

**NOTICE OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
OLIVENHAIN MUNICIPAL WATER DISTRICT
1966 Olivenhain Road, Encinitas, CA 92024
Tel: (760) 753-6466 • Fax: (760) 753-5640
VIA TELECONFERENCE AND IN PERSON**

**Pursuant to AB3035, effective January 1, 2003, any person who
requires a disability related modification or accommodation in order
to participate in a public meeting shall make such a request in writing
to Stephanie Kaufmann, Executive Secretary, for immediate consideration.**

DATE: WEDNESDAY, MARCH 16, 2022

TIME: 4:00 P.M.

PLACE: HYBRID REGULAR MEETING VIA TELECONFERENCE AND IN PERSON

Pursuant to the State of California Executive Order, and in the interest of public health, OMWD is temporarily taking actions to mitigate the COVID-19 pandemic by holding Board Meetings electronically or by teleconference. This meeting will be a hybrid of in person and teleconference. Our Boardroom will be open to the public, however, masks must be worn if unvaccinated.

To join this meeting via phone, please dial:

(669) 900-9128 or (346) 248-7799

Meeting ID: 834 0981 3502 and Password: 295175

Public Participation/Comment: Members of the public can participate in the meeting by emailing your comments on an agenda item to the Board Secretary at skaufmann@olivenhain.com or address the board directly in real-time under either of the public comment sections. If you do not receive a confirmation email that your comment has been received, please call (760) 632-4648 or address the board under either of the public comment sections to ensure that your comments are heard in real-time. The subject line of your email should clearly state the item number you are commenting on and should include your name and phone number. All comments will be emailed to the Board of Directors.

*NOTE: ITEMS ON THE AGENDA MAY BE TAKEN OUT OF SEQUENTIAL ORDER
AS THEIR PRIORITY IS DETERMINED BY THE BOARD OF DIRECTORS*

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. DETERMINATION OF A QUORUM
5. CONSIDER IMPLEMENTING ASSEMBLY BILL 361 THAT PROVIDES THE ABILITY TO MEET REMOTELY DUE TO THE GOVERNOR'S PROCLAIMED STATE OF EMERGENCY UNDER MODIFIED BROWN ACT REQUIREMENTS
6. ADOPTION OF AGENDA

7. PERSONAL APPEARANCES AND PUBLIC COMMENTS

8. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

- * Tiger Team/A Better Way Award – Highline Hose Reel 5000
- * Tiger Team/A Better Way Award – Plug Valve Rebuild Project
- * Jay Turman – Field Services Technician III – GYO Promotion – February
- * Morgan Ferguson – Field Services Technician III – GYO Promotion – February

9. CONSIDER APPROVAL OF THE MINUTES OF THE FEBRUARY 16, 2022, REGULAR BOARD OF DIRECTORS MEETING

10. CONSENT CALENDAR

*NOTE: ANY ITEM MAY BE REMOVED FROM THE CONSENT CALENDAR
 FOR DISCUSSION*

C-a	CONSIDER ADOPTION OF A MOTION APPROVING THE PAYMENT OF LISTED WARRANTS FROM THE DISTRICT'S REVOLVING AND REGULAR ACCOUNTS; LISTED TRANSFERS OF FUNDS; REIMBURSEMENT OF EXPENSES TO BOARD MEMBERS AND STAFF; AND MONTHLY INVESTMENT REPORT
C-b	CONSIDER ADOPTION OF A MOTION APPROVING THE DISTRICT'S CONSOLIDATED STATEMENT OF NET POSITION, CONSOLIDATED STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN NET POSITION, CONSOLIDATED STATEMENT OF CASH FLOWS, CONSOLIDATED ACTUAL VS BUDGET SUMMARY, AND CONSTRUCTION IN PROGRESS REPORT
C-c	CONSIDER ADOPTION OF A RESOLUTION HONORING SAN DIEGUITO WATER DISTRICT'S 100th ANNIVERSARY
C-d	CONSIDER ACCEPTANCE OF THE MIRA COSTA PIPELINE ABANDONMENT PROJECT (MIRA COSTA COMMUNITY COLLEGE DISTRICT) INTO OMWD'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
C-e	REVIEW OF GENERAL MANAGER'S DECLARATION OF THE CROSBY HOA SEWER FORCE MAIN LEAK REPAIR PROJECT AS AN EMERGENCY PROJECT IN ACCORDANCE WITH CALIFORNIA PUBLIC CONTRACT CODE SECTION 1102, INCLUDING APPROVAL OF A TIME AND MATERIALS CONSTRUCTION CONTRACT WITH PIPERIN CORPORATION FOR AN AMOUNT NOT TO EXCEED \$15,000, APPROVAL OF A NOTICE OF COMPLETION TO BE FILED WITH SAN DIEGO COUNTY RECORDER, AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

11. CONSIDER AN INFORMATIONAL REPORT FROM THE SAN DIEGO COUNTY WATER AUTHORITY ON THE SAN VICENTE ENERGY STORAGE FACILITY PROJECT

12. CONSIDER ADOPTION OF A RESOLUTION OF THE BOARD OF DIRECTORS OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT HONORING RAINY K. SELAMAT FOR 25 YEARS OF DEDICATED SERVICE

13. REVIEW AND DISCUSS OLIVENHAIN MUNICIPAL WATER DISTRICT'S PENSION LIABILITY AND PENSION FUNDING PLAN WITH THE BOARD (WORKSHOP)
14. CONSIDER AN INFORMATIONAL REPORT ON OMWD'S TOP 25 CRITICAL EASEMENTS
15. CONSIDER UPDATE ON THE COVID-19 EMERGENCY DECLARATION
16. INFORMATIONAL REPORTS
 - A. PRESIDENT
 - B. GENERAL MANAGER
 - C. CONSULTING ENGINEER
 - D. GENERAL COUNSEL
 - E. SAN DIEGO COUNTY WATER AUTHORITY REPRESENTATIVE
 - F. LEGISLATIVE
 - G. TWELVE MONTH CALENDAR / OTHER MEETINGS / REPORTS BY BOARD MEMBERS PER AB 1234 / BOARD COMMENTS
17. CORRESPONDENCE
18. AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS
19. FUTURE AGENDA ITEMS
20. CONSIDER PUBLIC COMMENTS
21. CLOSED SESSION
 - A) CONSIDER CLAIM – HILLSIDE PATIO HOMES HOA [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: Claim received on August 17, 2020. Claim rejected on September 9, 2020.
 - B) CONSIDER LITIGATION – LYNXT ENTERPRISES, LLC VS. PARS SORRENTO VALLEY SCIENCE PARK 1, LP [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: OMWD was served a complaint as a nominal defendant.
 - C) CONSIDER LITIGATION – OLIVENHAIN MUNICIPAL WATER DISTRICT VS. GEOMAT TESTING LABORATORIES, INC., ET AL. [PURSUANT TO GOVERNMENT CODE SECTION 54956.9]
22. OPEN SESSION
23. ADJOURNMENT

Memo

Date: March 16, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Kimberly A. Thorner, General Manager
Subject: **CONSIDER IMPLEMENTING ASSEMBLY BILL 361 THAT PROVIDES THE ABILITY TO MEET REMOTELY DUE TO THE GOVERNOR'S PROCLAIMED STATE OF EMERGENCY UNDER MODIFIED BROWN ACT REQUIREMENTS**

Purpose

The purpose of this item is to consider implementing Assembly Bill (AB) 361 that would provide the ability for all Brown Act meetings (board and committee) to continue to meet remotely due to the Governor's proclaimed state of emergency under modified Brown Act requirements for the next 30 days.

Recommendation

With guidance from the General Counsel, staff recommends invoking AB 361 in order to continue with a virtual and/or hybrid Brown Act meetings. This will allow participation via remote access for any public, staff, or board that may need to quarantine, but still want to participate. It is recommended that board reassess the circumstances of the state of emergency at each subsequent board meeting to see if continuing under AB 361 is necessary, as the findings need to be reviewed every 30 days.

Alternative(s)

The board could opt to not implement AB 361 and resume in person Brown Act meetings for all board members, staff, and public. Not implementing AB 361 would result in the requirement to adhere to previous Brown Act provisions that include posting the agenda

at the publicly accessible teleconference site and would require publicly providing the location of those teleconferencing.

Background

Beginning in March of 2020, Governor Newsom issued a series of Executive Orders in an effort to contain the spread of COVID-19. These Executive Orders (N-25-20, N-29-20, N-35-20) modified certain requirements of the Brown Act in order to continue with public meetings, public participation, and transparency safely during the pandemic.

While adhering to the Executive Orders, the district conducted its first public meeting virtually via Zoom video and teleconference in April of 2020. Since April of 2020, the district has conducted twenty virtual board meetings and over thirteen virtual standing committee meetings. The General Manager and staff have remained flexible and have successfully modified work flows to comply with the ever-changing emergency laws. OMWD has been dedicated to keeping staff and customers safe while keeping the water system safe and operational.

In June of 2021, the Governor rescinded the Brown Act modifications made in the previous Executive Orders that will be effective on September 30, 2021. On September 16, 2021, Governor Newsom signed AB 361, which extends virtual meetings for all Brown Act meetings (board and committee meetings) with conditions. These significant conditions include the following:

- There must be a proclaimed state of emergency.
- There are measures to promote social distancing.
- Agendas do not need to be posted at all teleconference locations nor do locations need to be identified.
- The agenda must include the meeting link or dial-in, so that members of the public may access the meeting.
- Members of the public must be allowed to address the board in real-time during the meeting.
- Public comments are no longer required to be submitted in advance.

AB 361 also has special provisions for technical glitches. In the event the meeting is disrupted, or if a technical issue on the district's end disrupts public comment, the board cannot take any further action on the agenda until the technical issue is resolved.

Fiscal Impact

There is no cost associated with implementing AB 361.

Discussion

As previously mentioned, on June 11, 2021, the Governor issued Executive Order N-08-21, which rescinds the modifications made to the Brown Act, effective September 30, 2021. After that date, all meetings subject to the Brown Act must comply with standard teleconference requirements as they existed prior to the pandemic or must comply with the newly passed requirements of AB 361. To continue with the virtual meeting format that gives the ability to attend Brown Act meetings virtually, the board will need to implement AB 361 at this board meeting in order to continue to hold virtual meetings so long as long as there is a state of emergency.

The board must also implement every 30 days that 1) the board has reconsidered the circumstances of the state of emergency and 2) the state of emergency continues to directly impact the ability of the members to meet safely in person or state or local officials continue to impose or recommend measures to promote social distancing.

Although subject to change, AB 361 provides the flexibility to meet virtually during a proclaimed emergency and will sunset on January 1, 2024. The General Manager and General Counsel are available to answer any questions the board may have.

Memo

Date: March 16, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Rainy Selamat, Finance Manager
Via: Kimberly Thorner, General Manager
Subject: **CONSIDER ADOPTION OF A MOTION APPROVING THE PAYMENT OF LISTED WARRANTS FROM THE DISTRICT'S REVOLVING AND REGULAR ACCOUNTS; LISTED TRANSFERS OF FUNDS; REIMBURSEMENT OF EXPENSES TO BOARD MEMBERS AND STAFF; AND MONTHLY INVESTMENT REPORT**

The following monthly financial reports are enclosed for review and approval by the Board of Directors:

- February 2022 Summary of payment of listed warrants from the District's checking account and listed transfer of funds.
- February 2022 Monthly Summary of Reimbursement Expenses to Board Members and Staff.
- December 2021 Monthly Investment Report.

Olivenhain Municipal Water District
Proposed Motions for March 16, 2022 Board of Directors Meeting
February 2022 Activities
Consent Calendar Item # C-a

Proposed Motions:

- I. That the following warrants and wire transfers be approved:

Regular Account	warrants	030391 ✓	to	030574 ✓	\$	1,573,999.61 ✓
	ACH Payments - Payroll					205,244.29
	ACH Payments - Wameworks					442.00
	ACH Payments - ACWA Health Insurance					141,414.74
	Wire - SDCWA - Monthly Purchased Water Payment					1,730,314.60
	ACH Payments - Payroll					198,196.28
					\$	<u>3,849,611.52</u>

Major Category of Disbursements

Total disbursements from the District's checking account:

\$ 1,573,999.61 ✓

Following is a breakdown of this total by major categories:

Category

Outside services	\$	926,577.06
Inventory and supplies		210,094.51
Utilities		115,041.23
Repairs and maintenance		301,530.62
Other		3,925.93
Refunds		11,684.09
Insurance		2,516.92
Permit Fees		2,629.25

Total	\$	<u>1,573,999.61</u> ✓
-------	----	-----------------------

Sincerely,



Rainy K. Selamat, Finance Manager

Olivenhain Municipal Water District
Proposed Motions for March 16, 2022 Board of Directors Meeting
February 2022 Activities

California Bank and Trust

Regular Account

warrants 030391 ✓ to 030574 ✓ \$ 1,573,999.61 ✓

2/3/2022 ACH Payments - Payroll	205,244.29
2/9/2022 ACH Payments - Wageworks	442.00
2/15/2022 ACH Payments - ACWA Health Insurance	141,414.74
2/15/2022 Wire - SDCWA - Monthly Purchased Water Payment	1,730,314.60
2/17/2022 ACH Payments - Payroll	198,196.28
	<hr/>
	\$ 3,849,611.52

Approved:

For Board Consideration and Approval

**Olivenhain Olivenhain Municipal Water District
February 2022 Warrant List**

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
030391	2/2/2022	Aflac	1,301.12	FS005, 1/10/22	
030392	2/2/2022	American Backflow Specialties	2,100.97	SUPPLIES	
030393	2/2/2022	American Messaging	57.90	L1-072035	
030394	2/2/2022	Aqua Metric	20,810.54	5/8" Sr-li Tr/Pl Meter	Yes
030395	2/2/2022	AT & T	491.31	9391056158	
030396	2/2/2022	Bay City Electric Works	1,182.89	HQ Generator Maintenance	Yes
030397	2/2/2022	Boyd Fasteners	787.33	WTP SUPPLIES	
030398	2/2/2022	Calif. Surveying & Drafting Supply	239.53	SUPPLIES	
030399	2/2/2022	California State Disbursement Unit	123.23	ED100514-2/3/2022	
030400	2/2/2022	D&H Water Systems	152.99	WTP SUPPLIES	
030401	2/2/2022	Dudek	7,000.51	Design Services	Yes
030402	2/2/2022	EcosConnect LLC	953.50	BACKFLOW REPORTING	
030403	2/2/2022	Edco Waste & Recycling	427.79	25-4A 861816	Yes
030404	2/2/2022	Fallbrook Printing Corp	4,983.61	BILLING CYCLE INSERT	
030405	2/2/2022	Federal Express Corp	277.14	SHIPPING	Yes
030406	2/2/2022	Ferguson Enterprises Inc. #1083	3,979.75	SUPPLIES	Yes
030407	2/2/2022	Grangetto's Ag. Supply	120.52	SUPPLIES	
030408	2/2/2022	Hanson Aggregates Inc	1,044.61	SUPPLIES	
030409	2/2/2022	Harrington Industrial Plastics Inc	592.47	WTP SUPPLIES	
030410	2/2/2022	Interface Automation Inc.	2,031.25	WWTP SERVICES	Yes
030411	2/2/2022	Investigative Science &	11,120.00	Tech analysis of airflow & air quality	Yes
030412	2/2/2022	Kaman Industrial	1,543.15	WTP SUPPLIES	
030413	2/2/2022	Marcela Novy	43.12	MILEAGE REIMBURSEMENT	
030414	2/2/2022	Myers & Sons	62.42	PARKS SUPPLIES	
030415	2/2/2022	Nobel Systems	2,209.00	GIS UPDATES	Yes
030416	2/2/2022	NV5, Inc	1,852.24	MANCHESTER P/L OUTREACH	Yes
030417	2/2/2022	O'Reilly Auto Enterprises LLC	587.38	SHOP SUPPLIES	Yes
030418	2/2/2022	Pacific Pipeline Supply	1,455.43	SUPPLIES	Yes
030419	2/2/2022	PWLC I, INC	400.00	MIDPOINT SPS IRRIGATION	
030420	2/2/2022	Republic Services	557.01	4-4530-0333405	
030421	2/2/2022	Richard F. Yeager Jr. DBA	3,200.00	CATHODIC PROTECTION SUPPORT	Yes
030422	2/2/2022	San Diego County Vector	474.97	VECTOR CONTROL SERVICES	
030423	2/2/2022	Streakwave Wireless Inc	507.84	SUPPLIES	Yes
030424	2/2/2022	Sunbelt Rentals, Inc.	9.79	MINI EXCAVATOR RENTAL DIESEL	
030425	2/2/2022	Theodore Keenan	30.55	REF:1086762_168975	
030426	2/2/2022	TS Industrial Supply	729.52	SUPPLIES	Yes
030427	2/2/2022	ULINE	936.13	WTP SUPPLIES	
030428	2/2/2022	Underground Service Alert	407.81	DIG ALERT TICKETS	Yes
030429	2/2/2022	US Bank	2,190.51	777321, 1/21/22	
030430	2/2/2022	Utility Service Co. Inc	218,323.67	QUARTERLY TANK MAINTENANCE	Yes
030431	2/2/2022	Water for People	60.00	WTRPL 2/3/2022	
030432	2/2/2022	West Coast Sand & Gravel	2,003.14	MATERIALS	Yes
030433	2/2/2022	Linwood Real Estate	2,524.25	RM REFUND: DEBIT000000000556	
030434	2/2/2022	Pacifica Real Estate Svcs	889.94	RM REFUND: DEBIT000000000555	
030435	2/9/2022	A.B. Hashmi	1,624.94	REF:1090198_302995	
030436	2/9/2022	AT & T	22.24	9391056562	
030437	2/9/2022	B. Weber Consulting LLC	8,111.25	CONSULTING SERVICES	
030438	2/9/2022	Brainstorm, Inc.	3,992.30	ANNUAL SUBSCRIPTION	
030439	2/9/2022	Byron Zhang	59.28	REF:1058775_160235	
030440	2/9/2022	Cash	189.79	PETTY CASH REIMBURSEMENT	Yes
030441	2/9/2022	CDW Government Inc	2,062.95	SUPPLIES	Yes
030442	2/9/2022	Colinas De Oro	1,743.38	REF:1006422_303005	
030443	2/9/2022	Debra Mavis	140.94	REF:1082680_196485	
030444	2/9/2022	Demin Zhou	117.85	REF:1037296_163440	
030445	2/9/2022	Family Trust Inc	1,552.88	REF:1083162_106530	
030446	2/9/2022	Federal Express Corp	188.35	SHIPPING CHARGES	Yes
030447	2/9/2022	Ferguson Enterprises Inc. #1083	17,700.09	Vita-Chlor Tablets 140	Yes
030448	2/9/2022	First Choice Technology	158.88	13001474	Yes
030449	2/9/2022	Harrington Industrial Plastics Inc	2,184.75	WTP SUPPLIES	Yes

**Olivenhain Olivenhain Municipal Water District
February 2022 Warrant List**

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
030450	2/9/2022	Infrastructure Engineering Corporation	2,122.50	NBHD #1 SPS REPLACEMENT PJT	Yes
030451	2/9/2022	Isaac Fine	115.86	REF:1087516_190990	
030452	2/9/2022	J.M.D. Landscape Inc	22,839.00	Tree Trimming for entire OMWD HQ site perimeter, west entrance and Building J	Yes
030453	2/9/2022	Zeller, Jonathan	50.00	CONGRATULATIONS FROM THE ERC	
030454	2/9/2022	Nicole McRoskey	107.26	REF:1061332_208975	
030455	2/9/2022	Ninyo & Moore	2,254.00	Geotechnical Services	Yes
030456	2/9/2022	Otay Landfill	371.07	4-4531-0018538	
030457	2/9/2022	Pacific Pipeline Supply	159.50	SUPPLIES	
030458	2/9/2022	Patriot General Engineering	330.15	REF:1042897_303010	
030459	2/9/2022	San Diego Gas & Electric	110.20	0097824248183	Yes
030460	2/9/2022	San Elijo Joint Powers Auth.	12,268.80	1/22 7.2 AC/FT RECYCLED WATER	
030461	2/9/2022	Santa Fe Irrigation Dist	1,625.21	008128-009	Yes
030462	2/9/2022	Semy H Mezouari	324.00	REF:1055297_187080	
030463	2/9/2022	Spirit Halloween Superstore LLC	85.06	REF:1086908_200430	
030464	2/9/2022	SWRCB Accounting Office	1,738.00	OMWD HQ SWPPP PERMIT	
030465	2/9/2022	Teichert Energy & Utilities Group, Inc.	299,176.02	RETENTION	Yes
030466	2/9/2022	Thanh Luu	1,645.72	SETTLEMENT AGREEMENT	
030467	2/9/2022	Transene Company, Inc.	231.99	WTP SUPPLIES	
030468	2/9/2022	Vanessa Adair	85.48	REF:1086947_241605	
030469	2/9/2022	Verizon Connect Fleet USA, LLC	924.85	100000112726	
030470	2/9/2022	West Coast Safety Supply Co	857.30	WWTP SUPPLIES	
030471	2/9/2022	William Oates	63.76	REF:1024743_211410	
030472	2/9/2022	Wri El Camino LP	741.49	REF:1053830_200505	Yes
030473	2/16/2022	4S Ranch Gasoline & Car Wash	1,048.44	WWTP GASOLINE	
030474	2/16/2022	Ababa Bolt Inc	139.05	SUPPLIES	Yes
030475	2/16/2022	Aflac	1,215.80	FS005, 2/7/22	
030476	2/16/2022	Alien Vault, Inc.	9,369.00	USM Appliance, All-in-One UA (1TB) - Virtual - 10x5 Support & Maintenance	Yes
030477	2/16/2022	Jeff Brand	1,023.02	RM REFUND: DEBIT000000000543	
030478	2/16/2022	Bridge of Hope	257.50	BAKE SALE PROCEEDS DONATION	
030479	2/16/2022	California State Disbursement Unit	123.23	ED100514-2/17/2022	
030480	2/16/2022	CDW Government Inc	262.74	SUPPLIES	Yes
030481	2/16/2022	Cintas First Aid & Safety	278.23	FIRST AID SUPPLIES	
030482	2/16/2022	Corodata Shredding, Inc	77.87	PAPER DESTRUCTION SERVICES	
030483	2/16/2022	DC Frost Associates Inc	5,497.37	Parts for the 4S WRF Digester membrane diffusor replacement	Yes
030484	2/16/2022	DLM Engineering Inc	22,548.62	ENGINEER CONSULTING SERVICES	Yes
030485	2/16/2022	Edco Waste & Recycling	783.67	25-4R 912759	
030486	2/16/2022	Encinitas Ford	33.33	PU94 SUPPLIES	Yes
030487	2/16/2022	Fallbrook Printing Corp	611.55	AMI PJT EXPANSION POSTCARDS	Yes
030488	2/16/2022	Federal Express Corp	27.22	SHIPPING CHARGES	Yes
030489	2/16/2022	Ferguson Enterprises Inc. #1083	3,688.90	SUPPLIES	Yes
030490	2/16/2022	G. Briest Consulting, Inc.	1,331.40	Construction Management/Consulting Engineer Services	Yes
030491	2/16/2022	Hanson Aggregates Inc	1,143.22	SUPPLIES	Yes
030492	2/16/2022	Harrington Industrial Plastics Inc	3,234.59	WTP SUPPLIES	Yes
030493	2/16/2022	Home Depot/Gecf	8,368.74	1/22 SUPPLIES	Yes
030494	2/16/2022	Stephen Lee Mowry DBA	6,363.00	WTR EQUALIZATION TANK P/R RPR	Yes
030495	2/16/2022	Infrastructure Engineering Corporation	7,572.50	RECYCLED WTR HYDRAULIC MODEL	Yes
030496	2/16/2022	Ingersoll-Rand Company	5,764.67	4 year Ingersoll Rand Package Care Agreement	Yes
030497	2/16/2022	Investigative Science &	6,812.50	Tech analysis of airflow & air quality	Yes
030498	2/16/2022	Joe's Paving Inc	16,285.30	Asphalt Work - Crack fill and slurry seal at DCMWTP	Yes
030499	2/16/2022	Milan Kothari	124.00	REF:1018004_207315	
030500	2/16/2022	Myers & Sons	731.54	PARKS SUPPLIES	
030501	2/16/2022	NCB Reprographics	79.57	PRINTING SERVICES	
030502	2/16/2022	Ninyo & Moore	532.00	GEOTECHNICAL SERVICES	Yes
030503	2/16/2022	NV5, Inc	1,873.00	MANCHESTER P/L OUTREACH	Yes
030504	2/16/2022	Pacific Pipeline Supply	2,558.55	WTP SUPPLIES	Yes
030505	2/16/2022	Palomar Health	50.00	D.O.T. EMPLOYEE TESTING	
030506	2/16/2022	Parkhouse Tire Inc	817.28	SHOP SUPPLIES	

**Olivenhain Olivenhain Municipal Water District
February 2022 Warrant List**

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
030507	2/16/2022	Peterson Structural Engineers, Inc.	55,550.56	Inspection and Analysis Servcies	Yes
030508	2/16/2022	PWLC I, INC	14,848.00	LANDSCAPE MAINTENANCE	Yes
030509	2/16/2022	Rancho Santa Fe Community Svs	3,211.68	1/22 4.04 AC/FT RECYCLED WTR	
030510	2/16/2022	Rockwell Engineering & Equipment	3,040.54	WTP SUPPLIES	
030511	2/16/2022	S D G & E	264.85	400000078	
030512	2/16/2022	San Diego Gas & Electric	103,603.22	0099949341729	Yes
030513	2/16/2022	SDG&E	800.00	APP #337761 R21 REVIEW FEE	
030514	2/16/2022	Rainy K Selamat	250.00	25 YEAR SERVICE AWARD	
030515	2/16/2022	SiteOne Landscape Supply, LLC	356.46	SUPPLIES	
030516	2/16/2022	Sloan Electric	736.89	WTP SERVICES	
030517	2/16/2022	Southern Counties Lubricants, LLC.	9,692.32	UNLEADED & DIESEL FUEL	
030518	2/16/2022	TASC	963.34	NON-DISCRIMINATION TESTING	Yes
030519	2/16/2022	TS Industrial Supply	65.40	WTP SUPPLIES	
030520	2/16/2022	USA Blue Book	521.66	WTP SUPPLIES	
030521	2/16/2022	Utility Cost Management Llc	4,532.44	SDGE ELECTRICITY SERVICE	
030522	2/16/2022	VWR International LLC	223.26	WTP SUPPLIES	
030523	2/16/2022	Water for People	60.00	WTRPL 2/17/2022	
030524	2/16/2022	West Coast Sand & Gravel	1,910.06	SCREENED FILL SAND	Yes
030525	2/16/2022	Western Hose & Gasket	1,511.20	SUPPLIES	Yes
030526	2/16/2022	Kahlani Wicklund	60.00	COVID RAPID TEST REIMBURSEMENT	
030527	2/16/2022	Xylem Water Solutions USA, Inc.	1,967.52	UV Lamp Ecoray	Yes
030528	2/16/2022	Zebtron	17,460.00	WWTP SERVICES	Yes
030529	2/23/2022	Ababa Bolt Inc	145.13	WTP SUPPLIES	
030530	2/23/2022	AG Tech Llc	2,160.36	WWTP BIOSOLIDS DISPOSAL SVC	
030531	2/23/2022	Alpha Mechanical, Inc	5,292.73	Preventative Maintenance HVAC Services HQ	Yes
030532	2/23/2022	American Conservation & Billing Solutions, I	3,251.00	3/1/22 AQUA HAWK	
030533	2/23/2022	Aqua Metric	32,377.42	3/4" Iperl Tr/Pl Meter 9"	Yes
030534	2/23/2022	AT & T	1,025.02	9391059578	Yes
030535	2/23/2022	Barrett Engineered Pumps	1,218.73	SUPPLIES	
030536	2/23/2022	Brightview Landscape Services	6,800.00	Clear portion of District Easement No. 33	Yes
030537	2/23/2022	CCL Contracting Inc.	344,888.00	Construction Services	Yes
030538	2/23/2022	CDW Government Inc	5,030.00	Senior Engineer - Per Hour	Yes
030539	2/23/2022	City Treasurer	247.47	620000109372	
030540	2/23/2022	City Treasurer	674.77	1/22 METER CHARGE	
030541	2/23/2022	Corodata	283.91	OFFSITE RECORDS STORAGE	
030542	2/23/2022	County Of San Diego	344.25	DEL NORTE HIGH SCHOOL	
030543	2/23/2022	County Of San Diego	547.00	VIA RANCHO CIELO	
030544	2/23/2022	County of San Diego, RCS	171.00	1/22 RADIO SERVICES	
030545	2/23/2022	DCL Enterprise Inc DbA	46.07	SUPPLIES	
030546	2/23/2022	Encinitas Ford	167.55	PU66 SUPPLIES	Yes
030547	2/23/2022	Escondido Metal Supply	29.42	PARKS SUPPLIES	
030548	2/23/2022	Global Power Group Inc	400.50	WWTP PREVENT MAINT SVCS	
030549	2/23/2022	H. A. Casillas	14,881.50	Landscape services to install demo garden	Yes
030550	2/23/2022	Hanson Aggregates Inc	1,818.55	MATERIALS	Yes
030551	2/23/2022	Harrington Industrial Plastics Inc	1,989.53	WTP SUPPLIES	Yes
030552	2/23/2022	Infosend	19,119.72	12/21 WATER BILL STATEMENTS	Yes
030553	2/23/2022	J.M.D. Landscape Inc	9,800.00	WWTP SERVICES	Yes
030554	2/23/2022	Nat'L Safety Compliance	206.95	DOT TEST & ANNUAL ADMIN FEE	
030555	2/23/2022	NexusTek Phoenix	4,676.00	Cloud Support Services Software	Yes
030556	2/23/2022	Nobel Systems	1,315.00	GIS UPDATES	Yes
030557	2/23/2022	Nossaman LLP	27,865.75	12/21 & 1/22 LEGAL SERVICES	Yes
030558	2/23/2022	O'Reilly Auto Enterprises LLC	470.89	SHOP SUPPLIES	Yes
030559	2/23/2022	One Source Distributors	268.75	WTP SUPPLIES	
030560	2/23/2022	Pacific Pipeline Supply	902.66	SUPPLIES	Yes
030561	2/23/2022	Parkhouse Tire Inc	1,500.95	PU66 SUPPLIES	Yes
030562	2/23/2022	Purchase Power	521.09	8000-9090-0674-5785	
030563	2/23/2022	Republic Services	577.25	4-4530-0333405	
030564	2/23/2022	Samba Holdings Inc	194.94	DRIVER RECORD MONITORING	

**Olivenhain Olivenhain Municipal Water District
February 2022 Warrant List**

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
030565	2/23/2022	San Diego Building Maintenance	5,396.00	1/22 JANITORIAL SERVICES	
030566	2/23/2022	San Diego County Recorder	50.00	NOE FILING FEES - WATER RATES	
030567	2/23/2022	San Diego Gas & Electric	4,191.71	0098000669143	Yes
030568	2/23/2022	Sloan Electric	895.41	WTP SERVICES	
030569	2/23/2022	Underground Service Alert	780.60	DIG ALERT TICKETS	Yes
030570	2/23/2022	USA Blue Book	574.85	WWTP SUPPLIES	
030571	2/23/2022	Vallecitos Water District	48,616.46	RECLAIMED WATER SALES	
030572	2/23/2022	Vincent Bruzzi	50.00	CONGRATULATIONS FROM THE ERC	
030573	2/23/2022	Whitson CM	600.00	OMWD HQ SITE INSPECTIONS	Yes
030574	2/23/2022	Xylem Water Solutions USA, Inc.	524.00	SENSOR VERIFICATION (WWTP)	
			<u>1,573,999.61</u>		

Olivenhain Municipal Water District
Monthly Directors Fee and Reimbursed Expenses for Directors and Staff
February 2022

<u>Name</u>	<u>Payment Date</u>	<u>Check#/ Credit Card</u>	<u>Meals & Lodging</u>	<u>Travel & Transport</u>	<u>Other</u>	<u>Total Reimbursed Expenses</u>	<u>Directors Fee</u> *
Director Bruce-Lance			0.00	0.00	0.00	0.00	300.00
			0.00	0.00	0.00	0.00	300.00
Director Guerin			0.00	0.00	0.00	0.00	300.00
			0.00	0.00	0.00	0.00	300.00
Director Meyers			0.00	0.00	0.00	0.00	300.00
			0.00	0.00	0.00	0.00	300.00
Director Topolovac			0.00	0.00	0.00	0.00	600.00
			0.00	0.00	0.00	0.00	600.00
Director Watt			0.00	0.00	0.00	0.00	1,050.00
			0.00	0.00	0.00	0.00	1,050.00
General Manager Thorner			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Human Resources Manager Joslin			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Engineering Manager Hubbard			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Finance Manager Selamat	2/16/2022	30514	0.00	0.00	250.00	250.00	25 Year Service Award
			0.00	0.00	250.00	250.00	
Operations Manager Fulks			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Assistant General Manager Randall			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Customer Service Manager Carnegie			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	

* Includes January and February Director fees.

Notes:

- (1) Reviewed and discussed with the Finance Committee (02/05/18).
- (2) Reimbursement of expenses are in compliance with Article 19 of the District's Administrative and Ethics Code.
- (3) Travel and other expenses charged to District's credit cards and paid by the District are recorded and maintained separately.

Olivenhain Municipal Water District
MONTHLY CASH AND INVESTMENT SUMMARY
As of December 31, 2021

Active Deposits

Book Value

Checking Accounts	\$ 10,071,089
Cash Restricted for Specific Use	141,897
Petty Cash/Disaster Preparedness	1,476
Total Active Deposits	<u>\$ 10,214,463</u>

Deposits Not Covered by Investment Policy

Cash with Fiscal Agents	7,863,661
-------------------------	-----------

<u>Investments</u>	<u>Face Value</u>	<u>Market Value</u>	<u>Current Yield</u>	
LAIF	\$ 27,183,467	27,183,647	0.20%	\$ 27,183,467
CAMP - US Bank	13,535,060	13,535,060	0.05%	13,535,060
Money Market Funds	171,879	171,879	0.02%	171,879
Municipal Bonds	1,000,000	1,138,920	4.39%	1,216,760
U.S. Treasury Securities	2,000,000	1,987,380	1.01%	2,021,162
U.S. Agency Securities	31,876,111	31,420,160	0.55%	31,872,931
Total Investments	<u>\$ 75,766,517</u>	<u>\$ 75,437,046</u>	0.41%	<u>\$ 76,001,259</u> ✓

Total - All Deposits/Investments

\$ 94,079,383

Maturity Analysis of Investments

	<u>Percent</u>	<u>Balance</u>
Demand Deposits	53.8%	\$ 40,890,406
Maturity within the next two months	0.0%	-
Maturity within three months and one year	1.4%	1,036,684
Maturity beyond one year	44.8%	34,074,169
Total Investments	<u>100.0%</u>	<u>\$ 76,001,259</u>

Weighted Average Days to Maturity

596

Other Required Disclosures:

Accrued interest receivable as of 12/31/2021 \$ 80,967

The above investments are in accordance with the portfolio limitations in the Investment Policy approved by the Board in December 2021.

The District has sufficient funds on hand to meet the next 30 days' obligations.

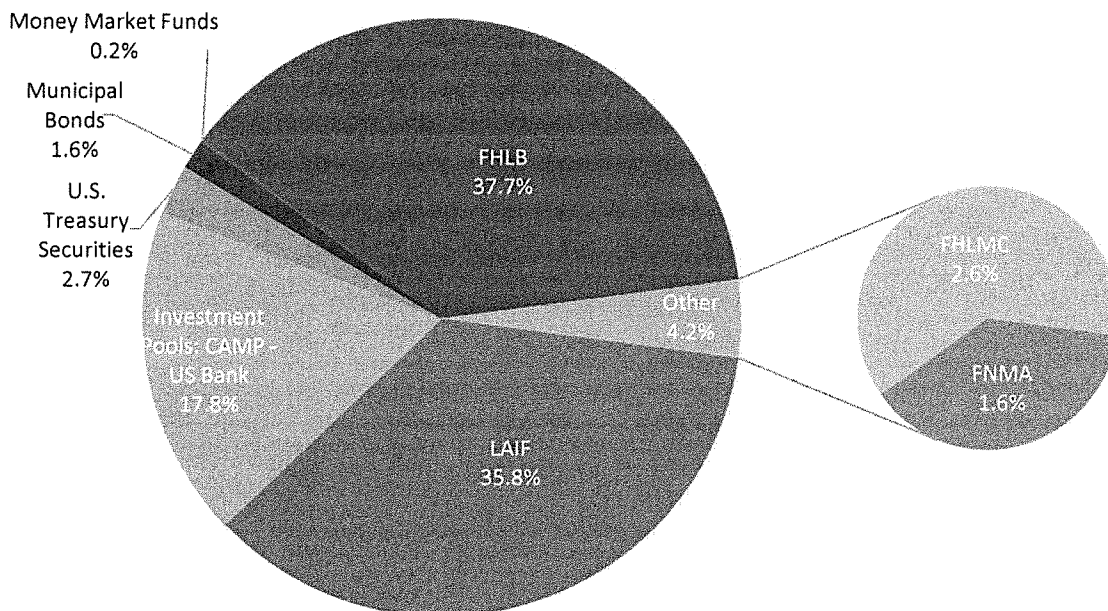
Olivenhain Municipal Water District
PORTFOLIO LIMITATIONS ANALYSIS PER INVESTMENT POLICY
December 31, 2021

	<u>Book Value</u>	<u>Percent</u>	<u>Permitted Percent</u>		<u>In Compliance?</u>
LAIF	\$ 27,183,467	35.8%	50.0%	(1)	Yes
Investment Pools: CAMP - US Bank	13,535,060	17.8%	30.0%		Yes
U.S. Treasury Securities	2,021,162	2.7%	100.0%	(2)	Yes
Municipal Bonds	1,216,760	1.6%	30.0%		Yes
Money Market Funds	171,879	0.2%	20.0%	(3)	Yes
U.S. Agency Securities	31,872,931	41.9%	50.0%		Yes
<i>FHLB</i> <i>Federal Home Loan Bank</i>	28,623,111	37.7%			
<i>FNMA</i> <i>Fannie Mae</i>	1,250,000	1.6%			
<i>FHLMC</i> <i>Freddie Mac</i>	1,999,820	2.6%			
Total Investments	\$ 76,001,259	100%			

Note:

- (1) No more than 50% of the total value of all District Investments or \$40 million.
(2) No limit.
(3) May not exceed 5% in any money market fund.

TOTAL INVESTMENTS



* Total may not add up to 100% due to rounding.

