

# NEWS CLIPS

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**Resource Conservation and Public  
Outreach**

Organized by date



Photos by DIANNE AVERY/Acorn Newspapers

**ON THE ROAD AGAIN**—A float celebrating 60 years of service by the Las Virgenes Municipal Water District makes a splash at the 14th annual Reyes Adobe Days parade on Oct. 13. The City of Agoura Hills' four-day festival at the landmark Reyes Adobe Historical Site is an annual celebration of local rancho culture. In addition to the parade, the four-day festival offered entertainment, demonstrations, tours of the Adobe site, and recreational activities for people of all ages. Last Friday's sudden rain storm was no deterrence.

## ***Landscape training***

Triunfo Sanitation District will sponsor a Residential California Friendly Landscape Training Class from 9 a.m. to noon Sat., Oct. 20 at the Mae Boyar recreation facility, 130 Kanan Road, Oak Park.

The class is free and open to the public and the training will be conducted by an instructor from the Metropolitan Water District of Southern California.

The class will provide knowledge in sustainable, water-wise gardening, including the state of local water sources, right planting in the right places, using rainwater as a resource and managing irrigation systems efficiently.

For information and to register, call Sandy Warren at (805) 658-4608 or send an email to [sandywarren@vrsd.com](mailto:sandywarren@vrsd.com).

# Ruling stands in lead paint case

Court refuses to hear appeals from former makers, leaving them liable for cleanup cost.

THE U.S. SUPREME COURT on Monday refused to hear *ConAgra vs. California* and *Sherwin-Williams vs. California*. Business lawyers fear the decision could affect other companies that inflict damage on the public. (Ricky Carioti The Washington Post)

By David G. Savage  
LA Times 10/16/2018

WASHINGTON — The Supreme Court on Monday dealt a defeat to business groups in a closely watched California case, rejecting appeals of a ruling that requires former makers of lead paint to pay \$400 million or more to clean up old homes.

Business lawyers said they fear the decision will give a green light to other suits seeking to hold manufacturers liable for damage inflicted on the public, including the opioid crisis and climate change.

“The decision ... poses an enormous risk to everyone who has ever done business in California, as it opens the door to potentially unbounded suits targeting manufacturers of products sold decades ago,” former U.S. Solicitor Gen. Paul Clement wrote in appeal on behalf of ConAgra Grocery Products. The food company was held liable because it had acquired a firm that once sold lead paint.

The justices had considered the appeals in the lead paint cases in late September and again last Friday, the first weekly conferences to include Justice Brett Kavanaugh. It takes a vote of four justices to hear an appeal. On Monday, the court issued a brief order saying it would not hear *ConAgra vs. California* or *Sherwin-Williams vs. California*.

“This is very significant victory for the tens of thousands of California children who have been poisoned by lead paint,” said Greta S. Hansen, a lawyer for Santa Clara County, which led the lawsuit brought on behalf of 10 municipalities including Los Angeles County. “Sherwin Williams and its co-defendants knew their product was toxic and still sold it to unwitting families. The case will provide the funds needed to protect future generations of California’s children from the devastating effect of lead paint.”

The case against the lead paint makers began in 2000 as a product-liability suit on behalf of victims. But judges said this claim was flawed for several reasons. Lead paint was legal and commonly used before the 1970s. And it was not clear that any particular company’s product could be blamed for the flaking paint in old homes.

But the lawyers refiled the suit in 2011 based on the so-called public nuisance doctrine, allowing local governments to sue over such things as when someone unlawfully obstructs the free passage of a river or road and causes harm to the entire community or neighborhood. After years of legal skirmishing, the case went to trial in Santa Clara County in 2013.

Lawyers for Santa Clara and other municipalities argued that lead in paint was a known toxin that is especially damaging to children. And they said the companies that sold the lead paint should be required to help pay for removing it. A judge agreed in 2014 and said the several companies must contribute \$1.1 billion for the cleanup.

A California appellate court upheld the decision last year but limited the cleanup to homes built before 1951, which in turn reduced the amount to about \$400 million.

In its opinion, the state court described the evidence presented in the case.

“Lead poisoning is the top pediatric environmental health problem in Los Angeles County. The most common source of lead poisoning in Los Angeles County is lead paint chips and lead paint dust,” it said. “In Los Angeles County, 77 percent of the housing was built before 1978, which is more than 2.6 million housing units. More than 900,000 of those housing units are pre-1950. Los Angeles County’s investigators have often found lead paint dust in homes with intact lead paint.”

The other municipalities that brought the suit were the cities of Oakland, San Diego and San Francisco and the counties of Alameda, San Mateo, San Francisco, Solano and Ventura.

Earlier this year, the California Supreme Court refused to hear the case.

