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 ONLY

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, APRIL 14, 2021

TIME: 4:00 P.M.

PLACE: Remote Regular Meeting VIA TELECONFERENCE ONLY

Pursuant to the State of California Executive Order N-35-20, 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. The Boardroom will not be open to the public for this meeting.

To join this meeting via phone, please dial:

(669) 900-9128 or (346) 248-7799 Meeting ID: 843 6745 9636 and Password: 202784

<u>Public Participation/Comment</u>: Members of the public can participate in the meeting by emailing your speaker slip on an agenda item to the Board Secretary at <u>skaufmann@olivenhain.com</u> by 3:00 P.M. the day of the meeting. If you do not receive a confirmation email that your comment has been received, please call (760) 632-4648. The subject line of your email should clearly state the item number you are commenting on and should include your name and phone number to ensure you are called on and have the opportunity to comment. 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
- ADOPTION OF AGENDA
- 6. PERSONAL APPEARANCES AND PUBLIC COMMENTS

7. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

Service Awards and Promotions from 2020

- * Don Hussey System Operations Supervisor 20 years April 2020
- * Vinnie Bruzzi Equipment Technician New Hire April 2020
- * Devin Rodriguez Utility II Promotion April 2020
- * John McCaw Utility II Promotion April 2020

<u>Current Service Awards, Promotions and Honorable Mentions</u>

- * Geronimo Rodriguez Control Technician I New Hire March 2021
- * Jeff Fuchs Utility I New Hire March 2021
- * Manuel Gomez Field Services Technician I New Hire March 2021
- * Sean Peterson Backflow and Cross Connection Coordinator II 5 years
- * Kelvin Ku Field Services Technician I 5 years
- * Stephanie Kaufmann Executive Secretary 5 years
- * Leo Mendez Accounting Supervisor 5 years
- 8. CONSIDER APPROVAL OF THE MINUTES OF THE MARCH 17, 2021 REGULAR BOARD OF DIRECTORS MEETING
- 9. CONSENT CALENDAR

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

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 INVESTMENT REPORT
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
CONSIDER ADOPTION OF A RESOLUTION PROCLAIMING MAY 2021 AS WATER AWARENESS
MONTH, MAY 2-8, 2021 AS NATIONAL DRINKING WATER WEEK, AND MAY 16-22, 2021 AS
NATIONAL PUBLIC WORKS WEEK
CONSIDER 2021 ANNUAL OBJECTIVES AND TIGER TEAM STATUS REPORT
CONSIDER ACCEPTANCE OF THE MORNING SUN PRESSURE REDUCING STATION
ABANDONMENT PROJECT (ATOM ENGINEERING CONSTRUCTION, INC) INTO THE DISTRICT'S
SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
CONSIDER APPROVAL OF PRIVATE ENCROACHMENT PERMIT NO. 410 FOR 16269 DOVE CANYON
ROAD (DOVE CANYON LEASING, LLC) AND ORDER THE PERMIT BE RECORDED

C-g	CONSIDER ACCEPTANCE OF THE ELFIN VISTA LANE FIRE DETECTOR CHECK AND WATER SERVICE INSTALL PROJECT (CRAIG LEWIS) INTO THE DISTRICT'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
C-h	CONSIDER ADOPTION OF A RESOLUTION MAKING CEQA FINDINGS FOR THE INSTALLATION OF
	THE RANCHO PASEANA RECYCLED WATER METER AND CONNECTION AND ORDER A NOTICE OF EXEMPTION BE FILED WITH THE COUNTY CLERK, COUNTY OF SAN DIEGO
C-i	CONSIDER ADOPTION OF A RESOLUTION GOVERNING WATER AND SEWER SERVICE TO AFFORDABLE HOUSING UNITS FOR LOWER INCOME HOUSEHOLDS AND RESCINDING RESOLUTION NO. 2016-05
C-j	CONSIDER ACCEPTANCE OF THE LUSARDI CANYON CATHODIC PROTECTION UPGRADES PROJECT (HENKELS & MCCOY, INC.) INTO THE DISTRICT'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
C-k	CONSIDER A RESOLUTION GOVERNING THE DISTRICT'S GRANT APPLICATION TO UNITED STATES BUREAU OF RECLAMATION FOR FUNDING UNDER THE WATER INFRASTRUCTURE IMPROVEMENTS FOR THE NATION ACT PROGRAM FOR THE NORTH SAN DIEGO WATER REUSE 2020 PROJECT

- 10. CONSIDER UPDATE ON THE SAN DIEGUITO VALLEY BRACKISH GROUNDWATER DESALINATION PROJECT (INFORMATIONAL ITEM)
- 11. CONSIDER SETTING A TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER OLIVENHAIN MUNICIPAL WATER DISTRICT'S 2020 URBAN WATER MANAGEMENT PLAN, WATER SHORTAGE CONTINGENCY PLAN, AND AN AMENDMENT TO OMWD'S 2015 URBAN WATER MANAGEMENT PLAN (MAY 19, 2021 5:30 P.M.)
- 12. INFORMATIONAL REPORT ON THE PROCEDURE TO FILL THE BOARD VACANCY IN DIVISION 5 AND REQUEST FOR BOARD TO DECLARE ITS INTENT ON THE PROCESS FOR FILING THE VACANCY
- 13. CONSIDER AN ADDITIONAL APPROPRIATION OF \$98,500 FOR THE AMI EXPANSION PROJECT FOR FISCAL YEAR 2021 WITHOUT CHANGING THE OVERALL PROJECT BUDGET
- 14. CONSIDER APPROVAL OF PLACING THE ONE-TIME PAYMENT RECEIVED FROM SAN DIEGO COUNTY WATER AUTHORITY IN THE AMOUNT OF \$2,039,332.40 FOR METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA RATE CASE REBATE IN THE DISTRICT'S RATE STABILIZATION FUND TO BE USED TO MITIGATE FUTURE WATER RATE INCREASES
- 15. CONSIDER DISCUSSION AND APPROVAL OF OLIVENHAIN MUNICIPAL WATER DISTRICT'S COVID RELIEF PROGRAM
- 16. CONSIDER INFORMATIONAL REPORT ON WATER SUPPLY CONDITIONS AND LONG-TERM WATER USE EFFICIENCY LEGISLATION
- 17. CONSIDER DEVELOPMENT OF A WET WEATHER INCENTIVE PROGRAM FOR RECYCLED WATER DELIVERIES IN OMWD'S SOUTHEASTERN RECYCLED WATER SYSTEM

- 18. CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (Article 2 Organization of Board of Directors)
- CONSIDER UPDATE ON THE COVID-19 EMERGENCY DECLARATION
- 20. 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
- 21. CORRESPONDENCE
- 22. AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS
- 23. FUTURE AGENDA ITEMS
- 24. CONSIDER PUBLIC COMMENTS
- 25. 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 POTENTIAL LITIGATION ONE CASE [PURSUANT TO GOVERNMENT CODE SECTION 54956.9]
 - D) CONSIDER LITIGATION GEOMAT TESTING LABORATORIES, INC. [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] Additional Facts: Submitted claim on December 4, 2019.
 - E) CONSIDER CLAIM TRAVELERS COMMERCIAL INSURANCE COMPANY [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] Additional Facts: Claim received on March 18, 2021.
- 26. OPEN SESSION
- 27. ADJOURNMENT



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

Date: April 14, 2021

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; AND REIMBURSEMENT OF EXPENSES TO

BOARD MEMBERS AND STAFF

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

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

Olivenhain Municipal Water District Proposed Motions for March 14, 2021 Board of Directors Meeting March 2021 Activities Consent Calendar Item # C-a

Proposed Motions:

1.	That the following wa	arrants and wi	re transfers	be app	roved:			,			
	Regular Account	warrants	027847	V	to	028052			\$	2,155,878.62	
		ACH Paymer Wire - SDCV			ased W	/ater Paym	nent			184,431.34 1,929,992.06	
		ACH Paymer ACH Paymer	nts - Payrol	1						184,041.53 128,517.56	
									, \$	4,582,861.11	-
<u>Majo</u>	Category of Disbursem	<u>nents</u>									
	Total disbursements for	rom the Distri	ct's checkir	ng accou	nt:				\$	2,155,878.62	/
	Following is a breakdo	own of this tot	al by major	categor	ies:				ş	2,155,878.62	
	Category										
	Outside services					\$	1	1,245,625.80			
	Inventory and supplies							640,883.41			
	Utilities							195,564.79			
	Repairs and maintanenc	e						30,502.91			
	Other							6,285.22			
	Refunds							29,380.10			
	D										

720.00

6,916.39

2,155,878.62

Sincerely,

Permit Fees

Insurance

Rainy K. Selamat/Finance Manager

Total

Olivenhain Municipal Water District Proposed Motions for March 14, 2021 Board of Directors Meeting March 2021 Activities

California Bank and Trust						
Regular Account	warrants	027847	to	028052	\$ 2,155,878.62	/
	3/4/2021 A	.CH Payments - Payroll			184,431.34	
	3/15/2021 V	Vire - SDCWA - Monthly	Purchased Wa	ater Payment	1,929,992.06	
	3/18/2021 A	CH Payments - Payroll			184,041.53	
	3/25/2021 A	CH Payments - ACWA JF	PIA - Health Ins	surance	128,517.56	
					\$ 4,582,861.11	

Approved:

For Board Consideration and Approval

Olivenhain Olivenhain Municipal Water District March 2021 Warrant List

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
027847	3/3/2021 4S Rand	ch Gasoline & Car Wash	430.78	WWTP GASOLINE	**************************************
027849	3/3/2021 Allen In	struments & Supplies	31.52	SUPPLIES	
027859	3/3/2021 Clear Ed	dge Filtration, Inc.	200.47	WWTP SUPPLIES	
027862	3/3/2021 Dell Co	mputers	24,780.41	Dell PowerEdge R640	Yes
027865	3/3/2021 Encinita	s Ford	38.23	PU110 & PU111 SUPPLIES	
027868	3/3/2021 Ferguso	on Enterprises Inc. #1083	1,363.15	1" Ford Hs31-444 Check Valve	Yes
027870	3/3/2021 Hanson	Aggregates Inc	155.00	DUMP BOBTAIL - CONCRETE	
027871	3/3/2021 Hasa		4,534.56	WWTP CHEMCIALS	
027875	3/3/2021 McMas	ter-Carr Supply Co.	53.97	SUPPLIES	
027876	3/3/2021 Meredit	h Dale Huntington dba	1,708.95	3/8" Crd Yoke	Yes
027877	3/3/2021 Mesa Pi	roducts	535.30	SUPPLIES	
027883	3/3/2021 Rancho	Santa Fe Community Svs	2,288.02	1/21 2.91 AF RECYCLED WATER	
027892	3/3/2021 TS Indu	strial Supply	603.68	WTP SUPPLIES	Yes
027895	3/3/2021 USA BI	ue Book	406.67	WWTP SUPPLIES	
027896	3/3/2021 Vortex I	ndustries	347.13	PARKS DOOR REPAIRS	
027898	3/3/2021 Western	n Hose & Gasket	1,316.57	WTP SUPPLIES	
027858	3/3/2021 City Tre	asurer	225.45	620000109372	
027861	3/3/2021 CSMFO		110.00	2021 MEMBERSHIP DUES	
027880	3/3/2021 Paloma	r Health	285.00	EMPLOYEE SERVICES	
027881	3/3/2021 Pitney B	lowes Global Fin Srvcs		POSTAGE MACHINE LEASE	
027884	3/3/2021 Joey Ra	ndall	80.00	D2 CERT RENEWAL REIMB	
027897	3/3/2021 Water fo	or People	37.00	WTRPL 3/4/2021	
027848	3/3/2021 AG Tech	ı Lic	1,880.88	WWTP BIOSOLIDS WASTE DISPOSAL	
027850	3/3/2021 America	in Messaging	100.42	L1-072035	
027867	3/3/2021 Federal	Express Corp	214.16	SHIPPING	
027879	3/3/2021 Nossam	an LLP	37,623.83	LEGAL SERVICES	Yes
027886	3/3/2021 SiteOne	Landscape Supply, LLC	75.37	SUPPLIES	
027860	3/3/2021 County	Of San Diego	210.00	HQ 100KW GENERATOR PERMIT MOD	
027857	3/3/2021 Catamo	unt Properties 2018 LLC	199.17	REF:1085503_239420	
027864	3/3/2021 Eileen A	damson		REF:1000215_141815	
027872	3/3/2021 Jack Ple	scia	156.66	REF:1026586_113020	
027873	3/3/2021 Jagadisł	n Maturi		REF:1021510_162810	
027852	3/3/2021 Bill How	e Plumbing Inc		WWTP SERVICES	
027863	3/3/2021 Edco Wa	aste & Recycling	146.81	25-4A 706676	
027866	3/3/2021 Evoqua	Water Technologies	220.70	45 WRF Headworks Odor Scrubber Maintenanc	Yes
027874	3/3/2021 Line X C	f Escondido	515.50	FB26 SERVICES	Yes
027891	3/3/2021 Trebor S	horing Rentals	1,296.00	SUPPLIES	
027854	3/3/2021 Brightvie	ew Landscape Services	3,675.00	TREE SERVICES	Yes
027853	3/3/2021 Brax Cor	npany, Inc.	2,173.74	SUPPLIES	Yes
027855	3/3/2021 Californi	a State Disbursement Unit	123.23	ED100514-3/4/2021	
027856	3/3/2021 Californi	a Water Efficiency Partnership	2,081.94	2021 ANNUAL DUES	
027869	3/3/2021 George	& Krogh Welding, Inc.		WTP FILL STATION	Yes
027878	3/3/2021 Pacific S	•		WTP CHEMICALS	
027882	3/3/2021 Rain For	Rent	9,366.63	By-pass system for 4S WRF Clarifier Replacement Project	Yes
027887	3/3/2021 Standard	Insurance Co.		3/21 LIFE & LTD PREMIUM	. • •
027888	3/3/2021 Stanek C			4S WRF UV REPLACEMENT PJT	Yes
027889	3/3/2021 Sunbelt			CONCRETE & CONCRETE MIXER	,,
027890		Energy & Utilities Group, Inc.		Construction ECR Pipeline & Green Bike Lane	Yes
027893	3/3/2021 UniFirst			FIRST AID SUPPLIES	164
027851	3/3/2021 AT & T			9391056158	
027885	3/3/2021 San Died	10 Gas & Flectric		97824248183	Yes
027894	-	net Corp - BIN #131489		EMAIL SCANNING SERVICES	165
027903	3/10/2021 Boyd Fas	·		WTP SUPPLIES	Vac
027905	3/10/2021 Cintas Fi			WWTP FIRST AID SUPPLIES	Yes
027909	3/10/2021 Clear Ed	•		WWTP FIRST AID SUPPLIES WWTP SUPPLIES	
027912		arketing Network Inc		Safety Boots	Vas
027913	3/10/2021 D&H Wa			WTP SUPPLIES	Yes
027922		n Dale Huntington dba			
027934	3/10/2021 Merediti 3/10/2021 Santa Fe	•		SUPPLIES PROB 84 - POLINIO 2 - PETENTION	
027936		Counties Lubricants, LLC.		PROP 84 - ROUND 2 - RETENTION	
027930	3/10/2021 SOUTHER	r Countries Eubricalits, EEC.		FUEL SERVICES	
	STOTE OF L CANEN		96.00	GRADE 2 RENEWAL - D.BRUNOZZI	
	3/10/2021 Lauradia	Wastewater District	1601500	DOOD BY " DOUBLE 2" DETENTION	
027921 027899	3/10/2021 Leucadia 3/10/2021 Alfa Lava	Wastewater District		PROP 84 - ROUND 2 - RETENTION WWTP SUPPLIES	

Olivenhain Olivenhain Municipal Water District March 2021 Warrant List

Number	Date	Name	Amount	Inv Reference	Multiple Invoices
027906	27906 3/10/2021 City Of Carlsbad		38,227.90	PROP 84 - ROUND 2 - RETENTION	
027914	3/10/2021 Dudek		3,902.66	Engineering design services	Yes
027916	3/10/2021 Fallbroo	k Printing Corp	771.19	Printing Services FY 2021	Yes
027919	3/10/2021 Infosence		16,917.59	WATER BILL STATEMENTS	Yes
027920		cture Engineering Corporation	176.25	NW QUAD RECYCLED WTR SYS	
027923	3/10/2021 Ninyo &			Geotechical ECR Pipeline & Green Bike Lane	Yes
027924	3/10/2021 Otay Lar			4-4531-0018538	
027925	3/10/2021 Raftelis I			1/21 GENERAL CONSULTING	
027927 027933	3/10/2021 Richard	=		Cathodic Protection Support FY 20-21	Yes
027939	3/10/2021 San Elijo 3/10/2021 Transnet			PROP 84 - ROUND 2 - RETENTION	
027940	3/10/2021 Woodard	-		PRE-EMPLOYMENT BACKGROUND	
027910	3/10/2021 County (NSDCRRWP 202 GRANT ADMIN VIA RANCHO CIELO	
027902	3/10/2021 Barbara	•		REF:1045261_177590	
027929	3/10/2021 Roy Aller			REF:1088028_302670	
027935	3/10/2021 Shea Ho	•		REF:1052276_300360	
027938	3/10/2021 Tan Ngu			REF:1024323_179360	
027915	3/10/2021 Edco Wa			25-4A 861816	
027900		Conservation & Billing Solutions, I		AQUAHAWK 03/01 - 04/01/21	Yes
027907	3/10/2021 City of Es			PROP 84 - ROUND 2 - RETENTION	103
027908	3/10/2021 City of O			PROP 84 - ROUND 2 - RETENTION	
027918	•				
027926	3/10/2021 Republic	k Krogh Welding, Inc.		WTP - FABRICATE LOCK BOX	Yes
027928	3/10/2021 Republic 3/10/2021 Rincon D			4-4530-0333405	
027930		ino Truck Accessory Center Inc.		PROP 84 - ROUND 2 - RETENTION	.,
027931	3/10/2021 Kirac-kir			Vault Upgrade Denk FCF GAS MONITORING SERVCIES	Yes
027937	3/10/2021 Sunbelt F			BOOM FORKLIFT RENTAL - PARKS	
027901	3/10/2021 AT & T	contail, inc.		9391056562	
027917	3/10/2021 First Choi	ice Technology		13001474	V
027932	3/10/2021 San Dieg	2,		92081023809	Yes Yes
27942	3/17/2021 AmeriGas			SUPPLIES	162
27945	3/17/2021 Boyd Fast			SUPPLIES	Yes
27947	3/17/2021 CDW Gov			SUPPLIES	163
27948	3/17/2021 Core & N	lain LP		Clow 2065 Commercial Hydrant	Yes
27950	3/17/2021 Dell Com	puters		PRO SUPPORT PLUS	140
27952	3/17/2021 Escondide	o Metal Supply		PARKS SUPPLIES	
27956	3/17/2021 Grangetto	o's Ag. Supply	233.22	PARKS SUPPLIES	
27957	3/17/2021 Hanson A	ggregates Inc	651.57	SUPPLIES	Yes
27958	3/17/2021 Harringto	n Industrial	94.13	SUPPLIES	
27961	3/17/2021 Home De	pot/Gecf	6,056.07	2/21 SUPPLIES	Yes
27964	3/17/2021 Interstate	Battery Of San Diego Inc	335.42	SHOP SUPPLIES	
27968	3/17/2021 McMaster	r-Carr Supply Co.	1,293.79	WWTP SUPPLIES	Yes
27970	3/17/2021 Mesa Pro-	ducts	388.98	SUPPLIES	
27971	3/17/2021 Morton S		4,531.95	WTP CHEMICALS	
27976	3/17/2021 Parkhouse		2,219.09	SHOP SUPPLIES	Yes
27985	3/17/2021 Santa Fe I	•	209.08	008128-005	
27992	3/17/2021 TS Industr			WTP SUPPLIES	
27995	3/17/2021 Univar So		33,817.97	WTP INVOICES	Yes
27997	3/17/2021 USA Blue		3,156.32	WWTP SUPPLIES	Yes
27998	3/17/2021 Vallecitos			PROP 84 - ROUND 2 - RETENTION	
27999 28001	3/17/2021 Walters W			SUPPLIES	
28003	3/17/2021 West Coas			SCREENED FILL SAND	
28003 27974		rironmental Corporation		Membrane replacements and Cassette Refurbishments	Yes
2797 4 27959	3/17/2021 Pacific Pip		1,542.51		Yes
27978	3/17/2021 Gabriel He 3/17/2021 Peterson			TWEET OF THE YEAR LUNCH REIMB	
27989	3/17/2021 Peterson, 3/17/2021 TASC	3Call		5 YEAR SERVICE AWARD	
28000	3/17/2021 TASC 3/17/2021 Water for	People		2/21 VEBA ADMIN FEES	
27944	3/17/2021 Water for 3/17/2021 B. Weber (•		WTRPL 3/18/2021	
27953	3/17/2021 ESS	consuming ELC		CONSULTING SERVICES	Yes
7954	3/17/2021 Federal Ex	press Corp		WWTP ALARM MONITORING	Yes
27955	3/17/2021 Global Pov	•		SHIPPING CHARGES	
7962		ure Engineering Corporation	4,000.14	WWTP SERVICES I&I flow monitoring study	Yes

Olivenhain Olivenhain Municipal Water District March 2021 Warrant List

Number	Date Name Amount Inv Reference		Multiple Invoices?		
027972	3/17/2021 Ninyo	& Moore	540.00	Geotechical ECR Pipeline & Green Bike Lane	Yes
027973	3/17/2021 Nobel :	Systems	3,650.00	GIS UPDATES	
027977	3/17/2021 Patriot	Environmental	493.50	WWTP ROLLOFF DISPOSAL SVCS	
027984	3/17/2021 San Elij	o Joint Powers Auth.	18,532.00	2/21 11.30 AF RECYCLED WATER	
027986	3/17/2021 SiteOne	e Landscape Supply, LLC	294.85	SUPPLIES	
027991	3/17/2021 Traffic :	Safety Solutions	3,743.63	VIA MOLENA & EL CMNO REAL	Yes
027994	3/17/2021 United	Parcel Service	132.00	SHIPPING	
027996	3/17/2021 US Ban	k	5,311.70	777321	
027941	3/17/2021 Wright,	Michael	465.96	RM REFUND: DEBIT000000000534	
027987	3/17/2021 Sloan E	lectric	12,959.47	VFD Replacement for one of the 4S WRF Blowers	Yes
027943	3/17/2021 Applied	Best Practices	701.50	RAD 96-1	
027946	3/17/2021 Californ	ia State Disbursement Unit	123.23	ED100514-3/18/2021	
027949	3/17/2021 CV Auto	omotive Group	61,143.62	2021 Ford F-150 C/C 4X2 Truck V-6 Eng.	Yes
027951	3/17/2021 Dig Saf	e Board	317.12	CA STATE REGULATORY COSTS	Yes
027960	3/17/2021 HiTech	Painting, Inc.	6,200.00	Re-Paint power transformer at the 4S WRF	Yes
027963	3/17/2021 Interfac	e Automation Inc.	1,093.75	WTP SERVICES	Yes
027965	3/17/2021 Jackson	-Hirsh Inc	80.06	SUPPLIES	
027966	3/17/2021 Kaufma	nn. Stephanie		5 YEAR SERVICE AWARD	
027967	3/17/2021 Kelvin k			5 YEAR SERVICE AWARD	
027969	3/17/2021 Leo Me			5 YEAR SERVICE AWARD	
027979	3/17/2021 Rain Fo			By-pass system for 45 WRF Clarifier Replacement Project	Yes
027980		-it Services Group, LLC.		Construction Contract	Yes
027981		Brady & Associates Inc.		Inspection, analysis, rehabilitation plan	Yes
027982		hino Truck Accessory Center Inc.		Vault Upgrade Unit M FCF	Yes
027988	3/17/2021 Solana	•		RAIN BARRELS	163
027990	3/17/2021 VOID	center	3,300.00	VOID	
027993	3/17/2021 Voib	Aid Corn	147.07		
028002		ost & Associates, Inc		FIRST AID SUPPLIES	V
028004		: Energy & Utilities Group, Inc.		Inspections/as-needed services NW Quadrant	Yes
027975		== , , ,		Construction ECR Pipeline & Green Bike Lane	Yes
027983	3/17/2021 Jaroth I			760-489-9971	
028005	3/17/2021 San Die	-	•	98000669143	Yes
028006	3/24/2021 Aflac	go County Recorder		NOE RECORDING FEES-WTR RATES	
028008		atministra 9. Complian		FS005, 3/7/21	
028012		struments & Supplies		SUPPLIES	
	3/24/2021 Cintas F	•		WWTP FIRST AID SUPPLIES	
028019	3/24/2021 Deken P			WTP SUPPLIES	
028027	3/24/2021 Ferrellga			RENTAL TANK	
028028	3/24/2021 Granget	* '		SUPPLIES	
028029	3/24/2021 Hanson	** *	310.00	DUMP BOBTAIL - CONCRETE	
028030		nstruction Specialties Inc	473.06	SUPPLIES	
028043	3/24/2021 Parkhou		1,960.31	D651 SERVICES	Yes
028053	3/24/2021 TS Indus		1,023.51	SUPPLIES	Yes
028057	3/24/2021 Vallecito	os Water District	49,349.03	RECLAIMED WATER SALES	
028041	3/24/2021 Pacific P	ipeline Supply	1,179.88	SUPPLIES	Yes
028042	3/24/2021 Palomar	Health	265.00	EMPLOYEE SERVICES	
028060	3/24/2021 Wagewo	orks	478.00	ADMIN FEES	Yes
028007	3/24/2021 AG Tech	Llc	2,023.08	WWTP BIOSOLIDS WASTE DISPOSAL	
028010	3/24/2021 Bee Res	cue LLC	240.00	OMWD HQ SERVICES	
028015	3/24/2021 Corodat	a	388.17	OFFSITE RECORDS STORAGE	
028016	3/24/2021 Corodat	a Shredding, Inc	33.87	PAPER DESTRUCTION SERVICES	
028021	3/24/2021 Dudek			Engineering design services	Yes
028024	3/24/2021 Fallbroo	k Printing Corp		Printing Services FY 2021	Yes
028025	3/24/2021 Fastpath			MAINTENANCE SUBSCRIPTION	. •
028026	3/24/2021 Federal I	Express Carp		SHIPPING	
28044	3/24/2021 Patriot E	nvironmental		WWTP ROLLOFF BIN SERVICES	
28048	3/24/2021 Richard			Cathodic Protection Support FY 20-21	Yes
28051	3/24/2021 Samba H	-		DRIVER MONITORING	103
028055	3/24/2021 Undergr	-		DIG ALERT TICKETS	

Olivenhain Olivenhain Municipal Water District March 2021 Warrant List

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
028056		ted Parcel Service	208.37	SHIPPING	
028058	3/24/2021 Vall	ley Construction Management	29,944.00	Task Order A.1	Yes
028011	3/24/2021 Cha	adwick Devries	49.99	REF:1086974_192105	
028013	3/24/2021 City	of Encinitas	484.99	REF:1046139_302510	
028020	3/24/2021 Dev	elopment Solutions Enclave LLC	1,768.98	REF:1060992_298716	
028023	3/24/2021 Erin	Attwood	140.70	REF:1086264_229835	
028032	3/24/2021 Jess	sica Lopez	10.88	REF:1060954_215655	
028033	3/24/2021 Jess	sica Wirick	75.38	REF:1061686_185990	
028034	3/24/2021 Kay	McClatchey	33.12	REF:1061400_192445	
028035	3/24/2021 Kinr	ney Family Trust	989.97	REF:1087849_141485	
028036	3/24/2021 Mat	teo Levy	98.20	REF:1062668_168610	
028037	3/24/2021 Mea	ars Group, Inc	1,406.53	REF:1088103_302525	
028039	3/24/2021 Mic	hael Haaland	908.64	REF:1037786_119485	
028049	3/24/2021 Rob	ert Klem	233.06	REF:1017700_169255	
028050	3/24/2021 Rob	ert Winn	58.64	REF:1083874_230535	
028031	3/24/2021 J.M.	D. Landscape Inc	5,914.91	Change Orders No. 1& 2	Yes
028046	3/24/2021 REM	1 Mechanical	296.00	WWTP SERVICES	
028061	3/24/2021 Whi		5,128.95	WWTP STIE INSPECTION	Yes
028018		Automotive Group	52,265.85	2020 Ford F-450 C/C 4X2 Flatbed Dump Truck	Yes
028022	3/24/2021 Enci	nitas Glass Company	1,024.62	PARKS SERVICES	
028038	3/24/2021 Leo		376.50	CPA RENEWAL EXPENSE REIMB	
028040	3/24/2021 Next		3,245.50	Monthly service fee	Yes
028045		Water Technologies	2,395.67	WTP SUPPLIES	
028047	3/24/2021 Repu		1,571.65	4-4530-0333405	
028054		Oaks Sweeping LLC	542.50	PARKING LOT SWEEPING SERVICES	
028059		zon Connect NWF, Inc.	1,469.35	VEHICLE TRACKING	
028009	3/24/2021 AT 8		957.65	9391059578	Yes
028014	3/24/2021 City		225.45	620000109372	
028017		nty of San Diego, RCS	171.00	2/21 RADIO SERVICES	
028052	3/24/2021 San I	Diego Gas & Electric	35,767.93	99818500413	Yes

2,155,878.62



Olivenhain Municipal Water District Monthly Directors Fee and Reimbursed Expenses for Directors and Staff March 2021

Name	Payment Date	Check#/ Credit Card	Meals &	Travel & Transport	<u>Other</u>	Reimbursed Expenses	Directors Fee *
<u></u>							
Director Bruce-Lance			0.00	0.00	0.00	0.00	-
		-	0.00	0.00	0.00	0.00	0.00
Director Guerin			0.00	0.00	0.00	0.00	-
		-	0.00	0.00	0.00	0.00	0.00
Director Sprague			0.00	0.00	0.00	0.00	-
		-	0.00	0.00	0.00	0.00	0.00
Director Topolovac			0.00	0.00	0.00	0.00	-
		=	0.00	0.00	0.00	0.00	0.00
Director Watt			0.00	0.00	0.00	0.00	-
		=	0.00	0.00	0.00	0.00	0.00
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	
		Ē	0.00	0.00	0.00	0.00	
Finance Manager Selamat		_	0.00	0.00	0.00	0.00	
		=	0.00	0.00	0.00	0.00	
Operations Manager Fulks		_	0.00	0.00	0.00	0.00	
		=	0.00	0.00	0.00	0.00	
Assistant General Manager Randall	3/3/2021	27884	0.00	0.00	80.00	0.00	
		=	0.00	0.00	80.00	0.00	
Customer Service Manager Carnegie		_	0.00	0.00	0.00	0.00	
		=	0.00	0.00	0.00	0.00	

^{*} Board per diems for March paid on 04/01/21. March 2021 Directors Fee will be included in April 2021 report.

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 February 28, 2021

Active Deposits				 Book Value
Checking Accounts Cash Restricted for Specific Use Petty Cash/Disaster Preparedness	s			\$ 12,440,111 203,855 1,468
Total Active Deposits				\$ 12,645,434
Deposits Not Covered by Invest	ment Policy			
Cash with Fiscal Agents				3,426,778
<u>Investments</u>	Face <u>Value</u>	Market <u>Value</u>	Current <u>Yield</u>	
LAIF	\$ 25,118,914	25,242,319	0.41%	\$ 25,118,914
CAMP	12,831,194	12,831,194	0.10%	12,831,194
Money Market Funds	328,713	328,713	0.01%	328,713
Municipal Bonds	3,371,071	3,571,001	3.03%	3,619,714
U.S. Agency Securities	24,401,111	24,216,054	0.44%	24,398,931
Total Investments	\$ 66,051,003	\$ 66,189,280	0.50%	\$ 66,297,466
Total - All Deposits/Investments				\$ 82,369,678
Maturity Analysis of Investments	<u>s</u>			
			<u>Percent</u>	Balance
Demand Deposits			57.7%	\$ 38,278,821
Maturity within the next two months			1.5%	999,620
Maturity within three months and o	ne year		2.1%	1,403,334
Maturity beyond one year		_	38.6%	25,615,691
Total Investments		_	100.0%	\$ 66,297,466

Other Required Disclosures:

Accrued interest receivable as of 02/28/2021

Weighted Average Days to Maturity

\$ 61,185

597

The above investments are in accordance with the portfolio limitations in the Investment Policy approved by the Board in December 2020.

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

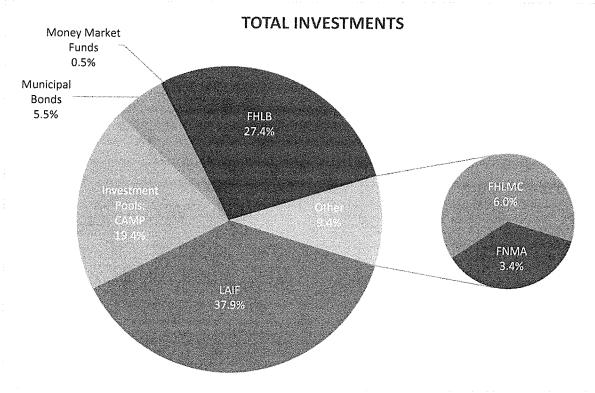


Olivenhain Municipal Water District PORTFOLIO LIMITATIONS ANALYSIS PER INVESTMENT POLICY February 28, 2021

		Book <u>Value</u>	<u>Percent</u>	Permitted <u>Percent</u>		In <u>Compliance?</u>
LAIF		\$ 25,118,914	37.9%	40.0%	(1)	Yes
Investmen	t Pools: CAMP	12,831,194	19.4%	30.0%		Yes
Municipal I	Bonds	3,619,714	5.5%	30.0%		Yes
Money Ma	rket Funds	328,713	0.5%	20.0%	(2)	Yes
U.S. Agend	cy Securities	24,398,931	36.8%	50.0%		Yes
FHLB	Federal Home Loan Bank	18,149,111	27.4%	-		
FNMA	Fannie Mae	2,250,000	3.4%			
FHLMC	Freddie Mac	3,999,820	6.0%			
Total I	nvestments	\$ 66,297,466	100%			

Note:

⁽²⁾ May not exceed 5% in any money market fund.



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

⁽¹⁾ New limit of 40% approved by the board in May 2020.

Olivenhain Municipal Water District MONTHLY INVESTMENTS DETAIL February 28, 2021

Checking A/C California Bank an California Bank an Petty Cash/Disaster Preparednes Total - Active Disaster Preparedness Total - Active Disaster Preparedness Properties Of Total Deposits Notate Local Agency Investment Funders Disaster Properties State Local Agency Investment Funders Disaster Disaster Properties State Local Agency Investment Funders Disaster Disaster Properties State Local Agency Investment Funders Disaster	d Trust for Sps s posits inVastiMa 96-1 Refunding A Refunding Revenue Bo ot Covered	ecific Purp ng Bond Bond Bond	oose	ones.										12,440,111 203,855 1,466 12,645,434
Petty Cash/Disaster Preparednes Total - Active Di DEPOSITE NOT COVERED BY Cash with Fiscal Agents: Union Bank - 2015 SRF Loan Union Bank - 2016 Union Bank - 2016 Union Bank - 2016 Union Bank - 2016 Union Bank - 2018 Total Deposits N Total Deposits N Invest Pools Calif. Asset Mgmt 6 State Local Agency Investment Ft JP Morgan US Gov't Money Mark U.S. Agency Securities 3130AKEW2 FHLB Callable 3130AKEW2 FHLB Callable 3134GWAQ9 FHLMC Callable 3134GWAQ9 FHLMC Callable 3134GWAQ9 FHLMC Callable 3134GWAP56 FNMA Callable 3136G4A29 FHLMC Callable 3136G4A29 FHLMC Callable	s posits 95-1 Refunding A Refunding Revenue Boot Covered	ng Bond Bond Bond Bond		8										1,468
Total - Active Do Cash with Fiscal Agents: Union Bank - 2015 SRF Loan Union Bank - 2016 Union Bank - 2016 Union Bank - 2018 Total Deposits N Total Deposits N Invest. Pools: Calif. Asset Mgmt F JP Morgan US Gov't Money Mark U.S. Agency Securities 130AGKEW2 FHLB Callable 3130AGKW2 FHLB Callable 3134GWAQ9 FHLMC Callable 3134GWAQ9 FHLMC Callable 3134GWA2F2 FHMC Callable 3136G429 FHLMC Callable 5NMA Callable FNMA Callable FNMA Callable FNMA Callable	posits INV=ST/IE 96-1 Refunding A Refunding Revenue Bo ot Covered	ng Bond Bond Bond Bond		1900										
Cash with Fiscal Agents: Union Bank - RAD Union Bank - 2015 SRF Loan Union Bank - 2016 Union Bank - 2016 Union Bank - 2018 Total Deposits N Total Deposits N State Local Agency Investment Ft JP Morgan US Gov't Money Mark U.S. Agency Securities 130AJZJ1 1310AJZJ1 1310AKEWZ 131364Z9 FHLB Callable 13136G4Z9 FHLB Callable FNMA Callable	96-1 Refundi A Refunding A Refunding Revenue Bo tot Covered	ng Bond Bond Bond Bond		9900										
Cash with Fiscal Agents: Union Bank - RAD Union Bank - 2015 SRF Loan Union Bank - 2016 Union Bank - 2016 Union Bank - 2018 Total Deposits N Total Deposits N State Local Agency Investment Ft JP Morgan US Gov't Money Mark U.S. Agency Securities 130AJZJ1 1310AJZJ1 1310AKEWZ 131364Z9 FHLB Callable 13136G4Z9 FHLB Callable FNMA Callable	96-1 Refundi A Refunding A Refunding Revenue Bo tot Covered	ng Bond Bond Bond Bond	Y											12,040,43
Union Bank - RAD Union Bank - 2015 SRF Loan Union Bank - 2016 Union Bank - 2016 Union Bank - 2018 Total Deposits M Total Deposits M Total Deposits M State Local Agency Investment Ft JP Morgan US Gov't Money Mark U.S. Agency Securities 3130AJZJ1 FHLB Callable 3130AKEW2 FHLB Callable 3134GWAQ9 FHLMC Callable 3134GWAQ9 FHLMC Callable 3134GWAQ9 FHLMC Callable 3134GWAQ15 FHLMC Callable 3136G4P56 FHLMC Callable	A Refunding A Refunding Revenue Bo of Covered	Bond Bond nd												
Union Bank - 2015 SRF Loan Union Bank - 2016 Union Bank - 2018 Total Deposits M Total Deposits M State Local Agency Investment Ft JP Morgan US Gov't Money Mark U.S. Agency Securities 3130AJZJ1 FHLB Callable 31364AZ9 FHLMC Callable 3134GWAQ9 FHLMC Callable 3134GWAZF2 FHLMC Callable 3134GWAZF2 FHLMC Callable 3134GWAZF2 FHLMC Callable 3136G44F56 FHMA Callable	A Refunding A Refunding Revenue Bo of Covered	Bond Bond nd												
SRF Loan Union Bank - 2016 Union Bank - 2018 Total Deposits N Total Deposits N Total Deposits N State Local Agency Investment Ft JP Morgan US Gov't Money Mark U.S. Agency Securities 3130AJZJ1 FHLB Callable 3130AKEW2 FHLB Callable 3134GWA29 FHLMC Callable 3134GWA29 FHLMC Callable 3134GWA29 FHLMC Callable 3134GWA25 FHLMC Callable 3136G4P56 FHLMC Callable	A Refunding Revenue Bo ot Covered	Bond nd												778,046
Union Bank - 2016 Union Bank - 2018 Total Deposits M Total Deposits M USA Rency Securities 3130AJZJ1 FHLB Callable 3130AKEW2 FHLB Slep-le 3130AKEW2 FHLB Slep-le 3134GWAQ9 FHLMC Callable 3134GWAQ9 FHLMC Callable 3134GWAP56 FHLMC Callable 3134GWAP56 FHLMC Callable	ot Covered	nd												847,94
Union Bank - 2018 Total Deposits N VESTMENTS Invest. Pools: Calif. Asset Mgmt if State Local Agency Investment Ft JP Morgan US Gov't Money Mark U.S. Agency Securities 3130AJZJ1 FHLB Callable 3130AGKEW2 FHLB Callable 3134GWAQ9 FHLMC Callable 3134GWAQ9 FHLMC Callable 3134GWAP5 FHLMC Callable 3136G4P56 FHLMC Callable	ot Covered	nd												1,285,37
Total Deposits N VESTMENTS Invest, Pools: Calif. Asset Mgml f State Local Agency Investment Fit JP Morgan US Gov't Money Mark V.S. Agency Securities 3130AJZJ1 FHLB Callable 3130AKEW2 FHLB Callable 3136G4A29 FHLMC Callable 3136G4A29 FHLMC Callable 3136G4756 FHLMC Callable 3136G4756 FHLMC Callable	ot Covered													257,01
INVESTMENTS Invest, Pools: Calif. Asset Mgmt F State Local Agency Investment F, JP Morgan US Gov't Money Mark U.S. Agency Securities 3130AJZJ1 FHLB Callable 3130AKEW2 FHLB Callable 3134GWAQ9 FHLMC Callable 3134GWAQ9 FHLMC Callable 3134GWAP5 FHLMC Callable 3136G4P56 FMMA Callable	R	by invest												258,40
Invest, Pools: Calif. Asset Mgmt F State Local Agency Investment F, JP Morgan US Gov't Money Mark U.S. Agency Securities 3130AJZJ1 FHLB Callable 3130AKEW2 FHLB Callable 3130AKEW5 FHLB Step-up Call 3134GWAQ9 FHLMC Callable 3136G4P56 FHLMC Callable 3136G4P56 FHMA Callable	-		tment Polic	у										3,426,770
Invest, Pools: Calif. Asset Mgml F State Local Agency Investment F, JP Morgan US Gov't Money Mark U.S. Agency Securities 3130AJZJ1 FHLB Callable 3130AKEW2 FHLB Callable 3130AKEW8 FHLB Step-up Call 3134GWAQ9 FHLMC Callable 3136G429 FNMA Callable 3136G42F2 FHLMC Callable 3136G4756 FNMA Callable	-						Weighted						1339	Probably State
Invest, Pools: Calif. Asset Mgml F State Local Agency Investment F, JP Morgan US Gov't Money Mark U.S. Agency Securities 3130AJZJ1 FHLB Callable 3130AKEW2 FHLB Callable 3130AKEW8 FHLB Step-up Call 3134GWAQ9 FHLMC Callable 3136G429 FNMA Callable 3136G42F2 FHLMC Callable 3136G4756 FNMA Callable	-	ATING			ATE		Average							
Invest. Pools: Calif. Asset Mgmt F State Local Agency Investment F, JP Morgan US Gov't Money Mark V.S. Agency Securities 3130AJZJ1 FHLB Callable 3130AKEW2 FHLB Callable 3130AKEW8 FHLB Step-up Call 3134GWAQ9 FHLMC Callable 3136G4P56 FHLMC Callable 3136G4P56 FHLMC Callable	44						Days to		Stated	Current				
Invest, Pools: Calif. Asset Mgmt F State Local Agency Investment F, JP Morgan US Gov't Money Mark U.S. Agency Securities 3130AJZJ1 FHLB Callable 3130AKEW2 FHLB Callable 3130AKEW8 FHLB Step-up Call 3134GWAQ9 FHLMC Callable 3136G4756 FHLMC Callable 3136G4756 FHLMC Callable	Mood	's S&P	Purchase	Maturity	Next Call	Next S-U	Maturity	Call	Coupon	Yield	Market Value	Face Value		Book Value
State Local Agency Investment F. JP Morgan US Gov't Money Mark U.S. Agency Securities 1300AJZJ1 FHLB Callable 13130AKEW2 FHLB Callable 13130AKEW2 FHLB Callable 13134GWAQ9 FHLMC Callable 13134GWAPF2 FHLMC Callable 13136G4P56 FNMA Callable								***************************************		,				
State Local Agency Investment F. JP Morgan US Gov't Money Mark U.S. Agency Securities 3130AJZJ1 FHLB Callable 3130AKEW2 FHLB Callable 3130AKEW2 FHLB Callable 3136GW29 FHLMC Callable 3136GW2F2 FHLMC Callable 3136GW2F2 FHLMC Callable 3136GW2F2 FNMA Callable	rgm (CAMP)			Demand			- 1			0.10%	\$ 12,831,194	\$ 12,831,194	5	12,831,19
U.S. Agency Securities 3130AJZJ1 FHLB Callable 3130AKEWZ FHLB Callable 3130AKGW8 FHLB Callable 3134GWAQ9 FHLMC Callable 3136G4A29 FMMA Callable 3136G4P56 FMMA Callable				Demand			1			0.41%	25,242,319	25,118,914	·	25,118,91
U.S. Agency Securities 3130AJZJ1 FHLB Callable 3130AKEW2 FHLB Callable 3130AKGW8 FHLB Slep-up Call 3134GWAQ9 FHLMC Callable 3136G4A29 FNMA Callable 3136G4P56 FNMA Callable		ier Class S	SHS	Demand			1			0.01%	328,713	328,713		328,71
3130AJZJ1 FHLB Callable 3130AKEW2 FHLB Callable 3130AKGW8 FHLB Callable 3134GWAQ9 FHLMC Callable 3136G4A29 FNLMC Callable 3134GWAZ9 FHLMC Callable 3136G4P56 FNLMC Callable														
3130AKEW2 FHLB Callable 3130AKGX8 FHLB Slep-up Call 3134GWAQ9 FHLMC Callable 3136G4A29 FNMA Callable 3136G4P56 FNMA Callable														
3130AKGX8 FHLB Step-up Call. 3134GWAQ9 FHLMC Callable 3136G4A29 FNMA Callable 3136G4P56 FNMA Callable	A	a AA+	09/02/20	08/25/23	Anytime		909	1	0.32%	0.32%	1,151,119	1,151,111		1,151,11
3134GWAQ9 FHLMC Callable 3136G4A29 FNMA Callable 3134GW2F2 FHLMC Callable 3136G4P56 FNMA Callable		a AA+		11/04/24	05/04/21		1,346	66	0.43%	0.43%	1,992,760	2,000,000		2.000.00
3136G4A29 FNMA Callable 3134GW2F2 FHLMC Callable 3136G4P56 FNMA Callable	ible A	a AA+	12/15/20	12/15/25	06/15/21	06/15/21	1,752	108	0.20%	0.20%	1,988,000	2,000,000		2,000,00
3134GW2F2 FHLMC Callable 3136G4P56 FNMA Callable	Α. Α.		07/28/20	07/28/25	07/28/21		1,612	151	0.65%	0.65%	996,760	1,000,000		1,000,00
3136G4P56 FNMA Callable	A			07/30/24	07/30/21		1,249	153	0.55%	0.55%	1,000,780	1,000,000		1,000,00
	, Ai		08/25/20	05/25/23	08/25/21		817	179	0.30%	0.30%	2,001,080	2,000,000		2,000,00
	A		08/26/20	02/26/24	08/26/22		1,094	545	0.40%	0.40%	1,242,625	1,250,000		1,250,00
3130AKMD5 FHLB Callable 3134GXKH6 FHLMC Callable	Ą		01/26/21	01/26/26	07/26/21		1,794	149	0.51%	0.52%	985,040	1,000,000		999,50
3134GXKH6 FHLMC Callable 3130AKU53 FHLB Callable	. A		01/27/21	01/27/23	04/27/21		699	59	0.13%	0.13%	998,520	1,000,000		999,820
3130AKN69 FHLB Callable	A		01/28/21	01/28/26	07/28/21		1,796	151	0.52%	0.53%	983,980	1,000,000		1,000,000
3130AKVN3 FHLB Callable	Aa Aa		01/28/21 01/29/21	01/28/26	01/28/22		1,796	335	0.50%	0.51%	985,060	1,000,000		1,000,000
3130AKWK8 FHLB Callable	A		01/29/21	01/29/26 02/12/26	07/29/21		1,797	152	0.52%	0.53%	983,890	1,000,000		1,000,00
3130AKX43 FHLB Step-up Calla			02/12/21	02/12/26	11/12/21	44/04/04	1,811	258	0.51%	0.52%	983,170	1,000,000		1,000,00
3130AL7M0 FHLB Callable	Aa		02/24/21	02/24/26	11/24/21 08/24/21	11/24/21	1,823	270	0.30%	0.30%	1,986,500	2,000,000		2,000,000
3130AKYR1 FHLB Callable	. As		02/25/21	02/25/26	02/25/22		1,823 1,824	178 363	0.63%	0.63%	988,610	1,000,000		1,000,00
3130AL6K5 FHLB Callable	A		02/25/21	02/25/26	02/25/22		1,824	363	0.55% 0.58%	0.56%	987,290	1,000,000		1,000,000
3130ALD76 FHLB Callable	Aa		02/25/21	02/25/26	05/25/21		1,824	87	0.70%	0.59% 0.71%	986,020	1,000,000		1,000,000
3130ALCW2 FHLB Callable	Aa		02/25/21	02/25/26	02/25/22		1,824	363	0.66%	0.66%	989,470 989,700	1,000,000		1,000,000
3130AL6Q2 FHLB Callable	Aa		02/26/21	02/26/26	05/26/21		1,825	88	0.22%	0.22%	995,680	1,000,000 1,000,000		998,500
							1,532	4,151	0.43%	0.44%	\$ 24,216,054	\$ 24,401,111	<u> </u>	24,398,931
Municipal Bonds 13063DAC2 CALIFORNIA ST G	<u>,</u>			12.021.01									•	27,050,00
13063DAC2 CALIFORNIA ST G 13066YTY5 CALIF ST DEPT RE			04/09/18	04/01/21			33		2.63%	2.62%	1,002,030	1,000,000		999,620
052476N79 AUSTIN TEX WTR			12/02/16	05/01/21			63		1.71%	1.71%	371,991	371,071		366,874
882724RA7 TEXAS ST PUB FIN			11/15/16	05/15/21			77		2.54%	2.53%	1,004,620	1,000,000		1,036,466
CONTRACTOR I FOR FILE	AUIN AS	a AAA	10/30/20	10/01/25			1,677		5.00%	4.19%	1,192,360	1,000,000		1,216,760
						•	601	-	3.21%	3.03%	\$ 3,571,001	\$ 3,371,071	\$	3,619,714
Total Investments							597		0.50%	0.50%	\$ 66,189,280	\$ 66,051,003	5	66,297,466

Olivenhain Municipal Water District INVESTMENTS TRANSACTION February 28, 2021

EUR(HEASED)

DATE				Stated	Current			
Purchase	Maturity	Call	Step-Up	Investment Description	Coupon	Yield	Face Value	Book Value
02/12/21	02/12/26	11/12/21		FHLB Callable	0.510%	0.519%	1,000,000	1.000,000
02/24/21	02/24/26	11/24/21	11/24/21	FHLB Step-up Callable	0.300%	0.302%	2,000,000	2,000,000
02/24/21	02/24/26	08/24/21		FHLB Callable	0.625%	0.632%	1,000,000	1,000,000
02/25/21	02/25/26	02/25/22		FHLB Callable	0.550%	0.557%	1,000,000	1,000,000
02/25/21	02/25/26	02/25/22		FHLB Callable	0.580%	0.588%	1,000,000	1,000,000
02/25/21	02/25/26	05/25/21		FHLB Callable	0.700%	0.707%	1,000,000	1,000,000
02/25/21	02/25/26	02/25/22		FHLB Callable	0.656%	0.663%	1.000.000	998,500
02/26/21	02/26/26	05/26/21		FHLB Callable	0.220%	0.221%	1,000,000	1,000,000

MATURED / REDEEMED / CALLED

DATE				Stated	Current			
Redemption	Maturity	Call	Step-Up	Investment Description	Coupon	Yield	Face Value	Book Value
02/03/21 02/18/21 02/25/21	02/03/23 08/18/23 08/25/23	02/03/21 02/18/21 02/25/21		FHLMC Callable FHLB Callable FHLB Partial Call	0.325% 1.625% 0.320%	0.325% 1.624% 0.320%	2,000,000 2,000,000 143,889	2,000,000 2,000,000 143,889

Olivenhain Municipal Water District UNAUDITED CASH POSITION BY FUNDING SOURCES As of February 28, 2021

Water Funds (Pot	able & Recycled)		Balance
10050-100	Cash - Petty Cash Fund	\$	1,468
10030-100	Cash - Capital and Equipment Fund		33,095,479
10010-100	Cash - Operating Fund		18,056,716
10060-100	Cash - Deposit Work for Other		456,946
10040-100	Cash - Rate Stabilization		8,442,448
14000-500	Restricted Cash - Capacity Fee Fund		4,914,538
Total Wate	r Funds (Potable & Recycled)	\$	64,967,594
Wastewater Funds	<u> </u>		
10010-110	Wastewater - Operating Fund	The second second second	2,082,087
10030-110	Wastewater - Capital Replacement Fund		9,090,796
10040-110	Wastewater - Rate Stabilization Fund		2,598,568
Total Wast	ewater Funds	\$	13,771,451
Non Fiscal Agent [Debt Service Cash		
14020-570	Cash non-agent - RAD 96-1		191,044
10070-561	Cash non-agent - Bond 2015A		621
10070-581	Cash non-agent - Bond 2016A		10,580
14020-512	Cash non-agent - Bond 2018		1,610
Total Non F	Fiscal Agent Debt Service Cash	\$	203,855
Debt Service Fund	<u>s</u>		
14030-510	SRF Loan - Fiscal Agent		1,285,375
14105-570	Redemption fund - RAD 96-1		717,433
14110-570	Reserve fund - RAD 96-1		60,613
14100-561	Redemption fund - Bond 2015A		847,942
14100-581	Redemption fund - Bond 2016A		257,010
14100-512	Redemption fund - CB&T 2018		258,404
Total Debt S	Service Funds	\$	3,426,778
TOTAL FUND BALA	ANCES	\$	82,369,678