**Olivenhain Municipal Water District
MONTHLY INVESTMENTS DETAIL
December 31, 2021**

ACTIVE DEPOSIT

Checking A/C California Bank and Trust for General Purpose	10,071,089
California Bank and Trust for Specific Purpose	141,897
Petty Cash/Disaster Preparedness	1,476
Total - Active Deposits	10,214,463

DEPOSITS NOT COVERED BY INVESTMENT POLICY

Cash with Fiscal Agents:

Union Bank - RAD 96-1 Refunding Bond	608,656
Union Bank - 2015A Refunding Bond	876,325
SRF Loan	856,331
Union Bank - 2016A Refunding Bond	266,018
Union Bank - 2021A WW Revenue Bond	5,105,777
Union Bank - 2021B Refunding Bond	150,552

Total Deposits Not Covered by Investment Policy

7,863,661

RATING	DATE	Weighted Average Days to Maturity	Call	Stated Coupon	Current Yield	Market Value	Face Value	Book Value
Moody's	S&P	Purchase	Maturity	Next Call	Next S-U			

INVESTMENTS

Invest. Pools: US Bank Calif. Asset Mgmt Prgm (CAMP)	1	0.05%	\$ 13,535,060	\$ 13,535,060	\$ 13,535,060
State Local Agency Investment Fund (LAIF)	1	0.20%	27,183,647	27,183,467	27,183,467
First American Government 31846V567	1	0.02%	171,879	171,879	171,879

U.S. Treasury Notes/Bills

912828YH7 U.S. Treasury Notes	Aaa	-	03/09/21	02/28/26	1,521	1.50%	1.48%	1,015,780	1,000,000	1,036,684
91282CBQ3 U.S. Treasury Notes	Aaa	-	03/09/21	09/30/24	1,005	0.50%	0.51%	971,600	1,000,000	984,478
					81	1.00%	1.01%	\$ 1,987,380	\$ 2,000,000	\$ 2,021,162

U.S. Agency Securities

3134GXKH6 FHLB Callable	Aaa	AA+	01/27/21	01/27/23	01/27/22	393	28	0.13%	0.13%	998,320	1,000,000	999,820
3130AJZJ1 FHLB Callable	Aaa	AA+	09/02/20	08/25/23	Anytime	603	1	0.32%	0.32%	1,148,418	1,151,111	1,151,111
3136G4P56 FNMA Callable	Aaa	AA+	08/26/20	02/26/24	08/26/22	788	239	0.40%	0.40%	1,243,050	1,250,000	1,250,000
3130ALHM9 FHLB Callable	Aaa	AA+	03/10/21	06/10/24	03/10/22	893	70	0.30%	0.30%	989,960	1,000,000	999,000
3130AKEW2 FHLB Callable	Aaa	AA+	11/04/20	11/04/24	Anytime	1,040	1	0.43%	0.44%	1,969,380	2,000,000	2,000,000
3134GWAQ9 FHLB Callable	Aaa	AA+	07/28/20	07/28/25	07/28/22	1,306	210	0.65%	0.66%	987,780	1,000,000	1,000,000
3130AKGX8 FHLB Step-up Callable	Aaa	AA+	12/15/20	12/15/25	03/15/22	1,446	75	0.30%	0.30%	1,972,280	2,000,000	2,000,000
3130AKMD5 FHLB Callable	Aaa	AA+	01/26/21	01/26/26	01/26/22	1,488	27	0.50%	0.52%	968,300	1,000,000	999,500
3130AKU53 FHLB Callable	Aaa	AA+	01/28/21	01/28/26	01/28/22	1,490	29	0.52%	0.53%	977,790	1,000,000	1,000,000
3130AKN69 FHLB Callable	Aaa	AA+	01/28/21	01/28/26	01/28/22	1,490	29	0.50%	0.51%	977,490	1,000,000	1,000,000
3130AKVN3 FHLB Callable	Aaa	AA+	01/29/21	01/29/26	01/29/22	1,491	30	0.52%	0.53%	977,740	1,000,000	1,000,000
3130AKWK8 FHLB Callable	Aaa	AA+	02/12/21	02/12/26	02/12/22	1,505	44	0.51%	0.52%	976,920	1,000,000	1,000,000
3130AKX43 FHLB Step-up Callable	Aaa	AA+	02/24/21	02/24/26	02/24/22	1,517	56	0.70%	0.71%	1,965,620	2,000,000	2,000,000
3130AL7M0 FHLB Callable	Aaa	AA+	02/24/21	02/24/26	02/24/22	1,517	56	0.63%	0.64%	980,390	1,000,000	1,000,000
3130AKYR1 FHLB Callable	Aaa	AA+	02/25/21	02/25/26	02/25/22	1,518	57	0.55%	0.57%	966,340	1,000,000	1,000,000
3130AL6K5 FHLB Callable	Aaa	AA+	02/25/21	02/25/26	02/25/22	1,518	57	0.58%	0.59%	979,360	1,000,000	1,000,000
3130ALD76 FHLB Callable	Aaa	AA+	02/25/21	02/25/26	02/25/22	1,518	57	0.70%	0.71%	982,750	1,000,000	1,000,000
3130ALCW2 FHLB Callable	Aaa	AA+	02/25/21	02/25/26	02/25/22	1,518	57	0.63%	0.64%	980,940	1,000,000	998,500
3130AL6Q2 FHLB Callable	Aaa	AA+	02/26/21	02/26/24	Anytime	788	1	0.22%	0.22%	986,350	1,000,000	1,000,000
3130ALGJ7 FHLB Callable	Aaa	AA+	03/23/21	03/23/26	01/23/22	1,544	24	1.00%	1.01%	964,373	975,000	975,000
3130ALPQ1 FHLB Step-up Callable	Aaa	AA+	03/30/21	03/30/26	12/31/21	1,551	1	0.50%	0.50%	992,820	1,000,000	1,000,000
3130ALVCS FHLB Step-up Callable	Aaa	AA+	04/14/21	04/14/26	01/14/22	1,566	15	0.60%	0.60%	992,000	1,000,000	1,000,000
3130AMMV1 FHLB Callable	Aaa	AA+	06/03/21	06/03/24	03/03/22	886	63	0.40%	0.40%	496,090	500,000	500,000
3130AMKE1 FHLB Callable	Aaa	AA+	05/27/21	02/27/25	02/27/22	1,155	59	0.66%	0.67%	986,680	1,000,000	1,000,000
3130ANGN4 FHLB Step-up Callable	Aaa	AA+	08/18/21	02/18/25	02/18/22	1,146	50	0.35%	0.35%	992,340	1,000,000	1,000,000
3130ANSP6 FHLB Callable	Aaa	AA+	09/17/21	10/17/24	03/17/22	1,022	77	0.50%	0.51%	987,400	1,000,000	1,000,000
3130ANTP5 FHLB Callable	Aaa	AA+	09/16/21	09/16/24	03/16/22	991	76	0.50%	0.50%	990,560	1,000,000	1,000,000
3130APAY1 FHLB Callable	Aaa	AA+	10/21/21	10/21/26	01/21/22	1,756	22	1.10%	1.11%	991,650	1,000,000	1,000,000
3130APL78 FHLB Callable	Aaa	AA+	10/28/21	10/28/26	01/28/22	1,763	29	1.38%	1.38%	997,070	1,000,000	1,000,000
						1,287	1,700	0.55%	0.55%	\$ 31,420,160	\$ 31,876,111	\$ 31,872,931

Municipal Bonds

882724RA7 TEXAS ST PUB FIN AUTH	Aaa	AAA	10/30/20	10/01/25	1,371	5.00%	4.39%	1,138,920	1,000,000	1,216,760
---------------------------------	-----	-----	----------	----------	-------	-------	-------	-----------	-----------	-----------

Total Investments

1,371	5.00%	4.39%	\$ 1,138,920	\$ 1,000,000	\$ 1,216,760
596	0.40%	0.41%	\$ 75,437,046	\$ 75,766,517	\$ 76,001,259

TOTAL - ALL DEPOSITS AND INVESTMENTS

94,079,383

Olivenhain Municipal Water District
INVESTMENTS TRANSACTION
December 31, 2021

PURCHASED

DATE					<i>Stated</i>	<i>Current</i>		
<u>Purchase</u>	<u>Maturity</u>	<u>Call</u>	<u>Step-Up</u>	<u>Investment Description</u>	<u>Coupon</u>	<u>Yield</u>	<u>Face Value</u>	<u>Book Value</u>

MATURED / REDEEMED / CALLED

DATE					<i>Stated</i>	<i>Current</i>		
<u>Redemption</u>	<u>Maturity</u>	<u>Call</u>	<u>Step-Up</u>	<u>Investment Description</u>	<u>Coupon</u>	<u>Yield</u>	<u>Face Value</u>	<u>Book Value</u>

Olivenhain Municipal Water District
UNAUDITED CASH POSITION BY FUNDING SOURCES
As of December 31, 2021

<u>Water Funds (Potable & Recycled)</u>		<u>Balance</u>
10050-100	Cash - Petty Cash Fund	1,476
10030-100	Cash - Capital and Equipment Fund	37,596,107
10010-100	Cash - Operating Fund	16,270,833
10060-100	Cash - Deposit Work for Other	57,052
10040-100	Cash - Rate Stabilization	12,128,481
14000-500	Restricted Cash - Capacity Fee Fund	5,154,653
Total Water Funds (Potable & Recycled)		<u>71,208,601</u>
<u>Wastewater Funds</u>		
10010-110	Wastewater - Operating Fund	2,881,343
10030-110	Wastewater - Capital Replacement Fund	9,379,201
10040-110	Wastewater - Rate Stabilization Fund	2,604,679
Total Wastewater Funds		<u>14,865,223</u>
<u>Non Fiscal Agent Debt Service Cash</u>		
14020-570	Cash non-agent - RAD 96-1	130,696
10070-561	Cash non-agent - Bond 2015A	621
10070-581	Cash non-agent - Bond 2016A	10,580
Total Non Fiscal Agent Debt Service Cash		<u>141,897</u>
<u>Debt Service Funds</u>		
14030-510	SRF Loan - Fiscal Agent	856,331
14105-570	Redemption fund - RAD 96-1	542,421
14110-570	Reserve fund - RAD 96-1	66,235
14100-561	Redemption fund - Bond 2015A	876,325
14100-581	Redemption fund - Bond 2016A	266,018
14100-521	Redemption fund - CB&T 2021A	5,105,777
14100-522	Redemption fund - CB&T 2021B	150,552
Total Debt Service Funds		<u>7,863,661</u>
TOTAL FUND BALANCES		<u>94,079,383</u>



Memo

Date: March 16, 2022

To: Olivenhain Municipal Water District Board of Directors

From: Rainy K. Selamat, Finance Manager

Via: Kimberly Thorner, General Manager

Subject: **CONSIDER ADOPTION OF A MOTION APPROVING THE DISTRICT'S CONSOLIDATED STATEMENT OF NET POSITION, CONSOLIDATED STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN NET POSITION, CONSOLIDATED STATEMENT OF CASH FLOWS, CONSOLIDATED ACTUAL VS BUDGET SUMMARY, AND CONSTRUCTION IN PROGRESS REPORT**

The following unaudited monthly financial reports are enclosed for review and approval by the Board of Directors:

- December 2021 Monthly Statement of Net Position Report.
- December 2021 Statement of Revenues, Expenses, and Changes in Net Position Report.
- December 2021 Consolidated Statement of Cash Flows.
- December 2021 Monthly Consolidated Actual VS Budget Summary and explanation of significant variance report.
- December 2021 Construction In Progress Report.

OLIVENHAIN MUNICIPAL WATER DISTRICT
Statement of Net Position (Unaudited)
All Funds
12/31/2021

Assets

Current assets:

Unrestricted assets:

Cash and cash equivalents	\$80,837,467
Accounts receivable - water and sewer, net	3,753,879
Interest Receivable	80,967
Taxes receivable	154,318
Other receivables	398,804
Inventories	1,484,788
Prepaid expenses and deposits	1,154,480
Total unrestricted assets	<u>87,864,702</u>

Restricted assets:

Cash and cash equivalents	12,971,245
Assessments receivable	50,509
Grants receivable	191,135
Total restricted assets	<u>13,212,889</u>
Total current assets	<u>101,077,592</u>

Noncurrent assets:

Capital assets, nondepreciable	45,682,585
Capital assets, depreciable/amortizable, net	334,967,143
Capital assets, net	<u>380,649,728</u>
Prepaid bond insurance	22,472
Other long-term receivables	30,138
Total noncurrent assets	<u>380,702,337</u>
Total assets	<u>481,779,929</u>

Deferred Outflows of Resources

Deferred amount on refunding	(1,103,658)
Deferred amount from pension	(3,585,712)
Total deferred outflows of resources	<u>(4,689,370)</u>

Liabilities

Current Liabilities

Liabilities payable from unrestricted assets:

Accounts payable	5,168,396
Accrued payroll	413,288
Customer deposits	357,855
Payable related to work in progress	46,660
Compensated absences, current portion	771,000
Current portion of long-term debt:	
Wastewater Revenue Bonds 2021A	245,740
Wastewater Refunding Revenue Bonds 2021B	419,070
Water Revenue Refunding Bonds 2016A	530,000
Water Revenue Refunding Bonds 2015A	1,750,000
Special Assessment Debt with Government Commi...	863,064
Notes Payable	401,824
Total liabilities payable from unrestricted assets	<u>10,302,087</u>

Liabilities payable from restricted assets:

Accounts payable	10,221
Interest payable	152,736
Total liabilities payable from restricted assets	<u>162,957</u>
Total current liabilities	<u>10,465,044</u>

Noncurrent liabilities

Compensated absences	994,329
Net pension liability	14,608,845
Long-term debt, excluding current portion:	
Wastewater Revenue Bonds 2021A	4,796,400
Wastewater Refunding Revenue Bonds 2021B	3,513,900
Water Revenue Refunding Bonds 2016A	13,737,764
Water Revenue Refunding Bonds 2015A	13,793,846
Special Assessment Debt with Government Commi...	4,594,691
Notes Payable	11,162,925
Total noncurrent liabilities	<u>67,202,700</u>
Total liabilities	<u>77,667,744</u>

OLIVENHAIN MUNICIPAL WATER DISTRICT
Statement of Net Position (Unaudited)
All Funds
12/31/2021

Deferred Inflows of Resources	
Deferred amounts on pension	425,243
Total deferred inflows of resources	<u>425,243</u>
Net Position	
Investment in Capital Assets, net of related debt	330,948,427
Restricted Net Position	8,045,668
Unrestricted Net Position	<u>68,717,408</u>
Total Net Position	<u><u>407,711,502</u></u>

OLIVENHAIN MUNICIPAL WATER DISTRICT
Statement of Revenues, Expenses and Changes in Net Position (Unaudited)
All Funds
For the Six Months Ending 12/31/2021

	<u>2022</u>
Operating Revenues:	
Water Sales	\$30,015,558
Sewer Charges	1,832,343
Other Water Operating revenues	<u>1,073,810</u>
Total Operating Revenues	32,921,710
Operating Expenses	
Cost of Purchased Water Sold	15,847,374
Pumping and Water Treatment	1,836,568
Transmission and Distribution	2,145,890
Sewer Collection and Treatment	882,084
Elfin Forest Recreation Operations	203,763
Facilities Maintenance	559,380
Customer Service	991,185
General and Administrative	3,539,063
Depreciation and Amortization	<u>5,445,420</u>
Total Operating Expenses	31,450,726
Operating Income (Loss)	1,470,984
Nonoperating Revenues (Expenses)	
Investment income	118,543
Property taxes	1,713,559
Capacity charges	1,164,395
Benefit assessments	393,819
Other nonoperating revenues	47,108
Interest expense, net	(668,266)
Other nonoperating expenses	<u>(122,994)</u>
Total nonoperating revenues (expenses)	2,646,164
Income before capital contributions	<u>4,117,148</u>
Capital contributions	10,118
Change in net position	<u>4,127,266</u>
Net Position, Beginning of year	<u>407,246,154</u>
Equity Adjustment	<u>(3,661,917)</u>
Net Position, End of year	<u><u>407,711,502</u></u>

OLIVENHAIN MUNICIPAL WATER DISTRICT
CONSOLIDATED STATEMENT OF CASH FLOWS (UNAUDITED)
AS OF December 31, 2021

CASH FLOWS FROM OPERATING ACTIVITIES:

Receipts from water and sewer customers	\$ 37,733,152
Payments for water	(16,694,699)
Payments for services and supplies	(6,020,140)
Payments for employee wages, benefits and related costs	(7,079,927)
Net cash provided by operating activities	<u>7,938,386</u>

CASH FLOWS FROM NONCAPITAL AND RELATED FINANCING ACTIVITIES:

Property taxes and benefit assessments received	2,096,850
Net cash provided by noncapital and related financing activities	<u>2,096,850</u>

CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES:

Acquisition and construction of capital assets	(4,097,774)
Proceeds from Grants	198,185
Principal paid on long-term debt	(5,488,269)
Proceeds from debt issuance	8,975,110
Interest paid on long-term debt	(661,588)
Capacity charges received	1,164,396
Other capital financing receipts (expenses)	13,303
Net cash used by capital and related financing activities	<u>103,363</u>

CASH FLOWS FROM INVESTING ACTIVITIES:

Investment income received	119,657
Net cash provided (used) by investing activities	<u>119,657</u>

Net increase (decrease) in cash and cash equivalents	10,258,256
---	-------------------

Cash and cash equivalents, beginning of year	<u>49,689,236</u>
--	-------------------

Cash and cash equivalents, end of period	<u><u>\$ 59,947,492</u></u>
--	-----------------------------

FINANCIAL STATEMENT PRESENTATION:

Cash and cash equivalents - current assets	49,239,196
Cash and cash equivalents - restricted assets	10,708,296
Total cash and cash equivalents	<u><u>\$ 59,947,492</u></u>

CASH AND CASH EQUIVALENTS RECONCILIATION

		Balance Includes Mkt Securities	Without Mkt Securities
Unrestricted cash	12/31/2021	80,837,467	49,239,196
Restricted cash	12/31/2021	12,971,245	10,708,296
Total cash and cash equivalents			<u><u>59,947,492</u></u>

OLIVENHAIN MUNICIPAL WATER DISTRICT
Consolidated Actual vs Budget Summary
For the Six Months Ending 12/31/2021

	Approved Budget	Actual YTD	Budget YTD	Variance Amt	Variance %	Notes
Operating Revenues						
Commodity Water Sales	\$41,465,000.00	\$22,430,304.62	\$23,937,800.00	(\$1,507,495.38)	(6.3%)	1
Water Fees and Services	17,917,000.00	8,659,062.57	8,960,520.00	(301,457.43)	(3.4%)	
Sewer Revenue	5,435,000.00	1,832,342.96	1,488,000.00	344,342.96	23.1%	2
Total Operating Revenues	64,817,000.00	32,921,710.15	34,386,320.00	(1,464,609.85)	(4.3%)	
Operating Expenses						
Purchased Water - Variable	22,350,000.00	11,758,238.96	12,378,980.00	620,741.04	5.0%	1
Purchased Water - Fixed	8,316,000.00	4,089,135.00	4,089,234.00	99.00	0.0%	
General Manager Dept	1,922,000.00	864,499.44	961,380.00	96,880.56	10.1%	3
Engineering Dept	2,196,000.00	957,459.10	1,098,420.00	140,960.90	12.8%	3
Finance Dept	1,556,000.00	736,693.42	777,900.00	41,206.58	5.3%	3
Customer Service Dept	2,628,800.00	1,113,478.72	1,315,716.00	202,237.28	15.4%	3
Human Resources Dept	713,600.00	371,284.80	357,000.00	(14,284.80)	(4.0%)	3
Water Operations and Maintenance Dept	10,995,000.00	4,741,608.04	5,500,434.00	758,825.96	13.8%	3
Parks Dept	442,300.00	221,402.53	221,616.00	213.47	0.1%	3
Sewer Operations and Maintenance Dept	2,774,000.00	1,348,471.63	1,387,518.00	39,046.37	2.8%	3
Recycled Water Operations Dept	1,222,500.00	550,902.45	611,880.00	60,977.55	10.0%	3
Paygo Transfers						
Water Operations	7,900,000.00	3,948,000.00	3,948,000.00		0.0%	
Recycled Operations	2,200,000.00	1,098,000.00	1,098,000.00		0.0%	
Capitalized Operations Expenditures	(1,530,470.00)	(348,447.60)	(766,140.00)	(417,692.40)	54.5%	4
Total Operating Expenses	63,685,730.00	31,450,726.49	32,979,938.00	1,529,211.51	4.6%	
Net Operating Income (Loss)	1,131,270.00	1,470,983.66	1,406,382.00	64,601.66		
Nonoperating Revenues						
Water Funds	5,875,000.00	1,833,618.05	1,774,600.00	59,018.05	3.3%	
Debt Service Funds	1,049,000.00	393,949.44	315,120.00	78,829.44	25.0%	5
Sewer Funds	39,000.00	6,770.11	19,800.00	(13,029.89)	(65.8%)	
Recycled Water Funds	60,000.00	11,684.95	29,880.00	(18,195.05)	(60.9%)	
Total Nonoperating Revenue	7,023,000.00	2,246,022.55	2,139,400.00	106,622.55	5.0%	
Nonoperating Expense						
Capacity Fee Funds	30,000.00	13,230.99	14,880.00	1,649.01	11.1%	
Debt Service Funds	1,393,620.00	773,020.93	700,680.00	(72,340.93)	(10.3%)	6
Potable Water Funds	10,000.00	5,008.15	4,800.00	(208.15)	(4.3%)	
Total Nonoperating Expense	1,433,620.00	791,260.07	720,360.00	(70,900.07)	(9.8%)	
Inc before Cap Fees and Capital Contributions	6,720,650.00	2,925,746.14	2,825,422.00	100,324.14		
Capacity Fee Funds	745,000.00	1,191,401.57				7
Capital contributions	1,655,000.00	10,117.84				
Change in Net Position		4,127,265.55				

OLIVENHAIN MUNICIPAL WATER DISTRICT
Actual vs Budget Variance
For the Six Months Ending 12/31/2021

1. Water Sales revenue were lower than Budget YTD by approximately \$1.5 million resulting in an unfavorable variance of 6.3%. The negative variance is primarily due to estimates for unbilled water and lower water consumption than budgeted through December 2021. Consequently, purchased water variable expenses were also lower than the Budget YTD for a favorable variance of \$620 thousand or 5%.
2. Sewer Revenue was higher than Budget YTD for a favorable variance due to timing of receipts from the County. 4S Ranch and Rancho Cielo Sanitation Districts' sewer service fees are collected on the County's tax roll when customers pay their property tax to the County. Actual YTD sewer service revenue will be closer to the Budget YTD amount as the year progresses.
3. Actual departmental expenses varied from the Budget YTD amounts due to the timing of actual operating expenses. The Budget YTD amounts assume expenditures are incurred evenly throughout the year.
4. Actual Capitalized Operating Expenses were lower than the Budget YTD due to timing of capitalized labor spent on District projects, such as the Manchester Potable and Recycled Pipeline Replacement projects. The Budget YTD amount assumes expenditures are incurred evenly throughout the year.
5. Actual Non-operating Revenues – Debt Service Funds were more than Budget YTD for a favorable variance due to the timing of property tax revenues received from the County. Actual revenues are expected to align with Budget YTD as the year progresses.
6. Actual Non-Operating Expenses – Debt Service Funds were greater than Budget YTD for an unfavorable variance due to cost of issuance fees on the 2021A and 2021B sewer bonds issued in October.
7. Actual YTD Capacity Fee Funds were greater than Approved Budget due to timing of wastewater (sewer) capacity and annexation fees collected on the Avion development.

Construction Work In Progress Report as of 12/31/2021

Project Name	Budget	Appropriation to Date	Expenditures & Encumbrance	(Over) / Under
New and Remodeled Facilities	\$35,387	\$35,387	\$32,502	\$2,885
Replace El Camino Real PL	\$4,960,000	\$4,960,000	\$4,948,443	\$11,557
Manchester Recyc PL Exten.	\$4,634,000	\$4,634,000	\$804,411	\$3,829,589
San Dieguito Desalination	\$42,837,000	\$4,262,000	\$3,917,366	\$344,634
Manchester Potable Pipeline	\$4,198,000	\$4,198,000	\$3,139,013	\$1,058,987
Replace Neighborhood 1 SPS	\$4,832,000	\$2,534,000	\$895,723	\$1,638,277
Replace Valves	\$9,121,000	\$1,044,000	\$611,991	\$432,009
DCMWTP PH Control System	\$737,000	\$737,000	\$129,848	\$607,152
Replace DCMWTP Membranes	\$8,336,000	\$725,000	\$677,234	\$47,766
Fixed Base AMI	\$3,278,000	\$627,000	\$83,860	\$543,140
Pipeline Replace. Assessment	\$590,000	\$590,000	\$587,707	\$2,293
Replace Headworks Manual Sys	\$3,160,000	\$503,000	\$351,584	\$151,416
Residuals Handling Bldg Canopy	\$482,000	\$482,000	\$89,527	\$392,473
PRS Replacements	\$3,451,000	\$453,000	-	\$453,000
Lone Jack PRS	\$340,000	\$340,000	\$125,617	\$214,383
Replace Pipelines	\$7,804,950	\$326,000	\$2,239	\$323,761
DCMWTP Analyzer Replace.	\$727,000	\$305,000	\$259,485	\$45,515
Hydropower Turbine Refurb	\$600,000	\$300,000	\$5,485	\$294,515
Rehab Concrete Tanks	\$727,000	\$283,000	\$187,841	\$95,159
Steel Mains Protection	\$3,120,000	\$270,000	\$40,356	\$229,644
Replace Potable Meters	\$4,042,000	\$270,000	\$89,208	\$180,792
RSFe Rd Unit A North PL	\$1,748,000	\$253,250	\$13,315	\$239,935
Pot & Recycled Master Plan	\$524,000	\$228,000	\$7,722	\$220,278
Circo Diegueno Ct. Leak Repair	\$215,000	\$215,000	-	\$215,000 #
Stratford HOA Pipeline Repair	\$213,050	\$213,050	\$95,343	\$117,707
Network User Enhancements	\$200,000	\$200,000	\$136,459	\$63,541
Parking & Access Improvements	\$265,000	\$191,000	\$27,832	\$163,168
District-Wide PLC replacements	\$1,618,000	\$166,000	\$93	\$165,907
Rancho La Cima/Aliso Canyon PL	\$165,000	\$165,000	\$63,152	\$101,848
Replace WW Pumps/ Motors/Equip	\$1,799,000	\$156,000	\$90,993	\$65,007
DCMWTP 4th Stage Centrifuge	\$1,040,000	\$104,000	\$513	\$103,487
Replace Meter Anodes	\$1,496,000	\$100,000	\$6,119	\$93,881
Retrofit Pot. Service to Recyc	\$1,267,000	\$97,000	\$19,309	\$77,691
Network Security	\$1,126,000	\$84,000	\$1,560	\$82,440
Replace Pot. Pumps and Motors	\$1,026,000	\$81,000	\$27,330	\$53,670
Village Park PRS	\$80,000	\$80,000	\$408	\$79,592
Gardendale PRS	\$80,000	\$80,000	\$408	\$79,592
Palms I and II Reservoirs	\$1,307,000	\$73,000	\$72,785	\$215
District-Wide Facility Securit	\$70,000	\$70,000	\$18,789	\$51,211
Train 9 Control Wiring	\$64,000	\$64,000	\$279	\$63,721
Rancho Cielo Manhole Lining	\$539,000	\$47,000	\$33,370	\$13,630
Vault Upgrades	\$105,000	\$46,825	-	\$46,825
Landscape HQ Courtyards	\$45,000	\$45,000	-	\$45,000
4S Physical Security Upgrades	\$35,000	\$35,000	-	\$35,000
4S System Manhole Lining	\$189,000	\$16,000	\$14,500	\$1,500
WRF Phone System Upgrade	\$16,000	\$16,000	-	\$16,000
Meter Replacement, Recycled	\$164,000	\$14,000	\$2,015	\$11,985
WW Master Plan	\$76,000	\$2,000	-	\$2,000
Chlorine Generation Cell		\$0	\$22,804	(\$22,804) *
Total:	\$123,484,387	\$30,720,512	\$17,634,534	\$13,085,978

Emergency project - funds appropriated from Replace Pipelines project approved by the Board

* Emergency project within GM approval

Memo

Date: March 16, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Melody Colombo, Administrative Analyst
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER ADOPTION OF A RESOLUTION HONORING SAN DIEGUITO WATER DISTRICT'S 100-YEAR ANNIVERSARY**

Purpose

The purpose of this agenda item is to honor San Dieguito Water District's 100-year anniversary, and the long history of partnership and collaboration between SDWD and OMWD.

Recommendation

Staff recommends the board show its support and honor San Dieguito Water District's 100-year anniversary by adopting this resolution.

Alternative(s)

The board may choose not to support and honor San Dieguito Water District's 100-year anniversary.

Background

San Dieguito Water District has been serving the coastal communities of Leucadia, Old Encinitas, and portions of Cardiff and New Encinitas since March 18, 1922. This year marks the centennial anniversary for SDWD, as it celebrates 100 years of service.

SDWD and OMWD have a long history of collaboration and teamwork that benefits the region. The following examples highlight several projects where the exchange of innovative ideas and expertise among the districts has resulted in high-quality, reliable, and cost-effective efficiencies to the shared service areas.

SDWD and OMWD have 11 interconnects between the two water systems, which allows one agency to provide water to the other agency during emergencies. In 1975, OMWD and SDWD partnered to construct the Wanket Reservoir, a three million gallon above-ground water reservoir located in Encinitas Ranch. The 2.66 acre site where the reservoir is located is jointly owned. In 2002, OMWD consented to the construction of a SDWD pump station on an OMWD owned parcel to benefit the region.

A collaborative agreement between SDWD, OMWD, and Santa Fe Irrigation District to protect water infrastructure in North County by jointly managing cathodic pipeline protection systems across the three agencies, increased efficiencies for the agencies, and resulted in each agency saving approximately \$100,000 in planned capital expenditures, plus ongoing savings through shared maintenance costs over the term of the contract.

OMWD and SDWD cooperated to expand the use of recycled water across jurisdictions to serve recycled water to the Encinitas Ranch shopping center. In addition, the two districts collaborated to create a new water supply through an agreement which expanded recycled water infrastructure and service to irrigation customers in the Village Park neighborhood of Encinitas.

OMWD and SDWD jointly apply for grant program funds on mutually beneficial projects which reduce costs to ratepayers.

The districts were members of a regional alliance which supported the reduction of per capita potable water use as mandated by Senate Bill X7-7. The agencies worked collaboratively to develop the project that effectively leveraged capital investments and the use of existing infrastructure to create the greatest value for the community.

Both districts work together to provide water conservation classes, workshops and events in the shared service areas. OMWD and SDWD believe in education and outreach to positively impact our communities. This partnership has resulted in the sharing of knowledge with the public to make informed decisions about water use efficiency.

It is through these examples of cooperation and shared goals that OMWD and SDWD strive to make the neighborhoods we serve better places to live and work.

Fiscal Impact

There are no costs associated with this item.

Discussion

The board's adoption of this resolution would demonstrate its support of San Dieguito Water District and honors the SDWD's 100-year anniversary.

Attachments: Resolution 2022-xx

RESOLUTION NO. 2022-xx

RESOLUTION OF THE BOARD OF DIRECTORS OF OLIVENHAIN
MUNICIPAL WATER DISTRICT HONORING SAN DIEGUITO
WATER DISTRICT'S 100-YEAR ANNIVERSARY

WHEREAS, San Dieguito Water District has been serving the coastal communities of Leucadia, Old Encinitas, and portions of Cardiff and New Encinitas since March 18, 1922; and

WHEREAS, this year marks the centennial anniversary for SDWD, as it celebrates 100 years of service; and

WHEREAS, SDWD and OMWD have a long history of collaboration and teamwork that benefits the region; and

WHEREAS, SDWD and OMWD have 11 interconnects between the two water systems, which allows one agency to provide water to the other agency during emergencies. In 1975, OMWD and SDWD partnered to construct the Wanket Reservoir, a three million gallon above-ground water reservoir located in Encinitas Ranch. The 2.66 acre site where the reservoir is located is jointly owned. In 2002, OMWD consented to the construction of a SDWD pump station on an OMWD owned parcel to benefit the region; and

WHEREAS, a collaborative agreement between SDWD, OMWD, and Santa Fe Irrigation District to protect water infrastructure in North County by jointly managing cathodic pipeline protection systems across the three agencies, increased efficiencies for the agencies, and resulted in each agency saving approximately \$100,000 in planned capital expenditures, plus ongoing savings through shared maintenance costs over the term of the contract; and

WHEREAS, OMWD and SDWD cooperated to expand the use of recycled water across jurisdictions to serve recycled water to the Encinitas Ranch shopping center. In addition, the two districts collaborated to create a new water supply through an agreement which expanded recycled water infrastructure and service to irrigation customers in the Village Park neighborhood of Encinitas; and

WHEREAS, OMWD and SDWD jointly apply for grant program funds on mutually beneficial projects which reduce costs to ratepayers; and

WHEREAS, the districts were members of a regional alliance which supported the reduction of per capita potable water use as mandated by Senate Bill X7-7. The agencies worked collaboratively to develop the project that effectively leveraged capital investments and the use of existing infrastructure to create the greatest value for the community; and

WHEREAS, both districts work together to provide water conservation classes, workshops and events in the shared service areas. OMWD and SDWD believe in education and outreach to positively impact our communities. This partnership has resulted in the sharing of knowledge with the public to make informed decisions about water use efficiency; and

WHEREAS, it is through these examples of cooperation and shared goals that OMWD and SDWD strive to make the neighborhoods we serve better places to live and work.

NOW, THEREFORE, the Board of Directors of Olivenhain Municipal Water District does hereby find, determine, resolve, and order as follows:

SECTION 1: The Board of Directors does hereby honor San Dieguito Water District's 100-year anniversary, and expresses appreciation for the long standing collaborative relationship which has benefited the shared communities we serve.

PASSED, ADOPTED, AND APPROVED, at a regular meeting of the Board of Directors of Olivenhain Municipal Water District held on Wednesday, March 16, 2022.

Lawrence A. Watt, President
Board of Directors
Olivenhain Municipal Water District

ATTEST:

Robert F. Topolovac, Secretary
Board of Directors
Olivenhain Municipal Water District

Memo

Date: March 16, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Steve Weddle, Engineering Services Supervisor
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER ACCEPTANCE OF THE MIRA COSTA PIPELINE ABANDONMENT PROJECT (MIRA COSTA COMMUNITY COLLEGE DISTRICT) INTO OMWD'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED**

Purpose

The purpose of this agenda item is to consider acceptance of the fire service pipeline abandonment project constructed by the Mira Costa Community College District into OMWD's system and authorize the filing of a Notice of Completion with the San Diego County Recorder.

Recommendation

Staff recommends acceptance of the potable water facilities into OMWD's system.

Alternative(s)

None. The existing Fire Service was abandoned, as the building configurations on the campus have changed.

Background

The Mira Costa College Pipeline Abandonment Project is located at 3333 Manchester Avenue in Director Division 1 (Topolovac). The project consists of abandonment and subsequent removal of a 4" potable water Fire Service and appurtenances.

OMWD entered into an agreement with the Mira Costa Community College District in December 2021 to construct the facilities and dedicate said facilities to OMWD. The facilities are now complete and have been built in accordance with the plans and specifications of OMWD. The warranty period will terminate one (1) year following the acceptance of the facilities by OMWD's Board.

Fiscal Impact

There is no fiscal impact to accepting the facilities into OMWD's system.

Discussion

OMWD staff is available to answer questions.

Attachments:

Notice of Completion;

Location Map

**RECORDING REQUESTED BY &
WHEN RECORDED RETURN TO:**

Olivenhain Municipal Water District
1966 Olivenhain Road
Encinitas, California, 92024-5699

(This space for recorder's use)

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that the facilities for the Mira Costa College Pipeline Abandonment Project, located at 3333 Manchester Avenue, Encinitas, CA 92007, in the City of Encinitas, County of San Diego, State of California for which MIRA COSTA COMMUNITY COLLEGE DISTRICT ("Developer") contracted with the OLIVENHAIN MUNICIPAL WATER DISTRICT ("Owner," in fee, of the facilities), headquartered at 1966 Olivenhain Road, Encinitas, CA 92024, and constructed by Ahrens Mechanical, 5959 Mission Gorge Road, Suite 204, San Diego, CA 92120, have been completed in accordance with the plans and specifications as of February 2, 2022. The facilities have been accepted by the Board of Directors of the OLIVENHAIN MUNICIPAL WATER DISTRICT on this 16th day of March, 2022.

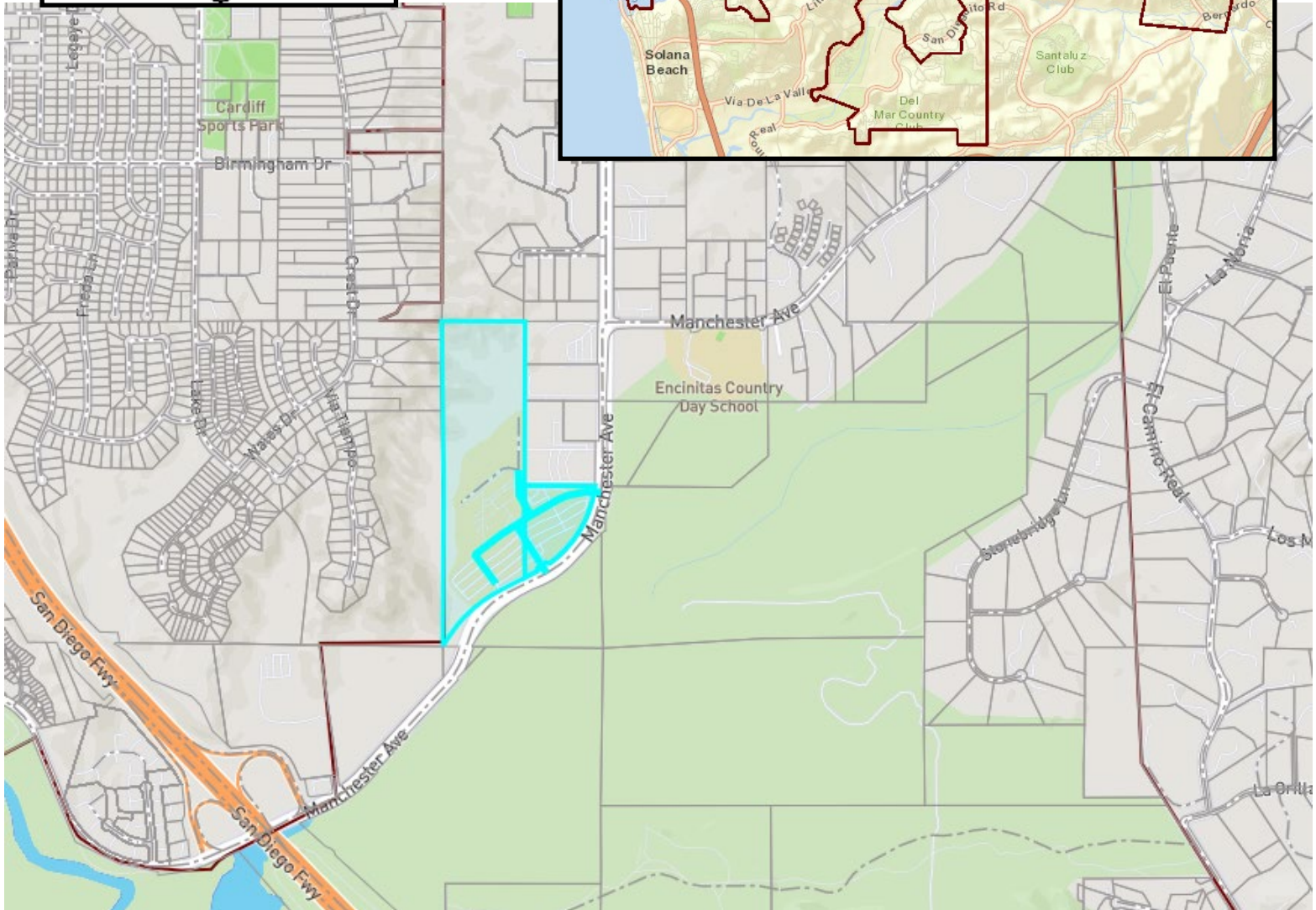
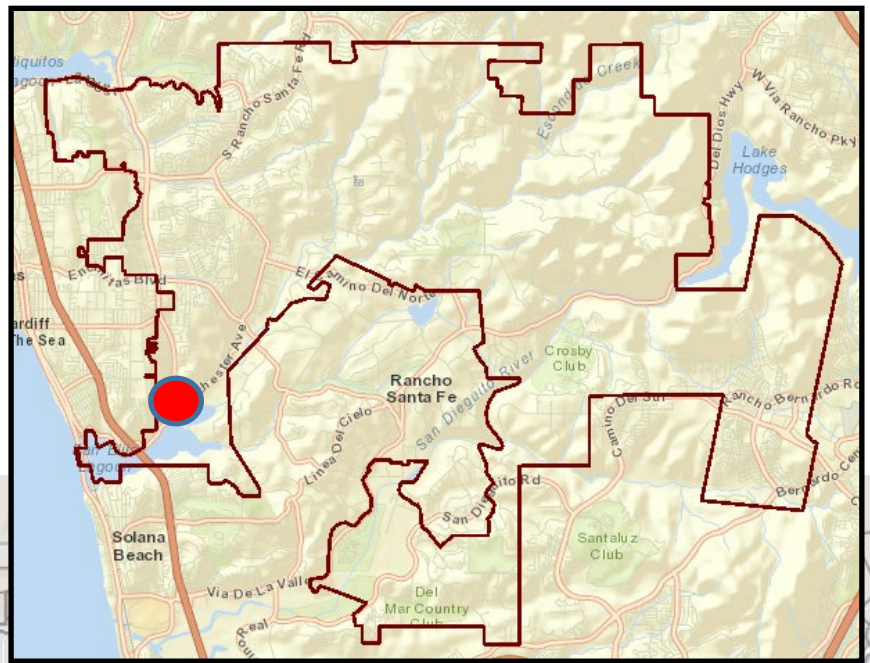
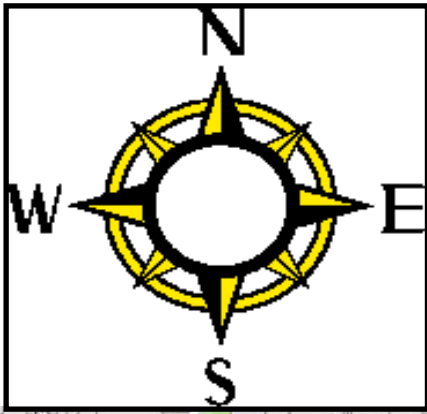
In witness whereof this Notice of Completion has been executed under authority from the Board of Directors of said OLIVENHAIN MUNICIPAL WATER DISTRICT by Kimberly A. Thorner, General Manager.

KIMBERLY A. THORNER, being first duly sworn, deposes and says that she is General Manager of the OLIVENHAIN MUNICIPAL WATER DISTRICT and is familiar with the facts stated in the foregoing Notice of Completion executed for and on behalf of said Agency, that she has read the foregoing Notice of Completion and knows the contents thereof and that the same are true.

OLIVENHAIN MUNICIPAL WATER DISTRICT

Date: _____, 2022

By: _____
Kimberly A. Thorner
General Manager



MIRA COSTA COLLEGE PIPELINE ABANDONMENT PROJECT

DISTRICT PROJECT NO. W590299

Memo

Date: March 16, 2022

To: Olivenhain Municipal Water District Board of Directors

From: Geoff Fulks, Operations Manager

Via: Kimberly A. Thorner, General Manager

Subject: **REVIEW OF GENERAL MANAGER'S DECLARATION OF THE CROSBY HOA SEWER FORCE MAIN LEAK REPAIR PROJECT AS AN EMERGENCY PROJECT IN ACCORDANCE WITH CALIFORNIA PUBLIC CONTRACT CODE SECTION 1102, INCLUDING APPROVAL OF A TIME AND MATERIALS CONSTRUCTION CONTRACT WITH PIPERIN CORPORATION FOR AN AMOUNT NOT TO EXCEED \$15,000, APPROVAL OF A NOTICE OF COMPLETION TO BE FILED WITH SAN DIEGO COUNTY RECORDER, AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT**

Purpose

The purpose of this agenda item is to provide an update on the declaration of the Crosby Sewer Force Main Leak Repair (Crosby) project as an Emergency Project in accordance with California Public Contract Code Section 1102 and to consider approval of a Notice of Completion to be filed with the San Diego County Recorder.

The General Manager declared an emergency on February 15, 2022. Pursuant to the Administrative and Ethics Code Section 3.2.1, the Board shall review the General Manager's emergency action at the next Board meeting. Today's agenda item will review the emergency declaration by the General Manager. The emergency was reviewed with the Board at the February 16, 2022 Board meeting under the General Manager's report in accordance with Olivenhain Municipal Water District's (OMWD) Administrative and Ethics code. On February 16, 2022 the Board was informed that an agenda item would be brought back at the March 16, 2022 meeting.

Recommendation

Staff recommends the Board review and affirm the General Manager's emergency declaration, approval of a contract with Piperin Corporation (Piperin), approval of the Notice of Completion, and authorize the General Manager to sign on behalf of OMWD.

Alternative(s)

California Public Contract Code Section 1102 states, "Emergency, as used in this code, means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services." The failure to complete the Crosby Sewer Force Main Leak Repair project could have caused public property damage, impacts to public health, impacts to the environment, and limited sanitary service to customers within a portion of OMWD thereby creating a loss of essential public services.

Background

The Crosby Estate development is located in Director Division 1 (Director Topolovac) and is an integral part of OWMD's sewer collection system. The leak was located on Bing Crosby Boulevard directly in front of the Crosby Estate golf driving range. The forced sewer main moves water from the Del Dios Sewer Pump Station to the Midpoint Sewer Pump Station and is constructed of 12" PVC. This line was a developer contributed asset constructed in 2003.

Fiscal Impact

Wastewater Capital Replacement provided the funds for this project budget. The proposed budget covered 1) OMWD labor, 2) materials needed to repair the leak, and 3) any support services required by an outside contractor on a time and materials basis.

Is this a Multi Fiscal Year Project? **No**

In which FY did this capital project first appear in the CIP budget? **2022**

Total Project Budget: **\$82,000**

Current Fiscal Year Appropriation: **\$82,000**

Target Project Completion Date: **February 24, 2022**

Expenditures and Encumbrances as of (March 7, 2022): **\$19,169**

Is this change order within the appropriation of this fiscal year? **N/A**

If this change order is outside of the appropriation, Source of Fund? **N/A**

Discussion

Upon discovery of the leak location, staff contacted two contractors (C.E. Wilson Corporation and Piperin Corporation) to assist with the repairs. Piperin was able to respond and began excavation and repairs of the 12" PVC sewer force main pipeline on Tuesday, February 15, 2022. Piperin completed the repairs on the same evening. OMWD staff completed the paving on February 24, 2022.

This sewer force main moves water from Del Dios Pump Station to the Midpoint Pump Station. The line was drained back into the Del Dios Pump Station in order to enact repairs. Staff contracted with both Liquid Environmental Solutions and Affordable Drain Services who provided Vactor trucks to transfer wastewater from Del Dios to Midpoint Pump stations in order to avoid sewer outflows. There was a small discharge (under 1000 gallons) from the site, most of which was vacuumed up and/or discharged to the Rancho Santa Fe Community Services District's collection system manhole located nearby. Staff notified the required regulators per OMWD's overflow response plan.

