



Notice of Regular Meeting
Oceano Community Services District - Board of Directors Agenda
WEDNESDAY, July 26, 2017 – 5:30 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: Pursuant to Government Code §54957: Performance evaluation – General Manager
6. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA: **(NOT BEGINNING BEFORE 6:00 PM)**

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. 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

B. BOARD OF DIRECTORS AND OUTSIDE COMMITTEE REPORTS:

- i. Director Angello
- ii. Director Brunet
- iii. President White
- iv. Vice President Austin
- v. Director Coalwell

C. 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 the Regular Meeting on July 12, 2017
- 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. Solid Waste Update and Consideration of a Recommendation to Provide Free Disposal of Large Items during the September 2017 Clean-Up Week
- B. Consideration of Recommendations to Approve Resolutions Adopting Guidelines for the California Environmental Quality Act and Authorizing the General Manager to enter into Environmental Processing Agreements with the San Luis Obispo County Department of Public Works

10. HEARING ITEMS:

Consideration of recommendations to approve a resolution amending and restating Resolution 2014-15 which established water use regulations during the drought, and to schedule a hearing on October 11, 2017 to consider recommendations on water rate reductions

11. RECEIVED WRITTEN COMMUNICATIONS:

12. LATE RECEIVED WRITTEN COMMUNICATIONS:

13. FUTURE AGENDA ITEMS: District Policies Continued; Professional Service Proposals; Roles and Responsibilities with Related Agencies; Emergency Generator, Treasury Functions, Modify Disbursements Policy

14. FUTURE HEARING ITEMS: Budgets

15. ADJOURNMENT:

AGENDA ADDENDUM MATERIALS:

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.

ASISTENCIA A DISCAPACITADO Si usted está incapacitado de ninguna manera y necesita alojamiento para participar en la reunión de la Junta, por favor llame a la Secretaría de la Junta al (805) 481-6730 para recibir asistencia por lo menos tres (3) días antes de la reunión para que los arreglos necesarios puedan ser hechos.



Oceano Community Services District

Summary Minutes

Regular Meeting Wednesday, July 12, 2017 – 5:30 P.M.

Oceano Community Services District Board Room

1655 Front Street, Oceano, CA

1. **CALL TO ORDER:** at 5:30 p.m. by President White
2. **FLAG SALUTE:** led by Director Brunet
3. **ROLL CALL:** Board members present Director Angello, Director Brunet, Director Coalwell, President White. Also present, General Manager Paavo Ogren, Business and Accounting Manager Carey Casciola. Vice President Austin absent.
4. **AGENDA REVIEW:** Agenda approved as presented.
5. **CLOSED SESSION:** was entered at approximately 5:34pm. Open session was resumed at approximate 6:27:pm
No public comment
Pursuant to Government Code §54957: Performance evaluation – General Manager
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:**
 - a. **STAFF REPORTS:**
 - i. Operations - Field Supervisor Tony Marraccino reported 8 work orders, 7 USA's, 9 service orders, 1 after hour call out, year end inventory, CCR handouts, leak detection course.
 - ii. FCFA - Chief Steve Lieberman – None
 - iii. OCSD General Manager – mentioned 4th of July illegal fireworks, Oceano Elementary School compost programs.
 - iv. Sheriff's South Station - Commander Stewart MacDonald – None
 - b. **BOARD OF DIRECTORS AND OUTSIDE COMMITTEE REPORTS:**
 - i. Director Angello - None
 - ii. Director Brunet – None
 - iii. President White – reported on Five Cities Fire Authority (FCFA)
 - iv. Vice President Austin – absent
 - v. Director Coalwell – reported on State Water Advisory Committee (SWAC)
 - c. **PUBLIC COMMENT ON SPECIAL PRESENTATIONS AND REPORTS:**
No public comment.

8 CONSENT AGENDA:	ACTION:
<ol style="list-style-type: none"> a. Review and Approval of Minutes for the Regular Meeting on June 28, 2017 b. Review and Approval of Cash Disbursements 	<p>After an opportunity for public comment and brief Board discussion, staff recommendations were approved as amended with the addition to Item 8b of the CSDA Chapter Meeting disbursement not to exceed \$ 70.00 increasing total disbursements to \$ 63,134.36 with a motion from Director Brunet, a second by Director Coalwell and a 4-0 vote.</p> <p>No public comment.</p>

9 A BUSINESS ITEM:	ACTION:
Notice of a Public Workshop on Integrated Regional Water Resource Management at the Oceano CSD Board Room, 1655 Front Street, on Thursday July 13th from 6 – 8 p.m.	After an opportunity for public comment and brief Board discussion, receive and file no action taken. No public comment.
9 B BUSINESS ITEM:	ACTION:
Consideration to approve a purchase order to repair the roof at 1655 Front Street with a budget adjustment in the amount of \$40,000	After an opportunity for public comment and brief Board discussion, staff recommendations were approved with a motion from Director Coalwell, a second by Director Brunet and a 4-0 vote. No public comment.
9 C BUSINESS ITEM:	ACTION:
Review and Discussion of the Leak Detection Report from the California Rural Water Association	After an opportunity for public comment and brief Board discussion, receive and file no action taken. No public comment.
9 D BUSINESS ITEM:	ACTION:
Generator Project Update – Verbal Update Only with Board Direction As Deemed Appropriate	After an opportunity for public comment and brief Board discussion, receive and file no action taken. No public comment.
9 E BUSINESS ITEM:	ACTION:
Consideration of a resolution to re-adopt resolution 2013-6 regarding the District's Public Request Policy	After an opportunity for public comment and brief Board discussion, staff recommendations were approved with a motion from Director Brunet, a second by President White and a 4-0 vote. No public comment.
10 HEARING ITEM:	ACTION:
Consideration of a recommendation to approve a resolution to collect delinquent accounts on 2017-18 property tax bills	After an opportunity for public comment and brief Board discussion, staff recommendations were approved as amended with the removal of all water accounts that were paid or it was determined that water service was not provided. Final tax roll items approved for water was \$ 2,147.81 and for garbage was +\$ 2,787.18 with a motion from Director Coalwell, a second by Director Brunet and a 4-0 roll call vote. No public comment.

11. **RECEIVED WRITTEN COMMUNICATIONS:** Email from Julie Tacker

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

13. **FUTURE AGENDA ITEMS:** District Policies Continued; Professional Service Proposals; Roles and Responsibilities with Related Agencies; Emergency Generator.

14. **FUTURE HEARING ITEMS:** Budgets; July 26 rescinding District Resolution 2014-15 relating to the drought emergency

15. **ADJOURNMENT:** at approximately 7:40 pm



Oceano Community Services District

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

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

Date: July 26, 2017

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 56366-56392	Amounts
<u>Disbursements Requiring Board Approval prior to Payment:</u>		
Regular Payable Register – paid 07/26/17	56373 - 56392	\$287,022.93
Subtotal:		\$287,022.93
<u>Reoccurring Payments for Board Review (authorized by Resolution 2016-07):</u>		
Payroll Disbursements - period ending 07/08/2017	N/A	52,932.10
Reoccurring Health/Benefits – paid 07/12/2017	56366	\$137.02
Reoccurring Health/Benefits – paid 07/12/2017	56371 - 56372	\$190.35
Reoccurring Utility Disbursements – paid 07/12/2017	56367 - 56370	\$1,822.92
Subtotal:		\$55,082.39
Grand Total:		\$342,105.32

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.

7/20/2017 2:12 PM
 COMPANY: 99 - POOLED CASH FUND
 ACCOUNT: 1-1001-000 POOLED CASH OPERATING
 TYPE: All
 STATUS: All
 FOLIO: All

CHECK RECONCILIATION REGISTER

PAGE: 1
 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: 056373 THRU 056392

ACCOUNT	--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT---	STATUS	FOLIO	CLEAR DATE
CHECK:								
1-1001-000	7/20/2017	CHECK	056373	DIVERSIFIED PROJECT SERVICES I	2,600.00CR	OUTSTND	A	0/00/0000
1-1001-000	7/20/2017	CHECK	056374	ADAMSKI MOROSKI MADDEN CUMBERL	5,332.00CR	OUTSTND	A	0/00/0000
1-1001-000	7/20/2017	CHECK	056375	ARAMARK	121.00CR	OUTSTND	A	0/00/0000
1-1001-000	7/20/2017	CHECK	056376	TNT FIREWORKS	2,000.00CR	OUTSTND	A	0/00/0000
1-1001-000	7/20/2017	CHECK	056377	AUSTIN, LINDA	1,000.00CR	OUTSTND	A	0/00/0000
1-1001-000	7/20/2017	CHECK	056378	COALWELL, JAMES	150.00CR	OUTSTND	A	0/00/0000
1-1001-000	7/20/2017	CHECK	056379	BRUNET, ANDREW J.	150.00CR	OUTSTND	A	0/00/0000
1-1001-000	7/20/2017	CHECK	056380	GSI WATER SOLUTIONS, INC.	724.53CR	OUTSTND	A	0/00/0000
1-1001-000	7/20/2017	CHECK	056381	EMPLOYMENT DEVELOPMENT DEPARTM	1,056.26CR	OUTSTND	A	0/00/0000
1-1001-000	7/20/2017	CHECK	056382	AWWA	420.00CR	OUTSTND	A	0/00/0000
1-1001-000	7/20/2017	CHECK	056383	CLINICAL LAB OF SAN BERNARDINO	645.00CR	OUTSTND	A	0/00/0000
1-1001-000	7/20/2017	CHECK	056384	RABOBANK VISA CARD	720.95CR	OUTSTND	A	0/00/0000
1-1001-000	7/20/2017	CHECK	056385	J.B. DEWAR, INC.	222.55CR	OUTSTND	A	0/00/0000
1-1001-000	7/20/2017	CHECK	056386	FERGUSON ENTERPRISES, INC #135	94.97CR	OUTSTND	A	0/00/0000
1-1001-000	7/20/2017	CHECK	056387	GARING TAYLOR & ASSOC.	536.25CR	OUTSTND	A	0/00/0000
1-1001-000	7/20/2017	CHECK	056388	QUILL CORPORATION	391.70CR	OUTSTND	A	0/00/0000
1-1001-000	7/20/2017	CHECK	056389	SLO CO DEPT OF PUBLIC WORKS	264,945.80CR	OUTSTND	A	0/00/0000
1-1001-000	7/20/2017	CHECK	056390	SLO CO PUBLIC HEALTH DEPT.	465.00CR	OUTSTND	A	0/00/0000
1-1001-000	7/20/2017	CHECK	056391	STATE COMPENSATION INS. FUND	4,975.18CR	OUTSTND	A	0/00/0000
1-1001-000	7/20/2017	CHECK	056392	CHAPARRAL BUSINESS MACHINES, I	471.74CR	OUTSTND	A	0/00/0000
TOTALS FOR ACCOUNT 1-1001-0				CHECK	TOTAL:	287,022.93CR		
				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 July 26, 2017

