



Notice of Regular Meeting
Oceano Community Services District - Board of Directors Agenda
WEDNESDAY, September 11, 2019 – 6:00 P.M.
Oceano Community Services District Board Room
1655 Front Street, Oceano, CA

All items on the agenda including information items, may be deliberated. Any member of the public with an interest in one of these items should review the background material and request information on the possible action that could be taken.

All persons desiring to speak during any Public Comment period are asked to fill out a "Board Appearance Form" to submit to the General Manager prior to the start of the meeting. Each individual speaker is limited to a presentation time of THREE (3) minutes per item. Persons wishing to speak on more than one item shall limit his/her remarks to a total of SIX (6) minutes. This time may be allocated between items in one-minute increments up to three minutes. Time limits may not be yielded to or shared with other speakers.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. FLAG SALUTE**
- 4. AGENDA REVIEW**
- 5. CLOSED SESSION:**

- A. PUBLIC EMPLOYMENT. Pursuant to Government Code Section 54957(b)(1):** Title: General Manager
- B. Pursuant to Government Code 54956.9(a):** Conference with legal counsel regarding Santa Maria Valley Water Conservation District v. City of Santa Maria, et al.,

6. PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

This public comment period provides an opportunity for members of the public to address the Board on matters of interest within the jurisdiction of the District that are not listed on the agenda. If a member of the public wishes to speak at this time, Public comment is limited to three (3) minutes.

7. SPECIAL PRESENTATIONS & REPORTS:

A. Presentation Update from One Cool Earth by Dylan Jones

B. STAFF REPORTS:

- i. Operations - Field Supervisor Tony Marraccino
- ii. FCFA Operations - Chief Steve Lieberman
- iii. OCSD General Manager – Paavo Ogren
- iv. Sheriff's South Station - Commander Stuart MacDonald

C. BOARD OF DIRECTORS AND OUTSIDE COMMITTEE REPORTS:

- i. Director Villa
- ii. Director Gibson
- iii. Vice President White
- iv. President Austin
- v. Director Repogle

D. PUBLIC COMMENT ON SPECIAL PRESENTATIONS AND REPORTS:

This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Agenda Item #7 – Special Presentations and Reports. If a member of the public wishes to speak at this time, Public comment is limited to three (3) minutes.

8. CONSENT AGENDA ITEMS:

Public comment Members of the public wishing to speak on consent agenda items may do so when recognized by the Presiding Officer. To facilitate public comment, we request persons wishing to speak to fill out a speak request form and give it to the General Manager. Public comment is limited to three (3) minutes.

- A. Review and Approval of Minutes for August 14, 2019
- B. Review and Approval of Cash Disbursements

9. BUSINESS ITEMS:

Public comment Members of the public wishing to speak on public hearing items may do so when recognized by the Presiding Officer. To facilitate public comment, we request persons wishing to speak to fill out a speak request form and give it to the General Manager. Public comment is limited to three (3) minutes.

- A. Approval of the District's Fiscal Year 2018-19 Public Facilities Fees Annual Report and cost allocation percentages for the use of Public Facilities Reserves for the Emergency Generator Project
- B. Consideration of a recommendation to approve a resolution adopting a policy to comply with Senate Bill 998 (2018) regarding discontinuance of water service with penalties and enforcement for collection of delinquent accounts in accordance with Government Code Section 61115
- C. Consideration of a proposed ordinance of the San Luis Obispo County Integrated Waste Management Authority to ban Polystyrene and to provide direction on comments as deemed appropriate by the Board
- D. Update on emergency actions approved on July 10, 2019 authorizing the General Manager to procure the necessary equipment, services and supplies needed to resume groundwater pumping and by a 4/5ths vote, determine that there is a need to continue with emergency actions

10. HEARING ITEMS:

11. RECEIVED WRITTEN COMMUNICATIONS:

12. LATE RECEIVED WRITTEN COMMUNICATIONS:

13. FUTURE AGENDA ITEMS: District Polices, Roles and Responsibilities with Related Agencies, Norswing/Pershing Bid Award, Five Cities Fire Authority, District Rules and Regulations, Cienaga Seabreeze Park, Inc. Continued, Deferred Infrastructure Program, Lopez Water Contract Amendments, Central Coast Blue, Wastewater CIP, The Place, EIR State Parks PWP, LID Presentation, Old Firehouse Art

14. FUTURE HEARING ITEMS:

15. ADJOURNMENT:

This agenda was prepared and posted pursuant to Government Code Section 54954.2. Agenda is posted at the Oceano Community Services District, 1655 Front Street, Oceano, CA. Agenda and reports can be accessed and downloaded from the Oceano Community Services District website at www.oceanocsd.org

ASSISTANCE FOR THE DISABLED If you are disabled in any way and need accommodation to participate in the Board meeting, please call the Clerk of the Board at (805) 481-6730 for assistance at least three (3) working days prior to the meeting so necessary arrangements can be made.



Oceano Community Services District
Summary Minutes
Regular Meeting Wednesday, August 14, 2019 – 6:00 P.M.
Oceano Community Services District Board Room
1655 Front Street, Oceano, CA

1. **CALL TO ORDER:** at 6:00 p.m. by President Austin
2. **FLAG SALUTE:** led by President Austin
3. **ROLL CALL:** Board members present: President Austin, Vice President White, Director Gibson, Director Villa, and Director Replogle. Also present, General Manager Paavo Ogren, Legal Counsel Jeff Minnery, Business and Accounting Manager Carey Casciola and Board Secretary Celia Ruiz.
4. **AGENDA REVIEW:** Agenda approved as presented
5. **CLOSED SESSION:** No public comment. Was entered at approximately 6:05pm. Open session was resumed at approximate 6:25pm
 - a. **Pursuant to Government Code 54956.9(a):** Conference with legal counsel regarding Santa Maria Valley Water Conservation District v. City of Santa Maria, et al.,
No reportable action
6. **PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA (NOT BEGINNING BEFORE 6:00 PM):**
No public comment.
7. **SPECIAL PRESENTATIONS & REPORTS:**
 - b. **STAFF REPORTS:**
 - i. Update on Central Coast Blue by project team member(s): Presentation given by Dan Heimel from WSC and Ben Fine from City of Pismo Beach.
Recessed from 7:35-7:41 pm
 - ii. Operations - Field Supervisor Tony Marraccino –reported on 52 USA’s, 8 work orders, 11 customer service calls, 2 after hour call outs, no SSO’s in July, daily rounds, installed 2 new water services on Beach St, 3 12” valves installed on Paso Robles St, door hangers, drainage project update.
 - iii. FCFA - Chief Steve Lieberman – reported on Public Safety Planning Program with PG&E’s shut downs.
 - iv. OCSD General Manager – Paavo Ogren – reported on generator contract, pershing and Norswing line replacement, ballot language for 2020 election special tax.
 - c. **BOARD OF DIRECTORS AND OUTSIDE COMMITTEE REPORTS:**
 - i. Director Villa – None
 - ii. Director Gibson – None
 - iii. Vice President White – attended CSDA luncheon
 - iv. President Austin – reported on SSLOCSD
 - v. Director Replogle – None
 - c. **PUBLIC COMMENT ON SPECIAL PRESENTATIONS AND REPORTS:**
Public comment was received by Rebekah Venturini, and Dave Leffler.

8 CONSENT AGENDA:	ACTION:
a. Review and Approval of Minutes for July 24, 2019 b. Review and Approval of Cash Disbursements	After an opportunity for public comment and Board discussion, staff recommendations were approved as modified in Item 8b in the amount of \$ 275,259.82 for a total of \$ 399,275.61 with a motion from Vice President White, and a second from Director Villa and a 5-0 roll call vote. No public comment.

9A BUSINESS ITEM:	ACTION:
Update on emergency actions approved on July 10, 2019 authorizing the General Manager to procure the necessary equipment, services and supplies needed to resume groundwater pumping and by a 4/5ths vote, determine that there is a need to continue with emergency actions.	After an opportunity for public comment and Board discussion, staff recommendations were approved with a motion from Vice President White, and a second from Director Replogle and a 5-0 roll call vote. No public comment.

9B BUSINESS ITEM:	ACTION:
Consideration of adopting a Social Media Policy.	After a presentation by Chief Lieberman an opportunity for public comment and Board discussion, staff recommendations were approved with a motion from Director Replogle, and a second from Director Villa and a 5-0 roll call vote. No public comment.

9C BUSINESS ITEM:	ACTION:
Discussion of the Public Safety Power Shutoff measures established by Pacific Gas & Electric and consideration of a recommendation to initiate efforts to purchase a backup generator for the District's groundwater wells.	After an opportunity for public comment and Board discussion, staff recommendations were approved as modified with a motion from Vice President White, and a second from Director Replogle and a 5-0 roll call vote. No public comment.

9D BUSINESS ITEM:	ACTION:
Review of a draft "frequently asked questions" relating to a special tax for fire and emergency medical services with Board direction as deemed appropriate.	After an opportunity for public comment and Board discussion, no action taken. Public comment was received by Dave Leffler.