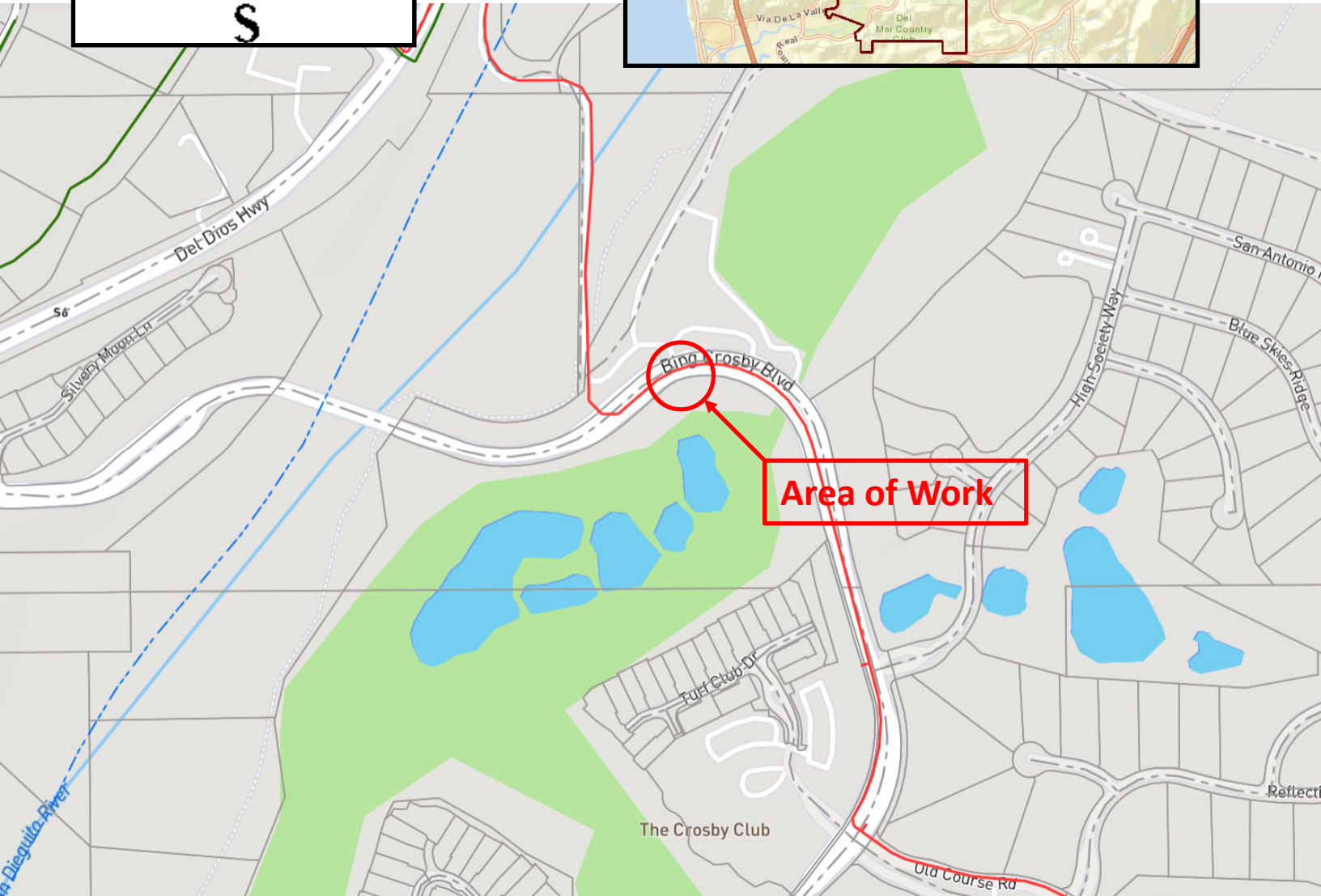
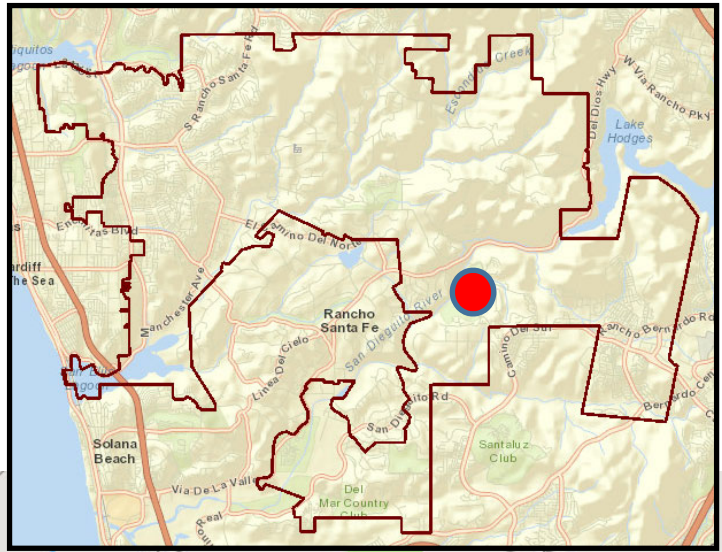
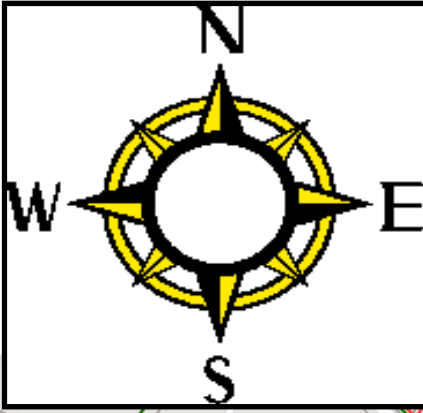
Work for the project is now complete and this will be the final report on the emergency declaration to the Board.

Attachment(s):

Location Map,

Project Budget Worksheet,

Notice of Completion;




CROSBY SEWER FORCE MAIN LEAK REPAIR PROJECT

OMWD PROJECT NO. D700034

Olivenhain Municipal Water District
Capital Improvement Project (CIP) Budget Worksheet
For Fiscal Year 2021/2022

In the 10 Year Plan No
If Yes, what fiscal year?

Project Name Crosby Sewer Force Main Leak Project Manager Geoff Fulks


Approved by General Manager (REQUIRED)
GEOFF FULKS 2.10.2022
Prepared by and date (REQUIRED)

Cost Category	Cost to Complete/Budget	Estimated Costs		
		FY2022		
OMWD labor	10,000	10,000		
OMWD overhead (2 X labor)	-			
Misc purchases 101P	-			
Materials/Inventory 102/103P	3,000	3,000		
Equipment 104P	-			
Utilities 105P	-			
Outside services 106P	20,000	20,000		
Consultants 107P	-			
Legal 108P	-			
Engineering 109P	-			
Design 110P	-			
Permits, EIR 111P	-			
Sitework/survey 112P	-			
Construction 113P	15,000	15,000		
Construction mgmt 114P	-			
Road, asphalt 115P	30,000	30,000		
Inspection 116P	4,000	4,000		
Land/landscape 117P	-			
Other/Misc 119P	-			
Total	\$ 82,000	\$ 82,000	\$ -	\$ -

Funding Source (Total must = 100%)

_____ Potable Capital Replacement
_____ Recycled Capital Replacement
_____ 100% Wastewater Capital Replacement
_____ Potable Capacity Fees
_____ Other -
_____ 100% Total

	Target Dates (Optional)		Cost
	Start	Finish	
Planning			
Design			
Constr.			
			\$ -

Project description Remove and replace 10' of 12" PVC forced sewer main

**RECORDING REQUESTED BY &
WHEN RECORDED RETURN TO:**

Olivenhain Municipal Water District
1966 Olivenhain Road
Encinitas, California, 92024-5699

(This space for recorder's use)

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that the facilities for the Crosby Sewer Force Main Emergency Leak Repair Project located adjacent to 17102 Bing Crosby Boulevard, in the City of San Diego, County of San Diego, State of California for which the OLIVENHAIN MUNICIPAL WATER DISTRICT ("Owner," in fee, of the facilities), headquartered at 1966 Olivenhain Road, Encinitas, CA 92024, contracted with PIPERIN CORPORATION, ("Contractor"), located at 510 Venture Street, Escondido, CA 92029, have been completed in accordance with District specifications as of February 24, 2022. The facilities have been accepted by the Board of Directors of the OLIVENHAIN MUNICIPAL WATER DISTRICT on this 16th day of March, 2022.

In witness whereof this Notice of Completion has been executed under authority from the Board of Directors of said OLIVENHAIN MUNICIPAL WATER DISTRICT by Kimberly A. Thorner, General Manager.

KIMBERLY A. THORNER, being first duly sworn, deposes and says that she is General Manager of the OLIVENHAIN MUNICIPAL WATER DISTRICT and is familiar with the facts stated in the foregoing Notice of Completion executed for and on behalf of said Agency, that she has read the foregoing Notice of Completion and knows the contents thereof and that the same are true.

OLIVENHAIN MUNICIPAL WATER DISTRICT

Date: _____, 2022

By: _____
Kimberly A. Thorner
General Manager

District Project No. D700034– Crosby Sewer Force Main Emergency Leak Repair Project

Memo

Date: March 16, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Kimberly A. Thorner, General Manager
Subject: **CONSIDER AN INFORMATIONAL REPORT FROM THE SAN DIEGO COUNTY WATER AUTHORITY ON THE SAN VICENTE ENERGY STORAGE FACILITY PROJECT**

Purpose

The purpose of this board item is to fulfill the board's request for a briefing from the San Diego County Water Authority on the San Vicente Energy Storage Facility Project. A copy of the presentation is attached.

Recommendation

This is an informational report. No board action is required.

Alternative(s)

N/A.

Attachment: SDCWA San Vicente Energy Storage Facility Project Presentation



San Vicente Energy Storage Facility Update

March 16, 2022
Olivenhain Municipal Water District

Neena Kuzmich
Deputy Director of Engineering

Water Authority Serves a Vibrant Region

Wholesale agency
created by the state
Legislature in 1944

Serves 3.3 million people
and \$253 billion
economy through
24 member agencies

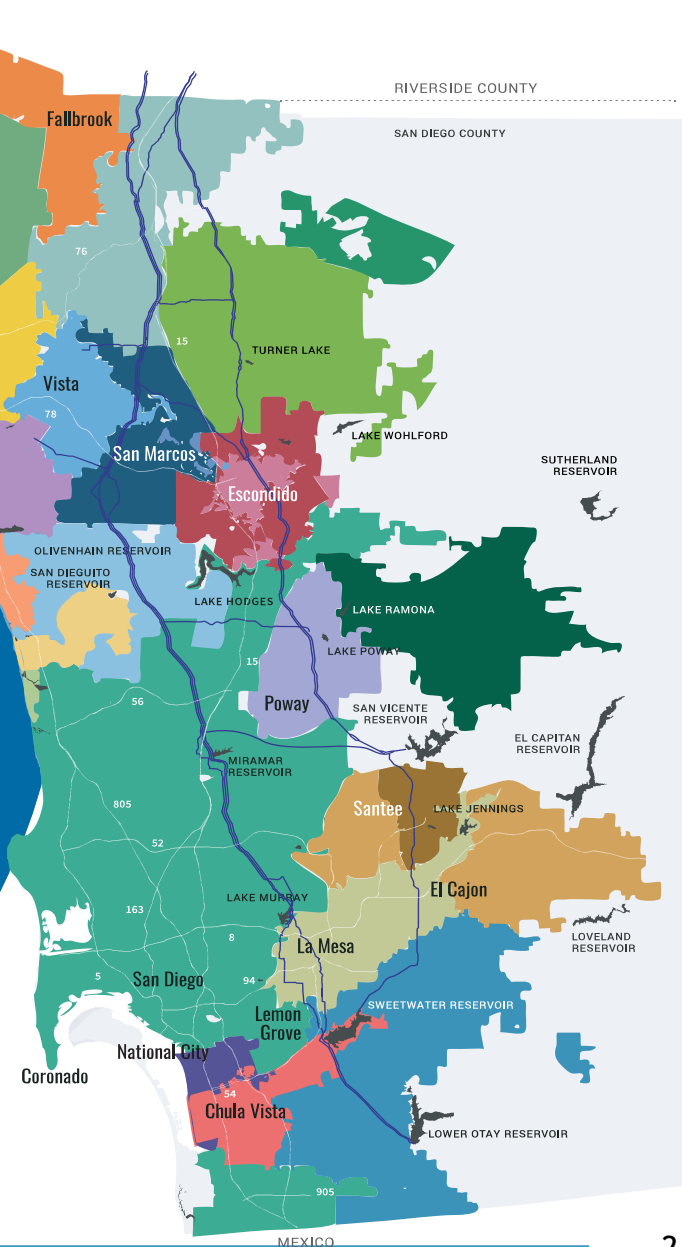
Provides about 75% of
water used across the
metro area

36-member Board

E COUNTY

RIVERSIDE COUNTY

SAN DIEGO COUNTY



California's SB100 Energy Goals

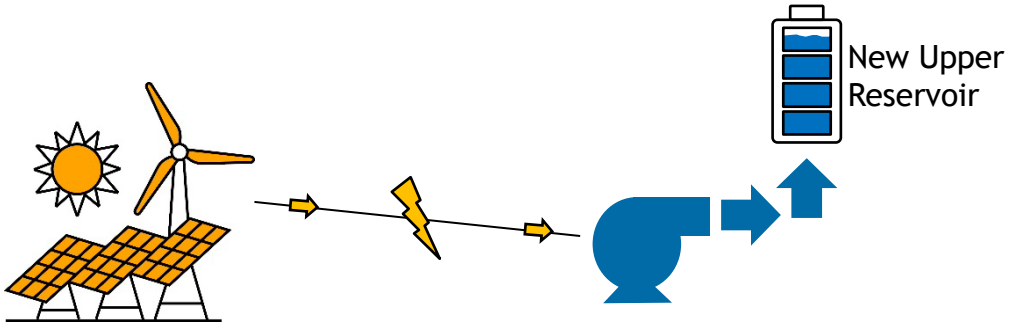
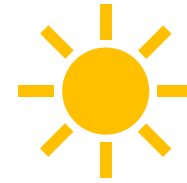
Renewable Energy **60%** 2030

Clean Energy **100%** 2045

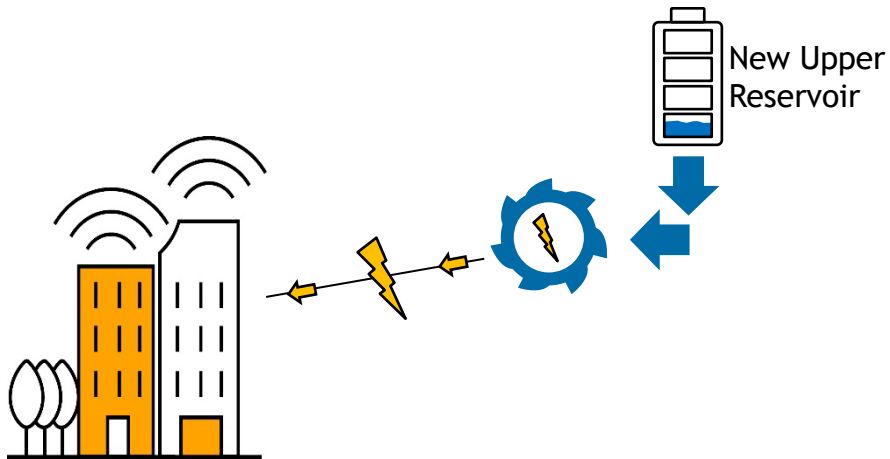
Olivenhain and Lake Hodges Reservoirs



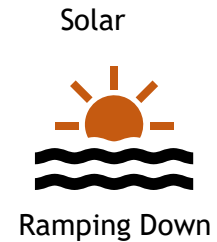
Pumped Energy Storage



Pump During Renewable Production

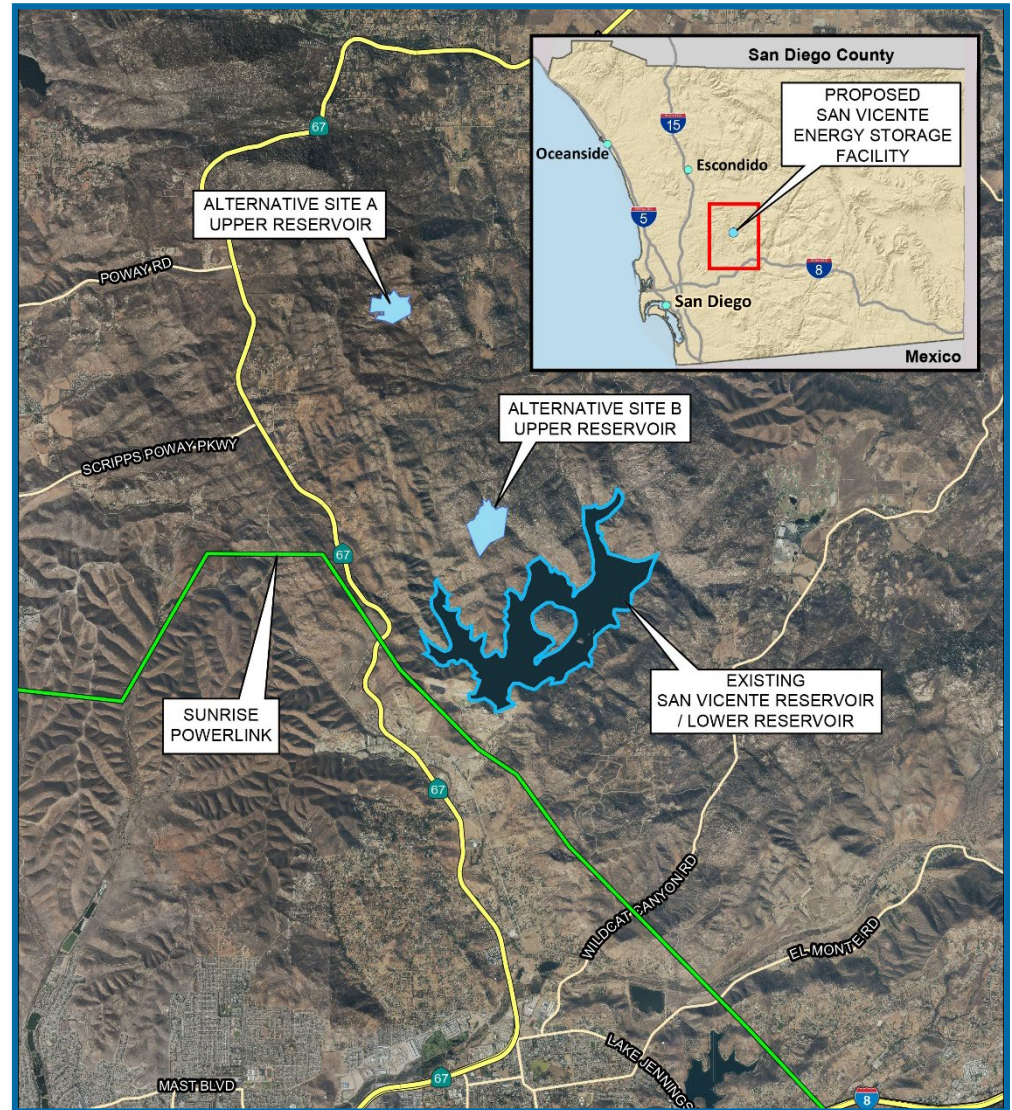


Generate High Energy Demands



Proposed San Vicente Energy Storage Facility

- 50-50 Partnership - City of San Diego and Water Authority
- 500-megawatt capacity
- 8 hours of storage per day



San Vicente Energy Storage Facility Benefits

- City/WA revenue to offset water rates
- Improved energy reliability for San Diego region and the State
 - Water facilities
 - Business
 - Residents



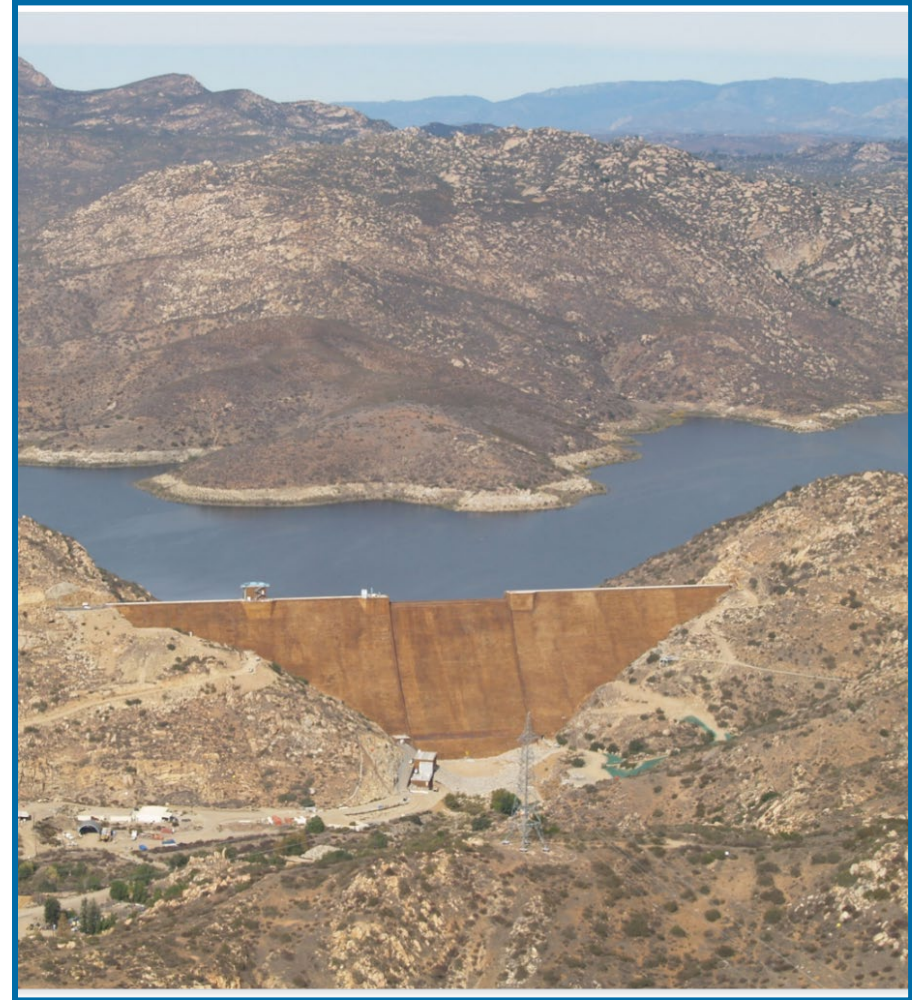
State Budget Allocation

- \$18 million included in the CA State budget
 - Preliminary engineering
 - Environmental permitting
 - Federal license



Key Activities

- Project Development Agreement negotiations
- Environmental work
- FERC permitting
- CAISO interconnection
- Rate recovery mechanism





Memo

Date: March 16, 2022
To: Olivenhain Municipal Water District Board of Directors
Subject: **CONSIDER ADOPTION OF A RESOLUTION OF THE BOARD OF DIRECTORS OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT HONORING RAINY K. SELAMAT FOR 25 YEARS OF DEDICATED SERVICE**

Purpose

The purpose of this item is to consider the attached Resolution for presentation to Finance Manager, Rainy K. Selamat for her 25 years of service.

Recommendation

Staff recommends that the Board approve the attached Resolution.

Background

Traditionally and as part of the "Employee Service Recognition and Retirement Guidelines," District employees receive resolutions upon attaining 25 years of service and/or upon retiring with more than 20 years of service.

Attachment: Resolution 2022-xx

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
OLIVENHAIN MUNICIPAL WATER DISTRICT HONORING
RAINY K. SELAMAT FOR 25 YEARS OF DEDICATED SERVICE

WHEREAS, the Olivenhain Municipal Water District is a public agency of the State of California, organized and existing in accordance with the Municipal Water District law of 1911, Section 71000 of the Water Code of the State of California; and

WHEREAS, RAINY K. SELAMAT has served the Olivenhain Municipal Water District (District) for 25 years through exceptional leadership of the Finance Department; and

WHEREAS, RAINY K. SELAMAT began serving the District on March 10, 1997 as an Accountant I and quickly started to climb the ladder when she was promoted in 1998 to Project Accountant II, and then Accounting Supervisor, and in 2000 to OMWD's Finance Manager; and

WHEREAS, RAINY K. SELAMAT has been responsible for the district's twenty consecutive GFOA Distinguished Budget Presentation Awards; and

WHEREAS, RAINY K. SELAMAT has refined her ability over the last twenty-five years to respond to lengthy internal emails with a one-word response; and

WHEREAS, RAINY K. SELAMAT has exhibited prudent financial management that has allowed the District to achieve and maintain its AAA bond rating, the highest possible assigned by rating agencies; and

WHEREAS, RAINY K. SELAMAT has built a finance department and team that is knowledgeable and well respected within the county; and

WHEREAS, RAINY K. SELAMAT is generous at heart presenting her employees with SusieCakes® cupcakes on their birthday without fail; and

WHEREAS, RAINY K. SELMAT has encouraged work-life balance within her team by proclaiming "Vamonos" at the end of a workday; and

WHEREAS, RAINY K. SELMAT is regarded as the best Finance Manager in the County; and

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1: The Board of Directors, on behalf of the ratepayers of the District, do hereby express their appreciation and honor RAINY K. SELAMAT for her 25 years of dedicated public service and commitment to serve the Olivenhain Municipal Water District.

Section 2: The contributions and dedication of RAINY K. SELAMAT have contributed greatly to achieving the mission of the Olivenhain Municipal Water District.

PASSED, ADOPTED AND APPROVED at a regular meeting of the Board of Directors on the 16th day of March 2022.

Lawrence A. Watt, President
Board of Directors
Olivenhain Municipal Water District

ATTEST:

Robert F. Topolovac, Secretary
Board of Directors
Olivenhain Municipal Water District

Memo

Date: March 16, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Rainy Selamat, Finance Manager
Via: Kimberly A. Thorner, General Manager
Subject: **REVIEW AND DISCUSS OLIVENHAIN MUNICIPAL WATER DISTRICT'S PENSION LIABILITY AND PENSION FUNDING PLAN WITH THE BOARD (WORKSHOP)**

Purpose

Staff would like to discuss the District's CalPERS unfunded liability with the Board and receive direction in developing the District's pension funding plan and policy. Staff has been working with the District's pension advisor, Mr. Julio Morales with Urban Futures, Inc. (UFI), who was selected by the Finance Committee (Director Guerin and Director Watt) to provide pension advisory services for the District.

Mr. Morales will be present to facilitate this workshop and to answer any questions.

Recommendation

This is a workshop to initiate discussion with the Board regarding the District's pension liability. A proposed pension funding plan and policy will be presented to the Finance Committee and then the Board in April/May for consideration and approval.

Alternatives

The Board may decide that a pension plan and policy are not necessary. The District has already taken steps to address its unfunded pension liability by making annual additional discretionary payments (ADPs) to CalPERS, in addition to the required pension contributions, to pay down the District's pension liability. The ADPs are approved by the Board as part of the District's budget process. The Board could also instruct Staff to use available funds in the District's reserves to pre-pay the District's Unfunded Accrued Liability (UAL).

A formal pension policy could serve as a guideline for future OMWD boards to follow as part of the District's efforts in addressing its pension liability. Additionally, having a pension funding plan and policy could allow the District to minimize its pension costs in the long run. A funding plan and policy would also be viewed positively by rating agencies.

Background

One of the District's annual goals for 2022 is to research and develop a pension funding policy to present to the Finance Committee and the Board. Therefore, the District solicited proposals for professional services to assist District staff with the development of the District's pension funding policy and to evaluate funding strategies for managing and addressing the District's pension liability.

The District received proposals for pension advisory services from California Municipal Advisors, LLC, Urban Futures, Inc. (UFI), and GovInvest, Inc. (a total of three proposals were received). Article 6 of the District's Administrative and Ethics Code requires Staff to obtain proposals from at least two firms for professional service contracts less than \$200,000. All proposals were presented to the Finance Committee members (Director Guerin and Director Watt) at the regular committee meeting on February 9, 2022 for consideration and discussion. Following the discussion and interviews, the Finance Committee selected UFI as the District's pension advisor to assist staff in developing the District's pension funding plan and policy.

Staff is currently updating the District's long-term financial projections as part of the Fiscal Years 2023 and 2024 biennial budget process. Approval of a pension funding plan would need to be reviewed with the Board concurrently with the District's biannual budget process since any changes in the District's financial assumptions would impact the District's financial projections and reserves.

Fiscal Impact

UFI's fee to provide pension advisory services is \$17,500. There are no other direct fiscal impacts until the District's pension funding plans are approved by the Board.

To date, the District has made two (2) Annual Additional Discretionary Payments (ADPs) to CalPERS in the amount of \$485,000 and \$300,000 in Fiscal Years 2021 and 2020, respectively, to pay down its pension liability. These ADPs resulted in about \$813,000 in savings to District's pension costs through fiscal year 2045.

As of June 30, 2021, the District had \$69,268,884 in unrestricted funds (operating fund, rate stabilization fund, and capital reserve fund) in its water and sewer operations.

Discussion

Mr. Julio Morales, with UFI, will provide an overview of the District's CalPERS pension liability and an update on the District's unfunded liability to the Board at the meeting.

Following his presentation and discussion with the Board, Mr. Morales will assist staff in developing the District's proposed funding plan and policy for discussion and consideration with the Finance Committee and approval by the Board in April/May 2022.

Attachment: Presentation



CalPERS Pension Liability and Pension Policy Workshop

March 16, 2022

- One of 2022 annual goals
- Staff solicited proposals: California Municipal Advisors, Urban Futures Inc., and GovInvest
- Finance Committee met and reviewed 3 proposals received last month (February)
- Finance Committee selected UFI to be the District's pension advisor
- Staff is requesting direction from the Board to proceed with development of the District's pension funding policy and plan with assistance from UFI
 - Board's options: remain "as is" or prepay
- The process needs to start in conjunction with the District's Biennial budget process

About me



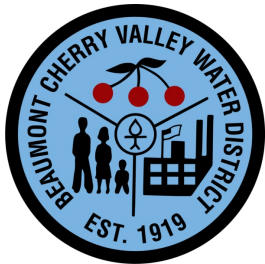
**27 Years
Public
Finance &
Government
Experience**

*Specialty:
"Generalist"*



*Pension Modeling &
Pension Advisory
Services*

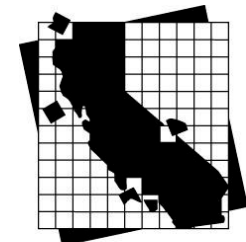
Pension Advisory Clients



**LOS ANGELES COUNTY
SANITATION DISTRICTS**
Converting Waste Into Resources

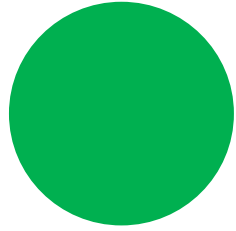


GOLETA SANITARY
Water Resource Recovery District



CSDA





Background

Pension Funding Concepts



Defined
Contribution

Corporate 401/457(k)

- Employer Matching Contributions
- Investor-directed
- Employees assume risk of funding shortfall



Defined
Benefit

Government - CalPERS

- Required Annual Payments
- CalPERS directed
- **Employer assumes risk of funding shortfall**

CalPERS Annual Pension

Current Year Payment Past Due Payment



+



*Benefits earned this year
by employees*

*Benefits previously earned
by employees + retirees*

% of Payroll

About \$800,000

Fixed \$ Amount

**About \$1.25
Million**

Pension Costs as % of Payroll

2.5% @ 55

2.0% @ 62

UAL = 26.5%

UAL = 0.3%

Employee = 8.0%

Employee = 6.75%

Normal Costs =
11.6%

Normal Costs = 7.5%

Base Salary

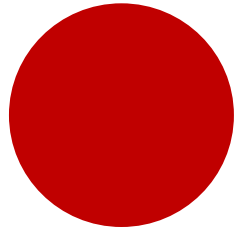
Base Salary

Miscellaneous Plan

Miscellaneous Plan

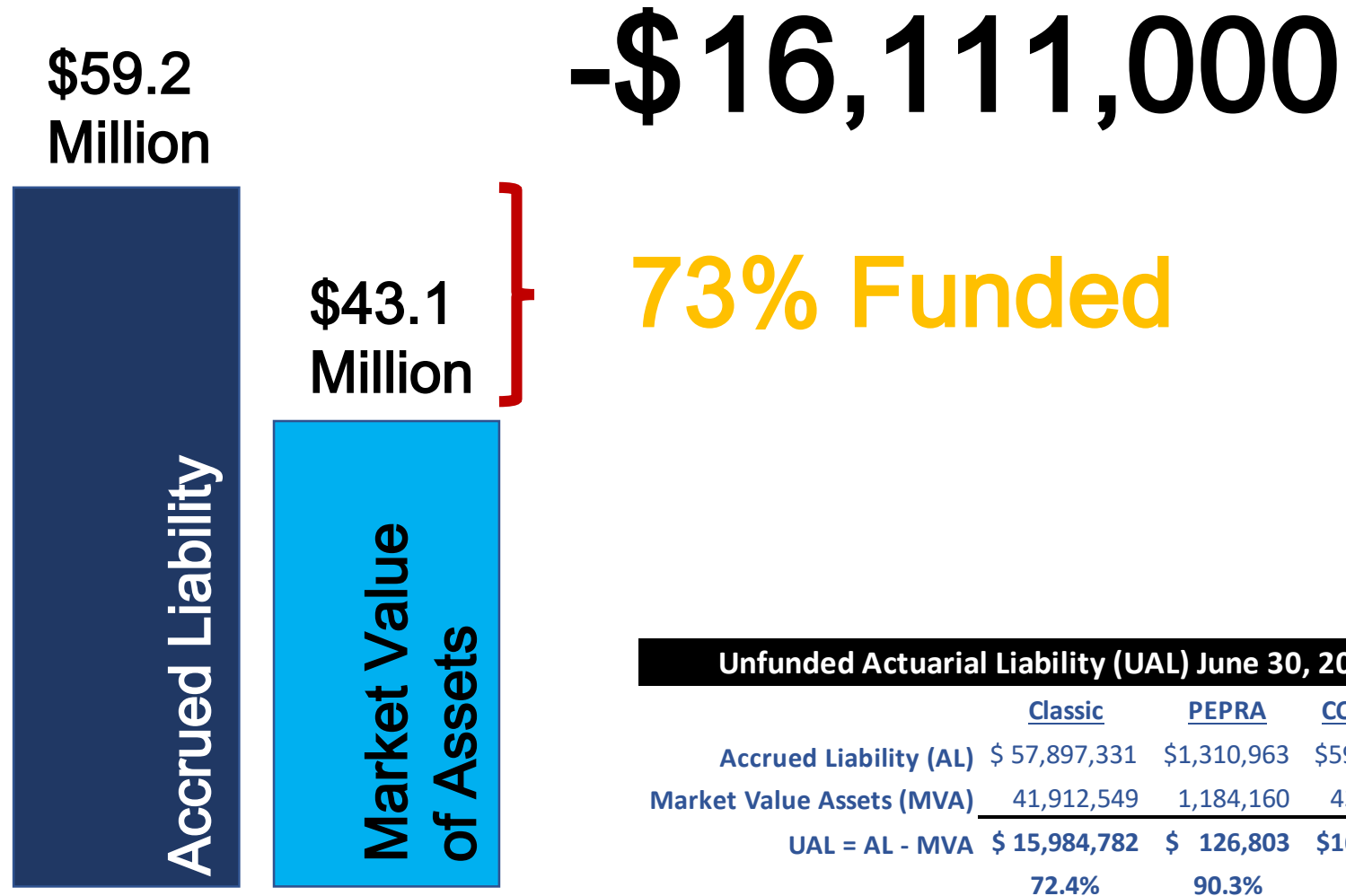
“Classic” Employees
Hired *before*
Jan. 1, 2013

“PEPRA” Employee
Hired *After*
Jan. 1, 2013



Understanding Your Pension Liability

Unfunded Accrued Liability (UAL)

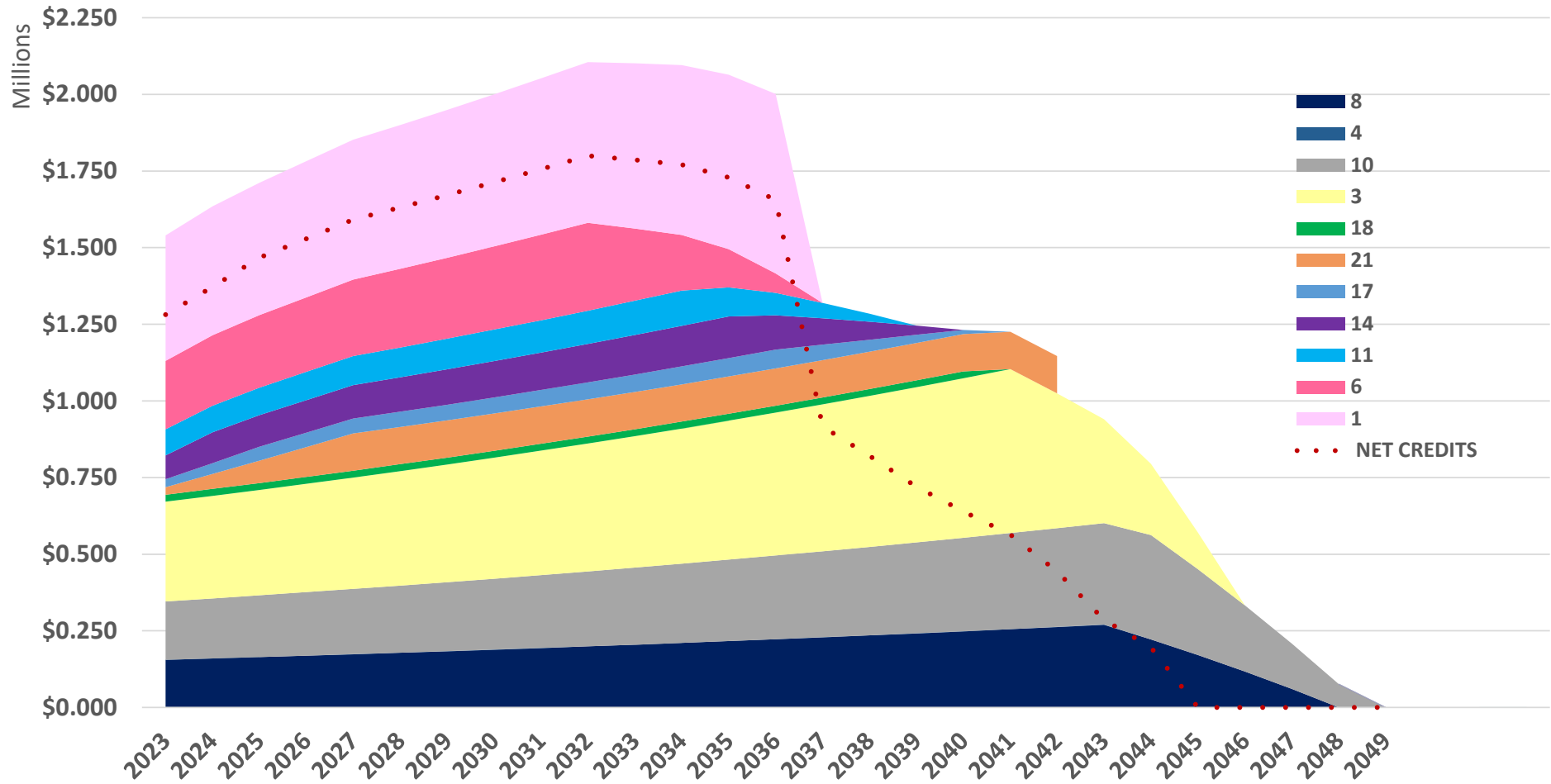


Amortization Bases – June 30, 2022

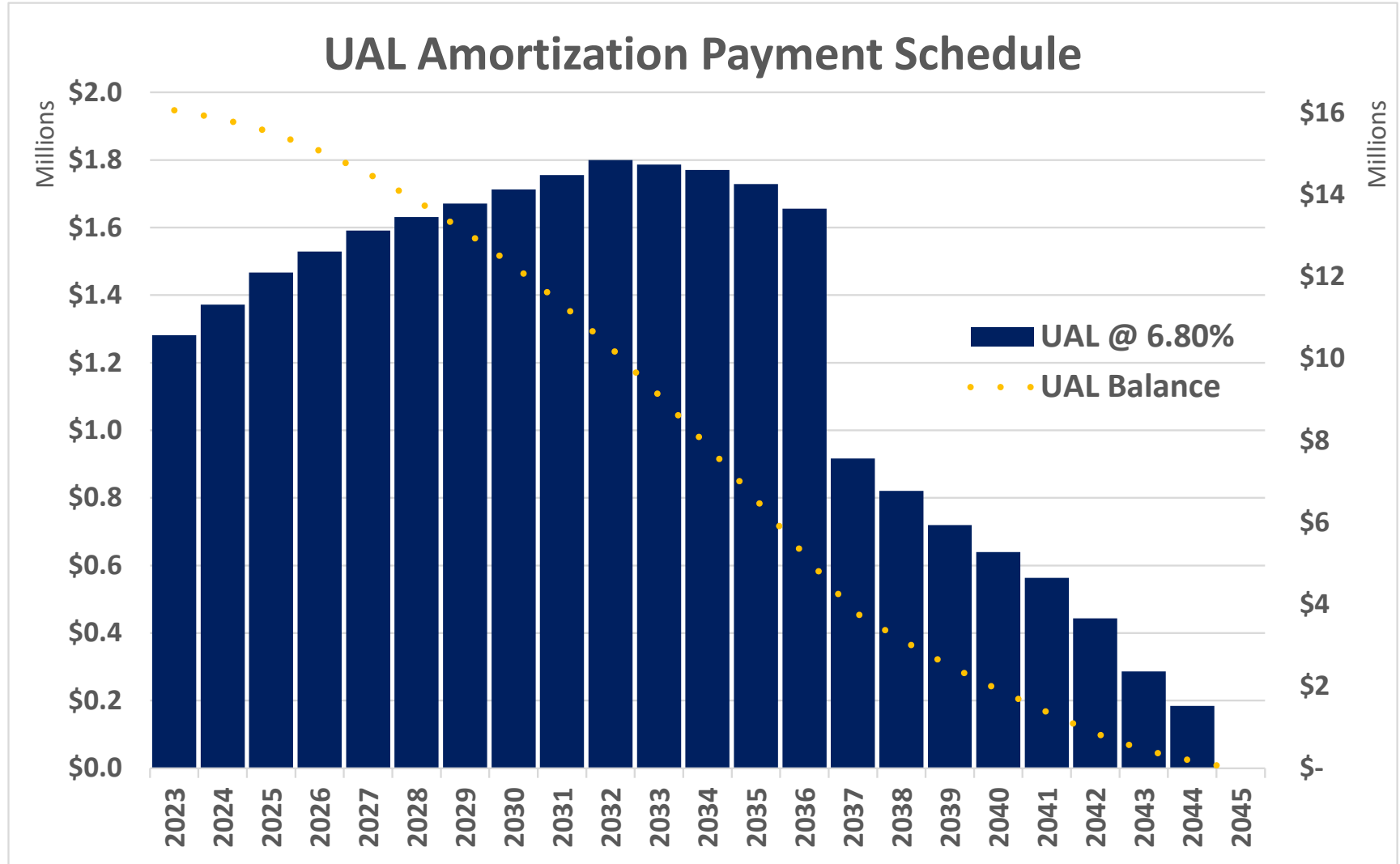
Olivenhain MWD Amortization Bases						
	Year	Reason	Ramp	Term	Balance	Payment
1	2013	Share of Pre-2013 Pool UAL	NO	14	\$ 4,380,841	\$ 415,674
2	2013	Non-Investment (Gain)/Loss	100%	23	(42,787)	(3,071)
3	2013	Investment (Gain)/Loss	100%	23	4,638,937	332,998
4	2014	Non-Investment (Gain)/Loss	100%	24	4,106	286
5	2014	Investment (Gain)/Loss	100%	24	(3,651,164)	(254,539)
6	2014	Assumption Change	100%	14	2,121,278	226,891
7	2015	Non-Investment (Gain)/Loss	100%	25	(195,458)	(13,259)
8	2015	Investment (Gain)/Loss	100%	25	2,346,336	159,168
9	2016	Non-Investment (Gain)/Loss	100%	26	(381,406)	(25,221)
10	2016	Investment (Gain)/Loss	100%	26	2,957,171	195,549
11	2016	Assumption Change	100%	16	908,166	86,357
12	2017	Non-Investment (Gain)/Loss	80%	27	(83,563)	(4,371)
13	2017	Investment (Gain)/Loss	80%	27	(1,596,041)	(83,479)
14	2017	Assumption Change	80%	17	1,080,976	79,541
15	2018	Investment (Gain)/Loss	60%	28	(493,486)	(19,393)
16	2018	Assumption Change	60%	18	1,769,351	96,332
17	2018	Method Change	60%	18	483,887	26,345
18	2019	Non-Investment (Gain)/Loss	No	19	238,283	22,288
19	2019	Investment (Gain)/Loss	40%	19	237,870	9,931
20	2020	Non-Investment (Gain)/Loss	No	20	207,390	18,925
21	2020	Investment (Gain)/Loss	20%	20	1,133,817	24,790
June 30, 2022					\$ 16,064,504	\$ 1,291,742
					PEPRA 136,515	
					\$ 16,201,019	