In August, a large coalition of business and conservative groups filed 11 friend-of-the-court briefs urging the justices to hear the lead paint cases and to overrule the California court decision. They included the U.S. Chamber of Commerce, the National Assn. of Manufacturers and the California Chamber of Commerce.

Clement told the court that the California decision had already triggered new claims.

“Municipalities throughout California are employing this case to seek massive recoveries from other industries, be it holding fossil-fuel companies responsible for climate change, holding pharmaceutical companies responsible for opioid addiction or holding PCB manufacturers responsible for decades-old water contamination,” he wrote.

The appeals argued that the state court ruling violated the Constitution’s guarantees of due process of law and free speech. The lawyers noted that the strongest evidence against the paint makers was merely newspaper advertising from the early 20th century that promoted lead paint for the interiors of a home.

But in their response, lawyers for the California municipalities said the paint makers were downplaying their role.

“ConAgra’s South San Francisco plant — the largest paint factory west of the Mississippi — shipped an average of 200 tons of lead paint to California retailers for residential use daily, while Sherwin-Williams distributed more than three million pounds

of lead pigment to its California warehouses and factories during a single four-year period,” they told the high court.

The justices are often wary of intervening in state liability-law cases to impose federal constitutional limits. And they were so again on Monday.

# CAPITOL JOURNAL

Pork would rain from water bond



KATIE FALKENBERG Los Angeles Times

**PROPOSITION 3** on the Nov. 6 ballot would authorize the largest water bond in California history, \$8.9 billion. It offers a nice gift for almost everyone, especially eastern San Joaquin Valley farmers.

GEORGE SKELTON in sacramento  
LA Times 10/15/2018

Call it a Christmas tree or a candy shop, Proposition 3 has a nice gift for almost everyone, especially eastern San Joaquin Valley farmers.

The Nov. 6 ballot initiative would authorize the largest water bond in California history, \$8.9 billion. Add in \$8.4 billion for interest payments and the total reaches \$17.3 billion. That's \$430 million annually for 40 years.

Proposition 3 is the product of a classic pay-to-play operation. It's probably not what Gov. Hiram Johnson envisioned when he and Progressive reformers created California's direct democracy system more than a century ago.

Those reforms included the initiative, referendum and recall. The idea was to empower citizens to fight special interests — not to provide the interests with another tool to buy themselves public benefits.

Under pay to play, an initiative creator shops his draft proposal to interest groups, trolling for financial backing. Interests that donate to the cost of collecting voter signatures and the election campaign usually buy themselves a share of the initiative's benefits. It's a good investment. Roughly 80% of state bond measures pass.

There's also a version of pay to play in every legislative body in America. It's old-fashioned pork barrel politics, a sort of "pay to vote" extortion. A legislator demands a special carve-out for his district in exchange for his vote.

In 2009, the California Legislature passed a water bond so bloated with pork that lawmakers were too embarrassed and fearful to even place it on the ballot. It totaled \$11.1 billion and was saturated with such extraneous lard as bike trails, "watershed education centers" and money for a Lake Tahoe water taxi.

Finally in 2014, the Legislature — motivated by common sense and a devastating drought — passed a more modest, relatively pork-free \$7.5-billion water bond that voters overwhelmingly approved.

Last year, the Legislature passed a water and parks bond — held down to \$4.1 billion by Gov. Jerry Brown — and voters approved it in June.

Neither the governor nor the Legislature thought a third water bond in four years was practical or prudent. But Jerry Meral, a veteran water expert, environmentalist and pay-to-play practitioner, thought otherwise and devised Proposition 3.

The campaign had raised \$4.7 million as of Oct. 1. There has been no opposition money.

Agriculture has been a major bankroller — nut orchards, fruit trees, dairies, rice.

Also kicking in big have been bird hunters and watchers — Ducks Unlimited, the California Waterfowl Assn. — and the California Wildlife Foundation. Some wetlands would be restored under the proposal.

Environmentalists are split. The Nature Conservancy supports the measure. The Sierra Club opposes it.

"A lot of the money is going to a few big farming interests in the Central Valley," asserts Kathryn Phillips, the Sierra Club director in California.

Opponents are especially bothered by a \$750-million expenditure to repair the federally owned Friant-Kern and Madera canals between Fresno and Bakersfield.

Two problems, critics say:



First, the canals aren't working right because they've sunk. And the land has sunk because farmers have over-pumped groundwater, causing major subsidence. Growers caused their own problem. Now they want the whole state to pony up to solve it.

Historically, water projects are funded on the basis of beneficiary pay. Water users pay through their monthly bills. Proposition 3 would undo that policy for these two broken canals.

Second problem: The federal government owns the canals and should be responsible for fixing them — not the state.