10. **HEARING ITEMS:** None

11. **RECEIVED WRITTEN COMMUNICATIONS:** None

12. **LATE RECEIVED WRITTEN COMMUNICATIONS:** None

13. **FUTURE AGENDA ITEMS:** District Polices, Roles and Responsibilities with Related Agencies, Construction Documents (Norswing/ Pershing & Highway One waterline replacement projects), Five Cities Fire Authority, District Rules and Regulations, Cienaga Seabreeze Park, Inc. Continued, Deferred Infrastructure Program, Lopez Lake LRRP & Contract Amendments, Central Coast Blue, Wastewater CIP, The Place, EIR State Parks PWP, LID Presentation, Old Firehouse Art, IWMA Ordinance, 2020 Legislation regarding customer shut-offs

14. **FUTURE HEARING ITEMS:** None

15. **ADJOURNMENT:** at approximately 9:00 pm



Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

PHONE(805) 481-6730 FAX (805) 481-6836

Date: September 11, 2019

To: Board of Directors

From: Carey Casciola, Business and Accounting Manager

Subject: Agenda Item #8B-: Recommendation to Approve Cash Disbursements

Recommendation

It is recommended that your board approve the attached cash disbursements:

Discussion

The following is a summary of the attached cash disbursements:

Description	Check Sequence	Amounts
	57939 - 57968	
Disbursements Requiring Board Approval prior to Payment:		
Regular Payable Register - paid 09/11/2019	57944 - 57967	\$ 29,187.03
Utility Billing (Hydrant Meter Deposit) Refund - paid 09/11/2019	57968	\$ 500.00
Subtotal:		\$ 29,687.03
Reoccurring Payments for Board Review (authorized by Resolution 2018-11):		
Payroll Disbursements - PPE 08/31/2019	N/A	\$ 31,166.73
Reoccurring Health Disbursements - paid 08/28/2019	57939 - 57940	\$ 8,353.50
Reoccurring Utility Disbursements - paid 08/28/2019	57941 - 57943	\$ 1,323.16
Subtotal:		\$ 40,843.39
Grand Total:		\$ 70,530.42

Other Agency Involvement

N/A

Other Financial Considerations

Amounts are within the authorized Fund level budgets.

Results

The Board's review of cash disbursements is an integral component of the District's system of internal controls and promotes a well governed community.

COMPANY: 99 - POOLED CASH FUND
ACCOUNT: 1-1001-000 POOLED CASH OPERATING
TYPE: All
STATUS: All
FOLIO: All

CHECK DATE: 0/00/0000 THRU 99/99/9999
CLEAR DATE: 0/00/0000 THRU 99/99/9999
STATEMENT: 0/00/0000 THRU 99/99/9999
VOIDED DATE: 0/00/0000 THRU 99/99/9999
AMOUNT: 0.00 THRU 999,999,999.99
CHECK NUMBER: 057944 THRU 057967

ACCOUNT	--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT---	STATUS	FOLIO	CLEAR DATE
CHECK:	-----							
1-1001-000	9/05/2019	CHECK	057944	TYLER TECHNOLOGIES	5,429.66CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057945	BRISCO'S	21.54CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057946	CANNON	3,758.00CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057947	WHITE, KAREN M.	200.00CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057948	COASTLINE EQUIPMENT	3,101.76CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057949	FASTENAL COMPANY	138.70CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057950	BURDINE PRINTING & GRAPHICS	350.21CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057951	ICONIX WATERWORKS (US) INC.	2,074.11CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057952	ARAMARK	313.89CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057953	CAL-WEST RAIN INC	5,850.00CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057954	ZENITH INSURANCE COMPANY	651.00CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057955	SHORE-TEK	550.06CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057956	REPLOGLE, CYNTHIA	250.00CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057957	FAMCON PIPE & SUPPLY, INC.	64.81CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057958	CALPORTLAND CONSTRUCTION	88.76CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057959	SHIRLEY D. GIBSON	300.00CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057960	CLINICAL LAB OF SAN BERNARDINO	430.00CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057961	J.B. DEWAR, INC.	515.59CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057962	MIER BROS.	96.98CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057963	MINER'S ACE HARDWARE, INC.	52.94CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057964	QUILL CORPORATION	218.87CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057965	PRO-TECH LANDSCAPE MANAGEMENT,	605.00CR	OUTSTND	A	0/00/0000

9/05/2019 1:10 PM
 COMPANY: 99 - POOLED CASH FUND
 ACCOUNT: 1-1001-000 POOLED CASH OPERATING
 TYPE: All
 STATUS: All
 FOLIO: All

CHECK RECONCILIATION REGISTER

CHECK DATE: 0/00/0000 THRU 99/99/9999
 CLEAR DATE: 0/00/0000 THRU 99/99/9999
 STATEMENT: 0/00/0000 THRU 99/99/9999
 VOIDED DATE: 0/00/0000 THRU 99/99/9999
 AMOUNT: 0.00 THRU 999,999,999.99
 CHECK NUMBER: 057944 THRU 057967

ACCOUNT	--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT---	STATUS	FOLIO	CLEAR DATE
CHECK:								
1-1001-000	9/05/2019	CHECK	057966	AQUA-METRIC	3,625.15CR	OUTSTND	A	0/00/0000
1-1001-000	9/05/2019	CHECK	057967	GRANITE CONSTRUCTION COMPANY	500.00CR	OUTSTND	A	0/00/0000
TOTALS FOR ACCOUNT 1-1001-0				CHECK	TOTAL:	29,187.03CR		
				DEPOSIT	TOTAL:	0.00		
				INTEREST	TOTAL:	0.00		
				MISCELLANEOUS	TOTAL:	0.00		
				SERVICE CHARGE	TOTAL:	0.00		
				EFT	TOTAL:	0.00		
				BANK-DRAFT	TOTAL:	0.00		
TOTALS FOR POOLED CASH FUND				CHECK	TOTAL:	29,187.03CR		
				DEPOSIT	TOTAL:	0.00		
				INTEREST	TOTAL:	0.00		
				MISCELLANEOUS	TOTAL:	0.00		
				SERVICE CHARGE	TOTAL:	0.00		
				EFT	TOTAL:	0.00		
				BANK-DRAFT	TOTAL:	0.00		

COMPANY: 99 - POOLED CASH FUND
 ACCOUNT: 1-1001-000 POOLED CASH OPERATING
 TYPE: All
 STATUS: All
 FOLIO: All

CHECK DATE: 0/00/0000 THRU 99/99/9999
 CLEAR DATE: 0/00/0000 THRU 99/99/9999
 STATEMENT: 0/00/0000 THRU 99/99/9999
 VOIDED DATE: 0/00/0000 THRU 99/99/9999
 AMOUNT: 0.00 THRU 999,999,999.99
 CHECK NUMBER: 057968 THRU 057968

ACCOUNT	--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT---	STATUS	FOLIO	CLEAR DATE
CHECK: -----								
1-1001-000	9/05/2019	CHECK	057968	G.F. GARCIA & SONS	500.00CR	OUTSTND	A	0/00/0000
TOTALS FOR ACCOUNT 1-1001-0				CHECK	TOTAL:	500.00CR		
				DEPOSIT	TOTAL:	0.00		
				INTEREST	TOTAL:	0.00		
				MISCELLANEOUS	TOTAL:	0.00		
				SERVICE CHARGE	TOTAL:	0.00		
				EFT	TOTAL:	0.00		
				BANK-DRAFT	TOTAL:	0.00		
TOTALS FOR POOLED CASH FUND				CHECK	TOTAL:	500.00CR		
				DEPOSIT	TOTAL:	0.00		
				INTEREST	TOTAL:	0.00		
				MISCELLANEOUS	TOTAL:	0.00		
				SERVICE CHARGE	TOTAL:	0.00		
				EFT	TOTAL:	0.00		
				BANK-DRAFT	TOTAL:	0.00		

Payroll Summary Report
Board of Directors - Agenda Date September 11, 2019

	(*)	
<u>Gross Wages</u>	8/17/2019	8/31/2019
Regular	\$25,220.29	\$24,813.60
Overtime Wages	\$714.58	\$1,392.52
Stand By	\$700.00	\$700.00
	<u>\$26,634.87</u>	<u>\$26,906.12</u>
Gross Wages		
Cell Phone Allowance	\$0.00	\$75.00
Total Wages	<u>\$26,634.87</u>	<u>\$26,981.12</u>

Disbursements

Net Wages	\$20,029.75	\$20,317.65
State and Federal Agencies	\$4,850.71	\$4,890.82
CalPERS - Normal	\$4,778.84	\$4,728.01
CalPERS - GASB 68 Reports	\$0.00	\$1,050.00
SEIU - Union Fees	\$180.25	\$180.25
Total Disbursements processed with Payroll	<u>\$29,839.55</u>	<u>\$31,166.73</u>
Health (Disbursed with reoccurring bills)	\$4,964.25	\$4,964.24
Total District Payroll Related Costs	<u>\$34,803.80</u>	<u>\$36,130.97</u>

(*) Previously reported in prior Board Meeting packet - provided for comparison.

COMPANY: 99 - POOLED CASH FUND
ACCOUNT: 1-1001-000 POOLED CASH OPERATING
TYPE: All
STATUS: All
FOLIO: All

CHECK DATE: 0/00/0000 THRU 99/99/9999
CLEAR DATE: 0/00/0000 THRU 99/99/9999
STATEMENT: 0/00/0000 THRU 99/99/9999
VOIDED DATE: 0/00/0000 THRU 99/99/9999
AMOUNT: 0.00 THRU 999,999,999.99
CHECK NUMBER: 057939 THRU 057940

ACCOUNT	--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT---	STATUS	FOLIO	CLEAR DATE
CHECK:								
1-1001-000	8/28/2019	CHECK	057939	BLUE SHIELD OF CALIFORNIA	7,096.26CR	OUTSTND	A	0/00/0000
1-1001-000	8/28/2019	CHECK	057940	PRINCIPAL LIFE INSURANCE COMPA	1,257.24CR	OUTSTND	A	0/00/0000
TOTALS FOR ACCOUNT 1-1001-0				CHECK	TOTAL:	8,353.50CR		
				DEPOSIT	TOTAL:	0.00		
				INTEREST	TOTAL:	0.00		
				MISCELLANEOUS	TOTAL:	0.00		
				SERVICE CHARGE	TOTAL:	0.00		
				EFT	TOTAL:	0.00		
				BANK-DRAFT	TOTAL:	0.00		
TOTALS FOR POOLED CASH FUND				CHECK	TOTAL:	8,353.50CR		
				DEPOSIT	TOTAL:	0.00		
				INTEREST	TOTAL:	0.00		
				MISCELLANEOUS	TOTAL:	0.00		
				SERVICE CHARGE	TOTAL:	0.00		
				EFT	TOTAL:	0.00		
				BANK-DRAFT	TOTAL:	0.00		