<u>Gross Wages</u>	06/24/2017	07/08/2017
Regular	\$21,534.43	\$21,609.40
Overtime Wages	\$488.92	\$547.12
Stand By	\$700.00	\$700.00
Gross Wages	<u>\$22,723.35</u>	<u>\$22,856.52</u>
 <u>Disbursements</u>		
Net Wages	\$16,711.23	\$16,149.17
State and Federal Agencies	\$5,795.88	\$5,145.17
CalPERS - Normal	\$3,143.06	\$3,147.76
CalPERS UAL (Annual Unfunded Liability Payment)		\$28,490.00
Total Disbursements processed with Payroll	<u>\$25,650.17</u>	<u>\$52,932.10</u>
Health & Other (Disbursed with reoccurring bills)	\$137.02	\$2,481.01
Total District Payroll Related Costs	<u>\$25,787.19</u>	<u>\$55,413.11</u>

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: 056366 THRU 056366

ACCOUNT	--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT---	STATUS	FOLIO	CLEAR DATE
CHECK: -----								
1-1001-000	7/07/2017	CHECK	056366	SEIU LOCAL 620	137.02CR	OUTSTND	A	0/00/0000
TOTALS FOR ACCOUNT 1-1001-0				CHECK	TOTAL:	137.02CR		
				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:	137.02CR		
				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: 056371 THRU 056372

ACCOUNT	--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT---	STATUS	FOLIO	CLEAR DATE
CHECK: -----								
1-1001-000	7/12/2017	CHECK	056371	TASC -CLIENT INVOICES	53.33CR	OUTSTND	A	0/00/0000
1-1001-000	7/12/2017	CHECK	056372	SEIU LOCAL 620	137.02CR	OUTSTND	A	0/00/0000
TOTALS FOR ACCOUNT 1-1001-0				CHECK	TOTAL:	190.35CR		
				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:	190.35CR		
				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: 056367 THRU 056370

ACCOUNT	--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT---	STATUS	FOLIO	CLEAR DATE
CHECK:								
1-1001-000	7/07/2017	CHECK	056367	NORCAST TELECOM NETWORKS	396.50CR	OUTSTND	A	0/00/0000
1-1001-000	7/07/2017	CHECK	056368	AGP VIDEO INC.	1,170.00CR	OUTSTND	A	0/00/0000
1-1001-000	7/07/2017	CHECK	056369	DIGITAL WEST NETWORKS, INC.	50.00CR	OUTSTND	A	0/00/0000
1-1001-000	7/07/2017	CHECK	056370	VERIZON WIRELESS	206.42CR	OUTSTND	A	0/00/0000
TOTALS FOR ACCOUNT 1-1001-0				CHECK	TOTAL:	1,822.92CR		
				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:	1,822.92CR		
				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: July 26, 2017

To: Board of Directors

From: Paavo Ogren, General Manager

Subject: **Agenda Item 9(A): Solid Waste Update and Consideration of a Recommendation to Provide Free Disposal of Large Items during the September 2017 Clean-Up Week**

Recommendation

It is recommended that your Board:

1. Discuss the update on Solid Waste Management efforts and provide staff direction as you deem appropriate.
2. Approve free disposal of large items during the September 2017 Clean-up week except for customers that allow waste to be transported into Oceano from other locations.

Discussion

South County Sanitary Services Inc. (SCSS) is the District's Franchisee for collection of solid waste and recycling within the community. The next "Clean-Up" week is September 18-22, 2017 for single family residential customers. Clean-up week provides residents and property owners with the ability to dispose of additional waste provided rules are followed. An additional charge of \$10 per item may apply to appliances, furniture and other large objects.

September 2016 Clean-Up Week

In 2016, the District provided free disposal of large items during the September 2016 clean-up week by paying SCSS for the extra charges for large items. The District costs were funded from franchise fees paid by SCSS to the District. Those franchise fees are generated from customers and property owners as part of the normal bills that they pay for solid waste and recycling services. The funding arrangements established in the franchise agreements provide a mechanism for your Board to direct specific solid waste and recycling efforts, and incentives, based on the needs of the community.

The September 2016 Clean-Up event resulted in a significant amount of waste disposal that otherwise accumulates in homes. Approximately 30% of the District's residential customers utilized the incentive program by disposing of large items. Overall, approximately 1,450 large items were disposed of with a total cost of



Oceano Community Services District

Board of Directors Meeting

\$14,638. Of the total costs, \$5,485 was paid by SCSS through free services established in the franchise agreement, and \$9,153 was paid by the District.

In comparison, the Spring 2017 Clean-Up week, which was paid solely by customers resulted in \$1,192 in charges. Although the September 2016 event resulted in approximately 12 times more disposal of large items as compared to Spring 2017, and likely provided greater motivation for disposal of smaller items as well, there is insufficient data to draw whether a September 2017 Clean-up event will be similar in size to September 2016.

September 2016 Clean-up week statistics

The following table illustrates information compiled on the 2016 Clean-up event.

Charge	\$10	\$20	\$30	\$40	\$50	\$60	\$70	\$80	\$90	\$100	>\$100	Totals
# Customers	273	171	98	42	21	9	13	5	1	4	3	640
Percent of #	42.7%	26.7%	15.3%	6.6%	3.3%	1.4%	2.0%	0.8%	0.2%	0.6%	0.5%	100%
Cumulative Percentage	42.7%	69.4%	84.7%	91.3%	94.5%	95.9%	98.0%	98.8%	98.9%	99.5%	100%	
# of Items	273	342	274	168	105	54	91	40	9	40	33+	1,449+
Cost	\$2,730	\$3,420	\$2,740	\$1,680	\$1,050	\$540	\$910	\$400	\$90	\$400	\$300+	\$14,638
Percent	18.8%	23.6%	20.3%	11.6%	7.2%	3.7%	6.3%	2.8%	0.6%	2.8%	2.3%	100%
Cumulative Percentage	18.8%	42.4%	62.7%	74.3%	81.6%	85.3%	91.6%	94.3%	95.0%	97.7%	100%	
Percent of items Including 175 from large donors					92.3%	45	65	25	5	20	15	175

Note: Amounts are rounded and don't account for partial discounts provided in some situations.

Board discussion should include an option of limiting the free disposal. For example, your Board may choose to limit the District cost to five (5) items per customer. Some concern was raised during the September 2016 event that waste from neighboring communities was brought into Oceano to take advantage of the free disposal. District staff took additional efforts to watch for any such incidences and did not observe any transportation of waste into Oceano. Nevertheless, limiting the number of large items per customer will help reduce the likelihood of program abuse and will still provide significant benefit to customers. For example, if a limit of five (5) items, or \$50, was established per customer, the table highlights the following:

- 94.5% of customers participating would have had all of their large items picked up, which represents:
 - 81.6% of the total large items disposed.
- 175 items would have been picked up free of charge from customers that disposed of more than 5 items each, which represents:
 - 65% of all large items disposed by those “large donors.”
- 92.3% of all items disposed would have been disposed of free of charge.



Oceano Community Services District

Board of Directors Meeting

Attached is a flyer prepared by SCSS to inform customers of clean up week. If approved by your Board, a flyer will also be included in the next customers bill, which are scheduled to be mailed in early August.

Other Efforts

In addition to specific efforts relating to the September clean-up efforts, staff will also provide a discussion on coordination efforts with the County relating to code enforcement and related issues. Attached is a letter a resident sent to the Oceano Advisory Committee (OAC). Discussion of this letter by your Board may help address the issue when it is reviewed by OAC regarding coordination with the County.

Other Agency Involvement

South County Sanitary Services Inc. is the District's Franchisee for collection of solid waste and recycling with the community. The County of San Luis Obispo has land use and code enforcement authority in Oceano.

Other Financial Considerations

The cost of the Clean-Up week incentives, if incurred at approximately the same amount as 2016, can be funded within the existing garbage budget. Previous Board direction on a ½ half time Solid Waste Coordinator position and purchase of signage and replacement community receptacles could, however, be impacted without a budget adjustment. Those other costs will not be incurred prior to the September 2017 Clean-Up week and, if needed, a budget adjustment for Clean-Up week can be provided to your Board once the actual costs are known from SCSS. The District has approximately \$300,000 in garbage reserves, which are more than sufficient to continue with implementing solid waste programs.

Results

Initiating efforts to improve community clean-up promotes a safe, livable and well governed community.

Attachments:

- Clean-Up week flyer
- Correspondence from Cindy Doll to the Oceano Advisory Committee

Clean~Up Week

September 18-22

Rules & Regulations

CLEAN-UP WEEK

A community service provided free to single family residential customers of South County Sanitary Service.

ON THE CURB

Place your Clean-Up Week garbage on the curb no later than 6:00am on your regular garbage collection day. Don't block your waste wheelers, we still run automated trucks.

CONTAINER NOTES

Clean-Up Week garbage may be placed in standard trash cans or tied into bundles.

MORE CONTAINER NOTES

Standard trash containers will be emptied and left on the curb. Boxes and plastic bags will be taken away with your garbage. If you want your non-standard containers left behind, *please mark or place a note on them.*

CONTAINER SIZE

Containers or bundles of garbage must weigh 75 pounds or less and must measure four feet or less in overall length. **No hazardous materials will be taken.**

Garbage, greenwaste, & recycling combined for 12 cans, bags, or bundles **plus your waste wheelers.** Excess garbage will be left on the curb.

TWELVE standard trash cans (32 gallons each) OR the equivalent in bags, boxes, or bundles. Each not to exceed 75 pounds and four feet in length

BULKY ITEMS (PLEASE CALL FIRST)

The following special prices are valid only during Clean-Up Week *Items must be on the curb to qualify for these special prices. You must call one week before your collection day.*

\$10 EACH -LIMIT TWO OF EACH. OVERLY LARGE ITEMS REQUIRING TWO MEN TO HANDLE WILL HAVE ADDITIONAL COST BY QUOTE ONLY

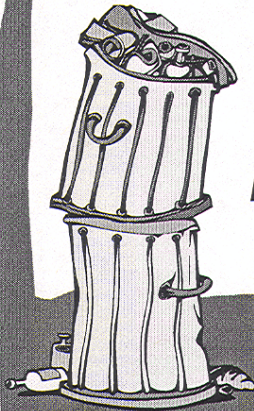
Televisions • Water Heaters • Couches • Washers • Dryers • Small Appliances • Chairs • Box Springs • Mattresses • Refrigerators • Overstuffed Chairs • Passenger Car Tires (maximum of 4- \$2.50 ea.)

TO ARRANGE FOR PICKUP OF BULKY ITEMS (NOT FREE)

you must first call 805-489-4246

Bulky items will not be picked up unless you call first.