“In the age of Trump, California taxpayers are going to fix a federal project? It's just mind-boggling,” says Assembly Speaker Anthony Rendon (D-Paramount), who wrote the cleaned-up \$7.5-billion water bond in 2014 and strongly opposes Proposition 3.

Meral answers: “The federal government has been a little bit missing in action in California. It will be an unmitigated catastrophe if those canals aren't fixed. We just can't let them go. An agricultural water supply means we have a food supply.”

Not just “we” have the supply, however. California growers export much of their produce overseas. Maybe the whole world should kick in with repair dough if all Californians are expected to.

Actually, there are many good things on this loaded Christmas tree — money for purifying water for drinking, flood protection, dam repairs, recycling, desalination and habitat restoration.

An expenditure I especially like is \$80 million to finally tear down Matilija Dam on the Ventura River near Ojai. It was built when I was a kid. My steelhead-fishing dad predicted it would silt up. Steelhead runs soon ceased because the oceangoing trout lost their spawning beds. And the reservoir sure enough filled up with silt and became utterly useless.

The question is whether all these projects are needed right now and are cost-effective. There seemed to be no prioritizing.

“It's garbage — nothing but pet projects,” Rendon says. “It's the old way of doing business. Cynical politics, what people don't like.”

In the other legislative chamber, however, state Senate leader Toni Atkins (D-San Diego) supports the measure. Her district would make out well under Proposition 3. “It will increase reliable water supply in my district and across the state,” Atkins said in an email to me.

One crucial flaw in the initiative is that the Legislature would have no say over the bond program's operation. No legislative oversight. The money would be spent unchecked by state agencies.

Voters should resist Proposition 3. And the next Legislature should devise a more modest plan with less candy.

## **Workers finish clearing Houston waterways after Harvey**

HOUSTON – More than a year after Hurricane Harvey's destructive flooding, the task of removing downed trees and other storm debris that had blocked the Houston-area's 22 watersheds is finished.

The Harris County Flood Control District said Friday that it's removed about 40,000 tons of debris since Harvey flooded Houston in August 2017.

The flood control district has spent \$8.9 million on the cleanup.

## Boccali's Pizza cancels haunted hayrides in Ojai

### Thomas Fire burned trailers, half of family's 130-acre ranch

Claudia Boyd-Barrett USA TODAY NETWORK  
Special to Ventura County Star

There will be no haunted hayrides at Boccali's Pizza & Pasta in Ojai this Halloween season. The popular event usually attracts hundreds of families who come to ride tractor-pulled trailers through a "haunted" cornfield behind the restaurant, eat dinner, listen to ghost stories and shop at the Boccali Ranch Pumpkin Patch.

But this year, the Boccali family has called off the hayrides. The Thomas Fire burned both of the hayride trailers and scorched about half of the family's 130-acre ranch in Upper Ojai.

The restaurant itself is fine. It's on the east end of Ojai a few miles from the ranch. But co-owner DeWayne Boccali said the fire damage at the ranch, along with the ongoing drought and water restrictions, made it impossible to put on the event this year.

"All of our equipment burned up in the fire, and between the fire and the drought and trying to get the ranch back to normal and fix everything, we just got so behind," he said. "And we really didn't have enough water down here (at the restaurant) to grow the corn and everything that we had before."

People can still visit the pumpkin patch next to the restaurant to buy pumpkins and gourds. The little store and pumpkin display are open both during and outside restaurant hours, and purchases are made on the honor system.

Boccali said he could only grow about a third of his normal pumpkin harvest because of the parched soil.

The Boccalis have been running hayrides and a pumpkin patch at the eastend location since 1976, before there was even a restaurant there. They expanded from daytime hayrides to the nighttime haunted hayrides about 10 years ago.

"It's very, very popular. I never did advertise it much because it was just word of mouth and people loved it," Boccali said. "It's going to be a financial hit for us a little bit because the crowds just aren't going to be here. But people can certainly come and enjoy the pumpkin patch and the views and the beauty of the whole thing."

Boccali said the family members are working on finding new trailers and hope to reopen the hayride next year. In the meantime he's been fixing fences and irrigation lines and pruning avocado trees on the ranch that burned in the fire. He said he lost about 200 avocado trees.

Despite all the damage and not being able to offer the hayride this year, Boccali said he's grateful that his home and barn didn't burn down. He and his two sons stayed at the property and fought the fire as it came through, he said. Many of his neighbors in Upper Ojai lost their homes.

“I’m fine. It hurt us, but I’m OK,” he said. “I just have to kind of get through this and get things back and everything will be good.

“We certainly didn’t get hurt as bad as other people, so I’m very fortunate for that, but it’s unfortunate that this happened.”