COMPANY: 99 - POOLED CASH FUND
ACCOUNT: 1-1001-000 POOLED CASH OPERATING
TYPE: All
STATUS: All
FOLIO: All

CHECK DATE: 0/00/0000 THRU 99/99/9999
CLEAR DATE: 0/00/0000 THRU 99/99/9999
STATEMENT: 0/00/0000 THRU 99/99/9999
VOIDED DATE: 0/00/0000 THRU 99/99/9999
AMOUNT: 0.00 THRU 999,999,999.99
CHECK NUMBER: 057941 THRU 057943

ACCOUNT	--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT---	STATUS	FOLIO	CLEAR DATE
CHECK:								
1-1001-000	8/28/2019	CHECK	057941	RABOBANK EQUIPMENT LEASE	755.60CR	OUTSTND	A	0/00/0000
1-1001-000	8/28/2019	CHECK	057942	DE LAGE LANDEN FINANCIAL SERVI	150.15CR	OUTSTND	A	0/00/0000
1-1001-000	8/28/2019	CHECK	057943	COASTAL COPY, INC.	417.41CR	OUTSTND	A	0/00/0000
TOTALS FOR ACCOUNT 1-1001-0				CHECK	TOTAL:	1,323.16CR		
				DEPOSIT	TOTAL:	0.00		
				INTEREST	TOTAL:	0.00		
				MISCELLANEOUS	TOTAL:	0.00		
				SERVICE CHARGE	TOTAL:	0.00		
				EFT	TOTAL:	0.00		
				BANK-DRAFT	TOTAL:	0.00		
TOTALS FOR POOLED CASH FUND				CHECK	TOTAL:	1,323.16CR		
				DEPOSIT	TOTAL:	0.00		
				INTEREST	TOTAL:	0.00		
				MISCELLANEOUS	TOTAL:	0.00		
				SERVICE CHARGE	TOTAL:	0.00		
				EFT	TOTAL:	0.00		
				BANK-DRAFT	TOTAL:	0.00		



Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730 FAX (805) 481-6836

Date: September 11, 2019

To: Board of Directors

From: Carey Casciola, Business and Accounting Manager

Subject: **Agenda Item # 9(A):** Approval of the District's Fiscal Year 2018-19 Public Facilities Fees Annual Report and cost allocation percentages for the use of Public Facilities Reserves for the Emergency Generator Project

Recommendation

It is recommended that your Board:

1. Approve the District's Fiscal Year 2018-19 Public Facilities Fees Report.
2. Approve the cost allocation percentages between the Sheriff's Sub-station and the Fire Station illustrated in Exhibit "B" for the use of Public Facilities Reserves for the Emergency Generator Project.

Discussion

Government Code Section 66000 et seq. authorizes local agencies to collect fees from development projects to mitigate the impact of new development on public facilities. The District approved the Public Facilities Fees (PFF's) agreement with the County on June 12, 2019 to help ensure that the actions of both agencies are coordinated to comply with statutory requirements. The agreement identifies specific requirements, one of which is the attached report. The District is to submit annual reports that show the District's progress towards performing its obligations, including public information pursuant to Government Code Section 66006 and is attached as Exhibit "C".

On May 10, 2017 your Board approved resolution 2017-03 adopting the Report on PFF's. The report was adopted to support the requirements established by the County and the California Government Code. The PFF's are collected by the County and transferred to the District. The District has provided annual information to the County to support requirement of the County's fee program. The Emergency Generator has been included in these reports and identifies that 70.5% of costs allocated to the Fire Station can be funded with PFF's. The allocation percentages illustrated in Exhibit "B" show the split between the Sherriff's Sub-Station and Fire Station before the 70.5% of allocation allocable to PFF's. Once the Emergency Generator Project has been completed the final costs will be



brought back to your Board with a resolution adopting the use of PFF reserves based on the approved allocation percentage.

Other Agency Involvement

The County of San Luis Obispo and the Five Cities Fire Authority.

Other Financial Considerations

The PFF's are held in a separate Rabobank account that is included in each of District's Quarterly Treasurer Reports.

Results

Reporting the purpose and uses of PFF's and their relationship to new development meets the requirements of the County agreement and state laws and helps promote a well governed and safe community.

Attachments:

- Exhibit A – Public Facilities Fees Annual Report
- Exhibit B – Emergency Generator Cost Allocation
- Exhibit C – Annual Report to County of San Luis Obispo

Oceano Community Services District
Public Facilities Fees
Annual Report

Annual Report - Public Facilities Fees

The purpose of this report is to provide information required in the District's Public Facilities Fees Annual Report. The fees are collected by the County from new development pursuant to an agreement with the District to help pay the proportionate cost of facilities and equipment that are needed due to the impacts from new development. The fees collected for the District are deposited into a bank account that is exclusively dedicated for the fees so that they are not comingled with other District funds. The most recent Public Facilities Report was dated September 12, 2018. The District's fees are used solely for facilities and equipment needed for fire and emergency services.

Description of the Type of Fee in the Account

The Amount of the Fee: \$0.902 per square foot of development.

Fee Accounting

The following table summarizes fee accounting and anticipated date of completing work on facilities or equipment included in the plan.

	Fiscal Year 2018/19	
Beginning Balance		\$ 241,305
Fees Collected		21,143
Interest Revenues		502
Expenditures:		
Permanent Housing	\$ 0	
Emergency Generator (FY 2019/20)	0	
Type 1 Fire Engine	0	
Type IV Fire Engine	\$ 0	
Total Expenditures		0
Ending Balance		\$262,950

Other Information

The District did not have any interfund loans, fee refunds, or allocation of fees for other purposes.

**Oceano Community Services District
Allocation of Emergency Generator Costs**

		Sheriff Sub-Station		Fire Station	
Generator	\$ 38,358	\$ 7,672	20%	\$ 30,686	80%
Concrete Pad	\$ 15,789	\$ 3,158	20%	\$ 12,631	80%
Electrical Conduit	\$ 31,418	\$ 3,142	10%	\$ 28,276	90%
Generator Install	\$ 4,613	\$ 923	20%	\$ 3,690	80%
Design, Permitting & Inspection	\$ 20,000	\$ 4,000	20%	\$ 16,000	80%
Totals	<u>\$ 110,178</u>	<u>\$ 18,894</u>		<u>\$ 91,284</u>	

Allowable Percent Funded from Public Facilities Fees (Note 1)

70.5%

\$ 64,355.4

Notes:

1. Resolution 2017-03 adopted the Report on Public Facilities Fees at the May 10, 2017 meeting.

Attachment A

PUBLIC FACILITY PROJECTS
Annual Report for Oceano CSD
for Fiscal Year Ended June 30, 2019

Project	Cost Estimate	Expended in 2018-19	PFF Used in 2018-19	Percentage of Cost Funded with PFF Fees	Date Started or Estimated to Commence
Emergency Generator Project Station Remodel	\$68,805.00	\$6,154.31	\$0.00	70%	12/1/2018
	\$516,550.00	\$0.00	\$0.00	50%	TBD
	\$585,355.00				
Type 1 Fire Engine	\$475,000.00	\$0.00	\$0.00	100%	TBD
Station 3 Type 4 engine	\$30,000.00	\$0.00	\$0.00	100%	TBD

*TBD - To Be Determined

*Expended costs in 2018-19 of \$6,154.31 for the Emergency Generator Project excludes the cost of the physical generator that is covered by the issued Nuclear Preparedness Grant.

ACTIVITY SUMMARY:

Balance as of June 30, 2018	\$241,305.71
Fees Received	\$21,143.06
Interest Earned	\$502.03
Expended	\$0.00
Balance as of June 30, 2019	<u><u>\$262,950.80</u></u>

INSTRUCTIONS FOR COMPLETION:

1. **'Project & Location'** should identify the capital projects developed and approved to be funded - at least in part with Public Facility Fees - by your Agency or listed in the Public Facilities Financing Plan.
2. **'Cost Estimate'** should be the anticipated cost or funding necessary to complete the project.
3. **'Expended in 2018-19'** should be the amount spent in this fiscal year.
4. **'Percentage of cost funded with PFF Fees'** is expressed in percent when other funding sources are involved.
5. **'Date Started or Estimated Date to Commence'** may be past or future dates.



Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730 FAX (805) 481-6836

Date: September 11, 2019

To: Board of Directors

From: Paavo Ogren, General Manager

Subject: **Agenda Item # 9(B):** Consideration of a recommendation to approve a resolution adopting a policy to comply with Senate Bill 998 (2018) regarding discontinuance of water service with penalties and enforcement for collection of delinquent accounts in accordance with Government Code Section 61115

Recommendation

It is recommended that your Board approve a resolution adopting a policy to comply with Senate Bill 998 (2018) regarding discontinuance of water service with penalties and enforcement for collection of delinquent accounts in accordance with Government Code Section 61115.

Discussion

Senate Bill (SB) 998 was approved by the Governor on September 28, 2018 and goes into effect for the District on April 1, 2020. The legislation requires the District to adopt a policy with specific provisions that are summarized in Attachment "A" which was produced by the League of California Cities. SB 998 has been chaptered into Health and Safety Code Sections 116900 – 116926, which is include as Attachment "B." In summary, SB 998 has the following primary impacts on the District:

Current	Proposed
Service is discontinued approximately 3 weeks after an account is delinquent	Service cannot be discontinued until 60 days after an account is delinquent
District adopted "Hardship" provisions included in Ordinance 2015-1 allow customers to defer 50% of a bill to the following bill with one deferral allowed every 24 months	All customers are allowed to defer 100% of a delinquent payment for 60 days without limitation to how often they do so over a 24-month period.
n/a	In specified situations, a 12-month payment schedule for a delinquent account is required.



Additional requirements of SB 998 include publication, noticing, reporting, and procedural requirements that are incorporated in the attached resolution and policy. The effective date of the policy is April 1, 2020 and the resolution requires the General Manager to create the needed procedures before December 21, 2019 so that they can be posted on the District website by December 31, 2019. The resolution also directs District staff to provide customers with a summary of the new policy, including District contact information, inserted with the first bills that will be affected by the new policy.

