXX

**AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT
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<p>Index and Coastal Area Criterion).</p>	<p>I—IV measures and to use only the absolute minimum water necessary for health and sanitation purposes.</p> <ul style="list-style-type: none"> ◦ All Stage I, II, and III measures. ◦ Do not use District water for irrigation/outdoor uses of any sort. ◦ Do not drain or fill swimming pools or spas. ◦ All measures possible to reduce water use. • New applications for water service are NOT accepted (Stage III). • Existing applications for new water service are not processed (Stage IV). District customers shall comply with all state mandates. <p>b. District customers may be required to implement any or all of the following additional measures:</p> <ul style="list-style-type: none"> i. Implement all Stage I, II, III, and IV conservation measures. ii. Additional measures to reduce water use as identified by the District. 	
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~~** The Nipomo Mesa Management Area (NMMA) Technical Group may determine Severe Water Shortage Conditions no longer exist when groundwater quality criteria threshold are no longer exceeded in a single measurement.~~

General Notes:

- ~~1. The implementation of all rate increases and changes in the acceptance and processing of new services applications are subject to approval by the Board of Directors at the time each stage is triggered.~~
- ~~2. Potentially Severe and Severe Water Shortage conditions, Key Wells Index, and Coastal Criterion are as defined in the NMMA Technical Group, Water Shortage Conditions Response Plan, dated April 2009. Key criterion are as follows:~~

Potentially Severe Water Shortage Conditions	Severe Water Shortage Conditions
• Key Wells Index less than 31.5 ft msl	• Key Wells Index is less than 16.5 ft. msl
• Greater than 250 mg/l chloride in any NMMA coastal monitoring well	• Greater than 500 mg/l chloride in any NMMA coastal monitoring well

~~3. Reduction goals are a percentage of average annual production volumes for the five calendar years prior to the first year Nipomo~~

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~~Supplemental Water is delivered. NCS&D's 2010-2014 average (2455 AFD) is used in the table above.~~

3.24.020 - Penalties.

Violation of any mandatory requirements of this Chapter or of any Resolution of the Board of Directors implementing Section 3.24.010 may be enforced pursuant to District Code Section 3.04.370, which remedies are cumulative and in addition to any other remedies provided by law.

SECTION 3. This Ordinance supersedes and replaces the Water Conservation Program previously adopted by the District Board of Directors pursuant to District Resolution No. 2008-1069, which shall have no further force or effect as of the effective date of this Ordinance.

SECTION 4. Any sections, portions of sections, or subsections of the District Code not specifically amended and replaced herein shall remain in full force and effect.

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

SECTION 6. The Board of Directors of the District finds that this Ordinance is not a project as defined by the California Environmental Quality Act ("CEQA"), CEQA Guidelines Sections 15378(b)(2) because it constitutes general policy and procedure making which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. The Board of Directors further finds that the adoption of this Ordinance is not a project as defined in CEQA Guidelines Section 15378 because it can be seen with certainty that it will not result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The Board of Directors further finds that the adoption of this Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15307 because it consists of actions authorized by state law to assure the maintenance, restoration, or enhancement of a natural resource (water), and involves procedures for protection of the environment. The District General Manager is directed to prepare and file an appropriate notice of exemption.

SECTION 7. Pursuant to Water Code Section 376, this Ordinance shall take effect upon adoption. Within ten (10) days after its adoption, this Ordinance shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation that is printed, published, and circulated in the District. Before the expiration of the fifteenth (15th) day after passage this Ordinance, District Counsel shall prepare and cause to be published once, with the names of the members of the Board of Directors voting for or against the Ordinance, a summary of the Ordinance in a newspaper of general circulation within the District.