**DON'T PUT OUT YOUR TRASH UNTIL
YOUR COLLECTION DAY**



GENERAL TIPS FROM THE OFFICE

- 1. PLEASE DON'T USE PLASTIC BAGS IN THE COMMINGLED RECYCLING OR GREENWASTE CANS. WE HAVE TO TEAR THEM OPEN AND CHECK THE CONTENTS. INADVERTENTLY SOMEONE WILL THROW GARBAGE IN WITH THE RECYCLING AND CONTAMINATE THE ENTIRE LOAD. JUST DUMP THE RECYCLING IN THE CAN AND THROW THE BAG AWAY.**
- 2. LARGE PIECES OF CARDBOARD NEED TO BE CUT UP OR BROKEN DOWN SO THEY FIT IN THE BLUE WASTE WHEELER. THE AUTOMATED TRUCKS WE ARE SWITCHING TO CAN'T PICK UP LOOSE CARDBOARD. IF YOU NEED A BIGGER BLUE BIN CALL THE OFFICE.**
- 3. IF WE MAKE THE MISTAKE OR MISS YOU THE TRUCK WILL COME BACK AT NO CHARGE. IF YOU DON'T FOLLOW THE RULES OR FORGET TO PUT YOUR CAN OUT BY 6:00AM AND WE HAVE TO SEND A TRUCK BACK TO YOUR HOUSE THERE WILL BE A TRIP CHARGE. IF YOU ARE UNSURE, CALL THE OFFICE THE DAY BEFORE YOUR COLLECTION DAY.**
- 4. AS WE SWITCH TO AUTOMATED TRUCKS IT IS IMPORTANT TO NOT PACK THE WASTE WHEELER SO TIGHT THAT WHEN TURNED UPSIDE DOWN, NOTHING WILL COME OUT.**

THE OFFICE NUMBER IS 805-489-4246.



WASH DUMPSTER remains at street ALL DAY, EVERY DAY



FROM: Cindy Doll, resident/owner of 2480 Paso Robles Street (712-3743)

July 17, 2017

ATTN: SLO County Planning Commission
SLO County Supervisors
Oceano Advisory Council
Oceano CSD General Manager

County Code Enforcement has been called/contacted but didn't allow any formal complaint to be filed by residents about the health & safety hazard being caused by the residential dumpster/bin appears to be located at 2497 Ocean Street in Oceano. The County said "call the property manager". Several conversations were held with the property manager, who has failed to bring about any change whatsoever on the property – he lives out of town and never has to look at it himself. It is located permanently at the edge of 25th Street all day & all night, every day of the week. The dumpster has no enclosure to be stored away, is always located at the edge of the street, is always uncovered, is always full of trash in/around the ground near the dumpster, and is never rolled away from the street.

All residents in the neighborhood are disgusted and angered by it's unsanitary condition impacting all of us, and disgusted and angered by the eyesore it creates. Most of us are owners, not renters. The eyesore and disgusting condition created by this dumpster situation is causing our neighborhood to look like the ghetto, and we strongly resent that.

Please see the attached petition signed by some of the residents. Many more signatures can be obtained if needed.

PLEASE, PLEASE permanently REMOVE the dumpster and REPLACE it with normal, heavy plastic trash cans with lids that each resident can easily roll away from the street. There is no excuse for OCSD and/or the County to allow this health hazard to continue.

The placement & lack of maintenance of the dumpster violates all the code sections below....

SLO COUNTY CODES – Title 8, Health & Sanitation – Chapter 8.12.200 thru 8.12.250

8.12.210 - Private property to be free of excess solid wastes and litter.

The owner, occupant or operator of any premises, business establishment or other property, vacant or occupied, shall be responsible for **the safe and sanitary storage** of all solid waste and recyclables accumulated on the property. The property **shall be free of excessive amounts of solid wastes and litter**, except that manure or wood, leaves and other greenwaste may be accumulated, providing that no nuisance is created.

(The disgusting amount of trash sitting in & around the dumpster on the ground, located at the edge of the street, is extremely unsanitary, in violation of the Code)

(There is excessive amounts of filthy trash filled in the dumpster & all over the ground on a regular basis, in violation of the Code)

8.12.220 - Solid waste disposal frequency.

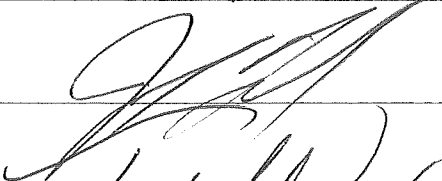
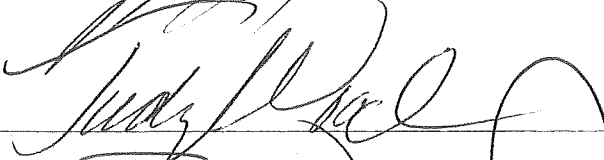

(a)

Except as provided in subsection (b) below, the occupant of any dwelling, house or place of human habitation, including a business establishment, **shall dispose of or remove** from the premises, at least once each week,

PETITION to have DUMPSTER PERMANENTLY REMOVED

from 2497 Ocean Street, Oceano

There is absolutely no excuse for this health hazard & eyesore to exist in our neighborhood. This piece of property has no dumpster so it enclosure for the remains at the edge of the street every day, all day & all night long. It is disgusting & dangerous. SLO COUNTY NEEDS TO DISALLOW the DUMPSTER FROM BEING USED AT THIS PROPERTY because there's no way to enclose it, nor make it sanitary/safe. I have contacted and spoken with the Property Manager several times and he hasn't been able to make anything change. We on the petition want this dumpster DISALLOWED and REMOVED immediately. Thank you.

<u>NAME (print)</u>	<u>ADDRESS (print)</u>
CINDY DOLL	2480 Paso Robles St. Oceano
Peter McClure	2470 Paso Robles St, Oceano
Sara Hunter	2470 Paso Robles St. Oceano
Laure L ALLEN	1750 25th St. Oceano
Jim McGRATH	2520 Lara Ln. Oceano
Steven Sharp	2530 Lara Lane Oceano
Bonnie Pokoo-Aikins	2540 Lara lane Oceano
Joseph Pokoo-Aikins	2540 Lara lane, Oceano
Jerry Acalin	2560 Lara Lane Oceano
Ursula Acalin	2560 Lara Ln Oceano
Mike Miller	2570 Lara Lane Oceano
	2580 Lara Lane Oceano
	2590 Lara lane Oceano
	2590 LARA LANE OCEANO
Cole Johnson	2575 LARA LANE, OCEANO
MIKE LEAF	2565 LARA LANA Oceano
Eric Lundquist	2545 Lara Ln. Oceano



Oceano Community Services District

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

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

Date: July 26, 2017

To: Board of Directors

From: Paavo Ogren, General Manager

Subject: **Agenda Item #9(B): Consideration of Recommendations to Approve Resolutions Adopting Guidelines for the California Environmental Quality Act and Authorizing the General Manager to enter into Environmental Processing Agreements with the San Luis Obispo County Department of Public Works**

Recommendation

It is recommended that your Board:

- 1. Approve the attached resolution adopting California Environmental Quality Act (CEQA) guidelines.**
- 2. Approve the attached resolution authorizing the General Manager to enter into Environmental Processing Agreements with the San Luis Obispo County Department of Public Works within limits established by District purchasing policies.**

Discussion

The attached resolutions have been prepared for Board consideration as part of the District's overall efforts to develop a Capital Improvement Program (CIP). Prior to constructing capital improvements, complying with CEQA can require various efforts including research, report preparation and related efforts leading to review and approval of findings and related actions by your Board. Often, additional efforts are required to obtain environmental permits or to comply with the Federal National Environmental Policy Act (NEPA).

The recommended resolution to adopt CEQA guidelines is needed prior to preparation and approval of project specific CEQA findings and reports.

The recommendation to authorized the General Manager to utilize the services of the Environmental Division of Public Works on environmental processing items is an alternative to utilizing consultant services. Although consultant services will still be needed in some situations, other situations can be more efficiently processed with assistance of County staff. For example, the District's utility relocations requirements are usually required by the County since they are from County work on the community's streets and highways (other than Highway 1 which is Caltrans) and/or County drainage and flood control efforts. In those efforts, the County also must



comply with environmental requirements, and their work will help the District meet its requirements in a cost effective manner.

Other Agency Involvement

County resolution 2013-256 is attached, which authorized the County Director of Public Works to enter into Environmental Processing Agreements with other public agencies. The County Department of Planning and Building assisted the District by providing examples of other agencies who have previously adopted CEQA guidelines. Also attached in CEQA Article 19 – Categorical Exemptions, which is referred to in the attached Ordinance.

Other Financial Considerations

No direct fiscal impact results from the recommended action. The costs incurred on environmental compliance are tracked on a project by project basis.

Results

Adopting the attached resolutions helps promote a healthy community through compliance with environmental regulations and helps to promote a well governed community by promoting efficiency through inter-agency coordination.

Attachments:

- Resolution Adopting CEQA guidelines
- Resolution Authorizing the General Manager to enter into Environmental Processing Agreements with the San Luis Obispo County Department of Public Works
- County of San Luis Obispo Resolution 2013-256
- CEQA – Article 19 Categorical Exemptions

**OCEANO COMMUNITY SERVICES DISTRICT
RESOLUTION NO: 2017 - __**

**A RESOLUTION ADOPTING STATE CEQA GUIDELINES FOR USE IN
IMPLEMENTING CEQA**

WHEREAS, the California Environmental Quality Act ("CEQA") requires Oceano Community Services District to adopt, by ordinance or resolution, objectives, criteria, and procedures for the evaluation of projects and the preparation of environmental impact reports and negative declarations (Public Resources Code section 21082; 14 Cal. Admin. Code section 15022); and

WHEREAS, the State CEQA Guidelines authorize the District to adopt the Guidelines through incorporation by reference in adopting procedures to implement CEQA (14 Cal. Admin. Code section 15022(d)); and

WHEREAS, the District desires to adopt the current version and any and all future revisions to the State CEQA Guidelines through incorporation by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Oceano Community Services District that the current State CEQA Guidelines (14 Cal. Admin. Code section 15000, et seq.), and future revisions as amended from time to time, are hereby adopted as the District's procedures to implement CEQA pursuant to Public Resources Code Section 21082 and 14 Cal. Admin. Code section 15022.

BE IT FURTHER RESOLVED that the Board has reviewed the exempt classes identified in 14 Cal. Admin. Code section 15301 et seq. and determined that there are no other additional specific activities other than those already identified therein.