Layer Cake

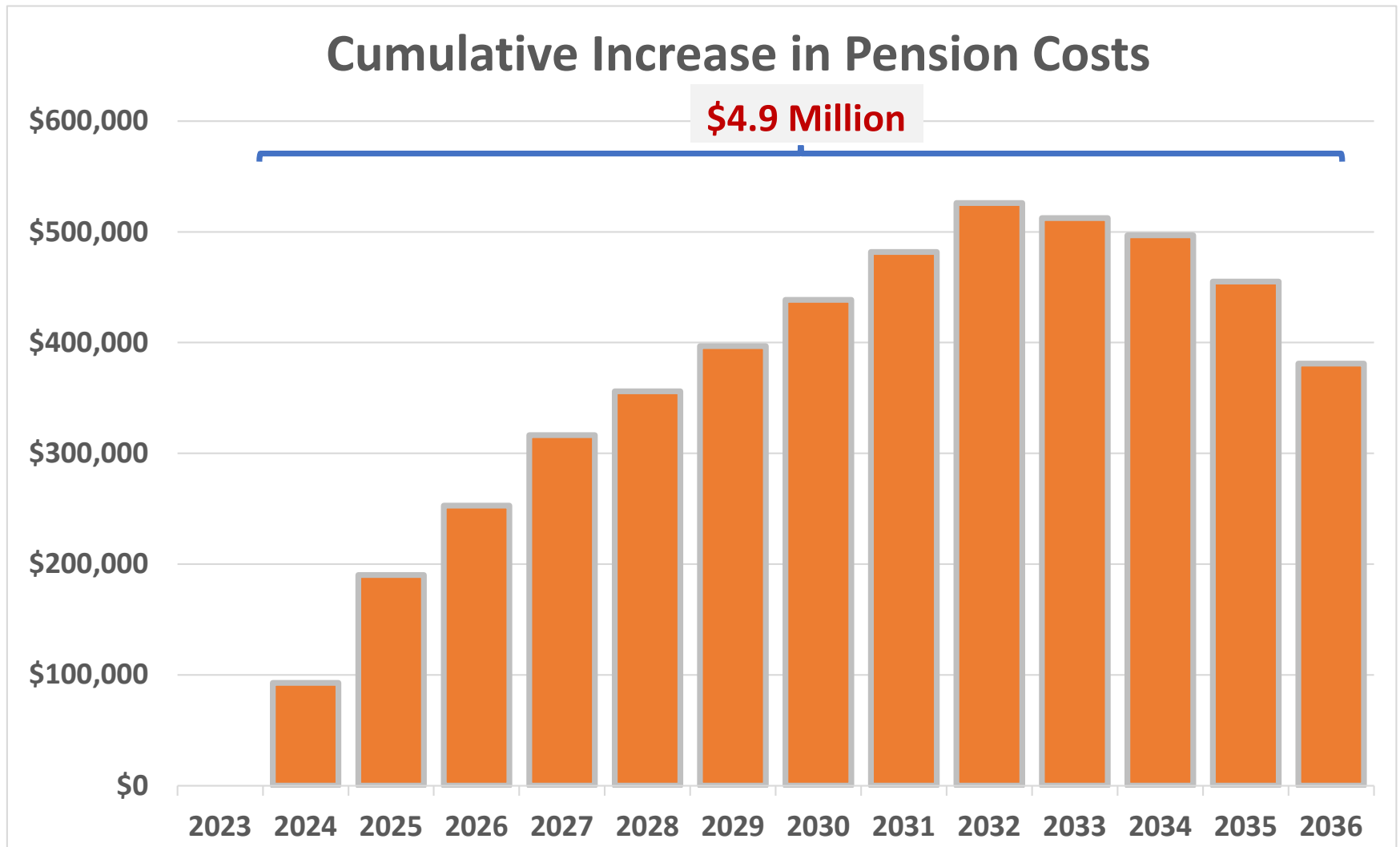
UAL PAYMENT SCHEDULE "LAYER CAKE"

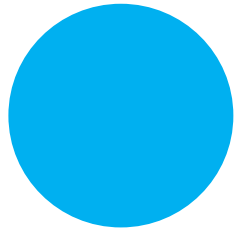


UAL Payments (FY 2022-23)



Rising Payments Impact Rate Structure



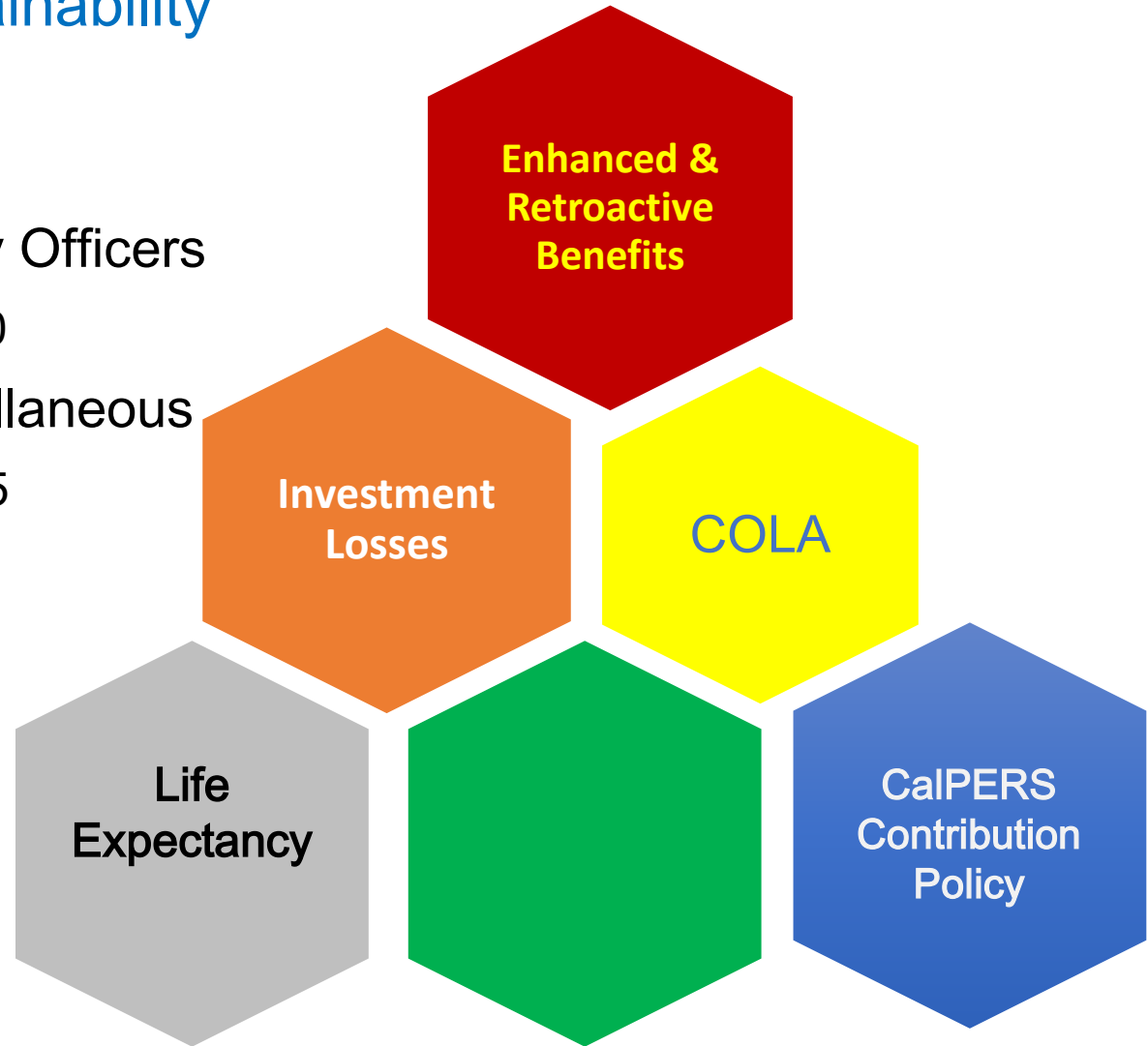


How Did We Get Here ?
What Can we Do?

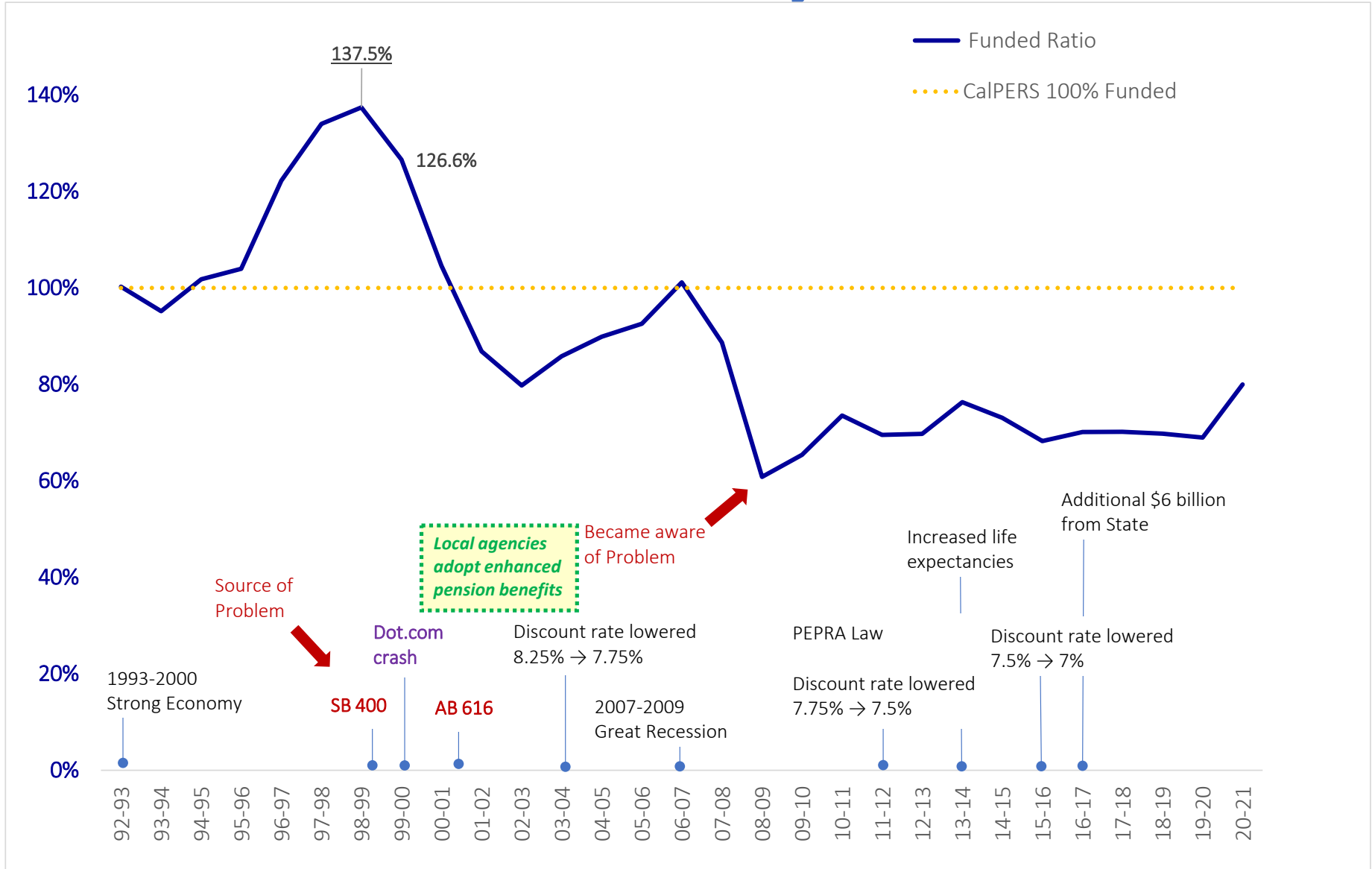
Primary Contributing Factors

California League of Cities 2018 Pension Sustainability Report

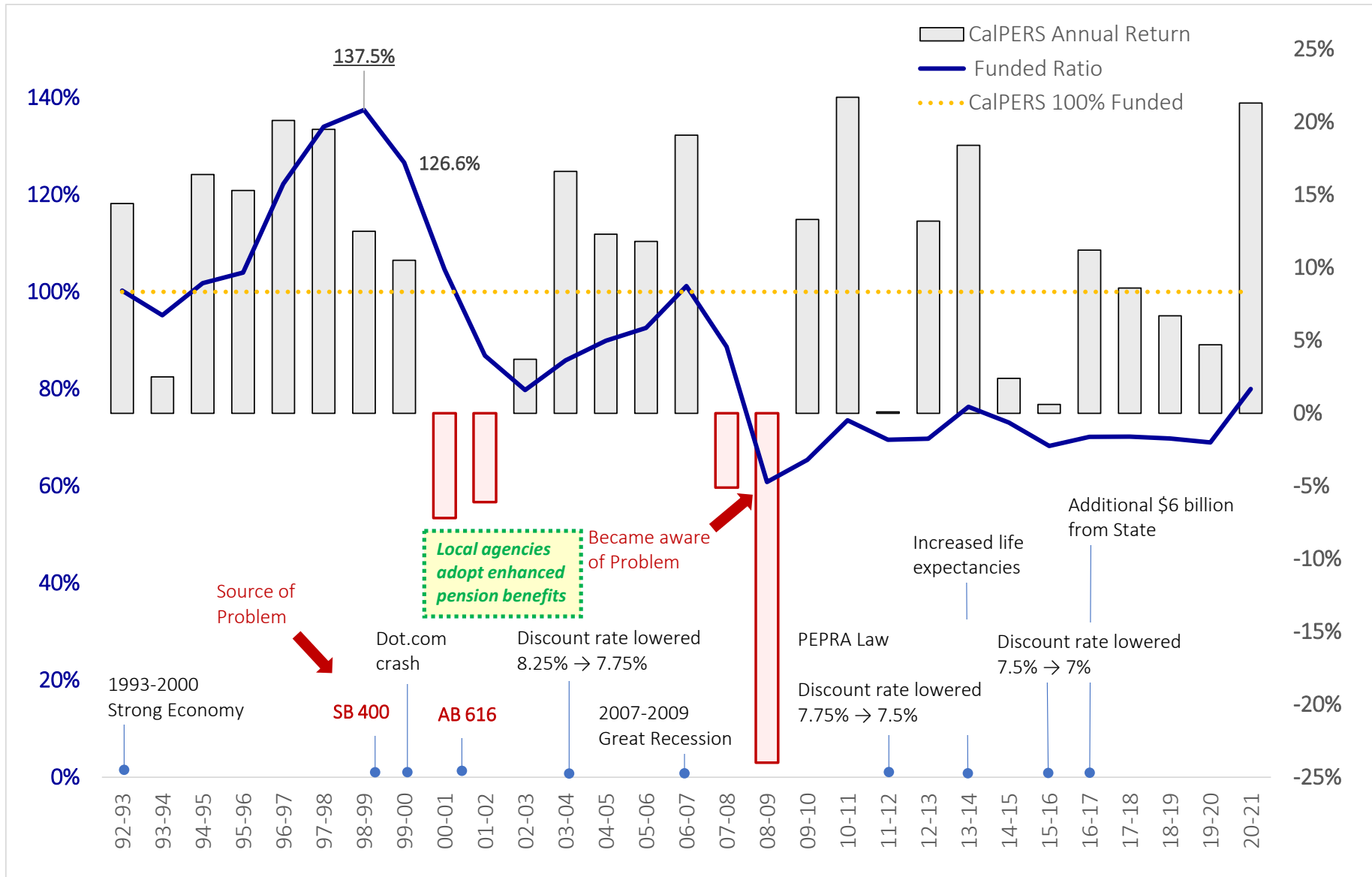
- **SB 300 (1999)** Safety Officers
2.0% @ 50 to 3.0% @ 50
- **AB 616 (2001)** Miscellaneous
2.0% @ 55 to 2.7% @ 55



Excess Value Did not Pay Enhanced

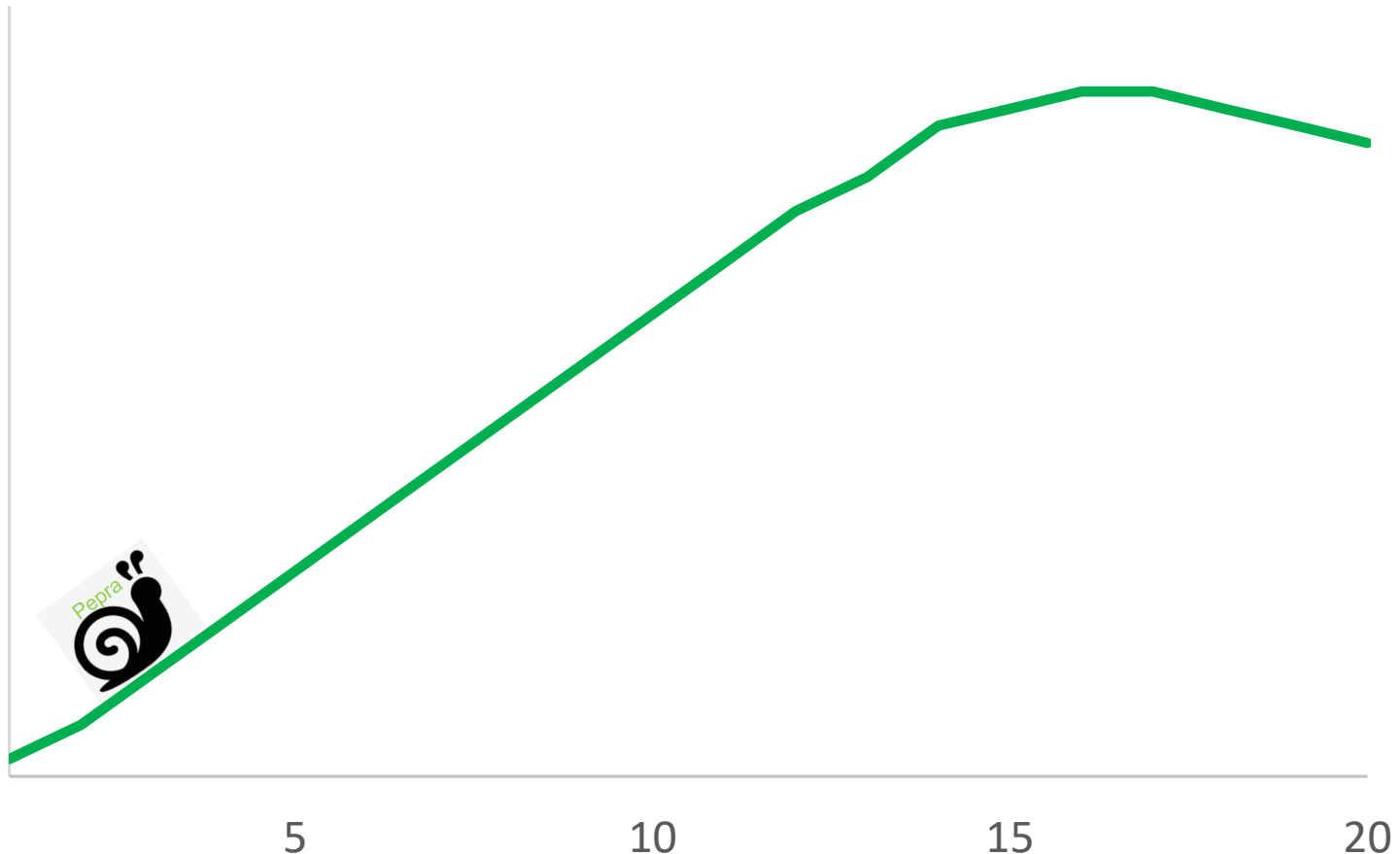


Benefits Not Supported by Market Assets



When does Pension Reform Go In Effect?

2013 Pension Reform (PEPRA)



2nd Tier - New Employees

- 2.0% @ 6 Misc.
- 50% Normal

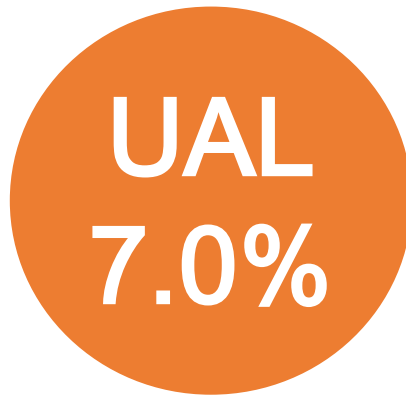
PEPRA - New Employees

- 2.0% @ 62 Misc.
- 50% Normal

Can I Get Out of CalPERS ?

Yes, you can, but it will cost you....

\$16 million



Termination
Payment

\$58 million



US TREASURY BONDS
(Risk-Free Strategy)
Termination Agency Pool



District Funds Future
Shortfalls



CalPERS Funds Future
Shortfalls

Measures to Address Pension Liability

California League of Cities

2018 Pension Sustainability Report



Rate
Increases

Bargaining Unit
Concessions

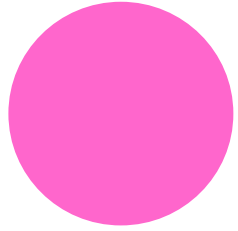
Level of
Service

Pension Stabilization
Fund / 115 Trust

Pension Management Plan
+ Pension Funding Policies

Additional
Discretionary
Payments (ADPs)

Financings: POBs, Tax-Exempt
Exchange, Leveraged Refundings,



Impact of CalPERS FY21 Return

FY21 Base

FY21 New Bases

**Current
UAL
\$16.2
Million**

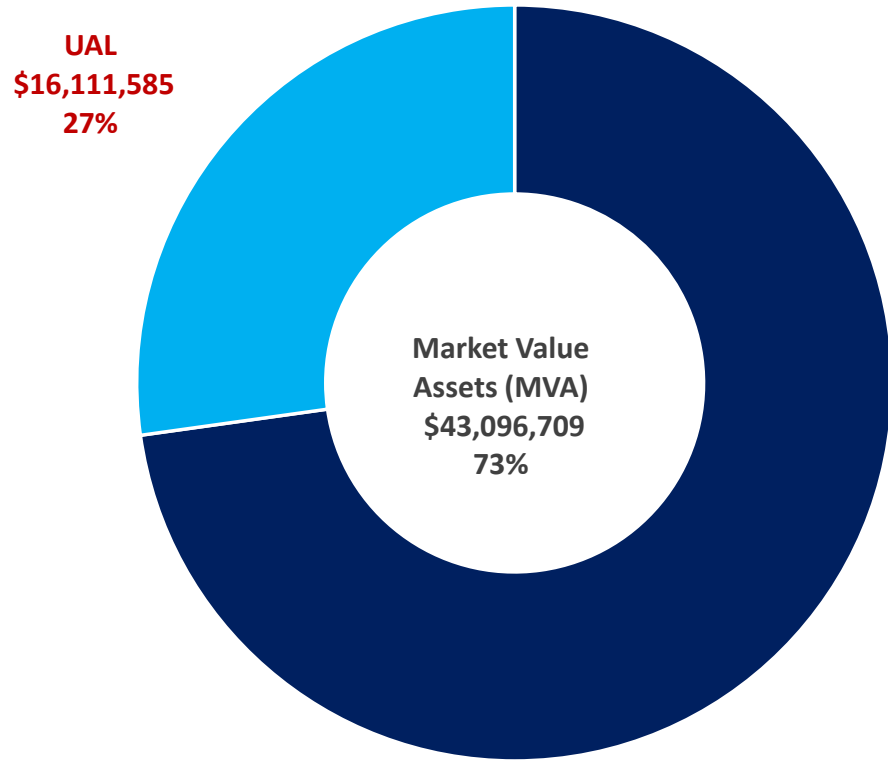
**FY 21 Return
= 21.2%
(\$6.5)
Million**

**Net
Credit
\$5.3
Million**

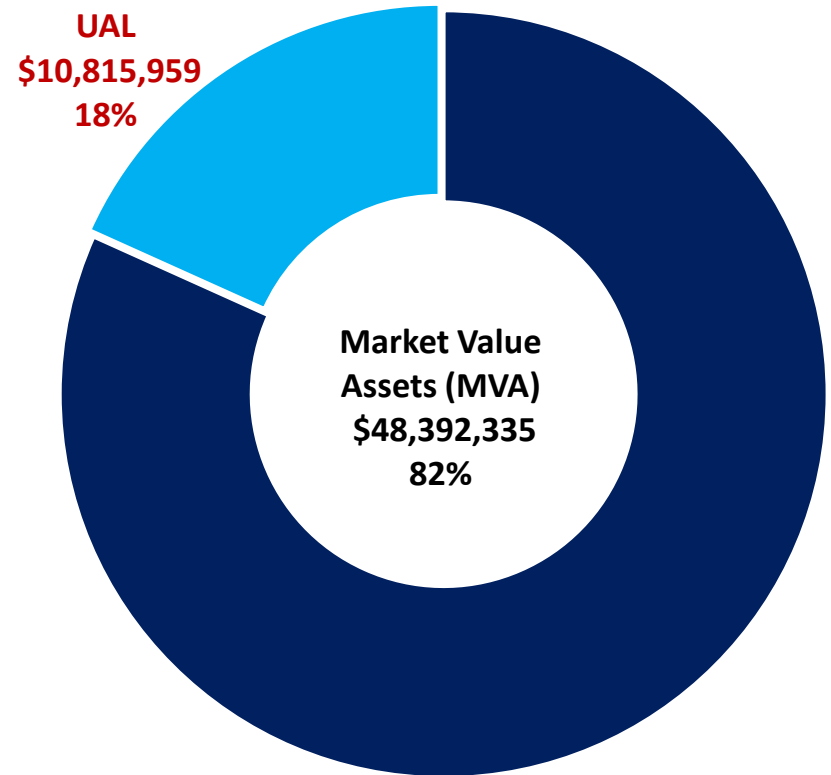
**Discount
Rate 6.80% +
Price Inflator
2.30%
\$1.2 Million**

**June 2022
Estimated
UAL
\$10.9
Million**

UAL After Projected FY21 Credit

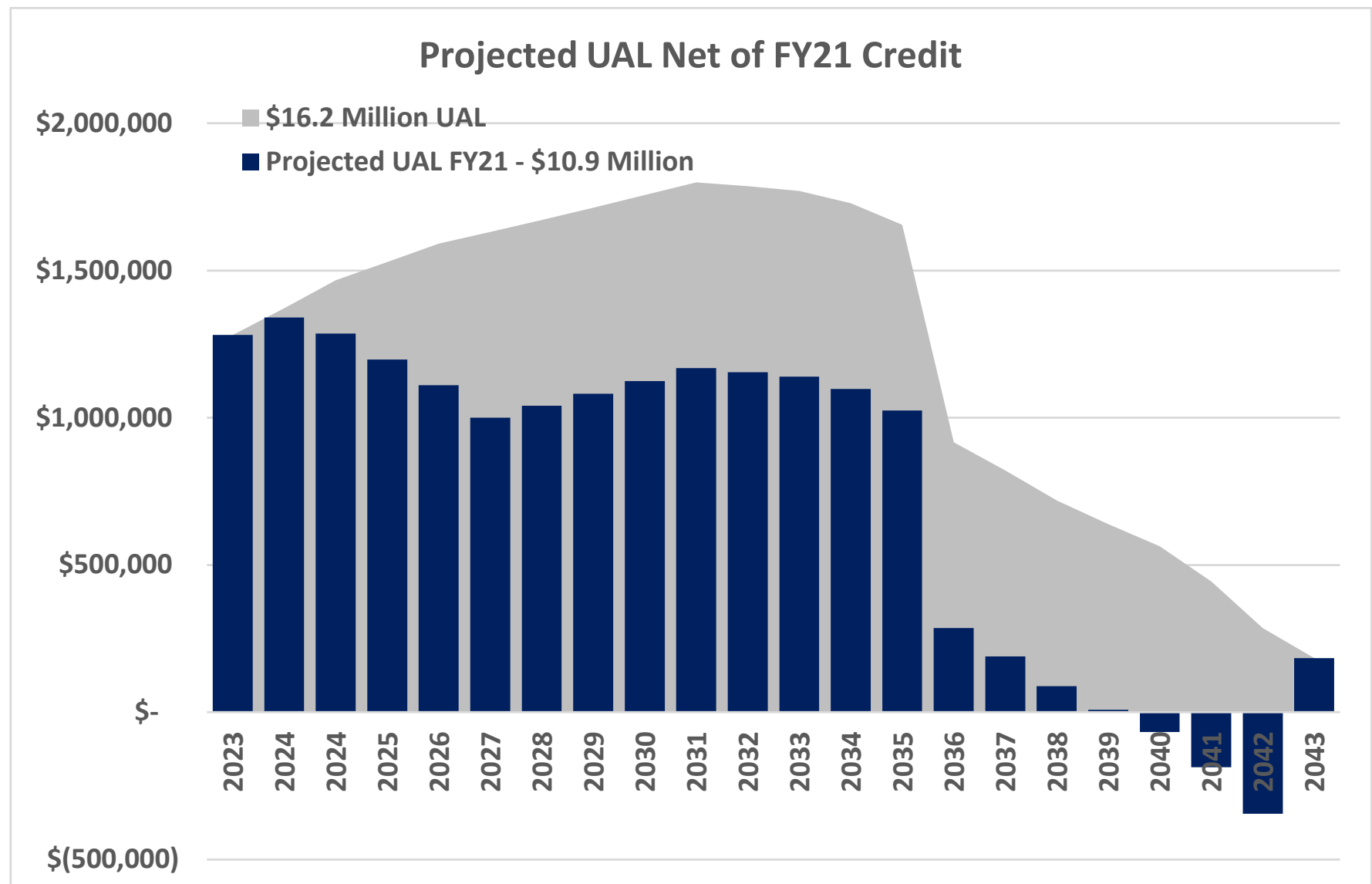


UAL – June 30, 2020



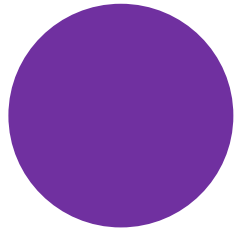
**Projected UAL
After FY21 Net Credit**

UAL After FY21 New Bases



Projected UAL Payments After Credit

		Original UAL Payments	Adjusted UAL Payments	FY21 Return 21.20%	Discount Rate + Price Inflator	Net Impact	Projected UAL FY21
1	2023	\$ 1,281,225	\$ 1,281,225	\$ -	\$ -	\$ -	\$ 1,281,225
2	2024	1,371,840	1,371,840	(150,040)	119,208	(30,832)	1,341,008
3	2024	1,467,190	1,467,190	(300,079)	119,208	(180,872)	1,286,318
4	2025	1,528,786	1,528,786	(450,119)	119,208	(330,912)	1,197,875
5	2026	1,591,427	1,591,427	(600,159)	119,208	(480,951)	1,110,475
6	2027	1,630,814	1,630,814	(750,199)	119,208	(630,991)	999,823
7	2028	1,671,305	1,671,305	(750,199)	119,208	(630,991)	1,040,314
8	2029	1,712,929	1,712,929	(750,199)	119,208	(630,991)	1,081,938
9	2030	1,755,719	1,755,719	(750,199)	119,208	(630,991)	1,124,728
10	2031	1,799,706	1,799,706	(750,199)	119,208	(630,991)	1,168,715
11	2032	1,785,999	1,785,999	(750,199)	119,208	(630,991)	1,155,008
12	2033	1,770,258	1,770,258	(750,199)	119,208	(630,991)	1,139,267
13	2034	1,728,723	1,728,723	(750,199)	119,208	(630,991)	1,097,732
14	2035	1,655,653	1,655,653	(750,199)	119,208	(630,991)	1,024,662
15	2036	916,523	916,523	(750,199)	119,208	(630,991)	285,532
16	2037	821,070	821,070	(750,199)	119,208	(630,991)	190,079
17	2038	719,697	719,697	(750,199)	119,208	(630,991)	88,706
18	2039	639,309	639,309	(750,199)	119,208	(630,991)	8,318
19	2040	563,558	563,558	(750,199)	119,208	(630,991)	(67,433)
20	2041	443,898	443,898	(750,199)	119,208	(630,991)	(187,093)
21	2042	286,393	286,393	(750,199)	119,208	(630,991)	(344,598)
22	2043	184,173	184,173	-	-	-	184,173
23	2044	-	-	-	-	-	-
		\$ 27,326,194	\$ 27,326,194	\$ (13,503,574)	\$ 2,384,152	\$ (11,119,423)	\$ 16,206,772
		\$ 16,201,019	\$ 16,169,902	\$ (6,535,875)	\$ 1,240,248	\$ (5,295,626)	\$ 10,874,276
						Normal Cost	\$ 39,314



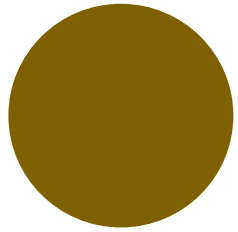
Funding Strategies

Available alternatives

- 1 Use of Reserves & 1-Time Monies
- 2 Pension Stabilization Fund / 115 Trust
- 3 Leveraged Refunding
 - No current opportunities
- 4 Tax-Exempt Exchange
 - Potential Future Strategy
- 5 Pension Obligation Bonds
- 6 Recycling Savings

**Budgeting
Approaches**

**Financing
Approaches**



Pension Funding Plan / Pension Funding Policy

Pension Funding Policy

Documents key components of Comprehensive Pension Management Plan

- Full description of plans & liabilities
- Financial metrics/targets:
 - Level of reserve and funding target levels
- **How to use excess (1-time monies) & reserves**
- Allocation of Additional Resources (ADPs)
- Potential Funding Solutions
 - Base Selection / Funding objectives
- Structuring guidelines
 - Minimum Savings Levels

We believe that rating agencies will require agencies to formally adopt written policies to address unfunded pension/OPEB liabilities in the future.

Funding Goal vs. Funding Target

Funding Goal: 100% (GFOA Recommendation)

Pension Protection Act 2006 *

80% or less “at risk” (private sector)

Standard & Poor’s Methodology:

90% – Strong

80-90% - Above Average

60-80% - Below Average

60% or less - Weak

Recommended Funding Targets:

- 90-110%
- 95-105%

Target levels should serve as a trigger mechanism (actions should be outlined in pension funding policy).

Biography

Pension/OPEB Analytics and Solutions



Julio Morales

Julio has over twenty-seven years of working in the areas of public and corporate finance, city management, municipal budgeting and financial leadership. He is a MSRB Municipal Advisor Qualified Representative (Series 50).

He served as the City Manager and Finance Director for the City of Huntington Park and the Finance Director for the City of El Monte. He guided both cities resolve their “structural deficits”.

Most recently, Julio worked for the Department of the Treasury’s Office of Technical Assistance (OTA), providing financial advice to the Treasurer of Paraguay, helping to streamline and automate their operations. Mr. Morales also has experience in public and corporate finance, having served as an investment banker with Bank of America, a financial advisor at PFM & Fieldman-Rolapp, derivative/ GIC for Transamerica, and managed the debt for the City of Oakland.

Julio earned his undergraduate degree from the University of Michigan, a Master of Public Policy (MPP) from the Harvard Kennedy School of Government, and an MBA from UCLA, where he was a Dean’s Fellowship Recipient.

714-923-3562 office

626-298-9853 cell

juliom@urbanfuturesinc.com

Regulatory Disclosure

Disclosure of Conflicts of Interest and Legal or Disciplinary Events. Pursuant to Municipal Securities Rulemaking Board (“MSRB”) Rule G-42, on Duties of Non-Solicitor Municipal Advisors, Municipal Advisors are required to make certain written disclosures to clients and potential clients which include, amongst other things, Conflicts of Interest and any Legal or Disciplinary events of Urban Futures, Inc. (“UFI”) and its associated persons.

Conflicts of Interest. Compensation. UFI represents that in connection with the issuance of municipal securities, UFI may receive compensation from an Issuer or Obligated Person for services rendered, which compensation is contingent upon the successful closing of a transaction and/or is based on the size of a transaction. Consistent with the requirements of MSRB Rule G-42, UFI hereby discloses that such contingent and/or transactional compensation may present a potential conflict of interest regarding UFI’s ability to provide unbiased advice to enter into such transaction. This conflict of interest will not impair UFI’s ability to render unbiased and competent advice or to fulfill its fiduciary duty to the Issuer. It should be noted that other forms of compensation (i.e. hourly or fixed fee based) may also present a potential conflict of interest regarding UFI’s ability to provide advice regarding a municipal security transaction. These other potential conflicts of interest will not impair UFI’s ability to render unbiased and competent advice or to fulfill its fiduciary duty to the Issuer.

Other Municipal Advisor Relationships. UFI serves a wide variety of other clients that may from time to time have interests that could have a direct or indirect impact on the interests of another UFI client. These other clients may, from time to time and depending on the specific circumstances, have competing interests. In acting in the interests of its various clients, UFI could potentially face a conflict of interest arising from these competing client interests. UFI fulfills its regulatory duty and mitigates such conflicts through dealing honestly and with the utmost good faith with its clients. If UFI becomes aware of any additional potential or actual conflict of interest after this disclosure, UFI will disclose the detailed information in writing to the issuer or obligated person in a timely manner.

Legal or Disciplinary Events. UFI does not have any legal events or disciplinary history on UFI’s Form MA and Form MA-I, which includes information about any criminal actions, regulatory actions, investigations, terminations, judgments, liens, civil judicial actions, customer complaints, arbitrations and civil litigation. The Issuer may electronically access UFI’s most recent Form MA and each most recent Form MA-I filed with the Commission at the following website: www.sec.gov/edgar/searchedgar/companysearch.html.

There have been no material changes to a legal or disciplinary event disclosure on any Form MA or Form MA-I filed with the SEC. If any material legal or regulatory action is brought against UFI, UFI will provide complete disclosure to the Issuer in detail allowing the Issuer to evaluate UFI, its management and personnel.



Questions?

Next Steps

- Staff to evaluate potential pension funding solutions
 - March/April
 - Review reserves, capital needs, and long-term financial plans
- Staff and UFI to develop pension funding policy based on potential funding solutions – March/April
- Discuss Staff's proposed funding solutions and plan with the Finance Committee as part of the District's two year budget and LRFP review discussion – April/May meeting
- Discuss pension funding policy and plan with the Board for approval – April/May
- Board to consider adoption of a policy – June

Memo

Date: March 16, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Steven Weddle, Engineering Services Supervisor
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER AN INFORMATIONAL REPORT ON OMWD'S TOP 25 CRITICAL EASEMENTS**

Purpose

The purpose of this agenda item is to provide an informational report to the Board of Directors on the assessment matrix/metric for managing of OMWD easements.

Recommendation

This is an informational item only. The Facilities Committee recommended bringing an Easement Management Presentation to the Board once a year at the July 22, 2020 meeting.

Background

OMWD currently operates and maintains 475 miles of potable and recycled water pipelines, and 78 miles of gravity sewer and sewer force mains (553 miles total). Approximately 75% of these pipelines (415 miles) are contained within street right of way (ROW) with the remaining 25% (138 miles) contained within easements. In 2015, the Board added an annual objective of identifying the top 25 critical easements and to clear five (5) of those easements. Since inception, OMWD has met the goal of clearing five (5) critical easements annually. In September 2019, a presentation was given to the

Board outlining OMWD's current easement management program. The presentation included topics such as program goals, types of right of way, maintaining easements, easements earmarked for clearing, and easement clearing goals. In 2019, the Board added a stretch goal of clearing three (3) additional impacted easements for a total of eight (8) per calendar year. Following the easement presentation in 2020, the Board had further discussion regarding how easements were earmarked for clearing. From that discussion, the Board modified OMWD's Annual Objectives at their February 12, 2020 meeting to include formalizing a risk assessment matrix and to develop a metric for OMWD's top 25 critical easements. The Facilities Committee received an informational presentation on the easement management and risk assessment program at the July 2020 meeting, and recommended a full presentation be brought to the Board annually.

Enclosed below are a few examples of typical OMWD easements for reference:



Camino Santa Fe waterline easement (above ground potable facility)



Wildflower Estates potable water creek crossing at Escondido Creek



Below ground potable transmission main at Denk reservoir

Fiscal Impact

This is an informational item only and has no fiscal impact beyond the normally budgeted funds. Any change in level of effort or scope of services could have a fiscal impact depending on the magnitude of the change.

Discussion

OMWD's Engineering & Right of Way Coordinator (under the direction of the Engineering Services Supervisor) was assigned to manage all OMWD easements. This included clearing easements for encroachments and/or vegetation. Typically, other OMWD departments with a high field presence report easements in need of clearing and other reasons such as access, emergencies, risk to facilities, etc. A running list of easements are then compiled and managed based on need.

By developing a matrix based on known assessment categories and developing a metric system to rate the easements, the process will be more streamlined and transparent for reporting purposes. The matrix was developed based on current assessment categories for easement management. The assessment categories were defined and a method of scoring each category was developed. The value assigned to a category was either a fixed number or based on a sliding scale. For example, the Emergency category was assigned a fixed value: Yes=10 or No=0. The Easement Access category was based on a sliding scale, with “10” being a completely inaccessible easement and “1” being an accessible easement. Based on a field visit to assess the easement, a score between 1 and 10 would be assigned. Once all pertinent information for the easement was entered into the matrix, a total score is computed. The metric is the sorted information from highest to lowest score for reporting purposes. The scores are then highlighted as red, yellow, or green, with red being high scoring easements, yellow being mid-scoring easements, and green being low-scoring easements. The three (3) categories: red, yellow, and green, were established as a visual representation to show the number of easements that are actually critical versus easements that need minimal upkeep. For various reasons, easements in the red category cannot always be cleared expeditiously. These easements typically take more time to clear since they involve issues such as dense vegetation, access, coordination with property owners, litigation, and environmental constraints. However, this metric allows staff to track the status on a regular basis to assess progress. In any given year, completing a mix of all three (3) categories is the goal.