Memo

Date: April 14, 2021

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:

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

OLIVENHAIN MUNICIPAL WATER DISTRICT Statement of Net Position (Unaudited) All Funds 1/31/2021

Assets

Current assets:	
Unrestricted assets:	#74.400.700
Cash and cash equivalents Accounts receivable - water and sewer, net	\$74,122,729
Interest Receivable	7,702,731 67,523
Taxes receivable	164,205
Other receivables	273,379
Inventories	1,327,860
Prepaid expenses and deposits	936,092
Total unrestricted assets	84,594,520
Restricted assets:	
Cash and cash equivalents	8,565,755
Assesments receivable	49,050
Grants receivable	837,979
Total restricted assets	9,452,784
Total current assets	94,047,303
Noncurrent assets:	
Capital assets, nondepreciable	63,795,291
Capital assets, depreciable/amortizable, net	324,763,624 388,558,915
Capital assets, net Prepaid bond insurance	25,682
Other long-term receivables	70,267
Total noncurrent assets	388,654,865
Total assets	482,702,168
Deferred Outflows of Resources	
Deferred amount on refunding	(1,270,496)
Deferred amount from pension Total deferred outflows of resources	(3,368,573)
rotal deletred outllows of resources	(4,639,069)
Liabilities	
Current Liabilities	
Liabilities payable from unrestricted assets:	4.007.001
Accounts payable Accrued payroll	4,987,601 338,572
Customer deposits	424,747
Payable related to work in progress	459,466
Compensated absences, current portion	799,000
Current portion of long-term debt:	507.000
Wastewater Revenue Bonds 2018A	507,000 505,000
Water Revenue Refunding Bonds 2016A Water Revenue Refunding Bonds 2015A	1,665,000
Special Assessment Debt with Government Commi	845,000
Notes Payable	780,979
Total liabilities payable from unrestricted assets	11,312,365
Liabilities payable from restricted assets:	000 000
Accounts payable Interest payable	860,899 450,503
Total liabilities payable from restricted assets	1,311,401
Total current liabilities	12,623,767
Total current habilities	12,023,707
Noncurrent liabilities	
Compensated absences	812,168
Net pension liability	13,760,679
Long-term debt, excluding current portion:	4.040.000
Wastewater Revenue Bonds 2018A Water Revenue Refunding Bonds 2016A	4,013,000
Water Revenue Refunding Bonds 2015A	14,358,883 15,905,760
Special Assessment Debt with Government Commi	5,470,000
Notes Payable	11,961,998
Total noncurrent liabilities	66,282,488
Total liabilities	78,906,254

OLIVENHAIN MUNICIPAL WATER DISTRICT Statement of Net Position (Unaudited) All Funds

1/31/2021 Deferred amounts on pension 722,696

Total deferred inflows of resources 722,696

Net Position

Investment in Capital Assets, net of related debt Restricted Net Position 333,816,792 8,141,382 Unrestricted Net Position 65,754,113 **Total Net Position** 407,712,287

OLIVENHAIN MUNICIPAL WATER DISTRICT Statement of Revenues, Expenses and Changes in Net Position (Unaudited) All Funds For the Seven Months Ending 1/31/2021

	2021
Operating Revenues:	#25 540 252
Water Sales	\$35,518,353
Sewer Charges Other Water Operating revenues	2,804,170 1,203,896
,	39,526,418
Total Operating Revenues	39,320,418
Operating Expenses	
Cost of Purchased Water Sold	18,477,663
Pumping and Water Treatment	2,287,591
Transmission and Distribution	2,167,702
Sewer Collection and Treatment	1,063,806
Elfin Forest Recreation Operations	220,805
Facilities Maintenance	653,146
Customer Service	1,297,214
General and Administrative	3,741,447
Depreciation and Amortization	4,654,160
Total Operating Expenses	34,563,533
Operating Income (Loss)	4,962,884
Nonoperating Revenues (Expenses)	
Investment income	333,812
Property taxes	2,300,617
Capacity charges	2,157,003
Benefit assessments	692,429
Other nonoperating revenues	24,723
Interest expense, net	(843,708)
Other nonoperating expenses	(56,794)
Total nonoperating revenues (expenses)	4,608,082
Income before capital contributions	9,570,966
Capital contributions	69,563
Change in net position	9,640,529
Net Position, Beginning of year	398,071,758
Not Decition End of year	407 712 227
Net Position, End of year	407,712,287

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

CASH FLOWS FROM OPERATING ACTIVITIES:	
Receipts from water and sewer customers	\$ 41,973,463
Payments for water	(19,547,738)
Payments for services and supplies	(7,552,126)
Payments for employee wages, benefits and related costs	 (7,970,045)
Net cash provided by operating activities	 6,903,553
CASH FLOWS FROM NONCAPITAL AND RELATED FINANCING ACTIVITIES:	
Property taxes and benefit assessments received	2,989,296
Net cash provided by noncapital and related financing activities	 2,989,296
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES:	
Acquisition and construction of capital assets	(6,671,397)
Proceeds from Grants	940,261
Principal paid on bonds and certificates of participation	(1,120,368)
Interest paid on bonds and certificates of participation	(555,390)
Capacity charges received	2,157,004
Other capital financing receipts (expenses)	 81,133
Net cash used by capital and related financing activities	 (5,168,757)
CASH FLOWS FROM INVESTING ACTIVITIES:	
Net change in investments	-
Investment income received	 525,915
Net cash provided (used) by investing activities	525,915
Net increase (decrease) in cash and cash equivalents	5,250,007
Cash and cash equivalents, beginning of year	 55,698,515
Cash and cash equivalents, end of period	\$ 60,948,522
FINANCIAL STATEMENT PRESENTATION:	
Cash and cash equivalents - current assets	53,704,783
Cash and cash equivalents - restricted assets	 7,243,739
Total cash and cash equivalents	\$ 60,948,522

		Balance Includes Mkt Securities	Without Mkt Securities
Unrestricted cash	1/31/2021	74,122,729	53,704,783
Restricted cash	1/31/2021	8,565,755	7,243,739
Total cash and cash equivalents		•	60,948,522

	Approved Budget	Actual YTD	Budget YTD	Variance Amt	Variance %	Notes
Operating Revenues						
Commodity Water Sales	\$39,013,000.00	\$26,663,668.13	\$25,744,600.00	\$919,068.13	3.6%	1
Water Fees and Services	17,276,000.00	10,058,579.89	10,078,740.00	(20,160.11)	(0.2%)	
Sewer Revenue	4,865,000.00	2,804,169.59	2,572,000.00	232,169.59	9.0%	2
Total Operating Revenues	61,154,000.00	39,526,417.61	38,395,340.00	1,131,077.61	2.9%	
Operating Expenses						
Purchased Water - Variable	20,573,000.00	13,773,320.09	12,555,940.00	(1,217,380.09)	(9.7%)	1
Purchased Water - Fixed	8,100,000.00	4,704,342.60	4,700,271.00	(4,071.60)	(0.1%)	
General Manager Dept	1,961,000.00	938,565.95	1,144,570.00	206,004.05	18.0%	3
Engineering Dept	2,088,500.00	1,074,421.53	1,219,540.00	145,118.47	11.9%	3
Finance Dept	1,558,000.00	874,649.07	909,160.00	34,510.93	3.8%	3
Customer Service Dept	2,710,000.00	1,352,644.98	1,582,658.00	230,013.02	14.5%	3
Human Resources Dept	834,700.00	374,442.25	487,039.00	112,596.75	23.1%	3
Water Operations and Maintenance Dept	9,959,000.00	5,559,974.01	5,806,836.00	246,861.99	4.3%	3
Parks Dept	458,500.00	253,382.63	268,408.00	15,025.37	5.6%	3
Other Operating Expenses	50,000.00		29,400.00	29,400.00	100.0%	3
Sewer Operations and Maintenance Dept	2,773,000.00	1,591,046.71	1,616,594.00	25,547.29	1.6%	3
Recycled Water Operations Dept	1,168,000.00	672,716.24	681,590.00	8,873.76	1.3%	3
Paygo Transfers						
Water Operations	3,800,000.00	2,219,000.00	2,219,000.00		0.0%	
Sanitation Operations	1,400,000.00	700,000.00	700,000.00		0.0%	
Recycled Operations	2,200,000.00	1,281,000.00	1,281,000.00		0.0%	
Capitalized Operations Expenditures	(1,323,000.00)	(805,972.89)	(771,400.00)	34,572.89	(4.5%)	4
Total Operating Expenses	58,310,700.00	34,563,533.17	34,430,606.00	(132,927.17)	(0.4%)	
Net Operating Income (Loss)	2,843,300.00	4,962,884.44	3,964,734.00	998,150.44		
Nonoperating Revenues						
Water Funds	3,379,000.00	2,522,998.77	1,974,140.00	548,858.77	27.8%	5
Debt Service Funds	1,049,000.00	692,767.80	619,140.00	73,627.80	11.9%	6
Sewer Funds	27,000.00	16,064.72	15,960.00	104.72	0.7%	
Recycled Water Funds	61,000.00	35,528.91	35,560.00	(31.09)	(0.1%)	
Total Nonoperating Revenue	4,516,000.00	3,267,360.20	2,644,800.00	622,560.20	23.5%	
Nonoperating Expense						
Capacity Fee Funds	30,000.00	8,687.35	17,360.00	8,672.65	50.0%	
Debt Service Funds	1,517,385.22	887,404.29	889,444.92	2,040.63	0.2%	
Potable Water Funds		,	,	2,040.63 1,189.11	21.2%	
	10 000 00	// // 1/1 // //			Z 1.Z 70	
	10,000.00	4,410.89	5,600.00	·		
Total Nonoperating Expense	10,000.00 1,557,385.22	900,502.53	912,404.92	11,902.39	1.3%	
Inc before Cap Fees and Capital Contributions				·		
	1,557,385.22	900,502.53	912,404.92	11,902.39		
Inc before Cap Fees and Capital Contributions	1,557,385.22 5,801,914.78	900,502.53 7,329,742.11	912,404.92	11,902.39		

OLIVENHAIN MUNICIPAL WATER DISTRICT Actual vs Budget Variance For the Seven Months Ending 01/31/2021

- 1. Water Sales revenue was higher than Budget YTD by approximately \$920 thousand resulting in a favorable variance of 3.6%. The positive variance is primarily due increased water consumption over budgeted, reduced by adjustments for unbilled water estimates. Actual water consumption through the end of January is 883 acre feet more than budgeted, resulting in an unfavorable variance of approximately \$1.2 million or 9.7% for purchased water variable costs.
- Sewer Revenue was higher than Budget YTD for a favorable variance due to timing of receipts. 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 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 higher than the Budget YTD due to increased capitalized labor from staff time spent on large Capital Improvement Projects (CIP), such as the Valve Replacement project, El Camino Real Pipeline Replacement project, and the Rehabilitation of the Ultra-Violet Disinfection System.
- 5. Actual Non-operating Revenues Water Funds were greater 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 Revenues Debt Service Funds were greater than Budget YTD for a favorable variance due to the timing of benefit assessment funds received from the County, and impact charge revenue received from property owners for the development of additional equivalent dwelling units. Actual revenues are expected to align with Budget YTD as the year progresses.

Construction Work In Progess Report as of 1/31/2021

Project Name	Budget	Appropriation to Date	Expenditures & Encumbrance	(Over) / Under
New and Remodeled Facilities	\$16,821,000	\$16,821,000	\$16,625,166	\$195,834
Replace El Camino Real PL	\$4,960,000	\$4,960,000	\$4,467,101	\$492,899
San Dieguito Desalination	\$42,837,000	\$3,962,000	\$3,434,595	
Manchester Recyc PL Exten.	\$3,906,000	\$3,551,000	\$466,835	
Rehab UV Disinfect. Sys.	\$3,420,000	\$3,420,000	\$3,273,629	
Manchester Potable Pipeline	\$2,290,000		\$283,774	\$2,006,226
Replace Valves	\$9,121,000	\$1,300,000	\$1,264,909	
Retrofit Pot to Recycled	\$740,000	\$740,000	(\$2,000)	
Replace DCMWTP Membranes	\$8,336,000	\$725,000	\$639,170	
Fixed Base AMI	\$3,278,000	\$673,733	\$365,339	
Morning Sun PRS	\$640,000	\$640,000	\$561,119	\$78,881
Pipeline Replace. Assessment	\$590,000	\$590,000	\$587,707	\$2,293
Replace Neighborhood 1 SPS	\$4,832,000	\$557,000	\$459,258	
DCMWTP Chem. Sys. Upgrade	\$525,000	\$525,000	\$383,603	\$141,397
Replace Pipelines	\$8,233,000	\$520,000	\$1,914	\$518,086
Storage Pond - Landscape	\$380,000	\$380,000	\$370,261	\$9,739
Golem PS Replacement	\$365,000	\$365,000	\$307,606	
Lone Jack PRS	\$328,000	\$328,000	\$108,014	\$219,986
DCMWTP Valve Actuator	\$320,000	\$320,000	\$23,064	\$296,936
DCMWTP Analyzer Replace.	\$727,000	\$305,000	\$213,026	
Lusardi Canyon CP	\$294,000	\$294,000	\$309,593	(\$15,593)
Replace 4S Clarifier Drives	\$271,000	\$271,000	\$90,698	\$180,302
Steel Mains Protection	\$3,120,000	\$260,000	\$79,920	
Replace Potable Meters	\$4,042,000	\$260,000	\$116,431	\$143,569
Retrofit Pot. Service to Recyc	\$1,267,000	\$239,000	\$5,054	\$233,947
Network Security	\$1,126,000	\$220,000	\$166,708	\$53,292
Replace Headworks Manual Sys	\$3,160,000	\$212,000	\$32,517	\$179,483
Network User Enhancements	\$200,000	\$200,000	-	\$200,000
NW Biological Process Optimiz	\$196,000	\$196,000	\$170,734	\$25,266
Rancho La Cima/Aliso Canyon PL	\$165,000	\$165,000	\$63,152	\$101,848
Replace WW Pumps/ Motors/Equip	\$1,799,000	\$156,000	\$19,167	\$136,833
RSFe Rd PL Cond Assess	\$155,000	\$155,000	(\$519)	\$155,519
Pot & Recycled Master Plan	\$524,000	\$115,000	-	\$115,000
DCMWTP PH Control System	\$737,000	\$88,000	\$62,023	\$25,977
Phone System - Admin Bldg.	\$79,000	\$79,000	\$54,539	\$24,461
Replace Pot. Pumps and Motors	\$1,026,000	\$78,000	-	\$78,000
Palms I and II Reservoirs	\$1,307,000	\$73,000	\$72,785	\$215
District-Wide Facility Securit	\$70,000	\$70,000	-	\$70,000
Gardendale PRS	\$60,000	\$60,000	\$130	\$59,870
/illage Park PRS	\$60,000	\$60,000	\$130	\$59,870
Rehab Concrete Tanks	\$727,000	\$53,000	\$61,292	(\$8,292
Replace Meter Anodes	\$1,496,000	\$50,000	\$654	\$49,346
DCMWTP Trains 9 & 10 Valves	\$45,000	\$45,000	\$46,912	(\$1,912
IQ Facilities Enhancements	\$45,000	\$45,000	\$29,373	\$15,627
Rancho Cielo Manhole Lining	\$539,000	\$45,000	\$26,800	\$18,200
Parking & Access Improvements	\$265,000	\$41,000	-	\$41,000
Residuals Handling Bldg Canopy	\$482,000	\$40,000	\$39,529	\$47
ower Yard Improvements	\$37,000	\$37,000	\$36,972	\$2
S Physical Security Upgrades	\$35,000	\$35,000	-	\$35,00
Replace EFRR Interpretive Roof	\$22,000	\$22,000	-	\$22,00
4S System Manhole Lining	\$189,000	\$16,000	-	\$16,00
Meter Replacement, Recycled	\$164,000	\$14,000	-	\$14,00
	Total: \$136,353,000	\$46,666,733	\$35,318,687	\$11,348,04

^{*} Project is complete # Project is substantially complete



Memo

Date: April 14, 2021

To: Olivenhain Municipal Water District Board of Directors

From: Jesica Cleaver, Administrative Analyst

Via: Kimberly A. Thorner, General Manager

Subject: CONSIDER ADOPTION OF A RESOLUTION PROCLAIMING MAY 2021 AS

WATER AWARENESS MONTH, MAY 2-8, 2021 AS NATIONAL DRINKING WATER WEEK, AND MAY 16-22, 2021 AS NATIONAL PUBLIC WORKS WEEK

Purpose

The purpose of this agenda item is to consider supporting the statewide Water Awareness Month campaign which will be celebrated in May 2021, the American Water Works Association's National Drinking Water Week which will be celebrated May 2-8, 2021, and the American Public Works Association's National Public Works Week which will be celebrated May 16-22, 2021.

Recommendation

Staff recommends the board show its support of Water Awareness Month, National Drinking Water Week, and National Public Works Week by adopting this resolution.

Alternative(s)

The board may choose not to support Water Awareness Month, Drinking Water Week, and/or National Public Works Week in 2021.

Background

The month of May is recognized each year as Water Awareness Month as part of a statewide campaign to heighten public awareness of water and the role water agencies play in water use efficiency, water supply management, water quality, and distribution. Key elements of OMWD's outreach efforts include the WaterSmart Landscape Contest, the fourth-grade calendar contest, and classroom presentations.

For more than 40 years, the American Water Works Association and its members have celebrated National Drinking Water Week – a unique opportunity for both water professionals and the communities they serve to join together to recognize the vital role water plays in our daily lives. National Drinking Water Week will be celebrated May 2-8, 2021.

National Public Works Week is a celebration of the tens of thousands of men and women in North America who provide and maintain the infrastructure and services collectively known as public works. Instituted as a public education campaign by the American Public Works Association in 1960, NPWW calls attention to the importance of public works in community life. The week-long celebration seeks to enhance the prestige of the professionals who serve the public good every day. The theme for this year's effort is "Stronger Together," highlighting how Public Works help maintain a community's strength by providing essential infrastructure through a collaborative process with stakeholders. NPWW will be celebrated May 16-22, 2021.

Historically, the board has annually recognized Water Awareness Month, National Drinking Water Week, and National Public Works Week, including most recently in 2020 with the approval of Resolution 2020-04.

Fiscal Impact

There are no costs associated with this item outside of normal operations.

Discussion

The board's adoption of this resolution demonstrates its support of Water Awareness Month, National Drinking Water Week, and National Public Works Week.

The three events will be highlighted on OMWD's website and on social media.

In honor of NPWW, OMWD's General Manager will plan an event to thank employees for their hard work and dedication all year long. This event may be modified this year due to the COVID-19 pandemic; however, the General Manager will find a way to recognize the employees within the constraints that are in place when May arrives.

Attachments: Resolution 2021-

RESOLUTION NO. 2021-xx

CONSIDER ADOPTION OF A RESOLUTION OF THE BOARD OF DIRECTORS OF OLIVENHAIN MUNICIPAL WATER DISTRICT PROCLAIMING MAY 2021 AS WATER AWARENESS MONTH, MAY 2-8, 2021 AS NATIONAL DRINKING WATER WEEK, AND MAY 16-22, 2021 AS NATIONAL PUBLIC WORKS WEEK

WHEREAS, Water Awareness Month, American Water Works Association's National Drinking Water Week, and American Public Works Association's National Public Works Week are events designed to raise public awareness of how public works services provide the community with an integral part of the quality of citizens' everyday lives, and how vital water quality and water supply are for California; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems, public outreach, and water use efficiency programs; and

WHEREAS, public agencies throughout California have supported Water Awareness Month, National Drinking Water Week, and National Public Works Week and are participating in this program under the philosophy that ongoing annual events and outreach will keep people informed about the vital role played by these facilities and services in the quality of life, safety, and comfort of the community, as well as the need for water use efficiency year-round; and

WHEREAS, Olivenhain Municipal Water District will work to increase the awareness of water as a precious resource, and will celebrate its delivery by the qualified and dedicated personnel who staff utility and public works departments and are influenced by the people's attitude and understanding of the importance of the work they perform.

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 proclaim May 2021 as Water Awareness Month, May 2-8, 2021 as National Drinking Water Week, and May 16-22, 2021 as National Public Works Week.

SECTION 2: The Board of Directors does hereby urge water agencies, members of the business community, chambers of commerce, service clubs, schools, and other

organizations to support and assist in the public awareness of water use efficiency and public works services.

PASSED, ADOPTED, AND APPROVED, at a regular meeting of the Board of Directors of Olivenhain Municipal Water District held on Wednesday, April 14, 2021.

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

ATTEST:

Kimberly A. Thorner, Assistant Secretary General Manager Olivenhain Municipal Water District



Memo

Date: April 14, 2021

To: Olivenhain Municipal Water District Board of Directors

From: Teresa L. Chase, Administrative Analyst

Via: Kimberly A. Thorner, General Manager

Subject: CONSIDER 2021 ANNUAL OBJECTIVES AND TIGER TEAM STATUS REPORT

Purpose

The purpose of this agenda item is to provide the board with an update on the status of the 2021 annual objectives, stretch objectives, and the Tiger Team program for the period beginning January 1, 2021.

Recommendation

This is an informational item; no action is required.

Alternative(s)

Not applicable.

Background

At the February 10 board meeting, 63 annual objectives and 16 stretch objectives were approved for calendar year 2021. This is the first full status update presented to the board.

Fiscal Impact

There are no costs associated with this item.

Discussion

This report is presented to the Board of Directors to provide updates on staff's progress toward completion of the 2021 annual objectives and stretch objectives. The status of the Tiger Team program is also included in the report to track funds saved or generated through grant funding, cost savings, and alternative revenue generation.

The next status update will be provided at the July 14, 2021 board meeting. The objectives featured herein are to be completed by December 31, 2021.

Attachments: Annual Objectives PowerPoint

2021 Annual Objectives

April 14, 2021
Board of Directors Meeting



2021 Annual Objectives

 A total of 63 objectives and 16 stretch objectives were adopted for calendar year 2021 1. Providing safe, reliable, high-quality drinking water to each customer in a cost-effective manner.

Objective

1. Complete Train 6 membrane replacement at David C. McCollom Water Treatment Plant and commence membrane replacement of one additional train depending on the priority needs of the trains

Commence construction of David C. McCollom Water Treatment Plant dedicated pH control system (chemical storage and feed systems equipment and controls)

Progress Toward Completion

1. 25% - Train 6 membrane cassette refurbishments arrived on March 5, and replacement is underway.

2. 10% - Project is scheduled to commence after July 1.

1. Providing safe, reliable, high-quality drinking water to each customer in a cost-effective manner.

Objective

3. Complete conversion to the use of 40% liquid ammonium sulfate at the Ammonia Feed Injection Facility to minimize costs and safety impacts

Progress Toward Completion

25% - A contractor has been selected for the work to install the new bulk storage tanks. Staff will implement a temporary feed system on March 31.
 Commissioning of the new chemical feed and storage system is anticipated in May.

- 4. Commence Drone Inspection Pilot Program; report findings to Facilities Committee
- 4. 10% Staff is processing a professional services agreement with a drone consultant to begin work.

1. Providing safe, reliable, high-quality drinking water to each customer in a cost-effective manner.

Objective

5. Enhance use of Enterprise Asset
Management system to achieve
better understanding of
maintenance management; report
findings to Facilities Committee

6. Perform an internal audit of asset redundancy and equipment reliability based on previous independent reports; report findings to Facilities Committee

- 5. 50% Staff is integrating Infor EAM software with GIS to increase the accuracy of work order creation and tracking. EAM field forms will also gather more data for asset tracking and future analysis.
- 6. 5% Staff has identified internal reports and is scheduling the internal audit for May.

1. Providing safe, reliable, high-quality drinking water to each customer in a cost-effective manner.

Objective

7. Outside of bird breeding season, complete maintenance of five impacted easements

Stretch

Complete maintenance of three additional impacted easements beyond Objective 7

Revise the existing developer agreement to better protect OMWD regarding shutdowns, facility standby, facility locating, and authorized work hours; achieve General Counsel and board approval of revisions

Progress Toward Completion

7. 60% - Staff completed maintenance of three impacted easements, including vegetation removal.

0% - Staff will review after the achievement of Objective 7.

100% - The agreement revisions were completed, accepted by General Counsel, and approved at the March 17 board meeting.

Objective

- 8. Complete design and issue a request for proposals for the 4S Ranch Neighborhood 1 Sewer Pump Station Replacement Project
- 9. Complete construction of the 4S
 Ranch Water Reclamation Facility
 Clarifier Drive Replacement
 Project

- 8. 10% An amendment to reinitiate the design was approved at the February 10 board meeting.
- 9. 100% A Notice of Completion was accepted at the March 17 board meeting.

Objective

10. Complete design of 4S Ranch Water Reclamation Facility Headworks Screening System

- 11. Complete a minimum of five new recycled water connections/conversions
- 12. Commence implementation of inflow and infiltration study findings from the Rancho Cielo Collection System Study

- 10. 5% Staff is negotiating the scope and fee with the design consultant and anticipates bringing a PSA request to the May 19 board meeting.
- 11. 20% One recycled water connection is complete, and nine conversions are in progress.
- 12. 10% Study results are expected in April, and staff is preparing to implement findings.

Objective

13. Evaluate and implement new cross-connection software by which outside backflow testers will enter test results electronically

14. Evaluate and implement a Wet Weather Incentive Credit to incentivize the use of recycled water upon certain conditions as discussed with Regional Board

Progress Toward Completion

13. 30% - Staff evaluated software options and initiated the procurement process.

14. 50% - Staff evaluated options and is developing a Wet Weather Incentive Program ordinance for board review.

Objective

Progress Toward Completion

Stretch

Complete two additional recycled water connections/conversions beyond Objective 11

0% - Staff will review after the achievement of Objective 11.

Objective

- 15. Continue education program for elementary schools in partnership with the Escondido Creek Conservancy, Nature Collective, and San Diego Zoo as COVID restrictions allow
- 16. Participate in I Love a Clean San Diego Creek to Bay Cleanup event if COVID restrictions allow
- 17. Utilize volunteer groups such as San Diego Mountain Bike Association and EFRR trail patrol for two trail maintenance/repair projects as COVID restrictions allow

- 15. 25% EFRR now offers virtual field trip activities that involve 360-degree camera images. The creation of a new field trip about the Elfin Forest Interpretive Center Honoring Susan J. Varty is underway.
- 16. 10% A virtual Creek to Bay Cleanup is scheduled for April 24.
- 17. 0% COVID-19 restrictions have not allowed for volunteer activities at EFRR thus far.

Objective

18. Host fifteenth annual photo contest if COVID restrictions allow

19. Complete Native American dwelling structure and interpretive display

- 18. 10% The photo contest will kick off September 6 and end December 31. This modified schedule will allow sponsors additional time to recover from COVID-19-related hardships and provide photographers the opportunity to photograph EFRR after COVID-19 vaccinations are expected to be available to the general public.
- 19. 75% Eagle Scouts are collaborating with an EFRR docent on interpretive signage for the completed structure.

Objective

- 20. Monitor oak trees within EFRR for signs of Golden Spotted Oak Borer beetle damage, document findings, and report findings to EFRR Executive Committee
- 21. Host water conservation workshop at Elfin Forest Interpretive Center Honoring Susan J. Varty if COVID restrictions allow

- 20. 50% Partnered with the Escondido Creek Conservancy to develop monitoring standards and completed data collection on March 31.
- 21. 0% Staff anticipates hosting a fall workshop.

Objective

22. Develop and implement improved system for documenting trail maintenance to better identify future labor and budgetary demands

23. Report to board on the status of EFRR parking lot expansion efforts and the safety of ingress and egress at EFRR

- 22. 25% Implemented a trail maintenance documentation system. Rangers have begun interpreting data to support future maintenance and labor decisions.
- 23. 10% A preliminary report was provided to the EFRR Executive Committee on March 23. Data collection is ongoing, and a presentation to the full board is scheduled for September.

Objective Progress Toward Completion Stretch Cooperate with I Love a Clean San Diego on additional clean-up day if COVID restrictions allow Work with volunteer groups on two additional trail maintenance events if COVID restrictions allow Progress Toward Completion 5% - This event is scheduled for September. 0% - COVID-19 restrictions have not allowed for volunteer activities at EFRR thus far.

4. Pursuing alternative and renewable energy sources as a means of offsetting costs and energy charges, providing sustainability.

Objective

24. Continue partnerships with energy providers and third-party consultants to optimize energy costs

25. Collect energy intensity data to determine total energy required to treat and convey potable and recycled water

- 24. 25% Staff is partnering with Utility Cost Management to conduct an audit on energy costs.
- 25. 100% Data was collected and included in the Urban Water
 Management Plan 2020 Update to be presented to the board in May 2021.

5. Providing a safe, healthful, and rewarding work environment which encourages communication as well as values employee participation and personal achievement.

Objective

26. Negotiate a new Memorandum of Understanding with the employee associations (Bargaining Unit Members Association & District Employees Association), including potential salary review and range adjustments with a focus on employee retention

27. Prepare the staffing analysis succession planning document; present to the Personnel Committee and full board

Progress Toward Completion

26. 20% - Negotiations are anticipated to begin in late spring or early summer.

27. 50% - The draft document will be reviewed by the HEART and Personnel Committees in late April. Staff anticipates presenting to the full board in May.

5. Providing a safe, healthful, and rewarding work environment which encourages communication as well as values employee participation and personal achievement.

Objective

- 28. Conduct training for managers and supervisors on emotional intelligence
- 29. Provide optional training for all staff on developing leadership skills
- 30. Create internal COVID task force to address employee COVID concerns with General Manager serving on task force

- 28. 100% Emotional intelligence training for managers and supervisors was completed on March 30.
- 29. 100% Leadership training for all interested staff was completed on March 10.
- 30. 100% The task force has been created with representatives from each pod and the GM. Meetings are held bi-weekly.

5. Providing a safe, healthful, and rewarding work environment which encourages communication as well as values employee participation and personal achievement.

Objective

Progress Toward Completion

Stretch

Resume progress towards new safety record by completing the year with no preventable lost-time injuries

0% - A lost-time injury occurred, which is pending judgment as preventable by the Safety Committee.

6. Exceeding all federal, state, and local regulatory requirements for providing potable water, wastewater treatment, and recycled water.

Objective

31. Submit the Urban Water Management Plan 2020 Update to the Department of Water Resources

- 32. Revise Water Supply Shortage Ordinance to meet new state requirements
- 33. Create interdepartmental committee to provide greater oversight for stormwater issues at headquarters and 4S Ranch Water Reclamation Facility; conduct two meetings

- 31. 75% The Draft UWMP is under review, and the public hearing will be held at the May board meeting.
- 32. 75% The Draft Water Supply Shortage Ordinance will be presented as part of the UWMP public hearing in May.
- 33. 25% A committee has been formed, and the planning process is ongoing. The first virtual meeting is anticipated in April or May.

6. Exceeding all federal, state, and local regulatory requirements for providing potable water, wastewater treatment, and recycled water.

Objective

34. Conduct pre-qualification of contractors for the Valve Replacement Project; enhance experience of in-house staff by completing replacement of 25 valves

35. Identify and raise 10 fire hydrants to grade

36. Analyze costs and benefits of performing a leak detection survey on potable and recycled distribution systems

Progress Toward Completion

34. 20% - The pre-qualification of contractors will be posted in April. Staff has replaced two broken valves to date.

- 35. 25% Staff has raised two hydrants and identified seven additional hydrants to be raised in the Fairbanks Ranch area.
- 36. 25% Staff is developing a scope of services and RFP in order to obtain quotes and will analyze the costs and benefits of a survey.

6. Exceeding all federal, state, and local regulatory requirements for providing potable water, wastewater treatment, and recycled water.

Objective

Progress Toward Completion

Stretch

Complete replacement of 10 additional valves beyond Objective 34

0% - Staff will review after the achievement of Objective 34.

Develop a transition plan for resuming disconnections for non-payment in compliance with Senate Bill 998 (2018) upon discontinuation of the statewide moratorium

25% - The governor has not yet provided an end date on the disconnection moratorium. Staff is evaluating options, determining necessary actions, and identifying requirements.

7. Minimizing all of OMWD's operational costs while maintaining a high level of customer service.

Objective

- 37. Complete Phase VI of the Advanced Metering Infrastructure implementation project
- 38. Transition to multiple billing cycles to improve responsiveness to customers and more promptly provide consumption data

- 37. 80% Tower gateway base stations have been relocated, and approximately 1,800 AMI endpoints have been installed.
- 38. 15% A transition plan is in progress.

7. Minimizing all of OMWD's operational costs while maintaining a high level of customer service.

Objective

39. Continue to pursue local, state, federal, and private grant funding to offset costs

Progress Toward Completion

39. 25% - Awarded \$500,000 for AMI Conversion (Phases 7-8) from US Bureau of Reclamation's WaterSMART Water and Energy Efficiency grant program. Staff has engaged with San Diego County Parks and Recreation on cooperative funding opportunities, and met with Supervisor Lawson-Remer's staff in late February to discuss EFRR parking lot expansion funding. Staff worked with Congressman Levin on letters of his support on OMWD's future grant applications for USBR's WaterSMART: Water and Energy Efficiency and Title XVI grants. Additional grant efforts will include the development of funding applications for the North San Diego County Regional Recycled Water Program 2020 Project and EFRR's parking lot expansion. 24

7. Minimizing all of OMWD's operational costs while maintaining a high level of customer service.

Objective

Progress Toward Completion

- 40. Continue COVID outreach campaign to keep customers informed of OMWD's response
- 40. 25% COVID outreach has been conducted on social media, in the April newsletter, and regular website updates.
- 41. Resume holding public meetings in boardroom once COVID restrictions allow
- 41. 0% COVID-19 restrictions have not allowed for public meetings in the boardroom thus far.

Stretch

Achieve one or more new grant awards

100% - Awarded \$500,000 for AMI Conversion (Phases 7-8) from US Bureau of Reclamation's WaterSMART Water and Energy Efficiency grant program.

Objective

- 42. Complete design and commence installation of a water use efficiency demonstration garden at OMWD headquarters
- 43. Conduct comprehensive review of OMWD's website and implement updates to improve transparency and user experience, including development of an "owner/developer projects" webpage

- 42. 10% Staff met with contractor, and design of the garden is in progress.
- 43. 5% Staff updated the Billing and Fees webpage, and an owner/developer projects page is expected to be complete in April.

Objective

- 44. Continue #whatisthatthing outreach campaign to improve customer awareness of water infrastructure
- 45. Conduct outreach to maximize customer awareness of the My Water Use portal and leak-detection devices

- 44. 25% #whatisthatthing was featured on social media, and an American Water Works Association's Opflow magazine article is pending.
- 45. 25% Portal outreach was conducted on targeted audiences. Portal outreach for broader audiences is being rolled out. Information on leak-detection devices and Fix-a-Leak Week was posted on social media.

Objective

46. Update bill statements to improve graph readability

- 47. Host headquarters open house event if COVID allows
- 48. Continue to develop messaging to protect customers' interests and to ensure customer awareness of State Water Resources Control Board water use efficiency regulations and new legislative requirements

- 46. 75% Staff is working with the software developer to finalize the revised graph.
- 47. 0% COVID-19 restrictions have not allowed for public events thus far.
- 48. 10% Efforts are ongoing.
 Information on water use efficiency regulations was posted on social media, including AB 1434, which aims to lower indoor GPCD to 40.

Objective

49. Partner with local businesses, vendors, and community organizations on a public service announcement and/or workshop

Stretch

Produce five or more new videos to convey messages to customers

Enroll minimum of 1,500 customers in engagement portal

Progress Toward Completion

49. 25% - Efforts are ongoing. Staff partnered with Solana Center for Environmental Innovation, Santa Fe Irrigation District, San Dieguito Water District, and Carlsbad Municipal Water District on a month-long rain barrel education/distribution campaign.

5% - Videos for #whatisthatthing campaign and CIP projects are underway.

2% - Beta test is complete and portal is gradually being rolled out to customers.

Objective

Progress Toward Completion

Stretch

Win award from CSDA, ACWA, or other industry group

100% - 4S Ranch Water Reclamation
Facility was honored as Plant of the Year
by the San Diego Section of the California
Water Environment Association and is
currently competing for statewide
recognition. Applications were submitted
to American Public Works Association for
its Project of the Year awards program.
Staff is developing applications for
submittal in May to California Special
Districts Association for its award
program.

Objective

Progress Toward Completion

Stretch

Engage and influence SDCWA to review education programs to include focus on water infrastructure

10% - On April 5, staff engaged SDCWA at its Joint Public Information Council meeting.

9. Ensuring that financial plans, policies, and practices maintain the ability of OMWD to construct, operate, and maintain all approved facilities including replacement funds for future needs.

Objective

50. Conduct comprehensive review of purchasing guidelines in Article 6 to bring in line with industry standards

- 51. Streamline accounts payable by converting from manual checks to electronic fund transfers
- 52. Complete annual review of water rates and charges

- 50. 50% The Article 6 workgroup discussed potential updates, and staff is developing a draft document based upon workgroup input.
- 51. 20% Testing is underway in Microsoft Dynamics GP, and staff successfully transmitted a test file to the bank.
- 52. 100% The annual review is complete, and the board approved 2021 water rates and charges at its March 17 meeting.

9. Ensuring that financial plans, policies, and practices maintain the ability of OMWD to construct, operate, and maintain all approved facilities including replacement funds for future needs.

Objective

53. Complete mid-term review of biannual budget and provide board with status update on two-year budget process

- 54. Complete sewer rate cost-ofservice study in preparation for sewer rate hearing in May 2021 and implementation of new rates on July 1, 2021
- 55. Submit the fiscal year 2021
 Comprehensive Annual Financial
 Report to Government Finance
 Officers Association for its annual
 financial reporting excellence
 award

- 53. 0% The mid-term biennial budget adjustment process will begin in mid-April.
- 54. 100% Study is complete, and a sewer rate hearing will be held at the May 19 board meeting.
- 55. 0% Staff will schedule the interim audit in June.

9. Ensuring that financial plans, policies, and practices maintain the ability of OMWD to construct, operate, and maintain all approved facilities including replacement funds for future needs.

Objective

Progress Toward Completion

Stretch

Keep operations and maintenance budget increase to 3% or less for fiscal year 2022

0% - Staff will review after the achievement of Objective 53.

10. Planning and constructing the Master Plan of Facilities to meet the long-term water storage, treatment, transmission, and distribution needs of OMWD.

Objective

56. Complete construction of the El Camino Real Pipeline Replacement and Green Bike Lane Project

- 57. Substantially complete (≥75%) construction of the Manchester Avenue Potable Water Pipeline Replacement Project
- 58. Commence construction of the Lone Jack Pressure Reducing Station Replacement Project

Progress Toward Completion

- 56. 90% The project is nearing the end of the construction phase, and staff anticipates bringing a NOC to the May 19 board meeting.
- 57. 0% Staff is completing the final design and bid documents.

58. 10% - The project is currently in the design phase.

10. Planning and constructing the Master Plan of Facilities to meet the long-term water storage, treatment, transmission, and distribution needs of OMWD.

Objective

Progress Toward Completion

Stretch

Commence design of the Rancho Santa Fe Unit A North Pipeline Replacement Project based on the 2020 Condition Assessment Report 5% - The Draft RFP for design work is underway.

11. Establishing programs and policies to develop alternative water supplies to serve existing and future customers.

Objective

59. Conduct workshop with the board regarding San Dieguito Valley Brackish Groundwater Desalination Project pump test results and next steps

Progress Toward Completion

59. 75% - The pump test is complete, and results are being analyzed and reviewed with consultants. A workshop to discuss possible next steps will be held at the April 14 board meeting.

12. Cultivating supportive and positive relationships with the federal, state, and local agencies which may impact OMWD's operations.

Objective

- 60. Conduct workshops with board to review OMWD's position on Delta Conveyance Project, Salton Sea issues, and updates on SDCWA's proposed Regional Conveyance System
- 60. 0% Workshops will be scheduled for the July, August, and September board agendas, which tend to be lighter

- 61. Conduct informational workshop with board on Fallbrook and Rainbow LAFCO reorganization
- 61. 10% OMWD GM is on the LAFCO Committee on the Fallbrook/Rainbow reorganization. The report from LAFCO consultant is underway and a workshop will be scheduled upon completion.

12. Cultivating supportive and positive relationships with the federal, state, and local agencies which may impact OMWD's operations.

Objective

62. Engage and influence State Water Resources Control Board regulations and water use efficiency legislation utilizing OMWD's advocate in Sacramento

63. Participate with Department of Water Resources' workgroup on Standards, Methodologies, and Performance Measures and influence statewide policy

Stretch

Coordinate and participate in EFRR first responder scenario training with Rancho Santa Fe Fire Protection District

Progress Toward Completion

- 62. 25% Efforts are ongoing. OMWD has submitted comment letters and attended multiple workshops.
- 63. 25% Efforts are ongoing. Staff has attended both virtual workshops, providing input that has been incorporated into one of the proposed methods for determining outdoor water use efficiency standards.

25% - EFRR scenario training is tentatively planned for the month of April.



Tiger Team Report

Grants and Alternative Funding

 \$500,000 - Awarded US Bureau of Reclamation's WaterSMART Water and Energy Efficiency funding for AMI Conversion (Phases 7-8)

Cost Savings

 Savings of \$2,625 - Shared expenses with Santa Fe Irrigation District, San Dieguito Water District, and Carlsbad Municipal Water District on month-long rain barrel education/distribution campaign

Total Grants and Alternative Funding this Period: \$500,000 awarded

Total Cost Savings to OMWD this Period: \$2,625





OLIVENHAIN MUNICIPAL WATER DISTRICT SCHEDULE OF OTHER BUSINESS (NON-WATER RELATED) REVENUES FOR THE SIX MONTHS ENDED DECEMBER 31, 2020 (UNAUDITED)

TOR THE SIX MICHTIS ENDED DESCRIBER 31, 2020 (STAGDHED)				
	ACTUAL	SIX MONTH BUDGET		
REVENUES: CELL SITE LEASES + RENTAL	381,452	\neg		
MISCELLANEOUS INCOME	23,154	379,000		
ROGER MILLER HYDROELECTRIC REVENUES	70,542	40,000		
SELF-GENERATION INCENTIVE PROGRAM GRANT		1,250		
CB&T VISA CASH INCENTIVE*	10,752	N/A		
ESTIMATED DCMWTP ENERGY OFFSETS**	337,007	N/A		
	822,907	420,250		
TOTAL REVENUE FOR THE SIX MONTHS ENDED DECEMBER 31, 2020	822,907			

Notes:

Total alternative revenue in first and second quarters of FY 2021: \$822,907

^{*}This amount is neither recorded nor budgeted until fully realized.

^{**} This is an unrealized revenue. This amount is calculated for internal reporting only.

Tiger Team Report



Summary

Total third quarter FY 2021 grant funding and cost savings, with first and second quarter FY 2021 alternative revenue:

\$1,325,532

Total grant funding under pursuit and potential alternative revenue sources:

\$0

Since Inception of the Program (2005)

Total grant funding and cost savings to date:

\$43,932,876

Total alternative revenue generated to date:

\$15,142,511



Memo

Date: April 14, 2021

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 MORNING SUN PRESSURE REDUCING

STATION ABANDONMENT PROJECT (ATOM ENGINEERING CONSTRUCTION, INC) INTO THE DISTRICT'S SYSTEM AND ORDER A NOTICE

OF COMPLETION FILED

Purpose

The purpose of this agenda item is to consider acceptance of the Morning Sun Pressure Reducing Station Abandonment (Morning Sun PRS) project constructed by AToM Engineering Construction, Inc. (Atom) 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 Morning Sun PRS project into OMWD's system.

Alternative(s)

There are no alternatives to accepting the project into OMWD's system. The project was built to OMWD's plans and specifications and construction is complete.

Background

The Morning Sun Pressure Reducing Station is located in Director Division 3 (Guerin) and was installed in 1978 during the development of the surrounding Morning Sun Drive neighborhood. Preliminary analysis of a rehabilitation of the Morning Sun Pressure Reducing Station showed an alternate operation of the Morning Sun pressure zone (PZ 530) could result in significant savings to OMWD while creating minimal impact to the surrounding customers. A component of the alternate operation was the abandonment of the Morning Sun Pressure Reducing Station. The Morning Sun PRS project was planned to be completed in coordination with the City of Encinitas' new neighborhood street improvement project. Following a public bidding process, Atom was identified as the lowest responsive and responsible bidder.

At the March 18, 2020 meeting the Board awarded the contract for the Morning Sun PRS project to Atom. Start of the project was delayed in spring 2020 due to COVID-19 restrictions and closures. The restrictions resulted in delays in material procurements and the permitting process with the City of Encinitas took longer than anticipated. These delays resulted in the need for an additional 65 calendar days be added to the contract to complete the project. The General Manager approved Change Order No.1, a no-cost contract extension in October 2020. Change Order No.2 in the amount of \$3,541.30 and an additional 20 calendar days was approved by the General Manager in December 2020 to account for changed field conditions at a tie-in location. Change Order No.1 and No.2 revised the original completion date from October 7 to December 31, 2020.

Although Change Orders No.1 and No.2 added additional contract time, the contractor failed to complete construction by December 31, 2020 and did not finish construction until February 11, 2021. This delay resulted in additional OMWD staff time and consultant hours. Following negotiations with the contractor, a credit of \$33,000 to OMWD was agreed upon to cover staff and consultant overages and finalize liquidated damages assessment. Change Order No.3 for the credit was approved by the General Manager in March 2021.

Fiscal Impact

The project is now complete and within budget.

Is this a Multi Fiscal Year Project? Yes

In which FY did this capital project first appear in the CIP budget? 2017

Current Fiscal Year Appropriation: \$640,000

To Date Approved Appropriations: N/A

Expenditures and Encumbrances as of (March 29,2021): \$485,078

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

If this change order/allocation is outside of the appropriation, Source of Fund: N/A

Discussion

Abandonment of the outdated PRS, installation of new valves, pipeline, and restoration efforts were completed in accordance to OMWD's plans and specifications and construction on the project is now complete.

Staff is available to answer any questions you may have.

Attachment(s):
Notice of Completion;
Project 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

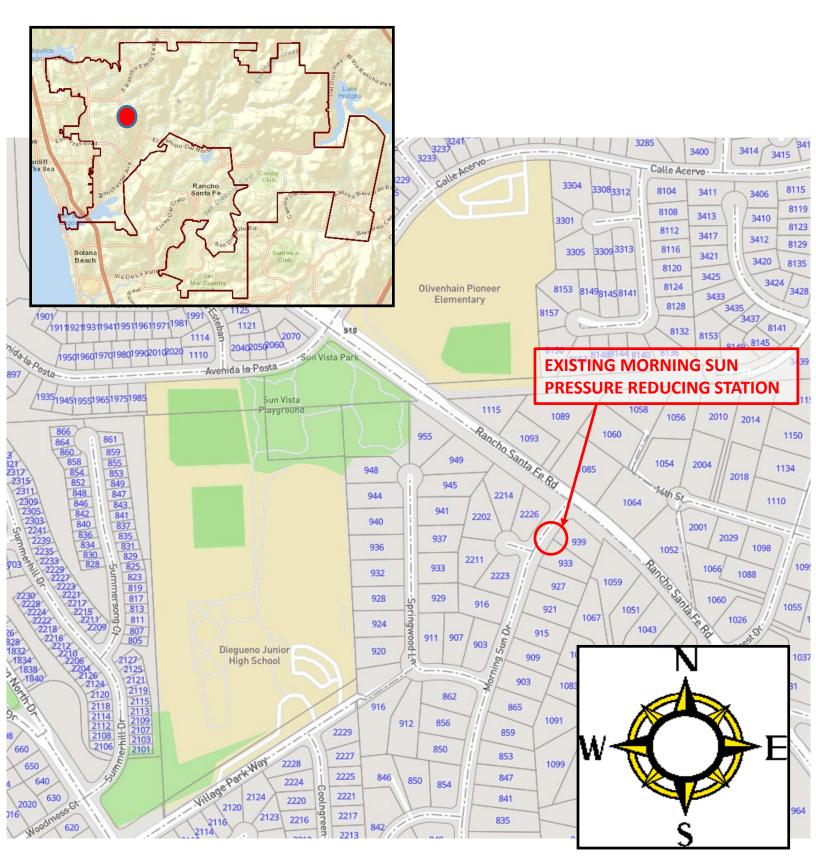
NOTICE IS HEREBY GIVEN that the work for the Morning Sun Pressure Reducing Station Abandonment Project, located on Morning Sun Drive between Morning Sun Court and Rancho Santa Fe Road in the City of Encinitas, County of San Diego, State of California for which the OLIVENHAIN MUNICIPAL WATER DISTRICT ("Owner," in fee, of the facilities), head-quartered at 1966 Olivenhain Road, Encinitas, CA 92024 and contracted with ATOM ENGINEERING CONSTRUCTION, INC. ("Contractor") located at 40410 Vista Road, Hemet, CA 92544, have been completed in accordance with the plans and specifications as of February 11, 2021. The improvements have been accepted by the Board of Directors of the OLIVENHAIN MUNICIPAL WATER DISTRICT on this 14th day of April 2021.

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:	, 20	Ву:	
		Kimberly A. Thorner	
		General Manager	



MORNING SUN PRESSURE REDUCING STATION
ABANDONMENT PROJECT
DISTRICT PROJECT NO. D120051



Memo

Date: April 14, 2021

To: Olivenhain Municipal Water District Board of Directors

From: Cindy Pecile, Engineering & Right of Way Coordinator

Via: Kimberly A. Thorner, General Manager

Subject: CONSIDER APPROVAL OF PRIVATE ENCROACHMENT PERMIT NO. 410 FOR

16969 DOVE CANYON ROAD (DOVE CANYON LEASING, LLC) AND ORDER THE

PERMIT BE RECORDED

Purpose

The purpose of this agenda item is to consider approval of Private Encroachment Permit No. 410 which would allow OMWD to enter into an encroachment permit agreement with Dove Canyon Leasing, LLC for the encroaching facilities to serve 16969 Dove Canyon Road in the County of San Diego. The facilities encroach upon OMWD's sewer Easement No. 1079 — Exhibit D. Approval would additionally authorize the General Manager to sign the Encroachment Permit on behalf of OMWD for recordation by the County of San Diego Recorder's Office.

Recommendation

Staff recommends approval of Encroachment Permit No. 410 and authorization for the General Manager to sign the permit on behalf of OMWD. The proposed encroaching facilities have been reviewed and approved by OMWD staff.

Alternative

The Board of Directors could direct staff to not allow encroachments to be placed within the easement area.

Background

The encroaching facilities will be installed within OMWD's sewer Easement No. 1079 – Exhibit D across the property at 16969 Dove Canyon Road in Director Division 4 (Bruce-Lane).

The encroaching facilities consist of concrete curb and gutter, schedule 40 PVC pipe sleeve and irrigation lines, brick pavers, and landscape material to include hawthorn bushes, dwarf strawberry tree, and purple New Zealand flax, as outlined in the permit.

Fiscal Impact

There is no fiscal impact to OMWD in approving Encroachment Permit No. 410. All costs to prepare the permit and install the encroaching facilities have been or will be paid for by Dove Canyon Leasing, LLC. The Encroachment Permit Agreement stipulates that the permittee is responsible for all costs incurred to remove and rebuild the encroaching facilities should OMWD need access to their facilities within the easement. The permit also sets forth OMWD's limitations of liability for any damage to the encroaching facilities which may be caused by OMWD's use of the easement.

Discussion

The encroaching facilities will be constructed in a manner that will not unduly affect OMWD's daily operations or maintenance of OMWD facilities located in the easement. Staff recommends approval and will be available to answer any questions. A copy of the Encroachment Permit is attached for review.

Attachments:
Encroachment Permit No. 410
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) A.P.N. No. 678-650-07-00

OLIVENHAIN MUNICIPAL WATER DISTRICT

PRIVATE ENCROACHMENT PERMIT AGREEMENT NO. 410

THIS ENCROACHMENT PERMIT No. 410 (hereinafter "Agreement") entered into by and between the OLIVENHAIN MUNICIPAL WATER DISTRICT organized and existing pursuant to the Municipal Water District Act of 1911, California Water Code §71000, et seq. (hereinafter "DISTRICT"),

R-E-C-I-T-A-L-S

- 1. The DISTRICT presently holds title to an easement as more particularly described in the DISTRICT's Document No. 1079 Exhibit D, recorded November 18, 1999 as Doc No.1999-0765854, Official Records, San Diego County, not attached hereto, but incorporated herein by reference.
 - **2.** PERMITTEE desires to encroach upon this easement.

and DOVE CANYON LEASING, LLC (hereinafter "PERMITTEE").

- **3.** PERMITTEE is the owner of property described in Exhibit "A" attached hereto.
- **4.** The parties agree that PERMITTEE shall be entitled to encroach upon this easement only to the extent and in the manner specified in this Agreement. No other encroachments shall be allowed without the express prior written consent of the DISTRICT.