Lastly, the attached resolution and policy is proposed to include a change from the current late fee of \$5.00, which is imposed in accordance with District Ordinance 2006-1, to a 10% penalty, with an additional 1% each additional month that the account is delinquent, as provided in Government Code 61115.

Other Agency Involvement

SB 998 provides that the State Water Resources Control Board is the responsible enforcement agency and has been working on a "Low Income Water Rate Assistance Program." Additional information on the state's efforts to develop an assistance program can be located at the following link.

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

Financial Considerations

Historically, the District's uncollectible delinquent accounts has been negligible for the following reasons:

- Water service is discontinued if bills are not paid.
- Property owners are required to be the customer since service is "property related," which enables the District to collect delinquent bills on property tax bills in accordance with Government Code 61115(b).

Implementation of SB 998 has a probable negative effect on District cashflow due to the extended length in time before water service can be discontinued. That negative effect is not measurable at this time. In order to mitigate negative fiscal impacts, the attached resolution and policy propose to replace the existing \$5.00 late fee established in Ordinance 2006-1 with a 10% penalty for late payment plus 1% per month in accordance with Government Code Section 61115(a)(3)(C). Lastly,



Oceano Community Services District

Board of Directors Meeting

Government Code Section 61115(c) allows the District to adopt a resolution so that liens can be placed on properties for delinquent accounts, which is also included in the proposed action so that it can be implemented if needed.

Results

Adoption of the attached resolution and policy promotes compliance with SB 998 and provides assistance in specified situations that are life threatening or pose serious threat to health and safety if water service is discontinued.

Attachments:

- A. League of Cities excerpt summarizing SB 998
- B. Health and Safety Code 116900-116926
- C. Resolution & Policy

Legislative Report

A COMPILATION OF 2018 STATUTES



***SB 998 (Dodd) Discontinuation of Residential Water Service. Urban and Community Water Systems.**

Chapter 891, Statutes of 2018

This measure changes the practice of water purveyors as it relates to discontinuation of residential water service for nonpayment. Specifically, this measure:

- Requires public water systems with more than 200 connections to have a written policy on discontinuation of residential water service (shutoff) and provide that policy in multiple languages;
- Prohibit shutoff until the bill has been delinquent for 60 days;
- Prohibits shutoff for nonpayment if all of the following conditions are met: (1) the customer, or tenant, submits a certification of a primary care provider that discontinuation of residential service will be life threatening or pose a serious threat to the health and safety of a resident, (2) the customer demonstrates that he or she is financially unable to pay within the normal billing cycle, and (3) the customer is willing to enter into an amortization agreement, alternative payment schedule, or plan for deferred or reduced payment for all delinquent charges;
- Requires the water system to provide information on how to restore residential service and petition for a waiver of reconnection fees;
- Requires the water system to waive reconnection fees and offer a reduction or waiver of interest on delinquent bills once every 12 months for a residential customer who shows an income below 200% of the federal poverty line;
- Caps reconnection fees at \$50 or less, with the fee not to exceed the actual cost of reconnection;
- Requires the water system to make every good faith effort to inform a tenant by written notice when the owner's account is in arrears and service is going to be terminated, and requires continued service if the tenant assumes responsibility to the satisfaction of the water system; and
- Authorizes the SWRCB to enforce the requirements and the Attorney General to bring an action for temporary or permanent injunction.


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HEALTH AND SAFETY CODE - HSC

DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406] (*Division 104 added by Stats. 1995, Ch. 415, Sec. 6.*)

PART 12. DRINKING WATER [116270 - 117130] (*Part 12 added by Stats. 1995, Ch. 415, Sec. 6.*)

CHAPTER 6. Discontinuation of Residential Water Service [116900 - 116926] (*Chapter 6 added by Stats. 2018, Ch. 891, Sec. 2.*)

116900. This chapter shall be known, and may be cited, as the Water Shutoff Protection Act.

(*Added by Stats. 2018, Ch. 891, Sec. 2. (SB 998) Effective January 1, 2019.*)

116902. For the purposes of this chapter, the following definitions apply:

- (a) "Board" means the State Water Resources Control Board.
- (b) "Public water system" has the same meaning as defined in Section 116275.
- (c) "Residential service" means water service to a residential connection that includes single-family residences, multifamily residences, mobilehomes, including, but not limited to, mobilehomes in mobilehome parks, or farmworker housing.
- (d) "Urban and community water system" means a public water system that supplies water to more than 200 service connections.
- (e) "Urban water supplier" has the same meaning as defined in Section 10617 of the Water Code.

(*Added by Stats. 2018, Ch. 891, Sec. 2. (SB 998) Effective January 1, 2019.*)

116904. (a) An urban water supplier not regulated by the Public Utilities Commission shall comply with this chapter on and after February 1, 2020.

(b) An urban and community water system regulated by the Public Utilities Commission shall comply with this chapter on and after February 1, 2020. The urban and community water system regulated by the Public Utilities Commission shall file advice letters with the commission to conform with this chapter.

(c) An urban and community water system not described in subdivision (a) or (b) shall comply with this chapter on and after April 1, 2020.

(*Added by Stats. 2018, Ch. 891, Sec. 2. (SB 998) Effective January 1, 2019.*)

116906. (a) An urban and community water system shall have a written policy on discontinuation of residential service for nonpayment available in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by at least 10 percent of the people residing in its service area. The policy shall include all of the following:

- (1) A plan for deferred or reduced payments.
- (2) Alternative payment schedules.
- (3) A formal mechanism for a customer to contest or appeal a bill.
- (4) A telephone number for a customer to contact to discuss options for averting discontinuation of residential service for nonpayment.

(b) The policy shall be available on the urban and community water system's Internet Web site, if an Internet Web site exists. If an Internet Web site does not exist, the urban and community water system shall provide the policy to customers in writing, upon request.

(c) (1) The board may enforce the requirements of this section pursuant to Sections 116577, 116650, and 116655. The provisions of Section 116585 and Article 10 (commencing with Section 116700) of Chapter 4 apply to enforcement undertaken for a violation of this section.

(2) All moneys collected pursuant to this subdivision shall be deposited in the Safe Drinking Water Account established pursuant to Section 116590.

(Added by Stats. 2018, Ch. 891, Sec. 2. (SB 998) Effective January 1, 2019.)

116908. (a) (1) (A) An urban and community water system shall not discontinue residential service for nonpayment until a payment by a customer has been delinquent for at least 60 days. No less than seven business days before discontinuation of residential service for nonpayment, an urban and community water system shall contact the customer named on the account by telephone or written notice.

(B) When the urban and community water system contacts the customer named on the account by telephone pursuant to subparagraph (A), it shall offer to provide in writing to the customer the urban and community water system's policy on discontinuation of residential service for nonpayment. An urban and community water system shall offer to discuss options to avert discontinuation of residential service for nonpayment, including, but not limited to, alternative payment schedules, deferred payments, minimum payments, procedures for requesting amortization of the unpaid balance, and petition for bill review and appeal.

(C) When the urban and community water system contacts the customer named on the account by written notice pursuant to subparagraph (A), the written notice of payment delinquency and impending discontinuation shall be mailed to the customer of the residence to which the residential service is provided. If the customer's address is not the address of the property to which residential service is provided, the notice also shall be sent to the address of the property to which residential service is provided, addressed to "Occupant." The notice shall include, but is not limited to, all of the following information in a clear and legible format:

(i) The customer's name and address.

(ii) The amount of the delinquency.

(iii) The date by which payment or arrangement for payment is required in order to avoid discontinuation of residential service.

(iv) A description of the process to apply for an extension of time to pay the delinquent charges.

(v) A description of the procedure to petition for bill review and appeal.

(vi) A description of the procedure by which the customer may request a deferred, reduced, or alternative payment schedule, including an amortization of the delinquent residential service charges, consistent with the written policies provided pursuant to subdivision (a) of Section 116906.

(2) If the urban and community water system is unable to make contact with the customer or an adult occupying the residence by telephone, and written notice is returned through the mail as undeliverable, the urban and community water system shall make a good faith effort to visit the residence and leave, or make other arrangements for placement in a conspicuous place of, a notice of imminent discontinuation of residential service for nonpayment and the urban and community water system's policy for discontinuation of residential service for nonpayment.

(b) If an adult at the residence appeals the water bill to the urban and community water system or any other administrative or legal body to which such an appeal may be lawfully taken, the urban and community water system shall not discontinue residential service while the appeal is pending.

(Added by Stats. 2018, Ch. 891, Sec. 2. (SB 998) Effective January 1, 2019.)

116910. (a) An urban and community water system shall not discontinue residential service for nonpayment if all of the following conditions are met:

(1) The customer, or a tenant of the customer, submits to the urban and community water system the certification of a primary care provider, as that term is defined in subparagraph (A) of paragraph (1) of subdivision (b) of Section 14088 of the Welfare and Institutions Code, that discontinuation of residential service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where residential service is provided.

(2) The customer demonstrates that he or she is financially unable to pay for residential service within the urban and community water system's normal billing cycle. The customer shall be deemed financially unable to pay for residential service within the urban and community water system's normal billing cycle if any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level.

(3) The customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment, consistent with the written policies provided pursuant to subdivision (a) of Section 116906, with respect to all delinquent charges.

(b) (1) If the conditions listed in subdivision (a) are met, the urban and community water system shall offer the customer one or more of the following options:

(A) Amortization of the unpaid balance.

(B) Participation in an alternative payment schedule.

(C) A partial or full reduction of the unpaid balance financed without additional charges to other ratepayers.

(D) Temporary deferral of payment.

(2) The urban and community water system may choose which of the payment options described in paragraph (1) the customer undertakes and may set the parameters of that payment option. Ordinarily, the repayment option offered should result in repayment of any remaining outstanding balance within 12 months. An urban and community water system may grant a longer repayment period if it finds the longer period is necessary to avoid undue hardship to the customer based on the circumstances of the individual case.