Staff is available to answer any questions you may have.

Attachments:

Easements: Top 25 as of 12.30.2021 Spreadsheet;

Easements: 2021 Completed Spreadsheet;

Presentation

Easements: Top 25 as of 12.30.2021

12/30/2021

	DESCRIPTION	PIPELINE TYPE	EASEMENT NUMBER	% EASEMENT IMPACTED	% PARCEL IMPACTED	TOTAL LENGTH OF EASEMENT (FEET)	RISK	FIRE DEPARTMENT CLEARING REQUEST	ENVIRON.	EMERGENCY	EASEMENT ACCESS	EFFICIENCY OF COMPLETION	SCORE	DRONES
1	PARS VS LYNXT EASEMENT ISSUE	WATER MAIN	663	23%	69%	1533	10	0	1	0	10	10	31	
2	9556 DEL DIOS HIGHWAY	WATERMAIN	32, PARCEL A	3%	19%	3,025	10	0	0	0	10	10	30	YES
3	EASEMENT BETWEEN WILDFLOWER VALLEY DRIVE AND AVENIDA DEL DUQUE	TRANSMISSION MAIN	33	12%	100%	1,965	9	0	5	0	8	7	29	YES
4	16469 VIA CAZADERO	WATER MAIN	665-PARCEL 5	26%	26%	340	8	0	1	0	10	8	27	
5	17121 CIRCA DEL SUR	WATER MAIN	665-PARCEL 4	55%	55%	765	5	0	1	0	10	10	26	
6	6402 PRIMERO IZQUIRDO	WATER MAIN	537 - PARCEL 4	100%	100%	620	5	0	3	0	10	8	26	
7	EASEMENT NO. 3 - GATY RESERVOIR TO WEST PROPERTY LINE OF OLD VARTY PROPERTY	TRANSMISSION MAIN	3 839	75% 78%	100% 78%	1118 813	5	0	5	0	8	8	26	PLACE ON DRONE LIST
8	EASEMENT PALMS RESERVOIR TO CIRCO DIEGUENO CT	WATER MAIN	89-2 PARCELS 117-2 PARCELS	AVG 11% 23%	AVG 77% 94%	1136 494	7	0	5	0	8	5	25	
9	RANCHO SANTA FE ROAD TO DENK RESERVOIR	TRANSMISSION MAIN (3)	521	51%	Multiple	2,703	2	0	5	0	8	10	25	YES
10	ELFIN OAKS ROAD AT ROCKY ROAD	TRANSMISSION MAIN	801	35%	35%	720	5	0	5	0	8	5	23	
11	GANO RESERVOIR WEST TO LUSARDI CREEK	TRANSMISSION MAIN	1128 1597 1226 1228 1225 1224 1222			2,100	2	0	5	0	7	8	22	YES
12	1584 RANCHO SERENA	WATERMAIN	326	1%	N/A	865	2	0	3	6	1	10	22	
13	7913 CAMINO DE LA DORA	GRAVITY SEWER	15-FOOT SEWER EASEMENT GRANTED PER MAP	1%	16%	3,266	10	0	0	0	10	1	21	
14	45 NORTH FLOW CONTROL FACILITY SITE (FEE SITE)	TRANSMISSION MAIN	946	N/A	N/A	95	3	10	5	0	2	2	22	
15	UNIT GL PL BRIDOOD TERRACE TO RANCHO SUMMIT DRIVE	TRANSMISSION MAIN (2)	179	100%	Multiple	2,120	2	0	5	0	5	8	20	YES
16	6160 RANCHO DIEGUENO RD (HOTY HART)	WATER MAIN	89	48%	67%	1136	1	0	3	0	7	8	19	
17	CALLE RYAN TO PACIFIC RANCH ROAD	WATERMAIN	615 617 619	100% 100% 100%	100% 100% 100%	25 463 810	5	0	5	0	8	1	19	
18	POCO LAGO TO AVENIDA INSURGENTES	WATERMAIN	573 585, PARCEL 3	25% 50%	Multiple Multiple	640 500	5	0	0	0	7	5	17	
19	17295 CAMINO DE MONTECILLO	TRANSMISSION MAIN	753	8%	N/A	5,280	1	0	2	0	3	8	14	
20	VIA DEL CHARRO TO RANCHO LA CIMA	WATER MAIN	726 728	100% 100%	100% 100%	725 39	2	0	0	0	5	5	12	
21	WEST OF CAMINO SANTA FE TO OLD COURSE ROAD	WATERMAIN	49	17%	76%	3,962	1	0	5	0	5	1	12	YES
22	CALLE BARCELONA BRIDGE	RECYCLED WATERMAIN	STREET PARCEL	N/A	N/A	N/A	2	0	3	0	5	2	12	YES
23	LEVANTE STREET BRIDGE	WATERMAIN	STREET PARCEL	N/A	N/A	N/A	2	0	3	0	5	2	12	YES
24	CALLE PONTE BELLA BRIDGE	WATERMAIN	748	9%	100%	3,303	1	0	3	0	5	2	11	YES
25	EAST END DUSTY TRAIL & NORTH TO PERKINS WATER METER	WATERMAIN	406 180, Parcel B	51% 29%	77% 29%	577 2707	2	0	0	0	2	2	6	

DEFINITIONS	
% EASEMENT IMPACTED	PERCENT LENGTH OF EASEMENT TO BE CLEARED TO TOTAL LENGTH OF EASEMENT
% PARCEL IMPACTED	PERCENT LENGTH OF EASEMENT TO BE CLEARED TO LENGTH OF EASEMENT OVER A PARTICULAR PARCEL
TOTAL LENGTH OF EASEMENT	TOTAL LENGTH OF EASEMENT (COULD BE OVER MULTIPLE PARCELS OR A SINGLE PARCEL)
RISK	EASEMENT REQUIRES CLEARING BASED ON PRESUMED RISK TO FUNCTIONALITY OF PIPELINE - SLIDING SCALE 10 TO 1 (HIGH RISK TO LOW RISK)
FIRE DEPARTMENT CLEARING REQUEST	DISTRICT NOTIFIED BY LOCAL FIRE AUTHORITY TO CLEAR THE EASEMENT (YES = 10; NO = 0)
ENVIRONMENTAL	EASEMENT REQUIRES BIOLOGIST TO ASSESS FOR SENSITIVE PLANT OR ANIMAL MATERIAL - SLIDING SCALE 10 TO 0 (ASSESSMENT REQD. TO NO ASSESSMENT)
EMERGENCIES	EASEMENT CLEARING RELATED TO A PIPELINE EMERGENCY (YES = 10; NO = 0)
EASEMENT ACCESSIBILITY (ENCROACHMENTS)	IN CASE OF EMERGENCY, IS ACCESS ALONG THE EASEMENT LIMITED - SLIDING SCALE 10 TO 1 (NO ACCESS TO ACCESSIBLE)
EFFICIENCY OF COMPLETION	CAN EASEMENT BE CLEARED QUICKLY BASED ON CONDITION OF EASEMENT; ACCESSIBILITY; BIO ISSUES, ETC. - SLIDING SCALE 10 TO 1 (NOT QUICKLY TO QUICKLY)
SCORE	CUMULATIVE TOTAL OF ASSESSMENT COLUMNS

Easements: 2021 Completed

2021																			
							BIOLOGIC												
	SCORE		EASEMENT NO(S)	FEET OF CLEARING	SURVEY	COST	DATE COMPLET ED	AL SITE ASSESSM ENT	COST	DATE COMPLETE D	FENCE CONTRAC TOR	COST	DATE COMPLET ED	LANDSCAPE CONTRACTO R	COST	DATE COMPLETED	TOTAL	NOTES	
1	25	SEWER EASEMENTS EAST SIDE CAMINO DE LA DORA	15-FOOT SEWER EASEMENT GRANTED PER MAP	2993	NO	N/A	N/A	RECON	\$2,656.25	9/11/2020	NO	N/A	N/A	BRIGHTVIEW	\$10,200.00	1/21/2021	NO	\$12,856.25	
		CAMINO DE LA MITRA TO CAMINO DE LA DORA SEWER EASEMENT	15-FOOT SEWER EASEMENT GRANTED PER MAP	250	NO	N/A	N/A	RECON	\$3,738.50	8/27/2019	NO	N/A	N/A	BRIGHTVIEW	\$6,120.00	1/26/2021	NO	\$9,858.50	
2	25																		
3	22	SEWER EASEMENTS VIA DORA TO DEL DIOS SPS	1448-PARCEL B 1092-PARCEL 4	1450	NO	N/A	N/A	RECON	\$2,400.00	9/11/2020	NO	N/A	N/A	JMD	\$5,520.00	2/4/2021	NO	\$7,920.00	
4	11	PASEO TAXCO TO DESERT ROSE WAY	387	1150	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	BRIGHTVIEW	\$1,250	3/25/2021	NO	\$1,250.00	Additional work required on easement
5	21	FH ACROSS FROM 2262 WOODWIND DRIVE	71	N/A	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	4/29/2021	NO	\$0.00	Completed 4/29/2021. OPs rotated FH ports to resolved access issue
6	18	20442 FORTUNA DEL SUR - FENCE LINE ENCROACHMENT ON GATY PARCEL	948	323	YES	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	5/4/2021	NO	\$0.00	Completed 5/4/2021. Property owner resolved encroachment.
		BRUSH CLEARING ALONG VIA AMBIENTE ROAD FROM HARMONY GROVE ROAD TO DCM WTP ENTRANCE														6/10/2021			
7	17		1048, 1084	8200	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	NO	N/A		NO	\$0.00	TECC performed this clearing work. They are hoping to get reimbursed from RSFFPD from a grant received by the fire department. If grant money is not available, OMWD will cost share with TECC.
8	22	1584 RANCHO SERENA	326	5	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	PWLC INC.	\$1,350.00	8/12/2021	NO	\$1,350.00	Completed 8/12/21 as requested by OPs for upcoming phase of valve replacement project
9	30	9556 DEL DIOS HIGHWAY	32, Parcel A	N/A	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	NO	\$0.00	BOD approved EP 414 for wooden foot bridge constructed over the District pipeline at this location
10	12	WEST OF CAMINO SANTA FE TO OLD COURSE ROAD	49	800	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	PWLC INC.	\$7,040.00	10/14/2021	NO	\$7,040.00	
11	6	EAST END DUSTY TRAIL & NORTH TO DISTRICT GATE	408 180, Parcel B	1084	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	PWLC INC.	\$1,280.00	10/21/2021	NO	\$1,280.00	Easement required clearing for proposed PRS replacement
12	14	17295 CAMINO DE MONTECILLO	753	418	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	BRIGHTVIEW	\$1,275.00	10/20/2021	NO	\$1,275.00	
13	25	EASEMENT PALMS RESERVOIR TO CIRCO DIEGUENO CT	89-2 PARCELS 117-2 PARCELS	467	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	PWLC INC.	\$4,840.00	10/22/2021	NO	\$4,840.00	
14	6	EAST END DUSTY TRAIL - DISTRICT GATE TO NORTH TO PERKINS WATER METER	180, Parcel B	245	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	PWLC INC.	\$1,750.00	10/29/2021	NO	\$1,750.00	Additional clearing for proposed PRS replacement and a customer request.
TOTAL				17,385					\$8,794.75						\$40,625.00			\$49,419.75	

Top 25 District Easements

March 16, 2022



Introduction

- Report outlines OMWD easement management
- The District Board of Directors added this item as an annual goal in February 2020
- Presented to Facilities Committee July 2020
- The following spreadsheets are used to manage the District's easement clearing
 - Dynamic Spreadsheet (Living Document)
 - Top 25 Easements Spreadsheet
 - Completed Spreadsheet

[illegible]

Top 25 Easements Spreadsheet

	DESCRIPTION	PIPELINE TYPE	EASEMENT NUMBER	% EASEMENT IMPACTED	% PARCEL IMPACTED	TOTAL LENGTH OF EASEMENT (FEET)	RISK	FIRE DEPARTMENT CLEARING REQUEST	ENVIRON.	EMERGENCY	EASEMENT ACCESS	EFFICIENCY OF COMPLETION	SCORE	DRONES
1	PARS VS LYNXT EASEMENT ISSUE	WATER MAIN	663	23%	69%	1533	10	0	1	0	10	10	31	
2	9556 DEL DIOS HIGHWAY	WATERMAIN	32, PARCEL A	3%	19%	3,025	10	0	0	0	10	10	30	YES
3	EASEMENT BETWEEN WILDFLOWER VALLEY DRIVE AND AVENIDA DEL DUQUE	TRANSMISSION MAIN	33	12%	100%	1,965	9	0	5	0	8	7	29	YES
4	16469 VIA CAZADERO	WATER MAIN	665-PARCEL 5	26%	26%	340	8	0	1	0	10	8	27	
5	17121 CIRCA DEL SUR	WATER MAIN	665-PARCEL 4	55%	55%	765	5	0	1	0	10	10	26	
6	6402 PRIMERO IZQUIRDO	WATER MAIN	537 - PARCEL 4	100%	100%	620	5	0	3	0	10	8	26	
7	EASEMENT NO. 3 - GATY RESERVOIR TO WEST PROPERTY LINE OF OLD VARTY PROPERTY	TRANSMISSION MAIN	3 839	75% 78%	100% 78%	1118 813	5	0	5	0	8	8	26	PLACE ON DRONE LIST
8	EASEMENT PALMS RESERVOIR TO CIRCO DIEGUENO CT	WATER MAIN	89-2 PARCELS 117-2 PARCELS	AVG 11% AVG 23%	AVG 77% AVG 94%	1136 494	7	0	5	0	8	5	25	
9	RANCHO SANTA FE ROAD TO DENK RESERVOIR	TRANSMISSION MAIN (3)	521	51%	Multiple	2,703	2	0	5	0	8	10	25	YES
10	ELFIN OAKS ROAD AT ROCKY ROAD	TRANSMISSION MAIN	801	35%	35%	720	5	0	5	0	8	5	23	

2021 Completed Easements Spreadsheet



2021																			
		<div></div>																	
	SCORE		EASEMENT NO(S)	FEET OF CLEARING	SURVEY	COST	DATE COMPLETED	BIOLOGICAL SITE ASSESSMENT	COST	DATE COMPLETED	FENCE CONTRACTOR	COST	DATE COMPLETED	LANDSCAPE CONTRACTOR	COST	DATE COMPLETED	TOTAL	NOTES	
1	25	SEWER EASEMENTS EAST SIDE CAMINO DE LA DORA	25-FOOT SEWER EASEMENT GRANTED PER ****	2993	NO	N/A	N/A	RECON	\$2,656.25	9/11/2020	NO	N/A	N/A	BRIGHTVIEW	\$10,200.00	1/21/2021	NO	\$12,856.25	
		CAMINO DE LA MITRA TO CAMINO DE LA DORA SEWER EASEMENT	15-FOOT SEWER EASEMENT GRANTED PER MAP	250	NO	N/A	N/A	RECON	\$3,738.50	8/27/2019	NO	N/A	N/A	BRIGHTVIEW	\$6,120.00	1/26/2021	NO	\$9,858.50	
2	25																		
3	22	SEWER EASEMENTS VIA DORA TO DEL DIOS SPS	1448-PARCEL B 1092-PARCEL 4	1450	NO	N/A	N/A	RECON	\$2,400.00	9/11/2020	NO	N/A	N/A	JMD	\$5,520.00	2/4/2021	NO	\$7,920.00	
		PASEO TAXCO TO DESERT ROSE WAY		387	1150	NO	N/A	N/A	N/A	N/A	NO	N/A	N/A	BRIGHTVIEW	\$1,250	3/25/2021	NO	\$1,250.00	Additional work required on easement
4	11																		
5	21	FH ACROSS FROM 2262 WOODWIND DRIVE	71	N/A	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	4/29/2021	NO	\$0.00	Completed 4/29/2021. OPs rotated FH ports to resolved access issue
6	18	20442 FORTUNA DEL SUR - FENCE LINE ENCROACHMENT ON GATY PARCEL	948	323	YES	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	5/4/2021	NO	\$0.00	Completed 5/4/2021. Property owner resolved encroachment.
		BRUSH CLEARING ALONG VIA AMBIENTE ROAD FROM HARMONY GROVE ROAD TO DCM WTP ENTRANCE	1048, 1084	8200	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	6/10/2021	NO	\$0.00	TECC performed this clearing work. They are hoping to get reimbursed from RSFFPD from a grant received by the fire department. If grant money is not available, OMWD will cost share with TECC.
7	17																		
8	22	1584 RANCHO SERENA	326	5	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	PWLC INC.	\$1,350.00	8/12/2021	NO	\$1,350.00	Completed 8/12/21 as requested by OPs for upcoming phase of valve replacement project
9	30	9556 DEL DIOS HIGHWAY	32, Parcel A	N/A	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	NO	\$0.00	BOD approved EP 414 for wooden foot bridge constructed over the District pipeline at this location
		WEST OF CAMINO SANTA FE TO OLD COURSE ROAD	49	800	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	PWLC INC.	\$7,040.00	10/14/2021	NO	\$7,040.00	
10	12	EAST END DUSTY TRAIL & NORTH TO DISTRICT GATE	408 180, Parcel B	1084	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	PWLC INC.	\$1,280.00	10/21/2021	NO	\$1,280.00	Easement required clearing for proposed PRS replacement
11	6	17295 CAMINO DE MONTECILLO	753	418	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	BRIGHTVIEW	\$1,275.00	10/20/2021	NO	\$1,275.00	
12	14	EASEMENT PALMS RESERVOIR TO CIRCO DIEGUENO CT	89-2 PARCELS 117-2 PARCELS	467	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	PWLC INC.	\$4,840.00	10/22/2021	NO	\$4,840.00	
13	25																		
14	6	EAST END DUSTY TRAIL - DISTRICT GATE TO NORTH TO PERKINS WATER METER	180, Parcel B	245	NO	N/A	N/A	NO	N/A	N/A	NO	N/A	N/A	PWLC INC.	\$1,750.00	10/29/2021	NO	\$1,750.00	Additional clearing for proposed PRS replacement and a customer request.
TOTAL				17,385					\$8,794.75						\$40,625.00		\$49,419.75		

1584 Rancho Serena



9556 Del Dios



Dusty Trail



Conclusions

- Easements are not necessarily cleared from high to low (red to green)
- Several outside circumstances contribute to the order of easement clearing
 - Bird nesting season
 - Litigation issues
 - Sensitive plant material
 - Requests by property owners
 - Requests by local agencies
- Completed Spreadsheet planned to be available twice per year in the monthly Board packet Activity Reports (June and December)
- Engineering plans to present an Easement Management Presentation to the Board annually

Questions?

Memo

Date: March 16, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Kimberly A. Thorner, General Manager
Subject: **CONSIDER UPDATE ON THE COVID-19 EMERGENCY DECLARATION**

Purpose

The purpose of this Board item is to provide an update on the COVID-19 Emergency Declaration. The General Manager declared an emergency on March 12, 2020 and the Board has received updates of this emergency declaration at all subsequent Board Meetings. The Board shall receive an update of the General Manager's emergency action at subsequent Board Meetings until we are no longer in the state of emergency

Recommendation

This is an informational update pursuant to the Administrative and Ethics Code §3.2.1. No Board action is required. To date, thirty eight employees have had COVID-19, there have been twenty one breakthrough cases, and we have had one workplace exposure.

Background

Pursuant OMWD's Administrative and Ethics Code §3.2.1, it is under my authority as the General Manager to declare an emergency if there is an unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent and mitigate

the loss or impairment of life, health, property, or essential public services. COVID-19 poses an imminent danger to the health of OMWD employees and customers. After notifying the Board via email, I declared a state of emergency regarding COVID-19 on March 12, 2020 based on the threat of the spreading pandemic.

There have been a series of email communications with the Board, staff, teleconferences with other General Managers in the County, and multiple messages conveyed to customers ensuring that OMWD's water is safe. The chart below shows the ongoing efforts we are taking here at OMWD to help navigate and mitigate the COVID-19 emergency while remaining prepared and reliable to our customers and community.

CORONAVIRUS (COVID-19) ACTIONS

DATE	ACTION
February 2020	OMWD began actively monitoring situation.
March 5, 2020	Staff begins formulating outreach plan and design of OMWD's online COVID-19 Response Center.
March 9, 2020	Staff participated in regional meeting regarding COVID-19 at the San Diego County Water Authority.
March 11, 2020	OMWD's online COVID-19 Response Center published.
	Social Media outreach regarding water safety during COVID-19.
March 12, 2020	Emergency Declaration made by GM to ensure critical supplies, parts, and inventory are in stock or can be purchased more freely. OMWD implemented Pandemic Response Plan.
	Staff advised not to report to work if they exhibit any signs or symptoms.
	Travel to large conferences, group meetings, and trainings by OMWD employees suspended until further notice.
	Public Tours of OMWD delayed until further notice. Events and workshops postponed.
	Laptops and phones to be ordered in anticipation of telecommuting needs.
	Elfin Forest Recreational Reserve's Interpretive Center closed until further notice.
March 13, 2020	OMWD's lobby temporarily closed until further notice.
	Disconnection moratorium for customers facing financial difficulty.
March 16, 2020	Staff advised not to report to work if family/friends/people they have interacted with exhibited any symptoms.

	Employees can work remotely or on alternate schedules, so long as essential services are not interrupted.
	All non-vital construction, outside work, and outside meetings are cancelled.
	Social distancing policies implemented within the District. (E.g. no sharing vehicles, no congregating, etc.)
	OMWD Sick Time Bank established for employees to donate sick leave to those who do not have enough accrued sick time to meet their needs, thereby encouraging employees to call in sick if needed.
March 17, 2020	OMWD's Emergency Operations Center plans reviewed in order to prepare should it be activated.
	General Manager participates on region-wide water teleconference regarding status of all water agencies. All agencies commit to mutual aide, especially at the operator level. OMWD begins providing San Diego County Water Authority and San Diego County Office of Emergency Services with daily status updates via WEBEOC.
March 18, 2020	OMWD's regularly scheduled board meeting transitioned to teleconference format.
March 21, 2020	California Public Utilities Commission informed that OMWD has initiated a temporary disconnection moratorium.
March 22, 2020	OMWD's Elfin Forest Recreational Reserve closed until further notice.
March 23, 2020	OMWD participated in second teleconference meeting regarding wastewater mutual aid with SEJPA, LWWD, VWD, Oceanside, Carlsbad, and Encina.
	Finance Department creates account to track costs associated with COVID-19.
March 24, 2020	Schedules further modified to ensure as much social distancing as possible; operations divisions separated into alternating teams to allow for separation on a weekly basis. Teams not working are to stay home, safe and sober in the event of an emergency need. Remaining administrative employees authorized remote working capability with laptops.
March 25, 2020	Deployed additional laptops to enable additional employees to work from home.
	Filmed informational video about the safety of our water that will be released in the near future.
	Prepared a list of shovel ready projects to CWA.
March 26, 2020	Sent an informational mailer to all customers regarding the safety of their water supply.
	Secured adequate supply of N95 masks for employees.
March 27, 2020	Staff has contacted certified retired operators to determine their ability to provide support in the event our current staff was impacted.
March 30, 2020	Made and distributed hand sanitizer to be used as needed.

	OMWD participated in third teleconference meeting regarding wastewater mutual aid with SEJPA, LWWD, VWD, Oceanside, Carlsbad, and Encina.
March 31, 2020	Posted an informational video about the safety of our water on website and social media.
April 3, 2020	Secured Zoom meeting software license; Reviewed security protocols to ensure a safe and successful meeting.
April 6, 2020	Ordered cloth masks for each employee to take home and have while out in the community
	Provided one dust mask and gloves for employee significant others and family members who you are exposed to on a daily basis to wear while out in the community.
April 7, 2020	Participated in an EPA COVID-19 Webinar
	Provided employees with an Essential Worker letter in the event that they are stopped by law enforcement while on the clock.
April 15, 2020	Submitted a Request for Public Assistant (RPA) to FEMA within 30 days of our area being designated in the emergency declaration. OMWD anticipates submitting for costs that were incurred outside of normal business practices to respond to the emergency, including additional overtime paid due to the isolation of employees in shifts.
	Participated in an ACWA webinar: COVID-19 Response: Understanding the Financial Aspects.
	Distributed COVID care package supplies to Board Members with sanitizer, masks, and gloves.
April 16, 2020	Received 275 gallons of hand sanitizer to distribute to all OMWD facilities.
April 23, 2020	Participated in the ACWA Brown Act COVID Webinar.
April 28, 2020	Discussed transitioning efforts with Managers and Supervisors.
	Established guidelines for contractor work at the DCMWTP.
May 1, 2020	Presented on a Governments COVID 19 Town Hall Webinar hosted by The Pun Group.
May 4, 2020	OMWD participated in third teleconference meeting regarding wastewater mutual aid with SEJPA, LWWD, VWD, Oceanside, Carlsbad, and Encina.
May 5, 2020	Prepared list of OMWD shovel ready projects to MWD.
May 11, 2020	OMWD participated in fourth teleconference meeting regarding wastewater mutual aid with SEJPA, LWWD, VWD, Oceanside, Carlsbad, and Encina.
	Per the May 10 County Order for essential workers, all employees are to wear face coverings while in public. Thermometers for temperature checks have been ordered.

May 12, 2020	Secured software to enable front desk phone rollover capabilities.
May 14, 2020	Provided COVID-19 IgG Antibody Testing for employees and family members.
May 20, 2020	Executed a Resolution for California Office of Emergency Services (Cal OES) and Federal Emergency Management Agency (FEMA) Funding for expenditures incurred by the District as a result of the COVID-19 Pandemic.
May 26, 2020	Replaces the podium PC in the Boardroom that had Zoom issues.
June 1, 2020	Modified employee work schedules to stagger shifts and isolate, ended the shelving of employees.
	Created a Telecommuting Policy; currently under management review.
June 2, 2020	Hosted an Employee Forum via Zoom.
June 15, 2020	Reopened the Elfin Forest Recreational Reserve with the following restrictions: require that visitors have face coverings at all times and they must be worn when six feet of social distancing is not possible.
June 15, 2020	Slowly started to increase in office presence with fewer telecommuting shifts.
June 17, 2020	Revised the Annual Goals and Objectives to reflect the impacts of COVID-19.
June 19, 2020	Reminded employees that masks should be worn outside of offices in the halls and/or when in a meeting when unable to stay 6 feet apart.
June 22, 2020	Reopened the Lobby with the following restriction: visitors and receptionist to wear face masks.
June 26, 2020	Moved back to increased telecommuting and split shifts due to COVID surge.
June 30, 2020	Closed lobby due to non-compliance with the County Health Order requiring all visitors to wear facial coverings.
July 22, 2020	Implemented employee temperature and COVID-19 symptom certification portal, with mandatory/daily reporting.
July 29, 2020	Implemented emergency sick leave for employees through the end of the calendar year to cover the time off pursuant to the Families First Coronavirus Act (FFCRA). The emergency sick leave time will only be for COVID-19 quarantine related situations and separate from normal sick leave.
July 30, 2020	Review emergency telecommuting policy with managers for implementation in August.
August 1, 2020	Continued split schedules, remote site reporting, distancing, and telecommuting for all employees.
August 31, 2020	Started research on the August 8 Executive Order for payroll tax deferral and its applicability to OMWD.
September 1, 2020	Implemented Telecommuting Policy District wide.
	EOC books updated.

September 15, 2020	Switched to regional reporting to SDCWA to once per week versus daily.
September 22, 2020	Directed supervisors to continue split schedules, telecommuting, remote site reporting, and distancing through at least the end of November. Will revisit as needed.
September 22, 2020	Updated all supervisors on new legislation regarding COVID outbreaks in the workplace and employee notification.
October 28, 2020	Reminded all employees on the importance of resisting COVID fatigue.
November 4, 2020	Requested Supervisors prepare plans in case San Diego gets second Purple Tier rating on 11/10/20.
November 10, 2020	Implemented increased distancing/remote work, modifications to use of Wellness Center, switch to Zoom meetings if unable to distance, lobby remains closed, reinforced importance of mask wearing and daily self-reporting.
November 19, 2020	Reminded employees to have the essential worker letter if out on OMWD business, duty calls, or leaks, etc., past the curfew.
December 1, 2020	Began working with staff on plan for the reinstitution of late charges in 2021.
December 1, 2020	Implemented further distancing work from home schedules due to purple tier.
December 8, 2020	Prepared social media posts for OMWD's COVID preparedness and response.
December 17, 2020	Signed on to a Vaccine Coalition letter to the California Community Vaccine Advisory Committee regarding prioritization of water sector essential critical infrastructure workers for COVID vaccination.
December 21, 2020	Email to all employees about COVID reporting requirements.
January 19, 2021	Ordered hands free door openers for bathrooms.
January 25, 2021	Divided the District into 6 separate workplaces (pods) with physical barriers to separate pods, closed Wellness Center to those without a COVID vaccine, shut down the ice machine, modified warehouse access with new procedures, secured mass testing if needed, approved the purchase of new air filters for the HVAC system that are MERV 13 rated, and secured a contract for industrial cleaning services in case of an outbreak in a pod.
February 1, 2021	Created a COVID Task Force with employee representatives from each pod that will meet bi-weekly.
February 9, 2021	Held a COVID Task Force Meeting.
February 22, 2021	Held a COVID Task Force Meeting.
February 23, 2021	Addressed respirator N95 needs, porta potties deployed, and more sanitizer.

March 2, 2021	Contacted the County of San Diego and determined vaccine eligibility for emergency operations center (EOC) employees, duty operators, and those on call to respond.
March 4, 2021	Distributed individual approval letters to employees as emergency service workers to schedule vaccine appointment.
March 8, 2021	Coordinated with SDCWA on CALFire vaccinations for OMWD employees.
March 22, 2021	Held a COVID Task Force Meeting.
March 23, 2021	Employees eligible to sign up for CALFire vaccinations.
March 30, 2021	Joined CSDA Coalition on COVID relief for Special Districts.
April 15, 2021	Held a COVID Task Force Meeting.
April 19, 2021	HR coordinated a COVID Wellness Challenge
April 29, 2021	Email to all employees about the path moving forward – removing the pod walls, vaccinated employee exposure requirements, targeted lobby re-opening, self-certification form, and meeting requirements, and reminded employees that mask wearing and social distancing is still required at OMWD subject to OSHA requirements.
May 4, 2021	Held a COVID Task Force Meeting.
May 5, 2021	Removed the Pod walls.
May 10, 2021	Reopened the front lobby.
May 11, 2021	Email to all employees about continued mask wearing until OSHA guidelines are updated, self-certification on Target Safety, and schedules starting late May/early June.
June 9, 2021	CALOSHA voted unanimously to withdraw the revisions approved on June 3 that are currently at OAL for review but have not yet become effective. CALOSHA will review the new mask guidance and bring any recommended revisions to the board. All OMWD precautions will remain in effect until the CALOSHA meeting and decision.
June 9, 2021	Held a COVID Task Force Meeting.
June 15, 2021	Email to all employees on the updated CalOSHA ruling – fully vaccinated employees do not have to wear masks, provide proof or self-attest, social distancing rules no longer apply, and N-95 masks are available for any employee who wants one. These revised regulations will be in effect for 210 days, unless they revisit it earlier in the event of a surge in statewide cases.
June 22, 2021	Email to all employees that the wellness facility may now be used at 50% capacity. If not vaccinated, you can use the facility, but must be masked.

July 21, 2021	Held a COVID Task Force Meeting.
July 23, 2021	Email to all employees with a reminder of the COVID guidelines – self certification on Target Safety, mask wearing if unvaccinated.
July 27, 2021	Email to all employees regarding the CDC’s new guidance asking employees who are vaccinated to use their own discretion on mask wearing indoors at this time, and not mandating employee vaccinations (or weekly testing) at this time.
August 21, 2021	Re-instituted masks required indoors immediately unless you are in your office alone with door shut and asked that meetings be Zoom whenever possible.
August 31, 2021	Held a COVID Task Force Meeting.
September 15, 2021	Announced that the 2021 COVID-19 Supplemental Paid Sick Leave will end on September 30, 2021.
September 16, 2021	Governor Newsom signed AB 361, which extends virtual meetings for all Brown Act meetings (Board and Committee) with conditions.
September 10, 2021	Attended workshops on the SWRCB Arrearages Process and CSDA’s Special District Relief Fund Program.
September 30, 2021	Governor Newsom’s Executive Order N-15-21 comes to an end.
October 13, 2021	With the County showing a downward trend in a positive direction, mask wearing returned to optional indoors for vaccinated employees. The Board also implemented AB 361 in order to continue with virtual board and committee meetings for the next 30 days.
November 17, 2021	The Board continued to implement AB 361 in order to continue with virtual board and committee meetings for the next 30 days.
December 9, 2021	Held a COVID Task Force Meeting.
December 14, 2021	Email sent to all employees on the new California Department of Public Health and San Diego County mask mandates go into effect on December 15th requiring masks to be worn in all indoor public settings, irrespective of vaccine status, for the next four weeks (December 15, 2021 through January 15, 2022).
January 3, 2022	With positive cases increasing, sent all employee email to keep up your safe practices and reporting.
January 5, 2022	Sent email to employees that for at least the month of January, any employee that develops COVID symptoms, if you get a rapid test by a health professional and OMWD will reimburse you the out of pocket cost up to \$200. This will shorten the time waiting in isolation for results and will assist OMWD in maintaining critical staffing levels
January 6, 2022	Implemented separation work scheduling for the next two weeks based on the already declared emergency from 2020 and emergency telecommuting agreements on file with HR. Ordered a supply of home tests for employee use. Tests are locked in an outdoor safe where an OMWD Manager or telehealth provider can witness in real time.

January 10, 2022	Sent booster shot clarification email for the updated January 14 th CALOSHA regulations that you are now deemed in the unvaccinated bucket (for exposure purposes) if you are eligible for a booster shot and have not received one.
January 14, 2022	CALOSHA adopted new regulations that go into effect on January 14, 2022 – face covering must pass light test, Testing for all employees (regardless of vaccination status) due to “close contact” in the workplace will be on paid regular work time, not sick leave, home COVID-19 tests are now permissible, however the employer or an authorized telehealth provider must observe the testing in real time.
January 18, 2022	Held a COVID Task Force Meeting.
January 25, 2022	Met via Zoom with Managers and Supervisors to discuss signs COVID fatigue in employees.
February 1, 2022	Awarded certificates to the top 5 employees who completed the most COVID symptom certification checklists since it was implemented at the beginning of the pandemic.
February 14, 2022	Email sent to all employees on the Governor’s COVID-19 paid sick leave retroactive to January 1, 2022, which will remain in effect through September 30, 2022, masks are no longer required for vaccinated individuals, and the COVID-19 Isolation and Quarantine flowchart.
March 2, 2022	Investigated and participated in a webinar on how to request County transfer of federal COVID relief funds. Will submit to County for OMWD impacts.
March 3, 2022	State extended the CALOSHA ETS to May 5, 2022. Informed the Employees at the Employee Forum.

Fiscal Impact

Staff has reviewed all mission critical chemicals, supplies, parts, and inventory on hand and was instructed to order 120 days of mission critical supplies and chemicals to store here at OMWD. OMWD is using funds from Water and Wastewater Operating Reserves to pay for these expenditures, as water sales have been lower than projected through March 2020 due to weather conditions. Total expenditures in the categories of information technology, inventory, supplies, and customer service total \$331,920.64 as of the publishing of this memo. Of this amount, only \$134,033.45 represents special expenditures that would not have otherwise been incurred but for the COVID-19 pandemic. The remaining \$197,887.19 of expenditures represents parts, supplies, chemicals and materials that were ordered earlier than normal in order to have 5 to 6 months of supplies, materials, chemicals and parts on hand in case of lack of availability. The chart below reflects the COVID-19 expenditures incurred since March 12, 2020. OMWD submitted a Request for Public Assistant (RPA) to FEMA on September 18, 2020.

OMWD has submitted for costs that were incurred outside of normal business practices to respond to the emergency, including additional overtime paid due to the isolation of employees in shifts. To date, OMWD's FEMA claim is still pending and we are awaiting direction as to what will be reimbursed. OMWD's FEMA representative indicated that the delay is due to the Presidential transition and that FEMA has been prioritizing vaccine projects.

On October 14th, 2021, OMWD submitted an application for the \$100 million Special District Relief Fund, available through the State of California, for the potential reimbursement of the district's unanticipated COVID-related costs incurred between March 2020 and June 2021. Costs totaling \$372,547 that are not anticipated to be reimbursed by FEMA were included in the application. These costs included: technology costs that allowed select staff to work remotely, customer outreach costs related to water safety and COVID, supplemental COVID sick leave provided to employees, and wages incurred for non-telecommuting employees that were required to stay home at the onset of the pandemic to ensure social distancing. The district was successful in its application and was awarded \$43,561.00 in COVID-19 relief funding to reimburse OMWD for our extraordinary incurred costs for staffing and supplies related to the pandemic.

COVID-19 Expenditures Incurred Since March 12, 2020

Item	Cost	Category	Note
Laptops	30,605.96	Information Technology	15 laptops
Laptop backpacks	486.33	Information Technology	15 laptops
Zoom meetings	2,398.80	Information Technology	
Duo 2 FA	980.00	Information Technology	
Mitel IP Phone Licenses	1,290.00	Information Technology	
Jabra headsets	645.24	Information Technology	

Sonim phones	611.55	Information Technology	
Samsung phones w/ Case and Hotspot	2,171.00	Information Technology	
Wireless mice & misc. supplies	528.47	Information Technology	
Bluetooth keyboards & mice, headsets, and phone chargers	440.47	Information Technology	
Spray bottles for sanitizer	940.00	Supplies	
Hand soap	817.00	Supplies	
Gloves, Glycerol, Hydrogen Peroxide, Distilled Water, batteries, safety glasses, and stock up of other warehouse supplies	7,957.06	Supplies	Warehouse supplies for the next 5-6 months.
Pinesol disinfectant	459.00	Supplies	
Janitorial supplies – hand wipes, paper towels, trash bags, cleaner, hand soap, facial tissue, bleach, toilet paper, hand sanitizer, etc.	9,352.33	Supplies	Janitorial supplies for the next 5-6 months.
Dust masks (not N95)	322.71	Supplies	
Hand sanitizer packets	397.33	Supplies	
Propanol	515.23	Supplies	
Pacific Pipeline Supply- hydrants, gate valves, copper pipe, repair couplings, and various other inventory items	100,714.07	Inventory	Inventory restock for the next 5-6 months.

AquaMetric - meters	68,954.48	Inventory	Inventory restock for the next 5-6 months.
Hach - Laboratory supplies - reagents and other supplies (WTP)	4,738.00	Supplies	6 month supply
IDEXX - Laboratory supplies - BAC-T bottles (WTP)	315.08	Supplies	120 day supply
Nalco - Water treatment chemicals - 7768 polymer barrels, four 55 gallon drums (WTP)	5,053.83	Supplies	
Sterling Water Technologies - Water treatment chemicals - ACH coagulant 2,000 gallons to top off tank (WTP)	8,759.40	Supplies	
Traffic cones to block off street parking (EFRR)	385.21	Supplies	
Custom COVID-19 park closure signs (EFRR)	221.10	Supplies	
COVID-19 Safety of Your Water Postcard - printing and mailing	9,559.69	Customer Service	Quantity sent: 25,584 postcards
Hair Trigger LLC - Hand Sanitizer	15,015.63	Supplies	Qty. 55 - 5 gallon buckets
Masks, disinfectants, hand soap, DIY hand sanitizer supplies	1,921.24	Supplies	
Barricades (EFRR)	56.01	Supplies	
Hydrogen peroxide, propanol for DIY cleaners	922.48	Supplies	
Disposable gloves	556.19	Supplies	
N95 Masks	242.44	Supplies	

Masks for employees	1,293.50	Supplies	
Containers for hand sanitizer	53.17	Supplies	
Propanol	412.19	Supplies	
Disposable gloves	1,559.72	Supplies	
Reusable masks	118.01	Supplies	
Hydrogen peroxide for DIY cleaners	161.85	Supplies	
Disinfectants, hand sanitizer packets, reusable masks, spray bottles, disposable gloves	2,019.92	Supplies	
Fork/Spoon/knife dispensers	47.97	Supplies	
Hydrogen peroxide for DIY cleaners	107.90	Supplies	
Cleaning wipes	2,248.56	Supplies	
Reusable masks	1,787.86	Supplies	
Thermometers, batteries for thermometers, bins to hold thermometers, bottles for hand sanitizer.	2,940.38	Supplies	
Disinfecting wipes, hand sanitizer, cleaning supplies	1,694.39	Supplies	
Custom COVID-19 park signs (EFRR)	738.24	Supplies	
Disinfecting wipes, alcohol wipes	467.61	Supplies	

Washable Masks (Qty. 400)	1,869.61	Supplies	
N95 masks (Qty. 1,000)	5,710.75	Supplies	
N95 masks (Qty. 130), spray bottles, utensil dispensers, thermometers, touchless soap dispensers, reusable masks (Qty. 250), hand soap	6,959.25	Supplies	
Customer COVID-19 courtesy letters for past due accounts	1,546.51	Customer Service	
Touchless items for Building D including: touchless soap dispensers, touchless paper towel dispensers, hands-free trash cans,	1,656.20	Supplies	
Wall-mounted forehead thermometer (touchless)	109.90	Supplies	
Disposable masks (Qty. 950)	292.82	Supplies	
Disposable masks (Qty. 1,000), alcohol wipes (24 packs)	672.32	Supplies	
Thermometers (5), Surface disinfectant spray (49), alcohol wipes (24 packs).	704.70		
Surface disinfectant, alcohol wipes, disposable face masks	628.42	Supplies	
Materials for temporary walls to divide Building D into pods.	658.29	Supplies	
N95 Masks (Qty 300), disinfectant	1,384.34	Supplies	
Heating, Ventilation, and Air Conditioning (HVAC) Filters	3,868.00	Supplies	
Disposable masks (Qty. 1,500)	398.35	Supplies	

N95 masks (Qty. 80) and thermometers (Qty. 3)	177.76	Supplies	
Disposable masks (500), N95 masks (240), alcohol wipes.	1002.20	Supplies	
Reusable masks (Qty. 100), Disposable masks (Qty. 1,060)	718.80	Supplies	
Disposable masks (Qty. 350)	188.44	Supplies	
Disposable masks (Qty. 1050)	329.28	Supplies	
COVID rapid tests (Qty. 540 total tests)	6369.77	Supplies	
Reusable "no light" masks for OSHA compliance (Qty. 300)	1008.60	Supplies	
Disposable masks (Qty. 800), alcohol wipes	464.41	Supplies	

Category	Total
Information Technology	40,990.12
Inventory	169,668.55
Supplies	110,155.77
Customer Service	11,106.20
Grand Total	\$331,920.64

Discussion

OMWD will continue to take proactive measures to stay ahead of the curve while keeping customers supplied with safe and reliable drinking water. Monthly COVID-19 emergency updates will continue at each subsequent board meeting until further notice. The district will continue our objectives to protect the health and safety of employees and customers; and ensure the continuity of business operations.