C-O-V-E-N-A-N-T-S

- 1. <u>Permission to Encroach on Easement</u>: PERMITTEE is hereby granted permission to encroach upon the easement referred to above in the manner specified in Exhibit "B" subject to all conditions specified in Exhibit "B" and subject to all terms of this Agreement.
- 2. <u>Limitations of Rights Granted to PERMITTEE</u>: Rights being granted to PERMITTEE in accordance with this Agreement shall extend only to such rights as the DISTRICT may grant to PERMITTEE in accordance with the terms of the easement presently held by DISTRICT. PERMITTEE shall be solely responsible for verifying that the rights being granted by DISTRICT may be granted to PERMITTEE in accordance with the terms of the DISTRICT's easement.
- 3. <u>Construction of Encroachment</u>: PERMITTEE shall be solely responsible for all fees, costs, and expenses of whatever type or nature associated with construction of the encroachment. The DISTRICT shall be notified at least forty-eight (48) hours prior to commencement of construction of the encroachment and shall be permitted to inspect and approve all encroachment construction. All encroachment construction shall be carried out as specified by the DISTRICT, in its sole discretion.
- 3.1. PERMITTEE shall pay all costs of the DISTRICT's, including, but not limited to, the costs of inspection, administration, legal fees, and engineering relating to the construction and exercise of permission granted to PERMITTEE by this Agreement.
- 4. <u>Maintenance of Encroachment Facilities and Area</u>: PERMITTEE shall maintain the encroachment facilities and encroachment area at all times in a safe, sanitary, and good condition at PERMITTEE's sole cost and expense. PERMITTEE shall promptly perform all maintenance and repair of the facilities and encroachment area requested by the DISTRICT from time to time, in its sole discretion.
- 5. <u>Protection of DISTRICT Facilities in Encroachment Area</u>: All facilities of the DISTRICT in the encroachment area shall be protected by PERMITTEE as directed by the DISTRICT from time to time, in its sole discretion.
- 6. <u>Payment for all Damages and Expenses Caused by Encroachment</u>: PERMITTEE shall pay for all damages, of whatever type or nature, which may occur to the DISTRICT'S easement or

facilities within the easement as a result of construction, maintenance, use, repair, removal, or relocation of PERMITTEE's facilities.

- 6.1. PERMITTEE shall also pay for all fees and costs incurred by the DISTRICT to remove, demolish, or relocate PERMITTEE's facilities in order to repair, maintain, replace, relocate, or remove DISTRICT's facilities in the easement or to install new facilities in the easement as the DISTRICT may determine in its sole discretion.
- 6.2. Should the DISTRICT determine that PERMITTEE's facilities must be relocated, as the DISTRICT may determine in its sole discretion, PERMITTEE shall pay all fees and costs to remove and relocate these facilities.
- 6.3. All such payments shall be made within thirty (30) consecutive days following receipt of a written demand from the DISTRICT. The written demand shall specify the amount due and the type of losses or expenses incurred. Any amounts not received by the DISTRICT within this thirty (30) consecutive day period shall earn interest at the maximum rate authorized by California law.
- 7. <u>Indemnity</u>: PERMITTEE hereby agrees to hold harmless, defend and indemnify the DISTRICT and its agents, servants, employees, consultants, and officers from any and all claims, actions, liability, losses, costs, damage, or expense of whatever type or nature to any persons, entities, or property caused by, or claimed to be caused, in whole or in part, by the construction, maintenance, repair, replacement or use of the encroachment facilities or encroachment areas except claims caused by the sole active negligence or intentional misconduct of the DISTRICT or its agents or employees. This indemnity shall include all DISTRICT's attorney's fees, expert fees and costs, and court costs if the DISTRICT is named as a party in any litigation related to the encroachment.
- 8. <u>DISTRICT not Liable for Damage to Encroachment or Encroachment Area</u>: The DISTRICT shall not be liable for any damages whatsoever to the encroachment facilities or encroachment area related in any way to the DISTRICT's continued use of the easement or as a result of the DISTRICT's construction, use, repair, replacement, or relocation of any DISTRICT facilities within the easement.
- **9.** Other Uses Forbidden: PERMITTEE is limited to the specific encroachment area and facilities granted by this Agreement. No other encroachment is permitted without the express prior written consent of the DISTRICT.

- 10. <u>Prior Rights</u>: This Agreement shall not alter, modify, or terminate, in any way, any of the prior rights of DISTRICT to use of the easement in accordance with its terms. PERMITTEE shall not be considered as acquiring any permanent interest of any kind or nature in the easement which is inconsistent with the rights of the DISTRICT.
- 11. <u>General Conditions</u>: The encroachment shall be subject to each of the following general conditions (where applicable):
 - 11.1. A minimum vertical clearance of four (4) feet shall be maintained between the DISTRICT's facilities and the approved encroachment facilities.
 - 11.2. A minimum horizontal clearance cover of fifteen (15) feet shall be maintained between the DISTRICT's facilities and the approved encroachment facilities.
 - 11.3. The existing ground level over the DISTRICT's facilities shall not be changed without the prior written consent of the DISTRICT.
 - 11.4. No blasting shall be permitted without the prior inspection and approval of the DISTRICT.
 - 11.5. Heavy equipment is not permitted on the easement without DISTRICT notification and approval.
- 12. <u>Termination</u>: Violation of any of the terms of this Agreement by PERMITTEE shall constitute a material breach of this Agreement entitling the DISTRICT to unilaterally terminate this Agreement by written notice to PERMITTEE, in addition to all other relief afforded by applicable law. Upon receipt of notice of termination from the DISTRICT, PERMITTEE shall promptly remove all encroachment facilities and restore the encroachment area in the manner directed by the DISTRICT, in its sole discretion. All fees, costs, and expenses of removal and restoration shall be paid solely by PERMITTEE.
- 13. Agreement as Covenant Running with Land and Binding on Successors: The parties expressly agree that this Agreement shall be construed as a valid and binding equitable servitude and covenant running with the land which shall be binding upon the heirs, personal representatives, successors, assigns, or transferees of the parties hereto. The parties expressly waive the right to challenge

the enforceability of this Agreement as a legal and binding equitable servitude and covenant running with the land in any subsequent arbitration or litigation between the parties or their successors.

- 14. <u>Attorney's Fees:</u> In the event of any legal or equitable proceeding to enforce or interpret the terms or conditions of this Agreement, the prevailing party shall be entitled to all reasonable attorney fees and court costs in addition to such other relief as may be afforded by applicable law.
- **15.** <u>Law Applied</u>: The validity, interpretation, construction, and performance of this Agreement shall be construed under the laws of the State of California and the applicable rules and regulations of the DISTRICT.
- **16.** <u>Venue</u>: In the event of any arbitration or litigation to interpret or enforce the terms of this Agreement, venue shall lie only in the state or federal courts in or nearest to the North County Judicial District, County of San Diego, State of California.
 - 17. <u>No Warranties</u>: There are no warranties or representations of any kind being made.
- **18.** <u>Modification</u>: This Agreement shall not be altered in whole or in part except by a modification in writing executed by both parties to this Agreement.
- 19. <u>Meaning of "PERMITTEE"</u>: The word PERMITTEE as used in this Agreement shall mean the PERMITTEE or any person or entity deriving any interest in this encroachment permit from PERMITTEE or its successors-in-interest.
- **20.** <u>Attorney Representation</u>: The PERMITTEE acknowledges that this Agreement has been prepared by the Law Offices of Nossaman LLP, who represents only the DISTRICT. The PERMITTEE is hereby notified to seek the advice of independent counsel concerning this Agreement and its terms. PERMITTEE acknowledges that PERMITTEE has had the opportunity to do so prior to executing this Agreement.

			1			
22.	Board of Direc	tor's Approval:	This Agreemen	at is executed by	the DISTRICT	pursuant
to Board actio	on of	_, 20				

, 20

Effective Date: The effective date of this permit is

21.

"DISTRICT"

OLIVENHAIN MUNICIPAL WATER DISTRICT

Dated:	, 20	By: Kimberly A. Thorner General Manager
		"PERMITTEE"*
		DOVE CANYON LEASING, LLC
Dated:	, 20	By:
	,	Kevin Moriarty
		Title:

*PERMITTEE'S SIGNATURE MUST BE NOTARIZED WITH NOTARY SEAL.

EXHIBIT "A" Sheet 1 of 1

Legal Description

THAT PORTION OF RANCHO SAN BERNARDO, ACCORDING TO MAP THEREOF RECORDED IN BOOK 2, PAGE 462 OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AS SHOWN ON RECORD OF SURVEY NO. 15488 FILED IN THE OFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY APRIL 24, 1997, ALL IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

EXHIBIT "B" Sheet 1 of 6

1. Encroachment Facilities:

- A. Concrete curb and gutter as shown on Exhibit 'B' Sheets 2-3
- B. PVC Schedule 40 pipe sleeve, 4-inch diameter as shown on Exhibit 'B' Sheets 2-3
- C. PVC Schedule 40 irrigation lines $-\frac{3}{4}$ -inch and 1-inch as shown on Exhibit 'B' Sheets 2-3
- D. Brick pavers as shown on Exhibit 'B' Sheets 2-3
- E. Landscape material to include hawthorn bushes, Dwarf Strawberry trees, purple fountain grass, and purple New Zealand flax, as shown on Exhibit 'B' Sheets 4-6

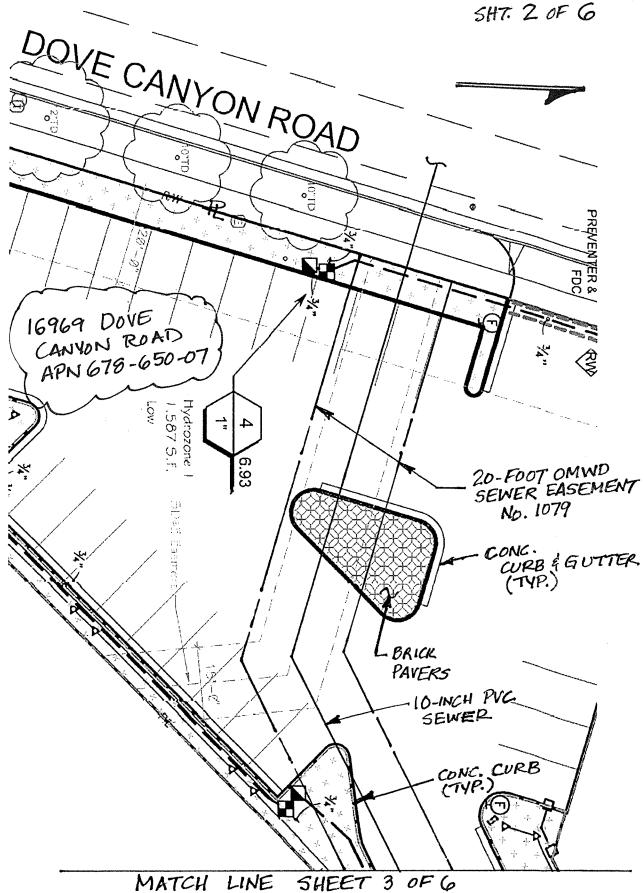
2. Encroachment Area:

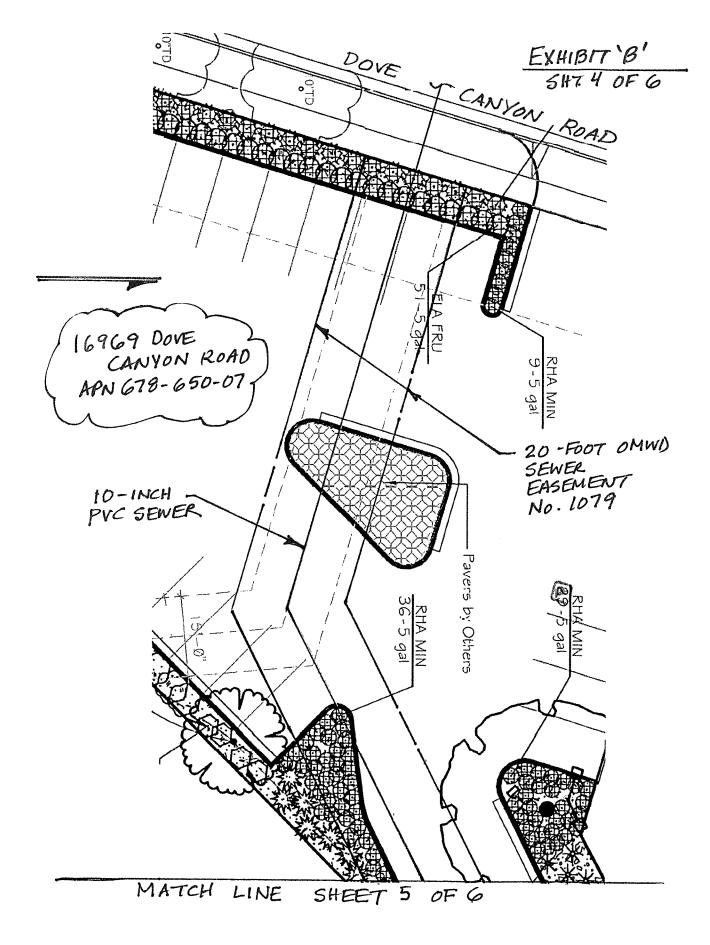
The encroachment facilities encroachment upon District Easement No. 1079 – Exhibit D as shown on Exhibit 'B' Sheets 3-6

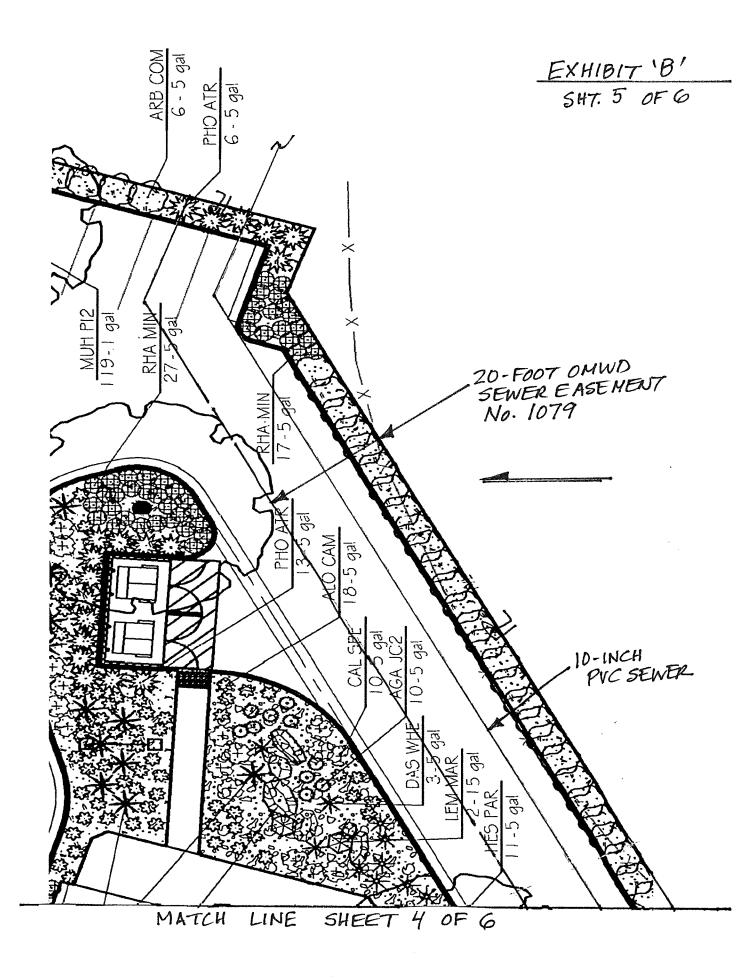
3. **Special Conditions of Encroachment**:

- A. No facilities other than those identified in this encroachment permit shall be placed within the DISTRICT's easement without the DISTRICT's prior written approval.
- B. The DISTRICT shall not be responsible for the replacement of encroaching facilities placed within the easement area should they be required to be removed for installation, construction, repair, relocation or maintenance of DISTRICT facilities or any other work undertaken at the sole discretion of the DISTRICT.

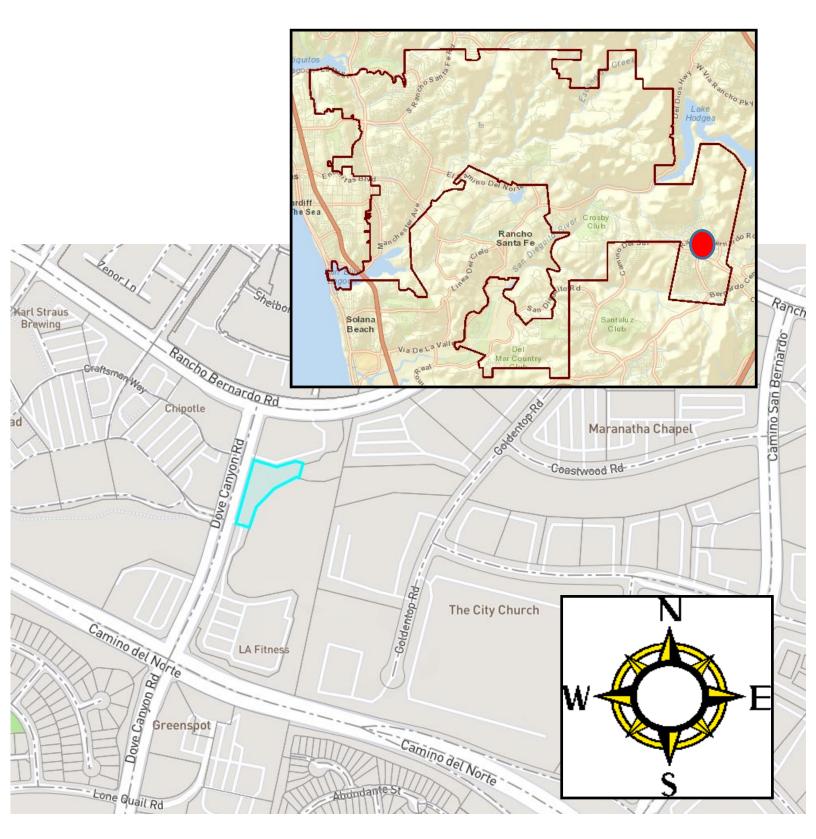
EXHIBIT 'B'







<u> </u>	<u>CODE</u>	BOTANICAL / COMMON NAME		
*	AGA ULB	Agave Americana 'Blue Glow'/ Blue Glow Agave		
0	AGA JOS	Agave x 'Joe Hoak' / Joe Hoak Agave		
€;}3	ALO CAM	Aloe camperi / Aloe		
	ARB COM	Arbutus unedo 'Corpacta' / Dwarf Strawberry Tree		
\oplus	BUL TIN	Bulbine frutescens 'Tiny Tangerine' / Tiny Tangerine Bulbine		
\oplus	CAL SPE	Calandrinia spectabils / Pink Calandrinia		
	CAL DWA	Callistemon viminalis 'Little John' / Dwarf Weeping Bottlebrush		
*	DAS WHE	Dasylirion wheeleri / Grey Desert Spoon		
\Diamond	DIA VAR	Dianella tasmanica 'Variegata' /Flax Lily		
0	ELA FRU	Elaeagnus pungens 'Fruitlandii' / Silverberry		
0	ERE RED	Eremophila maculate 'Red Hearts' / Emu Bush		
\bigcirc	FOR MED	Furcraea foetida 'Mediopicta' / Mauritius Hemp		
•	HES PAR	Hesperaloe parviflora / Red Yucca		
\oplus	HE 510	Ilex vomitoria 'Stokes Dwarf' / Dwarf Yaupon		
	JUN ELK	Juncus patens 'Elk Blue' / Spreading Rush		
⊗	LEM MAR	Lemaireocereus marginatus / Mexican Fence Post		
Φ	PEN KUA	Pennisetum setaceum 'Rubrum' / Purple Fountain Grass		
**	PHO ATR	Phormium tenax 'Atopurpureum' / Purple New Zealand Flax		
	RHA MIN	Rhaphiolepis umbellate 'Minor' / Yedda Hawthorn		



PRIVATE ENCROACHMENT PERMIT NO. 410 16969 DOVE CANYON ROAD DISTRICT PROJECT NO. W430046



Memo

Date: April 14, 2021

To: Olivenhain Municipal Water District Board of Directors

From: Cindy Pecile, Engineering & Right of Way Coordinator

Via: Kimberly A. Thorner, General Manager

Subject: CONSIDER ACCEPTANCE OF THE ELFIN VISTA LANE FIRE DETECTOR CHECK

AND WATER SERVICE INSTALL PROJECT (CRAIG LEWIS) INTO THE DISTRICT'S

SYSTEM AND ORDER A NOTICE OF COMPLETION FILED

Purpose

The purpose of this agenda item is to consider acceptance of the transfer of the potable water facilities constructed by Craig Lewis 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 fire detector check and water service were required to accommodate the new single family residence being constructed at 20260 Elfin Vista Lane.

Background

The Elfin Vista Lane Fire Detector Check and Water Service Install Project is located at 20260 Elfin Vista Lane in Director Division 4 (Bruce-Lane). The project consists of the installation of an 8-inch fire detector check assembly, a 1.5-inch water service, and all related appurtenances.

OMWD entered into an agreement with Craig Lewis in March 2020 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. The new assets will be reported to Finance for capitalization.

Discussion

OMWD staff is available to answer questions.

Attachment(s):
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 Elfin Vista Lane Fire Detector Check and Water Service Install Project located at 20260 Elfin Vista Lane, Escondido, CA 92029, in the County of San Diego, State of California for which CRAIG LEWIS ("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 Draves Pipeline, 727 Burma Road, Fallbrook, CA 92028, have been completed in accordance with the plans and specifications as of March 17, 2021. The facilities have been accepted by the Board of Directors of the OLIVENHAIN MUNICIPAL WATER DISTRICT on this 14th day of April, 2021.

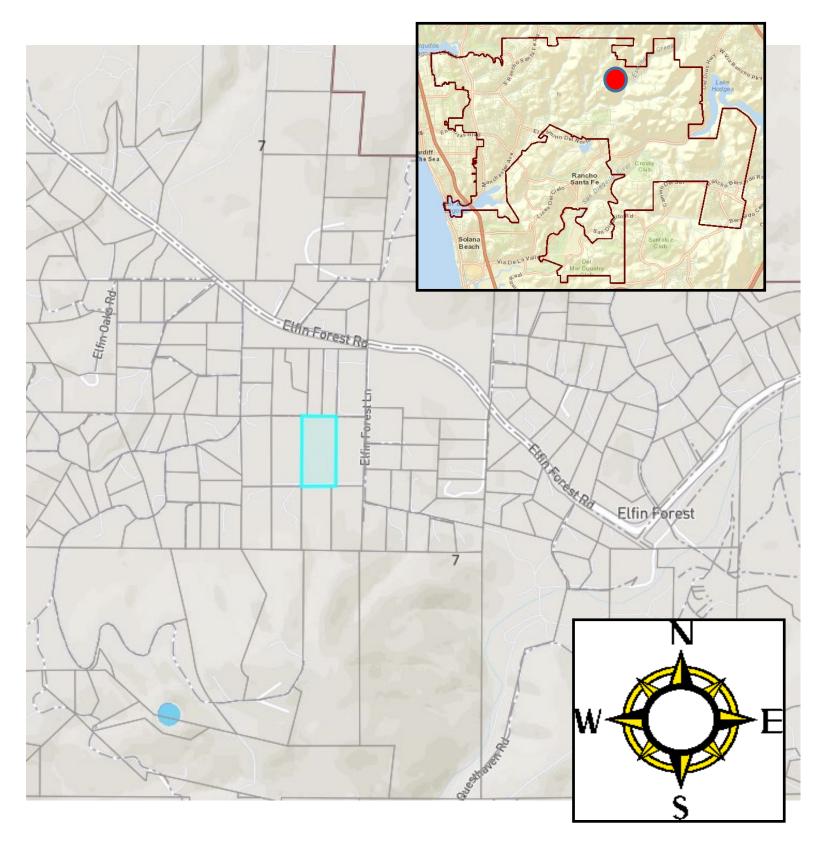
In witness whereof this Notice of Completion has been executed under authority from the Board of Directors of said OLIVENHAIN MUNICIPAL WATER DISTRICT by Kimberly A. Thorner, General Manager.

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:	, 20	Ву:	
		Kimberly A. Thorner	
		General Manager	

District Project No. W590259 - Elfin Vista Ln FDC & WS Install



ELFIN VISTA LANE FIRE DETECTOR CHECK AND WATER SERVICE INSTALL PROJECT
DISTRICT PROJECT NO. W590259



Memo

Date: April 14, 2021

To: Olivenhain Municipal Water District Board of Directors

From: Jason P. Hubbard, Engineering Manager

Via: Kimberly A. Thorner, General Manager

Subject: CONSIDER ADOPTION OF A RESOLUTION MAKING CEQA FINDINGS FOR

THE INSTALLATION OF THE RANCHO PASEANA RECYCLED WATER METER AND CONNECTION PROJECT AND ORDER A NOTICE OF EXEMPTION BE

FILED WITH THE COUNTY CLERK, COUNTY OF SAN DIEGO

Purpose

The purpose of this agenda item is to consider adoption of the proposed Resolution and California Environmental Quality Act (CEQA) findings which would authorize staff to file a Notice of Exemption (NOE) for the installation of a recycled water meter and connection to serve Rancho Paseana located at 16094 San Dieguito Road with the San Diego County Clerk.

Recommendation

Staff recommends adoption of the proposed Resolution which makes CEQA findings for the declaration of the recycled water meter installation as an exempt project under California Public Resources Code 21084 and CEQA Guidelines Article 19, Section 15303(d), which allows categorical exemptions for the construction and location of limited numbers of new, small facilities or structures including water mains and other utility extensions. Staff also recommends approval to file the NOE for the project with the County Clerk for posting per CEQA Guidelines Section 15062.

Alternative(s)

Although the project qualifies as a project exempt from CEQA under Public Resources Code 21084 and CEQA Guidelines Sections 15303(d), the Board could:

- Adopt the NOE and direct staff to not file the NOE, which would increase the Statute of Limitations for filing protests against the project from 35 days to 180 days;
- Determine CEQA is not required for this project and not adopt the Resolution; or
- Decide an NOE is not adequate to meet CEQA requirements for this project and direct Staff to initiate an Initial Study to develop an alternative CEQA document, such as a Mitigated Negative Declaration.

Background

OMWD produces over 1 million gallons of recycled water daily at the 4S Ranch Water Reclamation Facility which is delivered to irrigation customers in the Southwest Quadrant of OMWD's recycled system for use at Homeowners Association common areas, schools, parks, streetscapes, sports parks, and golf courses. The recycled water supply is augmented by recycled water purchases from the Rancho Santa Fe Community Services District and the City of San Diego. OMWD continues to focus on expanding its recycled water deliveries to provide a reliable, locally-produced, drought-proof water supply to offset the use of imported drinking water for irrigation.

Rancho Paseana is a horse ranch situated over four parcels in Rancho Santa Fe consisting of approximately 225 acres, with a race track, barns, staff living quarters, and a 4,000 acre-foot water storage pond. Currently, well water and water from four OMWD potable irrigation meters provide landscape irrigation and dust control. Rancho Paseana staff approached OMWD with a request for a recycled water connection, to augment and blend the well water in their storage pond. OMWD's 8-inch diameter Recycled Main Extension 153 runs adjacent to the southern property line, within an OMWD easement. The project includes a connection to Recycled Main Extension 153.

California Public Resources Code (PRC) Section 21084 allows for exemption from CEQA for certain classes of projects having been determined not to have a significant impact on the environment. None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project as the project will not impact an environmental resource of hazardous or critical concern and the cumulative impact of successive projects in the same location is not significant. CEQA Guidelines Article 19, Section 15303(d), which allows for categorical

exemptions for construction and location of limited numbers of new, small facilities or structures including water mains and other utility extensions also applies to this project.

Fiscal Impact

This project is funded in the FY 20/21 budget. There is a \$50 County Clerk fee for filing the NOE.

Is this a Multi Fiscal Year Project? No

In which FY did this capital project first appear in the CIP budget? **2021**

Total Project Budget: \$ 289,000

Current Fiscal Year Appropriation: **\$0**

To Date Approved Appropriations: \$0

Target Project Completion Date: <u>June 30, 2021</u>

Expenditures and Encumbrances as of March 23, 2021: \$ 5,050

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: $\underline{N/A}$

Discussion

The project is located in previously disturbed upland habitat which contains an invasive species. Staff has issued a task order to RECON (RECON) Environmental under a two-year As –Needed Agreement approved by the Board at their June 2020 meeting, to conduct a biological survey and vegetation mapping in the proposed work zone. RECON will prepare a letter report detailing their findings and verifying earlier findings that there are no sensitive species impacted by the project. Following construction, a native seed mix will be applied to any disturbed areas.

Recycled water demands for Rancho Paseana are anticipated to be 200-500 acre-feet annually. Flows to Rancho Paseana's on-site storage pond will be regulated so as not to impact the other existing recycled water customers in the area.

Staff is available for discussion.

Attachment(s): Resolution; Notice of Exemption; Site Map

Notice of Exemption

Appendix E

To: Office of Planning and Research P.O. Box 3044, Room 113	From: (Public Agency): Olivenhain MWD 1966 Olivenhain Road			
Sacramento, CA 95812-3044	Encinitas, CA 92024			
County Clerk				
County of: San Diego 1600 PAcific Highway, Suite 260	(Address)			
San Diego, CA 92112				
<u></u>				
•	ycled Water Meter and Connection			
Project Applicant: Olivenhain Municip	pal Water District			
Project Location - Specific:				
16094 San Dieguito Road, Ranche	o Santa Fe, CA 92067			
Project Location - City:				
Description of Nature, Purpose and Benefic				
	ch recycled water meter and flow control facility on recycled water r currently being used for landscape irrigatoin and dust control on a			
	200-500 ÅF of potable water irrigation use annually.			
Name of Public Agency Approving Project:	Olivenhain Municipal Water District			
Name of Person or Agency Carrying Out Pr	oject: Olivenhain Municipal Water District			
Exempt Status: (check one): Ministerial (Sec. 21080(b)(1); 1526 Declared Emergency (Sec. 21080(b) Emergency Project (Sec. 21080(b) Categorical Exemption. State type Statutory Exemptions. State code	b)(3); 15269(a)); (4); 15269(b)(c));			
Reasons why project is exempt:				
The project is exempt per CEQA of exemption for the construction and or structures including water main Section 15300.2 exemptions.	Guidelines Section 15303(d) which provides d location of limited numbers of small, new facilities s and other utility extensions and is not subject to			
Lead Agency Contact Person: Jason P. Hubbard	Area Code/Telephone/Extension: 760-753-6466 x105X			
If filed by applicant: 1. Attach certified document of exemption 2. Has a Notice of Exemption been filed.	ion finding. d by the public agency approving the project? Yes No			
Signature:	Date: Title:			
■ Signed by Lead Agency Sig	gned by Applicant			
Authority cited: Sections 21083 and 21110, Public Reference: Sections 21108, 21152, and 21152.1, Pul				

Revised 2011

RESOLUTION NO. 2021-

RESOLUTION OF THE BOARD OF DIRECTORS OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS FOR THE RANCHO PASEANA RECYCLED WATER METER AND CONNECTION PROJECT AND ORDERING A NOTICE OF EXEMPTION FILED WITH THE COUNTY CLERK, COUNTY OF SAN DIEGO

WHEREAS, the Olivenhain Municipal Water District owns and operates a recycled water transmission and distribution pipeline (Main Extension 153) in conformance with Title 22 standards and regulations in the County of San Diego, State of California. Main Extension 153 lies in an easement adjacent to the southern portion of Rancho Paseana (Assessor's Parcel Number 302-082-22-00) in Rancho Santa Fe; and

WHEREAS, Rancho Paseana is a privately owned horse ranch situated on 225 acres, with a race track, barns, living quarters, and a 4000 acre-foot water storage pond. Currently Rancho Paseana, uses a blend of well water and potable irrigation water for landscape irrigation and dust control. Rancho Paseana lies within the jurisdictional service boundaries of the District and has requested recycled water service from the District; and

WHEREAS, the recycled water service project entails the installation of a six-inch tap within the District's existing easement and a three-inch recycled water meter and above-ground flow control facility within an easement to be secured from Rancho Paseana at the south end Assessor's Parcel No. 302-082-22-00; and

WHEREAS, the project is located in a previously disturbed upland habitat. A biological study and vegetation map has been prepared to verify earlier findings that the proposed construction area does not contain any sensitive species; and

WHEREAS, the project is exempt from the California Environmental Quality Act (CEQA) in accordance with Public Resources Code Section 21084 and CEQA Guidelines Section 15303(d) which provides categorical CEQA exemption for new construction and location of limited numbers of new, small facilities including water mains and other utility extensions; and

WHEREAS, the project is not subject to any of the exceptions under CEQA Guidelines Section 15300.2. This project does not impact an environmental resource, have a cumulative impact, does not contain unusual circumstances that would result in a significant impact, does not impact scenic highways, hazardous waste sites, or historical resources; and

WHEREAS, pursuant to the CEQA Guidelines, the Olivenhain Municipal Water District Board of Directors has caused to be prepared a Notice of Exemption according to CEQA Guidelines Section 15062, stating that the project is exempt according to California Public Resources Code 21084 and CEQA Guidelines Section 15303(d); and

WHEREAS, having heard, considered and reviewed information from interested persons who expressed their views to the Board of Directors, it is in the interest of the Olivenhain Municipal Water District and the people it serves to order a Notice of Exemption filed with the County Clerk, County of San Diego.

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

SECTION 1: The foregoing facts are found and determined to be true and correct.

<u>SECTION 2</u>: In accordance with the California Environmental Quality Act Guidelines Section 15061, the Board of Directors finds and determines that the Rancho Paseana Recycled Water Meter Project is exempt from CEQA for the following reasons:

- 1) California Public Resources Code Section 21084 directs the Office of Planning and Research to develop guidelines including a list of classes of projects that have been determined not to have a significant impact on the environment and shall be exempt from CEQA.
- 2) CEQA Guidelines Article 19, Section 15303(d) allows for the categorical Class 3 exemption of new construction and location of limited numbers of new, small facilities including water mains and other utility extensions.
- The exceptions enumerated in CEQA Guidelines Article 19, Section 15300.2 do not apply to this project as the project will not impact an environmental resource of hazardous or critical concern, have a cumulative impact, does not contain unusual circumstances that would result in a significant impact, does not impact scenic highways, hazardous waste sites, or historical resources

<u>SECTION 3</u>: The Board of Directors of the Olivenhain Municipal Water District hereby directs District Staff to promptly file a Notice of Exemption with the County Clerk of the County of San Diego stating that the project is exempt from CEQA in accordance with Public Resources Code Sections 21084 and CEQA Guidelines Section 15303(d).

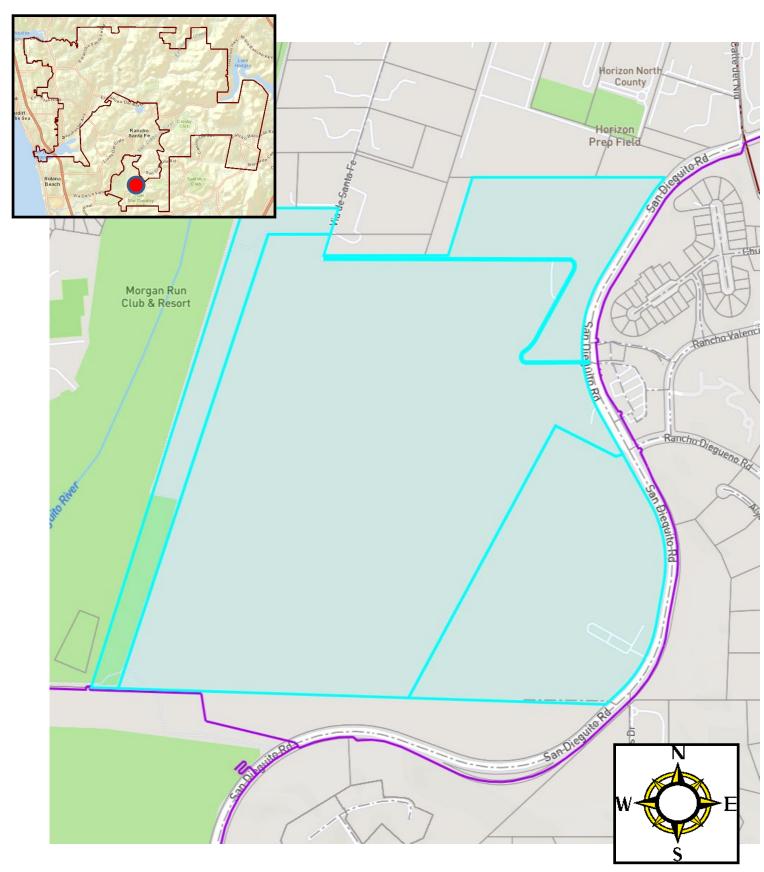
PASSED, ADOPTED AND APPROVED at a regular meeting of the Board of Directors of the Olivenhain Municipal Water District held on Wednesday, April 14, 2021.

RESOLUTION NO. 2021 - continued

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

ATTEST:

Kimberly A. Thorner, Assistant Secretary General Manager Olivenhain Municipal Water District



RANCHO PASEANA RECYCLED WATER METER AND CONNECTION



Memo

Date: April 14, 2021

To: Olivenhain Municipal Water District Board of Directors

From: Jason P. Hubbard, Engineering Manager

Via: Kimberly A. Thorner, General Manager

Subject: CONSIDER ADOPTION OF A RESOLUTION GOVERNING WATER AND SEWER

SERVICE TO AFFORDABLE HOUSING UNITS FOR LOWER INCOME

HOUSEHOLDS AND RESCINDING RESOLUTION 2016-05

Purpose

The purpose of this agenda item is to consider adopting the proposed Resolution governing water and sewer services in compliance with Government Code § 65589.7, which contains standards for the provision of these services to proposed developments that include housing affordable to lower income households. This agenda item also rescinds and replaces Resolution 2016-05 to comply with the requirement for public agencies to adopt these policies and procedures at least once every five years. Resolution 2016-05 was adopted April 27, 2016.

Recommendation

Staff recommends adoption of the Resolution in compliance with Government Code § 65589.7. This review is required by law every five years.

Alternative(s)

The Board of Directors could direct staff to rewrite the previously adopted policies and procedures.

Background

In 2005, the State Legislature of California amended Government Code § 65589.7(b) requiring public agencies providing water or sewer services to adopt written policies and procedures no later than July 1, 2006, and at least once every five (5) years thereafter, with specific standards for the provision of water or sewer services to proposed developments that include housing units that are affordable to lower-income households. These policies shall take into account regulations and restrictions relating to water supply shortages; availability of water supply pursuant to an urban water management plan adopted by the public agency; and existing plans and documents that provide a reasonable basis for making water or sewer service determinations.

In addition, Government Code § 65589.7 states that a public agency providing water or sewer services shall not deny or condition the approval of an application for services to, or reduce the amount of services applied for by, a proposed development that includes housing units affordable to lower-income households unless the public agency makes specific findings that the denial, condition, or reduction is necessary due to: 1) insufficient water supply or is operating under a water shortage emergency; or insufficient water treatment or distribution capacity; 2) the agency is subject to a compliance order issued by the State Department of Health Services that prohibits new water connection; 3) the agency providing sewer service has insufficient treatment or collection capacity; 4) the agency providing sewer service is under an order issued by the Regional Water Quality Control Board that prohibits new sewer connections; 5) the applicant has failed to agree to reasonable terms and conditions for water or sewer services.

The Board adopted the initial policy regarding water or sewer service to proposed developments that include housing units affordable to lower-income households on June 21, 2006 via Resolutions 2006-27. Consequent Board action on the Government Code § 65589.7 to remain in compliance to adopt written policies and procedures at least once every five (5) years is as follows:

Board Meeting Date	Resolution # Adopted	Resolution # Rescinded
April 20, 2011	2011-10	2006-27
April 27, 2016	2016-056	2011-10

Government Code § 65589.7 has not been amended or revised since 2005.

Fiscal Impact

There is no fiscal impact associated with the approval of this Resolution.

Discussion

This agenda item will be brought to the Board no later than April 2026 for review and adoption of a new Resolution to remain in compliance with Government Code §65589.7. Staff is available for discussion.

Attachment(s): Resolution 2021-XX

RESOLUTION NO. 2021-XX

RESOLUTION OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT BOARD OF DIRECTORS GOVERNING WATER AND SEWER SERVICE TO HOUSING UNITS AFFORDABLE TO LOWER INCOME HOUSEHOLDS AND RESCINDING RESOLUTION NO. 2016-05

WHEREAS, the state legislature amended in 2005 Government Code §65589.7, requiring public agencies that provide water or sewer services to grant a priority for these services to proposed developments that include housing units affordable to lower income households; and

WHEREAS, Government Code §65589.7(b) required public agencies providing water or sewer services to adopt written policies and procedures by not later than July 1, 2006, and at least once every five years thereafter, containing standards for the provision of water or sewer services to proposed developments that include housing units affordable to lower income households; and

WHEREAS, the Olivenhain Municipal Water District Board of Directors originally adopted policies and procedures via Resolution 2006-27 on June 21, 2006 addressing the requirements of Government Code §65589.7; and

WHEREAS, the Olivenhain Municipal Water District Board of Directors adopted policies and procedures via Resolution 2011-10 on April 20, 2011 addressing the requirements of Government Code §65589.7 and rescinding Resolution 2006-27; and

WHEREAS, the Olivenhain Municipal Water District Board of Directors adopted policies and procedures via Resolution 2016-05 on April 27, 2016 addressing the requirements of Government Code § 65589.7 and rescinding Resolution 2011-10; and

WHEREAS, Olivenhain Municipal Water District now desires to adopt this resolution as its written policies and procedures for service to proposed developments that include housing units affordable to lower income households in compliance with Government Code §65587.7.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Olivenhain Municipal Water District as follows:

- 1. Water and Sewer Service to Affordable Housing Units. The Olivenhain Municipal Water District (OMWD) shall not deny or condition the approval of an application for water or sewer services to, or reduce the amount of services applied for by, a proposed development that includes housing units affordable to lower income households unless OMWD makes specific written findings that the denial, condition, or reduction is necessary due to the existence of one or more of the following:
 - (a) OMWD does not have a sufficient water supply as defined in paragraph (2) of subdivision (a) of Government Code §66473.7 or is operating under a water shortage

emergency as defined in California Water Code §350, or does not have sufficient water treatment or distribution capacity to serve the needs of the proposed affordable housing development as demonstrated by a written engineering analysis and report; or

- (b) OMWD is subject to a compliance order issued by the Department of Public Health that prohibits new water connections; or
- (c) OMWD has declared a Water Supply Shortage as defined by Ordinance 427 *et. seq.* or has restricted the provision of new potable water service in accordance with its Water Shortage Contingency Plan and has declared a water shortage emergency as defined in Chapter 8 of the 2020 Urban Water Management Plan; or
- (d) OMWD does not have sufficient sewer treatment or collection capacity to serve the needs of the proposed affordable housing development as demonstrated by a written engineering analysis and report; or
- (e) OMWD is under an order issued by the Regional Water Quality Control Board that prohibits new sewer connections; or
- (f) The applicant fails to agree to reasonable terms and conditions for water or sewer service from OMWD which is generally applicable to other development projects seeking water or sewer service from OMWD including, but not limited to, payment of any fee or charge authorized by Government Code §66013.
- 2. <u>Effective Date</u>. This resolution shall be effective as of April 22, 2021.
- 3. Review of Service Policies. At least once every five years after passage of this resolution, the policies contained in this resolution shall be presented to the Board of Directors for a review and evaluation of the written policies governing water and sewer services to proposed developments that include housing units affordable to lower-income households.

BE IT FURTHER RESOLVED that adoption of this resolution rescinds Resolution 2016-05 which is superseded by the provisions of this resolution.

PASSED, ADOPTED AND APPROVED at a regular meeting of the Board of Directors of Olivenhain Municipal Water District held on Wednesday, April 14, 2021.

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

RESOLUTION NO. 2021- continued
ATTEST:
ATTEST.
Kimberly A. Thorner, Assistant Secretary
General Manager
Olivenhain Municipal Water District



Memo

Date: April 14, 2021

To: Olivenhain Municipal Water District Board of Directors

From: Geoff Fulks, Operations Managers

Via: Kimberly A. Thorner, General Manager

Subject: CONSIDER ACCEPTANCE OF THE LUSARDI CANYON CATHODIC

PROTECTION UPGRADES PROJECT (HENKELS & MCCOY, INC) INTO THE

DISTRICT'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED

Purpose

The purpose of this agenda item is to consider acceptance of the Lusardi Canyon Cathodic Protection (Lusardi CP) project by Henkels & McCoy, Inc. (H&M) 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 Lusardi CP project into OMWD's system.

Alternative(s)

There are no alternatives to accepting the project into OMWD's system. The project has been completed.

Background

Lusardi Canyon, located in Director Division 1 (Topolovac), is sparsely populated and contains hiking and equestrian trails near and around the Lusardi Creek County Preserve. The Lusardi Canyon area is also home to multiple transmission pipelines which deliver potable and recycled water to customers throughout OMWD's service area. Traversing the canyon from northeast to southwest are two cement mortar lined and coated steel pipelines; one 18-inch and the other 14-inch.

Over the course of performing routine evaluations of cathodic protection (CP) systems by staff and OMWD's corrosion consultant R.F. Yeager, the existing sacrificial CP system protecting the 18 and 14-inch steel pipelines was identified as a priority system in need of upgrade to ensure continued protection against corrosive soil conditions

Following contracted environmental and exploratory studies, the Lusardi CP project was put out for public bid in accordance with OMWD Administrative and Ethics Code. H&M was identified as the lowest responsible and responsive bidder. At the February 12, 2020 meeting, the Board awarded a contract to H&M. Due to COVID-19 pandemic delays and bird nesting season (February 15-September 15), the contract was not finalized until October 2020. This delay meant the project would be started in the middle of San Diego County's wildfire season and due to the project's jobsite located in a high fire hazard area, the contractor was required to maintain a staffed water truck for the duration of the project. The delays and additional staff requirement resulted in Change Order No.1 in an additional amount of \$29,097.22. Change Order No.1 was approved by the General Manager in October 2020.

On November 24, 2020 during the progress of the project, the subcontractor (2R Drilling, Inc., was drilling 6-feet away from the nearest USA marks and project zone when they struck and damaged OMWD's 18-inch water main. OMWD performed the emergency repairs using an in-house crew for approximately \$20,000 in staff time and materials. Due to discrepancies in OMWD's records and drawings and the contractor failing to pothole prior to drilling as required by the contract, it was agreed to cost share the emergency repair. Change Order No. 2 for \$10,000 credit was approved by the General Manager on March 29, 2021.

Fiscal Impact

The project is now complete and within budget.

Is this a Multi Fiscal Year Project? Yes

In which FY did this capital project first appear in the CIP budget? 2013

Current Fiscal Year Appropriation: \$294,000

To Date Approved Appropriations: N/A

Expenditures and Encumbrances as of (March 29, 2021): \$182,065

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

If this change order/allocation is outside of the appropriation, Source of Fund: N/A

Discussion

The project consisted of the replacement and upgrade of 48 pound anodes at 16 sites along essential transmission pipelines in Lusardi Canyon. These pipelines are essential for service to the Fairbanks and Del Mar areas of OMWD throughout the year and especially in emergencies such as wildfires. This project was completed to OMWD's plans and specifications and construction is now complete.

Staff is available to answer any questions you may have.

Attachment(s): Notice of Completion; Project 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 work for the Lusardi Canyon Cathodic Protection Upgrades Project, within the Lusardi Creek Preserve, located south of 7943 Artesian Road, San Diego, CA 92127, in the County of San Diego, State of California for which the OLIVEN-HAIN MUNICIPAL WATER DISTRICT ("Owner," in fee, of the facilities), headquartered at 1966 Olivenhain Road, Encinitas, CA 92024 and contracted with HENKLES & MCCOY, INC. ("Contractor") located at 2840 Ficus Street, Pomona, CA 91766, have been completed in accordance with the plans and specifications as of December 31, 2020. The improvements have been accepted by the Board of Directors of the OLIVENHAIN MUNICIPAL WATER DISTRICT on this 14th day of April 2021.

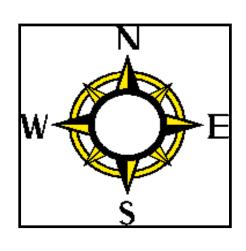
In witness whereof this Notice of Completion has been executed under authority from the Board of Directors of said OLIVENHAIN MUNICIPAL WATER DISTRICT by Kimberly A. Thorner, General Manager.

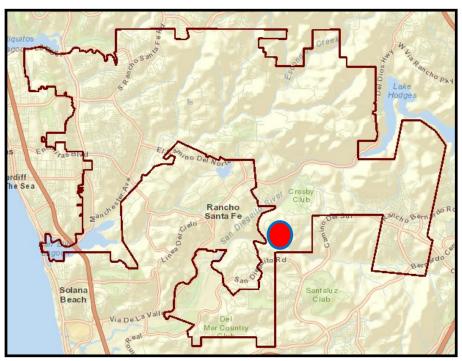
KIMBERLY A. THORNER, being first duly sworn, deposes and says that she is General Manager of the OLIVENHAIN MUNICIPAL WATER DISTRICT and is familiar with the facts stated in the foregoing Notice of Completion executed for and on behalf of said Agency, that she has read the foregoing Notice of Completion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

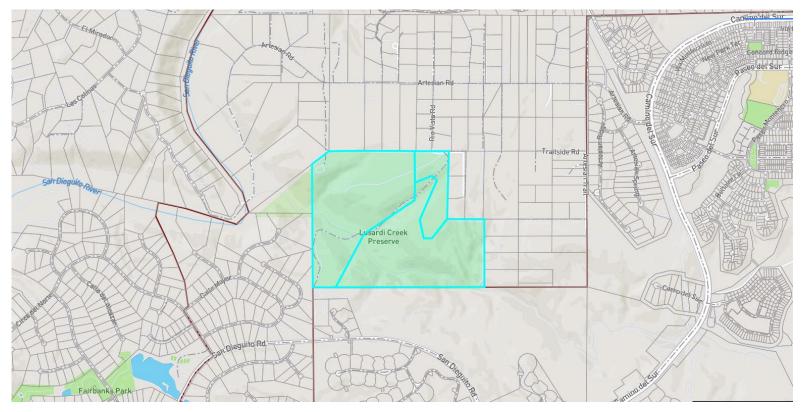
OLIVENHAIN MUNICIPAL WATER DISTRICT

Date:	, 20	Ву:	
		Kimberly A. Thorner	
		General Manager	

District Project No. D120054 – Lusardi Canyon Cathodic Protection Upgrades Project







LUSARDI CANYON CATHODIC PROTECTION UPGRADES PROJECT DISTRICT PROJECT NO. D120054



Memo

Date: April 14, 2021

To: Olivenhain Municipal Water District Board of Directors

From: Teresa L. Chase, Administrative Analyst

Via: Kimberly A. Thorner, General Manager

Subject: CONSIDER A RESOLUTION GOVERNING THE DISTRICT'S GRANT APPLICATION

TO UNITED STATES BUREAU OF RECLAMATION FOR FUNDING UNDER THE

WATER INFRASTRUCTURE IMPROVEMENTS FOR THE NATION ACT PROGRAM FOR THE NORTH SAN DIEGO WATER REUSE 2020 PROJECT

Purpose

The purpose of this resolution is to authorize OMWD's General Manager to submit an application to United States Bureau of Reclamation for Water Infrastructure Improvement for the Nation funding via Title XVI for the North San Diego Water Reuse Coalition's "2020 Project."

Recommendation

Staff recommends approval of the resolution.

Alternative(s)

- The board may choose against the adoption of the resolution; however, this alternative could preclude the achievement of grant funds.
- The board may direct staff as otherwise deemed appropriate.

Background

OMWD has been working since 2010 with the Coalition on a regional approach to recycled water projects. By working together, partner agencies demonstrate a commitment to provide a reliable, drought-proof source of water for the region and reduce the discharge of wastewater to the ocean, improving the Coalition's ability to achieve grant funding.

At the federal level, the Coalition entered into an agreement with The Furman Group (now BlueWater Strategies LLC) in 2011 for legislative outreach efforts in pursuit of federal funds for Coalition projects. Participating partners also entered into an agreement through which costs for the legislative outreach effort would be evenly shared. The term for each of these agreements was one year, and these were renewed annually since 2012. Most recently, OMWD's board approved a one-year extension for each agreement on March 17, 2021.

On December 16, 2016, WRRDA was renamed the Water Infrastructure Improvements for the Nation Act and included the reform and revitalization of the Title XVI program to a competitive grant program.

In 2017, Coalition partners completed the Title XVI Feasibility Study for the 2020 Project and submitted it to USBR for review. The Feasibility Study for the 2020 Project was completed and approved by USBR in May of 2017.

On August 27, 2017, the Coalition submitted the 2020 Project to USBR for its WaterSMART grant program, but was unsuccessful. Although not approved for funding in 2017, BlueWater Strategies indicated that the 2020 Project was included on the USBR Water Resources and Planning Division's top-scoring projects list. Direction was provided by the United States Office of Management and Budget to USBR that the new paradigm is to award larger funding amounts to fewer projects, which could result in only top-scoring projects, like the 2020 Project, receiving awards.

Following the completion of the FY 17 grant competition, BlueWater Strategies coordinated a debriefing meeting on January 30, 2018 between USBR and OMWD's General Manager to discuss the Coalition's Title XVI grant application and determine specific evaluation criteria categories where the 2020 Project's grant application could be improved for Title XVI competition.

The most recent action taken by the board in this regard was approval of Resolution 2019-08 on June 19, 2019, which authorized submission of a July 2019 grant application.

USBR and Department of Interior recommendations were incorporated into the Title XVI WIIN grant application submitted in June 2019. In 2020, the Title XVI process was disrupted when USBR was unable to issue a solicitation. On December 8, 2020, OMWD received notification from USBR that the application was not selected to be forwarded to Congress for approval. Despite the application's recommendation for funding, USBR's recommendations were discarded in favor of uncompetitive choices at the Office of Management and Budget level.