(3) Residential service may be discontinued no sooner than 5 business days after the urban and community water system posts a final notice of intent to disconnect service in a prominent and conspicuous location at the property under either of the following circumstances:

(A) The customer fails to comply with an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges for 60 days or more.

(B) While undertaking an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges, the customer does not pay his or her current residential service charges for 60 days or more.

(Added by Stats. 2018, Ch. 891, Sec. 2. (SB 998) Effective January 1, 2019.)

116912. An urban and community water system that discontinues residential service for nonpayment shall provide the customer with information on how to restore residential service.

(Added by Stats. 2018, Ch. 891, Sec. 2. (SB 998) Effective January 1, 2019.)

116914. (a) For a residential customer who demonstrates to an urban and community water system household income below 200 percent of the federal poverty line, the urban and community water system shall do both of the following:

(1) Set a reconnection of service fee for reconnection during normal operating hours at fifty dollars (\$50), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021. For the reconnection of residential service during nonoperational hours, an urban and community water system shall set a reconnection of service fee at one hundred fifty dollars (\$150), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.

(2) Waive interest charges on delinquent bills once every 12 months.

(b) An urban and community water system shall deem a residential customer to have a household income below 200 percent of the federal poverty line if any member of the household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level.

(Added by Stats. 2018, Ch. 891, Sec. 2. (SB 998) Effective January 1, 2019.)

116916. (a) This section applies if there is a landlord-tenant relationship between the residential occupants and the owner, manager, or operator of the dwelling.

(b) If an urban and community water system furnishes individually metered residential service to residential occupants of a detached single-family dwelling, a multiunit residential structure, mobilehome park, or permanent residential structure in a labor camp as defined in Section 17008, and the owner, manager, or operator of the dwelling, structure, or park is the customer of record, the urban and community water system shall make every good faith effort to inform the residential occupants, by means of written notice, when the account is in arrears that service will be terminated at least 10 days prior to the termination. The written notice shall further inform the residential occupants that they have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account.

(c) The urban and community water system is not required to make service available to the residential occupants unless each residential occupant agrees to the terms and conditions of service and meets the requirements of law and the urban and community water system's rules and tariffs. However, if one or more of the residential occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the urban and community water system, or if there is a physical means legally available to the urban and community water system of selectively terminating service to those residential occupants who have not met the requirements of the urban and community water system's rules and tariffs, the urban and community water system shall make service available to those residential occupants who have met those requirements.

(d) If prior service for a period of time is a condition for establishing credit with the urban and community water system, residence and proof of prompt payment of rent or other credit obligation acceptable to the urban and community water system for that period of time is a satisfactory equivalent.

(e) Any residential occupant who becomes a customer of the urban and community water system pursuant to this section whose periodic payments, such as rental payments, include charges for residential water service, where those charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the urban and community water system for those services during the preceding payment period.

(f) In the case of a detached single-family dwelling, the urban and community water system may do any of the following:

(1) Give notice of termination at least seven days prior to the proposed termination.

(2) In order for the amount due on the delinquent account to be waived, require an occupant who becomes a customer to verify that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. Verification may include, but is not limited to, a lease or rental agreement, rent receipts, a government document indicating that the occupant is renting the property, or information disclosed pursuant to Section 1962 of the Civil Code.

(Added by Stats. 2018, Ch. 891, Sec. 2. (SB 998) Effective January 1, 2019.)

116918. An urban and community water system shall report the number of annual discontinuations of residential service for inability to pay on the urban and community water system's Internet Web site, if an Internet Web site exists, and to the board. The board shall post on its Internet Web site the information reported.

(Added by Stats. 2018, Ch. 891, Sec. 2. (SB 998) Effective January 1, 2019.)

116920. (a) The Attorney General, at the request of the board or upon his or her own motion, may bring an action in state court to restrain by temporary or permanent injunction the use of any method, act, or practice declared in this chapter to be unlawful.

(b) For an urban and community water system regulated by the Public Utilities Commission, the commission may bring an action in state court to restrain by temporary or permanent injunction the use by an urban and community water system regulated by the commission of any method, act, or practice declared in this chapter to be unlawful.

(Added by Stats. 2018, Ch. 891, Sec. 2. (SB 998) Effective January 1, 2019.)

116922. All written notices required under this chapter shall be provided in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by 10 percent or more of the customers in the urban and community water system's service area.

(Added by Stats. 2018, Ch. 891, Sec. 2. (SB 998) Effective January 1, 2019.)

116924. Where provisions of existing law are duplicative of this chapter, compliance with one shall be deemed compliance with the other. Where those provisions are inconsistent, the provisions of this chapter shall apply. Nothing in this chapter shall be construed to limit or restrict the procedural safeguards against the disconnection of residential water service existing as of December 31, 2018.

(Added by Stats. 2018, Ch. 891, Sec. 2. (SB 998) Effective January 1, 2019.)

116926. This chapter does not apply to the termination of a service connection by an urban and community water system due to an unauthorized action of a customer.

(Added by Stats. 2018, Ch. 891, Sec. 2. (SB 998) Effective January 1, 2019.)

_____ day _____, 20__

RESOLUTION NO. _____

RESOLUTION ESTABLISHING A POLICY ON THE DISCONTINUANCE OF RESIDENTIAL WATER SERVICE

The following Resolution is hereby offered and read:

WHEREAS, on September 28, 2018 the Governor of the State of California approved Senate Bill 998 (SB 998); and

WHEREAS, SB 998 pertains to the discontinuation of residential water service for urban and community water systems; and

WHEREAS, SB 998 was added to Chapter 6 (commencing with Section 116900) of the California Health and Safety Code; and

WHEREAS, Ordinances 2015-01 and 2006-1 currently establish provisions for discontinuance of water services and payment plans for hardship situations which must be superseded to comply with SB 998; and,

WHEREAS, SB 998 requires public water systems with more than 200 connections to have a written policy on discontinuation of residential water service (shutoff) and provide that policy in languages that are spoken by at least 10% of the people residing in the District's service area; and,

WHEREAS, SB 998 prohibits discontinuation of water service until a bill has been delinquent for 60 days and provides for a process to work through hardship situations; and,

WHEREAS, SB 998 prohibits shutoff for nonpayment if all of the following conditions are met: (1) the customer, or tenant, submits a certification of a primary care provider that discontinuation of residential service will be life threatening or pose a serious threat to the health and safety of a resident, (2) the customer demonstrates that he or she is financially unable to pay within the normal billing cycle, and (3) the customer is willing to enter into an amortization agreement, alternative payment schedule, or plan for deferred or reduced payment for all delinquent charges; and,

WHEREAS, SB 998 requires the water system to provide information on how to restore residential service and petition for a waiver of reconnection fees; and,

WHEREAS, SB 998 requires the water system to waive reconnection fees and offer a reduction or waiver of interest on delinquent bills once every 12 months for a residential customer who shows an income below 200% of the federal poverty line; caps reconnection fees at \$50 or less if the reconnection is during normal water system operational hours; caps reconnection fees at \$150 or less if the reconnection is during non-operational hours, with the applicable reconnection fee not to exceed the actual cost of reconnection; and,

WHEREAS, SB 998 requires the water system to make every good faith effort to inform a tenant by written notice when the owner's account is in arrears and service is going to be terminated, and requires continued service if the tenant assumes responsibility to the satisfaction of the water system; and,

WHEREAS, SB 998 authorizes the California State Water Resources Control Board to enforce the requirements and the Attorney General to bring an action for temporary or permanent injunction, and,

WHEREAS, SB 998 has other requirements relating to notices, website information, and reporting requirements; and,

WHEREAS, it is in the public interest and the right of all California's to safe, accessible and affordable water as declared by Section 106.3 of the California Water Code.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Directors of the Oceano Community Services District that:

1. The attached policy on the Discontinuance of Residential Water Service is hereby adopted and supersedes conflicting provisions of Ordinances 2015-01 and 2006-1.
2. The effective date of the attached policy is April 1, 2020.
3. The General Manager is directed to develop the required procedures identified in the attach policy no later than December 21, 2019. To post the policy and procedures on the District website no later than December 31, 2019 and to insert a notice summarizing the policy with the District's contact information and website link with the first water bills affected by the policy.

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

AYES:
NOES:
ABSENT:
ABSTAINING:

the foregoing Resolution is hereby adopted this ____ day of _____, 2019

President of the Board of Directors

ATTEST:

Secretary for the Board of Directors

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

Jeffrey Minnery
District Counsel

By: _____

District Legal Counsel

Dated: _____

**OCEANO COMMUNITY SERVICES DISTRICT
POLICY ON DISCONTINUANCE OF RESIDENTIAL WATER SERVICES**

1. Purpose

This policy has been established to comply with Senate Bill 998, known as the “Water Shutoff Protection Act” and approved by the Governor on September 28, 2018.

2. Effective Date

This policy shall be effective on April 1, 2020.

3. Published Languages

This policy and written notices required in this policy shall be available and published in English, the languages listed in Section 1632 of the Civil Code, which includes Spanish, Chinese, Tagalog, Vietnamese, and Korean, and any other language spoken by at least 10 percent of the people residing in the District’s water service area.

4. Requirements Precedent to Discontinuing Water Service

A The District shall not discontinue residential service for nonpayment until a payment by a customer has been delinquent for at least 60 days. No less than seven business days before discontinuation of residential service for nonpayment, the District shall contact the customer named on the account by telephone or written notice.

B When the District contacts the customer named on the account by telephone pursuant to subparagraph (A), staff shall offer to provide in writing to the customer this policy. District staff shall offer to discuss options to avert discontinuation of service for nonpayment, including, but not limited to, alternative payment schedules, deferred payments, minimum payments, procedures for requesting amortization of the unpaid balance, and petition for bill review and appeal.

C When the District contacts the customer named on the account by written notice pursuant to subparagraph (A), the written notice of payment delinquency and impending discontinuation shall be mailed to the customer of the residence to which the residential service is provided. If the customer’s address is not the address of the property to which residential service is provided, the notice also shall be sent to the address of the property to which residential service is provided, addressed to “Occupant.” The notice shall include, but is not limited to, all of the following information in a clear and legible format:

- (i) The customer’s name and address.
- (ii) The amount of the delinquency.