Memo

To: Board of Directors
From: Stephanie Kaufmann, Executive Secretary
Via: Kimberly A. Thorner, General Manager
Subject: BOARD MEETING MINUTES

Draft minutes of the most recently held Board of Directors meeting will be provided separately. Following Board approval, the minutes will be posted on the District's website.

Memo

A

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS
PRESIDENT

Any report will be oral at the time of the Board meeting.

Memo

B

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS
GENERAL MANAGER

Any written report will be attached; any oral report will be provided at the time of the Board Meeting.

March 16, 2022

Board of Directors
Olivenhain Municipal Water District
1966 Olivenhain Road
Encinitas, CA 92024

The following are brief highlights of the District's departmental operations for the month of
March 2022:

Operations & Maintenance	Current Month	Last Month
DCMWTP Total Production	377.9 million gallons	287 million gallons
DCMWTP Average Daily Production	13.5 million gallons	9.3 million gallons
DCMWTP Peak Day Production	19.6 million gallons	15.7 million gallons
Source Water Blend (% State Project Water)	4	0
Total Deliveries to VWD	124.14 acre feet 40.45 million gallons	178.54 acre feet 58.17 million gallons
4S and Rancho Cielo Sewer Systems Total Inflow	35.15 million gallons	40.52 million gallons
4S and Rancho Cielo Sewer Systems Average Daily Inflow	1,255,645 gallons	1,307,153 gallons
4S and Rancho Cielo Sewer Systems Peak Day Inflow	1,400,306 gallons	1,446,356 gallons
4S and Rancho Cielo Sewer Systems Low Day Inflow	1,173,949 gallons	1,231,548 gallons
4SWRF Average Daily Production	641,334 gallons	436,829 gallons
4SWRF Peak Day Production	941,313 gallons	781,639 gallons
4SWRF Total to Recycled Water Distribution System	17.95 million gallons	13.54 million gallons
4S Recycled Water Storage Pond Volume	150 acre feet	155 acre feet
Repaired Potable Water Main Leak(s)	3	1
Repaired Potable Water Service Lateral Assembly Leak(s)	2	6
Repaired Recycled Water Main Leak(s)	0	0
Repaired Recycled Water Service Lateral Leak(s)	0	0
Repaired Hit Fire Hydrant Lateral Assembly Leak(s)	0	2
Replaced Valve(s) Monthly Total	1	0
Replaced Valve(s) Calendar Year To Date	1	49
Recycled Water Use Site Inspections & Visits	10	16
Recycled Water Use Site Cross Connection Tests	1	5
Cross Connection Site Surveys	1	7
Backflow Inspections & Testing (New)	5	2
IT Help Requests	30	19
Customer Services	Current Month	Last Month
Customer Calls and Inquiries	1,116	1,608
Total Monthly Bills Issued	22,996	22,984
Service Orders	1,107	492
New Potable Meters	0	3
New Fire Meters	0	0
New Recycled Water Meters	0	0
AMI Troubleshooting Investigations	38	64

AMR Troubleshooting Investigations	30	47
Stopped/Underperforming Meters Replaced	42	40
Customer Services - Continued	Current Month	Last Month
MXUs Upgraded to AMI	701	88
Meter Accuracy Tests Performed	0	0
Water Use Evaluations	10	7
Water Use Violation Reports	8	4
Workshops, Events, and Tours	0	0
High-Efficiency Clothes Washer Rebates	0	0
Weather-Based Irrigation Controller Rebates	2	2
Hose Irrigation Controller Rebates	0	0
High-Efficiency Rotating Nozzle Rebates	0	0
High-Efficiency Toilet Rebates	0	0
Rain Barrel Rebates	0	0
Flow Monitor Device Rebates	0	0
Turf Removal Project Rebates	0	0
Social Media Posts	24	23
News Releases/Media Advisories	1	0
EFRR	Current Month	Last Month
Special Use/Event Permits	5	2
Parking Notices	221	166
Incident Reports	6	7
Vehicle Count	5,817	7,983
Trail Use Count	12,804	14,754
Days Closed Due to Rain/Red Flag/COVID-19	0	0
Days IC Open	14	19
Number of IC Visitors	484	640
Volunteer Trail Patrol Shifts	8	10
Volunteer Docent Hours	84	109
Total Number of Docents	64	63
Finance	Current Month	Last Month
Infosend Payments	9,883	10,557
OMWD Auto Debit Payments	2,319	2,513
CB&T Lockbox Payments	2,939	3,812
Over the Counter Payments	486	536
Check-free, Metavante and Chase	4,546	5,613
Paymentus (Credit Card) Payments	910	1,229
Finance Calls and walk-ins	50	64
Service Orders Processed	5	14
Service Orders Closed Out	1	3
Purchase Orders	15	11
Inventory Items Received	595	627
Invoices Processed	699	660
Payroll Direct Deposits Processed	234	236
Accounts Payable Checks	185	212

ENGINEERING DEPARTMENT

Engineering Highlights for February 2022:

The Manchester Avenue Potable Water Pipeline Replacement contractor completed all remaining pipeline connections, appurtenances, and individual customer connections. The project is currently in the cleanup and punch list phase, with the final pavement slurry seal and striping to be completed in late March. Staff processed contracts for the upcoming construction of the Lone Jack Pressure Reducing Station Replacement project and the Neighborhood 1 Sewer Pump Station Replacement project. Coordination with Caltrans and their contractor for work occurring at I-5 and Manchester Avenue continued during the month of February. The Manchester Avenue Recycled Water Pipeline project was released for bidding with a pre-bid meeting held. Preliminary design work continues on the Headworks Screening System Improvement project. Work continues on updates and calibration to OMWD's potable water and recycled water hydraulic models. Coordination continues for the design of the Unit A North, Rancho Santa Fe Road Potable Water Pipeline Replacement or Rehabilitation project. A Request for Proposals for Storm Water Pollution Prevention Plan (SWPPP) Implementation and Preparation Services was released to the public with proposals due in March. Staff continues to handle developer and other minor projects including fire hydrants, detector checks, water service laterals, etc., assist other departments with engineering related work, and manage OMWD's right-of-ways.

HUMAN RESOURCES DEPARTMENT

Human Resources Manager Jennifer Joslin Highlights for February 2022:

Human Resources staff coordinated recruitments for the vacant Water Treatment Plant Operator III, Utility III, and Engineering Manager positions. Conducted interviews for the internal Grow Your Own (GYO) Field Services Technician III positions and two temporary staff to assist with the cathodic protection project. Coordinated the Heart Walk Challenge and hosted the Healthy Heart Breakfast for all employees. Hosted a Better Way Committee meeting to review two employee nominations. Hosted COVID Fatigue virtual training for all interested employees provided by Anthem Employee Assistance Program (EAP) staff. Participated in California Employment Law Update virtual training provided by Nossaman LLP. Hosted a COVID task force meeting. Safety staff implemented the new Prescription Safety Glasses Program for employees. Met with potential trainers to discuss active shooter training and provided a tour of the headquarter facilities. Completed the required update to the California Environmental Reporting System report for the Water Reclamation Facility and the Headquarters Facility and received certification of full compliance from San Diego Department of Environmental Health. Hosted the February Safety Committee meeting.

OPERATIONS & MAINTENANCE

Operations Manager Geoff Fulks Highlights for February 2022:

Metropolitan Water District (MWD) began blending Diamond Valley Lake (DVL) with Lake Skinner (LS) water. DVL is 100% State Project Water (SPW) and LS is 100% Colorado River Water. The blend is expected to be challenging for treatment at the DCMWTP due to chemistry changes

including water aggressiveness at higher concentrations of SPW. Staff will be monitoring the untreated water blend reports daily and making adjustments as needed to maintain water quality. Water Treatment Plant III recruitment is in progress. DCMWTP supervisor is currently taking duty to support operations. A fissure on a coupling of the Del Dios Force main was discovered- 4S WRF Operators, Construction, and Pumps & Motors assisted with repairs, and clean-up work on the emergency 12" sewer force main leak in the Crosby Estates. Construction Department repaired a 10" water main pipeline on Garden View Ct in Encinitas as well as a 16" transition main pipeline in front of Rancho Santa Fe Fire Department on Four Gee Rd in the 4S Ranch area. Instrument Control and Pump and Motor Technicians have provided extensive support to the DCMWTP for PLC faults, pump and motor repairs, as well as regular maintenance. IT continues the deployment of Microsoft 365.

CUSTOMER SERVICES DEPARTMENT

Customer Services Manager John Carnegie Highlights for February 2022:

Submitted two applications to American Public Works Association for its Project of the Year awards program; mailed 427 postcards notifying customers affected by the next AMI Expansion Project phase and the My Water Use portal; sent to 903 email subscribers information on the litigation refund credit and 2022 drought update; and completed the second annual IRWM Prop 84 - Round 2 Post Performance Report on behalf of North San Diego Water Reuse Coalition for grant-funded recycled water projects.

At EFRR, hosted five field trips for Escondido Unified School District third graders; installed 2021 photo contest winners display in interpretive center; held Golden Spotted Oak Borer beetle monitoring training; initiated CEQA notice of exemption process for overflow parking lot expansion project; and submitted to Land and Water Conservation Fund grant for overflow parking lot expansion project.

FINANCE DEPARTMENT

Finance Manager Rainy Selamat Highlights for February 2022:

Kicked-off fiscal years 2023 and 2024 budget process with managers; work in progress in completing 2022 annual goals, including researching and developing the District's pension funding plans and policy; held 3rd quarter Finance Committee meeting to discuss investment and pension advisory service proposals; setting up the Rate Reimbursement Credit (RRC) program for keeping track the credits given out to customers each month and to be accounted for as a credit not a revenue reduction; completed setting up COVID sick leave per the new California legislation in payroll and retroactively adjusted sick hours to comply with the new regulation; completed conversion of monthly water billing to cycle billing in conjunction with implementation of the RRC program in the District's water billing/payment module; staff worked with HR to implement the new labor MOU terms in the District's payroll module and to ensure compliance with California Public Employees Retirement Labor Law and CalPERS rules and regulations; attended SDCWA meetings on future water wholesale costs and projections; held several zoom meetings with UFI to discuss the District's pension liability and financial projections; attend GovInvest software

demonstration on labor and pension module; attended the District's safety committee meeting; and attended various District internal zoom meetings.

ASSISTANT GENERAL MANAGER:

The Assistant General Manager reports the following:

Attended several meetings with the Water Reuse Coalition and Woodard & Curran regarding the 2022 Title XVI WINN application; attended meeting regarding redistricting; attended board meeting with SDNEDC; engaged in several meetings with consultants for the SDVGWP; dedicated significant time to personnel matters, employee recruitment, and claims management.

GENERAL MANAGER:

The General Manager reports the following:

General Manager Thorner participated in the SDCWA General Managers meeting, the SDCWA Board Meeting, WaterReuse California Board of Trustees Meeting, WaterReuse California Executive Committee Meeting, the SDCWA General Counsel Search Subcommittee Meeting, the SDCWA Special A&F Committee Meeting, the LAFCO SDAC Ad Hoc Committee on Rainbow-Fallbrook Meeting, hosted an optional EAP Training on COVID Fatigue, held a COVID Task Force Meeting, completed the sale of the Peay Parcel, held a Finance Committee Meeting, met with UFI on pension policy, held a Safety Committee Meeting, dedicated significant time to interviews, personnel matters, handling COVID issues, and reviewing legal matters.

Memo

C

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

CONSULTING ENGINEER

Any written report will be attached; any oral report will be provided at the time of the Board Meeting.

MEMORANDUM

To: Kimberly Thorner, Esq., Olivenhain MWD Board of Directors

From: Don MacFarlane, Consulting Engineer

Subject: Metropolitan Water District of Southern California (MWD)
Committee Meetings

Date: March 7, 2022

This is a report on the Finance and Insurance, Water Planning and Stewardship Committee, and the Engineering and Operations Committee meetings, held on March 7, 2022. The report is based on the webcast, Board reports and memorandums. Note that Committee approvals may be changed by the full Board at their meeting on March 8, 2022.

Delta Outflow – During the month of February 2022, the flow averaged 11,500 cubic feet per second (cfs). Over a 24-hour period, 11,500 cfs is approximately equal to 22,900 acre-feet.

Finance and Insurance Committee –

1. Water Deliveries – Through January 2022

2. Variation	Budget Month	Budget YTD	Prior Year YTD
Transactions (TAF)	Not Available	Not Available	Not Available
Transactions \$MM	Not Available	Not Available	Not Available
	Actual Month		Prior Year
February Delivery TAF	106		98

3. FY 2023 and FY 2024 Budget Workshop # 3 –

- Staff responded to 10 questions/comments/ideas on a wide range of budget items that had been submitted at Workshop #2. The GM stated that staff had made a considerable effort to reduce rate increases.
- The Committee members emphasized the need to further reduce rate increases and keep rates “affordable.” Major drivers of the rate increase are funding water stewardship and inflation. There were many ideas on how to reduce costs.
- Staff will work on additional ideas to reduce rate increases and present options at Workshop #4, on March 22, 2022.

MEMORANDUM

Metropolitan Water District of Southern California

March 7, 2022 Committee Meetings

Page 2

3/8/2022

Water Planning and Stewardship Committee

1. Water Surplus Drought Management Notes, March 1, 2022 -
 - a. To date, the Northern Sierra snowpack is 59 percentage of normal.
 - b. January and February were the driest on record in northern California.
 - c. The Upper Colorado River Watershed snowpack is 92 percent of normal.
 - d. The current forecast is to use 415 TAF from dry-year storage in 2022.
 - e. If March is dry, the SWP allocation of 15 could be reduced

Engineering and Operations Committee

1. Project Labor Agreement for Construction Projects Larger than \$5M – There was nearly 1.5 hours of public comment, mostly in support of a PLA, from labor union representatives. The Committee discussion was both for and against. The final vote was 7 yes to 6 no. Staff is hiring a consultant to assist with the development of the PLA and will bring details back to the Board this summer for review and approval.
2. Capital Improvement Projects for the Biennial Budget
 - a. The budget is \$300M per year.
 - b. Staff is now using a risk-based approach to help prioritize projects.
 - c. The largest projects in the next two years include:
 - i. Pipe Rehabilitation \$104M
 - ii. System Reliability \$86M
 - iii. CRA Reliability \$76M
 - iv. Distribution System Reliability \$64M
 - d. The largest projects in the next 10 years include:
 - i. Regional Recycled Water Project \$3.5B
 - ii. Pipe Rehabilitation \$698M
 - iii. CRA \$385M
 - iv. SWP-Only Service Area \$283M
 - v. Supervisory Control and Data Acquisition \$173M
 - e. If additional grant funding is approved in the next two years, staff will propose increasing the CIP budget for the Regional Recycled Water Project.
3. Percent State Water Project Water at Lake Skinner – 0 percent.

CIP – Capital Improvement Program

SWP – State Water Project

CRA – Colorado River Aqueduct

TAF – Thousand acre-feet

Memo

D

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

GENERAL COUNSEL

Any written report will be attached; any oral report will be provided at the time of the Board Meeting.



TO: Olivenhain Municipal Water District

FROM: Alfred Smith

DATE: March 16, 2022

RE: Attorney Report: Government Immunity
150152-0005

I. INTRODUCTION.

This attorney report provides an update on recent case law confirming the government immunity doctrine for local agencies. In *City of Chico v. Superior Court*, the Third District Court of Appeal confirmed the immunity of local government agencies for injuries caused by a natural condition on public property. The decision in the *Chico* case confirms immunity for injuries caused by a natural condition of unimproved public property, even where a public entity made changes to the property's natural condition.

II. BACKGROUND.

Plaintiff Wendy McKenzie was injured by a falling tree branch while jogging on a bike path in Lower Bidwell Park, a municipal park owned by the City. Bidwell Park is a municipal park established in 1905 and is comprised of 3,670 acres. The park is a naturally occurring riparian woodland located within the Sacramento River Basin. South Park Drive is designated a Class I bike path by the City, and provides pedestrian access through the park.

The subject tree is a 130-year-old Valley Oak tree and predates the establishment of the area as a municipal park. Valley Oaks are endemic to California and indigenous to the Sacramento River Basin.

The City argued the area of Valley Oak trees where the branch fell, as well as the subject tree itself, qualified as unimproved public property — and the presence of South Park Drive does not alter that. The City asserted: “the falling of the subject branch was, in and of itself, an unpredictable, natural condition of the tree. Trees are living organisms and naturally lose branches or even fall.” Further, the City argued this case “is precisely the type of situation contemplated by the Legislature when it enacted [s]ection 831.2, namely, encouraging public access to recreational areas without imposing liability on public entities when injuries are caused by natural conditions.”

In support of its summary judgment motion, the City provided the declaration of an arborist, who opined: “The subject tree is a Valley Oak (*Quercus lobata*), a tree

species that is susceptible to the phenomenon of unexpected branch failure that is generally described as ‘Sudden Branch Drop.’ Sudden Branch Drop . . . is a sudden unanticipated failure of a tree branch with little or no discernible defect; often associated with long, horizontal branches and warm temperatures.” The City also cited deposition testimony that unexpected breakage of a tree limb usually is a result of high temperatures, often associated with dehydration of the tissues, constituting an unpredictable event.

The plaintiff countered by arguing the branch failed due to years of neglect resulting in “a heavy, overloaded, and horizontally growing branch that overwhelmed the point of attachment between the branch and the trunk.” The plaintiff asserted: “This excessive weight combined with the horizontal growth characteristic created a dangerous condition of public property that should and would have been obvious to any properly trained arborist conducting a basic ground-level assessment. The City’s failure to engage in any standard maintenance and risk mitigation allowed this dangerous condition to exist.”

The plaintiff also argued the park — in the middle of Chico and with two million annual visitors — is not the type of public land contemplated for natural condition immunity. The plaintiff suggested natural condition immunity applies only to “primitive regions of the state, and not to an urban park in an urban setting, with the subject tree constituting part of the City’s urban forest.”

Regarding the subject tree, the plaintiff noted calluses evinced pruning both on the fallen branch and other parts of the tree. The plaintiff asserted: “such pruning could push growth to the remaining branches. Such pruning, by altering the size and structure of the tree and branch, effectively eliminates the tree’s natural and unimproved character.” The plaintiff further argued: “the City previously pruned the subject tree, but failed to properly manage the tree in any form for at least 18 years prior to the incident, as it had not even inspected the tree since 1999 to ensure that its prior pruning did not exacerbate the tree’s dangerous condition.” The plaintiff did not, however, alleged facts supporting a finding that the previous pruning *actually caused* the branch to break.

III. COURT’S ANALYSIS.

The plaintiff sued the City for maintaining a dangerous condition of public property. The City moved for summary judgment based on Government Code section 831.2’s immunity from liability for injuries caused by a natural condition of unimproved public property. The trial court denied summary judgment, finding triable issues of fact on whether the injuries were caused by a natural condition of unimproved public property. The City appealed.

The Court of Appeal ruled in favor of the City. The appellate court ruled that the City was entitled to Government Code section 831.2 immunity as a matter of law. In support of its ruling, the Court of Appeal noted that Section 831.2 was enacted to

ensure that public entities will not prohibit public access to recreational areas because of the burden and expense of defending against personal injury suits and of placing such land in a safe condition. The appellate court stated:

“By requiring that those using unimproved public property assume the risk of injury caused by natural conditions there, the Legislature assured that such areas remain open to the public. To that end, section 831.2 provides: Neither a public entity nor a public employee is liable for an injury caused by a natural condition of any unimproved public property, including but not limited to any natural condition of any lake, stream, bay, river or beach. Section 831.2 immunity is absolute and applies regardless of whether the public entity had knowledge of the dangerous condition or failed to give warning. Section 831.2 is given broad application and should not be construed narrowly.”

For a plaintiff to avoid the natural condition immunity, the Court of Appeal stated there must be a “causal nexus between the dangerous condition and either human conduct or an artificial improvement. The immunity applies unless an improvement or human conduct created, contributed to, or exacerbated the degree of, the danger associated with a natural condition.”

Examining the condition of the park and the alleged injuries, the court found that the natural growth of indigenous trees in natural habitats is a natural condition. Pruning did not change that. Despite the pruning, the continued growth of the tree was a natural condition. That the branch fell on (and the injury occurred on) an improved path did not change that the condition was on unimproved public property. There was no evidence that the pruning caused the branch to fall. At most, there was evidence it affected the diameter of the branches, which did not cause branches to drop.

The appellate court further noted that improvement of a portion of a publicly owned land area does not remove the immunity from the unimproved areas. The court found: “The reasonableness of this rule is apparent. Otherwise, the immunity as to an entire park area improved in any way would be demolished. This would, in turn, seriously thwart accessibility and enjoyment of public lands by discouraging the construction of such improvements.”

The Court of Appeal concluded:

“Section 831.2 unambiguously immunizes a city from liability for an injury caused by a natural condition of any unimproved public property Accordingly, natural condition immunity extends to any unimproved public property, and surrounding improvements are immaterial absent a causal nexus between those improvements and the dangerous condition of the public property.”

The City also argued it is immune for injuries caused by a condition of a path to recreational activities, under Government Code section 831.4 (trail immunity). Because the Court of Appeal concluded that natural condition immunity under section 831.2 applied as a matter of law, the Court did not reach the City's additional trail immunity argument.

IV. CONCLUSION.

With the District's operation of the Elfin Forest and ownership of public land, the appellate court's decision in *Chico* provides valuable precedent immunizing the District from liability for alleged injuries on unimproved public land.

The *Chico* decision confirms that Government Code § 831.2's immunity for injuries caused by a natural condition of unimproved public property protects local agencies from alleged injuries, even if the agency made improvements or changes to the natural condition of publicly owned land, and even if the public land is located in a high traffic modernized area.

To thwart this governmental immunity, the plaintiff must allege and demonstrate a causal nexus between a dangerous condition and either human conduct or an artificial improvement that created, contributed to, or exacerbated the degree of danger associated with a natural condition.

AES

Memo

E

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

SAN DIEGO COUNTY WATER AUTHORITY REPRESENTATIVE

Any report will be oral at the time of the Board meeting.



SUMMARY OF FORMAL BOARD OF DIRECTORS' MEETING FEBRUARY 24, 2022

1. Amendment 1 to the service contract with Bob Turner's Crane Services, Inc., dba: Bob's Crane Service, for crane rental with operator services.
The Board authorized the General Manager to execute Amendment 1 to the Contract with Bob's Crane Services, in the amount of \$150,000 for crane rental with operator services, increasing the not-to-exceed amount from \$150,000 to \$300,000.
2. Amendment 3 to the service contract with Co's Traffic Control, Inc., for traffic control services.
The Board authorized the General Manager to execute Amendment 3 to the Contract with Co's Traffic Control in the amount of \$150,000 for traffic control services, increasing the not-to-exceed amount from \$650,000 to \$800,000.
3. Construction contract with J.F. Shea Construction, Inc. for the Pipeline 4 West Lilac Urgent Repair Project.
The Board ratified the construction contract with J.F. Shea Construction, Inc. in the amount of \$1,135,000 for the Pipeline 4 West Lilac Urgent Repair project.
4. Change Orders to Gracon, LLC for the Rancho Peñasquitos Hydroelectric Facility Improvements Project.
The Board accepted staff executed Change Orders 1 through 7 for a total of \$383,382, and authorized the General Manager, or designee, to execute a pending change order up to \$280,000 to revise the construction sequence for the project.
5. Professional services contracts with Kleinfelder, Inc.; Kennedy / Jenks Consultants, Inc.; and Tetra Tech for professional structural engineering, architectural, and geotechnical services, as-needed.
The Board authorized the General Manager, or designee, to award professional services contracts to Kleinfelder, Inc. for \$350,000; Kennedy/Jenks Consultants, Inc. for \$350,000; and Tetra Tech for \$300,000 for structural engineering, architectural, and geotechnical services, as-needed for a period of five years.
6. Professional services contracts with Richard Brady and Associates, Inc.; Hunter Pacific Group; and The Engineering Partners, Inc. for controls and electrical engineering services, as-needed.
The Board authorized the General Manager, or designee, to award professional services contracts to Richard Brady and Associates, Inc. for \$500,000; Hunter Pacific Group for \$250,000; and The Engineering Partners, Inc. for \$250,000 for controls and electrical engineering services, as-needed for a period of five years.



7. Professional services contract with Black & Veatch Corporation for the 2023 Water Facilities Master Plan in an amount not to exceed \$2,850,000.
The Board authorized the General Manager to award a professional services contract with Black & Veatch Corporation to provide planning services to prepare the 2023 Water Facilities Master Plan for a 30-month period in an amount not to exceed \$2,850,000.
8. Monthly Treasurer's Report on Investments and Cash Flow.
The Board noted and filed the Treasurer's report.
9. Approve actions from Special A&F Committee Meeting.
A) The Board adopted the Proposed Budget Policy with an amendment that the Board is to receive a draft two weeks prior to the March Board meeting; B) approved the Rate Design Development with the Financial Strategy Work Group being provided with regular monthly updates on the progress of future rate development efforts; and, C) approved that the Financial Strategy Work Group will receive a presentation and provide a recommendation to the Board on the proposed alternative rate design structure after SDCWA staff has worked with Member Agency Managers (and their staff).
10. Approval of Minutes.
The Board approved the minutes of the Formal Board of Directors' meeting of January 27, 2022, and Special Board meeting of January 13, 2022.
11. Assembly Bill 361 Continued Determination Acknowledging the Governor of the State of California's Proclamation of a State of Emergency and of Remote Teleconference Meetings of the Legislative Bodies of San Diego County Water Authority due to the Emergency Pursuant to Brown Act Provisions.
The Board acknowledged the Governor's proclaimed State of Emergency, and approve continued remote teleconference meetings of the legislative bodies of San Diego County Water Authority due to the emergency pursuant to Brown Act after reconsidering the circumstances and finding that state or local officials continue to impose or recommend measures to promote social distancing.
12. Employment of retired annuitant as temporary Assistant General Manager and exception of 180-day wait period.
The Board adopted Resolution No. 2022-06, a resolution of the Board of Directors of the San Diego County Water Authority approving exception to the 180-day waiting period to hire a CalPERS retired annuitant in accordance with Government Code sections 7522.56 and 21224.

Memo

F

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS
LEGISLATIVE REPORT

Any written report will be attached; any oral report will be provided at the time of the Board Meeting.

TO: Olivenhain Municipal Water District

FROM: Ashley Walker, Senior Policy Advisor, Nossaman LLP
Jennifer Capitolo, Jennifer M. Capitolo and Associates LLC

DATE: March 9, 2022

RE: February 2022 Public Policy Report

State Legislative Update:

Status of the Legislature: The legislative deadline for new bills to be introduced was February 18. We are evaluating impacts of the hundreds of bills that were introduced related to water. Participation in legislative budget and policy hearings continues to be remote due to the COVID-19 pandemic. There continues to be several announcements of Members resigning or not seeking re-election due to redistricting and/or other reasons.

FY 2022-23 State Budget: ACWA recommendations for Drought Infrastructure Investments include:

- \$850 Million for Dam Safety/Reservoir Operations
- \$500 Million for Conveyance
- \$470 Million for Groundwater
- \$450 Million for Recycling
- \$300 Million for Urban Water Conservation
- \$75 Million for Agriculture Water Conservation
- \$100 Million for Flood Protection
- \$15 Million for Water Data

Additionally, ACWA is supporting the following funding proposed in the Governor's 2022-23 Budget:

- \$40 Million for Multi-Benefit Land Repurposing
- \$145 Million for Small Water Suppliers Drought Relief and Urban Water Management Grants
- \$20 Million for State Water Efficiency and Enhancement Program

Nossaman would like the District to prioritize State Budget investments most critical to the District, so we can advocate for funding during State Budget hearings and negotiations.

Legislation: Nossaman suggests the following positions.

- **AB 2016 (Bauer-Kahan): State Water Resources Control Board: desalination plant: feasibility.** This bill would require the State Water Board to complete a comprehensive feasibility study of the potential impact of desalination plants within the state and present it to the Legislature on or before January 1, 2025. The bill would authorize the State Water Board to contract with an educational institution or related organization to conduct the feasibility study. AB 2016 would allow the State Water Board to request a one-time extension of up to one year to complete the feasibility study. ***Recommended position: Watch.***

- **AB 2142 (Gabriel): Income taxes: exclusion: turf replacement water conservation program.** This bill would, for taxable years beginning on or after January 1, 2022, and before January 1, 2027, under both of these laws, provide an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a local water agency or supplier for participation in a turf replacement water conservation program. *Recommended position: Support.*
- **AB 2864 (Rivas): Local Government Renewable Energy Self Generation Program.** This bill would remove the current statewide 250 MW limit on participation in the Renewable Energy Self-Generation Bill Credit Transfer (RES-BCT) program. *Recommended position: Support.*
- **SB 832 (Dodd): Water rights: measurement of diversion.** This bill would authorize the State Water Board to modify water diversion measurement requirements if it finds certain criteria to be met. *Recommended position: Watch.*
- **SB 892 (Hurtado): Cybersecurity preparedness: food and agriculture sector and water and wastewater systems sector.** This bill would require CalOES to develop and enact reporting requirements applicable to companies and cooperatives in the food and agriculture industry if they identify a significant and verified cyber threat or active cyberattack. This bill would require a water and wastewater systems sector entity serving more than 3,300 people to report their risk assessments and emergency response plan required by AWIA to CCIC, the Department of Water Resources (DWR), and the State Water Resources Control Board (State Water Board). The bill would require CalOES to direct CCIC to prepare a strategic, multiyear outreach plan that focuses on methods for state agencies to reach out to the food and agriculture sector and the water and wastewater sector in the state to increase awareness and interest in cybersecurity. *Recommended position: Watch.*
- **SB 1205 (Allen): Water rights: appropriation.** This bill would require the State Water Board to develop and adopt regulations to provide greater specificity as to the methods and practices for determining water availability in the issuance and administration of water right permits and licenses, including consideration of the effects of climate change upon watershed hydrology as part of the preparation of water availability analyses. The bill would require the State Water Board to consult with the Department of Water Resources (DWR), the Department of Fish and Wildlife (DFW), qualified hydrologists, and climate change scientists to prepare the regulations. *Recommended position: Watch.*

Executive Orders and Actions Related to COVID-19: This list is compiled from CalOES, California Health and Human Services, California Department of Public Health, and FEMA.

- February 28 - Following the California Department of Public Health's release of new indoor masking guidance, Governor Gavin Newsom signed an executive order that updates the Division of Occupational Safety and Health (Cal/OSHA) COVID-19 Emergency Temporary Standard (ETS) in keeping with the current guidance. In California, starting March 1, masks will no longer be required for unvaccinated workers indoors, consistent with the updated CDPH guidance, but will be strongly recommended for all individuals in most indoor settings. Employers must still provide a face covering upon request of an employee.
- February 28 – Governor Gavin Newsom and CDPH announced that after 11:59 p.m. on March 11, California will adopt new indoor mask policies and move from mask requirements to mask recommendations in schools.
- February 17 - Governor Gavin Newsom unveiled the state's SMARTER Plan, the next phase of California's pandemic response.

- February 16 - With COVID-19 conditions improving, California's statewide indoor masking policy has changed. Masking is no longer required for vaccinated individuals but is still strongly recommended. All unvaccinated individuals must continue to wear masks in indoor public places. Masks must still be worn on all public transportation, hospitals, school and shelters – regardless of vaccination status.
- February 10 - As part of his proposed COVID-19 Emergency Response Package, Governor Gavin Newsom announced that he has signed a \$1.9 billion early action measure to meet the state's immediate COVID response needs, including funding to boost testing capacity and vaccination efforts, support frontline workers, strengthen the health care system and battle misinformation, with a focus on the hardest-hit communities. The Administration continues to work with the Legislature through the budget process to advance an additional \$1.3 billion to support the state's ongoing pandemic response.³
- February 9 - Governor Gavin Newsom signed legislation on February 9th to extend COVID-19 supplemental paid sick leave and bolster investments to support small businesses hit hardest by the pandemic.

DROUGHT UPDATE - The State Water Board (SWB) continues to report out once a month on water suppliers' progress toward achieving the voluntarily 15% water use reductions called for in the Governor's July 6 Executive Order. The next major update will be on March 15, 2022. Additionally, interested stakeholders have been meeting with key decision makers at the Natural Resources Agency, Department of Water Resources and SWB to discuss alternatives to a mandatory conservation measure. We will keep you updated as those proposals are daylighted.

WATER QUALITY UPDATE

Drinking Water Needs Assessment – The SWB held a public webinar to provide an opportunity for stakeholders to review and discuss proposed changes to the Drinking Water Needs Assessment for 2022. The SWB is proposing to change and add additional indicators used in the Risk and Affordability Assessment for public water systems. The addition of these new indicators has resulted in an expansion of the list of water systems included in the Risk Assessment, including larger systems, which were not previously included. ACWA submitted a letter to modify many of the SWB's recommendations.

California State Auditor Report – In 2021, the State Legislature requested an audit by the State Auditor related to the State Water Board's efforts to help provide Californians with clean drinking water. Water utilities on the Human Right to Water list have been contacted by the State Auditor to complete a survey on the State Water Board's efforts to assist these water systems.

Direct Potable Reuse (DPR) – The SWB continues to host expert panel discussions on the proposed DPR criteria. The videos and slides are available here, if you'd like additional information. https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/direct_potable_reuse.html

Statewide Sanitary Sewer Systems General Order – At the SWB meeting on March 15, 2022, the Board is scheduled to review the proposed update to the Statewide Sanitary Sewer Systems General Order which requires public agencies to report sewer spills, develop, implement, and update a Sewer System Management Plan, and conduct internal sewer program audits. The proposed changes include:

- Updates the General Order findings per Water Board priorities established through regulations and resolutions adopted since the 2006 adoption of the existing Order;
- Expands the scope of General Order coverage to allow discretionary regulation of privately owned sewer systems if required by a Regional Water Board;
- Clarifies that the sewer spill prohibitions include spills to waters of the State (surface waters and groundwaters - not solely waters of the United States);
- Addresses cost of compliance, transparency, and efficient use of staff resources;

- Augments existing system condition assessment requirements for Enrollees to observe for exfiltration, and prioritize remediation accordingly;
- Addresses “system resilience” by incorporating prioritization of system rehabilitation and repair in high risk system areas;
- Requires Enrollee submittal of electronic sewer system service area boundary map;
- Includes a proposed regulatory incentive of reduced public reporting for less than 50-gallon spills to promote operator certification and improved system performance.

WATER USE EFFICIENCY/CONSERVATION UPDATE

STATE WATER BOARD

Water Loss Standards Rulemaking – On February 10, the SWB staff held a webinar to solicit comments on its proposed water loss performance standards and the supporting economic model. The Water Loss Coalition (Coalition) which includes the Association of California Water Agencies (ACWA), the California Municipal Utilities Association (CMUA), the California Water Association (CWA) and the California-Nevada Section of the American Water Works Association (CA NV AWWA) to offer comprehensive comments that highlighted remaining water supplier technical and policy issues and requested changes.

On February 11, the Coalition submitted its comment letter. With the close of the comment period SWB staff will evaluate all the written and oral comments and determine how, or if, to make any changes to the regulation. If the SWB makes any substantive changes (such as those requested by the Coalition), they will re-release the amended regulation for an additional comment period of 15-days to solicit comments only on those changes. A decision hearing by the SWB could be scheduled by late March or early April.

DEPARTMENT OF WATER RESOURCES

Water Use Standards for CII Classification and Dedicated Meters – On January 25, the Department of Water Resources (DWR) held a webinar workshop to present proposed water use standards for Commercial, Industrial, and Institutional (CII) outdoor landscape areas that are irrigated with dedicated irrigation meters (DIMs). The proposal also included specified in-lieu technologies, CII best management practices, and annual reporting requirements. This proposal is complex and interrelated, and its impact on water suppliers could be quite variable and substantial. DWR staff had proposed only a ten-day comment period, for which an additional one-week extension was requested by CWA, ACWA and CMUA. DWR senior management staff granted the request, extending the comment period to February 15. A coalition letter was submitted on February 14. Comments and recommendations will be evaluated by DWR staff, and a final recommendation will be prepared for submittal to the SWB, likely by mid-March. SWB staff will initiate a regulatory rulemaking process, which will be coordinated with other water use standard-setting for residential outdoor landscaping and other elements of the comprehensive water conservation legislation of 2018, AB 1668 (Friedman) and SB 606 (Hertzberg), the so-called “Conservation as a California Way of Life” framework.

OTHER

The Planning and Conservation League has released a report with recommendations on updating California water laws to address drought and climate change. A link to the paper can be found here. <https://www.pcl.org/media/2022/02/Updating-California-Water-Laws-to-Address-with-Drought-and-Climate-Change.pdf> At least three of the report recommendations have been introduced as legislation in the 2022 session.



Olivenhain Legislative Report 2021-22 Report as of 3/9/2022

Support

AB 2142 (Gabriel D) Income taxes: exclusion: turf replacement water conservation program.

Status: 2/24/2022-Referred to Com. on REV. & TAX.

Location: 2/24/2022-A. REV. & TAX

Calendar: 3/21/2022 2:30 p.m. - State Capitol, Room 126 ASSEMBLY REVENUE AND TAXATION, IRWIN, Chair

Summary: The Personal Income Tax Law and the Corporation Tax Law, in conformity with federal income tax law, generally defines "gross income" as income from whatever source derived, except as specifically excluded, and provides various exclusions from gross income. Current law provides an exclusion from gross income for any amount received as a rebate or voucher from a local water or energy agency or supplier for the purchase or installation of a water conservation water closet, energy efficient clothes washers, and plumbing devices, as specified. This bill would, for taxable years beginning on or after January 1, 2022, and before January 1, 2027, under both of these laws, provide an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a local water agency or supplier for participation in a turf replacement water conservation program.

Position

Support

AB 30 (Kalra D) Outdoor access to nature: environmental equity.

Last Amend: 1/24/2022

Status: 2/1/2022-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 2/1/2022-S. RLS.

Summary: Would declare that it is the established policy of the state that all Californians have safe and affordable access to nature and access to the benefits of nature, among other things. The bill would require all relevant state agencies, including the Natural Resources Agency, state departments, including the Department of Transportation, and their respective departments, boards, and commissions to incorporate this state policy when revising, adopting, or establishing policies, regulations, and grant criteria, or making expenditures, pertinent to the uses of outdoor access to nature, as provided.

Position

AB 84 (Committee on Budget) Employment: COVID-19: supplemental paid sick leave.

Last Amend: 2/2/2022

Status: 2/9/2022-Re-referred to Com. on B. & F.R.

Location: 2/9/2022-S. BUDGET & F.R.

Summary: Would, beginning January 1, 2022, until September 30, 2022, provide for COVID-19 supplemental paid sick leave for covered employees who are unable to work or telework due to certain reasons related to COVID-19, including that the employee is attending a COVID-19 vaccine or vaccine booster appointment for themselves or a family member, or is experiencing symptoms, or caring for a family member experiencing symptoms, related to a COVID-19 vaccine or vaccine booster. The bill would entitle a covered employee to 40 hours of COVID-19 supplemental paid sick leave if that employee either works full time or was scheduled to work, on average, at least 40 hours per week for the employer in the 2 weeks preceding the date the covered employee took COVID-19 supplemental paid sick leave. The bill would provide a different calculation for supplemental paid sick leave for a covered employee who is a firefighter subject to certain work schedule requirements and for a covered employee working fewer or variable hours, as specified.

Position

AB 87 (Committee on Budget) Economic relief: COVID-19 pandemic.

Last Amend: 2/2/2022

Status: 2/9/2022-Re-referred to Com. on B. & F.R.

Location: 2/9/2022-S. BUDGET & F.R.

Summary: Would create the California Emergency Relief Fund as a special fund in the State Treasury to provide emergency resources or relief relating to state of emergency declarations proclaimed by the Governor. The bill would transfer from the General Fund to the California Emergency Relief Fund \$150,000,000 for purposes relating to the COVID-19 emergency proclaimed by the Governor on March 4, 2020. The bill would appropriate \$150,000,000 from that fund to the Office of Small Business Advocate for a closed round to fund small business grant applications waitlisted from previous rounds of the California Small Business COVID-19 Relief Grant Program.

Position

AB 147 (Ting D) Budget Act of 2021.

Last Amend: 2/2/2022

Status: 2/9/2022-Re-referred to Com. on B. & F.R.

Location: 2/9/2022-S. BUDGET & F.R.

Summary: The Budget Act of 2021 made appropriations for the support of state government for the 2021–22 fiscal year. This bill would amend the Budget Act of 2021 by amending and adding items of appropriation and making other changes. This bill would declare that it is to take effect immediately as a Budget Bill.

Position

AB 522 (Fong R) Forestry: Forest Fire Prevention Exemption.

Last Amend: 1/12/2022

Status: 1/27/2022-Read third time. Passed. Ordered to the Senate. In Senate. Read first time. To Com. on RLS. for assignment.

Location: 1/27/2022-S. RLS.

Summary: The Z'berg-Nejedly Forest Practice Act of 1973 authorizes the State Board of Forestry and Fire Protection to exempt from some or all of those provisions of the act a person engaging in specified forest management activities, as prescribed, including the harvesting of trees for the purpose of reducing the rate of fire spread, duration and intensity, fuel ignitability, or ignition of tree crowns, as provided, known

as the Forest Fire Prevention Exemption. The act provides that the Forest Fire Prevention Exemption is operative for a period of 5 years after the effective date of emergency regulations adopted by the board to implement the exemption and is inoperative after that 5-year period. Current regulations implementing that exemption specify that it becomes inoperative 5 years after February 19, 2019. This bill would make the operation of the Forest Fire Prevention Exemption inoperative on January 1, 2026.

Position

AB 921 (McCarty D) Flood protection: City of West Sacramento flood risk reduction project.

Status: 1/19/2022-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 1/19/2022-S. RLS.

Summary: Unless a city or county within the Sacramento-San Joaquin Valley makes certain findings after the effective date of specified amendments to its general plan, the Planning and Zoning Law prohibits a city or county from entering into a development agreement for property located in a flood hazard zone; approving a discretionary permit, ministerial permit, or other discretionary entitlement for a project that is located within a flood hazard zone, as specified; or approving a tentative map, or a parcel map for which a tentative map was not required, for a subdivision that is located within a flood hazard zone. This bill would require the City of West Sacramento, as defined, to achieve the urban level of flood protection by 2030.

Position

AB 1001 (Garcia, Cristina D) Environment: mitigation measures for air and water quality impacts: environmental justice.

Last Amend: 1/24/2022

Status: 2/1/2022-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 2/1/2022-S. RLS.

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would authorize mitigation measures, identified in an environmental impact report or mitigated negative declaration to mitigate the adverse effects of a project on air or water quality of a disadvantaged community, to include measures for avoiding, minimizing, or compensating for the adverse effects on that community.

Position

AB 1154 (Patterson R) California Environmental Quality Act: exemption: egress route projects: fire safety.

Last Amend: 1/12/2022

Status: 1/27/2022-Read third time. Passed. Ordered to the Senate. In Senate. Read first time. To Com. on RLS. for assignment.

Location: 1/27/2022-S. RLS.

Summary: Would, until January 1, 2029, exempt from CEQA egress route projects undertaken by a public agency to improve emergency access to and evacuation from

a subdivision without a secondary egress if the State Board of Forestry and Fire Protection has recommended the creation of a secondary access to the subdivision and certain conditions are met. The bill would require the lead agency to hold a noticed public meeting to hear and respond to public comments before determining that a project is exempt. The bill would require the lead agency, if it determines that a project is not subject to CEQA and approves or carries out that project, to file a notice of exemption with the Office of Planning and Research and with the clerk of the county in which the project will be located.