After a grant review call with USBR staff and partner agencies, BlueWater Strategies is confident that USBR is eager to rectify injustices made during the 2019/2020 process, and efforts will prove successful for this April 23, 2021 application submittal.

Fiscal Impact

There are no costs associated with the adoption of this resolution.

If the resolution is approved, staff intends to submit the 2020 Project to USBR for its WaterSMART grant program for which the Coalition will compete for an award of up to \$20 million to be divided among the partners. Through this program, USBR may provide up to 25 percent of the total cost of planning, design, and construction. A local funding match of at least 75 percent is required for the total project cost, currently under development by Coalition partners.

Discussion

On March 23, 2021, USBR released a funding opportunity for Title XVI water recycling projects under the WIIN Act. This funding opportunity is for sponsors of water recycling projects with a completed Title XVI Feasibility Study that had been reviewed by USBR, found to meet all the requirements, and been transmitted to Congress by USBR. The 2020 Project is eligible to compete. Applications are due on April 23, 2021. It is anticipated that USBR will fund three to eight awards depending on requested funding.

Adoption of this resolution is required for USBR WaterSMART: Title XVI Water Reclamation and Reuse Projects funding eligibility and would need to be included in the final application packet.

If submittal of an application is approved by the board, BlueWater Strategies will coordinate support letters from congressional representatives on behalf of partner agencies. In addition, BlueWater Strategies will organize project briefings between high-

level USBR officials and partner agency representatives in order to develop a successful application.

Attachments: Resolution

RESOLUTION NO. 2021-xx

RESOLUTION OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT BOARD OF DIRECTORS GOVERNING THE DISTRICT'S GRANT APPLICATION SUBMITTED TO THE UNITED STATES BUREAU OF RECLAMATION FOR FUNDING UNDER THE WATER INFRASTRUCTURE IMPROVEMENTS FOR THE NATION PROGRAM

WHEREAS, the North San Diego Water Reuse Coalition is undertaking the Regional Recycled Water Project that will develop regional recycled water infrastructure to increase the capacity and connectivity of the recycled water storage and distribution systems of Coalition members and maximize reuse of available wastewater supplies; and

WHEREAS, the Regional Recycled Water Project supports regional objectives, including reducing ocean discharges, offsetting potable demands, increasing water supply availability and reliability, and building regional partnerships; and

WHEREAS, a Title XVI Feasibility Study was prepared for the Regional Recycled Water Project and approved by the United States Bureau of Reclamation on May 8, 2017; and

WHEREAS, the United States Bureau of Reclamation released a Funding Opportunity Announcement on March 24, 2021 for the WaterSMART: Title XVI Water Reclamation and Reuse Projects; and

WHEREAS, Olivenhain Municipal Water District has prepared an application in response to the Funding Opportunity Announcement for the WaterSMART: Title XVI Water Reclamation and Reuse Projects grant program.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Olivenhain Municipal Water District as follows:

- 1. <u>Agreement Execution</u>. The General Manager of Olivenhain Municipal Water District, Kimberly A. Thorner, has the legal authority to enter into an agreement with United States Bureau of Reclamation on behalf of Olivenhain Municipal Water District.
- Application Review and Support. The General Manager of Olivenhain Municipal Water District, Kimberly A. Thorner, has reviewed and supports the application being submitted by Olivenhain Municipal Water District to United States Bureau of Reclamation for the funding of the Regional Recycled Water Project under the Water Infrastructure Improvements for the Nation (WIIN) Program.
- 3. <u>Commitment of Funds</u>. Olivenhain Municipal Water District is financially capable of providing the funds necessary to complete the project as outlined in the application's funding plan.

- 4. <u>Coordination with USBR</u>. Olivenhain Municipal Water District is committed to working with United States Bureau of Reclamation to meet established deadlines for entering into a grant agreement.
- 5. <u>Effective Date</u>. This resolution shall be effective as of April 14, 2021.

PASSED, ADOPTED, AND APPROVED at a regular meeting of the Board of Directors of Olivenhain Municipal Water District held on Wednesday, April 14, 2021.

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

ATTEST:

Kimberly A. Thorner, Assistant Secretary General Manager Olivenhain Municipal Water District



Memo

Date: April 14, 2021

To: Olivenhain Municipal Water District Board of Directors

From: Joey Randall, Assistant General Manager

Via: Kimberly A. Thorner, General Manager

Subject: CONSIDER UPDATE ON THE SAN DIEGUITO VALLEY BRACKISH

GROUNDWATER DESALINATION PROJECT (INFORMATIONAL ITEM)

Purpose

The purpose of this agenda item is to provide an update on the San Dieguito Valley Brackish Groundwater Desalination Project including the results of the one-year pump test and potential next steps.

Recommendation

This is an informational item; no action is required.

Alternative(s)

Not applicable; informational item only.

Background

General

To become more drought-resilient and improve the reliability of its water supplies, OMWD is aiming to derive approximately one-third of its total supply from local sources. Staff anticipates that a large portion of this is to come from recycled water with the remainder from other local sources including brackish groundwater desalination and/or seawater desalination. OMWD has two main groundwater basins in its service area: San Elijo Valley and San Dieguito Valley. This memorandum focuses specifically on the Design Pilot phase of work subsequent to the completion of the San Dieguito Valley Brackish Groundwater Desalination Feasibility Study.

Grant Funding for Desalination Feasibility Studies

In late 2013, staff was alerted to the availability of grant funds via the 2014 Water Desalination Grant Program – Round 3 funded through Proposition 50. This program is intended to assist public agencies with the development of new local potable water supplies through the construction of brackish and seawater desalination projects and to advance full-scale implementation of water desalination technology through pilot and demonstration projects. Of particular interest to staff was that the grant program provided up to \$250,000 in matching funds for brackish groundwater desalination feasibility studies. The next steps of OMWD's groundwater pursuits, especially the exploration of the San Dieguito Valley Groundwater Basin as a water source, qualified OMWD to achieve this funding.

The board approved Resolution 2014-01 on January 15, 2014 authorizing staff to submit a grant application, execute an agreement and any amendments, and certify funding disbursements with the California Department of Water Resources for a Desalination Grant. OMWD was notified on September 3, 2014 that its application was approved. Since the notice of award, staff has worked with DWR to execute an official funding agreement with the assistance of Jennifer Capitolo of Nossaman. DWR notified staff on December 2, 2015 that the expenditure of funds on the project was authorized and eligible for reimbursement. In June 2019, staff received, signed, and returned an official funding agreement.

Feasibility Study

OMWD conducted a consultant selection process in accordance with the OMWD Administrative and Ethics Code. The selection panel unanimously chose to award an agreement to Geoscience Support Services, Inc. (GSSI).

The agreement with GSSI was approved by the board on August 17, 2016 and staff issued a Notice to Proceed on August 29, 2016. Staff updated the board on the progress of the study at its March 29, August 16, and November 8, 2017 meetings. The feasibility study was completed in late 2017 and concluded that a 1.0 million gallon per day brackish groundwater desalination project was technically feasible. The next step toward implementation was a long-term pump test to verify the water balance and modeling, and determine the groundwater level, storage, and quality impacts of a new production well in the basin.

Grant Funding for Desalination Design Pilot Projects

As the feasibility study was nearing completion, at the August 16, 2017 meeting, staff notified the board of new grant opportunities from the California Department of Water Resources Water Desalination Grant Program – Round 4 funded through Proposition 1. The board approved Resolution 2017-18 on August 16, 2017 authorizing staff to submit a grant application for a San Dieguito Brackish Groundwater Desalination Design Pilot.

Then, on January 7, 2018, the board approved OMWD's Annual Objectives including Objective 11a, "Install pilot test well in San Dieguito Valley pending notice of grant award from Department of Water Resources."

On March 14, 2018, staff was notified that OMWD's San Dieguito Valley Brackish Groundwater Desalination Design Pilot project was one of only nine projects awarded funding and will receive a total of \$650,000 matching grant.

Design Pilot Project

Surf Cup Sports (SCS) was selected as the best site for the test well because of the underlying geology, they were interested in beneficially using the water from the pump test for irrigation of their soccer fields, and OMWD was able to obtain a discharge permit from the State Water Resources Control Board for this site.

SCS leases their site from the City of San Diego. Both the City and SCS have granted easements to OMWD for the test well.

On August 15, 2018, the board approved an agreement with GSSI to conduct the Design Pilot testing for the San Dieguito Valley Brackish Groundwater Desalination Project. The Design Pilot has three main phases:

- 1. Construction of the test well,
- 2. Long-term pump testing and manganese removal equipment testing, and
- 3. Refinement and recalibration of the groundwater model and confirmation of feasibility study results.

The results of this phase are documented earlier in this memorandum.

Metropolitan Water District of Southern California (MWD) / San Diego County Water Authority (SDCWA) Future Supply Actions (FSA) Funding

In July 2018, MWD issued a request for proposals for their FSA funding program. In August 2018, SDCWA submitted a proposal for funding a portion of the Design Pilot on behalf of OMWD. At their January 2019 board meeting, MWD approved a \$175,000 grant for the Design Pilot.

Fiscal Impact

Staff requested, and the General Manager approved \$47,864 of additional services for the GSSI PSA to efficiently complete the pump test and prepare for long-term pumping from the test well. This change was necessary because of the delay in starting the pump test, the need to monitor production from the major groundwater users, and the need to design a District-owned pump for the well. The cost of testing the Manganese pretreatment equipment was approximately \$10,000 less than expected and this was incorporated to reduce costs. As the pump test neared completion, GSSI identified additional budget that was not needed for the agreed upon scope of services. Staff requested, and the General Manager approved a no-cost additional services, change in scope, whereby GSSI replaced the pump rented for the pump test, with an OMWDowned pump.

Funds for the Design Pilot were included in the FY 19, 20, and 21 budgets and the project is abbreviated in the Capital Spending Plan, Capital Improvements – Water as San Dieguito Groundwater Desalination.

Preliminary and final design, CEQA compliance, and construction are anticipated to occur in subsequent years, should the board, at a future date, choose to pursue the full-scale project.

Is this a Multi Fiscal Years Project? Yes

In which Fiscal Year did this project begin? 2012

Total Project Budget: \$42,837,000

Current Fiscal Year Appropriation: \$1,282,000

To Date Approved Appropriations: \$3,562,000

Target Project Completion Date: FY 24

Expenditures and encumbrances as of (June 29, 2019): \$3,183,072

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

Update on the Design Pilot Phase and One-Year Pump Test

Introduction

The most recent formal Board update on the project was on July 24, 2019. At that meeting, District staff and consultants delivered a presentation of the study results to date, the exploratory drilling, the construction of the test well, and the plan for the year-long pump test. Several Board Members toured the test well site during construction.

Pump Test Update

The pump test started in December 2019 and was completed in December 2020. During this time, the region experienced a range of temperature and hydrologic conditions, including several periods of rainfall. Unexpectedly, the City of San Diego released water from Lake Hodges to meet dam safety requirements and the team was able to track the dates and quantities of the release. This water recharges the San Dieguito groundwater basin and OMWD's instruments monitored the impacts. In the summer and fall of 2020, the region moved into a hot and dry phase and this completed a year with wide variations in conditions, ideal for testing the response of the groundwater basin.

Pump Test Monitoring Network and Results

OMWD consultant team set up a robust monitoring network that collected a detailed set of data for the re-calibration of the groundwater model, testing of scenarios, and confirmation of project feasibility. The San Dieguito Valley has both a shallow aquifer and deep aquifer, separated by a relatively impermeable clay layer, or aquitard.

The monitoring network includes:

- Well production and water levels for
 - o OMWD Test Well
 - Two wells in Morgan Run
 - Chino Farms
 - Fairbanks Ranch HOA
 - o Rancho Paseana
- Water levels were monitored at the following locations
 - 2 Surf Cup Wells
 - Fairbanks Ranch Country Club
 - 15 Shallow Wells in Morgan Run
 - o 1 Intermediate Depth Well in Morgan Run
 - 2 Deep Wells in Morgan Run

In response to a land subsidence comment at a public outreach meeting, OMWD retained a surveyor to set a number of benchmarks in the vicinity of the test well and monitor them quarterly. If necessary, this information could be used to address claims of the pump test changing the land surface elevation. Monitoring results show negligible change in the elevation of the benchmarks.

GSSI will attend the Board Meeting and make a detailed presentation on the pump test results. Briefly, the summary results are:

- Since the start of the pump test, the OMWD Test Well, Surf Cup, Morgan Run, and Fairbanks Ranch Country Club wells in the deep aquifer have generally shown minimally-declining water levels.
- The maximum draw down during the pump test was between 7 and 10 feet. At the ends of the pump test the draw down was between 5 and 6 feet.
- There has been little or no response to the test well pumping in five of the Morgan Run shallow wells.
- The water levels in the wells did increase in response to rainfall events and the release of water from Lake Hodges.
- The model calibration was improved over the 2017 calibration and is considered a "good fit" with the data.
- The analysis of a Groundwater Basin withdrawal to support a 1 million gallon per day (MGD) potable water supply confirmed the 2017 conclusion of technical feasibility.
- The 1 MGD project would reduce the storage in the groundwater basin by less than 1 percent.

Well Pump and Discharge Pipeline

As a part of the GSSI PSA, the test well pump and discharge piping were rented for the year-long test. The well was constructed and ready for pumping on September 1, 2019 and the current rental expired on August 31, 2020. The actual pump test could not start until December 2019 because of coordinating the discharge with SCS and the State of California 22nd Agricultural District, the need to coordinate with well owners and obtain agreements for monitoring, and the installation of flow meters. GSSI recommended the pump test continue through December 2020 to properly capture the groundwater basin's response to the hot dry weather.

For the first nine months, the pump test was completed with only short interruptions. There were minor challenges with the pump and related equipment, delivering water to the SCS pond, and discharging pump test water to the swale that parallels El Camino Real, owned by the 22nd Agricultural District. There was one break at the connection between the old SCS irrigation pipeline and the new discharge pipeline but District staff quickly repaired it. The pump test discharge to the swale was causing minor ponding in the swale and again District forces quickly extended the pipeline to the south, which eliminated the problem. During the last three months, the pump test proceeded smoothly.

Testing of Manganese Removal Equipment

Groundwater in the San Dieguito Valley contains high levels of naturally occurring Manganese, Iron, and Arsenic which is common in the alluvial aquifers of San Diego County. If not reduced to low levels, the Manganese and Iron can deposit on the reverse osmosis membranes causing fouling or damage, and compromising effectiveness. In order to prepare for the design of the treatment process, and to advance the science related to Manganese, Iron, and Arsenic removal, the Design Pilot Phase included testing of Manganese removal technologies. Process equipment was delivered to the well site and testing was conducted over 10 to 12 hours a day, for two days in June 2020. District consultants varied the flow rates and other parameters and recorded influent and effluent water quality. The testing was successful and the consultants prepared a technical memorandum refining the design criteria for a full-scale pretreatment process that will be a part of the desalination plant, if the project proceeds.

Completion of the Design Pilot Phase

The following activities are planned for completion of the Design Pilot Phase:

- Virtual Outreach Meeting on April 27, 2021 This meeting will provide the results
 of the design pilot phase to the community. OMWD customers and interested
 parties will be invited. The content will be similar to today's Board Meeting.
- Draft and Final Hydrogeologic Reports GSSI will prepare a draft report for OMWD review. They will then incorporate comments to prepare the final report.
- Environmental Mitigation OMWD staff have confirmed the required mitigation and monitoring has been completed
- Grant Funding Reimbursement and Reporting OMWD staff will invoice for the remaining grant funding reimbursements and submit the required reports.
- Replace Rented Pipeline OMWD will replace the rented pipeline with a 4-inch PVC pipeline in the fall of 2021, after the bird nesting season.

Project Plan Moving Forward

The goals and objectives for the project in the next two years are:

 Feasibility Assessment – Assess economic, technical, environmental, and institutional feasibility. Conduct sensitivity testing of findings under low/median/high ranges of economic and other assumptions.

- **Decision Support** Provide objective analysis and documentation to OMWD and its Board, to support an informed, confident decision of whether, and how, to proceed with the project.
- Implementation Roadmap Provide a Roadmap and schedule of steps for project implementation.

The FY 2021 – 2022 Plan includes the following tasks:

Sustainability and Peer Review – OMWD would engage a water rights attorney to evaluate the Valley and its groundwater users and advise on moving ahead with environmental documents and OMWD becoming a Groundwater Sustainability Agency (GSA) and preparing a Groundwater Sustainability Plan (GSP). The attorney would also retain a highly qualified individual, or firm, to provide a peer review of the hydrogeologic work completed to date.

Facility Siting Alternatives – This work would review all potential water treatment plant and well field sites within the Valley, develop a long-list of alternatives, and screen them down to two or three alternatives for the Environmental Impact Report/ Environmental Impact Statement (EIR/EIS). Input gathered from the outreach meetings would be included.

Independent Construction and Operation and Maintenance Cost Estimate — OMWD would retain a highly-qualified firm with experience in brackish groundwater desalination water treatment plants to develop an independent construction cost estimate with low, median, and high ranges. This would support the economic analysis described below.

Outreach – Staff will conduct additional outreach efforts including at least one stakeholder meeting and possibly a written request for specific input on selected topics (informed input).

Economic Analysis – The reports completed to date comment on the unit cost of water relative to the projected cost of SDCWA treated water or desalinated seawater. The economic analysis will expand on this comparison and will look at the sensitivity of the results to a variety of variables that include:

- Construction and O&M costs
- Financial terms
- SDCWA Rate Projections and Potential Unavoidable Fixed Costs
- Grants and Low-Interest Loans

Board Workshop – Staff will bring the results of the FY 2022 planned tasks to the Board of Directors in a focused workshop. Based on the results, staff may recommend to the Board that the funding of certain activities be accelerated in the 10-year capital spending plan. Board input will be used to refine the FY 2023 work. This will also be an off-ramp opportunity if the project is deemed infeasible as a result of the FY 22 work results.

The FY 2022 – 2023 Plan includes the following tasks:

Long-Term Hydrogeologic Analysis – This task will build a data set of the hydrologic factors from 1965 to 2000, add the data to the groundwater model, and revisit the results. The current model is calibrated against the data from 2001 through 2020. With a longer period of record, and varied conditions, this analysis provides OMWD with a higher level of confidence in the water balance in the Valley.

Environmental Scoping – This task will build on the previous environmental work for the test well and recycled water Extension 153A with focused biological studies to identify project opportunities and constraints. This work will directly input to the EIR/EIS, should the project proceed.

Funding Opportunities – The objective of this task is to develop a better understanding of probability of obtaining grant and/or low-interest loans. A range of funding will be developed to support the economic analysis.

Updated Economic Analysis – The previous analysis will be updated with new information.

Board Workshop – Staff will bring the results of the FY 2023 planned tasks to the Board of Directors in a focused workshop. This workshop may be utilized to get Board input on starting either work on an EIR/EIS or a GSP.

Staff is available to answer any questions.

Attachments:
PowerPoint Presentation

SAN DIEGUITO VALLEY GROUNDWATER PROJECT UPDATE

April 14, 2021



Agenda

- Project Background
- Progress to Date
- One Year Pump Test Results
- Timeline
- Funding
- Plan Moving Forward
- Questions



Progress to Date Feasibility Study Findings 2017

- Project feasible and sustainable at 1 MGD, or more
- Cost-competitive with imported water, less than desalinated seawater
- North Valley Wellfield preferred, not influenced by surface water
- Meet state and federal drinking water regulations
- Brine disposal via SEJPA ocean outfall, RWQCB preference











San Dieguito Groundwater Study

Thank you for your interest in the San Dieguito Groundwater Study, a partnership between California's Department of Water Resources and Olivenhain Municipal Water District.

OMWD is currently performing geophysical analyses for the study. Test borings will be completed no later than September 13, 2018.

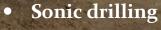
Visit OMWD's website: olivenhain.com/groundwater Contact Project Manager: Joey Randall 760-415-6303 or jrandall@olivenhain.com

This project is Categorically Exempt from the California Environmental Quality Act (CEQA). CEQA Guidelines Section activates

15306 exempts from CEQA projects that consist of basic data collection, research, and resource evaluation activates This project is Categorically Exempt from the California Environmental Quality Act (CEDA). CEDA Guidelines Section.

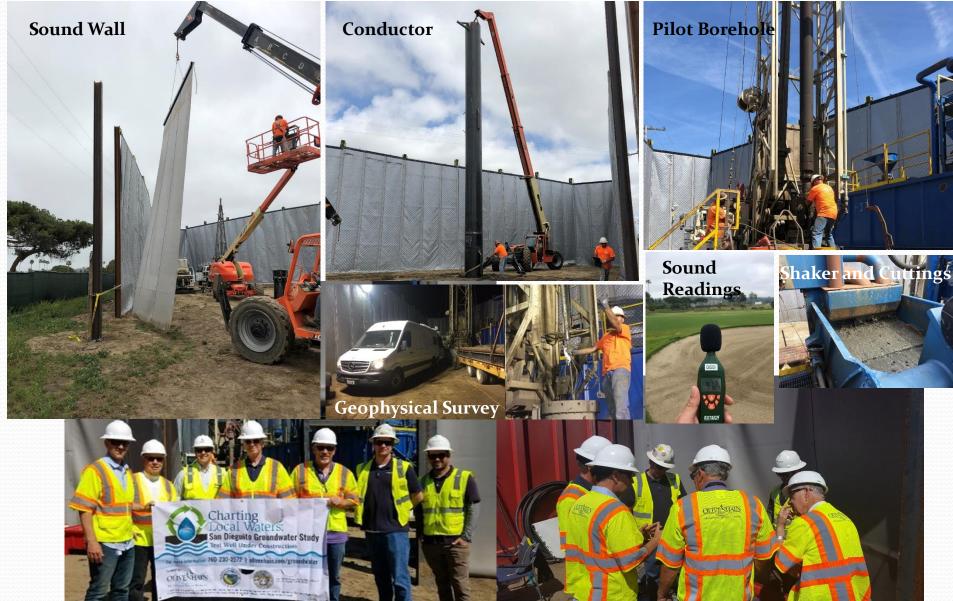
15306 exempts from CEQA projects that consist of basic data collection, research, and resource evaluation activities.

and have a minor or negligible effect on the environment.



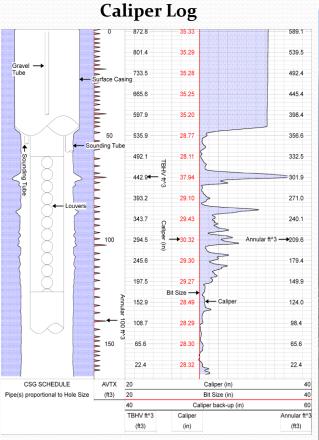
- TD of 147 ft bgs
- Conductivity ~ 4000

Progress to Date Test Well Drilling



Progress to Date Borehole Enlargement and Well Construction







Progress to Date

Development, Pump Test Analysis













- Pumped at 200 gpm:
 - PWL at 1 day = 56 ft bgs
 - PWL at 1 year = 69 ft bgs



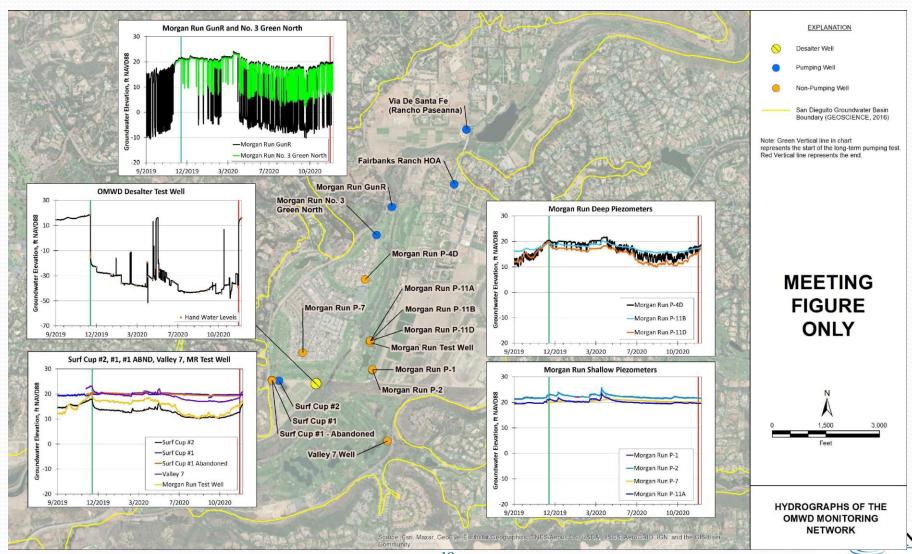


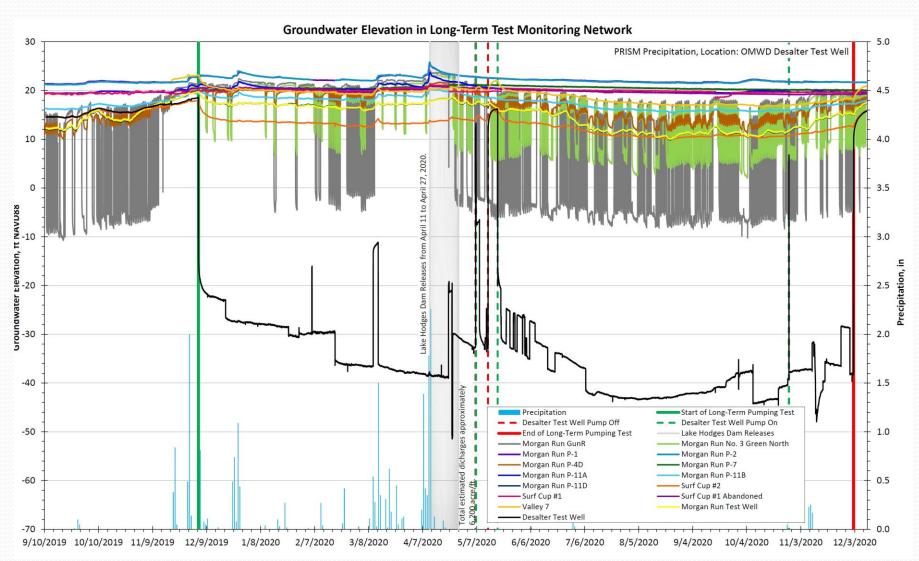


One Year Pump Test Results

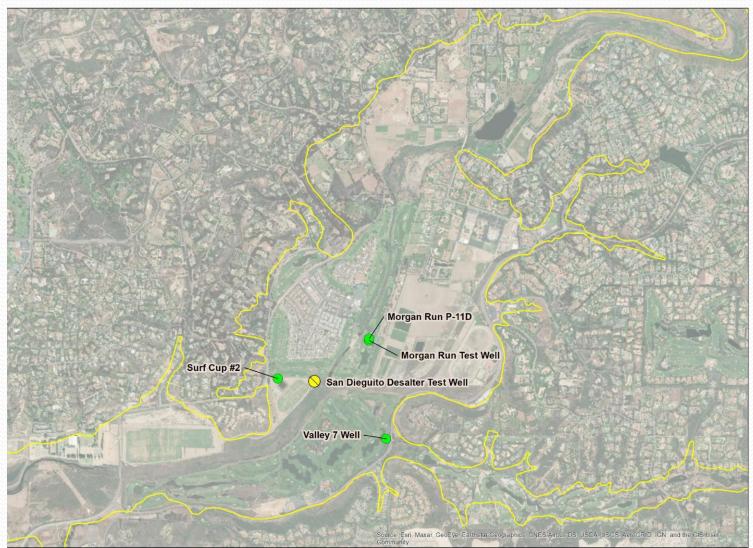
- Long-Term Pump Test
- Groundwater Model Update
- Updated Water Balance Results





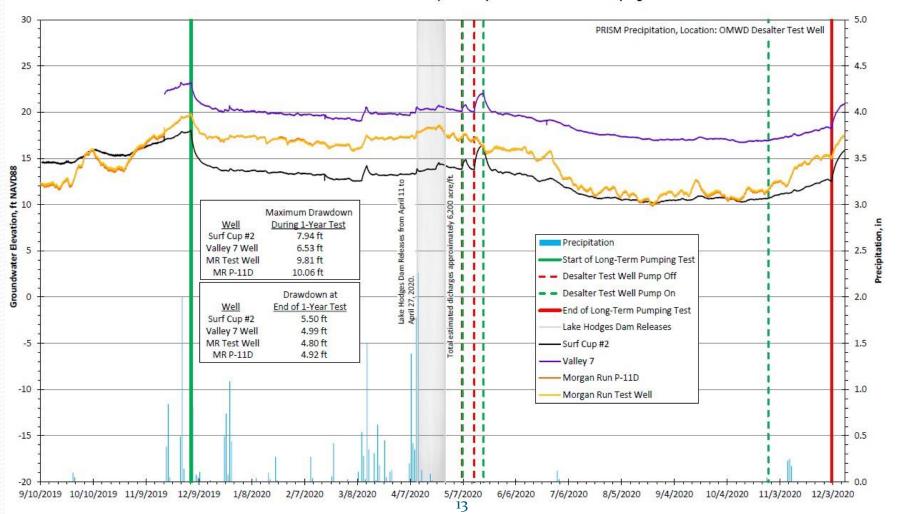


Long-Term Pump Test Wells Influenced by Test Well Pumping

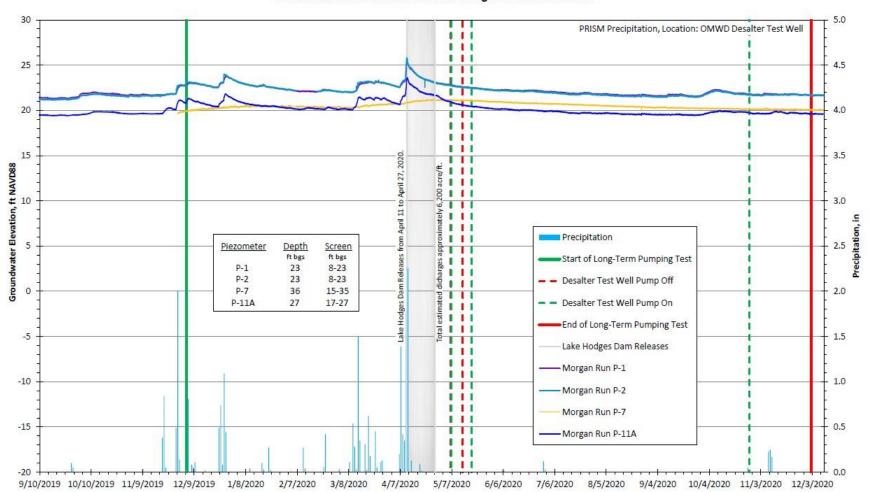




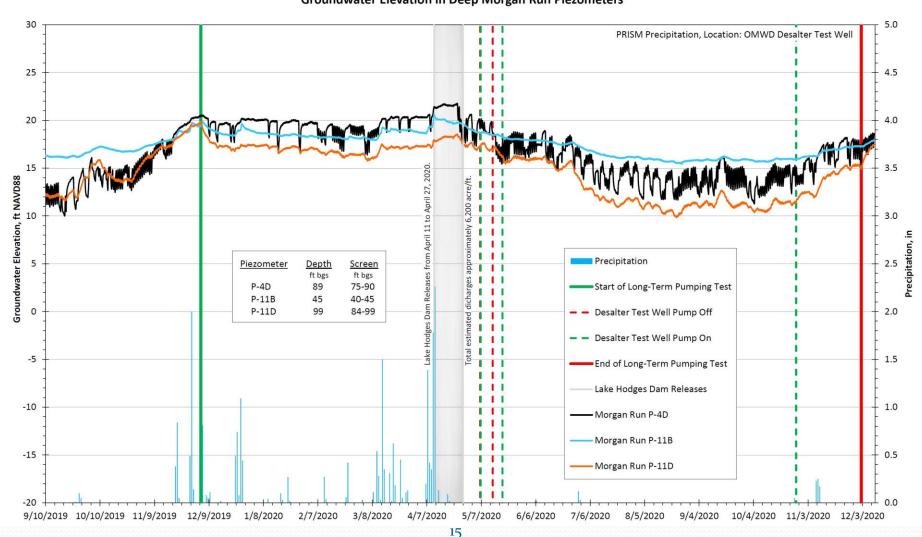


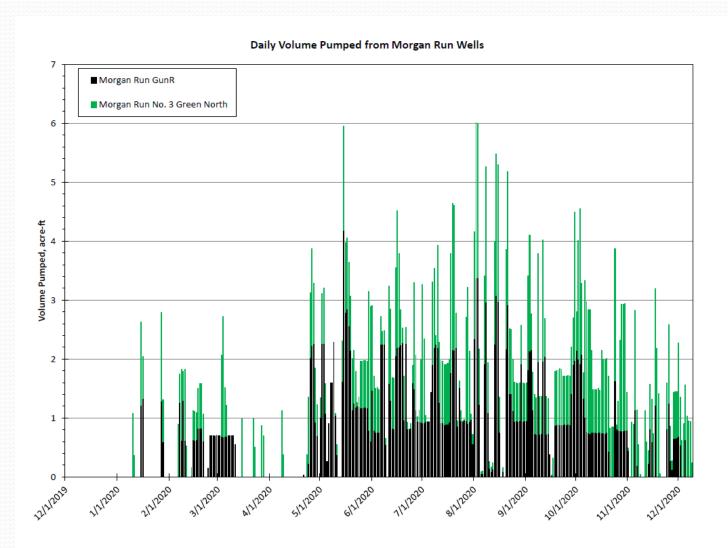






Groundwater Elevation in Deep Morgan Run Piezometers







Manganese Removal Pilot Test

- Manganese, iron, and arsenic naturally occurring in region's groundwater
- Health concern, can damage reverse osmosis membranes
- Tested Filtration Media
 - GreensandPlus
 - Mang Ox
- Key to Grant Funding



Manganese Removal Pilot Test

- 10 to 12 hrs/ day, 2 days,
 June 2020
- Tested
 - Removal effectiveness
 - Run times
 - Chemical addition
- Both achieved target removal levels
- Informs design criteria
- Benefits other agencies

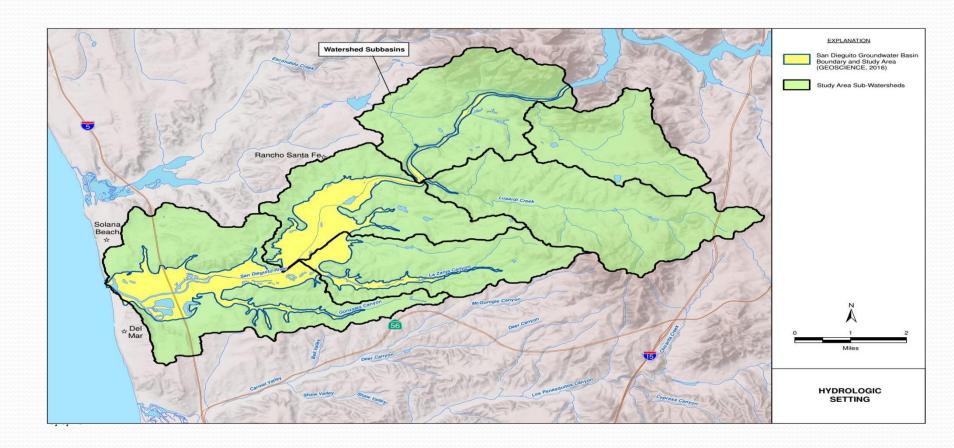


One Year Pump Test Results

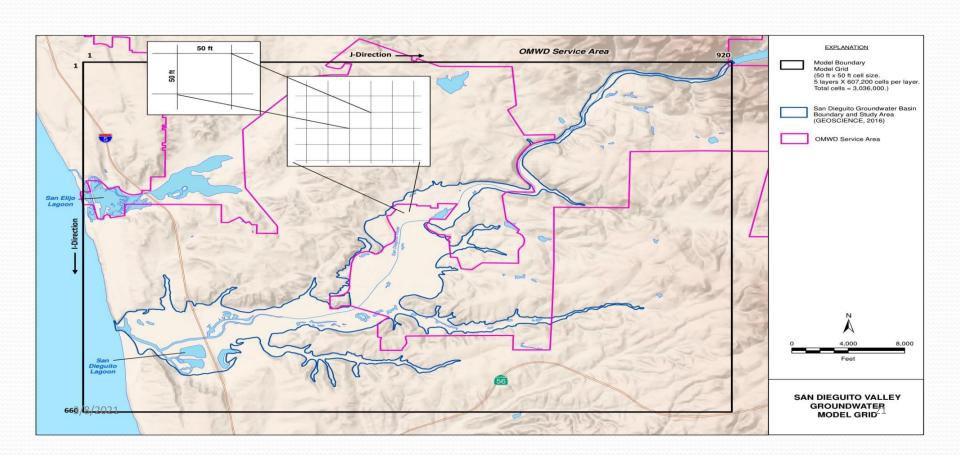
- Long-Term Pump Test
- Groundwater Model Update
- Updated Water Balance Results



Watershed and Groundwater Boundaries

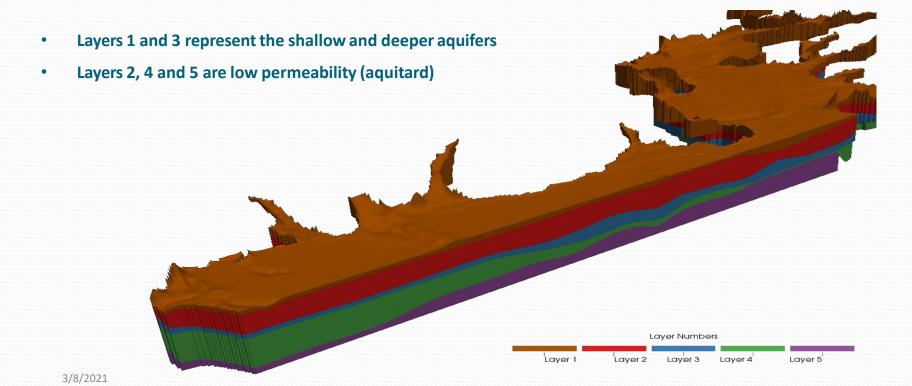


Model Domain and Grid





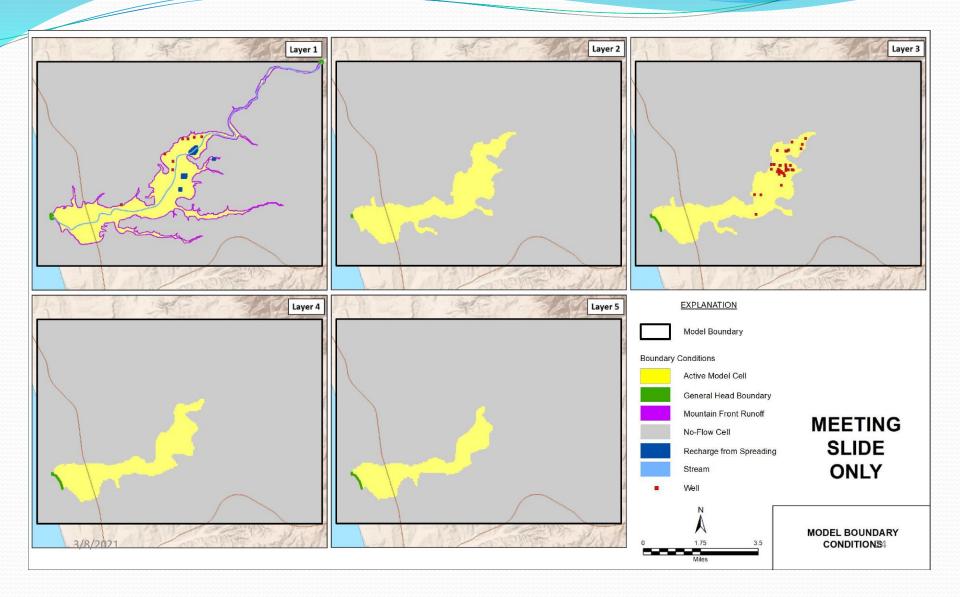
Model Layers

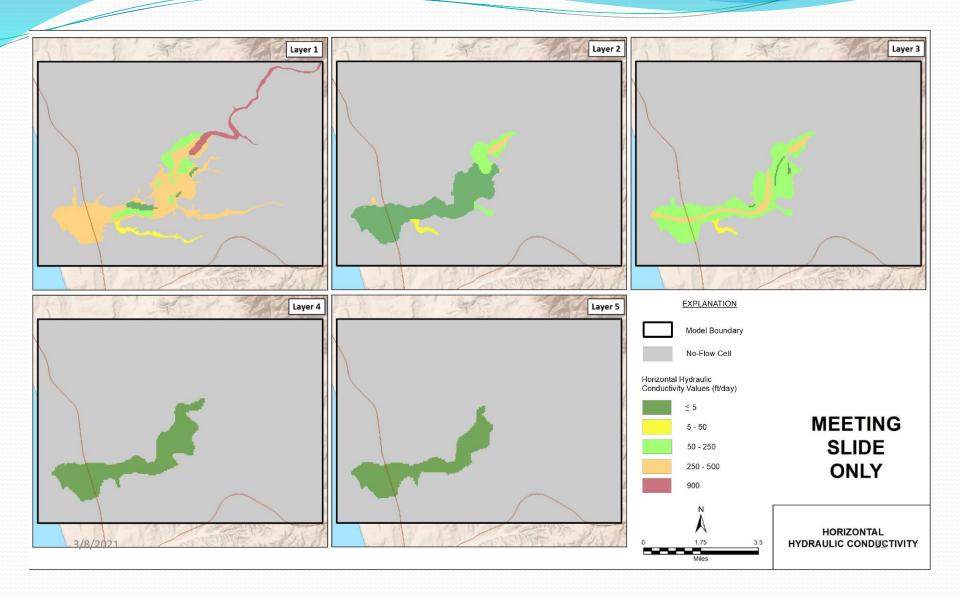


Groundwater Model Update

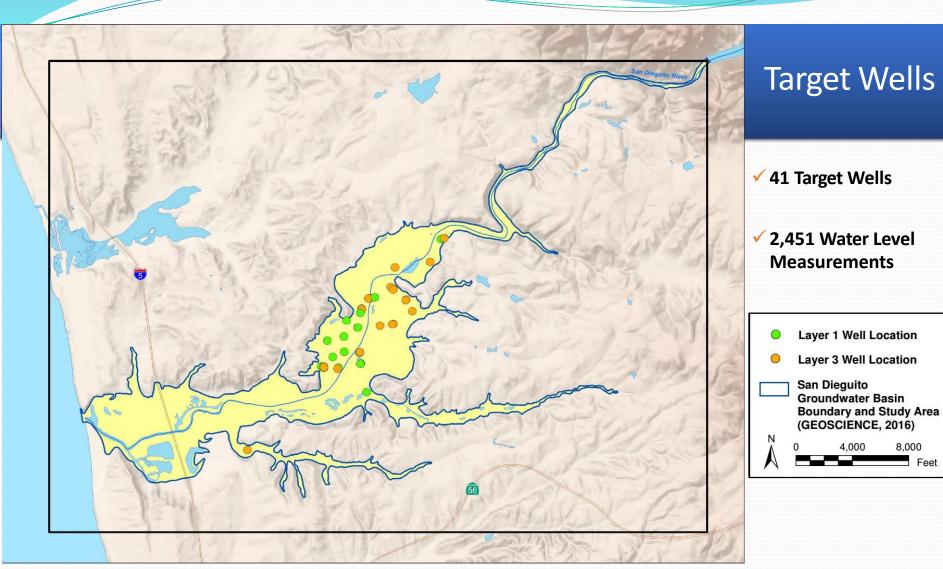
- Refined Layer Thicknesses
- Refined Aquifer Parameters
- Extended Model calibration period from 2001 to 2020
- Updated Pumping Data for Existing Pumping Wells
- Added Test Well Pumping
- Re-run Scenario



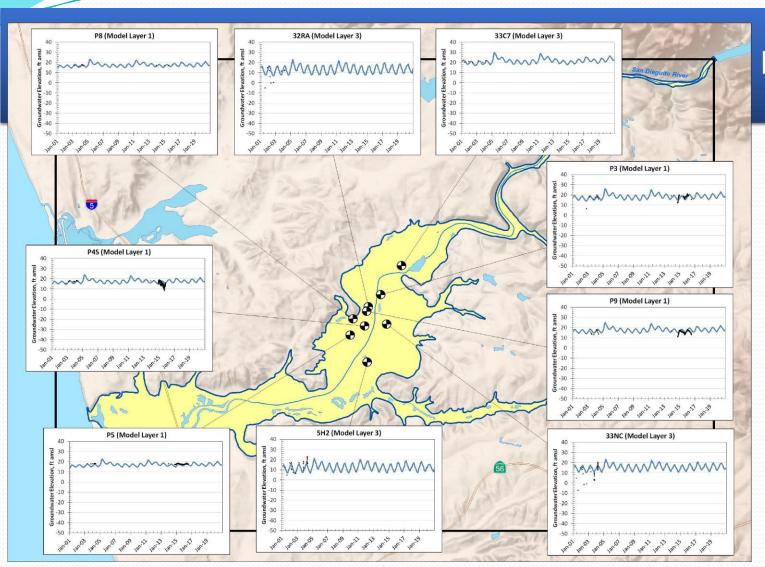












Hydrographs



Calibration Statistics

Statistics	Updated Calibration Results		
Residual Mean, feet	0.01		
Residual Standard Deviation, feet	4.02		
Minimum Residual, feet	-34.16		
Maximum Residual, feet	22.31		
Relative Error, %	6.8		

Note: Relative error less than 10% is considered "good fit"

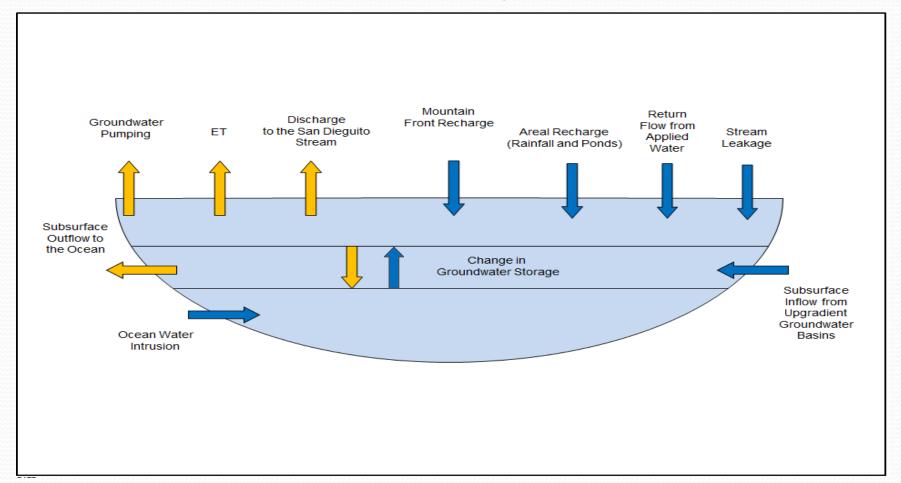


One Year Pump Test Results

- Long-Term Pump Test
- Groundwater Model Update
- Updated Water Balance Results



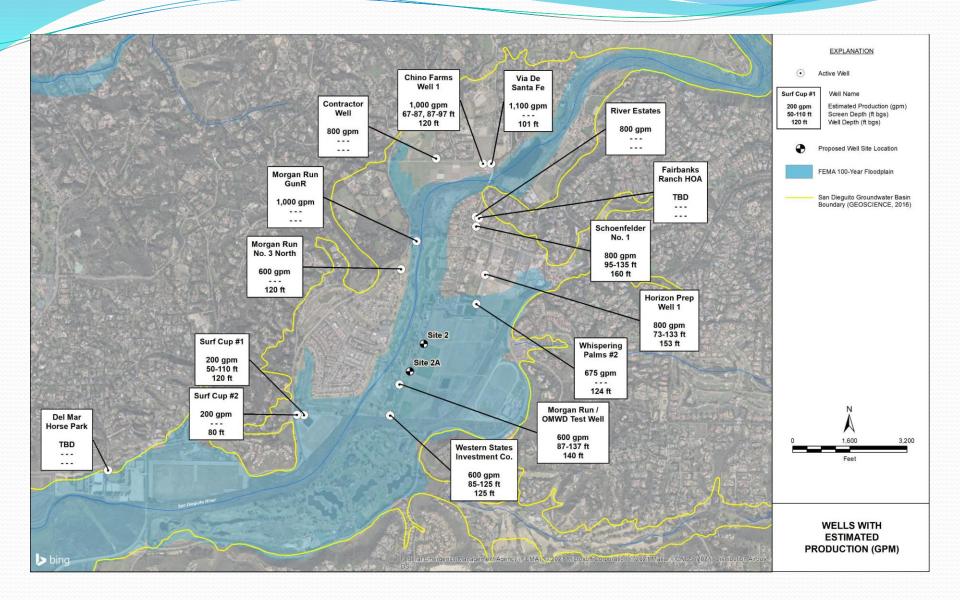
Water Balance Components



Scenario Assumptions

Assumptions	2017 Modeling	2021 Modeling	
Number of Wells	2 (Site 2 and Site 2A)	3 (Test Well, Site 2 and Site 2A)	
Single Well Capacity	Site 2 = 500 gpm; Site 2A = 500 gpm	Test Well = 200 gpm; Site 2 = 400 gpm; Site 2A = 400 gpm	
Total Pumping Capacity	1,000 gpm	1,000 gpm	
Total Annual Pumping, AFY	1,600 AFY	1,600 AFY	





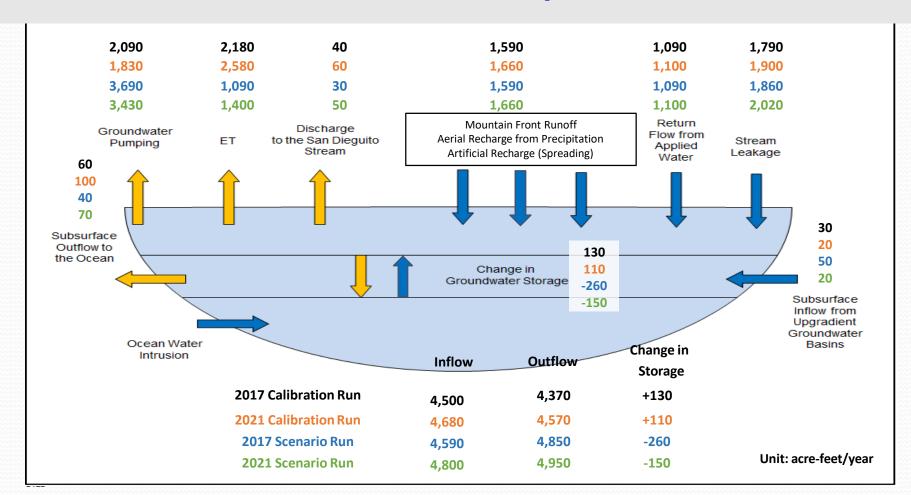


Updated Water Balance

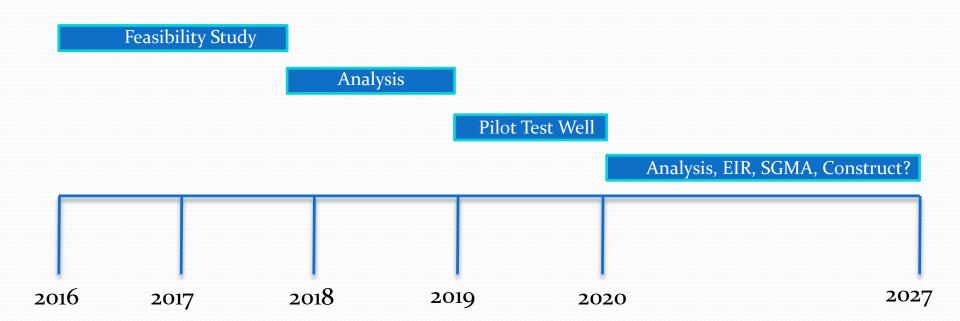
Term		2017 Calibration Run (2001 - 2015)	2021 Calibration Run (2001 - 2020)	2017 Scenario Run	2021 Scenario Run
		[acre-ft/yr]	[acre-ft/yr]	[acre-ft/yr]	[acre-ft/yr]
INFLOW	Underflow Inflow	30	20	50	20
	Deep Percolation from Areal Precipitation and Mountain Front Runoff	1,020	1,090	1,020	1,090
Ĭ	Streambed Percolation	1,790	1,900	1,860	2,020
	Recharge from Spreading	570	570	570	570
	Return Flow	1,090	1,100	1,090	1,100
>	Groundwater Pumping	2,090	1,830	3,690	3,430
OUTFLOW	Evapotranspiration	2,180	2,580	1,090	1,400
OO	Rising Discharge to Streamflow	40	60	30	50
	Underflow Outflow to the Ocean	60	100	40	70
	Change in Storage		110	-260 /	-150

Approximately 1% of the Groundwater Storage

Water Balance Components



Timeline





Funding

- Feasibility Study
 - \$500k
 - \$250k Funded by DWR Grant
- Pilot Test Well
 - \$1.3M \$1.5M
 - \$650k Funded by DWR Grant
 - \$175k MWD/SDCWA Future Supply Actions
- Ultimate Project (if approved)
 - Approximately \$42M
 - CIP Fund/ Future Grants



Plan Moving Forward

Decision Support
Pre-CEQA



Complete Design Pilot Phase

- Virtual Outreach Meeting April 27, 2021
 - Content Similar to Today's
- Draft and Final Hydrogeologic Reports
- Environmental Mitigation Completed
- Grant Funding Reimbursement & Reporting
- 4" PVC Pipeline Replacement- Fall 2021



Goals & Objectives

- Feasibility Assessment Assess economic, technical, environmental, and institutional feasibility. Conduct sensitivity testing of findings under low/median/high ranges of economic and other assumptions.
- Decision Support Provide objective analysis and documentation to OMWD and its Board, to support an informed, confident decision of whether, and how, to proceed with the project.
- Implementation Roadmap Provide a Roadmap and schedule of steps for project implementation.