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INTRODUCED at its regular meeting of the Board of Directors held on _____, 2019, and PASSED and ADOPTED by the Board of Directors of the Nipomo Community Services District at its regular meeting on the ____ day of _____, 2019, by the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
CONFLICTS:

President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

MARIO IGLESIAS
General Manager and
Secretary to the Board

WHITNEY G. McDONALD
District Legal Counsel

TO: BOARD OF DIRECTORS
FROM: MARIO E. IGLESIAS
GENERAL MANAGER
DATE: JANUARY 3, 2019

**AGENDA ITEM
E-2
JANUARY 9, 2019**

RATIFY 2019 BOARD COMMITTEE ASSIGNMENTS

ITEM

Ratify 2019 Committee/Delegate assignments [RECOMMEND APPROVE ASSIGNMENTS]

BACKGROUND

In accordance with Board By-laws section 12.2(a), the Board President is tasked with defining committees, committee members, and delegate assignments. President Eby will review his proposed 2019 assignments with your Board.

FISCAL IMPACT

None

RECOMMENDATION

Staff recommends that the Board by motion and roll call vote ratify the proposed assignments and direct staff to post Committee assignments in compliance with state law.

ATTACHMENTS

- A. 2018 Committee Assignments
- B. 2019 Proposed Committee Assignments

JANUARY 9, 2019

ITEM E-2

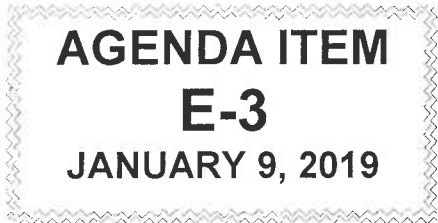
ATTACHMENT A

JANUARY 9, 2019

ITEM E-2

ATTACHMENT B

TO: BOARD OF DIRECTORS
FROM: MARIO IGLESIAS
GENERAL MANAGER
DATE: JANUARY 3, 2019



**LOCAL AREA FORMATION COMMISSION
SPECIAL DISTRICT SEAT NOMINATION AND BALLOTING**

ITEM

Designate a Director as Voting Delegate, consider making a nomination for LAFCO's special district seat, and consider approval of the Alternative Quorum Procedure [RECOMMEND DESIGNATE VOTING DELEGATE, CONSIDER NOMINATION, CONSIDER ALTERNATIVE QUORUM PROCEDURE, AND DIRECT STAFF]

BACKGROUND

There is a vacant Special District seat on our Local Area Formation Commission (LAFCO). The term of the vacant seat runs through December 2022. LAFCO is seeking nominations to fill the vacancy. A vote to fill the vacancy is scheduled to be conducted at the California Special Districts Association (CSDA) SLO County Chapter Annual meeting on January 25, 2019.

LAFCO is requesting your Board designate a Voting Delegate to attend the CSDA Annual Meeting. In addition, there is an opportunity to consider approval of an Alternative Quorum Procedure as explained in attachment A.

Your Board may nominate a candidate to fill the seat.

FISCAL IMPACT

Minor budgeted staff time to prepare these materials. LAFCO oversees and approves changes in the District's services and service boundaries.

STRATEGIC PLAN

7.2 Maintain productive communication and relationships with key stakeholders, such as city, County, State and Federal legislators, service clubs, etc. As appropriate, plan and assign for this role.

RECOMMENDATION

Staff recommends your Board, by motion and roll call vote:

- Designate a Voting Delegate to vote on your Board's behalf at the Annual CSDA Meeting.
- Direct staff to forward your Board's nomination, should you have one, of a candidate to fill the vacant LAFCO Special District seat.
- Consider voting on the Alternative Quorum Procedure.

ATTACHMENTS

- A. LAFCO Nomination Materials and Instructional Packet

JANUARY 9, 2019

ITEM E-3

ATTACHMENT A



Independent Special District Selection Committee

San Luis Obispo Chapter of the
California Special District Association

TO: Special District General Manager

FROM: David Church, LAFCO Executive Officer

DATE: November 30, 2018

SUBJECT: Regular LAFCO Member Selection

Background. At the CSDA Annual Meeting (**January 25, 2019-Avila Beach Community Center**) the San Luis Obispo Chapter of the CSDA dons the hat of the Independent Special District Selection Committee. The Committee is responsible for the selection of Special District representatives to serve on LAFCO. Establishing a quorum is always a challenge.