PASSED AND ADOPTED by the Board of Directors of the Oceano Community Services District on _____, 2017 by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

President, Board of Directors
of the Oceano Community Services District

ATTEST:

Board Secretary of the
Oceano Community Services

APPROVED AS TO FORM:

Jeffrey A. Minnery, District Counsel

**OCEANO COMMUNITY SERVICES DISTRICT
RESOLUTION NO: 2017 - __**

**RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ENTER INTO
ENVIRONMENTAL PROCESSING AGREEMENTS WITH THE COUNTY OF SAN LUIS
OBISPO, DEPARTMENT OF PUBLIC WORKS**

WHEREAS, on October 22, 2013, the San Luis Obispo County Board of Supervisors approved resolution 2013-256 authorizing the Director of Public Works to enter into Environmental Processing Agreements with other public agencies; and

WHEREAS, from time to time, the Oceano Community Services District (“District”) requires assistance to obtain environmental regulatory permits, and to prepare related agreements, studies and documents; and

WHEREAS, the County Environmental Division of the Department of Public Works has developed special expertise relating to environmental regulatory processes, and in particular, has unique experience and knowledge within the community of the District due to County responsibilities associated with streets and highways, flood control and drainage, and other County efforts; and

WHEREAS, the Board of Directors of the District finds it in the public interest to efficiently prepare and administer environmental regulatory permit applications and the resulting conditions; and

WHEREAS, authorizing the District General Manager to enter into Environmental Processing Agreements within the established limits of the District’s purchasing policies promotes the public interest by helping ensure that the District is efficiently complying with environmental regulations.

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

1. The General Manager is authorized to enter into Environmental Processing Agreements with the County of San Luis Obispo Department of Public Works.
2. The General Manager’s authority is limited to only those efforts with estimated costs that are also within the General Manager’s authority to procure services established in the District’s purchasing policies.
3. Approval and execution of Environmental Processing Agreements with the County of San Luis Obispo requires approval by the District Board of Directors if the estimated cost

exceeds the amounts that the General Manager is authorized to approve pursuant to the District's purchasing policies.

PASSED AND ADOPTED by the Board of Directors of the Oceano Community Services District on _____, 2017 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

President, Board of Directors
of the Oceano Community Services District

ATTEST:

Board Secretary of the
Oceano Community Services

APPROVED AS TO FORM:

Jeffrey A. Minnery, District Counsel

IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

Tuesday, October 22, 2013

PRESENT: Supervisors Frank R. Mecham, Adam Hill, Caren Ray, Debbie Arnold and Acting Chairperson Bruce S. Gibson

ABSENT: None

RESOLUTION NO. 2013-256

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO ENTER INTO ENVIRONMENTAL PROCESSING AGREEMENTS WITH OTHER PUBLIC AGENCIES

The following resolution is now offered and read:

WHEREAS, various environmental regulatory permits, agreements, and documents are routinely required for public agency projects; and

WHEREAS, environmental regulatory permits, agreements, studies, and documents often involve compliance with ever more complex and highly specialized processes and procedures; and

WHEREAS, the Department of Public Works has developed the special expertise required to shepherd public projects through the environmental regulatory process; and

WHEREAS, the Board of Supervisors finds it in the public interest to efficiently prepare and administer environmental regulatory permit applications and the resulting conditions regardless of the public agency developing the project while providing a mechanism for recouping the costs of providing those services to other public agencies.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. The Director of Public Works is authorized to enter into Environmental Processing Agreements with other public agencies that will reimburse the Department of Public Works for the costs of providing environmental regulatory compliance services when:
 - A. The subject project is a public project that is consistent with the general community goals and objectives of the County; and

- B. The subject project will provide benefits to the citizens of San Luis Obispo County; and
- C. Assisting the public agency responsible for the project will not diminish the Department of Public Works' ability to efficiently process its own capital and maintenance projects through the environmental regulatory process; and
- D. The total cost of providing environmental regulatory compliance services does not exceed fifty-thousand dollars (\$50,000.00) for any single project.

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

AYES: Supervisors Mecham, Hill, Ray, Arnold and Acting Chairperson Gibson

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing Resolution is hereby adopted on the 22nd day of October, 2013.

/s/Bruce S. Gibson
Acting Chairperson of the Board of Supervisors

ATTEST:

Julie L. Rodewald
Clerk of the Board of Supervisors
By: /s/Sandy Currens
Deputy Clerk
[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: /s/Whitney McDonald
Deputy County Counsel

Dated: October 3, 2013

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STATE OF CALIFORNIA, }
County of San Luis Obispo, ss.

I, Julie L. Rodewald, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this 24th day of October, 2013.

(SEAL)

Julie L. Rodewald
County Clerk and Ex-Officio Clerk of the Board
of Supervisors

By *Sandra Currens*
Deputy Clerk.



The California Environmental Quality Act

Title 14. California Code of Regulations
**Chapter 3. Guidelines for Implementation of the
California Environmental Quality Act**

Article 19. Categorical Exemptions

Sections 15300 to 15333

15300. Categorical Exemptions

Section 21084 of the Public Resources Code requires these Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA.

In response to that mandate, the Secretary for Resources has found that the following classes of projects listed in this article do not have a significant effect on the environment, and they are declared to be categorically exempt from the requirement for the preparation of environmental documents.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15300.1. Relation to Ministerial Projects

Section 21080 of the Public Resources Code exempts from the application of CEQA those projects over which public agencies exercise only ministerial authority. Since ministerial projects are already exempt, categorical exemptions should be applied only where a project is not ministerial under a public agency's statutes and ordinances. The inclusion of activities which may be ministerial within the classes and examples contained in this article shall not be construed as a finding by the Secretary for Resources that such an activity is discretionary.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15300.2. Exceptions

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

-

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Note: Authority cited: Section 21083, Public Resources Code; References: Sections 21084 and 21084.1, Public Resources Code; *Wildlife Alive v. Chickering* (1977) 18 Cal.3d 190; *League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896; *Citizens for Responsible Development in West Hollywood v. City of West Hollywood* (1995) 39 Cal.App.4th 925; *City of Pasadena v. State of California* (1993) 14 Cal.App.4th 810; *Association for the Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720; and *Baird v. County of Contra Costa* (1995) 32 Cal.App.4th 1464

Discussion: In *McQueen v. Mid-Peninsula Regional Open Space* (1988) 202 Cal. App. 3d 1136, the court reiterated that categorical exemptions are construed strictly, shall not be unreasonably expanded beyond their terms, and may not be used where there is substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment.

Public Resources Code Section 21084 provides several additional exceptions to the use of categorical exemptions. Pursuant to that statute, none of the following may qualify as a categorical exemption: (1) a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources within a scenic highway (this does not apply to improvements which are required as mitigation for a project for which a negative declaration or EIR has previously been adopted or certified); (2) a project located on a site included on any list compiled pursuant to Government Code section 65962.5 (hazardous and toxic waste sites, etc.); and (3) a project which may cause a substantial adverse change in the significance of a historical resource.

15300.3. Revisions to List of Categorical Exemptions

A public agency may, at any time, request that a new class of categorical exemptions be added, or an existing one amended or deleted. This request must be made in writing to the Office of Planning and Research and shall contain detailed information to support the request. The granting of such request shall be by amendment to these Guidelines.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15300.4. Application By Public Agencies

Each public agency shall, in the course of establishing its own procedures, list those specific activities which fall within each of the exempt classes, subject to the qualification that these lists must be consistent with both the letter and the intent expressed in the classes. Public agencies may omit from their implementing procedures classes and examples that do not apply to their activities, but they may not require EIRs for projects described in the classes and examples in this article except under the provisions of Section 15300.2.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15301. Existing Facilities

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

Examples include but are not limited to:

- (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- (b) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;
- (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety).
- (d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;
- (e) Additions to existing structures provided that the addition will not result in an increase of more than:
 - (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or
 - (2) 10,000 square feet if:
 - (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and
 - (B) The area in which the project is located is not environmentally sensitive.
- (f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices;
- (g) New copy on existing on and off-premise signs;
- (h) Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of pesticides, as defined in Section 12753, Division 7, Chapter 2, Food and Agricultural Code);
- (i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;
- (j) Fish stocking by the California Department of Fish and Game;
- (k) Division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt;

(l) Demolition and removal of individual small structures listed in this subdivision;

(1) One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.

(2) A duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where not more than six dwelling units will be demolished.

(3) A store, motel, office, restaurant, or similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use.

(4) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

(m) Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.

(n) Conversion of a single family residence to office use.

(o) Installation, in an existing facility occupied by a medical waste generator, of a steam sterilization unit for the treatment of medical waste generated by that facility provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.

(p) Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.

Note: Authority cited: Section 21083, Public Resources Code; References: Sections 21084, Public Resources Code; *Bloom v. McGurk* (1994) 26 Cal.App.4th 1307.

Discussion: This section describes the class of projects wherein the proposed activity will involve negligible or no expansion of the use existing at the time the exemption is granted. Application of this exemption, as all categorical exemptions, is limited by the factors described in section 15300.2. Accordingly, a project with significant cumulative impacts or which otherwise has a reasonable possibility of resulting in a significant effect does not qualify for a Class 1 exemption.

15302. Replacement or Reconstruction

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

(a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50 percent.

(b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.

(c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

(d) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15303. New Construction or Conversion of Small Structures

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

- (a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.
- (b) A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.
- (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.
- (d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.
- (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- (f) An accessory steam sterilization unit for the treatment of medical waste at a facility occupied by a medical waste generator, provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21084 and 21084.2, Public Resources Code.

Discussion: This section describes the class of small projects involving new construction or conversion of existing small structures. The 1998 revisions to the section clarify the types of projects to which it applies. In order to simplify and standardize application of this section to commercial structures, the reference to occupant load of 30 persons or less contained in the prior guideline was replaced by a limit on square footage. Subsection (c) further limits the use of this exemption to those commercial projects which have available all necessary public services and facilities, and which are not located in an environmentally sensitive area.

15304. Minor Alterations to Land

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:

- (a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist.

- (b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.
- (c) Filling of earth into previously excavated land with material compatible with the natural features of the site;
- (d) Minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;
- (e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc;
- (f) Minor trenching and backfilling where the surface is restored;
- (g) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies;
- (h) The creation of bicycle lanes on existing rights-of-way.
- (i) Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

Discussion: This section describes the class of projects involving minor alterations to the land. The 1998 revision to the section specified that this exemption applies to fuel management activities which will not impact threatened or endangered species or result in significant erosion or sedimentation.

15305. Minor Alterations in Land Use Limitations

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

- (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;
- (b) Issuance of minor encroachment permits;
- (c) Reversion to acreage in accordance with the Subdivision Map Act.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15306. Information Collection

Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15307. Actions by Regulatory Agencies for Protection of Natural Resources

Class 7 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15308. Actions by Regulatory Agencies for Protection of the Environment

Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code; *International Longshoremen's and Warehousemen's Union v. Board of Supervisors*, (1981) 116 Cal. App. 3d 265.