Two-Year Plan

- FY 2022
- Water Rights Attorney,
 Peer Review, Sustainability
 Review
- Facility Siting Alts
- Independent Cost Est.
- Outreach
- Economic Analysis
- Board Workshop (Possible Off-Ramp)

- FY 2023
- Long-term Hydrologic Analysis
- Environmental Scoping
- Funding Opportunities
- Outreach
- Updated Economic Analysis
- Board Workshop (Possible Off-Ramp)



Two-Year Plan Notes

- Return to Board with Contracting Plan
- Continue Water –Level
 Monitoring
- Suspend Subsidence
 Monitoring for Two Years



Questions





Memo

Date: April 14, 2021

To: Olivenhain Municipal Water District Board of Directors

From: Jesica Cleaver, Administrative Analyst

Via: Kimberly A. Thorner, General Manager

Subject: CONSIDER SETTING A TIME AND PLACE FOR A PUBLIC HEARING TO

CONSIDER OLIVENHAIN MUNICIPAL WATER DISTRICT'S 2020 URBAN WATER MANAGEMENT PLAN, WATER SHORTAGE CONTINGENCY PLAN, AND AN AMENDMENT TO OMWD'S 2015 URBAN WATER MANAGEMENT PLAN (MAY

19, 2021 - 5:30 P.M.)

Purpose

The purpose of this item is to consider setting a date and time to hold a Public Hearing regarding the adoption of Olivenhain Municipal Water District's 2020 Urban Water Management Plan, Water Shortage Contingency Plan, and an amendment to OMWD's 2015 UWMP.

Recommendation

Staff recommends setting a Public Hearing to receive public comments regarding the adoption of OMWD's 2020 UWMP update, WSCP, and an amendment to OMWD's 2015 UWMP. Staff recommends setting the Public Hearing date for Wednesday, May 19, 2021, at 5:30 p.m.

Alternative(s)

The deadline for adopting OMWD's 2020 UWMP, WSCP, and the amendment to OMWD's 2015 UWMP and submitting to the Department of Water Resources is July 1, 2021. The Board of Directors could set an alternate date and time for a Public Hearing not later than June 16, 2021 in order to comply with state law.

Background

California Water Code requires urban water suppliers to prepare and adopt an UWMP and to update its plan every five years.

According to Chapter 1, §10642 of the California Urban Water Management Planning Act, each urban water supplier shall encourage the active involvement of diverse social, cultural, and economic elements of the population within its service area prior to and during the preparation of the UWMP. Prior to adopting an UWMP, the urban water supplier shall make the UWMP available for public inspection and shall hold a public hearing thereon. Prior to the hearing, notice of the time and place of hearing shall be published within the jurisdiction of the publicly owned water supplier in accordance with Government Code §6066. The urban water supplier shall provide notice of the time and place of hearing to any city or county within which the supplier provides water supplies. After the hearing, the UWMP shall be adopted as prepared or as modified after the hearing.

OMWD's 2015 UWMP was adopted and approved by the board at a regular meeting held on June 15, 2016.

Since then, California DWR has proposed the Delta Conveyance Project to restore and protect the reliability of State Water Project water deliveries. As a water supplier that would potentially receive benefits from the proposed Delta Conveyance Project, DWR has requested that OMWD include documentation in its 2015 and 2020 UWMPs as described in the Reduced Reliance Policy. As the 2015 UWMP was adopted five years ago, the reduced delta reliance documentation, known as Appendix C, will need to be added to the 2015 UWMP as an amendment to the 2015 UWMP.

SB 606, passed in 2018, requires urban water suppliers to prepare, adopt, and periodically review a water shortage contingency plan as part of its UWMP beginning with the 2020 UWMP. The WSCP must consist of certain elements, including, annual water supply and demand assessment procedures with information for triggered shortage response actions, compliance and enforcement actions, and communication actions.

Fiscal Impact

There is no fiscal impact directly associated with staff recommendation. However, failing to meet the Department of Water Resources deadline for compliance may result in ineligibility for state grant funding per AB 1420 (2007). DWR will consider whether the urban water supplier has submitted an updated plan when determining eligibility for funds made available pursuant to any programs it administers.

Discussion

Staff has prepared a draft 2020 UWMP to guide its water conservation and resource management programs and to comply with state law. The purpose of the UWMP is to adequately demonstrate OMWD's water supply reliability over the next 25 years. The UWMP was prepared in conjunction with regional UWMPs developed by San Diego County Water Authority and Metropolitan Water District of Southern California. The UWMP provides details on the reliability of imported water supplies that serve the San Diego region as well as future programs and facilities planned to ensure a safe and reliable water supply to OMWD customers.

OMWD's UWMP evaluates its water supply, conservation, and reclamation programs, and recommends a course of action in considering future water supply, demand, and resources planning. In addition, the UWMP examines the effects of various levels of emergency water shortage, and identifies measures OMWD has implemented to deal with these shortages. Efficient use of California's water resources is becoming increasingly important, and OMWD is dedicated to the continuing development and implementation of water conservation and supply diversification measures appropriate for its service area. OMWD is committed to monitoring and adjusting its operations to meet goals and objectives as set forth in its UWMP.

OMWD's 2020 UWMP includes sections covering climate change and its potential effects on California's water supply, as well as requirements associated with SBx7-7 (2009). SBx7-7 requires retail water agencies to develop baseline usage and associated reduction targets in Gallons Per Capita Per Day. SBx7-7 required that agencies reduce GPCD usage 10% by the year 2015 and 20% by the year 2020. Failure to properly identify reduction targets, develop a plan for achieving the targets, and meeting the 20% reduction in GPCD by the year 2020 will result in the loss of eligibility for state grant funding. In order to assist in its compliance efforts, OMWD entered into a SBx7-7 Regional Alliance with three neighboring agencies, San Dieguito Water District,

Vallecitos Water District and Rincon del Diablo Municipal Water District. Forming a Regional Alliance poses no risk to OMWD, rather offers alternative compliance opportunities for it and the other alliance members. OMWD met the GPCD reduction targets in both 2015 and 2020.

As noted in the Background section, SB 606 requires several additions to UWMPs beginning in 2020, including a water shortage contingency plan, additional water supply reliability factors, and new energy intensity data.

OMWD sent notice of the proposed amendment to its 2015 UWMP and its draft 2020 UWMP and WSCP to all cities and local agencies overlapping and adjacent to its service area and the County of San Diego 60 days in advance of consideration for adoption. Pending approval by the board, the notice of Public Hearing will be published in the San Diego Union Tribune on May 5, 2021 and again on May 12, 2021. The draft documents will be posted on OMWD's website and hard copy will be available upon request.

Additionally, OMWD retained the services of Nossaman LLP to provide legal review and comment regarding the defensibility of OMWD's 2020 UWMP and WSCP. Legal review and comments are incorporated in the draft documents that will be open to public review beginning May 5, 2021.

Finally, staff will send a link to the Board of Directors to the draft documents once they become available on May 5, 2021. The 2015 UWMP amendment, draft UWMP, and WSCP will be presented to the board at its May 19, 2021 board meeting. Board comments will be incorporated into the final documents, and public comments received by May 19, 2021 will also be considered for inclusion. Final review and consideration of adoption of the documents will be conducted at the June 16, 2021 Board of Directors meeting.



Memo

Date: April 14, 2021

To: Olivenhain Municipal Water District Board of Directors

From: Kimberly Thorner, General Manager

Subject: INFORMATIONAL REPORT ON THE PROCEDURE TO FILL THE BOARD

VACANCY IN DIVISION 5 AND REQUEST FOR BOARD TO DECLARE ITS INTENT

ON THE PROCESS FOR FILING THE VACANCY

Purpose

To discuss and review the legal requirements and timeline to appropriately fill the vacancy in OMWD Division 5, including efforts to date. Staff is also seeking direction from the board on its intent to fill the vacancy through the appointment process or its intent to call for a special election. The earliest date for a special election would be November of 2021 and the term will expire in November 2022.

Background

In accordance with California Election Code 1780 (b), OMWD has 15 days to notify the County of San Diego of a vacancy on our Board. OMWD has 60 days from the date of the vacancy to inform the County of San Diego whether an appointment will be made or whether a special election will be called.

Upon the vacancy by Director Sprague which will happen on May 19, 2021, OMWD staff will notify the County of San Diego and the Elections Office of the vacancy.

If the Board fails to appoint a new Director or call for a special election within 60 days of the date of the vacancy, the County Board of Supervisors then gets to make the appointment per section 1780(d). The OMWD Board therefore has until July 19th, 2021 to make the appointment or call for a special election.

As Director Sprague was re-elected in November 2020, any individual that is appointed (or elected in a special election) will only serve a term up until the November 2022 election. The Division 5 position will then be up for election for a remainder two year term in November of 2022.

According to the Elections Code, the first date available for a special election that is 130 days after the notice of vacancy would be the first Tuesday after the first Monday in November of 2021, (November 2, 2021). If the board calls for a special election, the Division 5 position on the board would be vacant until December of 2021, which would be the earliest swearing in date after certification of the special election.

The term of office for Division 5 will be up in November of 2022. The County Registrar has informed OMWD that the costs of a special election will be in the range of \$175,000 to \$275,000.

In order to preserve the Board's ability to appoint within the time prescribed by the elections code, staff has proceeded with public noticing of the vacancy as required by law. If the board choses to call for a special election, staff will notify the public of this selection.

In order to preserve the timeline and schedule for an appointment, the OMWD Board is scheduled to conduct the interview process as part of the regularly scheduled Board meeting on May 19, 2021 at 4:30 p.m. It will be within the Board's discretion as to whether it decides to appoint on May 19th or wait until the June 16th Board Meeting to make the appointment.

Recommendation

To fill the Division 5 vacancy and meet legal requirements, the procedure for appointment should occur as follows:

- Per law, OMWD shall post a notice of the vacancy in three or more conspicuous places in the District at least 15 days before the Board makes the appointment. OMWD posted on the OMWD web, Facebook, Twitter, the front doors of District Headquarters, the doors of the community park at Stagecoach Park and the Elfin Forest Interpretive Center.
- A press release was issued on April 5, 2021 on the vacancy.
- A notice went in the April 1, 2021 Watching Water to all district customers.

- The notice contained the requirement that any candidate interested in applying for the vacancy shall complete a Board application (attached) and submit a letter of interest with current resume to the General Manager no later than Friday, April 30, 2021 at 5:00 p.m. Any potential conflicts of office will be reviewed with the General Counsel on May 3, 2021.
- The candidate must reside in Division 5. (Map of boundaries attached.) The notice of the vacancy will also state the approved Division 5 boundaries.
- The Personnel Committee shall meet the first week in May to review and possibly narrow down the candidate pool, if there are more than six applicants.
- OMWD staff will copy all successful candidates' applications and include them in the May 19, 2021 Board Packet.
- Interviews shall be conducted at the regular May 19, 2021 Board Meeting. It will be within the Board's discretion as to whether it decides to appoint on May 19th or wait until the June 16th Board Meeting to make the appointment.

Alternatively, if the Board elects to go the route of a special election, staff will need to inform the County of this selection within 60 days of the vacancy and then the election will occur in November of 2021. Funds will then need to be allocated in the amount not to exceed \$275,000 at the mid-year budget adjustment for the special election.

Also, it is recommended that the Board President make new appointments (under the Presidents Report) to the Safety Committee, Facilities Committee, and Conservation Committee for the duration of the 2021-2022 term once the applicant has been sworn in.

Staff will be available at the Board Meeting to address any issues and concerns.

Attachments: Board Director Division 5 Application

Division 5 Map (updated October 2011)



BOARD DIRECTOR - DIVISION 5 APPLICATION

You must reside within the boundaries of OMWD Division 5. If appointed, you must take an oath of office to fulfill the term of Division 5.

Full Name:		
Home Address:		
City:	State:	Zip:
Cell phone:	Home phone:	
Email address:		

<u>Attach a current resume with letter of interest.</u> You may also attach other additional information that you would like to include with this application packet.

Please answer the following supplemental questions:

1.) Discuss your experience in legislative advocacy, public sector, and/or community service.

2.) Describe your experience related to the water, wastewater, hydroelectric, or parks and recreation industry.
3.) Explain your past interactions with the Olivenhain Municipal Water District.
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3.) Explain your past interactions with the Olivenhain Municipal Water District.
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4.) What qualifications should appointment decision?	d we consider that would	d help us make our Board
5.) Please set forth your Assignments, and other OMWD.		
Signature:		
Application materials should be submitted 1966 Olivenhain Rd. Encinitas, CA 92024 will be conducted at the OMWD Board a selected to move forward by the OMWD E	4 or via email to <u>skaufmann@</u> meeting on Wednesday, 05/19	olivenhain.com. Public interviews

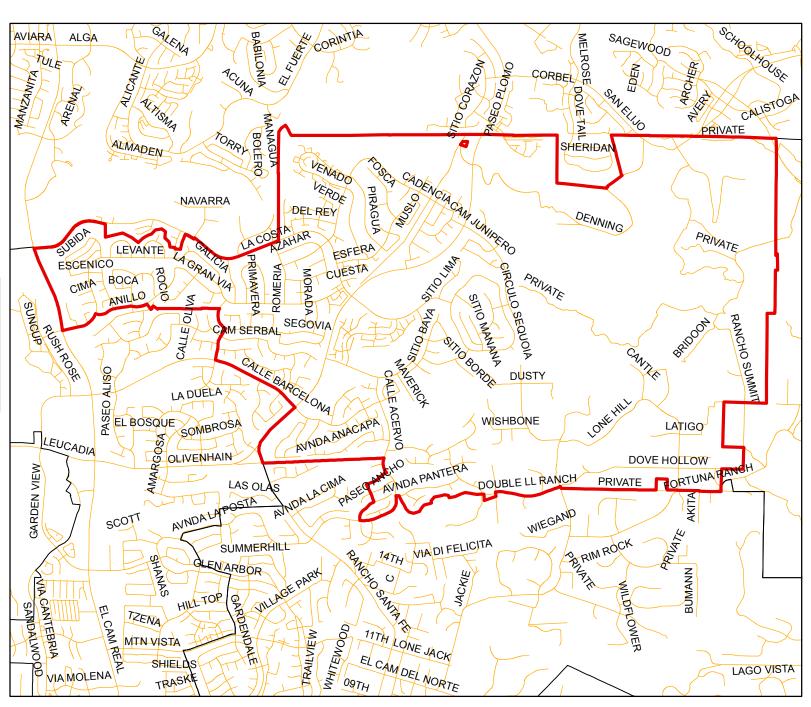






Director Division 5

Updated October 2011





Memo

Date: April 14, 2021

To: Olivenhain Municipal Water District Board of Directors

From: John Carnegie, Customer Services Manager

Brandon Barnick, Field Services Supervisor

Via: Kimberly A. Thorner, General Manager

Subject: CONSIDER AN ADDITIONAL APPROPRIATION OF \$98,500 FOR THE AMI

EXPANSION PROJECT FOR FISCAL YEAR 2021 WITHOUT CHANGING THE

OVERALL PROJECT BUDGET

Purpose

The purpose of this agenda item is to request appropriation of an additional \$98,500 for the AMI Expansion Project in Fiscal Year 2021. The additional appropriation would accelerate the installation of 339 meter transmitting units to FY 21 from future phases, which is necessary to meet targets established in the 2020 grant agreement with the US Bureau of Reclamation. This will also allow for completion of Annual Objective #37, Complete Phase VI of the Advanced Metering Infrastructure implementation project.

Recommendation

Staff recommends appropriating an additional \$98,500 to the AMI Expansion Project in Fiscal Year 2021.

Alternative(s)

- The board may choose against approval of the appropriation; however, this
 alternative could negatively impact OMWD's ability to accept up to \$300,000 in
 federal grant funding.
- The board may direct staff as otherwise deemed appropriate.

Background

For the last several years, the board has established as an annual objective the continued pursuit of grant funding by which to offset the impact of capital projects to OMWD ratepayers.

At its March 6, 2019 meeting, the board unanimously approved Resolution 2019-03 which authorized the application for funding from USBR's "WaterSMART: Water and Energy Efficiency Grants" program. OMWD applied for funding for Phases 4 through 6 of the AMI project, and received notification of award in July 2019 in the amount of \$300,000. A grant agreement with USBR was executed in April 2020.

The board also approved Resolution 2020-19 at its August 19, 2020 meeting, authorizing an additional application for funding from the WaterSMART program. OMWD applied for funding for Phases 7 and 8 of the AMI project. The board was notified at the March 17, 2021 meeting that the application for an additional \$500,000 in federal funding was approved, and that USBR would work with staff on a new grant agreement in the coming months.

Fiscal Impact

Approval of staff's recommendation would increase the AMI Expansion Project's FY 21 appropriation by \$98,500, to \$772,233. This increase will be offset by commensurate decreases in future fiscal years such that there is no impact to the overall project budget at this time. Additionally, approval of staff's recommendation will allow OMWD to meet the terms of the 2020 grant agreement with USBR, thereby ensuring the receipt of \$300,000 in federal funds for this project.

Is this a Multi Fiscal Year Project? Yes

In which FY did this capital project first appear in the CIP budget? 2015

Total Project Budget: \$ 3,278,000

Current Fiscal Year Appropriation: \$ 673,733

To Date Approved Appropriations: \$ 673,733

Target Project Completion Date: 06/2025

Expenditures and Encumbrances as of (3/24/2021): \$ 446,416

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: Water Capital Replacement

Discussion

The 2020 grant agreement with USBR requires OMWD to implement the customer portal, relocate two Tower Gateway Basestations, and install 6,044 AMI-capable meter transmitting units, with all work to be completed by the end of Fiscal Year 2021.

The relocation of the two Tower Gateway Basestations has been completed. The ongoing beta test of the customer portal was successfully completed as of March 30 and is currently being rolled out to customers in a gradual phased approach. As of April 1, Field Service Technicians have installed 5,355 meter transmitting units, with an additional 350 installations planned for April. This leaves a balance of 339 meter transmitting units that must be installed prior to the end of Fiscal Year 2021 to satisfy the terms of the USBR grant agreement. Due to factors such as per-unit transmitter costs that have increased more quickly than anticipated due in part to COVID, the existing appropriation is not sufficient to meet this target such that the additional appropriation is requested to accelerate the installation of these 339 meter transmitting units from future phases of the project to Phase 6. No increase to the project budget is requested.

If staff's recommendation is approved, Field Service Technicians will install the remaining 339 meter transmitting units in May 2021, after which staff will notify USBR that all work identified in the 2020 grant agreement has been completed.



Memo

Date: April 14, 2021

To: Olivenhain Municipal Water District Board of Directors

From: Rainy K. Selamat/Finance Manager

Via: Kimberly A. Thorner, General Manager

Subject: CONSIDER APPROVAL OF PLACING THE ONE-TIME PAYMENT RECEIVED

FROM SAN DIEGO COUNTY WATER AUTHORITY IN THE AMOUNT OF \$2,039,332.40 FOR METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA (MWD) RATE CASE REBATE IN THE DISTRICT'S RATE

STABILIZATION FUND TO BE USED TO MITIGATE FUTURE WATER RATE

INCREASES

Purpose

The purpose of this item is to obtain approval from the Board to place the rebate payment received from San Diego County Water Authority (SDCWA) in the amount of \$2,039,332.40 into the District's Rate Stabilization Fund-Water. The fund will then be used to offset increases in OMWD's cost of water operation. Thus, it will minimize the impact of future cost increases on OMWD's water rates and charges over the remaining term of the District's current Proposition 218 Notice, which is 4 years.

Recommendation

Staff recommends the \$2.039 million be placed in Water Rate Stabilization Fund to smooth out OMWD's future rate increases.

This item was discussed with the District's Finance Committee (Director Guerin and Director Watt) at its special meeting on March 23, 2021. The Committee recommended

that the \$2.039 million SDCWA rebate payment be placed in the Water Rate Stabilization Fund to minimize the impact of increased costs in OMWD's water operations on rates and charges.

Alternatives

Other alternatives for the Board's consideration are (1) use the \$2.039 million rebate payment to pay for Water Capital Improvement Projects (CIP), or (2) use the \$2.039 million rebate payment to issue a credit on OMWD customers' water bills. More information on each alternative are included in the discussion section below. The Board may also instruct staff to do otherwise.

Background

SDCWA filed lawsuits between 2010 and 2018 challenging MWD's water rates and charges to SDCWA. SDCWA won the litigation and received damages with interest from MWD. SDCWA's Board of Directors voted to distribute the rebate payment received from MWD totaling \$44.4 million to all SDCWA member agencies for overpayment on purchased water wholesale costs.

The judgment payment by MWD was a contract damages amount for principal and interest for Water Stewardship Rate charges that had been unlawfully assessed by MWD against SDCWA's Exchange Agreement for rate payment years 2011-2014. MWD Water Stewardship Rate was included in SDCWA's purchased water wholesale costs to all of its member agencies, including Olivenhain, from 2011 to 2014.

The District's Finance Committee (Director Guerin and Director Watt) held a special meeting on March 23, 2021 to discuss treatment of SDCWA's rebate payment. Following discussion, the Finance Committee directed staff to bring the Committee's recommendation to the Board for consideration and approval at the April 14th meeting.

Fiscal Impact

On March 5, 2021, the District received \$2,039,332.40 from SDCWA for its share of SDCWA's award of damages from MWD lawsuit.

Discussion

The District depends on SDCWA and MWD to meet current and future potable water demands. Purchased raw water costs account for approximately 60% of the District's annual water operating expenditures. Purchased raw water cost is expected to continue to increase over time. The dependence on purchased raw water makes the District susceptible to rising cost pressures.

Placing the \$2.039 million in the Rate Stabilization Fund which can be used to offset cost increases, would allow the District to (1) remain competitive with other agencies that have their own local water supply and are less dependent on SDCWA and MWD for imported water supply and (2) maintain the District's future rate increases through 2025 at or below the planned 5% increases included in the District's Proposition 218 notice, and (3) be consistent with the District's Revenue Policy for revenue diversification and stabilization for treatment of one-time revenue, such as wholesaler rebates/refunds.

Other alternatives for consideration and discussion with the Board.

Use the \$2.039 million rebate payment for Water CIP

Place the \$2.039 million in the Water- Capital Reserve to fund expansion of the District's local water supply capital improvement projects such as recycled water project or San Dieguito Groundwater Desalination Project. The District has been focused on studying alternative water supplies to diversify its water portfolio in order to be less dependent on SDCWA and MWD to meet demand. The District's CIP is funded from water revenues and capacity charges, available reserves, and debt service. Capital investment in local water supply projects, such as Manchester Recycled Pipeline Extensions and other recycled capital improvement projects, over the next five years average about \$932,000 annually. Use of the \$2.039 million to pay for Water CIP is not only consistent with the District's long-term strategic goal but also consistent with the Court rulings in the SDCWA's case against MWD for overcharging SDCWA's member agencies on MWD's Water Stewardship Rate on supply, which is used to fund local projects under MWD program.

Use the \$2.039 million to issue a one-time credit on OMWD's customer water bill.

The overcharge by the District's wholesaler occurred between 2011 and 2014. Customer information and water consumption going back to 2011 are available in the District's library. However as, it would require much effort and costs to figure out who gets the credit and the amount of the credit as the customers today are not all the same

customers from 2011 to 2014. The estimated credit per unit based on 2011-2014 water purchased from SDCWA of 35.118 million units would be about 5 cents. For an average residential customer who uses 23 units of water, the one-time credit would be between \$11 and \$13, net of programming costs. Staff is of the opinion that this is not a cost-effective option for the District.

A copy of Survey of General Manager's Response from SDCWA Member Agencies on Use of SDCWA Rebate Payment is attached for Board's review. This survey was prepared on March 21, 2021 by the City of Oceanside. The final outcomes of each agency's decision on the use of SDCWA Rebate Payment in each agency may be different than what is included in the survey.

Attachment: Survey of GM's Response from SDCWA Member Agencies

Survey of GM's Response from SDCWA Member Agencies

Agency Name	Use of SDCWA Rebate Payment
City of Carlsbad	Offsetting future rate increases/reviewing options
City of Del Mar	Water Fund Contingency
City of Encinitas	Offsetting future rate increases
City of Escondido	CIP
City of Oceanside	Offsetting future rate increases
City of Poway	Offsetting future rate increases
City of San Diego	To be determined
Fallbrook Public Utility District	Offsetting future rate increases/local supply development
Helix Water District	Offsetting future rate increases
Otay Water District	Offsetting future rate increases
Padre Dam Municipal Water District	Offsetting future rate increases
Rainbow Municipal Water District	Offsetting future rate increases
Santa Fe Irrigation District	Offsetting future rate increases
Vallecitos Water District	Rate Stabilization
Valley Center Water District	One time costs ie- equipment,CIP
Vista Irrigation District	Offsetting future rate increases/reviewing options
Yuima Water District	Rate Stabilization
Lakeside Water District	Capital Improvement Reserve Fund

Source: Oceanside Survey 03/21



Memo

Date: April 14, 2021

To: Olivenhain Municipal Water District Board of Directors

From: Rainy K. Selamat, Finance Manager

John Carnegie, Customer Services Manager

Via: Kimberly A. Thorner, General Manager

Subject: CONSIDER DISCUSSION AND APPROVAL OF OLIVENHAIN MUNICIPAL

WATER DISTRICT'S COVID RELIEF PROGRAM

Purpose

The purpose of this item is to discuss and conceptually approve staff's proposed COVID Relief Program for the District. The proposed program is a one-time credit of \$300 for eligible residential water customers who have been impacted by the COVID-19 pandemic and have past due water bills.

If the program is approved by the Board today, staff will bring back a resolution for adoption by the Board at the May 19 Board meeting.

Recommendation

This item was requested by Director Watt and discussed with Finance Committee members (Director Watt and Director Guerin) at their March 23 meeting. Following discussion, the Committee recommended this item be brought to the Board for further discussion.

Alternative

The Board may choose not to approve the program and/or instruct staff to do otherwise.

Background

In March 2020, following the COVID-19 pandemic outbreak, California's Governor Newsom issued a stay-at-home order for all nonessential California workers. The governor also signed an executive order that prohibited water agencies throughout the State of California from shutting off water services for non-payment to all residential and critical commercial customers.

In addition to not shutting off services due to non-payment, the District temporarily suspended late fees for eleven months to support customers, and continues to offer payment arrangements for those who have been financially impacted by COVID-19. The Board also took action by foregoing a sewer rate increase for 2020 and lowering the water rate increases for 2021 below the planned rate increase.

President Watt requested staff to explore available programs to provide financial assistance to water customers in addition to the existing efforts by the District mentioned above. The proposed relief program presented in this staff report is the result of staff's review and was presented to the District's Finance Committee (President Watt and Director Guerin) at its special meeting on March 23, 2021.

Fiscal Impact

The all-inclusive cost of the District's COVID Relief Program is proposed not to exceed \$250,000. Funds will be available from the sale of District parcels at Gaty Reservoir, which is expected to close escrow in May 2021. These proceeds will be the earliest non-user revenue funds available for the District to use for funding the COVID Relief Program in order to satisfy Proposition 218 requirements. The Board had previously indicated that the funds from the Gaty sale would offset the costs of the renovated headquarters building. The Gaty sale should bring \$2.1 million, so the \$250,000 for this program would reduce the net amount to offset the building.

Proposition 218 does not allow water and sewer agencies to use revenue-collected user fees and charges to create a financial assistance, low-income, or other program that discounts water bills for certain customers. Revenues from other sources (non-user

revenues) can be used to fund a financial assistance program, such as a COVID relief program.

Staff will also seek reimbursements from available state assistance programs to pay for the District's COVID Relief Program if this program is approved by the Board.

Discussion

As of March 30, 2021, the District had 139 residential water customers with a total outstanding balance of \$171,461.28 that, under normal circumstances (pre-COVID), would have resulted in their water service being discontinued for nonpayment.

If this program is conceptually approved by the Board at the April 14 Board meeting, staff will also bring this item back to the Board for adoption of a resolution to approve the program and appropriate \$250,000 using funds available from the sale of Gaty parcels.

Funds available in the District's COVID Relief Program will be used to provide financial assistance to up to approximately 600 residential water accounts who may have been financially impacted by the COVID-19 pandemic, providing relief for unpaid water bills of up to \$300 and will be available on a first-come first-serve basis until funds available in the Program is exhausted.

Staff will develop and implement this program if it is conceptually approved by the Board. Staff will also look for a state financial assistance program to apply for reimbursements for the District's COVID Relief Program. The District currently does not have resources to administer an in-house financial relief program, which would include verifying that applicants have experienced COVID-related financial burdens, and verifying that applicants have not already received other governmental assistance for the past due balance in question. If the District's COVID Relief Program is approved by the Board, staff is requesting that reviewing and screening qualified applicants be outsourced. Staff sent out two (2) requests for a quote. As of the writing of this memo, staff received one estimate from Home Start, Inc. The cost estimate from Home Start, Inc. to administer the District's COVID Relief Program would vary between \$30,000 and \$40,000, depending on staffing costs to meet the program's criteria and specifications established by the District.

The attached is a graph of OMWD's unpaid water bills outbreak as a % of total water receivables since May 15, 2020 or approximately 2 months after the COVID-19 outbreak.

Unpaid water bills (31-120+days old) as a % of total water receivables since the COVID-19 outbreak





Memo

Date: April 14, 2021

To: Olivenhain Municipal Water District Board of Directors

From: Jesica Cleaver, Administrative Analyst

Via: Kimberly A. Thorner, General Manager

Subject: CONSIDER INFORMATIONAL REPORT ON WATER SUPPLY CONDITIONS AND

LONG-TERM WATER USE EFFICIENCY LEGISLATION

Purpose

The purpose of this agenda item is to provide the board with an update on water supply conditions and the status of OMWD's Level 1 customer notification and enforcement activities in addition to reports on the latest water use legislation affecting OMWD customers.

Recommendation

This is an informational item; no action is required.

Alternative(s)

Not applicable; informational item only.

Background

Since June 2015, staff presents at the board's request a report on statewide water supply conditions, recent and near-term events pertaining to drought, and/or a summary of activity taken by staff.

Fiscal Impact

There are no costs directly associated with this informational report.

Discussion

Staff will review the attached presentation with the board at the April 14 meeting and further discuss water supply related developments.

Attachments: PowerPoint presentation

WATER SUPPLY AND LONG-TERM WATER USE EFFICIENCY LEGISLATION

April 14, 2021



Water Supply Conditions



U.S. Drought Monitor California

March 23, 2021

(Released Thursday, Mar. 25, 2021) Valid 8 a.m. EDT

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	0.70	99.30	90.66	64.02	31.76	5.36
Last Week 03-16-2021	0.78	99.22	90.62	58.59	29.54	3.75
3 Months Ago 12-22-2020	0.00	100.00	95.17	74.34	33.75	1.19
Start of Calendar Year 12-29-2020	0.00	100.00	95.17	74.34	33.75	1.19
Start of Water Year 09-29-2020	15.35	84.65	67.65	35.62	12.74	0.00
One Year Ago 03-24-2020	24.86	75.14	40.42	1.30	0.00	0.00

Intensity:

None D2 Severe Drought
D0 Abnormally Dry D3 Extreme Drought
D1 Moderate Drought
D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions.

Local conditions may vary. For more information on the

Drought Monitor, go to https://droughtmonitor.unl.edu/About.aspx

Author: Brad Pugh

Brad Pugh CPC/NOAA





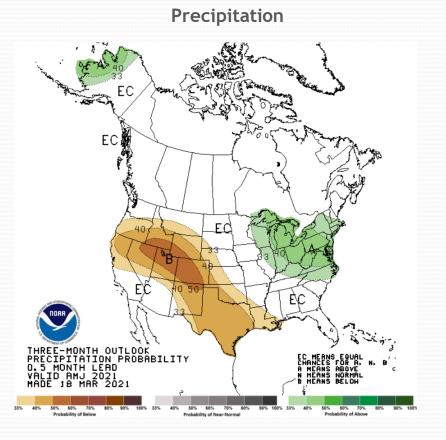


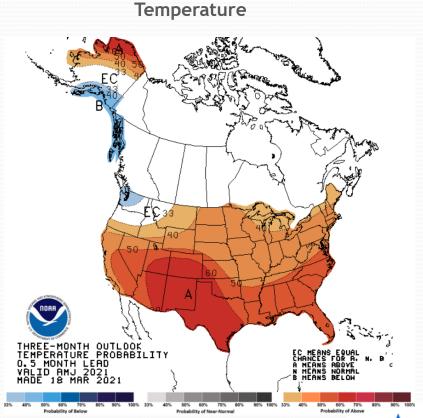


droughtmonitor.unl.edu

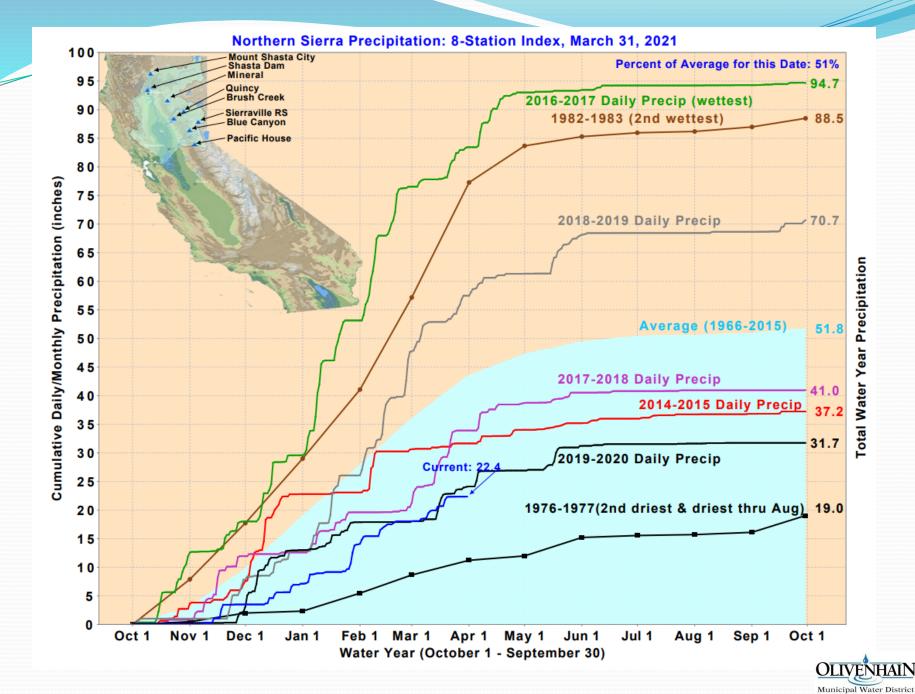


National Weather Service Outlook April 2021 – June 2021

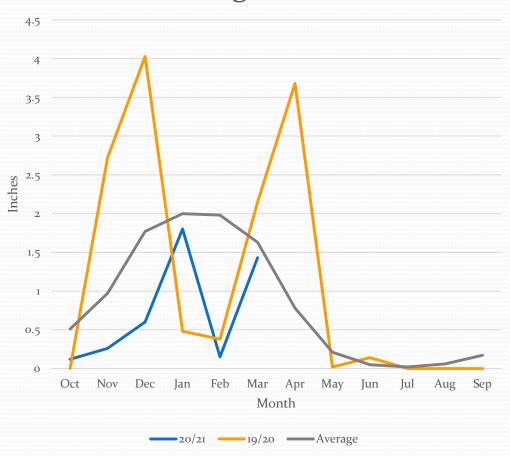


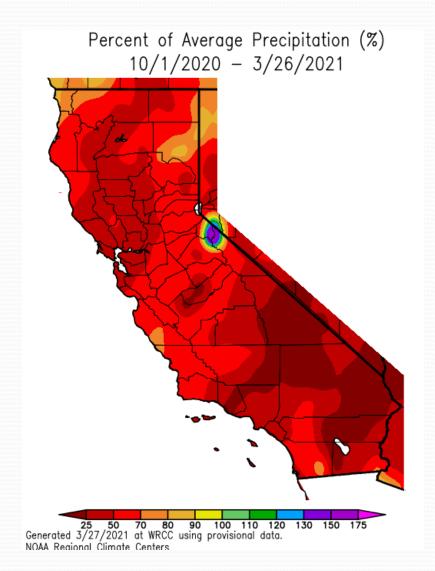


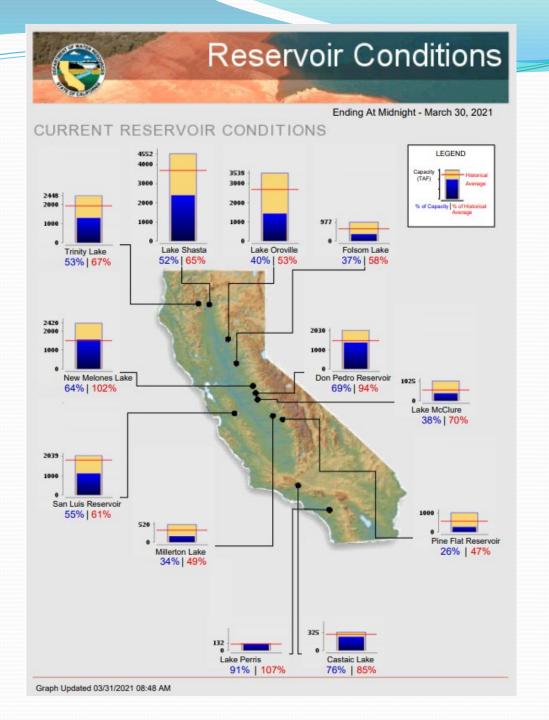




San Diego Rainfall









OMWD Activity



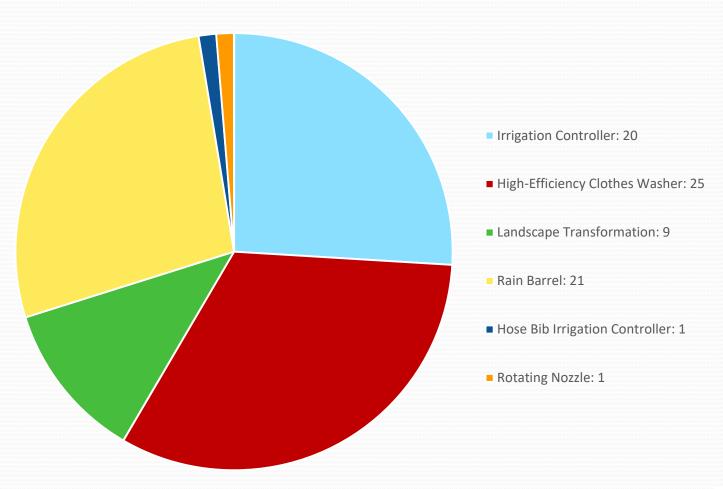
Restrictions Enforcement

	Reports	Actions	Fines
June '19	20	20	0
July '19	4	4	0
August '19	3	3	0
September '19	5	5	0
October '19	1	1	0
November '19	9	9	0
December '19	0	0	0
January '20	3	3	0
February '20	2	2	0
March '20	1	1	0
April '20	5	5	0
May '20	2	2	0
June '20	7	7	0
July '20	18	18	0
August '20	4	4	0
September '20	12	12	0
October '20	2	2	0
November '20	3	3	0
December '20	6	6	0
January '20	7	7	0
February '20	7	7	0
March '20	1	1	0
Totals	122	122	0



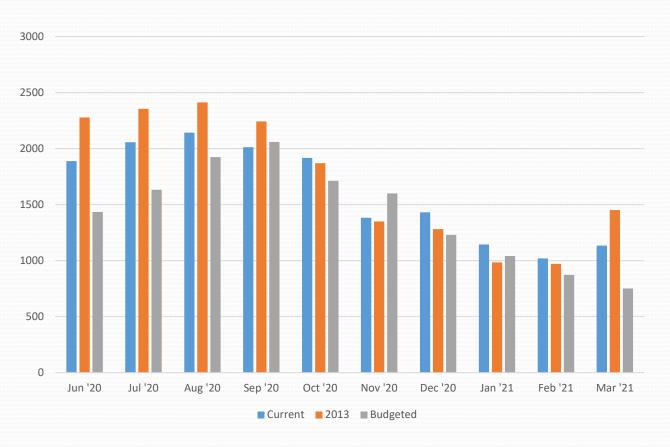


Jan-Mar Rebate Activity





No Conservation Requirement



Water Consump Compared to 20	
Mar-20	-43%
Apr-20	-47%
May-20	-15%
Jun-20	-17%
Jul-20	-13%
Aug-20	-11%
Sep-20	-10%
Oct-20	3%
Nov-20	2%
Dec-20	12%
Jan-21	16%
Feb-21	5%
Mar-21	-22%



Legislation



Legislative and Regulatory Update

- AB 1668-SB 606 (Long-term water conservation targets)
 - DWR's deadline to provide standards recommendations to SWRCB is October 1, and there is still a lot to do, expect accelerated schedule over coming months
 - OMWD participated in DWR Landscape Area Measurement pilot study and has received LAM data. Currently reviewing and preparing feedback for DWR.
 - Meetings attended:
 - February 23 Presented OMWD's preliminary findings at SDCWA-hosted LAM workshop
 - February 24 Standards, Methodologies, and Performance Measures work group
 - March 4 CalWEP's "You Got Your Landscape Area Data from DWR...Now What?"
 - March 11 DWR meeting on establishing variances
 - March 22 DWR meeting to discuss CII irrigation standards
 - March 29 SDCWA workshop on LAM for CII dedicated irrigation meters
 - Still awaiting results of DWR's indoor water use study
 - New legislation introduced to further reduce indoor standard (AB 1434 (Friedman))

Legislative and Regulatory Update

- Water loss performance standards to be adopted by July 1, 2021
- OMWD has been engaged during the standards development process and sent multiple comment letters
- Current proposed standard is for OMWD to maintain its baseline level of water loss
- Joined ACWA's water loss and water use working efficiency groups
- Attended DWR Waterloss Peer Review Webinar March 24

Recent Updates













Memo

Date: April 14, 2021

To: Olivenhain Municipal Water District Board of Directors

From: John Onkka, Water Reclamation Facilities Supervisor

Geoff Fulks, Operations Manager

Via: Kimberly A. Thorner, General Manager

Subject: CONSIDER DEVELOPMENT OF A WET WEATHER INCENTIVE PROGRAM FOR

RECYCLED WATER DELIVERIES IN OMWD'S SOUTHEASTERN RECYCLED

WATER SYSTEM

Purpose

The purpose of this agenda item is to consider the development of a Wet Weather Incentive Program (WWIP) for recycled water deliveries in OMWD's southeastern recycled water system. If approved, staff will formalize comments received on a proposed WWIP and return to the Board with an Ordinance for its consideration at a future meeting.

Recommendation

Staff recommends developing a WWIP.

Alternatives

The Board could choose to deny this program or request staff to seek different alternatives to mitigate the risk of overflowing the 4S Ranch Storage Pond.

Background

OMWD operates two distinct recycled water distribution systems, the northwest system and the southeastern system. The northwest system is operated independently with recycled water purchased from neighboring agencies (Vallecitos Water District and San Elijo Joint Powers Authority). The southeastern system utilizes recycled water produced at the 4S Ranch Water Reclamation Facility (4S WRF), the Santa Fe Valley Reclamation Facility and water purchased from the City of San Diego.

Operations associated with the 4S WRF include the Recycled Water Overflow Storage Basin (Pond). The Pond is a 410 acre feet detention and storage basin for recycled water produced at the 4S WRF. Typical yearly operations see the Pond receiving recycled water overflow from the 4S WRF during the later fall and winter months. During the late spring and summer months, when recycled water irrigation demands increase, the recycled water stored in the Pond is utilized to meet those increased demands. It is an annual operational objective to completely drain, clean and inspect the Pond.

The Pond is regulated via both the 4S WRF Master Discharge Permit and the State Division of Safety of Dams. The 410 acre feet storage capacity is dictated by an 84 day plant production requirement set forth within the 4S WRF Regional Water Quality Control Board (RWQCB) Master Discharge Permit. The Pond is also designated as a dam and regulated by the California Department of Water Resources, Division of Safety of Dams.

Historically, the Pond has operated within its 410 acre feet capacity however, the Pond level came within two feet of overflowing in 2018. A combination of recent factors has been driving recycled water demands down during the winter months. These include HOA's replacing grass with drought tolerate landscape, customers replacing grass with artificial turf, smart irrigation systems and weather patterns that can see long stretches of consistent wintertime rain. Unfortunately, in February of 2020, due to the Pond not being drained completely in the fall after lower than anticipated demand levels, and weather that saw continuous rain patterns, the Pond filled quickly and eventually overflowed into the San Diego County storm drain system which is the designed and only existing spillway. The 4S WRF does not have a permitted discharge option aside from the recycled water distribution system, unlike most San Diego County wastewater plants which can discharge to an ocean outfall.

Unfortunately, the discharge of recycled water into the San Diego County storm drain system is not an approved use or disposal method per the Master Discharge Permit and OMWD does not have a National Pollutant Discharge Elimination System permit. Due to this discharge, the RWQCB issued a Notice of Violation (NOV) for the release of recycled

water into the storm drain system (attached as Exhibit A). After extensive discussions and meetings with RWQCB staff and in response to the NOV, OMWD developed and submitted a Storage Pond Investigation Technical Memorandum (Tech Memo attached as Exhibit B) which outlined a number of measures to implement in order to prevent another discharge to the storm drain system. These actions include:

- Reuse customer outreach and education to increase (or restore) recycled water use demands,
- Demand management, including improved metering to provide real-time data on individual users,
- Financial incentives, including incentives for increased reuse during winter/spring months or incentives for users to provide onsite recycled water storage,
- Increasing the number of reuse connections and customers, and
- Improved flow and demand management coordination with neighboring agencies.

The RWQCB responded to the Tech Memo with no monetary penalties however, they reserved their right to bring an enforcement action against OMWD for the unauthorized discharge and any future unauthorized discharges (letter from RWQCB attached as Exhibit C).

OMWD's General Manager is committed to developing a recycled water Wet Weather Incentive Program for review by the OMWD Board. This program would be implemented when recycled water levels in the Pond reach levels that would suggest that the Pond is at a high risk of overflowing into the San Diego County storm drain system.

Fiscal Impact

OMWD was presented with possible fines of \$10,000 per day and \$10 per gallon discharged. This would have resulted in a fine of approximately \$430,590,000. At this time, the RWQCB has not imposed a financial penalty or fined OMWD, however, if future discharges occur, enforcement action could be taken. As a result, staff hired Carollo Engineering to calculate the cost of constructing an additional recycled water reservoir that would be capable of holding enough capacity for the discharge that occurred. Site locations are very limited and the cost is estimated at \$76,000,000. The cost and complexities to build an additional reservoir to store recycled water would far exceed costs associated with proposing an incentive to customers that utilize recycled water in order to assist OMWD in avoiding Pond overflows.

Discussion

The WWIP is intended to assist in alleviating conditions which may lead to the Pond overflowing. OMWD would ask recycled water customers to utilize recycled water during periods of lower demand, such as the cooler winter months and stretches of wet weather as these customers have the ability to store water in ponds, lakes, etc. In order to determine the level of interest and site physical capabilities, OMWD reached out to the largest recycled water irrigation customers in the southeastern recycled water system. Many of the customers expressed an interest in an incentive program and some are much better suited for the program due to onsite physical impoundments. Staff will offer the program to all users in the southeastern recycled water system but with strict guidelines that all users must continue to comply with existing recycled water regulatory requirements. Users with large impoundments may be able to take advantage of the WWIP more easily.

The WWIP proposes to execute individual agreements with each qualified customer to take our recycled water in exchange for a recycled water credit. This is in lieu of constructing an additional recycled water reservoir to store recycled water from the 4S WRF. Our consultant, Raftelis, has opined that the cost to build a reservoir would be far higher than giving the credit to our rate payers, and therefore this solution would save money for our ratepayers and avoid Proposition 218 issues.

Implementation of the WWIP would be based on Pond trigger levels that, when reached during the fall and winter months, would allow the General Manager to implement the program.

The following table contains the monthly trigger levels:

Month	Pond	MGal	Ac/FT	Contour	Remaining Days (@
	level (FT)			Elev	1 MGD)
October	19	16.617	51	549	129
November	28	31.931	98	558	98
December	36	48.223	148	566	82
January	43	64.840	199	573	65
February	49	81.131	249	579	49
March	55	100.681	309	585	29

These levels are derived from historical recycled water averages that place the Pond at risk of overflowing. Once the General Manager activates the WWIP, staff will notify eligible and pre-qualified recycled water customers. In order to incentivize usage during

critical periods, staff proposes to offer a "one for one" recycled water credit for eligible customers. For example, one acre-foot of recycled water used during the General Manager declared WWIP eligibility period would result in a credit for one acre-foot of recycled water and would be applied to the customer's bill following deactivation of the WWIP. Credits will be restricted to usage above and beyond the customer's normal wet weather usage in the 2019-2020 baseline time period in order to avoid customers taking advantage of the program by curtailing usage in anticipation of the WWIP. Deactivation of the WWIP will be declared by the General Manager when the monthly pond levels drop sufficiently below the trigger levels to allow for inflows into the Pond, or if the program enters the consecutive month and is below the respective Pond trigger levels.

If the Board approves this WWIP today, staff will come back with a formal Ordinance and draft user agreement at a future Board meeting.

Staff is available to respond to questions.

Attachment(s): Copy of NOV Letter from RWQCB Tech Memo





San Diego Regional Water Quality Control Board

May 1, 2020

Mr. Joseph Randall
Assistant General Manager
Olivenhain Municipal Water District
1966 Olivenhain Road
Encinitas, CA 92024
(Sent via email to: JRandall@olivenhain.com)

In reply refer to / attn: 202611:Ckomeylyan

Subject: Notice of Violation No. R9-2020-0105 and Investigative Order No. R9-2020-0106 Related to Alleged Violations of Order No. R9-2003-0007, Master Reclamation Permit with Waste Discharge Requirements for the Production and Purveyance of Recycled Water for Olivenhain Municipal Water District 4-S Ranch Wastewater Treatment Plant, San Diego County

Mr. Randall:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is issuing Notice of Violation (NOV) No. R9-2020-0105 to the Olivenhain Municipal Water District (District) for the reported unauthorized discharge of tertiary treated wastewater (recycled water) into the County of San Diego's Municipal Separate Storm Sewer System (MS4). This unauthorized discharge of recycled water began on February 23, 2020 and is ongoing. The District is directed to submit additional technical information addressing the subject violation, pursuant to Water Code sections 13267¹ and 13383².

HENRY ABARBANEL, Ph.D., CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

¹ Water Code section 13267, subdivision (b), authorizes the State Water Resources Control Board and Regional Water Quality Control Boards (Water Boards) to investigate and require technical or monitoring reports from any person who has discharged, discharges, or is suspected of having discharged or discharging waste in accordance with the conditions in the section.

² Water Code section 13383, subdivision (a), authorizes the Water Boards to establish monitoring, inspection, entry, reporting, and recordkeeping requirements for any person who owns or operates a publicly owned treatment works or other treatment works treating domestic sewage.

Notice of Violation No. R9-2020-0105

The District owns and operates the 4-S Ranch Wastewater Treatment Plant (WTP) and manages the distribution and off-site use of the recycled water produced at the WTP. The District is required to operate and maintain the WTP in compliance with the requirements contained in Order No. R9-2003-0007, Master Reclamation Permit with Waste Discharge Requirements for the Production and Purveyance of Recycled Water for Olivenhain Municipal Water District 4-S Ranch Wastewater Treatment Plant, San Diego County (Order No. R9-2003-0007). To offset the use of potable water, effluent from the WTP is treated and used as recycled water for landscape irrigation purposes. Prior to distribution, recycled water produced at the WTP is pumped and temporarily stored in the WTP Wastewater Storage Pond (Pond). The Pond is a lined reservoir surrounded by residential development south of the San Dieguito River and north of Lusardi Creek. The Pond is designated as a dam and regulated by the California Department of Water Resources, Division of Safety of Dams. From the Pond, recycled water passes through a controlled inlet into a spillway that connects to the MS4 which discharges to a tributary of the San Dieguito River.

The following is a chronology of events related to the unauthorized discharge of recycled water from the Pond:

 Spring 2019 - During an inspection of the WTP and Pond, San Diego Water Board staff were notified that the Pond was near capacity, and that an unauthorized discharge of recycled water to the MS4 was likely if wet weather patterns continued. However, due to dryer weather patterns an unauthorized discharge of recycled water from the Pond did not occur.

The San Diego Water Board was also notified that similar situations have occurred twice in the past 11 years.

- Fall 2019 The District notified San Diego Water Board staff that the Pond was nearing capacity and may discharge recycled water to the MS4 if wet weather patterns continued. Again, due to dryer weather patterns an unauthorized discharge of recycled water did not occur. The San Diego Water Board requested the District provide additional effluent and receiving water quality information. Effluent samples analyzed for constituents of concern reported concentrations in excess of established water quality objectives, but lower than the existing conditions within the receiving water.
- Fall 2019 through early 2020 District staff met with the San Diego Water Board on various occasions to discuss possible alternatives to avoid future potential unauthorized recycled water discharges from the Pond to the MS4.