- (iii) The date by which payment or arrangement for payment is required in order to avoid discontinuation of residential service, which shall be 60 days from the date that the bill became delinquent unless extended by the discretion of the General Manager.
- (iv) A description of the process to apply for an extension of time to pay the delinquent charges.
- (v) A description of the procedure to petition for bill review and appeal.
- (vi) A description of the procedure by which the customer may request a deferred, reduced, or alternative payment schedule, including an amortization of the delinquent residential service charges.

5. Good Faith Noticing Requirements

- A. If the District is unable to make contact with the customer or an adult occupying the residence by telephone, and written notice is returned through the mail as undeliverable, the District shall make a good faith effort to visit the residence and leave, or make other arrangements for placement in a conspicuous place of, a notice of imminent discontinuation of residential service for nonpayment and the District's policy for discontinuation of residential service for nonpayment.
- B. If an adult at the residence appeals the water bill to the District or any other administrative or legal body to which such an appeal may be lawfully taken, the District shall not discontinue residential service while the appeal is pending. Appeal rights are established in District Ordinance 2006-1.

6. Prohibition Against Discontinuing Residential Water Service

- A. The District shall not discontinue residential service for nonpayment if all of the following conditions are met:
 - (i) The customer, or a tenant of the customer, submits to the District the certification of a primary care provider, as that term is defined in subparagraph (A) of paragraph (1) of subdivision (b) of Section 14088 of the Welfare and Institutions Code, that discontinuation of residential service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where residential service is provided.
 - (ii) The customer demonstrates that he or she is financially unable to pay for residential service within the District's normal billing cycle. The customer shall be deemed financially unable to pay for residential service within the District's normal billing cycle if any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level.
 - (iii) The customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment with respect to all delinquent charges.

- B. If the conditions listed above are all met, the District shall offer the customer one or more of the following options:
- (i) Amortization of the unpaid balance.
 - (ii) Participation in an alternative payment schedule.
 - (iii) A partial or full reduction of the unpaid balance financed without additional charges to other ratepayers.
 - (iv) Temporary deferral of payment.
- C. The General Manager is authorized to determine which of the payment options described in paragraph (B) the customer undertakes and may set the parameters of that payment option provided that the repayment of any remaining outstanding balance occurs within 12 months, and further provided that the General Manager may only approve a partial or full reduction of the unpaid balance if that reduction can be funded with property tax revenues that the District Board of Directors has approved and transferred into the Water Fund budget explicitly for the purpose of doing so.
- D. Residential service may be discontinued no sooner than 5 business days after the District posts a final notice of intent to disconnect service in a prominent and conspicuous location at the property under either of the following circumstances:
- (i) The customer fails to comply with an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges for 60 days or more.
 - (ii) While undertaking an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges, the customer does not pay his or her current residential service charges for 60 days or more.

7. Restoration of Water Service

- A. An urban and community water system that discontinues residential service for nonpayment shall provide the customer with information on how to restore residential service. For a residential customer who demonstrates to the District that the household income is below 200 percent of the federal poverty line, the District shall do both of the following:
- (i) Set a reconnection of service fee for reconnection during normal operating hours in an amount that does not exceed fifty dollars (\$50), or the actual cost of reconnection if it is less. For the reconnection of residential service during nonoperational hours, the District shall set a reconnection of service fee that does not exceed one hundred fifty dollars (\$150), or the actual cost of reconnection during nonoperational hours if it is less. The

maximum amount of \$50 for reconnection during operational hours and \$150 during nonoperational hours shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021. The District shall use the average of the Los Angeles area and San Francisco area for determining the increase in the Consumer Price Index.

(ii) Waive interest charges on delinquent bills once every 12 months.

B. An urban and community water system shall deem a residential customer to have a household income below 200 percent of the federal poverty line if any member of the household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level.

8. Services involving Landlord-Tenant Relationships

(i) If the District furnishes individually metered residential service to residential occupants of a detached single-family dwelling, a multiunit residential structure, mobilehome park, or permanent residential structure in a labor camp as defined in Section 17008, and the owner, manager, or operator of the dwelling, structure, or park is the customer of record, the District shall make every good faith effort to inform the residential occupants, by means of written notice, when the account is in arrears that service will be terminated at least 10 days prior to the termination. The written notice shall further inform the residential occupants that they have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account.

(ii) The District shall not make service available to the residential occupants unless each residential occupant agrees to the terms and conditions of service and meets the requirements of law and the District's ordinances, resolutions, rules and regulations. However, if one or more of the residential occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the District, including requirements which may include but not be limited to payment of a deposit of \$120 and completion of a District application for service so that the General Manager, or designee, can evaluate whether the District is satisfied that the residential applicants can meet the terms and conditions of service, or if there is a physical means legally available for the District to selectively terminate service to those residential occupants who have not met the requirements of the District's, the District shall make service available to those residential occupants who the District is satisfied can meet the terms and conditions of service.

9. Reporting Requirements – The District shall annually report the number of discontinuations of residential service for inability to pay on the District's Internet Web site and to the State Water Resources Control Board.

10. Limitations of this Policy - Nothing in this policy restricts, limits or otherwise impairs the District's ability to terminate service to a customer for reasons other than those explicitly stated in this policy including but not limited to unauthorized actions of the customer.

11. Other Actions to Secure Collection of Delinquent Charges –

- A. Pursuant to Government Code Section 61115(3)(C) the District penalize a customer for the nonpayment of charges at a rate of ten percent (10%), plus an additional penalty of one percent (1%) per month for the nonpayment of the charges.
- B. Pursuant to Government Code Section 61115(b) the District may collect any delinquent charges and penalties on the tax roll in the same manner as property taxes.
- C. Pursuant to Government Code Section 61115(c), the Board of Directors authorizes the General Manager or designee to execute a certificate declaring on a form approved by District legal counsel the amount of the delinquent charges and penalties due and the name and last known address of the person liable for the delinquent charges and penalties, and to record said certificate in the office of the San Luis Obispo County Recorder in accordance with procedures established by the General Manager. Said procedures shall include a provision that recording the certificate can only occur after notifying the customer of the District's intent to record the certificate, that the customers has ten business days to inform the District if the customer intends to appeal the recording of the certificate to the Board of Directors, and if the customer appeals, then the certificate can only be recorded after the Board of Directors considers the appeal and only if the Board of Directors directs that the certificate is recorded.



Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730 FAX (805) 481-6836

Date: September 11, 2019

To: Board of Directors

From: Paavo Ogren, General Manager

Subject: **Agenda Item # 9(C):** Consideration of a proposed ordinance of the San Luis Obispo County Integrated Waste Management Authority to ban Polystyrene and to provide direction on comments as deemed appropriate by the Board

Recommendation

It is recommended that your Board:

1. Discuss a proposed ordinance of the San Luis Obispo County Integrated Waste Management Authority to ban Polystyrene.
2. Provide direction on comments as deemed appropriate.

Discussion

The San Luis Obispo County Integrated Waste Management Authority (IWMA) was formed in 1994 through a joint powers agreement (JPA) between the County and local cities. Information on the IWMA can be found on their website <https://www.iwma.com/>. The JPA can be found at <https://www.iwma.com/wp-content/uploads/recyclist/userfiles/IWMA%20jpa%20agreement.pdf>

The purpose of IWMA is to achieve regional waste diversion goals. Previously, a plastic bag ban was enacted, and on July 10, 2019, the IWMA held a study session to consider providing direction on a ban on polystyrene. Minutes for the meeting indicate that the IWMA Board directed staff on the following:

“to prepare a polystyrene ban ordinance using San Luis Obispo County’s as a template, adding in the meat trays, egg cartons and marine devices and to separately begin working on a draft ordinance ban for single use plastics.”

On August 28, 2019, your Board received a presentation by IWMA staff. The agenda materials for the proposed ordinance which will be considered at the IWMA meeting of September 11th are attached. Letters of opposition and support can be found in the IWMA agenda materials at <https://iwma.com/wp-content/uploads/2019/09/Sep-11-2019-IWMA-Board-Agenda-Packet.pdf>.



Other Agency Involvement

Cities that have enacted ordinances banning polystyrene include Arroyo Grande, Grover Beach, Morro Bay, Pismo Beach and San Luis Obispo. The ordinances have differences and can be reviewed in the agenda attachments.

Financial Considerations

The District's franchise agreement for waste collection, hauling and recycling with South County Services Inc. are independent from the IWMA and the proposed polystyrene ban has no anticipated financial impact on the District.

Results

Considering the proposed ordinance to ban polystyrene and providing comments promotes a well governed, healthy and environmentally conscious community.

Attachment: IWMA Agenda Material for September 11, 2019 Item 15 - "An Ordinance Regulating Polystyrene and Expanded Polystyrene (EPS) Food Containers and Products"

DATE: September 11, 2019 ITEM: 15

Approve Deny

Continue to _____

TO: San Luis Obispo County Integrated Waste Management Authority

FROM: Brooks Stayer, Executive Director IWMA

RE: An Ordinance Regulating Polystyrene and Expanded Polystyrene (EPS) Food Containers and Products

BACKGROUND:

Date	Action
March 14, 2018	Staff directed to agendize discussion of an ordinance to ban expanded polystyrene (EPS)
May 9, 2018	Staff agendize discussion, public comment received
May 8, 2019	Staff directed to draft ordinance to ban EPS
June 26, 2019	Staff directed to hold draft and prepare study session
July 10, 2019	Study Session
September 11, 2019	Directed, first reading of ordinance
October 9, 2019	If directed, second reading of ordinance

RECOMMENDATION:

Approve first reading of an Ordinance Regulating Polystyrene and Expanded Polystyrene (EPS) and direct staff to bring ordinance back to the Board for a second reading October 9, 2019.