Discussion: This section reflects the ruling in *International Longshoremen's and Warehousemen's Union v. Board of Supervisors*, (1981) 116 Cal. App. 3d 265. That decision ruled that the use of categorical exemption Class 8 was improper for a change in a county air pollution rule that allowed a doubling of the emissions of oxides of nitrogen. The court followed the ruling in *Wildlife Alive v. Chickering*, (1976) 18 Cal. 3d 190 that provided that where there is a reasonable possibility that a project or activity may have a significant effect on the environment, an exemption is improper.

15309. Inspections

Class 9 consists of activities limited entirely to inspections, to check for performance of an operation, or quality, health, or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation, or adulteration of products.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15310. Loans

Class 10 consists of loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction and the purchase of such mortgages by financial institutions. Class 10 includes but is not limited to the following examples:

(a) Loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943.

(b) Purchases of mortgages from banks and mortgage companies by the Public Employees Retirement System and by the State Teachers Retirement System.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15311. Accessory Structures

Class 11 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:

(a) On-premise signs;

(b) Small parking lots;

(c) Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15312. Surplus Government Property Sales

Class 12 consists of sales of surplus government property except for parcels of land located in an area of statewide, regional, or areawide concern identified in Section 15206(b)(4). However, even if the surplus property to be sold is located in any of those areas, its sale is exempt if:

(a) The property does not have significant values for wildlife habitat or other environmental purposes, and

(b) Any of the following conditions exist:

(1) The property is of such size, shape, or inaccessibility that it is incapable of independent development or use; or

(2) The property to be sold would qualify for an exemption under any other class of categorical exemption in these Guidelines; or

(3) The use of the property and adjacent property has not changed since the time of purchase by the public agency.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

Discussion: In *McQueen v. Midpeninsula Regional Open Space District* (1988) 202 Cal. App. 3d 1136, the court stated that the terms 'sale' and 'acquisition' are not interchangeable and reaffirmed that exemptions must comply with the "specific terms" of the exemption which are to be narrowly construed.

15313. Acquisition of Lands for Wildlife Conservation Purposes

Class 13 consists of the acquisition of lands for fish and wildlife conservation purposes including (a) preservation of fish and wildlife habitat, (b) establishing ecological reserves under Fish and Game

Code Section 1580, and (c) preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15314. Minor Additions to Schools

Class 14 consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less. The addition of portable classrooms is included in this exemption.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15315. Minor Land Divisions

Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15316. Transfer of Ownership of Land in Order to Create Parks

Class 16 consists of the acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical or archaeological resources and either:

- (a) The management plan for the park has not been prepared, or
- (b) The management plan proposes to keep the area in a natural condition or preserve the historic or archaeological resources. CEQA will apply when a management plan is proposed that will change the area from its natural condition or cause substantial adverse change in the significance of the historic or archaeological resource.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21084, 21083.2, and 21084.1, Public Resources Code.

Discussion: In *McQueen v. Midpeninsula Regional Open Space District* (1988) 202 Cal. App. 3d 1136, the court ruled that the taking or acquiring property "as-is" does not constitute a "natural condition" when there is substantial evidence in the record that hazardous waste has been upon it.

15317. Open Space Contracts or Easements

Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. The cancellation of such preserves, contracts, interests, or easements is not included and will normally be an action subject to the CEQA process.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15318. Designation of Wilderness Areas

Class 18 consists of the designation of wilderness areas under the California Wilderness System.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15319. Annexations of Existing Facilities and Lots for Exempt Facilities

Class 19 consists of only the following annexations:

(a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.

(b) Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

Discussion: The exemption under subsection (a) is not allowed if it is foreseeable that utility services would extend into the annexed parcels and have the potential to serve a greater capacity than existing uses. The exemption is also unavailable if "unusual circumstances" under Section 15300.2(c) are found. For example, in *City of Santa Clara v. LAFCO of Santa Clara County*, (1983) 139 Cal. App. 3d 923, the court found that unusual circumstances existed when the annexing city's general plan called for the newly annexed parcels to eventually become residential and industrial rather than the pre-zoned agricultural use. The unusual circumstances arose from the inconsistency between the pre-zoned agricultural use and the general plan's designated land use and thus precluded the use of this categorical exemption.

15320. Changes in Organization of Local Agencies

Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to:

- (a) Establishment of a subsidiary district;
- (b) Consolidation of two or more districts having identical powers;
- (c) Merger with a city of a district lying entirely within the boundaries of the city.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15321. Enforcement Actions by Regulatory Agencies

Class 21 consists of:

(a) Actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include, but are not limited to, the following:

(1) The direct referral of a violation of lease, permit, license, certificate, or entitlement for use or of a general rule, standard, or objective to the Attorney General, District Attorney, or City Attorney as appropriate, for judicial enforcement;

(2) The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.

(b) Law enforcement activities by peace officers acting under any law that provides a criminal sanction;

(c) Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

Discussion: The exemption for law enforcement activities by peace officers acting under any law that provides a criminal sanction is based largely on the rationale explained by the court in *Pacific Water Conditioning Association v. City Council*, (1977) 73 Cal. App. 3d 546. There the court noted that enforcement actions are taken long after the public agency, or possibly the State Legislature, has exercised its discretion to set standards governing a certain kind of activity.

15322. Educational or Training Programs Involving No Physical Changes

Class 22 consists of the adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures. Examples include but are not limited to:

(a) Development of or changes in curriculum or training methods.

(b) Changes in the grade structure in a school which do not result in changes in student transportation.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15323. Normal Operations of Facilities for Public Gatherings

Class 23 consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purposes of this section, "past history" shall mean that the same or similar kind of activity has been occurring for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. Facilities included within this exemption include, but are not limited to, racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools, and amusement parks.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

Discussion: This section clarifies what is meant by the term "a past history of the facility being used for the same kind of purpose." The section relates the concept of past history to public expectations for

use of the facility in the future. Where the facility has been used for a particular purpose for several years and people expect the use to continue in the future, continuation of that use would not represent a change in the environmental conditions. For example, if a county fair had included a stock car racing meet for each of three consecutive years, people living in the area would have come to expect that the county fair would involve stock car racing in the future. Continuing racing activity would not represent a substantial change in the environment from what people had come to expect. However, in *Lewis v. 17th District Agricultural Ass'n* (1985) 165 Cal. App. 3d 823, the court found that the existence of residential areas near a racetrack constituted "unusual circumstances" (Guidelines section 15300.2 (c)) which removed the racing activity from the exemption. Additionally, the court found that imposing mitigation measures to offset the possible significant adverse change in the environment caused by the activity will not cause the exemption to be applicable unless the mitigation measures result in the elimination of the possibility of a significant adverse change in the environment. The decision to allow stock car racing at a county fair in the first place could well call for some kind of CEQA analysis before starting that activity. Once the activity has been established, however, continuing the activity does not represent a change, and absent a significant change in the use and absent the existence of unusual circumstances. Concerning what are considered normal operations of facilities for public gatherings see *Campbell v. Third District Agricultural Association* (1987) 195 Cal.App. 3d 115.

15324. Regulations of Working Conditions

Class 24 consists of actions taken by regulatory agencies, including the Industrial Welfare Commission as authorized by statute, to regulate any of the following:

- (a) Employee wages,
- (b) Hours of work, or
- (c) Working conditions where there will be no demonstrable physical changes outside the place of work.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15325. Transfers of Ownership of Interest In Land to Preserve Existing Natural Conditions and Historical Resources

Class 25 consists of the transfers of ownership of interests in land in order to preserve open space, habitat, or historical resources. Examples include but are not limited to:

- (a) Acquisition, sale, or other transfer of areas to preserve the existing natural conditions, including plant or animal habitats.
- (b) Acquisition, sale, or other transfer of areas to allow continued agricultural use of the areas.
- (c) Acquisition, sale, or other transfer to allow restoration of natural conditions, including plant or animal habitats.
- (d) Acquisition, sale, or other transfer to prevent encroachment of development into flood plains.
- (e) Acquisition, sale, or other transfer to preserve historical resources.

(f) Acquisition, sale, or other transfer to preserve open space or lands for park purposes.
Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code.

15326. Acquisition of Housing for Housing Assistance Programs

Class 26 consists of actions by a redevelopment agency, housing authority, or other public agency to implement an adopted Housing Assistance Plan by acquiring an interest in housing units. The housing units may be either in existence or possessing all required permits for construction when the agency makes its final decision to acquire the units.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15327. Leasing New Facilities

(a) Class 27 consists of the leasing of a newly constructed or previously unoccupied privately owned facility by a local or state agency where the local governing authority determined that the building was exempt from CEQA. To be exempt under this section, the proposed use of the facility:

- (1) Shall be in conformance with existing state plans and policies and with general, community, and specific plans for which an EIR or Negative Declaration has been prepared;
- (2) Shall be substantially the same as that originally proposed at the time the building permit was issued;
- (3) Shall not result in a traffic increase of greater than 10% of front access road capacity; and
- (4) Shall include the provision of adequate employee and visitor parking facilities.

(b) Examples of Class 27 include, but are not limited to:

- (1) Leasing of administrative offices in newly constructed office space;
- (2) Leasing of client service offices in newly constructed retail space;
- (3) Leasing of administrative and/or client service offices in newly constructed industrial parks.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15328. Small Hydroelectric Projects at Existing Facilities

Class 28 consists of the installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where:

- (a) The capacity of the generating facilities is 5 megawatts or less;
- (b) Operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to:
 - (1) Rate and volume of flow;
 - (2) Temperature;
 - (3) Amounts of dissolved oxygen to a degree that could adversely affect aquatic life; and
 - (4) Timing of release.

- (c) New power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right of way and will not be located adjacent to a wild or scenic river;
- (d) Repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment;
- (e) There will be no significant upstream or downstream passage of fish affected by the project;
- (f) The discharge from the power house will not be located more than 300 feet from the toe of the diversion structure;
- (g) The project will not cause violations of applicable state or federal water quality standards;
- (h) The project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places; and
- (i) Construction will not occur in the vicinity of any endangered, rare, or threatened species.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15329. Cogeneration Projects at Existing Facilities

Class 29 consists of the installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities meeting the conditions described in this section.

(a) At existing industrial facilities, the installation of cogeneration facilities will be exempt where it will:

- (1) Result in no net increases in air emissions from the industrial facility, or will produce emissions lower than the amount that would require review under the new source review rules applicable in the county, and
- (2) Comply with all applicable state, federal, and local air quality laws.

(b) At commercial and institutional facilities, the installation of cogeneration facilities will be exempt if the installation will:

- (1) Meet all the criteria described in subdivision (a);
- (2) Result in no noticeable increase in noise to nearby residential structures;
- (3) Be contiguous to other commercial or institutional structures.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15330. Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances.

Class 30 consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less.