Olivenhain Municipal Water District

- Early Winter 2020 The District notified the San Diego Water Board that the Wastewater Storage Pond was near capacity, and if wet weather patterns continued as forecasted, a discharge of recycled water from the Pond into the County of San Diego MS4 would be imminent.
- February 6, 2020 –The District reported the Pond was not completely emptied the
 previous summer and fall, and due to the early winter weather patterns, irrigation
 usage dropped off significantly resulting in the Pond filling towards capacity quickly.
 It was also reported that the District had begun storing water at the WTP in order to
 expand the capacity of the Pond.
- February 18, 2020 The District informed the San Diego Water Board that recycled water usage had not increased over the last several weeks, and the District would continue to explore alternative sources for recycled water usage and storage. The District also informed the Board that the Pond was essentially at its capacity and recycled water would discharge into the MS4 within a week, depending on irrigation demands.
- February 23, 2020 The San Diego Water Board and County of San Diego were promptly notified by the WTP Supervisor that recycled water was discharging from the Pond into the MS4, at a rate of approximately 5-10 gallons per minute (gpm). The WTP Supervisor further suggested the flow rate would likely increase later that day.
- February 25, 2020 The San Diego Water Board and County of San Diego were notified that the flow rate of recycled water discharging from the Pond into the MS4 increased to approximately 300 gpm.
- April 8, 2020 San Diego Water Board staff performed a drive-by inspection of the Pond and observed the continued discharge of recycled water from the Pond to the MS4.

Alleged Violations

1. Section 301 of the Federal Clean Water Act (33 U.S.C. § 1311) and Water Code section 13376

Observation: Clean Water Act section 301 and Water Code section 13376 prohibits the discharge of pollutants to surface waters except in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The District's discharges from the Pond to the MS4 and waters of the United States were not authorized by Order No. R9-2003-0007 or an NPDES permit.

2. Prohibition 2 of Order No. R9-2003-0007

Observation: Discharges of treated or untreated solid or liquid waste to navigable waters or tributary navigable waters is prohibited unless as authorized by an NPDES

permit issued by the San Diego Water Board. The District's WTP has discharged approximately 30,000 gallons of recycled water, and continues to discharge treated

3. Facility Design and Operation Specification D.4 of Order No. R9-2003-0007

wastewater, into the MS4 and waters of the United States.

Observation: Pursuant to Facility Design and Operation Specification D.4 – Wet Weather Storage, the District shall provide adequate storage facilities to contain recycled water during and after periods of rainfall when disposal by irrigation cannot be successfully practiced and shall prevent the discharge of treated or untreated recycled water to any surface water body. The District's WTP has discharged approximately 30,000 gallons of recycled water, and continues to discharge treated wastewater, into the MS4 and water of the United States.

Summary of Potential Enforcement Options

These violations may subject you to any of the following additional enforcement actions by the San Diego Water Board or State Water Resources Control Board:

Other Potential Enforcement Options	Applicable Water Code Section	
Technical or Investigative Order	Sections 13267 and/or 13383	
Cleanup and Abatement Order	Section 13304	
Cease and Desist Order	Sections 13301-13303	
Time Schedule Order	Sections 13300, 13308	

In addition, the San Diego Water Board may consider revising or rescinding applicable waste discharge requirements, if any, referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

Investigative Order No. R9-2020-0106

As authorized by Water Code sections 13267 and/or 13383, the San Diego Water Board issues Investigative Order No. R9-2020-0106 (Investigative Order) and directs the District to submit the following information to the Board no later than **5:00 pm on September 30, 2020**:

- Total volume of recycled water discharged from the Pond to the MS4, and the
 potential effects of the unauthorized discharge on the quality of the receiving
 surface water.
- A description of the steps the District has or plans to take to address the Pond's inadequate storage capacity, which led to the unauthorized discharges of recycled water. This explanation must include current and potential future engineering controls and infrastructure, and standard operating procedures and management practices.

All information provided in response to this Investigative Order must include the

Olivenhain Municipal Water District

following signed certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The requested information is essential to evaluate the impacts of the discharged wastewater on the quality and beneficial uses of San Dieguito River, and the feasibility of clean up or abatement of the effects of the discharge. The requested information is necessary for the San Diego Water Board to determine the WTP state of compliance, the potential or actual harm to human health or the environment from activities associated with the violations, and to determine whether existing waste discharge requirements are adequate to protect beneficial uses. Therefore, the burden of preparing the requested report bears a reasonable relationship to the need for the report and the benefit to be obtained from the report.

Please submit the required information in electronic format to the San Diego Water Board by e-mail to SanDiego@waterboards.ca.gov with "202611:CKomeylyan" included in the subject heading. Each electronic document must be submitted as a single file, in Portable Document Format (PDF), and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted.

Notifications

- Enforcement Discretion: The San Diego Water Board reserves its right to take any enforcement action authorized by law for violations of the terms and conditions of this Investigative Order.
- 2. **Enforcement Notification:** Water Code section 13268 (a)(1) provides that any person failing or refusing to furnish technical or monitoring report information as required by Water Code section 13267(b), or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly for an administered imposed liability of up to \$1,000 per day for each day the violation occurs.
 - Water Code section 13385 provides that any person failing or refusing to furnish technical or monitoring report information required pursuant to Water Code section 13383 may be liable civilly for an administered imposed liability in an amount not to exceed the sum of the of both of the following:
 - a. Ten thousand (\$10,000) per day for each day the violation occurs.
 - b. Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000

Olivenhain Municipal Water District

gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

3. Requesting Administrative Review by the State Water Board: Any person affected by this action of the San Diego Water Board may petition the State Water Board to review the action in accordance with section 13320 of the Water Code and California Code of Regulations title 23 section 2050. The petition must be received by the State Water Resources Control Board (Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812) within 30 days of the date of this Investigative Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. For instructions on how to file a petition for review, see:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_inst_r.shtml

In the subject line of any response, please include the reference code **202611:CKomeylyan**. Please contact Ms. Sherrie Komeylyan by phone at (619) 521-3366, or via email at Chehreh.komeylyan@waterboards.ca.gov if you have any questions.

Respectfully,

Roger Mitchell, PG Acting Branch Chief

Groundwater Protection Branch

cc via email: Mr. Joseph Randall, Assistance General Manager, Olivenhain Municipal Water District, <u>jrandall@olivenhain.com</u>

Mr. John Onkka, Water Reclamation Facilities Supervisor, 4S Ranch Water Reclamation Facility, Olivenhain Municipal Water District, JOnnkka@olivenhain.com

Mr. Dave Smith, Operations Manager, Olivenhain Municipal Water District, dsmith@olivenhain.com

Chiara Clemente, San Diego Regional Water Quality Control Board, Chiara.Clemente@waterboards.ca.gov

RNM:cgh:bb:ck

Tech Staff Info & Use			
Order Nos. R9-2003-0007, R9-2020-0105 (NOV),			
R9-2020-0106 (IO)			
Place ID 202611			
Reg. Measure IDs	142438		
1			





In reply refer to: 229725:CKomeylyan

San Diego Regional Water Quality Control Board

December 10, 2020

Kimberly A. Thorner General Manager Olivenhain Municipal Water District 1966 Olivenhain Road Encinitas, California 92024

Receipt of Response to Investigative Order No. R9-2020-0106

Ms. Thorner,

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) received Olivenhain Municipal Water District's (OMWD's) response to Investigative Order No. R9-2020-0106 (IO) on September 30, 2020. The San Diego Water Board issued the IO to OMWD for the unauthorized discharge of approximately 43 million gallons of recycled water from its storage pond into an unnamed tributary to San Dieguito River from February 23 to April 22, 2020, in violation of requirements contained in Order No. R9-2003-0007, Master Reclamation Permit with Waste Discharge Requirements for the Production and Purveyance of Recycled Water for Olivenhain Municipal Water District, 4-S Ranch Wastewater Treatment Plant (4SRWWTP). OMWD's IO response included a report titled Olivenhain Municipal Water District 4S Ranch Water Reclamation Facility, Technical Memorandum, Storage Pond *Investigation* dated September 2020. The IO response calculated the discharge volume, reviewed potential actions to address the violation, and selected several actions OMWD found feasible to prevent future unauthorized discharges. OMWD's response satisfies the information requests of the IO. OMWD's proposed actions include the following:

- Increase recycled water use through public outreach and education
- Improve water reuse demand management through customer outreach and installation of real-time meters for the largest users
- Provide customers financial incentives for increased water reuse during the winter and spring or onsite recycled water storage
- Empty the storage pond prior to the beginning of every wet season (October/November)

Receipt of Response to Investigative Order No. R9-2020-0106

While OMWD is confident that implementation of its proposed actions will prevent future unauthorized discharges, the San Diego Water Board remains skeptical and encourages OMWD to continue looking for options to ensure that wastewater flow volumes do not again exceed the available capacity for off-site use of the recycled water produced by the 4SRWWTP. The San Diego Water Board reserves its right to bring an enforcement action against OMWD for the unauthorized discharge and any future unauthorized discharges. Please continue to report progress on the implementation of

If you have any questions about this matter, please contact Ms. Chehreh Komeylyan at (619) 521-3366 or at chehreh.komeylyan@waterboards.ca.gov.

the actions recommended in the IO response in future OMWD Self-Monitoring Reports.

Sincerely,

KELLY DORSEY, P.G. Assistant Executive Officer

KKD:rnm:dtb:cmc:ftm

Copies to:

Chiara Clemente, San Diego Water Board, Chiara.clemente@waterboards.ca.gov Catherine Hagan, State Water Board, Catherine.Hagan@waterboards.ca.gov Chehreh Komeylyan, San Diego Water Board, <a href="Cocketted-C

Technical Staff Information

Regulatory Measure IDs: 131775 (WDRs No. R9-2003-0007)

437986 (NOV No. R9-2020-0105) 438251 (IO No. R9-2020-0106)

Primary Indexing No: CW-229725 (16595 Dove Canyon Road, San Diego, CA 92127)

Party ID: 32563 (Olivenhain Municipal Water District)

WDID: 9 000000371



Olivenhain Municipal Water District 4S Ranch Water Reclamation Facility

Technical Memorandum POND STORAGE INVESTIGATION

FINAL | September 2020





Olivenhain Municipal Water District 4S Ranch Water Reclamation Facility

Technical Memorandum POND STORAGE INVESTIGATION

FINAL | September 2020



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Appendix

Appendix 1A OMWD Overflow Memo



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Abbreviations

4S 4S Ranch AF acre-feet

AFY acre-feet per year

AMI advanced metering infrastructure
BOD biochemical oxygen demand

BOD₅ 5-day biochemical oxygen demand test CEQA California Environmental Quality Act

ft feet

GIS Geographic Information System

gpm gallons per minute

HOA homeowners' association I&I inflow and infiltration

in inch(es)

in/day inches per day

M million

MG million gallons
mg/L milligrams per liter
mgd million gallons per day

MS4 Municipal Separate Storm Sewer System (e.g. storm drains)

NOAA National Oceanic and Atmospheric Administration
NPDES National Pollutant Discharge Elimination System

OMWD Olivenhain Municipal Water District

Pond Recycled Water Storage Pond

RWQCB California Regional Water Quality Control Board, San Diego Region

SE Southeast

SFV WRF Santa Fe Valley Wastewater Reclamation Facility

TM technical memorandum
TSS total suspended solids

UV ultraviolet

WRF 4S Ranch Water Reclamation Facility



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Section 1

INTRODUCTION

The Olivenhain Municipal Water District (OMWD) operates the 4S Ranch Water Reclamation Facility (WRF) located in San Diego, California. The WRF serves the 4S Ranch (4S) and Southeast (SE) Quadrant service areas for the OMWD recycled water system. The SE Quadrant service area is also served by purchased water from the City of San Diego and Rancho Santa Fe Community Services District. The treatment and reuse of recycled water at the WRF is regulated by Regional Water Quality Control Board (RWQCB) Order No. R9-2003-0007. Order No. R9-2003-0007 establishes master water reclamation requirements for the treatment and reuse of up to 1.6 million gallons per day (mgd) of filtered and disinfected recycled water.

The main function of the 410 acre-feet (AF) Recycled Water Storage Pond (Pond) is to store water during the winter months. The Pond is a lined reservoir with a capacity of approximately 120 days at the current plant flow rate of 1.1 mgd. The Pond is also designated as a dam and regulated by the California Department of Water Resources, Division of Safety of Dams.

The WRF does not have a discharge option aside from the recycled water distribution system, unlike most San Diego County wastewater plants which can discharge to an ocean outfall. The Pond has an emergency overflow connection to the County of San Diego's storm drain system (MS4) which discharges to a tributary of the San Dieguito river but had never discharged into the storm drain until recently. The WRF operating permit does not list the storm drain as an acceptable discharge location, however it is designated as the overflow with the Division of Safety of Dams.

Below is a sequential list of events related to the unexpected and unauthorized discharge of recycled water from the Pond to the MS4 system that took place in 2020:

- 2017-2019 The 2017-2019 large rain events resulted in increased winter-time water levels in the Pond, but the Pond did not overflow, and the Pond was emptied (as is typical) prior to the start of the 2018-2019 wet season.
- 2019 OMWD recycled water demands during 2019 decreased to the point where the storage Pond was not emptied prior to the start of the 2019-2020 wet season, and the District began communication with the RWQCB staff to raise concerns about rising water levels in the Pond. The RWQCB staff requested special effluent and water quality sampling information which was provided by OMWD.
- Fall 2019-Early 2020 OMWD met with the RWQCB staff on several occasions to discuss possible alternatives to avoid Pond overflow.
- January 2020 OMWD notified the RWQCB that the Pond was near capacity and would overflow into the MS4 system if above-average wet weather patterns continued as forecasted.
- February 18, 2020 OMWD informed the RWQCB that recycled water usage had not increased since the early winter, and Pond levels continued to rise.



- February 23, 2020 The Pond began to overflow into the County of San Diego storm drain system at a rate of approximately 300-600 gallons per minute (gpm) for sixty days.
- April 22, 2020 Recycled water demands increased to the point where the Pond overflow into the MS4 system terminated and the Pond level begins to drop back into the typical operating range. The total overflow volume approximately totaled 43,000,000 gallons over the sixty-day period.
- May 2020 OMWD received a Notice of Violation letter and Investigative Order from the RWQCB.

As a result of the recent discharges, OMWD has hired Carollo Engineers, Inc. to review the recent flows and recycled water usage and to identify options to prevent future overflow events. This technical memorandum (TM) will concentrate on identifying improvements to the recycled water storage system including possible improvements to the Pond, new storage options, additional users, or possible discharge options.

Section 2

BACKGROUND

OMWD's recycled water distribution system is comprised of three primary service areas: The 4S Ranch, Northwest and Southeast Quadrants. This report will focus on the 4S and Southeast Quadrant of OMWD served by the WRF as shown in Figure 1. The WRF is supplied with wastewater collected from the 4S Ranch and Rancho Cielo areas in North County San Diego.

The collections enter the recycling process at the WRF, located at 16595 Dove Canyon Road. The facility produces over one million gallons (MG) of recycled water per day which is distributed to the 4S and SE metered connections. In addition to the recycled water produced at the WRF, OMWD purchases recycled water from Rancho Santa Fe Community Services District and the City of San Diego through existing water purchase agreements. The Rancho Santa Fe Community Services District is land locked and OMWD is the only discharge option.



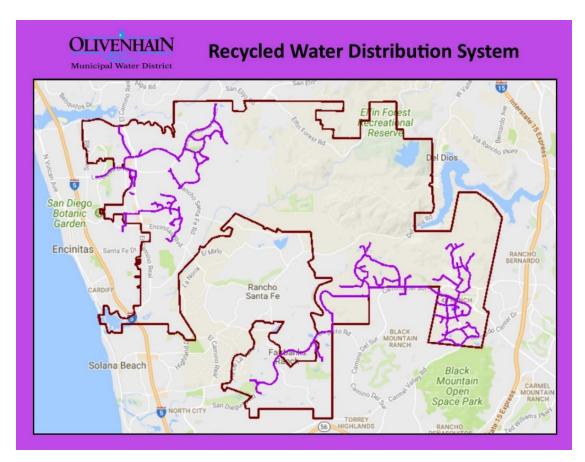


Figure 1 OMWD Recycled Water Distribution System

2.1 Data Collection

As part of the investigation into conditions leading up the Pond overflow, the project team coordinated with OMWD staff and others to obtain various datasets that allowed understanding of existing site constraints and opportunities to implement feasible solutions. Various reports, agreements, user meter data, plant flow meter data, Geographic Information System (GIS) and plant drawings from OMWD were collected and evaluated for this project.

2.1.1 Regional Rainfall

Rain gauge data from the local National Oceanic and Atmospheric Administration (NOAA) precipitation station located near Camino Del Norte and Camino San Bernardo is presented in Table 1. The data demonstrates a prolonged rainy season from 2019 through the first half of 2020. 2019 featured a wet winter that dampened demand for the year.



Table 1 4S Ranch Rainfall

Quarter	Rain Days	Average (in/day)	Total (in)
2013	43	0.16	7.01
2014	34	0.20	6.73
2015	40	0.23	9.09
2016	37	0.36	13.47
2017	27	0.42	11.4
2018	32	0.32	10.25
Qtr1	15	0.34	5.13
Qtr2	6	0.05	0.31
Qtr3	1	0.11	0.11
Qtr4	10	0.47	4.7
2019	48	0.37	17.7
Qtr1	29	0.38	10.92
Qtr2	9	0.10	0.88
Qtr3	0	0.00	0.00
Qtr4	10	0.59	5.9
2020	28	0.43	12.13
Qtr1	17	0.37	6.35
Qtr2	11	0.53	5.78
Abbreviations: in/day - inch	nes per day; in - inch(es)		

2.1.2 Service Area Demand

The review of monthly metered connections within the 4S and SE service lines indicates that the average annual demand from 2008-2019 for the region is 1,765 acre-feet per year (AFY) (1.57 mgd). Recycled Water users in OMWD's service area include homeowners' association (HOA) common areas, schools, parks, streetscapes, and golf courses. The users in OMWD's service area generally utilize recycled water to supplement natural rainfall for irrigation.

OMWD user meter data shows a clear correlation between the total annual rainfall and annual recycled water demand from the 4S and SE service lines. The comparison between annual recycled water demand and San Diego rainfall is shown in Figure 2. As is typical with San Diego Region recycled water programs, the 4S and SE service area meter data show a clear trend of increased recycled water use in the summer months, and a sharp drop off in usage during winter months. The figure shows an increase in demand when the annual rainfall drops below nine inches (in) for the year to an average of 1,910 AFY (1.71 mgd). Similarly demand in the 4S and SE service lines decrease to an average of 1,560 AFY (1.39 mgd) when rainfall surpasses nine inches of total rainfall for the year. The figure highlights the significant drop in demand that occurred through 2019 and 2020. This unexpected drop in demand is a primary reason Pond levels remained high prior to the release.

Figure 3 demonstrates a consistent seasonal fluctuation from 2008 through the first half of 2020. The average monthly demand has generally decreased from 2008 to 2020 (152 AF/month to 140 AF/month).



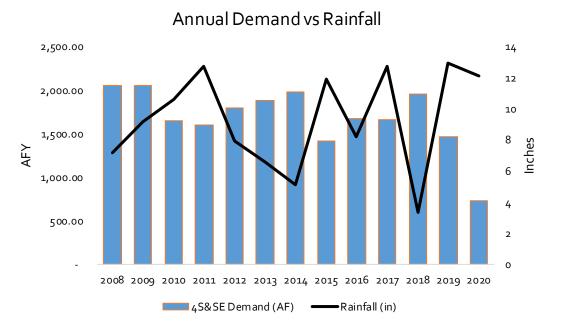


Figure 2 Annual Recycled Water Demand vs Rainfall

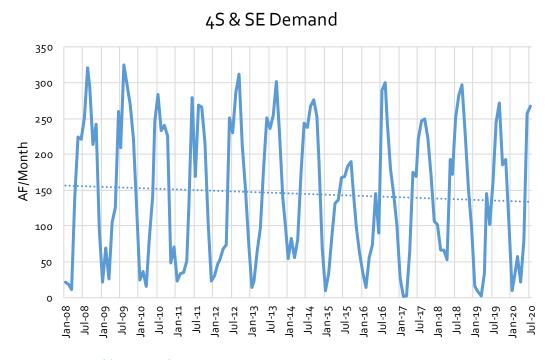


Figure 3 Monthly Demand 4S & SE Service Lines

2.2 4S Ranch Water Reclamation Facility

Treated recycled water from the WRF flows through the ultraviolet (UV) Effluent flow meter and into the Forebay prior to entering the distribution pump stations. Water in the Forebay is pumped to distribution into the Santa Fe Valley Reservoir through the Forebay meter or sent to



the Reclaim Pump Station to enter the Thelma Miller Reservoir. The Forebay is a wet well with an overflow structure that conveys flow to the Pond. Any flow that does not go out to distribution through the two pump stations is sent to the Pond for storage.

Water in the Pond is used to supplement the recycled water demand of the two main distribution flow meters when demand surpasses the plant effluent. Flow from the Pond back to the Forebay is captured by the Pond flow meter. The configuration of flow meters throughout the WRF are presented in Figure 4.

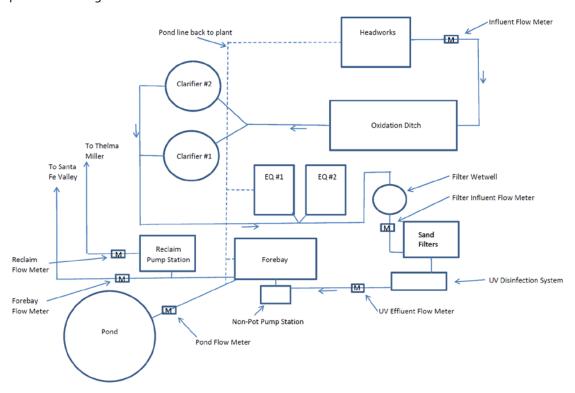


Figure 4 4S Ranch Water Reclamation Facility Diagram

The flow from the two distribution pump stations fluctuates throughout the year as depicted in Figure 5. The operational strategy for the WRF is to fill the Pond during the fall and winter months when demand is low and supplement the plant production with Pond flow in the spring and summer when demands rise. This operational strategy has historically allowed the WRF to safely operate at a consistent production rate of 0.9-1.1 mgd during the past decade.

Figure 5 also demonstrates that inflow and infiltration (I&I) is not a significant issue within the sewershed of the WRF. As shown in the figure, peak plant flows during wet weather periods (e.g. January through March) are not significantly greater than flows that occur during dry weather months.

The recent production level of the WRF has not decreased in a similar fashion to the demands in the service area. This presents a very unique situation where demands have decreased due to conservation strategies implemented throughout the region and the state to address drought concerns. The majority of operating wastewater treatment plants in the San Diego County have experienced decreasing influent flows while concentrations have remained steady or increased. This indicates that the same, or more, amount of waste is entering the system, but it is carried by



less water. Obvious results of conservation. This is not the case at the WRF, where flows have remained steady. This offset between the average demand and production places additional strain on the storage facilities available to the WRF.

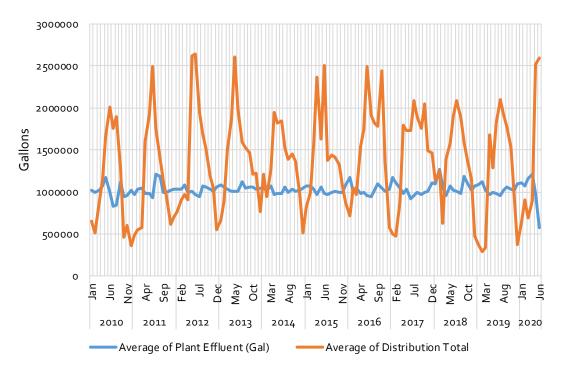


Figure 5 Monthly Plant Distribution vs Effluent

The primary storage facility for the WRF is the Pond which has a capacity of 410 AF or 133,600,000 gallons at water elevation of 63.8 feet (ft). OMWD staff monitor the level in the Pond using a level sensor and volume conversion chart. Figure 6 illustrates how the Pond level generally rises to a peak in the spring when demands are low and falls during the summer months. The figure is missing data from when the pond level sensor was out of service during 2017.

Review of the Pond level data indicates that the lower demand resulting from a wet 2019 led to the Pond nearing capacity in the spring and prevented the Pond from fully draining at the end of the summer. OMWD historically operates the Pond to empty completely during the month of September, but in 2019 the water level never dropped below 32 ft. The inability to drain the Pond due to reduced demand in the fall of 2019 was the first indication that OMWD might not have adequate recycled water storage capacity if extreme hydrologic conditions like those that occurred during the 2019-2020 wet season. OMWD staff contacted the RWQCB at this point to make the RWQCB aware of the situation and to discuss options.

Above-average precipitation at the start of the year in 2020 created lower demand conditions that complicated efforts from OMWD staff to lower the operating level in the Pond. Because of an overall low potential for I&I within the WRF collection system, wastewater flow into the WRF remained relatively stable during early 2020. During this time, however, WRF inflows continued to exceed the limited recycled water demands, resulting in the Pond overflow event from February 23 through April 22.



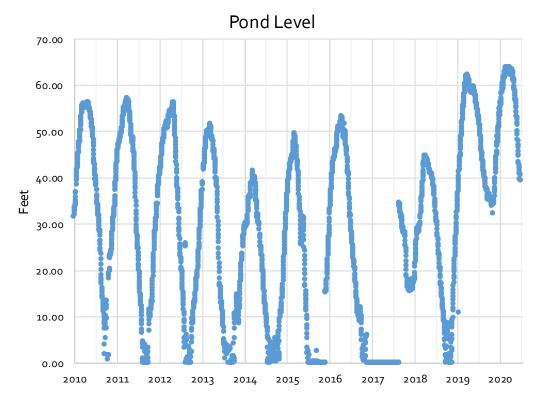


Figure 6 4S Ranch Pond Level

Review of the 4S Ranch water quality data indicates that the plant has been able to achieve low concentrations of total suspended solids (TSS) and 5-day biochemical oxygen demand test (BOD $_5$) over the last ten years — concentrations that are only a fraction of the TSS and biochemical oxygen demand (BOD) effluent concentration limits established within Order No. R9-2003-0007. The average influent and effluent TSS and BOD $_5$ of the WRF are presented in Table 2. The influent water quality at the WRF has not seen the same flow reduction and loading increase that other treatment facilities in the region are experiencing due to water conservation efforts.

Table 2 4S Ranch WRF Water Quality

Year	Average Influent BOD₅ (mg/L)	Average Effluent BOD₅ (mg/L)	Average Influent TSS (mg/L)	Average Effluent TSS (mg/L)
2010	234.67	3.39	292.04	3.28
2011	263.67	2.47	364.42	1.49
2012	250.19	2.83	399.96	1.61
2013	207.56	2.28	283.20	1.12
2014	168.00	2.28	229.46	1.21
2015	176.46	2.21	215.71	1.19
2016	175.67	2.14	208.48	1.18
2017	248.04	2.07	330.65	1.16
2018	241.78	2.08	360.14	1.11
2019	245.68	2.10	338.92	1.17
2020	228.35	2.00	276.29	1.00
Total Average	221.58	2.37	300.36	1.44
Abbreviation: mg/L - m	illigrams per liter.			

2.3 Water Purchase Agreements

In addition to the recycled water produced by the WRF, OMWD has two purchase agreements in place to provide water to the Southeast Quadrant Service Area. The WRF is unable to meet all the demands of the region and purchased water accounts for approximately thirty percent of the total recycled water supply in the service area.

2.3.1 City of San Diego

The City of San Diego owns and operates the North City Water Reclamation Plant which has a capacity to produce approximately 30 mgd and has agreed to sell a portion of that flow to OMWD. OMWD entered into a twenty-year agreement in 2004 with the City of San Diego to purchase 8,000 AF (2,615 MG) of recycled water over the life of the contract. The purchase agreement has provisions to decrease the annual allotment from 500 AFY down to 300 AFY over the duration of the contract. A breakdown of the agreed purchase quantities is presented in Table 3.

Table 3 City of 9	San Diego Schedule of	Recycled Water Delivery
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Calendar Range	Annual Contract Amount (MG)	Annual Contract Amount (AF)
2005-2009	163	500
2010-2019	131	400
2020-2024	98	300
Total Capacity Reservation	2,615	8,000

The agreement with the city of San Diego sets forth that the quantity of recycled water to be purchased by OMWD shall not be reduced, unless mutually agreed to in writing between both parties. In the event that demand outperformed production levels of the district, additional water would be provided by the city of San Diego through this purchase agreement. Additionally, OMWD does have the option to carry forward unused supply from the prior calendar year with a written carry forward request to the city if filed prior to December 1. OMWD and the City of San Diego have a letter agreement to extend the contract beyond 2024 an additional twenty years.

2.3.2 Rancho Santa Fe Community Services District

The Rancho Santa Fe Community Services District owns and operates the Santa Fe Valley Wastewater Reclamation Facility (SFV WRF) which has a capacity to produce approximately 0.5 MG of recycled water per day. OMWD entered into an indefinite agreement in 2004 to purchase up to an average of 500,000 gallons per day or 560 AFY of recycled water. The actual SV WRF production level from 2012-2020 averages 170.12 AFY. The total amount sold each year is defined on a yearly basis as agreed to by both parties.

OMWD have a metered location at the inlet to the 3 MG Recycled Water Tank from the SFV WRF. The agreement requires that OMWD operate the recycled water system in Santa Fe Valley in a manner that ensures available capacity in the 3 MG Recycled Water Tank for the daily average production from the SFV WRF. The SFV WRF is land locked with no outfall and OMWD is the sole purchaser of the recycled water produced there.



2.4 Supply vs Demand

OMWD provided purchased water totals from 2010 through 2020 along with plant effluent which as presented in Figure 7. The figure depicts a difference between the total recycled water supply and demand (4S and SE) of approximately 400 AF through the first half of 2020. This difference is the approximate total capacity of the Pond. The elevated Pond level at the end of 2019 meant that the full Pond capacity was not available to offset the supplied water quantity unless demands increased.

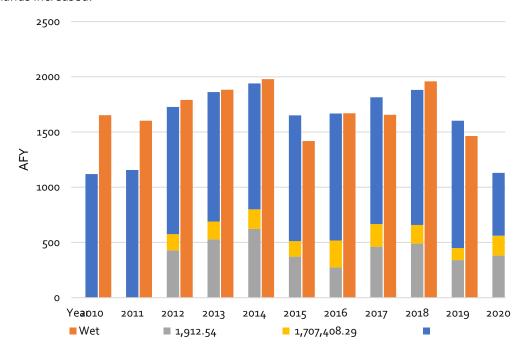


Figure 7 Yearly Supply Sources vs Demand

Two years of increased rain in 2019 and 2020, in conjunction with OMWD and customer efforts to emphasize water conservation on the recycled water side with no visible reduction in wastewater flows, have led to a reduced demand that resulted in the 2020 Pond overflow. The Pond level at the end of 2019 did not have an opportunity to recover due to a prolonged rainy season from October 2019 through March 2020. The reduction in demand over this time period resulted in the Pond overflow from February 23 through April 22, 2020.

2.5 Overflow Details

The unexpected drop in recycled water demand led to an overflow event at the Pond. The Pond overflow resulted in unauthorized discharge of tertiary treated wastewater (Recycled Water) into the MS4 system, which discharges to a tributary of the San Dieguito River. The total volume of recycled water discharged from the Pond to the MS4 was 43,083,469 gallons as documented in OMWD correspondence with RWQCB presented in Appendix 1A.

OMWD staff began gathering baseline water quality samples on February 2, 2020 and continued collecting through April 29, 2020 after the overflow event concluded. The water quality sample results indicate that total nitrogen and TKN levels increased during the overflow event, but the total Coliform contribution from the recycled water did not exceed board limits. OMWD staff collected photographs of the sample collection which are presented in Figure 8 and Figure 9.





Figure 8 PHOTO - Creek Sample #1 February 24, 2020



Figure 9 PHOTO - Creek Sample #1 April 01, 2020



There were no observable effects of biological growth in the creek area as a result of the recycled water spill. There was no evidence of harmful algal blooms or vegetation sprouting up in the area of the discharge. The wet weather experienced during the overflow period resulted in a higher water level within the creek that deposited additional vegetative debris in the area. The consistent rain events that occurred during this period increased the water flow in the creek carrying most of the nutrients out to the ocean. OMWD staff reported that the deluge of rainfall experienced on April 10, 2020 completely flushed out the creek.

2.6 Background Conclusions

The overflow condition experienced at the Pond in 2020 was caused by an unexpected imbalance between the demand and production of the system. The key to solving this issue in the future is to ensure that average annual demands are at least equal to average annual production. A summarized list of the findings of this section are presented below:

- Increased water conservation measures have not reduced flows to the 4S Ranch WRF to the same degree as has occurred at other regional facilities.
- Heavy rain and reduced demand in 2019 (approximately 25% lower demand than 2018) made it impossible to fully drain the Pond before 2019/2020 rainy season.
- An even more significant drop in demand in 2020 (approximately 50% lower demand than 2019) coupled with heavy rain increased Pond levels, ultimately resulting in the Pond overflow.
- RWQCB seasonal storage requirements are based on long-term average annual recycled water demand being equal to long-term average annual recycled water production.
- Ensuring that long-term recycled water demands are equal to or greater than long-term average recycled water production is essential.
- No amount of seasonal storage can solve the problem if long-term recycled water production exceeds long-term recycled water demand.

To reverse these recent trends OMWD is investigating alternatives and solutions that can increase demand to at least match the average annual production levels. The next section of this report will focus on solutions that can best protect OMWD from encountering this issue again.

Section 3

ALTERNATIVE ANALYSIS

This section summarizes the approach for identifying potential mitigation measures OMWD can implement to prevent a Pond overflow event in the future. The primary goal of these alternatives is to ensure that recycled water demands are commensurate with recycled water production. The alternatives investigated for this report primarily revolve around increasing the recycled water demand within the service area, but for completeness other potential alternatives have been assessed including increasing the storage available in the recycled water system, and investigation of an alternate discharge location.



3.1 Increase Recycled Water Demand

The primary avenue to manage the operating level of the Pond is to manage the demand flows required by the distribution system to match the production level. A primary challenge for the WRF is increasing distribution demands during wet years while still having the flexibility to deliver the demands required in dry years.

3.1.1 Customer Outreach and Education

One method to increase Recycled water demands during wet years is through public outreach and education. OMWD have a well-established education program geared towards reducing water use across the service area through exhibits at headquarters, pamphlets and on-line videos. Water conservation initiatives have swept across southern California to decrease the use of potable water over recent years and as a result recycled water use has trended downwards (as shown in Figure 3). Public outreach and education programs help customers distinguish between recycled water use that results from wastewater collections flow and potable water use. OMWD will increase public outreach and education efforts to encourage key customers to continue recycled water use throughout the year. One example may be to encourage users to begin irrigating three days after a rain event rather than waiting a week.

3.1.2 Recycled Water Use Incentives

Introducing incentives for customers to increase their usage during wet years will mitigate storage requirements for the WRF. The future rate configuration at OMWD was recently restructured and difficult to change in the near term. Potential incentives could be provided for year-round user storage facilities, for agreeing to take water during wet weather events, or year-to-year increased use. One promising option may be a wet weather incentive where OMWD provide a one-for-one credit to users agreeing to take additional water during wet weather. The credit could then provide an equal amount of water during high-demand periods. Any incentive program will require approval of the Board of Directors and must be structured to avoid any implications of a grant of public funds to individuals. The OMWD General Manager has committed to study a potential wet weather incentive program in late 2020 for consideration by the Board of Directors in early 2021.

3.1.3 Demand Management

Recycled water demand management is a common practice that is utilized to offset peaks within a distribution system as well as minimize discharge during non-peak hours or seasons. Common strategies that are implemented to assist with demand management include outreach and monitoring of large recycled water users (i.e. golf courses, agricultural customers, parks, etc.), installing advanced metering infrastructure (AMI) that would provide incremental usage data to refine customer diurnal patterns for both maximum (summer months) and minimum demand conditions (winter months). The approach to demand management is dependent on the size and complexity of the customer base and distribution system, customer usage patterns, and seasonal flow balance which can be determined as part of a recycled water master plan.



As an initial step, reviewing the historical demand and discharge flow data would be performed. This would assist in quantifying and understanding the system-wide usage patterns. A flow balance would be calculated to quantify excess flow discharged into the Pond under maximum and minimum demand conditions. A list of the high usage recycled water customers would be identified. If daily and hourly data is not available, customer outreach may be conducted to gain a better understanding of the watering or usage schedule (daily, weekly, and seasonal basis), which will assist in developing customer specific diurnal patterns for large users that strongly impact system operation. In addition, opportunities to stagger the watering or usage schedule can be identified. This will assist in minimizing peaks within the distribution system that create low pressure issues and identify opportunities to equalize discharged flow, thus minimizing overflow risks during non-peak times. In addition, opportunities to connect new customers may be identified that would maximize the usage of recycled water. If possible, potential customers with consistent usage trends (i.e. industrial users) would be targeted.

To further refine data and to gain a more thorough understanding of the usage patterns for all customers, AMI meters may be installed. AMI meters provide incremental usage data that can be tracked and used to refine customer specific diurnal patterns, thus improving system operation. In addition, the data can be allocated in a hydraulic model where scenarios can be performed under both maximum and minimum demand conditions to adjust operational controls and identify potential improvement projects that may be needed. Overall, the AMI data provides a more comprehensive data set that can be used to improve system operation and properly size infrastructure that may be required. The hydraulic model can also be used to optimize system operation and equalize flow discharged. OMWD should utilize the upcoming Recycled Water Master Plan to study available demand management strategies that can assist with Pond level management.

3.1.4 Future Connections

The final alternative investigated for increasing recycled water demand was adding additional users. Increasing the total number of users helps throughout the calendar year. In the winter additional users provide more opportunity for use during the lower demand period. OMWD completed a recycled water master plan in 2015 which identified future connections. The master plan identified four opportunities to expand the recycled system. Of those four opportunities, Village Park and Wanket tank are associated with the Northwest Quadrant of the OMWD service area and the Bridges Golf Course has been allocated to the North San Diego Water Reuse Coalition. The remaining opportunity includes additional customers along the Extension 153 recycled water distribution pipeline that follows San Dieguito Road and serves customers in the Fairbanks Ranch and San Dieguito Valley areas.

The master plan included the specific locations of potential customers which is shown in Table 4. The table indicates that four of the connections have already been connected at the time of this report and an additional 95.9 AFY is still available. This additional demand could account for the approximately 80 AF that overflowed in 2020. The distribution of use over the calendar year.



Table 4 **Extension 153 Connections**

Customer	Demand (AFY)	Cost	Connected as of August 2020	
Del Mar Country Club	7.2		Yes	
Fairbanks Montecito	14.7	\$40,000		
Rancho Santa Fe Farms	26.7	\$30,000	Yes	
Del Rayo Estates	11.0	\$20,000		
Del Rayo Downs Pool	22.0	\$30,000	Yes	
Rancho Paseana ⁽¹⁾	100			
Fairbanks Ranch Association	0.5			
Fairbanks Ranch Country Club	36.9		Yes	
Senterra HOA	16.9	\$150,000		
Fairbanks Stratford	44.0	\$150,000		
Total	279.9		187.1 Remaining	

As of August 2020, OMWD have prepared an internal shortlist of potential users that has not been published. The shortlist has been provided for this investigation in Table 5. At the time of this report the estimated future usage of these connections is 49.75 AFY.

Table 5 OMWD Potential User Shortlist

Location Name	Owner	Status	Estimated Future Usage (AFY)
Bernardo Point HOA	Bernardo Point HOA	In Process	2
Santa Fe Heights	Santa Fe Heights HOA	In Process	1
The Lakes Above Rancho Santa Fe, Unit 3	The Lakes Above Rancho Santa Fe HOA	In Process	10
The Lakes Above Rancho Santa Fe, Unit 4	The Lakes Above Rancho Santa Fe HOA	In Process	15
Welington	The Lakes Above Rancho Santa Fe HOA	In Process	1
El Pollo Loco - Dove Canyon Road, 4S Ranch	El Pollo Loco - Dove Canyon Road, 4S Ranch	Planned	0.25
Horizon Prep	Horizon Prep	Potential	20
Salviati HOA	Salviati HOA	Potential	0.5
		Total	49.75

The total future demand from the remaining Extension 153 connections and the potential user shortlist is 145.65 AFY or 47,250,000 gallons per year. These additional connections will provide an increased demand throughout the year and provide a means for preventing a future Pond overflow condition.



⁽¹⁾ Recent discussions with Rancho Paseana have indicated that the expected demand is 100 AFY in lieu of 8.8 AFY indicated in the 2015 master plan.

Beyond short term demand increase OMWD staff identified projects and schedules in the 2015 master plan for future implementation which are presented in Table 6. Each project was assigned a classification Statusthe Water Authority uses for water supply planning purposes:

- Verifiable California Environmental Quality Act (CEQA) satisfied permits in hand, or contracts have been executed.
- Additional Planned Actively pursuing but not yet at the verifiable level.
- Concept projects in the pre-planning and pre-feasibility analysis phase.

Table 6 Master Plan Future Connections

Customer	Demand (AFY)	Status	Timing Per Master Plan
Ext. 153 Phase I	189	Concept	2025
Ext. 153 Phase II	300	Concept	2030
Bridges Golf Course	400	Concept	2025
Rancho Cielo	100	Concept	2030

3.2 Additional Storage

Creating additional storage in the recycled water system can address the discrepancy between wastewater collections flow and recycled water demand during wet years. The spill event in 2020 resulted in approximately 60 days of 300 gpm discharging into the MS4 system. 25.9 MG of additional storage would need to be added to the recycled system to account for a similar discharge level in the future.

3.2.1 Increase Usable Pond Storage

The current configuration of the Recycled Water Storage Pond is a lined reservoir with sloped sides. Increasing the volume of the Pond would require major earthwork to redefine the sloped sides or excavate the bottom of the Pond. Any project to modify the Pond would need to be completed in approximately 3 months during the fall. The Pond volume is critical to operation of the WRF in the winter when demands are low and during the summer to supplement plant production. Three months is not a long enough duration as would be required for a major rework of the Pond.

An additional option would be to increase the height of the Pond walls. Structural walls could be installed around the perimeter of the Pond to increase the vertical height and minimize earthwork required to increase the usable volume. Table 7 illustrates the Pond height needed for additional days of storage to offset a flow rate of 300 gpm.

Table 7 Pond Storage Volume Increase

Days of Storage	Reservoir Volume (Million gal)	Storage Volume (AF)	Increased Pond Height (ft)
7	4.9	15	1.7
21	14.7	45.1	5
30	21	64.5	7.2
60	43	131.9	14.7



The Recycled Water Storage Pond is classified as a dam by the California Department of Water Resources, Division of Safety of Dams. Any modification to the Pond will require a lengthy review and approval process by the Division of Safety and Dams and does not provide a near term solution to the overflow issue. The lengthy approval and design process to modifying the storage available in the Pond will not provide an immediate operational benefit and could take years to implement. It should also be noted that increasing storage volume does not address the underlying issue that resulted in the overflow. It may be more beneficial to address the core issue of lower demand and increase demand to match production.

3.2.2 New Storage Tanks

One alternative to increasing the usable volume at the Pond is to build an additional recycled water storage tank. Table 8 provides a rough order of magnitude cost associated with the storage volumes that would be required to provide relief on the recycled water system. The costs presented in the table do not include land acquisition or pipeline work that would be associated in the built out residential area around the treatment facility.

Storage Volume (MG)	Cost (\$/MG)	Reservoir Cost (\$M)
3.0	\$2.25	\$6.75
9.0	\$1.75	\$15.75
13.0	\$1.75	\$22.75
26.0	\$1.75	\$45.5
43.0	\$1.75	\$75.25
Abbreviation: M - million.		

Adding additional storage to the recycled water system represents a substantial capital cost for a minimal benefit to operational flexibility. A new 43 MG storage tank would provide 60 days of storage for the average overflow rate of 486 gpm, but the additional capacity would only be utilized in an emergency situation like 2020. If OMWD manages the level in the Pond appropriately the additional volume would provide little to no operational benefit. Managing Pond level requires striking a balance between the average annual demand and average annual production level.

3.3 Discharge Options

The WRF does not currently have a permit for discharge. The WRF is currently configured to overflow recycled water in an emergency through a controlled inlet that connects to the MS4 which discharges to a tributary of the San Dieguito River. Discharge from the Pond to the MS4 and the waters of the United States are not permitted except in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. Any such NPDES permit would likely establish nutrient concentration limits that implement nutrient and biostimulation objectives established within the RWQCB Water Quality Control Plan for the San Diego Basin (Basin Plan). To implement Basin Plan nitrogen and phosphorus objectives, it is probable that the WRF would need to achieve an effluent total phosphorus concentration of 0.1 mg/L and an effluent total nitrogen concentration of 1 mg/L.



3.3.1 Plant Improvements

Modifying the WRF for nutrient removal would involve significant cost. Further, the existing site has limited space for new process basins and treatment buildings. In addition to significant capital costs for nutrient removal, power and chemical costs would increase the operations costs on an annual basis regardless of the rainfall. The WRF is equipped for full denitrification but it may not prove possible to achieve a discharge limit of 1 mg/L of total nitrogen even if significant treatment upgrades are implemented.

Section 4

CONCLUSIONS AND RECOMMENDATIONS

The evaluation shows that OMWD has effectively managed the Pond levels without issue prior to the 2020 incident. Working to match demand to expected production is the most effective way for OMWD to continue to manage Pond levels and avoid a future incident. Increasing demand through increased connections, demand management strategies, and outreach and education represents the most feasible solution. So long as the demand matches the production level of the different sources for recycled water supply there will not be any issues with storage capacity. A full list of the recommended actions is presented below:

- Increase Outreach & Education related to recycled water use during wet weather months. Existing programs and customer relationships should allow this action to be easily implemented.
- Investigate a Wet Weather Incentive Program to increase demand among existing customers. This could be a year-round incentive, or an incentive triggered when the Pond level surpasses an established benchmark.
- Increasing connections to improve demand throughout the year is the next easiest correction measure to implement:
 - OMWD to complete the Recycled Water Master plan that is scheduled in their
 5-year Capital Improvements Program to further confirm the potential new customers and associated demand within the 4S and Southeast service areas.
- Investigate the applicability of demand management strategies as part of the RW
 Master Plan and analyze the benefits different water management strategies could have
 for both daily and seasonal demand.
- To the extent possible, empty the Pond every year prior to the beginning of the wet season (October/November) timeframe. This provides sufficient storage in the event of significant drop in demand coupled with normal precipitation through the winter.
- Implementing these actions will allow OMWD to better manage the Pond levels and avoid a future release. The primary goal of each of these recommended actions, is to provide additional tools to safeguard that annual production requirements are equally matched by annual customer demands.

Implementing measures to restore 4S Ranch WRF demands to be at least as high as production will (1) allow the pond to be drained at the end of each dry season, regardless of whether the year is a "wet" year or "dry" year, and (2) make full use of the storage capacity of the pond which conforms with RWQCB seasonal storage capacity requirements.



Appendix 1A OMWD OVERFLOW MEMO



Board of Directors

Edmund K. Sprague, President Robert F. Topolovac, Vice President Lawrence A. Watt, Treasurer Robert M. Kephart, Secretary Christy Guerin, Director



General Manager Kimberly A. Thorner, Esq. General Counsel Alfred Smith, Esa.

March 30, 2020

California Regional Water Quality Control Board - San Diego 9174 Sky Park Court, Suite 100 San Diego, CA 92123-4340

Subject: 4S Ranch WRF Wet Weather Storage Reservoir capacity

exceeded

Dear California Regional Water Quality Control Board - San Diego:

This memo is in response to the Olivenhain Municipal Water District's (OMWD) 4S Ranch WRF Wet Weather Storage Reservoir (Reservoir) exceeding capacity. We have briefed and discussed this potential scenario with the Regional Board over the past few years and, despite our best efforts, the reservoir overflowed its capacity beginning on Sunday, February 23, 2020. The Reservoir continues to discharge into the storm drain system however the discharges have been intermittent at times and for a few of days water was taken out of the reservoir (this occurred in March 2020). As you are aware per OMWD's Master Discharge Permit, the 4S WRF Reservoir has an 84 day effluent capacity (410 acre feet) which is based on a plant production rate of 1.6 million gallons per day (MGD). OMWD has adhered to this regulatory requirement, the average daily effluent flows at the plant have been 1.05 MGD which greatly extends the 84 days of storage.

In anticipation of the overflow and based on Regional Board direction last year, OMWD operators began gathering baseline sampling of the Reservoir and the Creek area where the storm drain discharges. The first samples were collected on February 2, 2020 and have continued on a weekly basis.

See attached flow chart and laboratory documentation (Table 1 & Table 2) for all associated information with this situation.

OMWD has worked diligently to prevent the overflow condition. This includes connecting additional recycled water irrigation users to our distribution system, storing recycled water at the 4S Ranch WRF and contacting larger irrigation users to take additional water. Contributing factors to this situation include last year's winter rain pattern that filled the reservoir to capacity as recycled water users stopped irrigating, late spring (May 2019) rain events that suppressed irrigation use, the reservoir only





being drained 67% during the summer and fall 2019 and another early and late winter rain pattern that had irrigation users cease to use recycled water. Since the reservoir has not come close to exceeding its capacity prior to three years ago changing weather patterns associated with climate change may be a strong contributing factor as well. Additional influences include some recycled water users replacing grass with artificial turf plus the additional rain water captured in the reservoir storage basin.

OMWD will continue to focus our efforts on resolving this issue quickly. We appreciate the previous dialogue and collaborative relationship that has been established between the Regional and OMWD and look forward to its continuation.

If you have any further questions, please do not hesitate to contact me. I can be reached at 858.451.7837, ext. 504.

Thank you for time and attention to this matter.