FISCAL IMPACT:

With the adoption of the ordinance, there will be costs associated with IWMA educational outreach and possible enforcement actions by city and county staff. Implementation of the ordinance will likely reduce litter and storm water impacts providing a positive fiscal impact on cleanup efforts throughout San Luis Obispo County.

ATTACHMENT:

1. An Ordinance Regulating Polystyrene and Expanded Polystyrene (EPS) Food Containers and Products
2. Letter of Opposition
3. Letters of Support

San Luis Obispo County
Integrated Waste Management Authority
ORDINANCE NO. 2019-1

**AN ORDINANCE REGULATING POLYSTYRENE AND EXPANDED POLYSTYRENE (EPS)
FOOD CONTAINERS AND PRODUCTS**

WHEREAS, the San Luis Obispo County Integrated Waste Management Authority (“IWMA”) is a joint powers agency established pursuant to California Government Code Section 6500 and empowered by its member jurisdictions to exercise the members’ common powers to achieve the mandates imposed by the Integrated Waste Management Act of 1989 (AB 939) on a regional basis; and

WHEREAS, items made from Polystyrene and Expanded Polystyrene (“EPS”) are not Biodegradable and in many cases, not Recyclable. Polystyrene and EPS break into small pieces and because they are lightweight, may be picked up by the wind even when they have been disposed of properly; and

WHEREAS, Polystyrene and EPS as litter are highly durable. Both Polystyrene and EPS litter are present in parks and public places, streets and roads, waterways and storm drains and may ultimately float, or be blown, into the Pacific Ocean; and

WHEREAS, take-out food and beverage packaging that is Reusable, Biodegradable, and Recyclable is the most responsible and sustainable choice for San Luis Obispo County’s tourist economy, its citizenry, and its environment. When products are reusable or recyclable, natural resources are spared, and less energy and resources are used to produce new products; and

WHEREAS, regulating the use of Polystyrene and EPS will help maximize the operating life of landfills and help protect the natural environment from contamination and degradation; and

WHEREAS, the IWMA Board of Directors considered taking action on Polystyrene and EPS at prior IWMA Board Meetings and has directed staff to develop an ordinance to prohibit the use of Polystyrene and EPS containers, trays, cartons, and non-encapsulated products.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the San Luis Obispo County Integrated Waste Management Authority as follows:

SECTION 1. Recitals.

The above recitals are true and correct and incorporated herein by this reference as the findings of the IWMA Board of Directors.

SECTION 2. Environmental Determination.

The proposed ordinance is exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Further, the proposed Ordinance is exempt from CEQA on the separate and independent ground that it is an action of a regulatory agency for the protection of the environment because, among other things, it will regulate the use and sale of Polystyrene and EPS and reduce the amount of Polystyrene and EPS that enter local landfills and waterways. Thus, this Ordinance is categorically exempt from the requirements of CEQA under Section 15308 of Title 14 of the California Code of Regulations as an action by a regulatory agency for the protection of the environment.

SECTION 3. Definitions.

- A. “Affordable” means that a Biodegradable or Recyclable product may cost up to fifteen percent more than the purchase cost of comparable Polystyrene and EPS alternatives.
- B. “Biodegradable” means all the materials in the product or package that will break down, or otherwise become part of usable soil-conditioning material such as but not limited to uncoated paper, sugar cane, wood, or bamboo. This ordinance specifically prohibits Bioplastics and other compostable Plastics as replacements, because Bioplastics contaminate recycling systems and compostable Plastics contaminate the IWMA Regional composting system.
- C. “Bioplastic” is a type of biodegradable plastic derived from biological substances rather than from petroleum.
- D. “Disposable Food and Beverage Containers” is interchangeable with “to-go” packaging, “dine-in” packaging, “food and/or beverage packaging material”, and means all containers that are used to hold Prepared Food or Beverages. Disposable Food and Beverage Containers include but are not limited to clamshells, bowls, plates, utensils, trays, wrappers or wrapping, platters, condiment containers, cartons, cups, and drink ware that are made of Polystyrene or EPS.
- E. “Egg Carton” means a carton for eggs sold to consumers from a refrigerator case or similar appliance.
- F. “Events Promoter” means an applicant for any event permit issued by an IWMA Member Jurisdiction or any IWMA Member Jurisdiction employee(s) responsible for any IWMA Member Jurisdiction organized event.
- G. “Expanded Polystyrene” or “EPS” means blown, expanded, and extruded Polystyrene or other EPS plastic foams which are processed by any number of techniques including, but not limited to, fusion of monomer spheres (expanded bead plastic), injection molding, foam molding, and extrusion-blown molding (extruded plastic foams). Expanded Polystyrene and other plastic foams are generally used to make cups, drink ware, bowls, plates, trays, clamshell containers, meat trays, ice chests, shipping boxes, and packing peanuts. The Resin Code for polystyrene is

'6' or 'PS,' either alone or in combination with other letters. This definition applies to all Polystyrene or EPS food service ware, packing or shipping material, or non-encapsulated marine devices regardless of whether it exhibits a Resin Code.

H. "Expanded Polystyrene Products" or "EPS Products" means any product made from Polystyrene or EPS, but is not limited to clamshells, bowls, plates, utensils, trays, wrappers or wrapping, platters, condiment containers, cartons, cups, drink ware, as well as non-encapsulated coolers, containers, ice chests, marine buoys, shipping boxes, packing peanuts, or other packaging materials. The Resin Code for polystyrene is '6' or 'PS,' either alone or in combination with other letters. This definition applies to all polystyrene food and beverage service ware and non-encapsulated products regardless of whether it exhibits a Resin Code.

I. "Food and Beverage Provider" means any establishment located within an IWMA Member Jurisdiction that is a retailer of Prepared Food and Beverages for public consumption including, but not limited to, any store, supermarket, delicatessen, restaurant, shop, caterer, farmers market, vending machine, or mobile food Vendor.

J. "IWMA Member Jurisdiction" includes the County of San Luis Obispo, the Authorized District members of the IWMA, and the Cities of Arroyo Grande, Atascadero, Grover Beach, Morro Bay, Paso Robles, Pismo Beach, and San Luis Obispo.

K. "IWMA Region" means the geographic area that includes the unincorporated area of San Luis Obispo County, California, and the seven incorporated cities within San Luis Obispo County.

L. "Non-encapsulated Marine Devices" means any device non-encapsulated used as a floatation aid. Examples include but are not limited to marine buoys and dock floats.

M. "Prepared Food and Beverage" means food or beverages that are (1) ready to consume without any further food preparation, alteration, or repackaging; and (2) prepared, provided, sold, or served by a Food and Beverage Provider using any cooking, packaging, food preparation or beverage preparation technique (e.g., cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared within an IWMA Member Jurisdiction). Prepared Food and Beverages may be eaten either "dine-in" or "take-out" from the Food and Beverage Provider's premises.

N. "Polystyrene" means a thermoplastic petrochemical material utilizing the styrene monomer, including but not limited to, rigid polystyrene or Expanded Polystyrene, processed by any number of techniques, including but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, Expanded Polystyrene molding, or extrusion-blown molding (extruded polystyrene), and clear or solid polystyrene (oriented polystyrene). The Resin Code for polystyrene is '6' or 'PS,' either alone or in combination with other letters. This definition applies to all polystyrene food service ware, regardless of whether it exhibits a Resin Code.

O. "Polystyrene Packing Material" means Polystyrene or EPS material used to hold, cushion, or protect items packed in a container for shipping, transport, or storage, including shipping boxes and packing peanuts.

P. "Recyclable" means any material that is specified as recyclable in a franchise agreement within the boundaries of San Luis Obispo County including, but not limited to, aluminum, tin and bi-metal cans, clear and colored glass containers, high density polyethylene (HDPE), polyethylene terephthalate (PET), corrugated cardboard, and paper.

Q. "Resin Code" means a resin identification code placed on plastics to identify the material composition for separation of different types of plastics for recycling or disposal.

R. "Reusable Food Service Ware" means any product designed to be used over and over for serving, consuming, or transporting prepared food and raw food, including but not limited to reusable plates, bowls, trays, utensils, wrappers or wrapping, platters, cartons, condiment containers, cups or drink ware, or any container in or on which prepared foods and raw foods are placed or packaged for consumption.

S. "Supplier" means anyone selling, or otherwise supplying Food and Beverage service ware, packaging, and Non-Encapsulated Marine Devices to any business, store, supermarket, delicatessen, restaurant, shop, caterer, farmers market, vending machine, or mobile food Vendor doing business in the IWMA Region.

T. "Tray" means any packaging used to contain, support, or encase meat, seafoods, vegetables, and other products.

U. "Vendor" means any store or business which sells or offers goods, services, or merchandise, located or operating within an IWMA Member Jurisdiction, including those referenced in the definition of "Food Provider."

SECTION 4. Polystyrene and EPS Disposable Food Containers are Prohibited.

A. Food and Beverage Providers within the IWMA Region may not provide Prepared Food and Beverages in or provide separately any Disposable Food and Beverage Container made from Polystyrene or EPS except as exempted in Section 7.

B. Disposable Food Containers made from Polystyrene or EPS are prohibited from use in all IWMA Member Jurisdiction stores or businesses which sell or offer goods, services, or merchandise.

C. IWMA Member Jurisdiction contractors in the performance of IWMA Member Jurisdiction contracts and event promoters may not provide Prepared Food and Beverages in Disposable Food and Beverage Containers made from Polystyrene or EPS.

D. Food Providers and Beverage providers are prohibited from using, providing, distributing, or selling Polystyrene or EPS.

SECTION 5. Required Reusable, Biodegradable, or Recyclable Disposable Food Containers.

A. All Food Providers within IWMA Member Jurisdictions utilizing “to-go” or “dine-in” Food and Beverage Containers shall use Reusable, Biodegradable, or Recyclable products.

B. All IWMA Member Jurisdiction stores or businesses which sell or offer goods, services, or merchandise utilizing “to-go” or “dine-in” Food and Beverage Containers shall use Reusable, Biodegradable, or Recyclable products.