(a) No cleanup action shall be subject to this Class 30 exemption if the action requires the onsite use of a hazardous waste incinerator or thermal treatment unit or the relocation of residences or businesses, or the action involves the potential release into the air of volatile organic compounds as defined in Health and Safety Code §25123.6, except for small scale in situ soil vapor extraction and treatment systems which have been permitted by the local Air Pollution Control District or Air Quality Management District. All actions must be consistent with applicable state and local environmental permitting requirements including, but not limited to, off-site disposal, air quality rules such as those governing volatile organic compounds and water quality standards, and approved by the regulatory body with jurisdiction over the site.

(b) Examples of such minor cleanup actions include but are not limited to:

(1) Removal of sealed, non-leaking drums or barrels of hazardous waste or substances that have been stabilized, containerized and are designated for a lawfully permitted destination;

(2) Maintenance or stabilization of berms, dikes, or surface impoundments;

(3) Construction or maintenance or interim of temporary surface caps;

(4) Onsite treatment of contaminated soils or sludges provided treatment system meets Title 22 requirements and local air district requirements;

(5) Excavation and/or offsite disposal of contaminated soils or sludges in regulated units;

(6) Application of dust suppressants or dust binders to surface soils;

(7) Controls for surface water run-on and run-off that meets seismic safety standards;

(8) Pumping of leaking ponds into an enclosed container;

(9) Construction of interim or emergency ground water treatment systems;

(10) Posting of warning signs and fencing for a hazardous waste or substance site that meets legal requirements for protection of wildlife.

Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code.

15331. Historical Resource Restoration/Rehabilitation.

Class 31 consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the [Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings \(1995\), Weeks and Grimmer.](#)

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code.

Discussion: This section establishes an exemption for projects involving the maintenance, rehabilitation, restoration, preservation, or reconstruction of historical resources, provided that the activity meets published federal standards for the treatment of historic properties. These federal standards describe means of preserving, rehabilitating, restoring, and reconstructing historic buildings without adversely affecting their historic significance. Use of this exemption, like all categorical

exemptions, is limited by the factors described in section 15300.2 and is not to be used where the activity would cause a substantial adverse change in the significance of a historical resource.

15332. In-Fill Development Projects.

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code.

Discussion: This section is intended to promote infill development within urbanized areas. The class consists of environmentally benign in-fill projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in any significant traffic, noise, air quality, or water quality effects. Application of this exemption, as all categorical exemptions, is limited by the factors described in section 15300.2.

15333. Small Habitat Restoration Projects.

Class 33 consists of projects not to exceed five acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife provided that:

- (a) There would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to section 15065,
- (b) There are no hazardous materials at or around the project site that may be disturbed or removed, and
- (c) The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- (d) Examples of small restoration projects may include, but are not limited to:
 - (1) revegetation of disturbed areas with native plant species;
 - (2) wetland restoration, the primary purpose of which is to improve conditions for waterfowl or other species that rely on wetland habitat;
 - (3) stream or river bank revegetation, the primary purpose of which is to improve habitat for amphibians or native fish;
 - (4) projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment.
 - (5) stream or river bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or

eliminate erosion and sedimentation; and

(6) culvert replacement conducted in accordance with published guidelines of the Department of Fish and Game or NOAA Fisheries, the primary purpose of which is to improve habitat or reduce sedimentation.

Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code.



Oceano Community Services District

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

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

Date: July 26, 2017

To: Board of Directors

From: Paavo Ogren, General Manager

Subject: **Agenda Item #10: Consideration of recommendations to approve a resolution amending and restating Resolution 2014-15 which established water use regulations during the drought, and to schedule a hearing on October 11, 2017 to consider recommendations on water rate reductions**

Recommendation

It is recommended that your Board:

1. Approve the attached resolution amending resolution 2014-15.
2. Set October 11, 2017 for a hearing to consider recommendations on water rate reductions.

Discussion

On April 7, 2017, the Governor issued Executive Order B-40-17 terminating the Drought Emergency for most counties in California. Likewise, on May 23, 2017 the County of San Luis Obispo terminated its proclamation of a local drought emergency, which it originally adopted on March 11, 2014. Following the actions of the State and the County, the District should consider amending and restating resolution 2014-15, which established drought emergency prohibitions for the District.

In addition to considering changes to resolution 2014-15, the District will need to develop a plan for transitioning to "Post Drought Water Consumption Rates" as required by Ordinance 2015-01. Ordinance 2015-01 provides that within 90 days of the Board's determination that the drought emergency is over, it shall adopt an ordinance to transition to the adopted Post Drought Consumption Rates. The transition may be made over a period not to exceed three (3) years.

Consistent with the Governor's termination of the Drought Emergency, which excluded specific Counties and included certain permanent prohibitions, the District's action should address issues that are unique to the District and its water resources.



Should the Prohibition against the distribution or appropriation of District groundwater be continued?

Section Three (3) of resolution 2014-15 prohibits the appropriation or distribution of District water without the District's express written consent unless otherwise exempted. It essentially prohibits exportation of groundwater out of the District. Examples of exemptions may include existing users that are operating permitted wells who have established rights under the Santa Maria Groundwater Basin adjudication. Consistent with the Governors and County's actions to continue some drought related prohibitions, the attached resolution continues to include existing provisions prohibiting the distribution or appropriation of District groundwater.

Prohibitions Against Wasting Water

The Governor's Executive Order B-37-16 **Making Water Conservation a California Way of Life**, and Executive Order B-40-17 provides permanent restrictions on wasteful practices such as:

- Hosing off sidewalks, driveways and other hardscapes;
- Washing automobiles with hoses not equipped with a shut-off nozzle;
- Using non-recirculated water in a fountain or other decorative water feature;
- Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and
- Irrigating ornamental turf on public street medians.

The attached resolution amending and restating resolution 2014-15 includes these permanent restrictions.

NCMA Annual Report & the Lopez Low Reservoir Response Plan (LRRP)

When the Board of Supervisors terminated the County's drought emergency on May 23, 2017, they also directed County staff to return with appropriate findings based on the concerns that continue from the drought so that operations of Lopez can continue under the Low Reservoir Response Plan (LRRP).

An update on County efforts is on the agenda of the Zone 3 Advisory Committee meeting of Thursday, July 20, 2017. Since that meeting is after preparation of this report, a verbal update on the County efforts will be provided during your Board discussion of this agenda item.



Other Agency Involvement

The County of San Luis Obispo, under the auspices of the San Luis Obispo County Flood Control and Water Conservation District provides the District with its Lopez and State Water supplies. The cities of Arroyo Grande, Grover Beach and Pismo Beach, together with the District, are the parties to the Santa Maria Groundwater Basin adjudication covering the Northern Cities Management Area. The City of Pismo Beach and the South San Luis Obispo County Sanitation District are considering a joint effort to develop reclaimed/recycled water. The State Water Subcontractors Advisory Committee and the Zone 3 Advisory Committee are also involved in policy development for both projects.

Other Financial Considerations

The District's current ordinance establishing water rates is subject to revision once your Board determines that the drought emergency is over. Amending resolution 2014-15 will have that effect. Ordinance 2015-01 (the Water Rate Ordinance) includes language requiring a public hearing within 90 days, but also provides up to three (3) years to reduce post-drought water rates.

Developing a plan, and approving rate reductions at the October 11th meeting will require evaluating fiscal and water conservation efforts since the rates were adopted in April, 2015. The overall goal is to maintain stable revenues – i.e. while water consumption increases and water rates decrease, the District's goal is to be "revenue neutral."

Other issues that may affect reducing water rates include contractual covenants obligating the District to establish and maintain minimum revenues. The following is an excerpt from the District's water treatment agreement for State Water:

Section 12. Covenants of the Contractor.

(a) Amount of Rates and Charges. The Contractor will fix, prescribe and collect rates and charges for the Contractor Water System which will be at least sufficient to yield during each Fiscal Year Contractor Net Water System Revenues equal to one hundred twenty-five percent (125%) of the Contract Payments for such Fiscal Year. The Contractor may make adjustments from time to time in such rates and charges and may make such classification thereof as it deems necessary, but shall not reduce the rates and charges then in effect unless the Contractor Net Water System Revenues from such reduced rates and charges will at all times be sufficient to meet the requirements of this section.



Oceano Community Services District

Board of Directors Meeting

Staff will prepare an analysis of water consumption, revenues and compliance requirements after the current billing cycle is complete. Meter reading is currently in process and the analysis will be available and formally submitted through the agenda in advance of the October 11th hearing.

Results

Reviewing the District's water supplies helps to ensure that the community's water supplies are managed properly while charging customers in a fiscally equitable manner.

Attachments to this agenda item:

- Redline strike-out resolution illustrating proposed amendments to resolution 2014-15
- Resolution amending and restating resolution 2014-15
- Ordinance 2015-01

**OCEANO COMMUNITY SERVICES DISTRICT
RESOLUTION NO: 2017 - __**

**A RESOLUTION AMENDING AND RESTATING RESOLUTION 2014 – 15
REGULATING WATER USE IN ACCORDANCE WITH THE DROUGHT EMERGENCY
WATER CONSERVATION REGULATIONS ADOPTED BY THE STATE OF
CALIFORNIA; CONTINUING SPECIFIC PROHIBITIONS AGAINST EXPORTING
GROUNDWATER PUMPED WITHIN THE BOUNDARIES OF OCEANO; AND
CONFORMING TO EXECUTIVE ORDERS B-37-16 AND B-40-17**

WHEREAS, on January 17, 2014, the Governor of the State of California established a Drought State of Emergency; and

WHEREAS, subsequent to January 17, 2014, the Governor and/or the State Water Board adopted additional emergency proclamations, executive orders, and regulations to address the Drought State of Emergency; and

WHEREAS, on April 7, 2017 the Governor approved Executive Order B-40-17 rescinded most of the previous actions, except that the orders and provisions contained in Executive Order B-37-16 **Making Water Conservation a California Way of Life**, remain in full force and effect except as modified by Executive Order B-40-17; and

WHEREAS, Executive Order B-40-17 provides permanent restrictions on wasteful practices such as:

- Hosing off sidewalks, driveways and other hardscapes;
- Washing automobiles with hoses not equipped with a shut-off nozzle;
- Using non-recirculated water in a fountain or other decorative water feature;
- Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and
- Irrigating ornamental turf on public street medians.

WHEREAS, Executive Order B-40-17 also provides directions to State Agencies to continue to develop standards, to direct actions and to continue response activities to manage the lingering drought impacts, which may result in additional regulations; and

WHEREAS, the Oceano Community Services District adopted Resolution 2014-15 on October 8, 2014 in response to the Governor's proclamations of a Drought Emergency and regulations established by the State Water Board; and

WHEREAS, Resolution 2014-15 includes provisions required as a result of the Drought Emergency Proclamation and associated regulations while also including certain provisions specific to groundwater pumping within the boundaries of the District; and

WHEREAS, despite the Governor’s termination of the Drought State of Emergency, continuing concerns exist regarding the lingering drought impacts on local groundwater conditions and pumping of water from the groundwater basin; and

WHEREAS, it is in the public interest to rescind portions of Resolution 2014-15 while continuing those Sections pertaining to groundwater pumping within the boundaries of the District; and

WHEREAS, it is in the public interest to recognize the need to adhere to Executive Order B-37-16 **Making Water Conservation a California Way of Life**.