Sincerely,

Gabriel Hernandez Chief Plant Operator

4S Water Reclamation Facility

Olivenhain Municipal Water District

Attachments: Table 1 (Flow Data) & Table 2 (Sample Data)

Table 1:

Date <u>j</u>		otal Rant JW Ethi	Total Plant In Ethica Pond	entsent (PO) Row returned to 1 Row returned to 1 Row returned to 1 Row returned to 1	in the Politic
2/23/20	1,046,850	509,110	0	537,740	
2/24/20	1,051,943	289,526	0	762,417	
2/25/20	1,073,252	377,591	0	695,661	
2/26/20	1,018,678	769,545	0	249,133	
2/27/20	1,069,478	1,077,566	0	0	
2/28/20	991,394	1,166,277	0	0	
2/29/20	968,032	1,153,796	0	0	
		Monthly			
SUM	7,219,627	5,343,411	0	2,244,951	
Average	1,031,375	763,344	0	320,707	
Max	1,073,252	1,166,277	0	762,417	
Min	968,032	289,526	0	0	

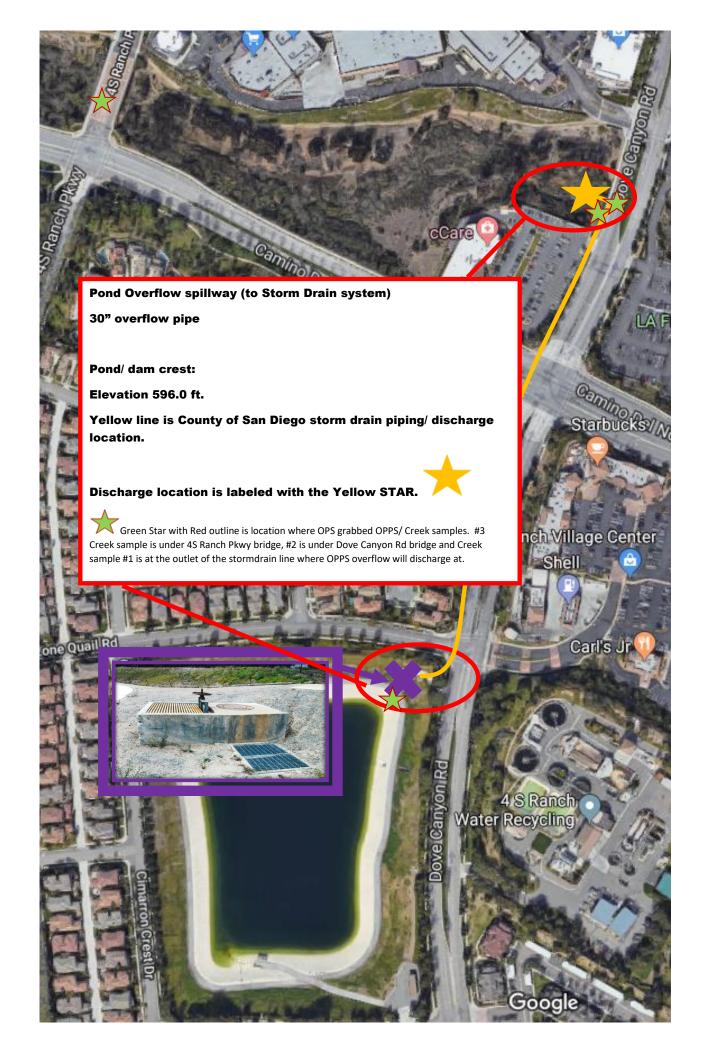


Table 2:

					OP	PS					
Date	Ammonia as N	Nitrate/Nitrite as N	TKN	Total Nitrogen	TDS	TSS	VSS	Total Coliform	DO	CL2 Residual	PH
2/3/2020	< 0.10	5.10	1.6	6.7	693	7.2	6.1	110			
2/12/2020	< 0.10	4.06	1.4	5.5	690	6.6	6.2	4	NA	NA	NA
2/18/2020	< 0.10	4.35	1.3	5.7	701	7.1	6.4	110	NA	NA	NA
2/24/2020	< 0.10	3.52	1.1	4.6	707	4.2	< 1.0	1600	NA	NA	NA
2/27/2020	< 0.10	3.63	1.4	5	718	6.6	4.6	300	14.8	0.06	9.03
SUM	0	20.66	6.8	27.5	3509	31.7	23.3	2124	14.8	0.06	9.03
Average	0	4.132	1.36	5.5	701.8	6.34	4.66	424.8	3.7	0.015	2.2575
Max	0	5.1	1.6	6.7	718	7.2	6.4	1600	14.8	0.06	9.03
Min	0	3.52	1.1	4.6	690	4.2	4.6	4	14.8	0.06	9.03

		1			Creek Sa	mple #1					
Date	Ammonia as N	Nitrate/Nitrite as N	TKN	Total Nitrogen	TDS	TSS	VSS	Total Coliform	00	CL2 Residual	Н
02/0320	< 0.10	2.27	0.5	2.8	1750	2.2	1.1	1600			
2/12/2020	< 0.10	2.24	0.05	2.7	1710	9.6	3.6	900	NA	NA	NA
2/18/2020	< 0.10	2.36	< .5	2.8	2120	1.7	1.7	1600	NA	NA	NA
2/24/2020	< 0.10	3.12	0.07	3.8	1160	< 1.0	< 1.0	1600	NA	NA	NA
2/27/2020	< 0.10	3.73	1.4	5.1	720	5.3	3.7	1600	9.6	< .05	8.85
SUM	0	13.72	2.02	17.2	7460	18.8	10.1	7300	9.6	0	8.85
Average	0	2.744	0.404	3.44	1492	3.76	2.02	1460	2.4	0	2.2125
Max	0	3.73	1.4	5.1	2120	9.6	3.7	1600	9.6	0	8.85
Min	0	2.24	0.05	2.7	720	1.7	1.1	900	9.6	0	8.85

Table 2:

ANT TO				C	reek Sai	nple #2					
Date	Ammonia as N	Nitrate/Nitrite as N	TKN	Total Nitrogen	TDS	TSS	VSS	Total Coliform	DO	CL2 Residual	PH
2/3/2020	< 0.10	< .50	0.5	0.5	1730	1.7	< 1.0	900			
2/12/2020	< 0.10	0.06	< .5	<.5	1080	< 1.0	< 1.0	900	NA	NA	NA
2/18/2020	< 0.10	0.07	< .5	< .5	1520	< 1.0	< 1.0	900	NA	NA	NA
2/12/2020	< 0.10	0.14	< .5	<.5	1040	1.5	< 1.0	1600	NA	NA	NA
2/27/2020	< 0.10	2.66	1.1	3.8	878	4.2	3	900	9.14	< .05	8.38
SUM	0	2.93	1.6	4.3	6248	7.4	3	5200	9.14	0	8.38
Average	0	0.586	0.32	0.86	1249.6	1.48	0.6	1040	2.285	0	2.095
Max	0	2.66	1.1	3.8	1730	4.2	3	1600	9.14	0	8.38
Min	0	0.06	0.5	0.5	878	1.5	3	900	9.14	0	8.38

Special Control	4 24 1			(Creek Sa	mple #3	3		18/74		
Date	Ammonia as N	Nitrate/Nitrite as N	TKN	Total Nitrogen	TDS	TSS	VSS	Total Coliform	DO	CL2 Residual	РН
2/3/2020	< 0.10	0.25	< .5	0.8	1710	14.2	3.5	500		PLATE STORY	Harry Tra
2/12/2020	< 0.10	0.07	<.5	< .5	1000	< 1.0	< 1.0	1600	NA	NA	NA
2/18/2020	< 0.10	0.07	< .5	< .5	1640	< 1.0	< 1.0	1600	NA	NA	NA
2/24/2020	< 0.10	0.10	< .5	< .5	1040	2.4	1.8	1600	NA	NA	NA
2/27/2020	< 0.10	2.87	1	3.9	840	2.2	1.8	1600	8.7	< .05	8.14
SUM	0	3.36	1	4.7	6230	18.8	7.1	6900	8.7	0	8.14
Average	0	0.672	0.2	0.94	1246	3.76	1.42	1380	2.175	0	2.035
Max	0	2.87	1	3.9	1710	14.2	3.5	1600	8.7	0	8.14
Min	0	0.07	1	0.8	840	2.2	1.8	500	8.7	0	8.14

Board of Directors

Edmund K. Sprague, President Robert F. Topolovac, Vice President Lawrence A. Watt, Treasurer Robert M. Kephart, Secretary Christy Guerin, Director



General Manager Kimberly A. Thorner, Esq. **General Counsel** Alfred Smith, Esa.

April 29, 2020

California Regional Water Quality Control Board - San Diego 9174 Sky Park Court, Suite 100 San Diego, CA 92123-4340

4S Ranch WRF Wet Weather Storage Reservoir capacity Subject: exceeded (continued follow-up MEMO & data)

Dear California Regional Water Quality Control Board - San Diego:

This memo is in follow-up to the previous memo (that was sent March 30, 2020) regarding the Olivenhain Municipal Water District's (OMWD) 4S Ranch WRF Wet Weather Storage Reservoir (Reservoir) exceeding capacity.

See attached March 2020 flow chart and laboratory documentation (Table 1 & Table 2) for all associated information with this situation.

The overflow discharge from the storage pond was terminated as of April 26, 2020. OMWD continues our efforts to understand why the storage pond capacity was exceeded despite 4S Ranch WRF flow rates that are significantly below permitted capacity. To this end, OMWD is in the process of retaining outside technical assistance to study the issue and assist OMWD in developing an action plan to prevent future recurrence of the overflow. We appreciate the previous dialogue and collaborative relationship that has been established between the Regional Water Board and OMWD and look forward to its continuation as we develop and implement a plan to resolve this issue.





If you have any further questions, please do not hesitate to contact me. I can be reached at 858.451.7837, ext. 504.

Thank you for time and attention to this matter.

Sincerely,

Gabriel Hernandez Chief Plant Operator 4S Water Reclamation Facility Olivenhain Municipal Water District

Attachments: Table 1 (Flow Data) & Table 2 (Sample Data)

Table 1:

		Total Plant July Ethi	0	the sent to grill land the sent to grill land to grill lan
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		al Plat	Plations	Flow Dis
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Data		/	disti stall	OPIL
Date				
3/1/20		537,609	Real Control of the C	000,75
3/2/20		1,296,563		
3/3/20				
3/4/20				
3/5/20	AND RESIDENCE OF THE PARTY OF T	1,241,699	0	C
3/6/20		1,262,984	0	0
3/7/20		1,305,548	0	0
3/8/20		1,000,245	0	0
3/9/20		512,118	0	706,213
3/10/20		818,733	0	328,062
3/11/20		134,152	0	1,024,516
3/12/20	1,338,464	309,499	0	1,028,965
3/13/20	1,241,848	316,042	0	925,806
3/14/20	1,190,797	281,528	0	909,269
3/15/20	1,181,493	303,290	0	878,203
3/16/20	1,232,314	217,731	0	1,014,583
3/17/20	1,201,191	195,240	0	1,005,951
3/18/20	1,243,858	103,883	0	1,139,975
3/19/20	1,268,728	0	0	1,268,728
3/20/20	1,160,573	247,471	0	913,102
3/21/20	1,145,342	227,070	0	918,272
3/22/20	1,112,153	93,850	0	1,018,303
3/23/20	1,293,100	169,616	0	1,123,484
3/24/20	1,082,199	247,284	0	834,915
3/25/20	1,180,786	449,478	0	731,308
3/26/20	1,196,966	230,971	0	965,995
3/27/20	1,198,556	122,557	0	1,075,999
3/28/20	1,148,816	141,514	0	1,007,302
3/29/20	1,164,048	268,219	0	895,829
3/30/20	1,090,602	281,922	0	808,680
3/31/20	1,080,380	204,212	0	876,168
		Monthly		
SUM	36,066,225	14,845,422	316,124	22,219,493
Average	1,163,427	478,885	10,198	716,758
Max	1,338,464	1,447,495	233,100	1,268,728
Min	937,688	0	0	0
	.,			

Table 2:

					OPI	PS					
Date	Ammonia as N	Nitrate/Nitrite as N	TKN	Total Nitrogen	TDS	TSS	VSS	Total Coliform	OQ	CL2 Residual	Н
3/2/2020	<0.10	3.40	1.2	4.6	655	6.0	4.4	900	11.0	<0.05	9.14
3/4/2020	<0.10	3.95	1.3	5.3	727	4.6	3.2	1700	12.6	<0.05	9.11
3/9/2020	<0.10	3.78	1.2	5	733	2.5	2.2	1700	8.1	<0.05	9.02
3/11/2020	<0.10	3.58	1.1	4.7	766	1.9	1.9	140	11.4	<0.05	9.06
3/16/2020	<0.10	3.42	1.2	4.6	636	2.0	2	300	10.1	<0.05	8.94
3/18/2020	0.2	3.26	1.2	4.5	679	1.8	1.8	300	9.5	<0.05	8.75
3/23/2020	0.23	3.36	1.2	4.6	695	12.9	6.9	300	9.1	<0.05	8.61
3/25/2020	0.27	3.40	1.4	4.8	694	2.4	2.1	50	8.7	<0.05	8.62
3/30/2020	0.26	3.56	1.3	4.9	639	1.4	1.3	70	12.2	<0.05	8.13
and the Sa					Monthly	Totals		先产工	National Contraction	1 - St. 1	
SUM	0.96	31.71	11.1	43	6224	35.5	25.8	5460	92.65	0	79.38
Average	0.11	3.52	1.23	4.78	691.56	3.94	2.87	606.67	10.29	0	8.82
Max	0.27	3.95	1.4	5.3	766	12.9	6.9	1700	12.6	0	9.14
Min	0.2	3.26	1.1	4.5	636	1.4	1.3	50	8.05	0	8.13

		Per to			Creek Sa	mple #1					
Date	Ammonia as N	Nitrate/Nitrite as N	TKN	Total Nitrogen	SOL	SSI	SSA	Total Coliform	oa	CL2 Residual	На
3/2/2020	<0.10	3.50	1.2	4.7	774	3.4	2.8	5000	8.29	<0.05	8.14
3/4/2020	<0.10	3.65	1.1	4.8	880	3.5	2.2	1700	9.61	<0.05	8
3/9/2020	<0.10	3.30	1.8	5.1	941	4.1	2.7	16000	7.25	<0.05	7.84
3/11/2020	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
3/16/2020	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
3/18/2020	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
3/23/2020	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
3/25/2020	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
3/30/2020	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
					Monthly	Totals					
SUM	0	10.45	4.1	14.6	2595	11	7.7	22700	25.15	0	23.98
Average	0.00	1.16	0.46	1.62	288.33	1.22	0.86	2522.22	2.79	0.00	2.66
Max	0	3.65	1.8	5.1	941	4.1	2.8	16000	9.61	0	8.14
Min	0	3.3	1.1	4.7	774	3.4	2.2	1700	7.25	0	7.84

^{**}NA reference samples that were skipped due to unsafe accessibility associated with rain events.

Table 2:

		· 李章	W L	C	Creek Sa	mple #2					
Date	Ammonia as N	Nitrate/Nitrite as N	TKN	Total Nitrogen	TDS	TSS	SSA	Total Coliform	00	CL2 Residual	РН
3/2/2020	<0.10	0.13	0.5	0.6	724	<1.0	<1.0	9000	8.49	< 0.05	7.42
3/4/2020	0.55	0.19	0.7	0.9	237	18	3.9	2400	9.53	2.1	8.12
3/9/2020	<0.10	0.50	0.6	1.1	1470	10.9	3.4	1100	5.74	0.11	7.48
3/11/2020	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
3/16/2020	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
3/18/2020	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
3/23/2020	NA	NA	NA NA	NA	NA	NA	NA	NA	NA	NA	NA
3/25/2020	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
3/30/2020	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
					Monthly	Totals					
SUM	0.55	0.82	1.8	2.6	2431	28.9	7.3	12500	23.76	2.21	23.02
Average	0.06	0.09	0.20	0.29	270.11	3.21	0.81	1388.89	2.64	0.25	2.56
Max	0.55	0.5	0.7	1.1	1470	18	3.9	9000	9.53	2.1	8.12
Min	0.55	0.13	0.5	0.6	237	10.9	3.4	1100	5.74	0.11	7.42

				(Creek Sa	mple #3	en is had				
Date	Ammonia as N	Nitrate/Nitrite as N	TKN	Total Nitrogen	TDS	TSS	VSS	Total Coliform	00	CL2 Residual	Hd
3/2/2020	<0.10	0.40	0.6	1	649	2.3	1	5000	7.04	< 0.05	7.45
3/4/2020	0.14	0.44	0.5	0.9	770	1.6	<1.0	1700	9.28	<0.05	7.57
3/9/2020	<0.10	0.23	0.6	0.8	1440	<1.0	<1.0	700	5.83	< 0.05	7.55
3/11/2020	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
3/16/2020	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
3/18/2020	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
3/23/2020	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
3/25/2020	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
3/30/2020	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
					Monthly	Totals				THE W	
SUM	0.14	1.07	1.7	2.7	2859	3.9	1	7400	22.15	0	22.57
Average	0.02	0.12	0.19	0.30	317.67	0.43	0.11	822.22	2.46	0.00	2.51
Max	0.14	0.44	0.6	1	1440	2.3	1	5000	9.28	0	7.57
Min	0.14	0.23	0.5	0.8	649	1.6	1	700	5.83	0	7.45

^{**}NA reference samples that were skipped due to unsafe accessibility associated with rain events.

Board of Directors

Edmund K. Sprague, President Robert F. Topolovac, Vice President Lawrence A. Watt, Treasurer Robert M. Kephart, Secretary Christy Guerin, Director



General Manager Kimberly A. Thorner, Esq. General Counsel Alfred Smith, Esq.

June 4, 2020

California Regional Water Quality Control Board - San Diego 9174 Sky Park Court, Suite 100 San Diego, CA 92123-4340

Subject: 4S Ranch WRF Wet Weather Storage Reservoir capacity

exceeded (continued follow-up MEMO & data)

Dear California Regional Water Quality Control Board - San Diego:

This memo is in follow-up to the previous memos (that were sent March 30, 2020 and April 29, 2020) regarding the Olivenhain Municipal Water District's (OMWD) 4S Ranch WRF Wet Weather Storage Reservoir (Reservoir) exceeding capacity. Discharge at this area completely halted beginning on April 22, 2020 (at approximately 2006 that evening).

See attached April 2020 flow chart and laboratory documentation (Table 1 & Table 2) for all associated information with this situation.

OMWD will continue to focus our efforts on resolving this issue in the future and as mentioned previously we will be sharing our plans to mitigate this from becoming a reoccurrence. We appreciate the previous dialogue and collaborative relationship that has been established between the Regional Water Quality Control Board and OMWD and look forward to its continuation. Again, please expect further dialogue with the District on these matters and solutions moving forward.

If you have any further questions, please do not hesitate to contact me. I can be reached at 858.451.7837, ext. 504.





Thank you again for time and attention to this matter.

Sincerely,

Gabriel Hernandez Chief Plant Operator 4S Water Reclamation Facility Olivenhain Municipal Water District

Attachments: Table 1 (Flow Data) & Table 2 (Sample Data)

Table 1:

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		INE	ant se pe	xs red :	on duo mila
		plant	ERIUE RW.	etur ribu	inate erilo
		atall	JV stem	flow Dist	of Setting One
		10 / 8/8	nt sy ond	ant of	3,50
Date		Total	ataly	SIR.	
		122.522	10		
4/1/20	THE PERSON NAMED IN COLUMN TWO	130,030	U	979,923	-∤
4/2/20		425,812		660,280	1
4/3/20				445,342	┥
4/4/20		565,202		543,569	
4/5/20		358,927		759,630	
4/6/20		643,880		546,130	4
4/7/20		349,218		964,998	4
4/9/20		305,954 166,540		1,013,953	
4/10/20		65,435		1,140,792 1,583,845	-
4/11/20		325,383		1,331,259	-
4/12/20		112,113	0	1,398,661	-
4/13/20		182,393	0	1,085,989	4
4/14/20		180,131	0	1,054,339	1
4/15/20		247,919	0	902,715	
4/16/20		258,203	0	924,798	1
4/17/20	1,195,846	686,650	0	509,196	4
4/18/20	1,128,381	543,489	0	584,892	
4/19/20	1,143,644	385,865	0	757,779	
4/20/20	1,167,995	572,535	0	595,460	
4/21/20		573,208	0	533,485	
4/22/20		797,636	0	301,990	
4/23/20		1,382,472	0	0	
4/24/20		1,280,090	0	0	
4/25/20		1,479,459	0	0	
4/26/20		1,656,323	0	0	
4/27/20 4/28/20		2,278,453	0	0	
4/29/20		2,193,083 1,478,054	0	0	
4/30/20		1,299,895	0	0	
1,30,20	2,000,714				
		Monthly			
SUM	36,169,666	21,620,176	0	18,619,025	
Average	1,205,656	720,673	0	620,634	
Max	1,656,642	2,278,453	0	1,583,845	
Min	1,064,054	65,435	0	0	
-					

Table 2:

					OP	PS					
Date	Ammonia as N (mg/l)	Nitrate/Nitrite as N (mg/I)	TKN (mg/l)	Total Nitrogen (mg/l)	TDS (mg/l)	TSS (mg/l)	VSS (mg/l)	Total Coliform (MPN/100 ml)	DO (mg/l)	CL2 Residual (mg/l)	PH (pH Units)
4/1/2020	0.46	3.56	1.1	4.7	707	2.7	2.5	30	9.24	<0.05	8.44
4/6/2020	0.24	3.48	1.2	4.7	687	1.5	1.5	23	8.73	<0.05	8.35
4/8/2020	0.29	3.26	1.6	4.9	677	9.6	4.2	5000	7.8	0.06	8.23
4/13/2020	0.41	3.53	1.4	4.9	670	<1	<1	22	9.21	<0.05	8.08
4/15/2020	0.39	3.54	1.4	4.9	654	1.2	1.1	23	8.34	<0.05	8.11
4/20/2020	0.36	3.48	1.5	5.0	678	1.9	1.9	130	9.41	<0.05	8.23
4/22/2020	0.34	3.48	1.0	4.5	744	1.8	1.7	30	8.62	<0.05	8.28
					Monthly	Totals					45 MARTIN
SUM	2.49	24.33	9.2	33.6	4817	18.7	12.9	5258	61.35	0.06	57.72
Average	0.36	3.48	1.31	4.80	688.14	2.67	1.84	751.14	8.76	0.01	8.25
Max	0.46	3.56	1.6	5.0	744	9.6	4.2	5000	9.41	0.06	8.44
Min	0.24	3.26	1.0	4.5	654	1.2	1.1	22	7.8	0.06	8.08

				C	reek Sai	mple #1					
Date	Ammonia as N (mg/l)	Nitrate/Nitrite as N (mg/l)	ТКN (mg/I)	Total Nitrogen (mg/l)	TDS (mg/l)	TSS (mg/l)	VSS (mg/l)	Total Coliform (MPN/100 ml)	DO (mg/l)	CL2 Residual (mg/l)	РН (pH Units)
4/1/2020	0.26	3.48	0.09	4.4	722	1.1	1	260	9.12	<.05	8.27
4/6/2020	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
4/15/2020	0.35	3.44	1.4	4.8	672	<1.0	<1.0	170	9.82	< 0.05	7.98
4/20/2020	0.32	3.48	1.4	4.9	739	1.2	1.1	330	9.37	< 0.05	8.16
4/22/2020	0.30	3.38	1.3	4.7	747	1.6	1.5	130	8.67	< 0.05	8.08
4/29/2020	0.03	2.56	0.6	3.2	1500	<1.0	<1.0	9000	8.88	<0.05	7.89
	7.24	333			Monthly	Totals				A COLO	
SUM	1.26	16.34	4.79	22	4380	3.9	3.6	9890	45.86	0	40.38
Average	0.21	2.72	0.80	3.67	730.00	0.65	0.60	1648.33	7.64	0.00	6.73
Max	0.35	3.48	1.4	4.9	1500	1.6	1.5	9000	9.82	0	8.27
Min	0.03	2.56	0.09	3.2	672	1.1	1	130	8.67	0	7.89

^{**} NA or skipped entries reference samples that were skipped due to unsafe accessibility associated with rain events.

Table 2:

			4 14	C	reek Sa	mple #2	2	140 m) 124 m)			
Date	Ammonia as N (mg/l)	Nitrate/Nitrite as N (mg/l)	ТКN (mg/l)	Total Nitrogen (mg/l)	TDS (mg/l)	TSS (mg/l)	VSS (mg/l)	Total Coliform (MPN/100 ml)	DO (mg/l)	CL2 Residual (mg/l)	РН (pH Units)
4/1/2020	0.2	3.04	1.1	4.1	857	61.8	20.3	700	9.6	<.05	7.92
4/6/2020	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
4/15/2020	<0.02	0.43	0.6	1	964	<1.0	<1.0	1600	8.59	<0.05	7.43
4/20/2020	0.11	0.98	0.8	1.8	1160	11.2	4.3	3000	8.22	0.07	7.68
4/22/2020	0.18	1.96	0.7	2.7	1040	1.1	<1.0	9000	8.06	<0.05	7.74
4/29/2020	0.05	0.09	0.5	0.6	1590	<1.0	<1.0	2200	6.39	<0.05	7.46
			THE SALE		Monthly	Totals			BANKS.		
SUM	0.54	6.5	3.7	10.2	5611	74.1	24.6	16500	40.86	0.07	38.23
Average	0.09	1.08	0.62	1.70	935.17	12.35	4.10	2750.00	6.81	0.01	6.37
Max	0.2	3.04	1.1	4.1	1590	61.8	20.3	9000	9.6	0.07	7.92
Min	0.05	0.09	0.5	0.6	857	1.1	4.3	700	6.39	0.07	7.43

	(a.)			C	Creek Sa	mple #3	3				
Date	Ammonia as N (mg/l)	Nitrate/Nitrite as N (mg/l)	ТКN (mg/l)	Total Nitrogen (mg/l)	TDS (mg/l)	(I/gm) SS1	(I/Bm) SSA	Total Coliform (MPN/100 ml)	DO (mg/l)	CL2 Residual (mg/I)	PH (pH Units)
4/1/2020	<.10	2.80	1	3.8	863	1.2	<1.0	800	8.33	The state of the last	7.70
4/6/2020	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
4/15/2020	0.18	1.94	0.8	2.7	902	1.5	<1.0	800	8.24	<0.05	7.63
4/20/2020	0.12	2.66	0.9	3.6	882	4.1	3.5	1300	8.17	<0.05	7.80
4/22/2020	0.08	2.64	0.5	3.1	953	2.2	1.6	1700	7.23	<0.05	7.69
4/29/2020	0.06	0.31	0.6	0.9	1590	2.2	1.6	3000	6.94	<0.05	7.59
					Monthly	Totals					
SUM	0.44	10.35	3.8	14.1	5190	11.2	6.7	7600	38.91	0	38.41
Average	0.07	1.73	0.63	2.35	865.00	1.87	1.12	1266.67	6.49	0.00	6.40
Max	0.18	2.8	1	3.8	1590	4.1	3.5	3000	8.33	0	7.8
Min	0.06	0.31	0.5	0.9	863	1.2	1.6	800	6.94	0	7.59

^{**} NA or skipped entries reference samples that were skipped due to unsafe accessibility associated with rain events.



Memo

Date: April 14, 2021

To: Olivenhain Municipal Water District Board of Directors

From: Kimberly Thorner, General Manager

Subject: CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT'S

ADMINISTRATIVE AND ETHICS CODE (Article 2 – Organization of Board of

Directors)

Purpose

The purpose of this item is to update Article 2 of the Administrative and Ethics Code as requested by Director Guerin at the March 17, 2021 Board Meeting. It was requested that there be the support of two Board Members to add an agenda item to a future meeting.

Recommendation

Staff recommends that the Board adopt the Ordinance amending the District's Administrative and Ethics Code with the noted revisions.

Background

At the March 17, 2021 board meeting, Director Guerin added a future agenda item to update Article 2 of the Administrative and Ethics Code. This update would include language to require the support for two Board Members when adding a future agenda

item. There was also a section updated from "Consent Calendar" to "Agenda Creation" as the section dealt with more than just Consent Calendar issues.

A survey asking for polices on Board Member requested agenda items of other San Diego County water and wastewater agencies was conducted. Of the eight agencies that responded, three (3) agencies required Board consensus or the Board President's approval to add an item and five (5) agencies had a policy that any Board Member could add an agenda item. There were three (3) agencies that had language in their policies if an agenda item was placed by an individual Board Member on the agenda for initial discussion. If the item would require a significant expenditure of staff time or other resources, such as the engagement of an outside consultant, the majority of the Board must authorize the agenda item and preparation of the Board item to be presented at a future Board Meeting.

Fiscal Impact

There is no fiscal impact associated with amending this section of the Administrate and Ethics Code.

Discussion

Staff will be available to answer any questions.

Attachment: Ordinance No. 4xx

ORDINANCE NO. 4XX

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT AMENDING THE DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (Article 2 – Organization of Board of Directors);

BE IT ORDAINED by the Board of as follows:	Directors of Olivenhain Municipal Water District
	rticle 2 of OMWD's Administrative and Ethics revised to read as shown on Exhibit A (attached).
PASSED, ADOPTED AND APPROVED at a Olivenhain Municipal Water District held on Ap	regular meeting of the Board of Directors of the ril 14, 2021 by the following roll call vote:
AYES: NOES: ABSTAIN: ABSENT:	
ATTEST:	Lawrence A. Watt, President Board of Directors Olivenhain Municipal Water District
 Kimberly A. Thorner, Assistant Secretary	

General Manager

Olivenhain Municipal Water District

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ADMINISTRATIVE AND ETHICS CODE

ORGANIZATION OF BOARD OF Title: **DIRECTORS** ORDINANCE NO.

Latest Revision Date January 13 April 14, 2021

483XX

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ARTICLE 2. ORGANIZATION OF BOARD OFDIRECTORS

Sec. 2.1 revised by Ordinance No. 482 / January 13, 2021

Sec. 2.1 revised by Ordinance No. 480 / December 9, 2020

Sec. 2.1 revised by Ordinance No. 461 / December 12, 2018

Sec. 2.1. revised by Ordinance No. 447 / January 18, 2017

Sec. 2.1. revised by Ordinance 422 / January 14, 2015

Sec. 2.1. revised by Ordinance 413 / February 12, 2014 Sec. 2.1. revised by Ordinance 404 / January 16, 2013

Sec. 2.1. revised by Ordinance 393 / January 18, 2012

Sec. 2.1. revised by Ordinance 385 / February 9, 2011

Sec. 2.1. revised by Ordinance 368 / December 10, 2008

Sec. 2.1. revised by Ordinance 342 / January 12, 2007

Sec. 2.1. revised by Ordinance 331 / June 9, 2006 Sec. 2.1. revised by Ordinance 320 / July 27, 2005

Sec. 2.1. revised by Ordinance No. 299 / November 27, 2002

Sec. 2.1. revised by Ordinance No. 298 / September 18, 2002

Executive Officers. All powers, privileges, and duties vested in or imposed upon the District by law and the Municipal Water District Act shall be exercised and performed by the Board of Directors except such powers as the Board may delegate to others by ordinance, resolution or motion.

Effective December 2014, per AB 72, elected water Directors will now be required to take office at noon on the first Friday in December succeeding their election. Outgoing Directors will end their term on the first Friday in December at 11:59

The current terms of the Board of Directors of the District are as follows:

DIVISION	<u>CURRENT TERM</u>	DIRECTOR
1	12/05/18 to 12/02/22	Topolovac
2	12/04/20 to 12/06/24	Watt
3	12/04/20 to 12/06/24	Guerin
4	12/04/20 to 12/02/22	Bruce-Lane
5	12/04/20 to 12/06/24	Sprague

The Executive Officers of the Board shall consist of the President, Vice President, Secretary, Treasurer; and they shall serve a two-year term or until their successors are elected. Elections shall be held at the January meeting of the Board in the odd numbered years.

At the Board's first meeting in January of each odd-numbered year, in accordance with Section 71273 of the Municipal Water Code as amended, election of officers shall be rotated sequentially by Director Divisions,

Article No. 2 Page 2 of 9 Title: ORGANIZATION OF BOARD OF DIRECTORS Lettert Position Page 1 ORDINANCE NO.

ADMINISTRATIVE AND ETHICS CODE

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483

ARTICLE 2. ORGANIZATION OF BOARD OFDIRECTORS

commencing with the Office of President, except that the District's Representative serving on the San Diego County Water Authority Board shall not hold the office of President on the Olivenhain Municipal Water District Board. Any Board Director not wishing to hold a particular office may pass on filling that position.

If a Board Member passes on filling a particular position, consensus shall be reached on the remaining Board Officer positions to be filled by the Board. If consensus cannot be reached, all remaining Board Officer positions with the exception of President, shall be voted on individually by a majority vote of the board. The office of President shall always rotate sequentially by division. A board member may pass on filling the office of President.

- A. <u>President</u>. It shall be the duty of the President to preside over the meetings of the Board of Directors, and the President shall authenticate all official records of the District where required by law or as directed by a majority of the Board, and such other duties and responsibilities as required or imposed by law or a majority of the Board of Directors.
- B. <u>Vice-President</u>. The Vice-President shall exercise the powers and duties of the President, if the President is absent or unable to act.
- C. <u>Secretary</u>. The Secretary shall authenticate all official records of the District, and shall maintain in a safe location the official records of the District, certify all records wherever required and where necessary, and perform such other duties and responsibilities as imposed upon the Secretary by law or by a majority of the Board of Directors.

In the absence of the Secretary, the duties of the Secretary shall be performed by the Assistant Secretary.

D. <u>Treasurer.</u> The Treasurer shall be appointed by the Board of Directors and a Deputy Treasurer may also be appointed by the Board of Directors.

The Treasurer shall be custodian of all monies deposited in the treasury. Such monies shall be paid out upon the presentation of warrants or demands legally drawn, and without such warrant or demand, shall pay out no money, except the principal and interest of bonds payable by the District when due. The Treasurer shall make payments by warrants drawn

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ADMINISTRATIVE AND ETHICS CODE

DIRECTORS

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January 13, 2021 483

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against the funds deposited in the commercial accounts of the District. Such warrants, when approved by the General Manager as to authorization of expenditure and availability of appropriated funds, shall be signed by the Treasurer or Deputy Treasurer.

The Treasurer shall, so far as practicable, deposit the money under the treasurer's supervision and control in such institutions and upon such terms as the laws of the State of California may permit and as directed by the Board of Directors, and evidence of such deposits shall be counted and considered as cash in the treasury of the District.

The Treasurer shall purchase, sell or exchange approved securities to the best advantage of the District, with discretion, and with approval of the Board of Directors.

The Treasurer shall report to the Board at least monthly the condition of the District's finances.

In the absence of the Treasurer, the duties of the Treasurer shall be performed by the Deputy Treasurer.

The Treasurer and the Deputy Treasurer shall be bonded in an amount to be determined by the Board of Directors.

The General Manager shall serve as the Assistant Secretary and the Finance Manager shall serve as the Deputy Treasurer.

Sec. 2.2 revised by Ordinance 451 / July 19, 2017 Sec. 2. 2. revised by Ordinance 375 / March 24, 2010

<u>Sec. 2.2.</u> <u>Executive Committees.</u> There may be committees created from time to time to take care of matters which arise and require committee study and recommendation.

Each committee shall have a chairperson and vice chairperson, to be appointed by the President of the Board. Each committee shall meet at stated times to be agreed upon by the committee chairperson, and shall consider matters referred to it by the Board, or matters within the scope of its duties, which are presented to it by its members or by the General Manager. Each committee, having authority only to recommend to the Board, shall carry on its work if two or more of its members are present at the Meeting. A meeting of any committee may be called by the President of the Board at any time for consideration of matters requiring immediate attention.

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ARTICLE 2. ORGANIZATION OF BOARD OFDIRECTORS

Each committee chairperson shall report to the Board of Directors at the next regularly scheduled Board of Directors' Meeting regarding matters considered at committee meetings.

Title:

The Safety, Personnel, and Finance, Committees shall conduct business in Public Session in conformance with the provisions of the Brown Act as amended, Government Code 54950 et. seq. Ad Hoc Committees may be appointed from time to time and shall only meet as necessary. Not more than two Board Directors shall serve on any one committee.

Sec. 2.3. revised by Ordinance 409 / July 24, 2013

<u>Sec. 2.3.</u> <u>Appointment of Staff Personnel</u>. The Board of Directors shall appoint the following staff personnel and fix their compensation: General Manager, Attorney, Auditor, and any other employee who may not be subject directly to the supervision of the General Manager.

Sec. 2.4. revised by Ordinance No. 423 / Mar. 18, 2015

Sec. 2.4 revised by Ordinance No. 368 / Dec. 10, 2008

Sec. 2.4. revised by Ordinance No. 356 / Dec. 5, 2007

Sec. 2.4. revised by Ordinance No. 321 / Sept. 20, 2005

Sec. 2.4. revised by Ordinance No. 310 / May 14, 2004

Sec. 2.4.

Time and Place of Regular Board Meetings. There shall generally be one regular Board Meeting per month scheduled by annual calendar to be presented to the Board for consideration on or before November of each calendar year. The regular Board Meeting shall usually be held with notice on the second or third Wednesday of every month at 4:00 P.M. In the event a second regular Board Meeting is scheduled for a particular month, it shall usually be held with notice on the fourth Wednesday of that month, also at 4:00 P.M. The annual calendar is considered in compliance with the standing policy of the Board of Directors that when a regular Board Meeting conflicts with holidays or conferences for the Association of California Water Agencies (ACWA) or California Special District Association (CSDA), the regular Board Meeting shall be scheduled so as not to conflict with the aforementioned conferences or holidays. Rescheduled Board meetings shall comply with Section 2.7 of the Administrative and Ethics Code for adjourned and continued meetings. One or both regular Board Meetings shall be held prior to the monthly San Diego County Water Authority Board Meeting.

The meetings are held in the room designated as the Boardroom at the offices and principal place of business of the District located at 1966 Olivenhain Road, Encinitas, California.

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Sec. 2.4.1. DELETED by Ordinance No. 321 / Sept. 20, 2005

Sec. 2.4.1. revised by Ordinance No. 310 / May 14,, 2004

Sec. 2.4.1. revised by Ordinance No. 305 / October 22, 2003

Sec. 2.4.1. revised by Ordinance No. 295 / July 24, 2002

Sec. 2.5.

<u>Call for Special Meeting.</u> A special meeting may be ordered at any time by the President of the Board of Directors, or by members of the Board of Directors constituting a majority of the Board by delivering personally or by mail, written notice to each Board Director and to each local newspaper of general circulation, radio or television station requesting notice in writing. The call and notice shall be posted at least 24 hours prior to a special meeting in a location that is freely accessible to members of the public.

Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The order shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Board of Directors.

Written notice need not be given to any Board Director who files a written waiver of notice at or before the meeting or for any Board member actually present at the meeting.

Sec. 2.6.

Emergency Meetings. The Board may hold an emergency meeting without complying with the 24-hour notice and posting requirements if an emergency exists as defined in Government Code Section 54956.5. The President of the Board, or his/her designee, shall telephone any local newspaper of general circulation, radio, or television station, which has requested notice of special meetings one hour prior to the emergency meeting.

If telephone services are not functioning, local newspapers of general circulation, radio, or television stations requesting notice of special meetings shall be contacted as soon after the emergency meeting as possible and advised of the purpose and actions taken at this meeting. The Board shall not meet in closed session during any emergency meeting.

All special meeting requirements, other than the 24-hour notice and posting requirements, shall be followed at the emergency meeting. Minutes of the emergency meeting, a list of persons the District notified or attempted to notify, a copy of the roll call vote, and any action taken shall be posted for a minimum of ten (10) days, in a public place, as soon after the emergency meeting as possible.

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Sec. 2.7. Adjourned and Continued Meetings. The Board may adjourn or continue any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment or continuance. Less than a quorum of the Board may adjourn from time to time. The Clerk or Secretary of the District may adjourn a meeting if all Board members are absent as provided in the Brown Act.

A copy of any order of adjournment shall be posted on the door of the meeting room within twenty-four (24) hours after the time of adjournment continuance to a subsequent date. Notice of continued meetings held within twenty-four (24) hours of the meeting shall be posted on the door of the meeting room immediately after the meeting setting the continuance date. If an order of adjournment or continuance does not state a meeting time, the Board's normal meeting time for regular meetings shall be the designated time.

Title:

Sec. 2.8. Quorum. A quorum necessary for the transaction of business at any meeting of the Board shall be declared to exist whenever there are present at least three Board Directors. However, any regular or special meeting of the Board of Directors at which a quorum is not present may be continued from time to time until a quorum is present to transact the business of the Board.

Section 2.9. revised by Ordinance 385 / January 26, 2011

Sec. 2.9. Voting. Except as otherwise provided by law or ordinance, the decision of the Board of Directors shall be expressed and determined by motions duly made and adopted by a majority vote of the Board Directors who are present provided a quorum exists. A roll call vote shall be had if requested by any Board Director. When not requested or ordered by the President, a roll call vote shall be deemed dispensed with. A roll call vote shall be taken on all Ordinances.

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Sec. 2.10. Order of Procedure at Meetings. Except as otherwise provided by law or Ordinance, the business of the meetings of the Board of Directors and the order of procedure shall be as provided by "Robert's Rules of Order, revised." The President shall preside at all meetings of the Board, and in his/her absence, the Vice-President. In the absence of both the President and Vice-President, the presiding officer shall be selected by a majority vote of the members of the Board attending such meeting.

Title:

- Sec. 2.11. Agenda Posting and Public Comment. The Agenda for regular meetings shall be posted in a location accessible to the public at least seventy-two (72) hours in advance of the meeting date. The Agenda shall specify the time and location of the meeting and a brief general description of each item listed. No action shall be taken on any item not appearing on the Agenda except as provided by Government Code Section 54954.2 or any successor statute. The Agenda shall provide an opportunity for members of the public to address the Board. The Board may adopt reasonable regulations from time to time limiting the amount of time for public input and individual speakers on Agenda items.
- Sec. 2.12. Minutes of the Board Meetings. The Minutes of the Meetings of the Board of Directors shall be recorded and kept permanently by the Secretary in a book maintained for that purpose entitled "Book of Minutes of the Meetings of the Board of Directors, Olivenhain Municipal Water District." Unless otherwise expressly directed by the Board at the time of their adoption, the Ordinances and Resolutions adopted by the Board may be referred to in the Minutes by number and title only, but the same shall be recorded in full in books kept for that purpose entitled "Book of Ordinances" and shall authenticate the Minutes, Ordinances and Resolutions after they have been transcribed and approved by the Board of Directors and placed into the appropriate books and when so authenticated shall constitute the official Minutes, Ordinances and Resolutions of the Board of Directors of the Olivenhain Municipal Water District.
- <u>Sec. 2.13.</u> <u>Official Seal of the District.</u> The following design is hereby determined to be and it is hereby adopted as and for the official seal of the Olivenhain Municipal Water District:

A CIRCLE WITH THE WORDS: "OLIVENHAIN MUNICIPAL WATER DISTRICT," INSCRIBED AROUND. THE PERIMETER THEREOF WITH THE WORDS: "ORGANIZED

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ADMINISTRATIVE AND ETHICS CODE

ORGANIZATION OF BOARD OF **DIRECTORS** Latest Revision Date ORDINANCE NO. January 13, 2021

ARTICLE 2. ORGANIZATION OF BOARD OFDIRECTORS

APRIL 6, 1959" AND "CALIFORNIA" IN THE CENTER THEREOF.

Title:

Section 2.14. revised by Ordinance 320 / July 27, 2005

Consent Calendar Agenda Creation. The General Manager shall prepare Sec. 2.14. the Agenda for all meetings of the Board of Directors so that the Agenda can be posted in a location accessible to the public at least seventy-two (72) hours in advance of the meeting date. The General Manager shall place on the Agenda all matters reasonable to be brought before the Board within his/her knowledge, and any matters requested to be placed on the Agenda by any two Board Directors. The General Manager shall place on the Consent Calendar all items, which appear to be routine or which he/she believes will require no discussion by the Board.

> Items may be removed from the Consent Calendar by request of a Board Director or the General Manager. No reason must be given for the request. The President will call all items on the Consent Calendar by Agenda number item. The request to remove from the calendar any item must be made prior to or at the end of the time of the call. All items not removed may then be voted upon at the conclusion of the Consent Calendar Call by one (1) motion and by one (1) vote. A Board Director may have his/her vote recorded differently on the various items on the Consent Calendar. A Consent Calendar item will be identified by a "C" in front of the Agenda item number.

- Closed Sessions. The Board may hold closed sessions on Agenda items Sec. 2.15. as provided in the Brown Act.
- See. 2.16. Directors Fees, Expenses. Effective April 17, 2000, each Board Director shall receive compensation in an amount not to exceed one hundred fifty dollars (\$150.00) per day for each day's attendance at meetings of the Board or for each day's service rendered as a Board Director by request of the Board, not to exceed a total of ten (10) days in any calendar month, together with expenses incurred in the performance of his/her duties requested or authorized by the Board.

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DIRECTORS

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Sec. 2.17. Director Absence. Any Board Director who will be absent from the State for a period of sixty (60) days or more must receive permission from the Board of Directors prior to the expiration of the 60-day period. Failure to receive permission shall constitute abandonment of the position and shall create a vacancy on the Board of Directors.

Title:

Section 2.18. added by Ordinance 483 / January 13, 2021

Sec. 2.18. San Diego County Water Authority Representative. The Board shall select a representative by majority vote to fill its seat on the San Diego County Water Authority Board. If OMWD acquires a second seat on the San Diego County Water Authority Board in the future, the same process for selection shall be followed. Only a member of the Board or the General Manager may be selected to serve as the San Diego County Water Authority representative for OMWD. The term of appointment shall comply with the County Water Authority Act stated term of office of six years, and until their successors are appointed and qualified. The OMWD representative to the San Diego County Water Authority Board may be removed by a majority vote of the OMWD Board at any time without cause and serves at the will of the OMWD Board.



Memo

Date: April 14, 2021

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, six employees have gotten COVID-19 but there has been no workplace outbreak.

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.
March 24, 2021	Developed a return phasing in plan and distributed to all employees.

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 \$317,395.03 as of the publishing of this memo. Of this amount, only \$119,507.84 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.

COVID-19 Expenditures Incurred Since March 12, 2020

Item	Cost	Category	Note
		Information	
Laptops	30,605.96	Technology	15 laptops
		Information	
Laptop backpacks	486.33	Technology	15 laptops
		Information	
Zoom meetings	2,398.80	Technology	
		Information	
Duo 2 FA	980.00	Technology	
		Information	
Mitel IP Phone Licenses	1,290.00	Technology	
		Information	
Jabra headsets	645.24	Technology	
		Information	
Sonim phones	611.55	Technology	
Samsung phones w/ Case and		Information	
Hotspot	2,171.00	Technology	
		Information	
Wireless mice & misc. supplies	528.47	Technology	
Bluetooth keyboards & mice,		Information	
headsets, and phone chargers	440.47	Technology	
Spray bottles for sanitizer	940.00	Supplies	
Hand soap	817.00	Supplies	
Gloves, Glycerol, Hydrogen	027700	- сиррисс	
Peroxide, Distilled Water,			Warehouse
batteries, safety glasses, and stock			supplies for the
up of other warehouse supplies	7,957.06	Supplies	next 5-6 months.
,	,	11	2 233633
Pinesol disinfectant	459.00	Supplies	
Janitorial supplies – hand wipes,			
paper towels, trash bags, cleaner,			Janitorial supplies
hand soap, facial tissue, bleach,			for the next 5-6
toilet paper, hand sanitizer, etc.	9,352.33	Supplies	months.
Dust masks (not N95)	322.71	Supplies	
Hand sanitizer packets	397.33	Supplies	

	1		
Propanol	515.23	Supplies	
Pacific Pipeline Supply- hydrants,	010.20	- Cappiles	
gate valves, copper pipe, repair			Inventory restock
couplings, and various other			for the next 5-6
inventory items	100,714.07	Inventory	months.
inventory items	100,714.07	inventory	Inventory restock
			for the next 5-6
Agual Matric maters	68,954.48	Inventory	months.
AquaMetric - meters	00,934.40	Inventory	monuis.
Hach - Laboratory supplies -	4 729 00	Cumpling	6 month sumply
reagents and other supplies (WTP)	4,738.00	Supplies	6 month supply
IDEXX - Laboratory supplies - BAC-	245.00	Committee	120 day ayaaly
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			Quantity sent:
Postcard - printing and mailing	9,559.69	Customer Service	25,584 postcards
			Qty. 55 - 5 gallon
Hair Trigger LLC - Hand Sanitizer	15,015.63	Supplies	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	
Containers for flatia satisfice	33.17		

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
Classication	2 240 56	Constin
Cleaning wipes	2,248.56	Supplies
Reusable masks	1,787.86	Supplies
Thermometers, batteries for	1,767.60	Supplies
thermometers, bins to hold		
thermometers, bottles for hand		
sanitizer.	2,940.38	Supplies
Disinfecting wipes, hand sanitizer,		0.550
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
NOT 1 (O) 1 (O)	5 740 75	
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	0,333.23	Sapplies
letters for past due accounts	1,546.51	Customer Service
Touchless items for Building D	_,	
including: touchless soap	1,656.20	Supplies

dispensers, touchless paper towel			
dispensers, hands-free trash cans,			
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 spay (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	

Category	Total
Information Technology	40,990.12
Inventory	169,668.55
Supplies	95,630.16
Customer Service	11,106.20
Grand Total	317,395.03

Discussion

OMWD will continue to take proactive measures to stay ahead 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.

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

PRESIDENT

Any oral report will be provided at the time of the Board Meeting.

В

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.

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 2021:**

Operations & Maintenance	Current Month	Last Month
DCMWTP Total Production	424.6 million gallons	376.6 million gallons
DCMWTP Average Daily Production	13.7 million gallons	13.5 million gallons
DCMWTP Peak Day Production	19.7 million gallons	22.3 million gallons
Source Water Blend (% State Project Water)	39%	10%
Total Deliveries to VWD	278.98 acre feet	141.6 acre feet
	90.89 million gallons	46.1 million gallons
4S and Rancho Cielo Sewer Systems Total Inflow	25.12 million gallons	22.07 million gallons
4S and Rancho Cielo Sewer Systems Average Daily Inflow	810,214 gallons	788,322 gallons
4S and Rancho Cielo Sewer Systems Peak Day Inflow	870,741 gallons	852,558 gallons
4S and Rancho Cielo Sewer Systems Low Day Inflow	752,125 gallons	731,724 gallons
4SWRF Average Daily Production	505,659 gallons	531,402 gallons
4SWRF Peak Day Production	1,068,424 gallons	996,415 gallons
4SWRF Total to Recycled Water Distribution System	15.68 million gallons	14.87 million gallons
4S Recycled Water Storage Pond Volume	258 acre feet	215 acre feet
Repaired Potable Water Main Leak(s)	0	0
Repaired Potable Water Service Lateral Assembly Leak(s)	7	4
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	1
Replaced Valve(s) Monthly Total	1	1
Replaced Valve(s) Calendar Year To Date	3	2
Recycled Water Use Site Inspections & Visits	11	15
Recycled Water Use Site Cross Connection Tests	0	1
Cross Connection Site Surveys	3	4
Backflow Inspections & Testing (New)	3	3
IT Help Requests	48	38
Customer Services	Current Month	Last Month
Customer Calls and Inquiries	1050	976
Total Monthly Bills Issued	22,888	22,926
Service Orders	588	576
New Potable Meters	6	8
New Fire Meters	0	0

New Recycled Water Meters	0	1
AMI Troubleshooting Investigations	66	78
AMR Troubleshooting Investigations	85	92
Stopped/Underperforming Meters Replaced	48	33
MXUs Upgraded to AMI	186	208
Meter Accuracy Tests Performed	1	0
Water Use Evaluations	14	12
Water Use Violation Reports	1	7
Workshops, Events, and Tours	0	0
High-Efficiency Clothes Washer Rebates	4	14
Weather-Based Irrigation Controller Rebates	7	4
Hose Irrigation Controller Rebates	1	0
High-Efficiency Rotating Nozzle Rebates	30	0
High-Efficiency Toilet Rebates	0	0
Rain Barrel Rebates	6	11
Turf Removal Project Rebates	2	1
Social Media Posts	21	25
News Releases/Media Advisories	5	1
EFRR	Current Month	Last Month
Special Use/Event Permits	4	2
Parking Notices	347	192
Incident Reports	4	11
Vehicle Count	5,693	6,743
Trail Use Count	13,633	15,600
Days Closed Due to Rain/Red Flag/COVID-19	1	0
Days IC Open	0	0
Number of IC Visitors	0	0
Volunteer Trail Patrol Shifts	0	0
Volunteer Docent Hours	0	0
Total Number of Docents	68	68
Finance	Current Month	Last Month
Infosend Payments	9,464	9,181
OMWD Auto Debit Payments	2,681	2,697
CB&T Lockbox Payments	3,420	3,322
Over the Counter Payments	255	215
Check-free, Metavante and Chase	5,225	5,084
Paymentus (Credit Card) Payments	1,113	990
Finance Calls and walk-ins	51	61
Service Orders Processed	20	30
Service Orders Closed Out	21	3
Purchase Orders	21	5
Inventory Items Received	917	244
Payroll Direct Deposits Processed	229	226
Accounts Payable Checks	288	213
Accounts rayable checks	200	213

ENGINEERING DEPARTMENT

Engineering Manager Jason Hubbard highlights for March 2021:

The New and Remodeled Operations and Administration Facilities project was accepted by the Board in December. Warranty items and City of Carlsbad final sign-off will extend for the next several months. The 4SWRF UV System Replacement project was accepted by the Board in February, and the project will move to a warranty phase. The El Camino Real Pipeline Replacement and Green Bike Lane project has continued restoration efforts, experiencing some weather delays due to recent rains. Slurry and striping operations will extend through April. The 4S WRF Overflow Pond Landscape project contractor continued the extended maintenance period which will end June 30, 2021. The Morning Sun PRS Abandonment project is complete. The 4SWRF Clarifier Replacement project NOC was accepted by the Board at the March meeting. Staff is coordinating with Caltrans and their contractor on work occurring at I-5 and Manchester Avenue which will have impacts to the OMWD's upcoming Manchester Avenue Recycled Water Pipeline project, currently nearing design completion. Staff held a 'kick-off' meeting with the consultant selected for the aerial drone inspection pilot program. Staff continues to handle developer and other minor projects including fire hydrants, detector checks, water service laterals, etc. Work is ongoing related to the sale of the Gaty II parcel and the upcoming sale of the Peay parcel.

HUMAN RESOURCES DEPARTMENT

Human Resources Manager Jennifer Joslin highlights for March 2021:

Human Resources staff conducted new hire orientations for two new Utility I employees in Construction, a Field Services Technician I, an Instrument Control Technician I, and two temporary staff members for the water treatment plant. Conducted interviews for the vacant Financial Analyst I and Department Assistant I in Engineering. Coordinated the Grow Your Own (GYO) internal recruitment and interviews for the Financial Analyst II position. Collected Form 700 Statement of Economic Interests from required OMWD filers. Updated the annual Staffing Analysis five year succession planning document. Hosted virtual Leadership Training for all employees and Emotional Intelligence Training for Supervisors and Managers. Participated in Liebert Cassidy Whitmore's Terminating the Employment Relationship training, American Rescue Plan Act of 2021 webinar, and a Returning Employees to Work during COVID-19 webinar. Records staff processed multiple public records requests and participated in DocuSign informational kickoff meetings. Safety staff distributed the Safety Has No Quitting Time awards to employees. Participated in the California Water Environmental Association Plant of the Year tour at the Water Reclamation Facility. Completed a compliance review of the Confined Space Entry Program and the Injury and Illness Prevention Plan. Completed the annual fire extinguisher inspections at headquarters, the water treatment plant, and the water reclamation facility. Attended OMWD's COVID Task Force meetings and prepared and distributed the General Manager's emergency operations essential worker designation letters to employees for vaccination purposes.

OPERATIONS & MAINTENANCE

Operations Manager Geoff Fulks highlights for March 2021:

At DCMWTP, staff are working with temporary employees to complete the train 6 basin equipment overhaul work in preparation for refurbished membrane cassette installations scheduled for late April. DCMWTP transitioned over to the use of 40% liquid ammonium sulfate (LAS) at the Ammonia Feed Injection Facility (AFIF) from the previous 19% aqua ammonia chemical in late March. The new chemical is classified as non-hazardous and will save OMWD over \$125K each year. Sys Ops completed preparation for the upcoming Zorro Reservoir interior sandblast and painting work and semiannual washout inspection at the Peay Reservoir. System Operators completed removal of the a 48" blind flange and replacement of a leaking gasket at DCMWTP. Construction replaced one broken water valve in the Encinitas area, replaced and upgraded eight valve boxes in the Carlsbad area. IT and Telemetry, executed the new agreement with Kyocera and the upgraded copier equipment was installed in late March. Tech staff supported generator repairs at the 4S Ranch WRF. Pump and Motor Technicians supported several pump and motor repairs at DCMWTP as well as critical maintenance to the Energy Recovery Turbines (ERT).

CUSTOMER SERVICES DEPARTMENT

Customer Services Manager John Carnegie highlights for March 2021:

Participated in CalWEP landscape area measurement data validation workshop, DWR water use objectives variances meeting and Water Loss Economic Model Peer Review workshop, and SDCWA workshop on commercial, industrial, and institutional water use standards; signed on to letter submitted to Senator Mike McGuire in support of Senate Bill 323; submitted comment letter to Assemblymember Robert Rivas in support of Assembly Bill 361; submitted comment letter to Assemblymembers Alex Lee and Cristina Garcia expressing an "oppose unless amended" position to Assembly Bill 339; published April issue of Watching Water newsletter; completed customer engagement portal beta test and began phased rollout to customers; and received notification that USBR will grant a \$500,000 Water and Energy Efficiency Research Program award to complete Phases 7 and 8 of the Advanced Metering Infrastructure Project.