Alternative Quorum Procedure. There are a total of 35 Special Districts in the County. In researching the prior 11 district elections from 2010-2018, it was found that six Special Districts have participated in zero to one of the elections. Based on that finding, the Selection Committee should consider an alternative method for calculating a quorum founded on 29 total Districts. This provides for a reduced quorum number of 15; which is more achievable at the Annual Meeting. All 35 Special Districts would continue to participate as part of the Selection Committee.

The term for this position would begin in February 2019 and run through December 2022. The full election procedure and form is attached. If only one candidate is nominated, that individual shall be selected to the position.

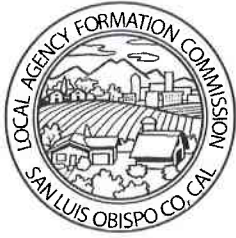
Please place this item on your Board's Agenda:

- 1) **Designate a Director as a voting delegate** to attend the January 25, 2019 Special District Annual Meeting in Avila Beach at the Community Center.
- 2) **Vote on the Alternative Quorum Procedure** as found on the attached form.
- 3) **Nominate a candidate if you would like.** A nomination must be approved by the District's Board.
- 4) **Nominations are required to be submitted by January 18, 2019.** The completed and signed nomination form (attached) may be submitted to the LAFCO office via mail, fax-788-2072, or e-mail to DChurch@slolafco.com. The form must be signed by the General Manager or Board President, and the Nominee.

Independent Special District Selection Committee

Selection Procedure

- 1- **Determining a Quorum.** All 35 Districts shall be notified of the special district election for the LAFCO member and are eligible to participate. Based on past participation, the quorum would be considered to be 15 District Delegates in attendance at the annual meeting. All Districts are allowed to participate. The quorum procedure applies to the email election process as well.
- 2- **Designate Voting Delegates.** Special Districts shall designate the presiding officer or another board member as the voting delegate for the Selection Committee meeting.
- 3- **Nomination Procedure.** A notice of nomination would be emailed to the Special Districts requesting that nominations be submitted within 45 days. The Candidates' Statement of Qualifications should be submitted at the same time. Nominations may be received from the floor at the meeting.
- 4- **Alternate Position.** If the Alternate LAFCO Commissioner is elected to the Regular position, nominations from the floor for filling the term of the vacated Alternate may be considered and a vote conducted at the meeting.
- 5- **Election Procedure.**
 - a. A candidate's information package is emailed to all Special Districts prior to the Annual Meeting. It would include a list of the nominees and their Statements of Qualifications. The package would be emailed as soon as the nomination period ends and the package can be compiled.
 - b. A Special District Roll Call is conducted to determine if the Selection Committee has a quorum. Ballots would be distributed at the meeting.
 - c. Each candidate shall be given up to five minutes at the Selection Committee Meeting to present his/her qualifications.
 - d. If a quorum of 15 District Delegates is achieved, the delegates in attendance complete and submit ballots.
 - e. The ballots would be counted by three reviewers appointed by the Selection Committee.
 - f. Results would be announced at the Selection Committee Meeting.
 - g. If a quorum is not achieved at the meeting, the voting period will be extended for 45 days. Districts that were not present would be emailed a ballot and instructions. Districts in attendance at the meeting may submit ballots at that time if they choose.



LAFCO SPECIAL DISTRICT MEMBER SELECTION FORM
Independent Special District Committee

The _____
(Insert Name of Special District)

Delegate

Hereby designates _____ as a voting delegate to the Selection Committee.
(Insert Name of Delegate)

Approval of the Alternative Quorum Procedure.

- Yes
 No

Nomination-(Optional)

Hereby nominates _____ to serve as the
(Insert Name of Nominee-nomination is voluntary)

Special District Member on the San Luis Obispo Local Agency Formation Commission (LAFCO).