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

Resolution 2014-15 is hereby amended as follows:

Section 1 – “Findings and Declarations”

The Board of Directors makes the following findings in support of the enactment of this Resolution within the Oceano Community Services District (District):

- A. The District is a distributor of a public water supply within its boundaries.
- B. The District is not an “Urban water supplier” as defined in Water Code Section 10617, as it does not provide water for municipal purposes to more than 3,000 customers and does not provide more than 3,000 acre-feet of water annually.

~~C. On July 15, 2014, per Resolution No. 2014-0038, the State Water Resources Control Board adopted Emergency Water Conservation Regulations set forth in California Code of Regulations, Title 23, Sections 863, 864 and 865, effective on or around August 1, 2014.~~

~~Subsection (e) of Section 865 of the Emergency Water Conservation Regulations requires each distributor of a public water supply, that is not an Urban water supplier, to either limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two (2) days per week or implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.~~

~~D. The District finds that developing an outdoor irrigation that is limited to 46 hours per week, which is less than 48 hours per week based on two days a week, can achieve a comparable level of conservation through the following measures:~~

- ~~a. By timing the application of water to early morning hours,~~
- ~~b. By avoiding excessive watering that can occur when only two specific days of watering are allowed, and when water losses can be exasperated due to the porosity of sandy soils,~~
- ~~c. By irrigating based on the moisture content of the soil and the needs of the landscaping, and~~
- ~~d. By authorizing the General Manager to establish watering schedules for the District that can further limit the days in which a specific property may irrigate ornamental landscapes and turf.~~

~~E.C.~~ The District ~~also~~ finds that in its role and authority as the distributor of a public water

supply within its boundaries, no other persons should distribute or appropriate water obtained from the District or pumped through wells and facilities that are not owned by the District but which exist within the boundaries of the District, with the following exceptions:

- a. With the expressed written consent of the District
- b. For those property owners that have specific rights to do so as established by the Santa Maria Groundwater Basin adjudication and associated judicial determinations.
- c. The water systems serving the town of Halcyon for use in Halcyon.
- d. Other historical uses established with approved and documented permits.

D. The following waste of water is prohibited:

- a. Hosing off sidewalks, driveways and other hardscapes;
- b. Washing automobiles with hoses not equipped with a shut-off nozzle;
- c. Using non-recirculated water in a fountain or other decorative water feature;
- d. Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and
- e. Irrigating ornamental turf on public street medians.

~~F. Furthermore, the District finds that exemptions to the following uses are necessary to mitigate economic impacts:~~

- ~~a. De minimis use of less than 1 unit (748 gallons) per bi-monthly billing period for potted plants, raised flower beds and other miscellaneous landscaping use associated with businesses that provide goods and services to the general public.~~
- ~~b. Landscaping nursery operations.~~
- ~~c. Agricultural operations.~~

~~G. This Resolution is exempt from Section 21000 et seq. of the California Public Resource Code (California Environmental Quality Act) pursuant to Section 21080(b)(1) of the California Environmental Quality Act, and Guidelines Section 15268 because adoption of the Resolution is non-discretionary, and therefore, ministerial.~~

Section 2 – “Restrictions on Outdoor Water Use” is hereby rescinded.

Section 3 - Prohibition against the Distribution or Appropriation of Water.

No person shall distribute or appropriate water obtained from the District or pumped through wells and facilities that are not owned by the District but which exist within the boundaries of the District, with the following exceptions:

- a. With the expressed written consent of the District
- b. For those property owners that have specific rights to do so as established by the Santa Maria Groundwater Basin adjudication and associated judicial determinations.
- c. The water systems serving the town of Halcyon for use within Halcyon.
- d. Other historical uses established with approved and documented permits.

Section 4 - “Exemptions” is hereby rescinded.

Section 5 - Enforcement.

A violation of this Resolution is a violation of a restriction authorized by and imposed in accordance with the rules and regulations set forth in Section 1 of this Resolution and constitutes a violation of controls during emergencies and/or a violation of the control of maximum usage limits identified in the Resolutions set forth in Section 1 of this Resolution. In the event of a violation of this Resolution, the District may, in its discretion and in addition to all other remedies, take such enforcement actions and impose such fees as are authorized in the rules and regulations, Resolutions and/or contracts set forth in Section 1 of this Resolution and applicable to the customers of the District.

Section 6 - Effective Date.

This Resolution shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this Resolution, it shall be published once with the names of the members of the Board of Directors voting for and against the Resolution in a newspaper of general circulation published in the Community of Oceano, State of California.

PASSED AND ADOPTED by the Board of Directors of the Oceano Community Services District on _____, 2017 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

President, Board of Directors
of the Oceano Community Services District

ATTEST:

Board Secretary of the
Oceano Community Services

APPROVED AS TO FORM:

Jeffrey A. Minnery, District Counsel

**OCEANO COMMUNITY SERVICES DISTRICT
RESOLUTION NO: 2017 - __**

**A RESOLUTION AMENDING AND RESTATING RESOLUTION 2014 – 15
REGULATING WATER USE IN ACCORDANCE WITH THE DROUGHT EMERGENCY
WATER CONSERVATION REGULATIONS ADOPTED BY THE STATE OF
CALIFORNIA; CONTINUING SPECIFIC PROHIBITIONS AGAINST EXPORTING
GROUNDWATER PUMPED WITHIN THE BOUNDARIES OF OCEANO; AND
CONFORMING TO EXECUTIVE ORDERS B-37-16 AND B-40-17**

WHEREAS, on January 17, 2014, the Governor of the State of California established a Drought State of Emergency; and

WHEREAS, subsequent to January 17, 2014, the Governor and/or the State Water Board adopted additional emergency proclamations, executive orders, and regulations to address the Drought State of Emergency; and

WHEREAS, on April 7, 2017 the Governor approved Executive Order B-40-17 rescinded most of the previous actions, except that the orders and provisions contained in Executive Order B-37-16 **Making Water Conservation a California Way of Life**, remain in full force and effect except as modified by Executive Order B-40-17; and

WHEREAS, Executive Order B-40-17 provides permanent restrictions on wasteful practices such as:

- Hosing off sidewalks, driveways and other hardscapes;
- Washing automobiles with hoses not equipped with a shut-off nozzle;
- Using non-recirculated water in a fountain or other decorative water feature;
- Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and
- Irrigating ornamental turf on public street medians.

WHEREAS, Executive Order B-40-17 also provides directions to State Agencies to continue to develop standards, to direct actions and to continue response activities to manage the lingering drought impacts, which may result in additional regulations; and

WHEREAS, the Oceano Community Services District adopted Resolution 2014-15 on October 8, 2014 in response to the Governor’s proclamations of a Drought Emergency and regulations established by the State Water Board; and

WHEREAS, Resolution 2014-15 includes provisions required as a result of the Drought Emergency Proclamation and associated regulations while also including certain provisions specific to groundwater pumping within the boundaries of the District; and

WHEREAS, despite the Governor’s termination of the Drought State of Emergency, continuing concerns exist regarding the lingering drought impacts on local groundwater conditions and pumping of water from the groundwater basin; and

WHEREAS, it is in the public interest to rescind portions of Resolution 2014-15 while continuing those Sections pertaining to groundwater pumping within the boundaries of the District; and

WHEREAS, it is in the public interest to recognize the need to adhere to Executive Order B-37-16 **Making Water Conservation a California Way of Life**.

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

Resolution 2014-15 is hereby amended as follows:

Section 1 – “Findings and Declarations”

The Board of Directors makes the following findings in support of the enactment of this Resolution within the Oceano Community Services District (District):

- A. The District is a distributor of a public water supply within its boundaries.
- B. The District is not an “Urban water supplier” as defined in Water Code Section 10617, as it does not provide water for municipal purposes to more than 3,000 customers and does not provide more than 3,000 acre-feet of water annually.
- C. The District finds that in its role and authority as the distributor of a public water supply within its boundaries, no other persons should distribute or appropriate water obtained from the District or pumped through wells and facilities that are not owned by the District but which exist within the boundaries of the District, with the following exceptions:
 - a. With the expressed written consent of the District
 - b. For those property owners that have specific rights to do so as established by the Santa Maria Groundwater Basin adjudication and associated judicial determinations.
 - c. The water systems serving the town of Halcyon for use in Halcyon.
 - d. Other historical uses established with approved and documented permits.
- D. The following waste of water is prohibited:
 - a. Hosing off sidewalks, driveways and other hardscapes;
 - b. Washing automobiles with hoses not equipped with a shut-off nozzle;
 - c. Using non-recirculated water in a fountain or other decorative water feature;
 - d. Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and
 - e. Irrigating ornamental turf on public street medians.

Section 2 – “Restrictions on Outdoor Water Use” is hereby rescinded.

Section 3 - Prohibition against the Distribution or Appropriation of Water.

No person shall distribute or appropriate water obtained from the District or pumped through wells and facilities that are not owned by the District but which exist within the boundaries of the District, with the following exceptions:

- a. With the expressed written consent of the District
- b. For those property owners that have specific rights to do so as established by the Santa Maria Groundwater Basin adjudication and associated judicial determinations.
- c. The water systems serving the town of Halcyon for use within Halcyon.
- d. Other historical uses established with approved and documented permits.

Section 4 - “Exemptions” is hereby rescinded.

Section 5 - Enforcement.

A violation of this Resolution is a violation of a restriction authorized by and imposed in accordance with the rules and regulations set forth in Section 1 of this Resolution and constitutes a violation of controls during emergencies and/or a violation of the control of maximum usage limits identified in the Resolutions set forth in Section 1 of this Resolution. In the event of a violation of this Resolution, the District may, in its discretion and in addition to all other remedies, take such enforcement actions and impose such fees as are authorized in the rules and regulations, Resolutions and/or contracts set forth in Section 1 of this Resolution and applicable to the customers of the District.

Section 6 - Effective Date.

This Resolution shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this Resolution, it shall be published once with the names of the members of the Board of Directors voting for and against the Resolution in a newspaper of general circulation published in the Community of Oceano, State of California.