C. IWMA Member Jurisdiction contractors and event promoters utilizing “to-go” or “dine-in” Food Containers shall use Reusable, Biodegradable, or Recyclable products while performing under IWMA Member Jurisdiction contract or permit.

SECTION 6. Prohibited Sales.

A. No Vendor, Supplier, or Events Promoter in the IWMA Member Jurisdiction may sell or otherwise provide any Polystyrene or EPS product which is not wholly encapsulated or encased within a more durable material, except as exempted in Section 7. This specifically includes, but is not limited to clamshells, bowls, plates, utensils, trays, wrappers or wrapping, platters, condiment containers, cartons, cups, and drink ware as well as non-encapsulated coolers, containers, ice chests, marine buoys and dock floats, shipping boxes, packing peanuts, or other packaging materials. The Resin Code for polystyrene is ‘6’ or ‘PS,’ either alone or in combination with other letters. This applies to all Polystyrene and EPS Food and Beverage service ware and non-encapsulated products regardless of whether it exhibits a Resin Code.

SECTION 7. Exemptions.

A. The IWMA Board or designee may exempt a Food Provider from the requirements set forth in Section 4.A. of this Ordinance for a one-year period upon the Food and Beverage Provider showing, in writing, that this ordinance would create an undue hardship or practical difficulty as evidenced by no alternatives being available or if such alternatives are not Affordable. The IWMA Board or Executive Director shall put the decision to grant or deny a one-year exemption in writing, and the decision shall be final.

B. Exemption to allow for the sale or provision of Polystyrene or EPS products may be granted by the IWMA Board or Executive Director if the Vendor can demonstrate in writing a public health and safety requirement or medical necessity to use the product. The IWMA Board or Executive Director shall put the decision to grant or deny the exemption in writing, and the decision shall be final.

C. An exemption application shall include all information necessary for the IWMA Board or Executive Director to make a decision, including but not limited to documentation showing factual support for the claimed exemption. The IWMA Board or Executive Director may require the applicant to provide additional information.

D. The IWMA Board or Executive Director may approve the exemption application in whole or in part, with or without conditions.

E. Products made from Polystyrene or EPS which are wholly encapsulated or encased by a more durable material are exempt from the provisions of this ordinance. Examples include, but are not limited to surfboards, life preservers, coolers, and craft supplies which are wholly encapsulated or encased by a more durable material.

F. Construction products made from Polystyrene or EPS are exempted from this ordinance if the products are used in compliance with an IWMA Member Jurisdiction's applicable municipal code for buildings and construction and used in a manner preventing the Polystyrene or EPS from being released into the environment.

G. In a situation deemed by the IWMA Executive Director or designee to be an emergency for the immediate preservation of the public peace, health, or safety. IWMA Member Jurisdiction facilities, Food and Beverage Providers, IWMA Member Jurisdiction contractors, and Vendors doing business with the IWMA Member Jurisdictions shall be exempt from the provisions of this section.

H. Polystyrene or EPS packaged products, which have been received from sources outside the IWMA Region and are home, business, or job-site delivered (e.g. residents or businesses ordering products online or in-store and having them delivered to their home or job-site) shall be exempt from the provisions of this section.

SECTION 8. Violations.

A. Any Business, Food and Beverage Provider, or Vendor not in compliance will be issued a written warning in which they have ninety (90) days to comply. If upon revisit by the IWMA, the Business, Food and Beverage Provider or Vendor is still in violation of the ordinance, the IWMA may notify the applicable IWMA Member Jurisdiction for enforcement.

B. For the first violation, the IWMA or designee may allow the violating Business, Food and Beverage Provider, or Vendor in lieu of payment of the administrative fine, to submit receipts demonstrating the purchase after the citation date of Reusable, Biodegradable, or Recyclable products in an amount equal to the amount of the citation.

C. An IWMA Member Jurisdiction may enforce this ordinance through the IWMA Member Jurisdiction code enforcement ordinances, if applicable, and this ordinance shall be enforceable

by IWMA Member Jurisdictions under said ordinances as land-use or code-enforcement violations consistent with said ordinances.

D. The remedies provided by this section are cumulative and in addition to any other remedies available at law or in equity. Fines are established as follows:

1. A fine of one hundred dollars (\$100.00) for the first violation after a written ninety (90) day warning notice is given.
2. A fine of two hundred dollars (\$200.00) for the second violation.
3. A fine not exceeding five hundred dollars (\$500.00) for the third and any future violations.

E. In addition to other remedies provided by this section or by other law, any violation of this section may be remedied by a civil action brought by the IWMA Member Jurisdiction attorney, including but not limited to administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

SECTION 9. Severability.

If any subdivision, paragraph, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this ordinance. It is the IWMA's express intent that each remaining portion would have been adopted irrespective of the fact that any one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

SECTION 10. Effective Date.

This Ordinance was introduced, and the title thereof read, at the regular meeting of the IWMA Board of Directors on September 11, 2019, and further reading was waived by a majority vote of those Directors present.

This Ordinance shall take effect and be in full force on and after six (6) months from the date of its passage and before the expiration of fifteen (15) days from the date of its passage, it shall be published once with the names of the members of the Board of Directors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of San Luis Obispo.

On a motion by Director _____, seconded by Director _____, the foregoing Ordinance was passed and adopted by the Board of Directors of the San Luis Obispo County Integrated Waste Management Authority, this ____ day of _____ 2019, by the following vote:

AYES:

NOES:

ABSENT:

Original signed by

Aaron Gomez, President
San Luis Obispo County
Integrated Waste Management Authority

ATTEST:

Original signed by

IWMA Board Secretary



Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730 FAX (805) 481-6836

Date: September 11, 2019

To: Board of Directors

From: Paavo Ogren, General Manager

Subject: **Agenda Item #9(D)** - Update on emergency actions approved on July 10, 2019 authorizing the General Manager to procure the necessary equipment, services and supplies needed to resume groundwater pumping and by a 4/5ths vote, determine that there is a need to continue with emergency actions

Recommendation

It is recommended that your Board receive an update on emergency actions approved on July 10, 2019 authorizing the General Manager to procure the necessary equipment, services and supplies needed to resume groundwater pumping and by a 4/5ths vote determine that there is a need to continue with emergency actions.

Discussion

At the special meeting on July 10, 2019 your Board adopted Resolution 2019-09, authorizing the General Manager to procure the necessary equipment, services and supplies needed to resume groundwater pumping. Currently, the emergency efforts are underway and Board approval to continue emergency efforts by a 4/5ths vote is needed.

The need for the emergency actions is based on the following history of events:

- November 29, 2018: Well #8 motor failed. Groundwater pumping transitioned to Wells #4 and #6, which are operated concurrently (blended) for water quality purposes.
- December 2, 2018: Well #4 failed, with the apparent cause relating to the well shaft and/or bowls. With the failure of Well #4, the District lost its ability to pump groundwater under existing permits issued by the State Division of Drinking Water since Well #4 and Well #6 are supposed to be operated concurrently.
- December 3, 2018: Resolution 2018-15 was adopted authorizing the General Manager to take emergency actions so that groundwater pumping can be resumed.



- December 12, 2018: The emergency actions were terminated since a replacement motor for Well #8 had been acquired and installed.
- July 6, 2019: The new motor for Well #8 failed, which resulted in another emergency situation because Well #4 continued to be out of service.
- July 10, 2019: Resolution 2019-09 was adopted authorizing the General Manager to take emergency actions so that groundwater pumping can be resumed.

The following is an update on the emergency efforts.

Well #8

At this time, the motor for Well #8 has been rewound and reinstalled. Placing it back in permanent service is not possible, however, due to power supply concerns. The District has received the results from the PG&E recorder that was placed on the power that supplies Well #8 which staff will present at the meeting. Based on the recorder results, one of the “legs” seems to be inadequate dropping below 400 Volts. The District is pursuing a second recorder to ensure the results are accurate. Identifying if the power supply is adequate is important for reliability since two pumps have failed at Well #8. As a result, the District continues to be dependent on water supply deliveries from the County of San Luis Obispo.

Well #4

Emergency actions for Well #4 continues. As previously reported the shaft and bowls were pulled and cannot be reinstalled. An inspection of the well casing was completed and determined that rehabilitation is probable by scrubbing scaling from the casing along with a chemical scrub and reinstalling a new shaft and bowls. After the casing is scrubbed, a final inspection will occur to ensure that the integrity of the casing is suitable for continuing use. If the final inspection concludes that the integrity of the casing is compromised, then Well #4 may need to be abandoned, or installation of a smaller casing inside the existing casing, which could reduce pumping capabilities. At this time staff is waiting for the third bid for needed work.

Other Agency Involvement

Staff informed the County of San Luis Obispo, Department of Public Works, of the well failure and our increased reliance on surface water deliveries until Well #8 is placed back into service.

Staff has contacted the State Division of Drinking Water to coordinate the use of Well #6 in the event the water supply deliveries from the County are interrupted. If the water supply deliveries from



the County are interrupted, staff has worked with the County Office of Emergency Services on how to initiate a reverse 911 call to notify District customers.

Other Financial Considerations

Below is an itemized estimate of costs. Total costs are estimated at under \$40,000 and no budget adjustments are needed at this time. The total Water Fund budget is \$2,923,674 and staff will seek to develop budget savings to cover the emergency actions if possible. Budget impacts will be monitored through the quarterly budget reports to your Board, and if needed, an adjustment will be recommended in either the 3rd or 4th quarter updates.

Well #4 Rehabilitation - scrub casing, install new bowls & shaft	\$24,058.77
Well #4 Motor Inspection/ Rebuild	\$1,926.00
Well #8 Original Motor Rewind	\$5,602.00
Well #8 Current Motor Removed & Original Motor Reinstallation	\$1,200.00
Well #8 New Motor Rewind	TBD
Total	<u>\$32,786.77</u>

Results

Receiving and update on groundwater pumping capabilities and whether to continue emergency actions promotes drinking water needs, and a healthy and well governed community.