Board of Director's action in the nomination was taken on:

Insert Date of Board Action

General Manager or Chairman/President

Consent of the Nominee – Signature (If Nominated)

TO: BOARD OF DIRECTORS
 FROM: MARIO IGLESIAS
 GENERAL MANAGER
 DATE: January 4, 2019

**AGENDA ITEM
 F
 JANUARY 9, 2019**

GENERAL MANAGER'S REPORT

ITEM

Standing report to your Honorable Board -- *Period covered by this report is December 8, 2018 through January 5, 2019.*

DISTRICT BUSINESS

Administrative

The District encourages residents to provide reports of any observed water waste. The District keeps an accounting of leak adjustments as a measure of non-revenue water lost to leaks. The table below provides the November data as December data will be provided the second meeting of the month.

Office Activities

	Nov-18	Jul-Nov 2018
Reports of water waste followed up on	0	4
Leak Adjustments	1	13
Leak Adjustment Amount	\$228	\$4,178

Water Resources

Table 1. Total Production Acre Feet (AF)

	Dec-18	Jul 18 - Dec 18
Groundwater Production	29.6	554.9
Supplemental Water Imported	<u>81.8</u>	<u>501.8</u>
Total Production	<u>111.4</u>	<u>1,056.7</u>

NCSD imported 81.8 AF of water over the 31 day period in December averaging 597 gallons per minute for a daily total of 859,826 gallons per day. For fiscal year 2018-19 [July-2018 through June-2019] the District must import 800 AF of supplemental water. However, at the current import level, the District could see up to 960 AF for this time period. The District's total production, including groundwater wells and imported water measured at the Joshua Road Pump Station, registered 1,056.7 AF of water for the current fiscal year.

On the following page, Table 2 compares the District's total water production for the month of December and the fiscal year (July 2018 through June 2019) year-end total against those same periods for 2013 (pre-drought production). 2013 is the year the Department of Water Resources ("DWR") designated as the pre-drought production year. The pre-drought production data is included in the monthly water production report and compared to current usage, all of which is submitted by water purveyors statewide to DWR. For December 2018, the community's water conservation effort reached approximately 37.6% compared to December 2013. The District's year-end conservation effort for fiscal year 2019 will continue to be monitored throughout the year.

Table 2. FY 2019 Total Demand To-date Compared to 2013

	Dec-18	Jul 18 - Dec 18
Total Production (AF) for FY 2018-19	111.4	1,056.7
Total Production (AF) for 2013	178.5	1,321.8
Reduction	67.1	265.1
Percentage Reduction	37.6%	20.1%

NCSD GW Reduction

The District's purveyor customers, Golden State Water Company and Woodlands Mutual Water Company, each claim 16.66% (cumulatively 33.33%) of the imported water NCSD brings onto the basin through the NSWP. Of the 800 AF minimum imported water from the CSM, 266.6 AF will be credited to these two purveyor customers. The credited amount must be added to the District's groundwater pumping total every month to reflect the groundwater pumped by these customers in-lieu of taking imported water from the District. Table 3 below demonstrates the calculus for determining the District's groundwater pumping reduction.

Table 3. NCSD GW Production (NCSD GW Well Production plus Purveyor Credit)

	Dec -18	Jul 18 - Dec 18
NCSD GW Well Production	29.6	554.9
Purveyor Customer Credit (33.3% of Import Water)	27.3	167.6
NCSD Total Calculated GW Production	56.8	722.5
Average GW Production for 2009-2013	141.4	1,384.6
NCSD Percentage of GW Reduction	60%	48%

Taking into consideration the above referenced purveyor customer credit, the District can claim a groundwater pumping reduction of 60% for the month of December compared to the 5-year average from 2009 to 2013 (NMMA-TG assigned comparator). For Fiscal Year 2019, the cumulative groundwater pumping reduction is 48%. At the current Stage IV level of NMMA's Water Shortage Condition and Response Plan, the District has targeted groundwater pumping reduction level of 50% for the year.