Position

AB 1624 (Ting D) Budget Act of 2022.

Status: 1/20/2022-Referred to Com. on BUDGET.

Location: 1/10/2022-A. BUDGET

Summary: Would make appropriations for the support of state government for the 2022–23 fiscal year. This bill contains other related provisions.

Position

AB 1640 (Ward D) Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.

Status: 1/20/2022-Referred to Com. on NAT. RES.

Location: 1/20/2022-A. NAT. RES.

Calendar: 3/21/2022 2:30 p.m. - State Capitol, Room 447 ASSEMBLY NATURAL RESOURCES, RIVAS, LUZ, Chair

Summary: Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Existing law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks.

Position

AB 1642 (Salas D) California Environmental Quality Act: water system well and domestic well projects: exemption.

Status: 1/20/2022-Referred to Com. on NAT. RES.

Location: 1/20/2022-A. NAT. RES.

Calendar: 3/21/2022 2:30 p.m. - State Capitol, Room 447 ASSEMBLY NATURAL RESOURCES, RIVAS, LUZ, Chair

Summary: Current law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Current law requires the state board to annually adopt, and update every 3 years, a fund expenditure plan that contains specified information, including, but not limited to, a list of water systems that consistently fail to provide an adequate supply of safe drinking water. Current law requires the state board to develop a drinking water needs assessment to inform the board's annual fund expenditure plan. This bill would exempt from CEQA a project that relates to a well that is part of a water system or to a domestic well that has been designated by the state board as high risk or medium risk in the state board's drinking water assessment and that is designed to mitigate or prevent a failure of the

well or the domestic well that would leave residents that rely on the well, the water system to which the well is connected, or the domestic well without an adequate supply of safe drinking water. The bill would require a lead agency that determines that a project is exempt from CEQA pursuant to these provisions to file a notice of exemption with the Office of Planning and Research and the county clerk, as provided.

Position

AB 1644 (Burke D) Greenhouse Gas Reduction Fund: California Jobs Plan Act of 2021

Status: 1/20/2022-Referred to Coms. on L. & E. and NAT. RES.

Location: 1/20/2022-A. L. & E.

Summary: The California Jobs Plan Act of 2021 requires the State Air Resources Board to work with the Labor and Workforce Development Agency to update, by July 1, 2025, Greenhouse Gas Reduction Fund funding guidelines for administering agencies to ensure that all applicants to grant programs funded by the fund meet specified standards, including fair and responsible employer standards and inclusive procurement policies, as provided. Current law exempts from these standards applicants for certain types of projects. This bill would exempt from these standards applicants for projects for healthy forest and fire prevention programs and projects, and the completion of prescribed fire and other fuel reduction projects.

Position

AB 1717 (Aguilar-Curry D) Public works: definition.

Status: 2/3/2022-Referred to Com. on L. & E.

Location: 2/3/2022-A. L. & E.

Calendar: 3/16/2022 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LABOR AND EMPLOYMENT, KALRA, Chair

Summary: Current law requires that, except as specified, not less than the general prevailing rate of per diem wages, determined by the Director of Industrial Relations, be paid to workers employed on public works projects. Current law defines the term "public works" for purposes of requirements regarding the payment of prevailing wages to include construction, alteration, demolition, installation, or repair work done under contract and paid for using public funds, except as specified. Current law makes a willful violation of laws relating to the payment of prevailing wages on public works a misdemeanor. This bill would expand the definition of "public works" to include fuel reduction work paid for in whole or in part out of public funds performed as part of a fire mitigation project, as specified.

Position

AB 1724 (Stone D) Washing Machines: Microfiber Filtration.

Status: 2/3/2022-Referred to Com. on E.S. & T.M.

Location: 2/3/2022-A. E.S. & T.M.

Summary: Current law, to protect public health and water quality, regulates a broad range of consumer products and processes, including water softeners, water treatment devices, and backflow prevention devices, among others. This bill would require, on or before January 1, 2024, that all washing machines sold as new in California contain a microfiber filtration system. The bill would also require all state-owned washing machines to contain a microfiber filtration system.

Position

AB 1725 (Smith R) Illegal cultivation of cannabis.

Status: 2/3/2022-Referred to Coms. on PUB. S. and B. & P.

Location: 2/3/2022-A. PUB. S.

Calendar: 3/15/2022 9 a.m. - State Capitol, Room 126 ASSEMBLY PUBLIC SAFETY, JONES-SAWYER, Chair

Summary: The California Uniform Controlled Substances Act (the act), as amended by the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), enacted by the voters at the November 8, 2016, statewide general election, makes it a crime to plant, cultivate, harvest, dry, or process more than 6 living cannabis plants without a commercial cannabis license. The act makes those actions a misdemeanor for a person over 18 years of age but less than 21 years of age and a misdemeanor for a person over 18 years of age, unless specified conditions exist, including various prior offenses, in which case the actions may be punished as a felony. This bill would amend AUMA to make it a felony, punishable by 16 months or 2 or 3 years in county jail, for a person over 18 years of age to plant, cultivate, harvest, dry, or process more than 6 living cannabis plants.

Position

AB 1751 (Daly D) Workers' compensation: COVID-19: critical workers.

Status: 2/10/2022-Referred to Com. on INS.

Location: 2/10/2022-A. INS.

Summary: Current law defines "injury" for an employee to include illness or death resulting from the 2019 novel coronavirus disease (COVID-19) under specified circumstances, until January 1, 2023. Existing law create a disputable presumption, as specified, that the injury arose out of and in the course of the employment and is compensable, for specified dates of injury. Current law requires an employee to exhaust their paid sick leave benefits and meet specified certification requirements before receiving any temporary disability benefits or, for police officers, firefighters, and other specified employees, a leave of absence. Existing law also make a claim relating to a COVID-19 illness presumptively compensable, as described above, after 30 days or 45 days, rather than 90 days. Current law, until January 1, 2023, allows for a presumption of injury for all employees whose fellow employees at their place of employment experience specified levels of positive testing, and whose employer has 5 or more employees. This bill would extend the above-described provisions relating to COVID-19 until January 1, 2025.

Position

AB 1771 (Ward D) The California Housing Speculation Act: income taxes: capital gains: sale or exchange of qualified asset: housing.

Last Amend: 3/7/2022

Status: 3/8/2022-Re-referred to Com. on REV. & TAX. Coauthors revised.

Location: 3/3/2022-A. REV. & TAX

Summary: The Personal Income Tax Law and Corporation Tax Law impose taxes upon income, including income generated from any gain from the sale or exchange of a capital asset. This bill would, for taxable years beginning on or after January 1, 2023, impose an additional 25% tax on that portion of a qualified taxpayer's net capital gain from the sale or exchange of a qualified asset, as defined. The bill would reduce those taxes depending on how many years has passed since the qualified taxpayer's initial purchase of the qualified asset. The bill would create the Speculation Recapture Community Reinvestment Fund and would deposit the revenues received as a result of this increase in tax in the fund.

Position

AB 1774 (Seyarto R) California Environmental Quality Act: water conveyance or storage projects: judicial review.

Status: 2/10/2022-Referred to Coms. on NAT. RES. and JUD.

Location: 2/10/2022-A. NAT. RES.

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that the lead agency proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. This bill would require the Judicial Council to adopt rules of court applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification or adoption of an environmental impact report for water conveyance or storage projects, as defined, or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to those projects.

Position

AB 1784 (Smith R) Water Quality, Supply, and Infrastructure Improvement Act of 2014: groundwater sustainability projects: grants and loans.

Status: 2/4/2022-From printer. May be heard in committee March 6.

Location: 2/3/2022-A. PRINT

Summary: Current law provides for the sum of \$900,000,000 to be available, upon appropriation by the Legislature from the Water Quality, Supply, and Infrastructure Improvement Fund of 2014, for expenditures on, and competitive grants, and loans for, projects to prevent or clean up the contamination of groundwater that serves or has served as a source of drinking water, as provided. Current law requires a project that receives funding to be selected by a competitive grant or loan process with added consideration for those projects that leverage private, federal, or local funding, and outlines the additional requirements and processes applicable to projects that receive funding. This bill would make nonsubstantive changes to these latter provisions.

Position

AB 1795 (Fong R) Open meetings: remote participation.

Status: 2/18/2022-Referred to Com. on G.O.

Location: 2/18/2022-A. G.O.

Summary: The Bagley-Keene Open Meeting Act, requires state bodies to allow all persons to attend meetings and provide an opportunity for the public to address the state body regarding any item included in its agenda, except as specified. This bill would require state bodies, subject to existing exceptions, to provide all persons the ability to participate both in-person and remotely, as defined, in any meeting and to address the body remotely.

Position

AB 1817 (Ting D) Product safety: textile articles: perfluoroalkyl and polyfluoroalkyl substances (PFAS).

Status: 2/18/2022-Referred to Com. on E.S. & T.M.

Location: 2/18/2022-A. E.S. & T.M.

Calendar: 3/22/2022 1:30 p.m. - State Capitol, Room 444 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair

Summary: Would prohibit, beginning January 1, 2024, any person from distributing, selling, or offering for sale in the state any textile articles that contain regulated PFAS, and requires a manufacturer to use the least toxic alternative when replacing regulated PFAS in textile articles to comply with these provisions.

Position

AB 1845 (Calderon D) Metropolitan Water District of Southern California: alternative project delivery methods.

Status: 2/18/2022-Referred to Coms. on L. GOV. and W.,P., & W.

Location: 2/18/2022-A. L. GOV.

Summary: Would authorize the Metropolitan Water District of Southern California to use the design-build procurement process for certain regional recycled water projects or other water infrastructure projects. The bill would define "design-build" to mean a project delivery process in which both the design and construction of a project are procured from a single entity. The bill would require the district, if using this procurement process, to follow certain procedures, including preparing and issuing a request for qualifications, preparing a request for proposals including the scope and needs of the project or contract, and awarding projects based on certain criteria for projects utilizing either lowest responsible bidder or best value selection criteria.

Position

AB 1857 (Garcia, Cristina D) Solid waste.

Status: 2/18/2022-Referred to Com. on NAT. RES.

Location: 2/18/2022-A. NAT. RES.

Summary: (1)The California Integrated Waste Management Act of 1989 requires the department and local agencies to maximize the use of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste that must be disposed of by transformation and land disposal. This bill would require the department to certify that a local agency is in compliance with that requirement before approving a permit for a new transformation, EMSW, or land disposal facility serving the local agency.

Position

AB 1865 (Bennett D) Court fee waiver: water rights cases.

Status: 2/18/2022-Referred to Coms. on JUD. and W.,P., & W.

Location: 2/18/2022-A. JUD.

Calendar: 3/15/2022 9 a.m. - State Capitol, Room 437 ASSEMBLY JUDICIARY, STONE, Chair

Summary: Current requires the court to grant a fee waiver to an applicant at any stage of the proceedings at both the appellate and trial court levels if the applicant meets specified standards of eligibility and application requirements, including a person who is receiving certain public benefits, such as Supplemental Security Income or Medi-Cal, or who has a monthly income of 125% or less of the current poverty guidelines, as specified. An initial fee waiver excuses the applicant from paying, among other fees and costs, fees for the first pleading and other court fees and costs as specified in rules adopted by the Judicial Council. This bill would additionally require a court to grant a fee waiver to a person who was joined or countersued in a case involving a water right held by the person.

Position

AB 1879 (Mathis R) California regional water quality control boards: investigations.

Status: 2/18/2022-Referred to Com. on E.S. & T.M.

Location: 2/18/2022-A. E.S. & T.M.

Summary: Under current law, the State Water Resources Control Board and the California regional water quality control boards implement the Federal Water Pollution Control Act and the Porter-Cologne Water Quality Control Act by prescribing waste discharge requirements for discharges to the waters of the state, as specified. This bill would authorize a regional board to decline to investigate one or more complaints if the regional board determines, after an initial investigation, that repeated demands for subsequent investigations regarding a matter that is within the jurisdiction of the regional board are not warranted. If the regional board determines a demand or complaint is not warranted, the bill would require the regional board to notify the complainant and the subject of the complaint, as specified, of that determination and the decision to decline to investigate. If demands for investigations or complaints alleging violations regarding matters that are within the jurisdiction of the regional board persist, the bill would authorize the regional board to investigate the accused agency, business, or other entity not more than once per quarter and up to 4 times per calendar year.

Position

AB 1906 (Stone D) Voluntary stream restoration: property owner liability: indemnification: claims.

Status: 2/18/2022-Referred to Coms. on W.,P., & W. and JUD.

Location: 2/18/2022-A. W.,P. & W.

Calendar: 3/22/2022 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, Chair

Summary: Current law requires a qualifying state agency, as defined, that funds a project to restore fish and wildlife habitats to indemnify and hold harmless a real property owner who voluntarily allows their real property to be used for the project from civil liability for property damage or personal injury resulting from the project if the project qualifies for a specified exemption and meets specified requirements. Current law authorizes a qualifying state agency to indemnify and hold harmless a real property owner who voluntarily allows their real property to be used for that project from civil liability for property damage or personal injury resulting from the project in the case the project does not meet the specified exemption. Current law requires the costs of any civil liability incurred by a qualifying state agency to be promptly paid from the General Fund, and requires those costs to be submitted as a claim by the real property owner to the Department of General Services pursuant to specified provisions. This bill would delete the requirement that those costs be submitted as a claim by the real property owner to the Department of General Services, and would authorize the department to adopt any regulations necessary to establish a process for paying claims arising pursuant to these provisions.

Position

AB 1944 (Lee D) Local government: open and public meetings.

Status: 2/18/2022-Referred to Com. on L. GOV.

Location: 2/18/2022-A. L. GOV.

Summary: Current law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Current law, until January 1, 2024, authorizes a local agency to use teleconferencing

without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would specify that if a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public when the legislative body has elected to allow members to participate via teleconferencing.

Position

AB 1956 (Mathis R) Solid waste: woody biomass: collection and conversion.

Status: 2/18/2022-Referred to Com. on NAT. RES.

Location: 2/18/2022-A. NAT. RES.

Calendar: 3/21/2022 2:30 p.m. - State Capitol, Room 447 ASSEMBLY NATURAL RESOURCES, RIVAS, LUZ, Chair

Summary: Current law establishes the CalRecycle Greenhouse Gas Reduction Revolving Loan Program, administered by the Department of Resources Recycling and Recovery, to provide loans to reduce the emissions of greenhouse gases by promoting in-state development of infrastructure or other projects to reduce organic waste or process organic and other recyclable materials into new value-added products. This bill would create a 5-year woody biomass rural county collection and disposal pilot program, to be administered by the department. The bill would require the department, pursuant to the program, to award funding to participating counties with a total population of less than 250,000 for the purpose of conducting community collection days on which individuals could dispose of woody biomass and other source-separated biomass free of charge.

Position

AB 1993 (Wicks D) Employment: COVID-19 vaccination requirements.

Status: 2/11/2022-From printer. May be heard in committee March 13.

Location: 2/10/2022-A. PRINT

Summary: Would require an employer to require each person who is an employee or independent contractor, and who is eligible to receive the COVID-19 vaccine, to show proof to the employer, or an authorized agent thereof, that the person has been vaccinated against COVID-19. This bill would establish an exception from this vaccination requirement for a person who is ineligible to receive a COVID-19 vaccine due to a medical condition or disability or because of a sincerely held religious belief, as specified, and would require compliance with various other state and federal laws. The bill would require proof-of-vaccination status to be obtained in a manner that complies with federal and state privacy laws and not be retained by the employer, unless the person authorizes the employer to retain proof.

Position

AB 2016 (Bauer-Kahan D) State Water Resources Control Board: desalination plant: feasibility study.

Status: 2/24/2022-Referred to Com. on W.,P., & W.

Location: 2/24/2022-A. W.,P. & W.

Summary: Would require the State Water Resources Control Board to undertake a comprehensive feasibility study of the potential impact of desalination plants within the state, as specified. The bill would authorize the board to contract with an educational institution, as defined, or related organization to conduct the feasibility study. The bill would require the board to prepare and present to the Legislature, on or before January 1, 2025, a prescribed report about the feasibility study. The bill would authorize the board to seek a one time extension of up to one year to complete the feasibility study, as specified.

Position

AB 2041 (Garcia, Eduardo D) California Safe Drinking Water Act: primary drinking water standards: compliance.

Status: 2/24/2022-Referred to Com. on E.S. & T.M.

Location: 2/24/2022-A. E.S. & T.M.

Calendar: 3/22/2022 1:30 p.m. - State Capitol, Room

444 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair

Summary: Would require the State Water Resources Control Board to take specified actions if the state board adopts a primary drinking water standard with a compliance period for which public water systems are given a designated period of time to install necessary measures, including, but not limited to, installation of water treatment systems, to comply with the primary drinking water standard without being held in violation of the primary drinking water standard. Those actions would include, among other actions, developing a financial plan to assist public water systems that will require financial assistance in procuring and installing the necessary measures.

Position

AB 2078 (Flora R) Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program.

Status: 2/24/2022-Referred to Com. on W.,P., & W.

Location: 2/24/2022-A. W.,P. & W.

Calendar: 3/22/2022 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, Chair

Summary: Current law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program in the Department of Water Resources. Current law requires the department, upon an appropriation for purposes of the program, to research climate forecasting and the causes and impacts that climate change has on atmospheric rivers, to operate reservoirs in a manner that improves flood protection, and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers. This bill would rename that program the Atmospheric Rivers Research and Forecast Improvement Program: Enabling Climate Adaptation Through Forecast-Informed Reservoir Operations and Hazard Resiliency (AR/FIRO) Program. The bill would, upon the appropriation of \$10,000,000 from the General Fund for these purposes, require the department to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailored decision support systems through science and technology advances, demonstration and integration into department operations, to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions.

Position

AB 2081 (Garcia, Eduardo D) Municipal water districts: water service: Indian lands.

Status: 2/24/2022-Referred to Com. on L. GOV.

Location: 2/24/2022-A. L. GOV.

Summary: The Municipal Water District Law of 1911 provides for the formation of municipal water districts and grants to those districts specified powers. Current law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district. Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe's lands that are not within a district, as

prescribed. Current law also authorizes a district, until January 1, 2023, under specified circumstances, to apply to the applicable local agency formation commission to provide this service of water to Indian lands, as defined, that are not within the district and requires the local agency formation commission to approve such an application. This bill would extend the above provisions regarding the application to the applicable local agency formation commission to January 1, 2025.

Position

AB 2106 (Rivas, Robert D) Water quality: permits.

Status: 2/24/2022-Referred to Com. on E.S. & T.M.

Location: 2/24/2022-A. E.S. & T.M.

Calendar: 3/22/2022 1:30 p.m. - State Capitol, Room

444 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair

Summary: The State Water Resources Control Board and the 9 California regional water quality control boards regulate water quality and prescribe waste discharge requirements in accordance with the federal national pollutant discharge elimination system (NPDES) permit program established by the federal Clean Water Act and the Porter-Cologne Water Quality Control Act. Current law requires each regional board to formulate and adopt water quality control plans for all areas within the region, as provided. Current law authorizes the state board to require a person submitting a report to the state board, a regional board, or a local agency to submit the report in electronic format. This bill would require, on or before December 31, 2024, the state board to modernize its Stormwater Multiple Application and Report Tracking System (SMARTS) database through specified actions.

Position

AB 2108 (Rivas, Robert D) Water policy: environmental justice and tribal community representation.

Status: 2/24/2022-Referred to Com. on E.S. & T.M.

Location: 2/24/2022-A. E.S. & T.M.

Calendar: 3/22/2022 1:30 p.m. - State Capitol, Room

444 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair

Summary: Current law establishes the State Water Resources Control Board (state board) in the California Environmental Protection Agency. The state board consists of 5 members appointed by the Governor, including one member who is not required to have specialized experience. Current law requires one of those members, excluding the member who is not required to have specialized experience, to additionally be qualified in the field of water supply and water quality relating to irrigated agriculture. This bill would require that one of the persons appointed by the Governor to the state board be qualified in the field of water supply and water quality relating to environmental justice or tribal communities. The bill would also require that at least one person appointed to each regional board have specialized experience to represent environmental justice or tribal communities.

Position

AB 2113 (Rivas, Robert D) State Water Pollution Cleanup and Abatement Account: annual proceed transfers.

Status: 2/24/2022-Referred to Com. on E.S. & T.M.

Location: 2/24/2022-A. E.S. & T.M.

Calendar: 3/22/2022 1:30 p.m. - State Capitol, Room

444 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair

Summary: Would create within the Waste Discharge Permit Fund the Waterway Recovery Account, the Citizen Monitoring Account, the Community Capacity Building

Account, and the Stormwater Innovation Account, and would annually transfer from the annual proceeds of the State Water Pollution Cleanup and Abatement Account, subject to a future legislative act, 50% to the Waterway Recovery Account, and 5% to each of the other 3 accounts created by the bill. The bill would provide that moneys in the accounts created by the bill are available for the state board to expend, upon appropriation by the Legislature, for the following purposes: for the Waterway Recovery Account, to bring impaired waters into attainment with water quality standards; for the Citizen Monitoring Account, to fund a specified state board program to increase water quality monitoring; for the Community Capacity Building Account, to create and fund a community capacity program to increase environmental justice community participation in state board outreach and regulatory processes; and for the Stormwater Innovation Account, for specified activities relating to stormwater best management practices.

Position

AB 2163 (Rubio, Blanca D) San Gabriel Basin Water Quality Authority Act.

Status: 2/24/2022-Referred to Com. on E.S. & T.M.

Location: 2/24/2022-A. E.S. & T.M.

Calendar: 3/22/2022 1:30 p.m. - State Capitol, Room
444 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair

Summary: The San Gabriel Basin Water Quality Authority Act establishes the San Gabriel Basin Water Quality Authority and provides for its powers and duties. Current law repeals the act on July 1, 2030. Upon the act's repeal, existing law prescribes various requirements for the administration of the authority's debts and assets. This bill would extend the July 1, 2030, date of repeal of the act to July 1, 2050, thereby imposing a state-mandated local program by extending the period of time in which the authority and other local public entities are required to carry out various duties under the act.

Position

AB 2173 (Petrie-Norris D) Public contracts: payment.

Status: 2/24/2022-Referred to Com. on A. & A.R.

Location: 2/24/2022-A. A. & A.R.

Summary: Current law, until January 1, 2023, authorizes the retention proceeds withheld from any payment by an awarding entity, as described, from the original contractor, by the original contractor from any subcontractor, and by a subcontractor from any subcontractor, to exceed 5% on specific projects where the director of the applicable department, as specified, has made, or the governing body of the public entity or designated official of the public entity has approved, a finding prior to the bid that the project is substantially complex and requires a higher retention and the department or public entity includes both this finding and the actual retention amount in the bid documents. This bill would make these provisions operative indefinitely.

Position

AB 2179 (Grayson D) Development fees and charges: deferral.

Status: 2/24/2022-Referred to Coms. on L. GOV. and H. & C.D.

Location: 2/24/2022-A. L. GOV.

Summary: Current law prohibits a local agency that imposes fees or charges on a residential development for the construction of public improvements or facilities from requiring the payment of those fees or charges until the date of the final inspection or the date the certificate of occupancy is issued, whichever occurs first, except that the payment may be required sooner under specified circumstances. This bill would similarly prohibit a noncompliant local agency, as defined, that imposes any fees or

charges on a qualified development, as defined, from requiring the payment of those fees or charges until 20 years from the date of the final inspection, or the date the certificate of occupancy is issued, whichever occurs first.

Position

AB 2247 (Bloom D) Perfluoroalkyl and polyfluoroalkyl substances (PFAS) products: disclosure: publicly accessible reporting platform.

Status: 3/3/2022-Referred to Coms. on E.S. & T.M. and JUD.

Location: 3/3/2022-A. E.S. & T.M.

Summary: Current law, beginning January 1, 2025, prohibits the manufacture, sale, delivery, hold, or offer for sale in commerce of any cosmetic product that contains any of several specified intentionally added ingredients, including perfluoroalkyl and polyfluoroalkyl substances (PFAS), except under specified circumstances. This bill would require the Department of Toxic Substances Control to work with the Interstate Chemicals Clearinghouse to establish, on or before January 1, 2024, a publicly accessible reporting platform to collect information about PFAS and products or product components containing regulated PFAS, as defined, being sold, offered for sale, distributed, or offered for promotional purposes in, or imported into, the state. The bill would require, on or before March 1, 2024, and annually thereafter, a manufacturer, as defined, of PFAS or a product or a product component containing regulated PFAS that is sold, offered for sale, distributed, or offered for promotional purposes in, or imported into, the state to register the PFAS or the product or product component containing regulated PFAS, and specified other information, on the publicly accessible reporting platform.

Position

AB 2258 (Wood D) Property Assessed Clean Energy program: wildfire safety improvements.

Status: 3/3/2022-Referred to Coms. on L. GOV. and B. & F.

Location: 3/3/2022-A. L. GOV.

Summary: Would authorize a public agency that has established a PACE program, as specified, to enter into voluntary contractual assessments with property owners to finance the installation of wildfire safety improvements, as defined, that are permanently fixed to real property and would provide that wildfire resiliency and safety improvements that contribute to the defensible space Zones 1 and 2 of a property, as specified, are wildfire safety improvements for purposes of those provisions.

Position

AB 2313 (Bloom D) Water: judges and adjudications.

Status: 3/3/2022-Referred to Coms. on JUD. and W.,P., & W.

Location: 3/3/2022-A. JUD.

Calendar: 3/22/2022 9 a.m. - State Capitol, Room
437 ASSEMBLY JUDICIARY, STONE, Chair

Summary: (1) Current law authorizes the Judicial Council to conduct institutes and seminars for the purpose of orienting judges to new judicial assignments, keeping them informed concerning new developments in the law, and promoting uniformity in judicial procedure, as specified. This bill would encourage the Judicial Council to establish a program that provides training and education to judges in specified actions relating to water, as defined. The bill would provide that the program may be funded by an appropriation from the General Fund in the annual Budget Act or another statute. The bill would authorize the Chairperson of the Judicial Council to assign to

certain actions relating to water a judge with that training or education. This bill contains other related provisions and other existing laws.

Position

AB 2377 (Muratsuchi D) Department of Forestry and Fire Protection: Chief of Wildfire Prevention.

Status: 3/3/2022-Referred to Com. on NAT. RES.

Location: 3/3/2022-A. NAT. RES.

Summary: Current law establishes in the Natural Resources Agency the Department of Forestry and Fire Protection, which is under the control of an executive officer known as the Director of Forestry and Fire Protection. Current law requires the director to be appointed by the Governor and to hold office at the pleasure of the Governor. Current law requires the director to appoint a cultural burning liaison who is required to do certain things, including advising the department on developing increased cultural burning activity. This bill would establish within the department a Chief of Wildfire Prevention, to be appointed by the Governor. The bill would require the chief to be responsible for certain activities, including prioritizing acres for fire and fuels treatment and executing those treatments.

Position

AB 2387 (Garcia, Eduardo D) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.

Status: 3/3/2022-Referred to Coms. on W.,P., & W. and NAT. RES.

Location: 3/3/2022-A. W.,P. & W.

Summary: Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$7,430,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs. This bill contains other related provisions.

Position

AB 2412 (Villapudua D) Agriculture: State Water Efficiency and Enhancement Program.

Status: 3/3/2022-Referred to Coms. on AGRI. and W.,P., & W.

Location: 3/3/2022-A. AGRI.

Summary: Would require the Department of Food and Agriculture, upon appropriation by the Legislature of additional funds, to administer the State Water Efficiency and Enhancement Program to provide grants to agricultural operations to implement irrigation, water reclamation, water storage, or groundwater recharge systems that reduce greenhouse gases and energy use and increase water use efficiency. The bill would require the secretary, on or before one year after receiving an appropriation by the Legislature for these purposes, in consultation with the Secretary of the Natural Resources Agency, the Natural Resources Conservation Service of the United States Department of Agriculture, and the Scientific Advisory Panel on Environmental Farming, to develop guidelines for awarding grants under the program, as specified. The bill would require the secretary, on or before January 1, 2027, and biennially thereafter, to submit a report to the relevant legislative policy committees, as prescribed.

Position

AB 2419 (Bryan D) Environmental justice: federal Infrastructure Investment and Jobs Act: Justice40 Oversight Committee.

Status: 3/3/2022-Referred to Coms. on NAT. RES. and E.S. & T.M.

Location: 3/3/2022-A. NAT. RES.

Summary: Current law requires the Secretary for Environmental Protection to convene a Working Group on Environmental Justice composed of various representatives, as specified, to assist the California Environmental Protection Agency in developing an agencywide environmental justice strategy. The federal Infrastructure Investment and Jobs Act provides additional federal funds to rebuild the nation's infrastructures. This bill would require a minimum of 40% of funds received by the state under the federal act to be allocated to projects that provide direct benefits to disadvantaged communities and a minimum of an additional 10% be allocated for projects that provide direct benefits to low-income households and low-income communities. The bill would establish the Justice40 Oversight Committee in the Office of Planning and Research to perform various actions related to the expenditure of those federal funds.

Position

AB 2421 (Rubio, Blanca D) Water: unpermitted cannabis cultivation.

Status: 3/3/2022-Referred to Coms. on W.,P., & W. and JUD.

Location: 3/3/2022-A. W.,P. & W.

Summary: Current law makes it unlawful to deposit, permit to pass, or place where it can pass, specified pollutants into the waters of this state, including any substance or material deleterious to fish, plant life, mammals, or bird life. A violation of this provision is a crime under the Fish and Game Code. Current law also subjects a violation of that provision to a civil penalty of no more than \$25,000 for each violation and an additional civil penalty of no more than \$10 for each gallon or pound of material discharged, and requires the civil action to be brought by the Attorney General upon complaint by the Department of Fish and Wildlife or by the district attorney or city attorney in the name of the people of the State of California. Current law provides that a specified affirmative defense to a violation of the criminal provision does not apply to an action for civil penalties or injunctive relief pursuant to that civil provision. This bill would provide that the specified affirmative defense to a violation of the criminal provision also does not apply in any other civil action that alleges a violation resulting from unpermitted cannabis cultivation.

Position

AB 2447 (Quirk D) Oil and gas wastewater: unlined ponds: prohibition.

Status: 3/3/2022-Referred to Com. on NAT. RES.

Location: 3/3/2022-A. NAT. RES.

Summary: Beginning January 1, 2023, and until January 1, 2025, this bill would prohibit the disposal of produced wastewater into unlined ponds and the construction of new unlined ponds, except as conducted pursuant to a permit or other authorization lawfully issued before that date, and would also prohibit the issuance or renewal of a permit or other authorization for those activities. Beginning January 1, 2025, the bill would prohibit all disposal of produced wastewater into unlined ponds and the construction of new unlined ponds. The bill would require various state and local entities, on or before January 1, 2025, to adopt amendments to their rules and regulations consistent with the prohibitions beginning January 1, 2023. To the extent local governments would be required to provide a higher level of service in the amending of rules and regulations, the bill would impose a state-mandated local program.

Position

AB 2449 (Rubio, Blanca D) Open meetings: local agencies: teleconferences.

Status: 3/3/2022-Referred to Com. on L. GOV.

Location: 3/3/2022-A. L. GOV.

Summary: Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would authorize a local agency to use teleconferencing without complying with those specified teleconferencing requirements if at least a quorum of the members of the legislative body participates in person from a singular location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. The bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law.

Position

AB 2451 (Wood D) State Water Resources Control Board: drought planning.

Status: 3/3/2022-Referred to Com. on W.,P., & W.

Location: 3/3/2022-A. W.,P. & W.

Summary: Would require the State Water Resources Control Board to establish a Drought Section within the Division of Water Rights, as specified. The bill would require the state board, in consultation with the Department of Fish and Wildlife, to adopt principles and guidelines for diversion and use of water in coastal watersheds during times of water shortage for drought preparedness and climate resiliency and for the development of watershed-level contingency plans to support public trust uses, public health and safety, and the human right to water in times of water shortage. The bill would require the state board to adopt those principles and guidelines no later than March 31, 2023, as specified.

Position

AB 2454 (Jones-Sawyer D) Public contracts: protests: joint labor-management committee.

Status: 2/18/2022-From printer. May be heard in committee March 20.

Location: 2/17/2022-A. PRINT

Summary: Current law generally requires public contracts to be awarded by competitive bidding pursuant to procedures set forth in the Public Contract Code, subject to certain exceptions. Current law, whenever a contract for goods and services is not to be awarded to the lowest bidder, requires that the lowest bidder be notified 24 hours before the contract or purchase order is awarded to another bidder. Current law, upon written request by any bidder, requires notice of the proposed award to be posted in a public place in the offices of the department at least 24 hours before the contract is awarded. Current law, if a bidder files a specified protest with the department before the award is made, requires that the contract not be awarded until either the protest has been withdrawn or the department has made a final decision relative to the protest. This bill would additionally authorize a joint labor-management committee, as defined, to submit a specified protest to a contract that is not to be awarded to the lowest bidder.

Position

AB 2477 (Rodriguez D) Local Emergency Preparedness, Hazard Mitigation, and Mutual Aid Fund.

Status: 2/18/2022-From printer. May be heard in committee March 20.

Location: 2/17/2022-A. PRINT

Summary: Would establish a Local Emergency Preparedness, Hazard Mitigation, and Mutual Aid Fund to, upon appropriation by the Legislature, support staffing, planning, emergency mitigation priorities, and enhancing mutual aid to help local governments meet emergency management, preparedness, readiness, and resilience goals. The bill would require the Controller, upon appropriation by the Legislature, to transfer \$500,000,000 annually to the fund. The bill would require the Office of Emergency Services to establish the Local Emergency Preparedness, Hazard Mitigation, and Mutual Aid Fund Committee under the Standardized Emergency Management System Advisory Board. The bill, on or before July 1, 2023, would require the committee to adopt guidelines identifying eligible uses of the funds distributed pursuant to these provisions for the mitigation, prevention, preparedness, response, and recovery phases of emergency management that supports the development of a resilient community and enhances mutual aid.

Position

AB 2479 (Wood D) Forest restoration and protection: wildfire prevention.

Status: 2/18/2022-From printer. May be heard in committee March 20.

Location: 2/17/2022-A. PRINT

Summary: Would require all state agencies, when funding restoration efforts on natural and working lands, to prioritize restoration projects that have a permanent, enforceable mechanism to ensure that the project area will be managed in a manner that maintains the desired conditions and the value of the state's investment. This bill contains other related provisions and other existing laws.

Position

AB 2503 (Garcia, Cristina D) Landlords and tenants: lessors and lessees.

Status: 2/18/2022-From printer. May be heard in committee March 20.

Location: 2/17/2022-A. PRINT

Summary: Current law generally regulates the relationship between parties to a lease of real property. Current law refers to the lessor of real property variously as, among other terms, "landlord" or "lessor" and refers to the lessee of real property variously as, among other terms, "tenant" or "lessee." This bill would, among other things, amend those provisions to replace the term "landlord" with the term "lessor or lessor's agent" and to replace the term "tenant" with "lessee."

Position

AB 2505 (Gray D) Water theft: irrigation districts.

Status: 2/18/2022-From printer. May be heard in committee March 20.

Location: 2/17/2022-A. PRINT

Summary: Current law authorizes the legislative body of a local agency, as defined, that provides water service to adopt an ordinance that prohibits water theft, as defined, subject to an administrative fine or penalty, as specified. Current law requires the local agency to adopt an ordinance that sets forth the administrative procedures governing the imposition, enforcement, collection, and administrative review of the administrative fines or penalties for water theft and to establish a process for granting a hardship waiver to reduce the amount of the fine, as specified. This bill would exempt irrigation districts, as defined, from those provisions.

Position

AB 2536 (Grayson D) Development fees: connection fees and capacity charges: studies.

Status: 2/18/2022-From printer. May be heard in committee March 20.

Location: 2/17/2022-A. PRINT

Summary: Current law requires a local agency that conducts an impact fee nexus study to follow certain standards and practices, as specified. Current law also requires a local agency to hold at least one open and public meeting prior to levying a new fee or service charge, as specified. This bill would, on and after January 1, 2023, require a local agency that imposes fees for water connections or sewer connections, or imposes capacity charges, as provided, and that conducts a study to support the estimate of the reasonable cost of providing the service to follow certain standards and practices, as defined and specified.

Position

AB 2605 (Villapudua D) Water quality: state certification.

Status: 2/19/2022-From printer. May be heard in committee March 21.

Location: 2/18/2022-A. PRINT

Summary: The State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the Federal Water Pollution Control Act and the Porter-Cologne Water Quality Control Act. Under federal law, any applicant seeking a federal license or permit for an activity that may result in any discharge into the navigable waters of the United States is required to first seek a state water quality certification, as specified. The Porter-Cologne Water Quality Control Act authorizes the state board to certify or provide a statement to a federal agency, as required pursuant to federal law, that there is reasonable assurance that an activity of any person subject to the jurisdiction of the state board will not reduce water quality below applicable standards. The federal act provides that if a state fails or refuses to act on a request for this certification within a reasonable period of time, which shall not exceed one year after receipt of the request, then the state certification requirements are waived with respect to the federal application. This bill would authorize the state board to delegate its authority regarding the above-described issuance of a certificate or statement to the regional boards.

Position

AB 2610 (Friedman D) Wildlife Conservation Board: vegetation management: fire reduction.

Status: 2/19/2022-From printer. May be heard in committee March 21.

Location: 2/18/2022-A. PRINT

Summary: Would state the intent of the Legislature to enact subsequent legislation related to establishing a grant program, to be administered by the Wildlife Conservation Board, for vegetation management treatments that reduce the risk of fire.

Position

AB 2639 (Quirk D) Water quality control plans and water rights permits.

Status: 2/19/2022-From printer. May be heard in committee March 21.

Location: 2/18/2022-A. PRINT

Summary: Would require the State Water Resources Control Board, on or before December 31, 2023, to adopt a final update of a specified water quality control plan for the Bay-Delta and to implement the final San Joaquin River/Southern Delta update

of that specified water quality control plan, as provided. The bill would prohibit the state board from approving any new water right permits or extensions of time for any existing permits resulting in new or increased diversions to surface water storage from the Sacramento River/San Joaquin River watershed until the state board has taken those actions.

Position

AB 2647 (Levine D) Local government: open meetings.

Status: 2/19/2022-From printer. May be heard in committee March 21.

Location: 2/18/2022-A. PRINT

Summary: The Ralph M. Brown Act requires the meetings of the legislative body of a local agency to be conducted openly and publicly, with specified exceptions. Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates. This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates or post the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

Position

AB 2673 (Irwin D) California Environmental Quality Act: trustee agencies.

Status: 2/19/2022-From printer. May be heard in committee March 21.

Location: 2/18/2022-A. PRINT

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that the lead agency proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. Before determining whether a negative declaration or an EIR is required for a project, CEQA requires the lead agency to consult with all responsible agencies and trustee agencies. CEQA defines a trustee agency as a state agency that has jurisdiction by law over natural resources affected by a project that are held in trust for people of the State of California. The existing guidelines for the implementation of CEQA define "trustee agency" to include the Department of Fish and Wildlife, the State Lands Commission, the Department of Parks and Recreation, and the Regents of the University of California, as specified. This bill would expressly include those 4 state entities set forth in the guidelines as trustee agencies in regard to specified natural resources and properties within their respective jurisdictions.

Position

AB 2728 (Smith R) Unlawful cannabis activity: penalties.

Status: 2/19/2022-From printer. May be heard in committee March 21.

Location: 2/18/2022-A. PRINT

Summary: The Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), an initiative measure approved as Proposition 64 at the November 8, 2016, statewide general election, authorizes a person who obtains a state license under AUMA to engage in commercial adult-use cannabis activity pursuant to that license and applicable local ordinances. The Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), among other things, consolidates the licensure and regulation of commercial medicinal and adult-use cannabis activities, including retail commercial

cannabis activity. MAUCRSA gives the Bureau of Cannabis Control in the Department of Consumer Affairs the power, duty, purpose, responsibility, and jurisdiction to regulate commercial cannabis activity. This bill would impose an additional civil penalty on an unlicensed person engaging in commercial activity involving various cannabis products, including cannabis plants in excess of 6 plants, cannabis product, cannabis concentrate, cannabis biomass, and cannabis flower, as specified. This bill contains other related provisions and other existing laws.

Position

AB 2787 (Quirk D) Microplastics in products.

Status: 2/19/2022-From printer. May be heard in committee March 21.

Location: 2/18/2022-A. PRINT

Summary: The Microbeads Nuisance Prevention Law prohibits a person from selling or offering for promotional purposes in the state any personal care products containing plastic microbeads that are used to exfoliate or cleanse in a rinse-off product, including, but not limited to, toothpaste. This bill would, on and after specified dates that vary based on the product, ban the sale, distribution in commerce, or offering for promotional purposes in the state of designated products, such as leave-in cosmetics products and waxes and polishes, if the products contain intentionally added microplastics, as defined. The bill would exclude from this ban products consisting, in whole or in part, of specified substances or mixtures containing microplastics. The bill would make a violator liable for a civil penalty not to exceed \$2,500 per day for each violation.

Position

AB 2805 (Bauer-Kahan D) Department of Fish and Game: advance mitigation and regional conservation investment strategies.

Status: 2/19/2022-From printer. May be heard in committee March 21.

Location: 2/18/2022-A. PRINT

Summary: Current law authorizes the Department of Fish and Wildlife, or any other public agency, to propose a regional conservation investment strategy, to be developed in consultation with applicable local agencies that have land use authority, for the purpose of informing science-based nonbinding and voluntary conservation actions and habitat enhancement actions that would advance the conservation of focal species and provide voluntary nonbinding guidance for various activities. Current law authorizes the department to approve a regional conservation investment strategy only if one or more state agencies request approval of the strategy through a letter sent to the Director of Fish and Wildlife, as prescribed. Current law requires the strategy to contain specified information and authorizes inclusion of a regional conservation assessment proposed by the department or any other public agency, and approved by the department, in the strategy. Current law authorizes the department to approve a regional conservation investment strategy or amended strategy for an initial period of up to 10 years after a public meeting and a public comment period regarding the proposed strategy or amended strategy have been held and after it finds that the strategy meets certain requirements. This bill would authorize the department, any other public agency, or federally recognized tribe to propose a regional conservation investment strategy, as provided.

Position

AB 2811 (Bennett D) California Building Standards Commission: recycled water: nonpotable water systems.

Status: 2/19/2022-From printer. May be heard in committee March 21.

Location: 2/18/2022-A. PRINT

Summary: Would require, commencing January 1, 2024, all newly constructed nonresidential buildings be constructed with dual plumbing to allow the use of recycled water for all applicable nonpotable water demands, as defined, if that building is located within an existing or planned recycled water service area, as specified.

Position

AB 2864 (Rivas, Robert D) Local Government Renewable Energy Self-Generation Program.

Status: 2/19/2022-From printer. May be heard in committee March 21.

Location: 2/18/2022-A. PRINT

Summary: Current law authorizes the Public Utilities Commission to fix the rates and charges for every public utility and requires that those rates and charges be just and reasonable. Current law, the Local Government Renewable Energy Self-Generation Program, authorizes a local government to receive a bill credit, as specified, to be applied to a designated benefiting account for electricity exported to the electrical grid by an eligible renewable generating facility, as defined, and requires the commission to approve a rate tariff for the benefiting account. Under current law, an electrical corporation is obligated to provide a bill credit to a benefiting account designated by a local government only until that electrical corporation reaches its proportionate share of 250 megawatts of the combined statewide cumulative rated generating capacity of all eligible renewable generating facilities within the service territories of the state's 3 largest electrical corporations. This bill would remove the statewide 250-megawatts limit.