PASSED AND ADOPTED by the Board of Directors of the Oceano Community Services District on _____, 2017 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

 President, Board of Directors
 of the Oceano Community Services District

ATTEST:

 Board Secretary of the
 Oceano Community Services

APPROVED AS TO FORM:

 Jeffrey A. Minnery, District Counsel

ORDINANCE NO. 2015-01

ORDINANCE INCREASING AND ADJUSTING WATER
SYSTEM SERVICE CHARGES

WHEREAS, it is a major responsibility of the Oceano Community Services District ("District") to maintain adequate levels of revenue to meet the District's financial commitments for the operation and maintenance for water facilities and the replacement of existing facilities in the future which benefit the customer or property being charged; and

WHEREAS, on April 20, 2015, at 6:30 p.m. the District conducted a duly noticed public hearing at its Board chambers located at 1655 Front Street, Oceano California, wherein the Board of Directors considered public comment in support and in opposition to the proposed rate increase and whether or not a majority protest to the proposed rate increase exists pursuant to Section 6 of Article XIII D of the California Constitution. At the conclusion of the public hearing, the Board found that approximately 8 protests were received and that a majority protest did not exist; and

WHEREAS, based on facts and analysis presented in the rate study, written protests received prior to the close of the April 20, 2015, public hearing, the Staff Report, Staff Presentation and public testimony received, the Board of Directors finds:

A. The District has provided tenants and property owners to whom the OCSD customarily mails billing statements for water services and to the record owner's address shown on the last equalized assessment roll a notice on the proposed rates and charges, the amounts of the proposed rates and charges, the basis for the calculations, the reason for the increase in the rates and charges, and the date, time, and location for a public hearing which was not less than 45 days after the date of mailing.

B. The revenues derived from the new water rates and charges will not be used for any purpose other than that for which the charges are imposed.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED, by the Board of Directors of the District as follows:

SECTION 1: In accordance with Article XIID of the California Constitution and the Proposition 218 Omnibus Implementation Act (commencing with Section 53750 of the California Government Code), there are hereby established within the Oceano Community Services District, Charges for Water Service (including Consumption Charges during Drought Emergencies), Other Charges, and a Schedule of Adjustment for Inflation and Contract Water Costs as specified in Exhibit "A" hereto, which Exhibit "A" is incorporated herein by this reference, for the purpose of providing water service.

SECTION 2: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Directors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

SECTION 3: Repeal of Prior Ordinances and Resolutions. All ordinances, Resolutions and sections of Ordinances and Resolutions that are inconsistent with this Resolution are hereby repealed. If not inconsistent, such ordinance and resolutions shall remain in full force and effect.

SECTION 4: Effect of Repeal of Part Actions and Obligations. This Resolution does not affect prosecutions for violations committed prior to the effective date of this Ordinance, does not waive any fee or penalty due and unpaid on the effective date of this Ordinance .

INTRODUCED at a special meeting of the Board of Directors held on the 4th day of March , 2015, and PASSED, APPROVED and ADOPTED by the Board of Directors of the Oceano Community Services District, this 20th day of - April, 2015, upon the motion of Director Guerrero, a second by Vice President White, and upon the following roll call vote, to wit:

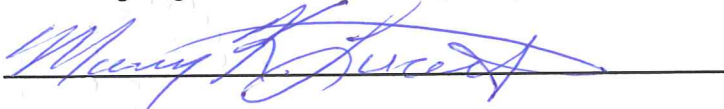
AYES: Director Guerrero, Vice President White, Director Angello, Director Blackburn, President Lucey

NOES: None

ABSENT: None

ABSTAINING: None

The foregoing ordinance is hereby adopted:



President of the Board of Directors

ATTEST:

CELIA RUIZ
Secretary of the Board of Directors

BY: 
Board Secretary

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

Jeffrey Minnery
District Legal Counsel

By: 
District Legal Counsel

Dated: March 4, 2015

EXHIBIT "A"
SCHEDULE OF WATER SYSTEM SERVICE CHARGES

1. Charges for Water Service (per water service connection).

a) Basic Bi-Monthly Charge for Residential Water Service.

\$46.26 per bi-monthly period per residential unit; for properties where a single meter serves more than one residential dwelling unit, the bi-monthly "Basic Bi-Monthly Charge" shall be calculated by multiplying the number of residential dwelling units by the Basic Bi-Monthly Charge.

b) Basic Bi-Monthly Charges for Non-Residential Water Service Connections.

5/8 inch meter	\$	51.66 bi-monthly
3/4 inch meter	\$	62.89 bi-monthly
1 inch meter	\$	96.21 bi-monthly
1-½ inch meter	\$	173.79 bi-monthly
2 inch meter	\$	269.94 bi-monthly
3 inch meter	\$	429.54 bi-monthly
4 inch meter	\$	729.69 bi-monthly
6 inch meter	\$	1137.66 bi-monthly

For properties where a single meter serves more than one non-residential unit, the bi-monthly "Basic Bi-Monthly Charge" shall be calculated by multiplying the number of non-residential units by the Basic Bi-Monthly Charge.

c) Consumption Charges (Drought Emergency Rates).

Upon the effective date of this ordinance, in addition to the Basic Bi-Monthly Charges, a "Consumption Charge" shall be calculated based on the following tiers:

- i. Base Tier: \$0.00 per 100 cubic feet of water, or fraction thereof, for the bi-monthly use of water up to 600 cubic feet; plus,
- ii. Tier Two: \$3.25 per 100 cubic feet of water, or fraction thereof, for the bi-monthly use of water over 600 cubic feet, up to and including 1,200 cubic feet; plus,
- iii. Tier Three: \$3.60 per 100 cubic feet of water, or fraction thereof, for the bi-monthly use of water over 1,200 cubic feet, up to and including 1,800 cubic feet; plus,
- iv. Tier Four: \$4.00 per 100 cubic feet of water, or fraction thereof, for the bi-monthly use of water over 1,800 cubic feet, up to and including 2,400 cubic feet; plus,

- v. Tier Five: \$4.20 per 100 cubic feet of water, or fraction thereof, for the bi-monthly use of water over 2,400 cubic feet.

All Consumption Charges shall be calculated by first adjusting the quantities of water in each tier by multiplying the quantities of water stated in this section by the number of residential or non-residential units, to arrive at the quantity of water that will be charged at the rate applicable to each tier. Said number of units shall be the same as utilized to calculate the Basic Bi-Monthly Charges above.

d) Post Drought Consumption Charges.

Within 90 days after the Board of Directors determines that the current drought emergency is over, the "Consumption Charge" stated in Section 1(c) shall be reduced and calculated based on the following tiers:

- vi. Base Tier: \$0.00 per 100 cubic feet of water, or fraction thereof, for the bi-monthly use of water up to 600 cubic feet; plus,
- vii. Tier Two: \$2.25 per 100 cubic feet of water, or fraction thereof, for the bi-monthly use of water over 600 cubic feet, up to and including 1,200 cubic feet; plus,
- viii. Tier Three: \$2.50 per 100 cubic feet of water, or fraction thereof, for the bi-monthly use of water over 1,200 cubic feet, up to and including 1,800 cubic feet; plus,
- ix. Tier Four: \$2.95 per 100 cubic feet of water, or fraction thereof, for the bi-monthly use of water over 1,800 cubic feet, up to and including 2,400 cubic feet; plus,
- x. Tier Five: \$3.15 per 100 cubic feet of water, or fraction thereof, for the bi-monthly use of water over 2,400 cubic feet.

All Consumption Charges shall be calculated by first adjusting the quantities of water in each tier by multiplying the quantities of water stated in this section by the number of residential or non-residential units, to arrive at the quantity of water that will be charged at the rate applicable to each tier. Said number of units shall be the same as utilized to calculate the Basic Bi-Monthly Charges above.

Within the 90 days after the Board of Directors determines that the current drought is over, the Board of Directors may conduct a public hearing for the purpose of considering an ordinance that would reduce the Consumption Charges as shown in Section 1(c) to the Consumption Charges shown in this Section 1(d) over a period of time not to exceed three years. In the event that the Board of Directors determines that it will reduce the Consumption Charges over a period of time not to exceed three years, it shall consider estimates regarding changes in consumption such that the total charges under this section do not exceed the total of the charges that would be collected under Section 1(c).

- e) A “Supplemental Water Charge” of \$1.54 per 100 cubic feet of water, or fraction thereof, for the bi-monthly use of water. The Supplemental Water Charge will be reduced to \$1.23 within 90 days after the Board of Directors declares the drought over unless an ordinance is adopted within the 90 day period to cause the reduction to go into effect over a period of time not to exceed three years.
- f) An “Out of District Charge” for those properties that are outside the District boundaries but are receiving District water or sewer services, not on an emergency basis, there will be a \$7.35 administration charge per billing period.
- g) Water supplied through hydrant meters will be charged at \$3.05 per 100 cubic feet of water, or fraction thereof.

2. Other Charges.

a) Program Charges for Fats, Oils and Grease.

For those properties that are subject to the District’s Fats, Oils and Grease (FOG) program, the bi-monthly charge shall be \$60 per bi-monthly billing period, or fraction thereof, based on charges from the South San Luis Obispo County Sanitation District

b) Late Charges and Door Hanger Fees.

The General Manager is authorized to waive Late Charges and Door Hanger Fees for any residential customer who has not been late in paying their water bills for the prior two years, or since the account was opened if less than two years.

c) Payment Plans for Hardship Situations.

The General Manager is authorized to develop a payment plan for any residential customer who has not been previously approved for a payment plan in the prior two years, or since the account was opened if less than two years, if in the judgment of the General Manager a viable hardship exists. In no event shall the payment plan provide for less than 50% of the amount due at its regular due date, with the remaining balance due when the next regular bill is due.

3. Schedule of Adjustments for Inflation and Contract Water Costs.

The following schedule of adjustments as provided in this Section 3, and pursuant to Government Code Section 53756, are adopted for a period not to exceed five years from the effective date of this Ordinance. Notice of any adjustments pursuant to this section shall be mailed not less than 30 days before the effective date of the adjustment pursuant to Government Code Section 53756(d).

- a) All rates shall be adjusted annually every May 1,st for application in the first billing period that starts after May 1st of that year, by the average of the annual percentage increases in the Consumer Price Index (“CPI”) for “All Urban Wage Earners and Clerical Workers” for all items for San Francisco/Oakland/San Jose and Los Angeles/Riverside/Orange Co. categories as published by the Bureau of Labor Statistics in January of each year. In the event that the CPI calculation is a negative number, the rates shall not be adjusted.
- b) The Supplemental Water Charges shall be adjusted annually every May 1st, for application in the first billing period that starts after May 1st of that year, based on the percentage increase in the Contract Costs for the Lopez Water Project as compared to the most immediate previous year, exclusive of variable costs incurred for the delivery of water, and less the percentage increase calculated in Section 3(a), above.
- c) The Basic Bi-Monthly Charges in Section 1(a) and 1(b) shall be adjusted annually every May 1st, for application in the first billing period that starts after May 1st of that year, based on the percentage increase in the Contract Costs for the State Water Project as compared to the most immediate previous year, exclusive of variable costs incurred for the delivery of water, and less the percentage increase calculated in Section 3(a), above.