Table 4. 2019 Fiscal Year Forecasted Groundwater Pumping

	Dec-18	Jul 18-Jun 19	Target	Over_(Under)
NCSD GW Well Production	29.6	1,003.0		
Purveyor Customer Credit (33.3% of Import Water)	27.3	319.8		
NCSD Total Calculated GW Production	56.9	1,322.9	1,266.7	(56)
Average GW Production for 2009-2013	141.4	2,533.4	2,533.4	
NCSD Percentage of GW Reduction	60%	48%	50%	

AcFt

Table 4 is a forward looking view of the District's groundwater pumping reduction efforts for Fiscal Year 2019. The targeted groundwater pumping reduction is 50%. For future months, January 2019 through June 2019, Fiscal Year 2018 production values from the previous year are used as estimates for future use. Looking at the six months of actual data, July 2018 through December 2018, and completing the year using last year's monthly data where necessary, the District can forecast an "Over_(Under)" value. By using this method to forecast groundwater pumping into fiscal year 2019, it can be estimated that the District will be 56 acre feet over the groundwater reduction target. Each year trends slightly different depending upon the weather, a major factor that drives consumer water demand. As actual data replaces projected data, the reliability of the table to provide year-end groundwater reduction becomes more reliable and aids staff in recognizing opportunities for shifting water production strategies.

Table 5. FY 2018 v. FY 2019 Groundwater Pumping

	<u>Dec-18</u>	<u>Jul 18-Dec 18</u>	<u>Dec-17</u>	<u>Jul 17-Dec 17</u>
NCSD GW Well Production	29.6	562.1	76.7	606.6
Purveyor Customer Credit (33.3% of Import Water)	<u>27.3</u>	<u>167.6</u>	<u>28.4</u>	<u>169.8</u>
NCSD Total Calculated GW Production	56.9	729.7	105.1	776.4
Average GW Production for 2009-2013	<u>141.4</u>	<u>1,384.6</u>	<u>141.4</u>	<u>1,243.3</u>
NCSD Percentage of GW Reduction	60%	47%	26%	38%

Table 5 compares the previous year's groundwater pumping with the current year groundwater pumping for the same time period (July through December). The comparison demonstrates a favorable consumption forecast emerging where demand on groundwater supplies diminished putting the District in a stronger position to reach the target reduction of 50%.

Rainfall Gauge

(Reported in inches)	Nipomo East (Dana Hills Reservoirs)	Nipomo South (Southland Plant)
December 2018 Total	1.06	.79
July-2018 through Jun-2019 (Seasonal Total)	3.66	2.72
Average Annual Year Rainfall	18	16

Safety Program

No Accidents or Incidents to report

Other Items and News of Interest

Attachment A. State Water Resources Board – Low-income Water Rate Assistance Draft Report: Notice of Opportunity for Public Comment

Supplemental Water Capacity Accounting

The District is not currently accepting applications for new water service.

Supplemental Water Available for Allocation	500 AFY
Supplemental Water Reserved (Will Serve Letter Issued)	-51.2 AFY
Subtotal Net Supplemental Water Available for Allocation	448.8 AFY
Supplemental Water Assigned (Intent-to-Serve Issued)	-47.4 AFY
Total Remaining Supplemental Water Available for Allocation	401.4 AFY

This information is accurate through December 2018.

Connection Report

Nipomo Community Services District
 Water and Sewer Connections

END OF MONTH REPORT

	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	18-Jul	18-Aug	18-Sep	18-Oct	18-Nov	18-Dec
Water Connections (Total)	4405	4405	4405	4405	4405	4405	4407	4407	4412	4434	4434	4434
Sewer Connections (Total)	3174	3174	3174	3174	3174	3175	3175	3176	3180	3197	3197	3197
New Water Connections	3	0	0	0	0	0	2	0	5	22	0	0
New Sewer Connection	3	0	0	0	0	1	0	1	4	17	0	0
Galaxy & PSHH at Orchard and Division Sewer Connections billed to the County	473	473	473	473	474	476	477	477	477	475	475	475

The Connection Report is current through December and reflects calendar year 2018.