Position

AB 2877 (Garcia, Eduardo D) Water infrastructure projects: grants: tribal governments.

Status: 2/19/2022-From printer. May be heard in committee March 21.

Location: 2/18/2022-A. PRINT

Summary: Would state the intent of the Legislature to enact subsequent legislation that would create the Tribal Government Water Infrastructure Grant Fund in the State Treasury to provide grants to tribal governments for water infrastructure projects.

Position

AB 2889 (Wicks D) Wildfire mitigation plans: electrical infrastructure: undergrounding.

Status: 2/19/2022-From printer. May be heard in committee March 21.

Location: 2/18/2022-A. PRINT

Summary: Would require an electrical corporation with more than 50% of its service territory located in a high fire-threat district to additionally include in its 2023 wildfire mitigation plan, a multiyear undergrounding plan, covering at least 7 years and not more than 10 years, as specified.

Position

ACA 1 (Aguilar-Curry D) Local government financing: affordable housing and public infrastructure: voter approval.

Status: 4/22/2021-Referred to Coms. on L. GOV. and APPR.

Location: 4/22/2021-A. L. GOV.

Summary: The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain

exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.

Position

SB 45 (Portantino D) Short-lived climate pollutants: organic waste reduction goals: local jurisdiction assistance.

Last Amend: 1/3/2022

Status: 1/24/2022-Read third time. Passed. (Ayes 36. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Location: 1/24/2022-A. DESK

Summary: Current law requires the Department of Resources Recycling and Recovery, in consultation with the State Air Resources Board, to adopt regulations to achieve the organic waste reduction goals established by the state board for 2020 and 2025, as provided. Current law requires the department, no later than July 1, 2020, and in consultation with the state board, to analyze the progress that the waste sector, state government, and local governments have made in achieving these organic waste reduction goals. This bill would require the department, in consultation with the state board, to provide assistance to local jurisdictions, including, but not limited to, any funding appropriated by the Legislature in the annual Budget Act, for purposes of assisting local agencies to comply with these provisions, including any regulations adopted by the department.

Position

SB 54 (Allen D) Plastic Pollution Producer Responsibility Act.

Last Amend: 2/25/2021

Status: 1/24/2022-Read third time. Passed. (Ayes 29. Noes 7.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Location: 1/24/2022-A. DESK

Summary: Would establish the Plastic Pollution Producer Responsibility Act, which would prohibit producers of single-use, disposable packaging or single-use, disposable food service ware products from offering for sale, selling, distributing, or importing in or into the state such packaging or products that are manufactured on or after January 1, 2032, unless they are recyclable or compostable.

Position

SB 148 (Committee on Budget and Fiscal Review) Budget Act of 2022.

Last Amend: 2/15/2022

Status: 2/15/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET. (Amended Text Released on 2/16/2022)

Location: 2/15/2022-A. BUDGET

Summary: Would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2022.

Position

SB 230 (Portantino D) State Water Resources Control Board: Constituents of Emerging Concern in Drinking Water Program.

Last Amend: 1/20/2022

Status: 1/26/2022-Read third time. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Location: 1/26/2022-A. DESK

Summary: Would require the State Water Resources Control Board to establish, maintain, and direct a dedicated program called the Constituents of Emerging Concern in Drinking Water Program for 5 years to assess the state of information and recommend areas for further study on, among other things, the occurrence of constituents of emerging concern (CEC) in drinking water sources and treated drinking water. The bill would require the state board to convene, by an unspecified date, the Science Advisory Panel for 3 years to review and provide recommendations to the state board on CECs for further action, among other duties. The bill would require the state board to provide a final report to the Legislature by June 1, 2026, on the work conducted by the panel.

Position

SB 260 (Wiener D) Climate Corporate Accountability Act.

Last Amend: 1/3/2022

Status: 1/26/2022-Read third time. Passed. (Ayes 23. Noes 7.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Location: 1/26/2022-A. DESK

Summary: Would require the State Air Resources Board, on or before January 1, 2024, to develop and adopt regulations requiring United States-based partnerships, corporations, limited liability companies, and other business entities with total annual revenues in excess of \$1,000,000,000 and that do business in California, defined as "reporting entities," to publicly disclose to the Secretary of State, and verify, starting in 2025 on a date to be determined by the state board, and annually thereafter, their greenhouse gas emissions, categorized as scope 1, 2, and 3 emissions, as defined, from the prior calendar year, as provided. The bill would require reporting entities to disclose their greenhouse gas emissions in a manner that is easily understandable and accessible to residents of the state.

Position

SB 396 (Dahle R) Forestry: electrical transmission or distribution lines: clearances: notice and opportunity to be heard.

Last Amend: 9/3/2021

Status: 1/11/2022-From inactive file. Ordered to third reading.

Location: 1/11/2022-A. THIRD READING

Calendar: 3/10/2022 #3 ASSEMBLY THIRD READING FILE - SENATE BILLS

Summary: Under current law, the Public Utilities Commission, which has regulatory authority over public utilities, including electrical corporations, has established additional vegetation management requirements. This bill would revise and recast those provisions related to electrical lines and abatement activities for a person who owns, controls, operates, or maintains an electrical transmission or distribution line, specifying that abatement activities covered by this law include felling, cutting, or trimming trees. The bill would explicitly require all these line clearance and tree pruning and abatement activities to comply with the commission's vegetation management rules, if applicable.

Position

SB 463 (Dahle R) Water: landowner or water right holder right to modify, repair, or replace jointly used conduits.

Last Amend: 1/10/2022

Status: 1/10/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on W.,P., & W.

Location: 1/10/2022-A. W.,P. & W.

Calendar: 3/22/2022 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, Chair

Summary: Current law declares that the general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of water is to be exercised with a view to the reasonable and beneficial use of water in the interest of the people and for the public welfare. This bill would authorize a landowner, where a conduit is constructed across or buried beneath the lands of 2 or more landowners, and the conduit is not under the control or management of any public agency or authority, to modify, repair, or replace, as defined, the conduit on or beneath their land if the modification, repair, or replacement is made in a manner that does not impede the flow of the water to any other water right holder receiving a benefit of the conduit.

Position

SB 832 (Dodd D) Water rights: measurement of diversion.

Status: 3/4/2022-Set for hearing March 22.

Location: 1/19/2022-S. N.R. & W.

Calendar: 3/22/2022 9 a.m. - John L. Burton Hearing Room (4203) SENATE NATURAL RESOURCES AND WATER, STERN, Chair

Summary: Current law requires a person who diverts 10 acre-feet or more of water per year under a permit or license to install and maintain a device or employ a method capable of measuring the rate of direct diversion, rate of collection to storage, and rate of withdrawal or release from storage. Current law requires the measurements to be made using the best available technologies and best professional practices using a device or methods satisfactory to the State Water Resources Control Board, as specified in regulations adopted by the state board. Current law requires a permittee or licensee to maintain a record of all diversion monitoring, as provided, and to include those records with annual reports required to be submitted to the state board. Current law authorizes the state board to modify these requirements if the state board finds that strict compliance with these requirements is infeasible, is unreasonably expensive, would unreasonably affect public trust uses, or would result in the waste or unreasonable use of water, or that the need for monitoring and reporting is adequately addressed by other conditions of the permit or license. This bill would clarify existing law that a person diverting 10 acre-feet or more of water per year under a registration is subject to these water diversion measurement, recording, and reporting requirements.

Position

SB 840 (Skinner D) Budget Act of 2022.

Status: 1/11/2022-From printer.

Location: 1/10/2022-S. BUDGET & F.R.

Summary: This bill would make appropriations for the support of state government for the 2022–23 fiscal year. This bill contains other related provisions.

Position

SB 844 (Min D) California Cybersecurity Integration Center.

Status: 2/7/2022-Art. IV. Sec. 8(a) of the Constitution dispensed with. (Ayes 31. Noes 6.) Joint Rule 55 suspended. (Ayes 31. Noes 6.)

Location: 1/12/2022-S. RLS.

Summary: Current law establishes the California Cybersecurity Integration Center within the Office of Emergency Services, the primary mission of which is to reduce the likelihood and severity of cyber incidents that could damage California's economy, its critical infrastructure, or computer networks in the state. Current law requires the center to serve as the central organizing hub of state government's cybersecurity activities and to coordinate information sharing with local, state, and federal agencies, tribal governments, utilities and other service providers, academic institutions, and nongovernmental organizations. This bill would make a nonsubstantive change to these provisions.

Position

SB 880 (Laird D) Water diversion: monitoring and reporting: University of California Cooperative Extension.

Status: 3/8/2022-From committee: Do pass and re-refer to Com. on APPR with recommendation: To consent calendar. (Ayes 9. Noes 0.) (March 8). Re-referred to Com. on APPR.

Location: 3/8/2022-S. APPR.

Summary: Current law, until January 1, 2023, requires any diverter, who has completed an instructional course regarding the devices or measurement method administered by the University of California Cooperative Extension, including passage of a proficiency test before the completion of the course, to be considered a qualified individual when installing and maintaining devices or implementing methods of measurement that were taught in the course for the diverter's diversion. Current law also requires the University of California Cooperative Extension and the board to develop the curriculum of the course and the proficiency test. This bill would indefinitely extend the above-described provisions.

Position

SB 890 (Nielsen R) Department of Water Resources: Water Storage and Conveyance Fund: water storage and conveyance.

Last Amend: 2/23/2022

Status: 3/8/2022-March 8 set for first hearing. Failed passage in committee. (Ayes 3. Noes 6.)

Location: 2/9/2022-S. N.R. & W.

Summary: Would establish the Water Storage and Conveyance Fund in the State Treasury to be administered by the Department of Water Resources. The bill would require all moneys deposited in the fund to be expended, upon appropriation by the Legislature, in support of subsidence repair and reservoir storage costs, including environmental planning, permitting, design, and construction and all necessary road and bridge upgrades required to accommodate capacity improvements. The bill would require the department to expend from the fund, upon appropriation by the Legislature, specified monetary amounts to complete funding for the construction of the Sites Reservoir, and to restore the capacity of 4 specified water conveyance systems, as prescribed, with 2 of those 4 expenditures being in the form of a grant to the Friant Water Authority and to the San Luis and Delta-Mendota Water Authority. This bill would make these provisions inoperative on July 1, 2030, and would repeal it as of January 1, 2031.

Position

SB 892 (Hurtado D) Cybersecurity preparedness: food and agriculture sector and water and wastewater systems sector.

Last Amend: 3/8/2022

Status: 3/8/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on G.O.

Location: 2/9/2022-S. G.O.

Calendar: 3/15/2022 9 a.m. - Senate Chamber SENATE GOVERNMENTAL ORGANIZATION, DODD, Chair

Summary: The California Emergency Services Act creates the Office of Emergency Services (CalOES), which is responsible for the state's emergency and disaster response services, as specified. Current law requires CalOES to establish the California Cybersecurity Integration Center (Cal-CSIC) with the primary mission of reducing the likelihood and severity of cyber incidents that could damage California's economy, its critical infrastructure, or public and private sector computer networks in the state. This bill would require CalOES to develop, propose, and adopt reporting requirements applicable to companies and cooperatives in the food and agriculture industry and entities in the water and wastewater systems industry if they identify a significant and verified cyber threat or active cyberattack. The bill would require CalOES to direct Cal-CSIC to prepare, and CalOES to submit to the Legislature on or before January 1, 2024, a strategic, multiyear outreach plan to assist the food and agriculture sector and the water and wastewater sector in their efforts to improve cybersecurity and an evaluation of options for providing grants or alternative forms of funding to, and potential voluntary actions that do not require funding and that assist, those sectors in their efforts to improve cybersecurity preparedness.

Position

SB 896 (Dodd D) Wildfires: defensible space: grant programs: local governments.

Status: 3/8/2022-VOTE: Do pass as amended, but first amend, and re-refer to the Committee on [Appropriations] (PASS)

Location: 3/8/2022-S. APPR.

Summary: Current law requires a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, shrub-covered lands, grass-covered lands, or land that is covered with flammable material to maintain defensible space of 100 feet from each side. Current law requires the Director of Forestry and Fire Protection to establish a statewide program to allow qualified entities, including counties and other political subdivisions of the state, to support and augment the Department of Forestry and Fire Protection in its defensible space and home hardening assessment and education efforts. Current law requires the director to establish a common reporting platform that allows defensible space and home hardening assessment data, collected by the qualified entities, to be reported to the department. This bill would require any local government entity that is qualified to conduct these defensible space assessments in very high and high fire hazard severity zones and that reports that information to the department, to report that information using the common reporting platform.

Position

SB 901 (Pan D) Flood protection: City of West Sacramento flood risk reduction project.

Last Amend: 2/23/2022

Status: 3/8/2022-From committee: Do pass and re-refer to Com. on GOV. & F. with recommendation: To consent calendar. (Ayes 9. Noes 0.) (March 8). Re-referred to Com. on GOV. & F.

Location: 3/8/2022-S. GOV. & F.

Summary: Would adopt and approve the West Sacramento Project for flood risk reduction along the Yolo Bypass, Sacramento Bypass, and Sacramento River, which was adopted and approved by a specific act of the United States Congress in 2016, at an estimated cost to the state of the sum that may be appropriated by the Legislature for state participation, upon the recommendation and advice of the Department of Water Resources or the Central Valley Flood Protection Board.

Position

SB 936 (Glazer D) California Conservation Corps: forestry training center: formerly incarcerated individuals: reporting.

Status: 3/8/2022-From committee: Do pass and re-refer to Com. on PUB. S. (Ayes 9. Noes 0.) (March 8). Re-referred to Com. on PUB. S.

Location: 3/8/2022-S. PUB. S.

Summary: Would require the Director of the California Conservation Corps, upon appropriation and on or before December 31, 2024, in partnership with the Department of Forestry and Fire Protection and the Department of Corrections and Rehabilitation, to establish a forestry training center in northern California to provide enhanced training, education, work experience, and job readiness for entry-level forestry and vegetation management jobs. The bill would require the training center to include counseling, mentorship, supportive housing, health care, and educational services and authorize the training center to provide training modules on specified activities.

Position

SB 938 (Hertzberg D) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.

Status: 2/16/2022-Referred to Com. on GOV. & F.

Location: 2/16/2022-S. GOV. & F.

Summary: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. Under current law, in each county there is a local agency formation commission that oversees these changes of organization and reorganization. With a specified exception, current law provides for protest proceedings for a change of organization or reorganization following adoption of a resolution making certain determinations by the commission, as provided. Current law sets forth required procedures for the commission following a protest hearing depending on the nature of the conducting authority, as defined, the type of change of organization or reorganization, and the results of the protest proceeding. The bill would reorganize and consolidate the above-described procedures. The bill would make conforming changes and remove obsolete provisions.

Position

SB 945 (Laird D) Falconry: American peregrine falcons.

Last Amend: 3/7/2022

Status: 3/7/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on N.R. & W.

Location: 2/16/2022-S. N.R. & W.

Calendar: 3/22/2022 9 a.m. - John L. Burton Hearing Room (4203) SENATE NATURAL RESOURCES AND WATER, STERN, Chair

Summary: Current law authorizes the Fish and Game Commission to adopt regulations for the possession or training, and the capture, importation, exportation, or intrastate transfer, of birds in the orders Falconiformes and Strigiformes (birds-of-

prey) used in the practice of falconry. Current law authorizes the commission to authorize the issuance and provide for the revocation of licenses and permits to persons for the practice of falconry. Current law also prohibits the taking or possession at any time of fully protected birds, as specified. current law designates the American peregrine falcon as a fully protected bird. This bill would exempt the capture, possession, or training of an American peregrine falcon in the practice of falconry from the prohibitions in the fully protected bird statute.

Position

SB 991 (Newman D) Public contracts: progressive design-build: local agencies.

Status: 2/23/2022-Referred to Com. on GOV. & F.

Location: 2/23/2022-S. GOV. & F.

Summary: Current law, until January 1, 2025, authorizes local agencies, as defined, to use the design-build procurement process for specified public works with prescribed cost thresholds. Current law requires specified information submitted by a design-build entity in the design-build procurement process to be certified under penalty of perjury. This bill, until January 1, 2033, authorizes local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for public works projects in excess of \$5,000,000, similar to the progressive design-build process authorized for use by the Director of General Services. The bill would require specified information to be verified under penalty of perjury.

Position

SB 1004 (Cortese D) Public works: apprenticeship: bid preference.

Status: 2/23/2022-Referred to Coms. on G.O. and L., P.E. & R.

Location: 2/23/2022-S. G.O.

Summary: Would require a state agency that enters into a public works contract with an estimated value of not less than \$250,000 to decrease the bid amount of a bidder by 5%, for purposes of comparing the bid with competing bids, if the bidder is party to an apprenticeship agreement with an approved apprenticeship program. The bill would require the lowest responsive and responsible bidder, taking the apprenticeship preference into consideration, to be awarded the contract unless the solicitation provides for additional award criteria. The bill would require a contractor seeking such a decrease, at the time of submission of a bid for a public works contract, to furnish written proof of approval to train apprentices by an approved apprenticeship program for each apprenticeable trade the contractor intends to employ on the public works project, signed under penalty of perjury. By expanding the crime of perjury, the bill would impose a state-mandated local program. The bill would require a contractor to which the contract is awarded as a result of the decrease to employ registered apprentices in accordance with specified law and standards. The bill would define terms for these purposes.

Position

SB 1100 (Cortese D) Open meetings: orderly conduct.

Status: 3/8/2022-Set for hearing March 17.

Location: 2/23/2022-S. GOV. & F.

Calendar: 3/17/2022 Upon adjournment of Session - John L. Burton Hearing Room (4203) SENATE GOVERNANCE AND FINANCE, CABALLERO, Chair

Summary: Would authorize the members of the legislative body conducting a meeting to remove an individual for willfully interrupting the meeting. The bill, except as provided, would require removal to be preceded by a warning, either by the

presiding member of the legislative body or a law enforcement officer, that the individual is disrupting the proceedings and a request that the individual curtail their disruptive behavior or be subject to removal. The bill would similarly require a warning before clearing a meeting room for willful interruptions by a group or groups. The bill would define "willfully interrupting" to mean intentionally engaging in behavior during a meeting of a legislative body that substantially impairs or renders infeasible the orderly conduct of the meeting in accordance with law. The term would include failure to comply with a reasonable regulation adopted in accordance with existing law after a warning and request in accordance with the bill, as applicable. By establishing new requirements for local legislative bodies, this bill would impose a state-mandated program.

Position

SB 1124 (Archuleta D) Central Basin Communities Water Reliability, Safe Drinking Water, and Recycled Water Expansion Act of 2022.

Status: 3/8/2022-Set for hearing March 28.

Location: 2/24/2022-S. E.Q.

Calendar: 3/28/2022 9 a.m. - John L. Burton Hearing Room
(4203) SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

Summary: Would enact the Central Basin Communities Water Reliability, Safe Drinking Water, and Recycled Water Expansion Act of 2022. The bill would establish the Central Basin Communities Water Reliability, Safe Drinking Water, and Recycled Water Expansion Fund in the State Treasury and would provide that unspecified sums of money are available upon appropriation by the Legislature from the fund to the board for specified purposes related to drinking water, including, but not limited to, protecting state, local, and regional drinking water systems located in the Central Basin from climate change, drought, catastrophic seismic damage, or failure from terrorist acts or other deliberate acts of destruction, competitive grants to eligible applicants, and improving local water security by reducing the use of potable water for nonpotable purposes. This bill contains other related provisions and other existing laws.

Position

SB 1157 (Hertzberg D) Urban water use objectives: indoor residential water use.

Status: 3/2/2022-Referred to Com. on N.R. & W.

Location: 3/2/2022-S. N.R. & W.

Summary: Current law requires the Department of Water Resources, in coordination with the State Water Resources Control Board, and including collaboration with and input from stakeholders, to conduct necessary studies and investigations and authorizes the department and the board to jointly recommend to the Legislature a standard for indoor residential water use. Current law, until January 1, 2025, establishes 55 gallons per capita daily as the standard for indoor residential water use. Existing law establishes, beginning January 1, 2025, the greater of 52.5 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use, and beginning January 1, 2030, establishes the greater of 50 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use. This bill would eliminate the option of using the greater of 52.5 gallons per capita daily and the greater of 50 gallons per capita daily, as applicable, or a standard recommended by the department and the board as the standard for indoor residential water use.

Position

SB 1188 (Laird D) Safe Drinking Water State Revolving Fund: financial assistance.

Status: 3/2/2022-Referred to Com. on E.Q.

Location: 3/2/2022-S. E.Q.

Summary: Current law, the Safe Drinking Water State Revolving Fund Law of 1997, establishes the continuously appropriated Safe Drinking Water State Revolving Fund to provide financial assistance for the design and construction of projects for public water systems that will enable those systems to meet safe drinking water standards. Current law authorizes the State Water Resources Control Board, to the extent permitted by federal law, to provide up to 100% grant funding, and principal forgiveness and 0% financing on loans, from the fund to a project for a water system that serves a severely disadvantaged community. Current law requires the interest rate for repayable financing provided from the fund to be 0% if the financing is for a public water system that serves a disadvantaged community with a financial hardship or if the financing is for a public water system that provides matching funds. This bill would delete those provisions relating to 0% financing and interest and would instead generally authorize the board, to the extent authorized by federal law, to provide reduced or 0% financing to further the purposes of the Safe Drinking Water State Revolving Fund Law of 1997. The bill would delete the requirement that a water system serve a severely disadvantaged community in order to be provided with up to 100% grant funding or principal forgiveness and instead authorize providing that grant funding or principal forgiveness to certain other water systems. By making moneys in the Safe Drinking Water State Revolving Fund, a continuously appropriated fund, available for new purposes, the bill would make an appropriation. This bill contains other related provisions and other existing laws.

Position

SB 1197 (Caballero D) Water Innovation and Drought Resiliency Act of 2022.

Status: 3/2/2022-Referred to Com. on N.R. & W.

Location: 3/2/2022-S. N.R. & W.

Summary: Existing law declares that the protection of the public interest in the development of the water resources of the state is of vital concern to the people of the state and that the state shall determine in what way the water of the state, both surface and underground, should be developed for the greatest public benefit. This bill, the Water Innovation and Drought Resiliency Act of 2022, would create the Initiative to Advance Water Innovation and Drought Resiliency at the office for the furtherance of new technologies and other innovative approaches in the water sector.

Position

SB 1205 (Allen D) Water rights: appropriation.

Status: 3/2/2022-Referred to Com. on N.R. & W.

Location: 3/2/2022-S. N.R. & W.

Summary: Would require the State Water Resources Control Board to develop and adopt regulations to provide greater specificity as to the methods and practices for determining water availability in the issuance and administration of water right permits and licenses, including consideration of the effects of climate change upon watershed hydrology as part of the preparation of water availability analyses. The bill would require the board to consult with the Department of Water Resources, the Department of Fish and Wildlife, and qualified hydrologists and climate change scientists in preparing the regulations.

Position

SB 1218 (Hurtado D) Delta Stewardship Council: annual water supply reliability estimation.

Status: 3/2/2022-Referred to Com. on N.R. & W.

Location: 3/2/2022-S. N.R. & W.

Summary: Current law, the Sacramento-San Joaquin Delta Reform Act of 2009, establishes the Delta Stewardship Council, which is required to develop, adopt, and commence implementation of a comprehensive management plan, known as the Delta Plan, for the Sacramento-San Joaquin Delta. This bill would require the council, at least once annually, to publish on its internet website, in consultation with relevant state and federal agencies and the public, a water supply reliability estimation for the water flows into the Delta and out of the Straits of Carquinez and into the San Francisco Bay.

Position

SB 1219 (Hurtado D) Water: State Water Resources Control Board dissolution: Blue Ribbon Commission.

Status: 3/4/2022-Set for hearing March 22.

Location: 3/2/2022-S. N.R. & W.

Calendar: 3/22/2022 9 a.m. - John L. Burton Hearing Room (4203) SENATE NATURAL RESOURCES AND WATER, STERN, Chair

Summary: Current law establishes the State Water Resources Control Board within the California Environmental Protection Agency with specified duties relating to, among other things, administering water rights, the Porter-Cologne Water Quality Control Act, and the California Safe Drinking Water Act. Current law establishes the Department of Water Resources within the Natural Resources Agency and prescribes the jurisdiction and various general administrative authorities and duties of the department regarding, among other things, matters pertaining to water resources and dams in the state. This bill would dissolve the board as of January 1, 2025.

Position

SB 1220 (Hurtado D) Sustainable Groundwater Management Act: groundwater sustainability plans.

Status: 3/2/2022-Referred to Com. on N.R. & W.

Location: 3/2/2022-S. N.R. & W.

Summary: Current law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. This bill would provide that nothing in those provisions relating to making submissions to the department shall be construed to prohibit groundwater sustainability agencies that have developed multiple groundwater sustainability plans for a basin from amending the coordination agreement following department issuance of an assessment of the plans. This bill contains other existing laws.

Position

SB 1235 (Borgeas R) Air pollution: portable equipment: emergency events.

Status: 3/8/2022-Set for hearing March 28.

Location: 3/2/2022-S. E.Q.

Calendar: 3/28/2022 9 a.m. - John L. Burton Hearing Room (4203) SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

Summary: Would codify the State Air Resources Board's regulation authorizing portable equipment to be operated during an emergency event, as defined above, and

would also authorize portable equipment to be operated during a public safety power shut-off event. The bill would define "public safety power shut-off event," in part, as a planned power outage undertaken by an electrical corporation to reduce the risk of wildfires caused by utility equipment.

Position

SB 1253 (Melendez R) Infrastructure plan: flood control: delta levees.

Last Amend: 3/8/2022

Status: 3/8/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on G.O.

Location: 3/2/2022-S. G.O.

Summary: The California Infrastructure Planning Act requires the Governor to submit annually to the Legislature, in conjunction with the Governor's Budget, a proposed 5-year infrastructure plan containing prescribed information. Current law requires the plan to identify state infrastructure needs and set out priorities for funding. This bill would additionally require the plan to set out infrastructure priorities relating to specified flood prevention and maintenance projects.

Position

SB 1254 (Hertzberg D) Drinking water: administrator: managerial and other services.

Status: 3/8/2022-Set for hearing March 28.

Location: 3/2/2022-S. E.Q.

Calendar: 3/28/2022 9 a.m. - John L. Burton Hearing Room (4203) SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

Summary: Current law prescribes the processes and procedures pursuant to which the State Water Resources Control Board may identify a designated water system in need of services, order a designated water system to accept services from an administrator, and work with the administrator of a designated water system to develop adequate technical, managerial, and financial capacity to develop an adequate supply of affordable, safe drinking water so that administrator services are no longer necessary. This bill would, among other things, expand the definition of "designated water system" and limit the liability of an administrator and the state board when the state board appoints an administrator to a designated water system, as prescribed.

Position

SB 1264 (Dahle R) Property Assessed Clean Energy program: wildfire safety improvements.

Status: 3/2/2022-Referred to Com. on GOV. & F.

Location: 3/2/2022-S. GOV. & F.

Summary: Current law authorizes a legislative body of any public agency, defined to mean a city, county, or city and county, that has accepted the designation of very high fire hazard severity zone to designate an area for voluntary contractual assessments to finance the installation of wildfire safety improvements, as defined, that are permanently fixed to existing real property. Current law requires a legislative body that wants to establish a voluntary contractual assessment program relating to wildfire safety improvements to make specified determinations by adopting a resolution as generally required by the PACE program. This bill would instead authorize specified public agencies to enter into voluntary contractual assessments with property owners to finance the installation of wildfire safety improvements, as defined, that are permanently fixed to real property, and would repeal the requirement that the improvement be fixed to existing real property.

Position

SB 1426 (Caballero D) Cannabis: water pollution crimes.

Status: 2/22/2022-From printer.

Location: 2/18/2022-S. RLS.

Summary: Would make it a felony to plant, cultivate, harvest, dry, or process more than 6 living cannabis plants, or any part thereof, and where that activity involves theft of groundwater, unauthorized tapping into a water conveyance or storage infrastructure, digging an unpermitted, illegal well, or the pollution of groundwater, as specified. This bill would also clarify that causing substantial environmental harm to public resources includes groundwater. By expanding the scope of a crime, this bill would impose a state-mandated local program.

Position

Memo

G

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

TWELVE MONTH CALENDAR / OTHER MEETINGS /

REPORTS / BOARD COMMENTS

Any report will be oral at the time of the Board meeting. Please refer to the TWELVE MONTH Calendar (attached) for meetings attended.

TWELVE MONTH CALENDAR OF EVENTS (AS OF 3/9/22)

Date(s)	Event	Time	Location	Attending Board Member(s)	Additional Information (Speakers' Topic, Cohosts, etc.)
<u>FEBRUARY 2022</u>					
17-Feb	Board Meeting Debrief		OMWD	Watt	
17-Feb	SD Botanic Gardens Appreciation Event	5:30-7:30 PM	San Diego Botanic Gardens	Meyers, Watt	
23-Feb	Safety Committee Meeting	2:30 PM	Zoom	Topolovac	
<u>MARCH 2022</u>					
2-Mar	Conservation Committee Meeting	11:00 AM	Boardroom	Guerin, Meyers	
3-Mar	OMWD Issues Conferenace Call with the GM		Call	Watt	
8-Mar	Meeting - OMWD Status	12:00 PM	Lunch	Topolovac	
8-Mar	SDCWA Meeting Review Conferenace Call with the GM		Call	Guerin	
10-Mar	ACWA Legislative Symposium	9:00 AM - 12:30 PM	Virtual	Meyers	
16-Mar	Safety Award Luncheon	11:30 AM	Jack's Shack	Meyers, Watt	

Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

CORRESPONDENCE

Any correspondence is attached.

Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: AUTHORIZATION TO ATTEND UPCOMING MEETINGS /
CONFERENCES / SEMINARS

The Board may desire to attend a meeting that requires Board approval.

Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: FUTURE AGENDA ITEMS

The Board may have items to be considered at a Future Board meeting.

Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: CONSIDER PUBLIC COMMENTS

There may be public comments before the Board meeting is adjourned.

Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: CLOSED SESSION

It may be necessary to go into Closed Session.

Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: ADJOURNMENT

We are adjourned.

Winners Announced in Elfin Forest Recreational Reserve Photo Contest

waternewsnetwork.com/winners-announced-in-elfin-forest-recreational-reserve-photo-contest

February 17, 2022



Amateur photographers turned their lenses on skies and streams, coyotes and cactus, and overlooked details in nature to produce seven winning images in the 15th annual Elfin Forest Recreational Reserve photo contest. The winners were announced at the Olivenhain Municipal Water District February 2022 board meeting.

The seven photos are now on display in the Elfin Forest Interpretive Center Honoring Susan J. Varty through April 30, 2022. The Escondido Creek Conservancy contributed printing services to showcase one of the North County's favorite hiking spots.

The contest's goal is to promote the importance of open space and wildlife habitat preservation. Talented amateur photographers get an opportunity to share images of the natural beauty protected at EFRR through a partnership between OMWD, the U.S. Bureau of Land Management, and the San Diego County Water Authority.

Supporting the mission to protect natural resources





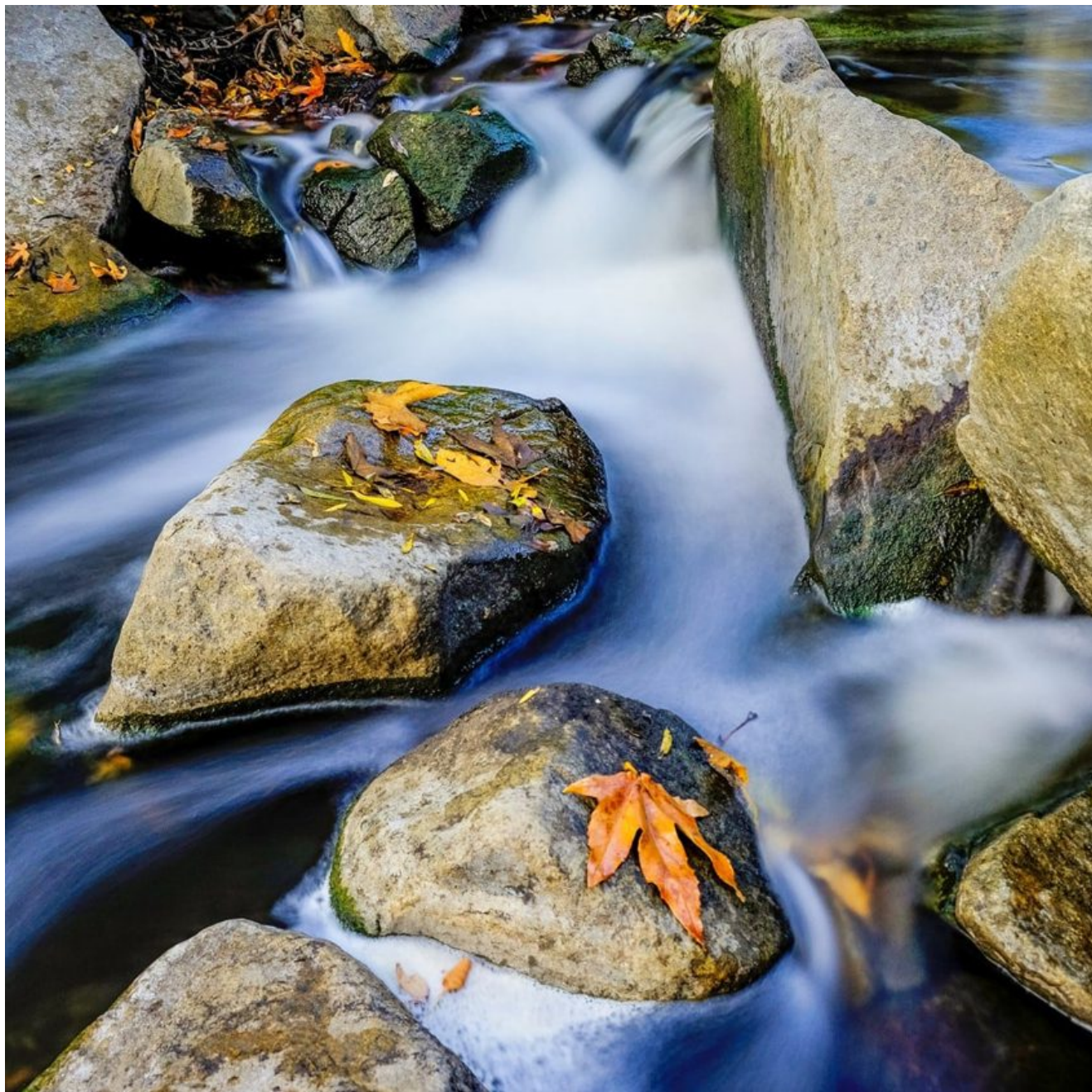
“In the Details” by Christie Lothrop wins the “Plants” category. Photo:
Olivenhain Municipal Water District

Contest entries assist in educating the public on local recreational opportunities and support EFRR’s mission to protect wildlife and natural resources.

“I think we have all come to appreciate the outdoors and nature a little more during the pandemic,” said OMWD Vice President Kristie Bruce-Lane. “The beautiful scenes depicted in these winning photos shine a light on the importance of open space so that future generations can experience and enjoy it.”

Winners were selected in five categories: Scenic View, Water Scenery, Plants, Animals, and Youth (under age 15). The public also selected a “People’s Choice” award winner by voting for their favorite among 12 entries posted on EFRR’s Facebook page. One photo received the “Best In Show” designation as the top photo.

This year’s photo contest winners



“Serenity” by Peter Montgomery is the 2022 Elfin Forest Recreational Reserve Photo Contest “Best in Show.” Photo: Olivenhain Municipal Water District



The Scenic View category winner is “Above the Fog” by Brandon McDonald. Photo: Olivenhain Municipal Water District



Brandon McDonald won in a second category, Water Scenery, with “Morning Reflections.” Photo:
Olivenhain Municipal Water District



These cuddling canines won the Animal category with “Reservoir Dogs Sleeping” by CJ Edingfield-Murphy. Photo: Olivenhain Municipal Water District



“Cactus” by Ashley Hahlen is the Youth category winner for photographers under age 15. Photo: Olivenhain Municipal Water District

Photographers received prizes including San Diego Zoo tickets, a 24” x 36” canvas print donated by PC Photo & Imaging, outdoor equipment donated by REI, and a \$100 cash prize donated by Escondido Creek Conservancy.

The interpretive center is open daily from 9 a.m. to 3 p.m., subject to docent availability.

EFRR offers approximately 11 miles of hiking, mountain biking, and equestrian trails, as well as picnic areas and scenic mountain viewing points. Open daily from 8 a.m. to approximately thirty minutes before sunset, EFRR is located at 8833 Harmony Grove Road in Escondido. Admission and parking are free. [More information is available on its website.](#)

(Editor’s note: The Olivenhain Municipal Water District is one of the San Diego County Water Authority’s 24 member agencies that deliver water across the metropolitan San Diego region.)

Winning photographers named in nature photo contest

thecoastnews.com/winning-photographers-named-in-nature-photo-contest

staff

February 17, 2022

“Serenity” by Peter Montgomery was awarded Best in Show in this year’s Elfin Forest Recreational Reserve photography contest.

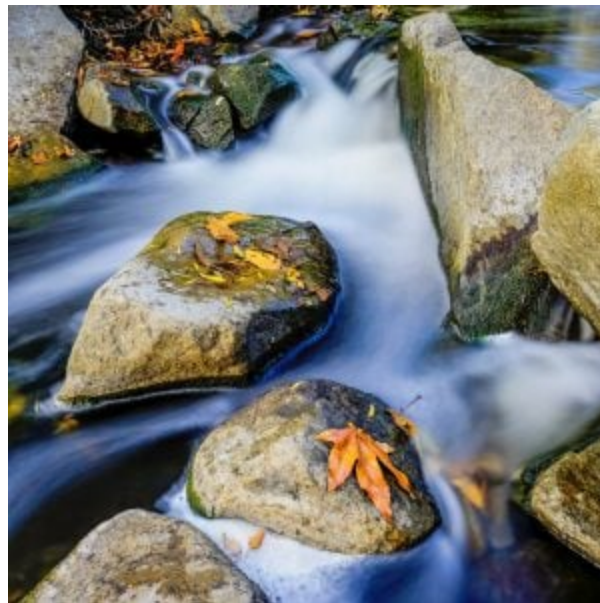
ENCINITAS — At its Feb. 16 meeting, Olivenhain Municipal Water District’s Board of Directors recognized seven amateur photographers for their winning images in the 15th annual Elfin Forest Recreational Reserve photo contest.

This year’s winners are:

- “Serenity” by Peter Montgomery – Best in Show
- “Above the Fog” by Brandon McDonald – Scenic View
- “Morning Reflections” by Brandon McDonald – Water Scenery
- “In the Details” by Christie Lothrop – Plants
- “Reservoir Dogs Sleeping” by CJ Edingfield-Murphy – Animals
- “Cactus” by Ashley Hahlen – Youth
- “Rocks” by Will Getz – People’s Choice

The winning photographs are on display through April 30 at the Interpretive Center Honoring Susan J. Varty, located in EFRR’s staging area. The interpretive center is open daily from 9 a.m. to 3 p.m., subject to docent availability.

The contest offers photographers an opportunity to share images of the natural beauty protected at EFRR through a partnership between OMWD, the US Bureau of Land Management, and San Diego County Water



A new service by
The Coast News Group

Authority. Contest entries assist in educating the public on local recreational opportunities and support EFRR's mission to protect wildlife and natural resources.

"I think we have all come to appreciate the outdoors and nature a little more during the pandemic," said OMWD Vice President Kristie Bruce-Lane. "The beautiful scenes depicted in these winning photos shine light on the importance of open space so that future generations can experience and enjoy it."

Winners were chosen for five categories—Scenic View, Water Scenery, Plants, Animals, and Youth (under 15 years of age). The public also selected a People's Choice award winner by voting for their favorite of 12 entries posted on EFRR's Facebook page.

Prizes included tickets donated by San Diego Zoo, a 24-inch-by-36-inch canvas print donated by PC Photo & Imaging, outdoor equipment donated by REI, and a \$100 cash prize donated by Escondido Creek Conservancy.

EFRR offers approximately 11 miles of hiking, mountain biking, and equestrian trails, as well as picnic areas and scenic mountain viewing points. Open daily from 8 a.m. to approximately 30 minutes before sunset, the EFRR is at 8833 Harmony Grove Road, Escondido. Admission and parking are free. More information is available at olivenhain.com/efrr.

[Support The Coast News. Click here.](#)

Photographers recognized in annual Elfin Forest Recreational Reserve contest

 encinitasadvocate.com/lifestyle/story/2022-02-26/photographers-recognized-in-annual-elfin-forest-recreational-reserve-contest

Feb. 26, 2022 1:23 PM PT Facebook Twitter Show more sharing options ShareClose extra sharing options Facebook Twitter Email Copy Link URLCopied! Print

February 26, 2022

At its Feb. 16 meeting, Olivenhain Municipal Water District's board of directors recognized seven amateur photographers for their winning images in the 15th annual Elfin Forest Recreational Reserve photo contest.

The contest offers photographers an opportunity to share images of the natural beauty protected at EFRR through a partnership between OMWD, the US Bureau of Land Management, and San Diego County Water Authority. Contest entries assist in educating the public on local recreational opportunities and support EFRR's mission to protect wildlife and natural resources.

"I think we have all come to appreciate the outdoors and nature a little more during the pandemic," said OMWD Vice President Kristie Bruce-Lane. "The beautiful scenes depicted in these winning photos shine light on the importance of open space so that future generations can experience and enjoy it."

Winners were chosen for five categories—Scenic View, Water Scenery, Plants, Animals, and Youth (under 15 years of age). The public also selected a People's Choice award winner by voting for their favorite of 12 entries posted on EFRR's [Facebook](#) page. This year's winners are:

- "Serenity" by Peter Montgomery - Best in Show
- "Above the Fog" by Brandon McDonald - Scenic View
- "Morning Reflections" by Brandon McDonald - Water Scenery
- "In the Details" by Christie Lothrop - Plants
- "Reservoir Dogs Sleeping" by CJ Edingfield-Murphy - Animals
- "Cactus" by Ashley Hahlen - Youth
- "Rocks" by Will Getz - People's Choice

Prizes included tickets donated by San Diego Zoo, a 24" x 36" canvas print donated by PC Photo & Imaging, outdoor equipment donated by REI, and a \$100 cash prize donated by Escondido Creek Conservancy.

Winning photographs are on display through April 30 at the Interpretive Center Honoring Susan J. Varty, located in EFRR's staging area. The interpretive center is open daily from 9 a.m. to 3 p.m., subject to docent availability. See images of the winning photographs at <https://www.olivenhain.com/news/photographers-recognized-in-annual-elfin-forest-recreational-reserve-contest/>

EFRR offers approximately 11 miles of hiking, mountain biking, and equestrian trails, as well as picnic areas and scenic mountain viewing points. Open daily from 8 a.m. to approximately 30 minutes before sunset, EFRR is located at 8833 Harmony Grove Road in Escondido. Admission and parking are free. More information is available at www.olivenhain.com/efrr.