Meetings (December 9 through January 5)

Meetings Attended (telephonically or in person):

- Dec. 10, RWG Conference Call – GW Litigation
- Dec. 10, District Exec. Team
- Dec. 11, NMMA-TG Meeting
- Dec. 11, Eng/Admin Meeting
- Dec. 12, Rotary
- Dec. 12, Regular Board Meeting
- Dec. 12, Exec. Team After-Board Meeting
- Dec. 13, Employee Recognition/Safety Meeting
- Dec. 18, NCSD Management Team
- Dec. 18, NMMA-TG Planning Meeting
- Dec. 19, Rotary
- Dec. 19, City Manager – Arroyo Grande Meeting
- Dec. 20, Vacation/Holiday
- Jan. 2, Blacklake Committee Chair – Mr. Hall
- Jan. 2, Dr. Newton - GWI
- Jan. 2, Board Officer Meeting
- Jan. 3, LAFCO – Mr. Church
- Jan. 3, NCSD Management Team

Meetings Scheduled (January 6 through January 12):

Upcoming Meetings (telephonically or in person):

- *Jan. 8, NCSD Eng/Admin Meeting*
- *Jan. 9, Rotary*
- *Jan. 9, Regular Board Meeting*
- *Jan. 9, Exec. Team After-Board Meeting*
- *Jan. 10, NMMA Manager's Meeting*
- *Jan. 11, Exec. Team – Doc. Review/Update*

Upcoming Water Resource and Other Meetings

Upcoming Standing Meetings:

- *NMMA-TG: January 14th (Monday) @ 11:00 AM, NCSD Board Room*
- *RWVG: February 13th @ 10:00 AM, SLO Library*
- *WRAC: February 13th @ 1:30 PM, SLO Library*
- *NMMA Purveyor Meeting: January 10th @ 10:00 AM, NCSD Admin Office*
- *NCMA/NMMA Managers Meeting: Not yet scheduled*

RECOMMENDATION

Staff seeks direction and input from your Honorable Board

ATTACHMENTS

- A. State Water Resources Board – Low-income Water Rate Assistance Draft Report: Notice of Opportunity for Public Comment

JANUARY 9, 2019

ITEM F

ATTACHMENT A



State Water Resources Control Board

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT

Low-Income Water Rate Assistance Draft Report

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board) will accept public comments on the draft report on Options for Implementation of a Statewide Low-Income Water Rate Assistance Program (W-LIRA) required by AB 401 (2015, Dodd). The draft report analyzes options for the design, funding, and administration of a W-LIRA program and as well as other options to improve water affordability. The State Water Board will use comments received on the draft report to inform the final report to the Legislature.

DOCUMENT LOCATION

The Options for Implementation of a Statewide Low-Income Water Rate Assistance Program Report and Appendices are available on the State Water Board's website at: https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/assistance/.

SUBMISSION OF WRITTEN COMMENTS

The deadline for submission of written comments is:

Friday, February 1, 2019 at noon 12:00 p.m.

Comment letters may be submitted electronically in pdf format, less than 15 megabytes, to Ms. Jeanine Townsend, Clerk to the Board at: commentletters@waterboards.ca.gov. Please indicate in the subject line: **"Comment Letter – Options for Implementation of a Statewide Low-Income Water Rate Assistance Program."**

Comment letter may be submitted by mail to the attention of:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000 (mail)
1001 I Street, 24th floor, Sacramento, CA 95814 (hand delivery)

Comment letters may also be submitted by fax to (916) 341-5620. Couriers delivering comment letters must check in with lobby security personnel on the first floor of the CalEPA Building at the above address. Any previously-submitted comments may be viewed at: https://www.waterboards.ca.gov/public_notices/comments/.

Questions on comment submittal may be directed to Ms. Townsend, at (916) 341-5600.

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

FUTURE NOTICES

Any change to the date and time of the comment period will be noticed via the State Water Board's automated email list known as the Lyris. Any person desiring to receive future notice updates concerning Water Affordability should sign up on the automated e-mail list. To sign up, enter your name and email address at the bottom on the webpage:


https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/assistance/.

Please accept the Lyris confirmation in your inbox to complete the subscription.

ADDITIONAL INFORMATION

Please direct questions about this notice to Mary.Yang@waterboards.ca.gov or (916) 322-6507.

January 3, 2019
Date


Jeanine Townsend
Clerk to the Board