At EFRR, conducted daily sanitation of all restrooms and drinking fountains; repaired glass in door damaged during Interpretive Center burglary; in partnership with the Escondido Creek Conservancy, participated in Goldspotted Oak Borer field training; completed semi-annual invasive plant removal along Escondido Creek; installed bat box foundations for Eagle Scout project; canceled approximately 30 volunteer shifts due to COVID-19; and held Interpretive Center Advisory Committee, EFRR Advisory Committee, and EFRR Executive Committee meetings.

FINANCE DEPARTMENT

Finance Manager Rainy Selamat highlights for March 2021:

Completed 2021 authorized list of check signer changes to District's business accounts; continued testing of Electronic Fund Transfer processing in GP Dynamics; transitioned Project Accountant II

duties and responsibilities; cross-trained Accounting Supervisor and Financial Analyst I on project accounting; attended San Elijo JPA recycled water update and reserves; researched and analyzed increased costs of recycled water from Vallecitos Water District; discussed amendement to recycled water loan agreement with Rancho Santa Fe Farms; attended kick-off GP Dynamics 2018 upgrade meeting; reviewed Financal Analyst I job applications; interviewed qualified candidates for Financial Analyst I position; participated in wet weather incentive program discussion; participated in levelized billing discussion; finalized 2021 Sewer Proposition 218 notice for printing and mailing; researched potential recovery of District COVID sick expenses; refined final bill/collection procedures; held special Finance Committee meeting to discuss SDCWA rebate payment and COVID Relief program; and staff attended COVID task force meetings.

ASSISTANT GENERAL MANAGER:

The Assistant General Manager reports the following:

Attended the virtual 26th Annual WateReuse Symposium; participated in a North San Diego Water Reuse Coalition meeting; contributed to an EFRR Executive Committee Meeting; attended a SDNEDC Board Meeting; participated in several meetings with consultants regarding updates to the San Dieguito Valley Groundwater Project; participated in the SEJPA Recycled Water Rate Review and the Update SEJPA Recycled Water Reserve Fund Policy Meeting; engaged in a demand forecast review meeting regarding updated inputs for the Urban Water Management Plan; hosted several meetings with Utility Cost Management regarding the audit of OMWD's utility bill with SDGE and 3 Phases Renewable; continued participation in meetings regarding providing recycled water with the Rancho Paseana community; served on multiple interview panels; trained and developed new staff; dedicated significant time to personnel matters, employee recruitment, claims management, and reviewing public records requests.

GENERAL MANAGER:

The General Manager reports the following:

General Manager Thorner participated in the Member Agency Managers Meeting, attended the virtual WateReuse Symposium, attended the Member Agency Managers Only Meeting, held a Public Policy Committee Meeting, a Finance Committee Meeting, and an EFRR Executive Committee Meeting, held a COVID Task Force Meeting, participated in a meeting with Supervisor Lawson-Remer's office, hosted an Annual Objectives Lunch and Learn for employees, participated in the NACWA's 2021 Region 9 Utility Leader Chat, participated in a Poway Treated Water Service Connection Planning Study meeting, participated in the WateReuse CA Leg. and Reg. Committee Meeting, presented at the Women in Water virtual event, attended the SDCWA MWD Delegates Meeting, participated in the Ramona Pipeline Stakeholder Planning Study meeting, participated in the SDCWA Board Meeting, chaired the SDLAFCO Special Districts Advisory Committee Meeting, attended the ACWA Federal Water Issue Series: Session 3, hosted a NSDWRC Meeting, and dedicated significant time to personnel matters, overseeing the district's COVID-19 response, serving on interview panels, and reviewing legal issues.

C

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

CONSULTING ENGINEER

Any oral report will be provided at the time of the Board Meeting.

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: April 14, 2021

RE: Attorney Report: Water Rights and Brown Act Update

150152-0005

I. <u>INTRODUCTION.</u>

This attorney report provides an update on two recent developments. The first update involves a recent water rights decision from the California Court of Appeal. The decision limits the rights of landowners who (1) did not continuously pump from the groundwater basin; and (2) did not establish the amount or reasonableness of their groundwater production. The decision provides more certainty and protection to water agencies against claims by dormant and unexercised water right holders.

The second update involves potential amendments to the Brown Act's virtual meeting requirements. Governor Newsom's Executive Orders temporarily suspended portions of the Brown Act that limit the use of teleconferencing for public meetings. Three pending bills propose varying methods for addressing the Brown Act's virtual meeting requirements post-pandemic.

II. WATER RIGHTS: ANTELOPE VALLEY GROUNDWATER ADJUDICATION

A. Background.

The California Court of Appeal recently issued opinions in the decades-old water rights litigation in the Antelope Valley groundwater adjudication. The appellate court opinion holds that landowners who do not pump groundwater (or who do not prove the amount or reasonable of their groundwater production) may have their water rights reduced or subordinated.

The Antelope Valley groundwater adjudication began in 1999 when a landowner filed suit to quiet title to water rights in a groundwater basin that was in a state of overdraft for decades. The lawsuit became a comprehensive groundwater adjudication involving approximately 70,000 landowners, as well as other municipal, commercial and industrial users. The majority of the litigants settled their dispute in a physical solution that manages the basin's water resources by limiting the parties' ability to pump

groundwater and providing for ongoing basin management. The trial court adopted the physical solution and entered judgment in December 2015.

The appellate court's most recent decision addresses claims from a group of landowners who never pumped groundwater from the basin (defined as the "Non-Pumper Class"). The Non-Pumper Class objected to the settlement, arguing that the settlement and associated physical solution did not allocate any specific amount of the native safe yield to them, unless they paid an assessment.

B. Court's Analysis.

The Fifth District Court of Appeal issued its ruling on March 16, holding that -- in an overdrafted basin where a court must adopt a physical solution (a stipulated process for managing the basin's water resources on a continuing basis) -- a court may "equitably allocate" the available water resources among competing claimants with equivalent priorities. Specifically, a physical solution can "subordinate" the overlying rights of non-pumpers to those water right holders who are presently pumping groundwater. However, the physical solution cannot "entirely extinguish unexercised" overlying water rights.

The appellate court concluded that the trial court's physical solution equitably allocated the native safe yield. While the physical solution subordinates the Non-Pumper Class' unexercised overlying rights, it also preserves the class' overlying rights. Specifically, the physical solution subjects future pumping to certain conditions and permits class members to pump groundwater in the future without paying any assessments if the pumping is *de minimis* and limited to domestic use for a single household.

The appellate opinion also affirmed other established principles concerning water rights and the physical solution doctrine:

- Allocation of native safe yield can be permanent, provided that subsequent unreasonable use may be challenged;
- Provisions permitting transfer or carrying over of water allocations does not violate the doctrine of reasonable and beneficial use; and
- While courts should consider a physical solution for the long-term management of the basin -- regardless of whether all parties agree to it -- courts need not consider every proffered alternative physical solution.

The Court of Appeal also considered the claim of a landowner who pumped groundwater, but was not allocated a share of the native safe yield under the physical solution. The appellate court held that a landowner who failed to establish the amount or reasonableness of its groundwater use may have its water rights subordinated. While evidence was presented at trial that the landowner did pump groundwater to

irrigate crops, the landowner's claimed amount and the reasonableness of the claimed beneficial use was rebutted during trial. Most notably, the trial court rejected the landowner's evidence as not credible.

D. Conclusion.

The appellate court's decision is significant as it resolves an ambiguous and hotly contested issue over the status of overlying water rights (very senior and high priority water rights) when the overlying rights have been dormant or unexercised for quite some time. Prior courts have been split on the issue, with some courts saying the overlying rights retain their high priority status, while other courts concluded that the overlying rights were lost or subordinated if not continuously used. The appellate court's decision to subordinate unused overlying rights provides certainty and protection to water agencies with existing water rights and to those agencies considering groundwater projects in the future.

III. POTENTIAL AMENDMENTS TO THE BROWN ACT

A. Background.

On March 17, 2020, Governor Gavin Newsom issued Executive Order Number N-29-20, which suspended portions of the Brown Act limiting the use of teleconferencing for public meetings. However, the Governor's Executive Order will sunset when the pandemic ends.

The Brown Act requires that all teleconference locations — i.e., the physical location that a board member calls in from — be identified on the agenda and open to the public. Issues with these requirements have been asserted for quite some time, even before the pandemic. For example, if sickness impeded a director's meeting attendance, but that director still wanted to call in to the meeting, the director would need to post his or her location on the agenda and invite the public into his or her house or hospital room. The Brown Act also requires that, even if directors remotely attend the meeting, a majority of the Board members must be physically present within the District's jurisdictional boundaries.

Looking forward to what provisions will govern virtual meetings post-pandemic, several proposals are currently under consideration by the State Legislature.

B. Assembly Bill 703 – Continues Option for Virtual Meetings

Assembly Member Blanca Rubia (D – West Covina) introduced AB 703. This bill would codify the Executive Order's virtual meeting opportunities. This bill permanently allows virtual meetings. The bill further removes many of the Brown Act's existing

requirements for virtual meetings.

The bill generally allows virtual meetings to operate under the Brown Act's standard meeting procedures (for public notice, public comment and public ability to observe the meeting). When agencies post the agenda or other notices, the agencies would also post instructions for joining virtually.

The bill would remove the current requirements that each teleconference location be identified and accessible to the public. The bill would also remove the requirement that at least a quorum of the members of the legislative body participate from within the boundaries of the local agency. The bill further requires that agencies develop a virtual meeting procedure to receive and swiftly resolve requests for reasonable accommodation for individuals with disabilities.

C. <u>Assembly Bill 361 – Virtual Meetings for Declared Emergencies Only</u>

Assembly member Rivas (D- Hollister) introduced AB 361. This bill is sponsored by the California Special Districts Association ("CSDA"). AB 361 would allow virtual meetings with newer, streamlined procedures, but only if the purpose of the meeting is to declare a local emergency or if the meeting occurs during a period of a declared local emergency. Under AB 361, most teleconferencing after the pandemic would likely need to occur under existing Brown Act rules.

During a local emergency, AB 361 would eliminate the Brown Act's existing requirement to identify and provide public access to a director's virtual meeting location. Further, a majority of directors would not have to join the virtual meeting from within the physical boundaries of the agency's jurisdiction.

AB 361 requires legislative bodies that hold teleconferenced meetings under these conditions to do all of the following:

- Provide notice of the meeting and post agendas as otherwise required;
- Allow members of the public to access the meeting;
- Provide an opportunity on the agenda for the public to address the legislative body directly; and
- Conduct the teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body.

D. <u>Assembly Bill 339 – Mandatory Virtual Meetings with Translation</u> Services

AB 339 has been jointly introduced by Cristina Garcia (D – Los Angeles) and Alex Lee (D – Fremont). AB 361 and AB 703, if passed, will provide the *option* for

Memorandum April 14, 2021 Page 5

public boards to hold virtual meetings. AB 339, on the other hand, goes a step further by *requiring* public boards to continue to provide virtual access for the public, even if all of the board members attend in-person.

AB 339 mandates virtual access both by calling in and by Internet. AB 339 further requires that agencies provide closed captioning (on-screen text for those who cannot hear audio) for virtual participants. The instructions for virtual participation would have to be posted with the agenda. Agencies would also have to provide a place for the public to go to provide in-person comments — even in states of emergency.

Finally, AB 339 would not only require virtual access, it would also add new provisions to the Brown Act requiring public agencies to provide live translation services during all meetings -- including real-time translators during all meetings and a translation of all agendas and meeting instructions into all languages spoken by 5 percent or more of the jurisdiction's population.

AES

Ε

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

SAN DIEGO COUNTY WATER AUTHORITY REPRESENTATIVE

Any oral report will be provided at the time of the Board Meeting.



SUMMARY OF FORMAL BOARD OF DIRECTORS' MEETING March 25, 2021

- 1. Retirement of Director.
 - The Board adopted Resolution No. 2021-09 honoring Tony Heinrichs upon his retirement from the Board of Directors.
- 2. <u>Adopt the Water Planning and Environmental Committee Work Plan for Calendar Years</u> 2021 and 2022.

The Board adopted the Water Planning and Environmental Committee Work Plan for Calendar Years 2021 and 2022.

- New Treated Water Service Connection Recommendation for City of Poway.
 The Board approved the location of the previously authorized City of Poway's (Poway) new treated water service connection near the terminus of the Ramona Pipeline for further planning and design.
- Engineering and Operations Committee Work Plan for Calendar Years 2021 and 2022.
 The Board adopted the Engineering and Operations Committee Work Plan for Calendar Years 2021 and 2022.
- 5. Professional services contract with Brown and Caldwell for design and engineering support services for the Crossover Pipeline Interstate 15 Bypass project.

 The Board authorized the General Manager to award professional services contract to Brown and Caldwell for a not-to-exceed amount of \$2,487,253 to provide design and engineering support services for the Crossover Pipeline Interstate 15 Bypass project.
- 6. <u>Notice of Completion for the Northern First Aqueduct Structures and Lining</u> Rehabilitation Project.

The Board authorized the General Manger to accept the Northern First Aqueduct Structures and Lining Rehabilitation project as complete, record the Notice of Completion, and release all funds held in retention to Kiewit Infrastructure West, Inc., following the expiration of Notice of Completion period.

- 7. <u>Monthly Treasurer's Report on Investments and Cash Flow.</u>
 The Board noted and filed the Treasurer's report.
- 8. Adopt the Administrative and Finance Committee Work Plan for Calendar Years 2021 and 2022.

The Board adopted the Administrative and Finance Committee Work Plan for Calendar Years 2021 and 2022.

9. <u>Approve Rainbow Municipal Water District Waiver Request for Late Fee on January</u> 2021 Water Bill.

The Board authorized the General Manager to waive Rainbow Municipal Water District late fee for the January 2021 water invoice.



10. Adopt positions on various bills.

The Board adopted the following positions: Support on AB 692 (Waldron), Oppose on AB 1434 (Friedman), Support if Amended on AB 1500 (E. Garcia), Support on SB 1 (Atkins), Support if Amended on SB 222 (Dodd), Support on SB 230 (Portantino), Support on SB 351, Support on H.R. 1663 (Vargas), and Support on S. 572 (Feinstein/Padilla).

11. Adopt the Legislation and Public Outreach Committee Work Plan for Calendar Years 2021 and 2022.

The Board adopted the Legislation and Public Outreach Committee Work Plan for Calendar Years 2021 and 2022.

12. Adopt positions on Brown Act legislation.

The Board adopted the following positions: Oppose Unless Amended on AB 339 (Lee), Support on AB 361 (Rivas), and Support on AB 703 (Rubio).

Adopt the Imported Water Committee Work Plan for Calendar Years 2021 and 2022.
 The Board adopted the Imported Water Committee Work Plan for Calendar Years 2021 and 2022.

14. <u>Approval of Minutes</u>.

The Board approved the minutes of the Formal Board of Directors' meeting of February 25, 2021.

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: April 5, 2021

RE: March Public Policy Report

State Legislative Update:

The Legislature returned from Spring Recess on April 5, and policy committee hearings are in full swing. Nossaman will be participating in hearings to represent the District's position on legislative proposals. The Legislature and Governor are also working on the May Revision of the January State Budget proposal that will be released mid-May.

Legislative Proposals:

- AB 339 (Lee): State and local government: open meetings. Current law requires all meetings, as defined, of a house of the Legislature or a committee thereof to be open and public, and requires all persons to be permitted to attend the meetings, except as specified. This bill would require all meetings, including gatherings using teleconference technology, to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and an internet-based service option to be provided to the public.

 District's position: Oppose.
- AB 361 (Rivas): Open meetings: local agencies: teleconferences. Would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote.
 District's position: Support.
- AB 377 (Rivas): Water quality: impaired waters. Would require all California surface waters to attain applicable beneficial uses by January 1, 2050. The bill would require the state board and regional boards, when issuing an NPDES permit, a waste discharge requirement, or a waiver of a waste discharge requirement, to require that the discharge to surface water does not cause or contribute to an exceedance of an applicable water quality standard in receiving waters, and to not authorize the use of a best management practice permit term to authorize a discharge to surface water that causes or contributes to an exceedance of an applicable water quality standard in receiving waters.

District's position: Oppose.

- AB 1434 (Friedman): Urban water use objectives: indoor residential water use. The bill would establish, beginning January 1, 2023, until January 1, 2025, the standard for indoor residential water use as 48 gallons per capita daily. The bill would establish, beginning January 1, 2025, the standard as 44 gallons per capita daily and, beginning January 1, 2030, 40 gallons per capita daily. The bill would eliminate the requirement that the department, in coordination with the state board, conduct necessary studies and investigations and jointly recommend to the Legislature a standard for indoor residential water use.

 District's position: Oppose.
- AB 1500 (E. Garcia): Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022. 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 \$6,700,000,000 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.

Recommended position: Work with the District's delegation and Legislature to ensure District priorities are included, and support.

- SB 45 (Portantino): Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022. Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.

 Recommended position: Work with the District's delegation and Legislature to ensure District priorities are included, and support.
- SB 222 (Dodd): Water Affordability Assistance Program. This bill would establish the Water Affordability Assistance Fund (Fund) in the State Treasury. The Fund would provide water affordability assistance for drinking water and wastewater services to low-income ratepayers and ratepayers who are experiencing economic hardship. Money in the Fund would be made available upon appropriation by the Legislature to the State Water Board for six purposes:
 - 1. Direct water bill assistance;
 - 2. Water bill credits to renters, individuals, or households that pay other amounts, fees, or charges related to residential water and wastewater service;
 - 3. Water crisis assistance;
 - 4. Affordability assistance to low-income households served by domestic wells;
 - 5. Water efficiency measures for low-income households:
 - 6. Short-term assistance to public water systems to administer program components, including startup costs.

District's position: Oppose Unless Amended.

• SB 223 (Dodd): Discontinuation of residential water service. The bill would require the written policy on discontinuation of residential service for nonpayment to include an arrearage management plan, and, for those systems that provide water audits or have the capacity to do so, to include a free water audit offered to low-income households with water usage that is above the annual average volume usage of their customer class.

The bill would require the State Water Board to provide technical assistance to very small community water systems, to assist with compliance with these requirements and to establish a

bridge loan program to assist very small community water systems that may suffer revenue loss or delayed collection while complying with these requirements. The bill would also require the State Water Board to develop a template for a written policy on discontinuation of residential service for nonpayment, on or before September 1, 2022, to aid very small community water systems in complying with the requirement to have a written policy on discontinuation of residential service for nonpayment.

This bill would revise the conditions under which urban and community water systems and very small community water systems are prohibited from discontinuing residential service for nonpayment. The bill would prohibit these systems from discontinuing residential service for nonpayment during a state or local emergency. The bill would prohibit these systems from discontinuing residential water service for nonpayment until a payment by a customer has been delinquent for at least 120, rather than 60, days and the total amount of the delinquency, exclusive of late charges and interest, is at least \$400. The bill would also prohibit these systems from discontinuing residential water service for nonpayment to a master-metered multifamily residence with at least 4 units or to a master-metered mobilehome park.

Existing law requires an urban and community water system to impose specified fees for reconnection of service for customers with a household income below 200% of the federal poverty line. This bill would instead require an urban and community water system and very small community water system to waive fees for disconnection and reconnection of service for those customers.

District's position: Oppose.

• SB 323 (Caballero): Local government: water or sewer service: legal actions. The bill provides public agency water and sewer service rates the same protections already afforded to fees and charges that fund other essential government services. It would allow water agencies more financial certainty by helping to prevent costly and time-consuming litigation challenging rates and charges years after they have been adopted and collected, while still ensuring that adopted rates and charges comply with Proposition 218 and other existing laws. Recommended position: Support. Sponsored by ACWA.

COVID-19 Pandemic Response:

The California Department of Public Health (CDPH) released update COVID-19 vaccine guidelines on March 12 that included utility workers in Phase 1B. Since then, the eligibility for the vaccine has been modified and is now open for all individuals 50 and older, and will be available to those 16 and older beginning on April 15.

Water Quality Update

<u>Electronic Annual Report (EAR)</u> – The EAR has moved to a new online portal and includes a number of new questions for 2021 regarding income including annual revenues and incurred expenses. This new information is being collected to assess the financial resiliency of water systems. The report is due May 15, 2021.

<u>SAFER Program –</u> The SAFER program continues to host regular meetings to complete the statewide needs assessment. The SWRCB's Needs Assessment consists of three core components: The Affordability Assessment, Risk Assessment, and Cost Assessment. The results of the Needs Assessment will be used to prioritize public water systems, tribal water systems, state small water systems, and domestic wells for funding in the Safe and Affordable Drinking Water Fund Expenditure Plan; direct SWRCB technical assistance; and to develop strategies for implementing interim and long-term solutions. The SWRCB will be hosting two upcoming pubic webinars on the SAFER program.

- SAFER: Cost Assessment Model Preliminary Results and Gap Analysis: April 13, 2021, 9am
- SAFER Advisory Group Meetings: April 8 and April 22

<u>Cross-Connection Control Policy Handbook –</u> The SWRCB has issued the draft Cross-Connection Control Policy Handbook. Comments will be accepted through April 27, 2021. A public hearing will be held via video conference on April 14, 2021.

<u>2020 Safe Drinking Water Plan</u> – Every five years, the SWRCB updates the Safe Drinking Water Plan. The SWRCB held 3 virtual public workshops in March to provide an overview of the document and highlight progress made since the 2015 plan was adopted. Comments are due on April 23, 2021.

<u>Stateside Sanitary Sewer System General Order</u> — The SWRCB has released the draft statewide Sanitary Sewer System General Order and scheduled two workshops on April 13 and April 16. Staff is issuing the draft through an informal process to receive feedback prior to finalizing the draft Order and there will be an official formal comment period later in the process.

Addendum to Proposed Framework for Regulating Direct Potable Reuse in California – The SWRCB has prepared an addendum to the Proposed Framework for Regulating Direct Potable Reuse in California to start the process for developing the criteria for direct potable reuse. The SWRCB is accepting written comment on the Addendum by June 25, 2021. A public workshop will be scheduled and information will be forthcoming.

Water Use Efficiency/Conservation Update

<u>Water Loss Performance Standards</u> — On December 3 the SWRCB posted draft water loss regulations and the supporting economic model, and noticed a public workshop webinar for December 16. This regulation will establish volumetric water loss standards for urban water suppliers (serving potable water to 3,000 or more connections or serving 3,000 of more acre feet of water). At the workshop, staff indicated that a peer review of the economic model is underway. On March 24, the SWRCB hosted a Public Stakeholder Workshop to provide an overview of the peer review of the proposed water loss standards.

Department Of Water Resources

The Department of Water Resources (DWR) and SWRCB continue to implement the comprehensive water conservation and drought planning legislation of 2018, AB 1668 (Friedman) and SB 606 (Hertzberg).

Residential Landscape Area Measurement (LAM) and Indoor Water Use Studies — DWR is continuing its rollout to urban water suppliers of its estimates of "classified landscape areas". Urban water suppliers have 6 months to resolve "disputed parcels" and review and validate the estimates. Later in 2021 the validated data is to be used to develop an outdoor irrigation budget for each water supplier. DWR held the second meeting of the technical workgroup on Standards, Methodologies and Performance Measures to inform the development of the outdoor water use standards recommendation. DWA solicited input on their proposed options 1-5 for setting the outdoor water use standard. DWR is accepting informal comments and there is no deadline. We will be following up with the broader water agencies coalition regarding next steps. In an email from DWR, they stated that they are in the planning stage to hold another stakeholder meeting on LAM in April and extend the review period. They will be providing more guidance at the April stakeholder meeting and they will notify interested parties as soon as the date is set. On March 4, 2021, California Water Efficiency Partnership hosted a webinar on the landscape area data from DWR. Additionally, DWR convened the first meeting of the Water Use Study Workgroup on March 22 at 10am to inform the development of the Commercial,

Industrial and Institutional (CII) outdoor landscape area standards and measures. The workgroups and interested stakeholders are invited to further inform the process by providing implementable best management practices related to CII water use and to help define the scope of the CII water use water management plans. DWR is asking for this feedback by Monday, April 5.

DWR also now poised to complete a report addressing results of several indoor residential water use studies and conveying recommendations to the Legislature regarding the 55 gallons per capita per day single-family residential water use standard. A final recommendations report was due to the Legislature by January 1, but may not be released by DWR until April 1. Separately, the indoor residential water use standard will be subject to rulemaking by SWRCB in Fall of 2021. The indoor water use standard is to be used to calculate the overall water use objective for urban water suppliers. There is still disagreement on where the recommend is set. A new legislative proposal, AB 1434 (Friedman), may derail this process. As discussed above, this bill lowers the standard from 55 to 48 gallons per person with a phased decrease over time. This is troubling given the lack of justification for why the SB 606/AB 1668 standards are not sufficient when they haven't even been implemented yet and the introduction of a legislative proposal prior to DWR completing its indoor water use study.

<u>Urban Water Management Plan Final Guidance Document and Training Webinar –</u> DWR is poised to release the final Urban Water Management Plan Guidance Document, possibly before the end of January. This guidebook is intended for use by urban water suppliers and provides a helpful overview of current UWMP requirements and offers useful suggestions and technical resources. DWR has been conducting training webinars on UWMP requirements.

Recordings of the past and future UWMP trainings webinars are posted here: https://www.youtube.com/playlist?list=PLeod6x87Tu6e-Fi-louoKF2BagN-Bz_mA

Urban water suppliers must submit their 2020 UWMPs to DWR by July 1, 2021.



Olivenhain Legislative Report 2020 Report as of 4/5/2021

Oppose

AB 377 (Rivas, Robert D) Water quality: impaired waters.

Last Amend: 3/22/2021

Status: 3/23/2021-Re-referred to Com. on E.S. & T.M.

Location: 2/12/2021-A. E.S. & T.M.

Calendar: 4/21/2021 9 a.m. - State Capitol, Room

4202 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair **Summary:** Would require all California surface waters to attain applicable beneficial uses by January 1, 2050. The bill would require the state board and regional boards, when issuing an NPDES permit, a waste discharge requirement, or a waiver of a waste discharge requirement, to require that the discharge to surface water does not cause or contribute to an exceedance of an applicable water quality standard in receiving waters, and to not authorize the use of a best management practice permit term to authorize a discharge to surface water that causes or contributes to an exceedance of an applicable water quality standard in receiving waters.

Position

Oppose

AB 1434 (Friedman D) Urban water use objectives: indoor residential water use.

Status: 3/11/2021-Referred to Com. on W., P., & W.

Location: 3/11/2021-A. W., P. & W.

Calendar: 4/22/2021 2:30 p.m. - State Capitol, Room 4202 ASSEMBLY WATER,

PARKS AND WILDLIFE, GARCIA, EDUARDO, Chair

Summary: Would establish, beginning January 1, 2023, until January 1, 2025, the standard for indoor residential water use as 48 gallons per capita daily. The bill would establish, beginning January 1, 2025, the standard as 44 gallons per capita daily and, beginning January 1, 2030, 40 gallons per capita daily. The bill would eliminate the requirement that the department, in coordination with the state board, conduct necessary studies and investigations and jointly recommend to the Legislature a standard for indoor residential water use.

Position

Oppose

SB 223 (**Dodd D**) Discontinuation of residential water service.

Status: 3/23/2021-Set for hearing April 12.

Location: 1/28/2021-S. E. U., & C.

Calendar: 4/12/2021 Upon adjournment of Session - Senate

Chamber SENATE ENERGY, UTILITIES AND COMMUNICATIONS, HUESO, Chair **Summary:** Current law prohibits an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, from discontinuing residential water service for nonpayment until a payment by a customer has been delinquent for at least 60 days. Current law requires an urban and community water system to have a written policy on discontinuation of residential service for nonpayment, including, among other things, specified options for

addressing the nonpayment. Current law requires an urban and community water system to provide notice of that policy to customers, as provided. This bill would apply those provisions, on and after July 1, 2022, to a very small community water system, defined as a public water system that supplies water to 200 or fewer service connections used by year-long residents.

Position

Oppose

Oppose Unless Amended

AB 339 (Lee D) State and local government: open meetings.

Status: 1/29/2021-From printer. May be heard in committee February 28.

Location: 1/28/2021-A. PRINT

Summary: Current law requires all meetings, as defined, of a house of the Legislature or a committee thereof to be open and public, and requires all persons to be permitted to attend the meetings, except as specified. This bill would require all meetings, including gatherings using teleconference technology, to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and an internet-based service option to be provided to the public.

Position

Oppose Unless Amended

SB 222 (**Dodd** D) Water Affordability Assistance Program.

Status: 3/23/2021-Set for hearing April 12.

Location: 2/8/2021-S. E. U., & C.

Calendar: 4/12/2021 Upon adjournment of Session - Senate

Chamber SENATE ENERGY, UTILITIES AND COMMUNICATIONS, HUESO, Chair **Summary:** Would establish the Water Affordability Assistance Fund in the State Treasury to help provide water affordability assistance, for both drinking water and wastewater services, to low-income ratepayers and ratepayers experiencing economic hardship in California. The bill would make moneys in the fund available upon appropriation by the Legislature to the state board to provide, as part of the Water Affordability Assistance Program established by the bill, direct water bill assistance, water bill credits, water crisis assistance, affordability assistance, and short-term assistance to public water systems to administer program components.

Position

Oppose Unless Amended

Support

AB 361 (Rivas, Robert D) Open meetings: local agencies: teleconferences.

Status: 2/12/2021-Referred to Com. on L. GOV.

Location: 2/12/2021-A. L. GOV.

Summary: Would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote.

Position

Support

Notes:

AB 1 (Garcia, Cristina D) Hazardous waste.

Status: 1/11/2021-Referred to Com. on E.S. & T.M.

Location: 1/11/2021-A. E.S. & T.M.

Calendar: 4/7/2021 9 a.m. - State Capitol, Room

4202 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair **Summary:** Would create the Board of Environmental Safety in the California Environmental Protection Agency. The bill would provide requirements for the membership of the board and would require the board to conduct no less than 6 public meetings per year. The bill would provide for the duties of the board, which would include, among others, reviewing specified policies, processes, and programs within the hazardous waste control laws; proposing statutory, regulatory, and policy changes; and hearing and deciding appeals of hazardous waste facility permit decisions and certain financial assurance decisions.

Position

AB 8 (Smith R) Unemployment benefits: direct deposit.

Status: 1/11/2021-Referred to Com. on INS.

Location: 1/11/2021-A. INS.

Summary: Current law requires unemployment compensation benefits that are directly deposited to an account of the recipient's choice to be deposited to a qualifying account. Current law defines "qualifying account" for these purposes to mean a demand deposit or savings account at an insured financial institution in the name of the person entitled to receipt of public assistance payments or a prepaid card account that meets certain requirements, including that the prepaid card account may not be attached to any credit or overdraft feature that is automatically repaid from the account after delivery of the payment. This bill would, by July 1, 2021, provide that the recipient of the unemployment compensation benefits has the right to choose whether the benefits payments are directly deposited into a qualifying account or applied to a prepaid debit card.

Position

AB 9 (Wood D) Fire safety: wildfires: fire adapted communities.

Last Amend: 4/5/2021

Status: 3/25/2021-Referred to Coms. on NAT. RES. and L. GOV. From committee chair, with author's amendments: Amend, and re-refer to Com. on NAT. RES. Read

second time and amended. (Amended 4/5/2021)

Location: 3/25/2021-A. NAT. RES.

Calendar: 4/14/2021 9 a.m. - State Capitol, Room 4202 ASSEMBLY NATURAL

RESOURCES, RIVAS, LUZ, Chair

Summary: Would establish in the department the Regional Forest and Fire Capacity Program to support regional leadership to build local and regional capacity and develop, prioritize, and implement strategies and projects that create fire adapted communities by improving watershed health, forest health, community wildfire preparedness, and fire resilience. The bill would require, among other things, the department to, upon an appropriation by the Legislature, provide block grants to regional entities, as defined, to develop regional strategies that develop governance structures, identify wildfire risks, foster collaboration, and prioritize and implement projects within the region to achieve the goals of the program.

Position

AB 11 (Ward D) Climate change: regional climate change authorities.

Last Amend: 1/21/2021

Status: 1/25/2021-Re-referred to Com. on NAT. RES.

Location: 1/11/2021-A. NAT. RES.

Summary: Would require the Strategic Growth Council, by January 1, 2023, to establish up to 12 regional climate change authorities to coordinate climate adaptation and mitigation activities in their regions, and coordinate with other regional climate adaptation autorities, state agencies, and other relevant stakeholders.

Position

AB 19 (Santiago D) Unemployment insurance compensation: COVID-19 pandemic: temporary benefits.

Status: 1/11/2021-Referred to Com. on INS.

Location: 1/11/2021-A. INS.

Summary: The federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) temporarily provides for expanded unemployment benefits through the federal Pandemic Unemployment Assistance (PUA) and Pandemic Emergency Unemployment Compensation (PEUC) provisions of the CARES Act. This bill would require the Employment Development Department to provide, until July 1, 2022, following the termination of assistance pursuant to PUA and PEUC or any other federal or state supplemental unemployment compensation payments for unemployment due to the COVID-19 pandemic, in addition to an individual's weekly benefit amount as otherwise provided for by existing unemployment compensation law, unemployment compensation benefits equivalent to the terminated federal or state supplemental unemployment compensation payments for the remainder of the duration of time the individual is unemployed due to the COVID-19 pandemic, notwithstanding the weekly benefit cap. The bill would prohibit any unemployment compensation benefits authorized by the bill from being charged against the reserve account of any employer.

Position

AB 21 (Bauer-Kahan D) Forestry: electrical transmission and distribution lines: clearance: penalties.

Status: 3/25/2021-From committee: Amend, and do pass as amended and re-refer to Com. on JUD. (Ayes 6. Noes 3.) (March 24).

Location: 3/24/2021-A. JUD.

Summary: Current law requires a person that owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous land or forest-covered land, brush-covered land, or grass-covered land to maintain around and

adjacent to any pole or tower that supports a switch, fuse, transformer, lightning arrester, line junction, or dead-end or corner pole a firebreak, as specified. Current law requires a person that owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous land or in forest-covered land, brush-covered land, or grass-covered land to maintain a clearance between all vegetation and all conductors that are carrying electric current, as specified. This bill would impose a civil penalty of up to \$100,000 for each violation of the above-described provisions. The bill would impose an additional civil penalty of up to \$1,000 for each acre burned by a fire resulting from a violation of the above-described provisions.

Position

AB 24 (Waldron R) Unemployment insurance: benefit determination deadlines.

Status: 1/11/2021-Referred to Com. on INS.

Location: 1/11/2021-A. INS.

Summary: Current law establishes procedures for the filing, determination, and payment of benefit claims, and those benefits are payable from the Unemployment Fund. Current law requires the department to promptly pay benefits if it finds the claimant is eligible and to promptly deny benefits if it finds the claimant is ineligible for benefits. Current law requires the department to consider facts submitted by an employer in making this determination and also provides for the department to audit claims, as specified. Existing law provides a procedure for a claimant or a base employer to challenge a determination of the computation or recomputation of the benefits. This bill would require the department to provide a claimant with a notification of the computation used to determine their benefits within 30 days of the receipt of the claim and to respond to a challenge by the claimant or the base employer based on the computation or recomputation of benefits within 15 days of the receipt of the protest, except as specified.

Position

AB 25 (Kiley R) Worker classification: employees and independent contractors.

Status: 1/11/2021-Referred to Com. on L. & E.

Location: 1/11/2021-A. L. & E.

Summary: Current law exempts specified occupations and business relationships from the application of the ABC test as specified. Current law, instead, provides that these exempt relationships are governed by the multifactor test previously adopted in the case of S. G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal.3d 341 (Borello). This bill would generally repeal provisions relating to the "ABC" test for various specified occupations and business relationships. The bill would, instead, require the determination of whether a person is an employee or an independent contractor to be based on the specific multifactor test set forth in Borello, including whether the person to whom service is rendered has the right to control the manner and means of accomplishing the result desired, and other identified factors.

Position

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

Last Amend: 3/22/2021

Status: 3/23/2021-Re-referred to Com. on W.,P., & W.

Location: 3/18/2021-A. W., P. & W.

Summary: Current law establishes various state agencies, including the Natural Resources Agency, which consists of various departments, including the Department of Conservation, the Department of Fish and Wildlife, and the Department of Parks

and Recreation. Current law vests in the Natural Resources Agency various powers, including those related to conservation of lands. Current law establishes, within state agencies, state departments, including the Department of Transportation under the Transportation Agency. This bill would declare that it is the established policy of the state that access to nature and access to the benefits of nature is a human right and that every human has the right to safe and affordable outdoor access, among other things.

Position

AB 36 (Gallagher R) Design-build contracting: Town of Paradise

Status: 1/11/2021-Referred to Com. on L. GOV.

Location: 1/11/2021-A. L. GOV.

Summary: Would authorize the Paradise Irrigation District to use the design-build contracting process to award a contract for a water conveyance pipeline from the Town of Paradise to the City of Chico. The bill would authorize the Town of Paradise to use the design-build contracting process to provide for the provision of sewer treatment to the Town of Paradise, including for infrastructure connecting the Town of Paradise to an existing treatment facility.

Position

AB 50 (Boerner Horvath D) Climate change: Climate Adaptation Center and Regional Support Network: sea level rise.

Status: 1/11/2021-Referred to Com. on NAT. RES.

Location: 1/11/2021-A. NAT. RES.

Summary: Current law requires the Natural Resources Agency, in collaboration with the Ocean Protection Council, to create, and update biannually, a Planning for Sea Level Rise Database describing steps being taken throughout the state to prepare for, and adapt to, sea level rise. This bill would establish the Climate Adaptation Center and Regional Support Network in the Ocean Protection Council to provide local governments facing sea level rise challenges with information and scientific expertise necessary to proceed with sea level rise mitigation.

Position

AB 51 (Quirk D) Climate change: adaptation: regional climate adaptation planning groups: regional climate adaptation plans.

Status: 1/11/2021-Referred to Com. on NAT. RES.

Location: 1/11/2021-A. NAT. RES.

Summary: Would require the Strategic Growth Council, by July 1, 2022, to establish guidelines for the formation of regional climate adaptation planning groups. The bill would require the council, by July 1, 2023, and in consultation with certain state entities, to develop criteria for the development of regional climate adaptation plans.

Position

AB 52 (Frazier D) California Global Warming Solutions Act of 2006: scoping plan updates: wildfires.

Status: 1/11/2021-Referred to Com. on NAT. RES.

Location: 1/11/2021-A. NAT. RES.

Summary: The California Global Warming Solutions Act of 2006 authorizes the State Air Resources Board to include in its regulation of emissions of greenhouse gases the use of market-based compliance mechanisms. Current law requires all moneys, except for fines and penalties, collected by the state board from a market-based

compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund (fund) and to be available upon appropriation by the Legislature. Current law continuously appropriates 35% of the annual proceeds of the fund for transit, affordable housing, and sustainable communities programs and 25% of the annual proceeds of the fund for certain components of a specified high-speed rail project. This bill would require the state board, in each scoping plan update prepared by the state board after January 1, 2022, to include, consistent with the act, recommendations for achieving the maximum technologically feasible and cost-effective reductions of emissions of greenhouse gases and black carbon from wildfires.

Position

AB 55 (Boerner Horvath D) Employment: telecommuting.

Status: 12/8/2020-From printer. May be heard in committee January 7.

Location: 12/7/2020-A. PRINT

Summary: Current law promotes and develops the welfare of workers in California to improve working conditions and advance opportunities for profitable employment. Current law regulates the wages, hours, and working conditions of any worker employed in any occupation, trade, or industry. This bill would declare the intent of the Legislature to enact future legislation to ensure certain rights and benefits for telecommuting employees.

Position

AB 59 (Gabriel D) Mitigation Fee Act: fees: notice and timelines.

Status: 1/11/2021-Referred to Coms. on L. GOV. and H. & C.D.

Location: 1/11/2021-A. L. GOV.

Summary: Current law authorizes any party to protest the imposition of a fee, dedication, reservation, or other exactions imposed on a development project within 90 or 120 days of the imposition of the fee, as applicable, and specifies procedures for those protests and actions. The Mitigation Fee Act imposes the same requirements on a local agency for a new or increased fee for public facilities. Current law, for specified fees, requires any judicial action or proceeding to attack, review, set aside, void, or annul an ordinance, resolution, or motion adopting a new fee or service charge or modifying an existing fee or service charge to be commenced within 120 days of the effective date of the ordinance, resolution, or motion. Current law also provides that, if an ordinance, resolution, or motion provides for an automatic adjustment in a fee or service charge and the adjustment results in an increase in the fee or service charge, that any action to attack, review, set aside, void, or annul the increase to be commenced within 120 days of the increase. This bill would increase, for fees and service charges and for fees for specified public facilities, the time for mailing the notice of the time and place of the meeting to at least 45 days before the meeting.

Position

AB 64 (Quirk D) Electricity: long-term backup electricity supply strategy.

Last Amend: 3/23/2021

Status: 3/24/2021-Re-referred to Com. on U. & E. In committee: Set, first hearing.

Hearing canceled at the request of author.

Location: 1/11/2021-A. U. & E.

Summary: Would require the PUC, Energy Commission, and State Energy Resources Conservation and Development Commission, in consultation with all balancing authorities, to additionally develop a strategy, by January 1, 2024, that achieves (1) a target of 5 gigawatthours of operational long-term backup electricity, as specified, by December 31, 2030, and (2) a target of at least an additional 5 gigawatthours of

operational long-term backup electricity in each subsequent year through 2045. The bill would require the commission, by January 1, 2024, to submit the strategy developed in a report to the Legislature, and by January 1 of each 4th year thereafter, through January 1, 2044, would require the commission to submit a report to the Legislature detailing the progress made toward achieving the targets of the long-term backup electricity supply strategy.

Position

AB 78 (O'Donnell D) San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy: territory: Dominguez Channel watershed and Santa Catalina Island.

Status: 1/11/2021-Referred to Com. on NAT. RES.

Location: 1/11/2021-A. NAT. RES.

Calendar: 4/14/2021 9 a.m. - State Capitol, Room 4202 ASSEMBLY NATURAL

RESOURCES, RIVAS, LUZ, Chair

Summary: Current law establishes the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy in the Natural Resources Agency and prescribes the functions and duties of the conservancy with regard to the protection, preservation, and enhancement of specified areas of the Counties of Los Angeles and Orange located along the San Gabriel River and the lower Los Angeles River and tributaries along those rivers. Current law, for purposes of those provisions, defines "territory" to mean the territory of the conservancy that consists of those portions of the Counties of Los Angeles and Orange located within the San Gabriel River and its tributaries, the lower Los Angeles River and its tributaries, and the San Gabriel Mountains, as described. This bill would additionally include the Dominguez Channel watershed and Santa Catalina Island, as described, within that definition of territory, and would make various related changes to the boundaries of that territory.

Position

AB 79 (Ting D) Budget Act of 2020.

Last Amend: 1/25/2021

Status: 2/18/2021-In committee: Hearing postponed by committee.

Location: 2/2/2021-S. BUDGET & F.R.

Summary: The Budget Act of 2020 made appropriations for the support of state government for the 2020-21 fiscal year. This bill would amend the Budget Act of 2020 by 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 80 (Burke D) Taxation: Coronavirus Aid, Relief, and Economic Security Act: Federal Consolidated Appropriations Act, 2021.

Last Amend: 2/17/2021

Status: 3/15/2021-In committee: Hearing postponed by committee.

Location: 2/22/2021-S. BUDGET & F.R.

Summary: Would adopt, except as provided, the provisions of the Consolidated Appropriations Act, 2021, prohibiting any reduction in tax deductions, denials of basis adjustments, and reductions in tax attributes based on the exclusion from gross income provided for any loan amount forgiven in modified conformity with the federal CARES Act and its subsequent amendments.

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

Last Amend: 3/12/2021

Status: 3/15/2021-From committee: Do pass. (Ayes 13. Noes 5.) (March 15).

Location: 1/25/2021-S. THIRD READING

Calendar: 4/6/2021 #46 SENATE THIRD READING

Summary: Would provide for COVID-19 supplemental paid sick leave for covered employees, as defined, who are unable to work or telework due to certain reasons related to COVID-19, including that the employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. The bill would entitle a covered employee to 80 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 (Ting D) Budget Act of 2021.

Status: 2/18/2021-In committee: Hearing postponed by committee.

Location: 1/25/2021-S. BUDGET & F.R.

Summary: This bill would express the intent of the Legislature to enact statutory

changes relating to the Budget Act of 2021.

Position

AB 100 (Holden D) Drinking water: pipes and fittings: lead content.

Status: 1/11/2021-Read first time. Referred to Com. on E.S. & T.M.

Location: 1/11/2021-A. E.S. & T.M.

Calendar: 4/7/2021 9 a.m. - State Capitol, Room

4202 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair **Summary:** The California Safe Drinking Water Act prohibits, with certain exceptions, the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption. The act defines "lead free" for purposes of conveying or dispensing water for human consumption to mean not more than 0.2% lead when used with respect to solder and flux and not more than a weighted average of 0.25% lead when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures. This bill would additionally define "lead free," with respect to endpoint devices, as defined, to mean that the devices do not leach more than one microgram of lead under certain tests and meeting a specified certification.

Position

AB 119 (Salas D) County auditor: direct levies.

Last Amend: 1/26/2021

Status: 1/27/2021-Re-referred to Com. on L. GOV.

Location: 1/11/2021-A. L. GOV.

Summary: Current law requires each county to have certain offices, including the office of auditor who is designated to perform certain duties, including apportioning property tax revenue to each jurisdiction according to tax rate area. Current law defines tax rate areas for the purpose of property tax allocation. This bill would require

the county auditor, or other county officer designated by the county, to make publicly available on their internet website information about direct levies, as defined, including the range of combined direct levies assessed on real property. The bill would require a website posting that identifies contact information for each direct levy assessed within their jurisdiction, to also include the range of fees assessed on individual parcels of real property subject to the special district's assessment.

Position

AB 125 (Rivas, Robert D) Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2022.

Last Amend: 3/18/2021

Status: 3/22/2021-Re-referred to Com. on AGRI.

Location: 3/18/2021-A. AGRI.

Calendar: 4/15/2021 10:30 a.m. - State Capitol, Room 4202 ASSEMBLY AGRICULTURE, RIVAS, ROBERT, Chair

Summary: Would enact the Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$3,122,000,000, pursuant to the State General Obligation Bond Law, to finance programs related to, among other things, agricultural lands, food and fiber infrastructure, climate resilience, agricultural professionals, including farmers, ranchers, and farmworkers, workforce development and training, air quality, tribes, disadvantaged communities, nutrition, food aid, meat processing facilities, fishing facilities, and fairgrounds.

Position

AB 131 (Committee on Budget) Budget Act of 2021.

Last Amend: 2/18/2021

Status: 3/11/2021-Referred to Com. on B. & F.R.

Location: 3/11/2021-S. BUDGET & F.R.

Summary: This bill would express the intent of the Legislature to enact statutory

changes, relating to the Budget Act of 2021.

Position

AB 132 (Committee on Budget) Budget Act of 2021.

Last Amend: 2/18/2021

Status: 3/11/2021-Referred to Com. on B. & F.R.

Location: 3/11/2021-S. BUDGET & F.R.

Summary: This bill would express the intent of the Legislature to enact statutory

changes, relating to the Budget Act of 2021.

Position

AB 133 (Committee on Budget) Budget Act of 2021.

Last Amend: 2/18/2021

Status: 3/11/2021-Referred to Com. on B. & F.R.

Location: 3/11/2021-S. BUDGET & F.R.

Summary: This bill would express the intent of the Legislature to enact statutory

changes, relating to the Budget Act of 2021.

AB 252 (Rivas, Robert D) Department of Conservation: Multibenefit Land Repurposing Incentive Program: administration.

Last Amend: 3/29/2021

Status: 3/29/2021-From committee chair, with author's amendments: Amend, and

re-refer to Com. on W.,P., & W. Read second time and amended.

Location: 1/28/2021-A. W., P. & W.

Calendar: 4/8/2021 2:30 p.m. - State Capitol, Room 4202 ASSEMBLY WATER,

PARKS AND WILDLIFE, GARCIA, EDUARDO, Chair

Summary: Would require the Department of Conservation to establish and administer a program named the Multibenefit Land Repurposing Incentive Program for purposes of providing grants to groundwater sustainability agencies or counties, or other specified entities designated by groundwater sustainability agencies or counties, for the development or implementation of local programs supporting or facilitating multibenefit land repurposing at the basin scale. The bill would establish procedures for the department's administration of the program and would require the department to develop guidelines to implement the program and to exercise its expertise and discretion in awarding program funds to eligible applicants.

Position

AB 267 (Valladares R) California Environmental Quality Act: exemption: prescribed fire, thinning, and fuel reduction projects.

Last Amend: 3/16/2021

Status: 3/30/2021-Coauthors revised.

Location: 3/24/2021-A. APPR.

Summary: Current law, until January 1, 2023, exempts from the requirements of CEQA prescribed fire, thinning, or fuel reduction projects undertaken on federal lands to reduce the risk of high-severity wildfire that have been reviewed under the federal National Environmental Policy Act of 1969, as provided. Current law requires the Department of Forestry and Fire Protection, beginning December 31, 2019, and annually thereafter until January 1, 2023, to report to the relevant policy committees of the Legislature the number of times the exemption was used. This bill would extend the exemption from CEQA and the requirement on the department to report to the relevant policy committees of the Legislature to January 1, 2026.

Position

AB 271 (Rivas, Robert D) Santa Clara Valley Water District: contracts: best value procurement.

Last Amend: 3/9/2021

Status: 3/25/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8.

Noes 0.) (March 24). Re-referred to Com. on APPR.

Location: 3/24/2021-A. APPR.

Summary: Current law authorizes certain local entities to select a bidder for a contract on the basis of "best value," as defined. Existing law governs various types of contract procedures applicable to the Santa Clara Valley Water District and prescribes competitive bidding procedures for any improvement or unit of work over \$50,000. This bill would authorize the district, upon approval by the board of directors of the district, to award contracts on a best value basis for any work of the Anderson Dam project, defined to include prescribed activities and works of construction with regard to the Leroy Anderson Dam and Reservoir and certain fish and aquatic habitat measures described in a federal-state settlement agreement. The bill would require the district, if the board elects to award contracts on a best value basis, to comply with specified requirements governing the documents prepared, setting forth the scope and estimated price of the project and the request for qualifications, with bids

evaluated using only the criteria and selection procedures identified in the procurement process documents.

Position

AB 280 (Rivas, Robert D) Electrical corporations: wildfire mitigation plans.

Status: 1/28/2021-Referred to Com. on U. & E.

Location: 1/28/2021-A. U. & E.

Summary: Under current law, the Public Utilities Commission has jurisdiction over electrical corporations. Current law requires each electrical corporation to annually prepare and submit a wildfire mitigation plan to the Wildfire Safety Division of the commission for review and approval. This bill would require each electrical corporation to also submit its wildfire mitigation plan to the appropriate policy committees of the Legislature.

Position

AB 297 (Gallagher R) Fire prevention.

Status: 2/12/2021-Referred to Coms. on NAT. RES. and REV. & TAX.

Location: 2/12/2021-A. NAT. RES.

Summary: Would continuously appropriate \$480,000,000 and \$20,000,000 to the Department of Forestry and Fire Prevention and the California Conservation Corps, respectively, for fire prevention activities, as provided.

Position

AB 304 (Quirk D) Contaminated sites: waste releases or surface or groundwater contamination: local oversight: remedial actions.

Last Amend: 3/23/2021

Status: 3/24/2021-Re-referred to Com. on E.S. & T.M.

Location: 2/12/2021-A. E.S. & T.M.

Calendar: 4/7/2021 9 a.m. - State Capitol, Room

4202 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, OUIRK, Chair **Summary:** Whenever a release of waste occurs and remedial action is required, current law authorizes a person, as defined, to request that a local officer supervise the remedial action. Current law authorizes a local officer to agree to supervise the remedial action if the local officer determines that certain conditions have been met. Current law requires that remedial action to be carried out only pursuant to a remedial action agreement, which includes specified elements, entered into by the local officer and the responsible party, and authorizes the local officer to withdraw from the agreement, after giving the responsible party adequate notice, at any time after making any of specified findings. This bill would authorize a person to request the local officer to oversee the remedial action only if the release of waste is not being overseen by the department or a regional water quality control board. The bill would authorize the local officer to agree to oversee the remedial action only if the local officer determines that the same conditions referenced above have been met, the local officer has submitted specified information to the department and the regional water quality control board within the past 12 months, and the local officer has complied with specified notification requirements.

Position

AB 315 (Stone D) Voluntary stream restoration property owner liability: indemnification.

Last Amend: 3/11/2021

Status: 3/15/2021-Re-referred to Com. on W.,P., & W.

Location: 2/12/2021-A. W., P. & W.

Calendar: 4/8/2021 2:30 p.m. - State Capitol, Room 4202 ASSEMBLY WATER,

PARKS AND WILDLIFE, GARCIA, EDUARDO, Chair

Summary: Current law authorizes a habitat restoration or enhancement project proponent to submit a written request for approval of the project to the Director of Fish and Wildlife. Current law requires the director to approve the project if the written request includes certain information, as specified, and provides for an alternate authorization process by the State Water Resources Control Board. This bill would require the state to indemnify and hold harmless a property owner who voluntarily allows their property to be used for such a project to restore fish and wildlife habitat from civil liability for property damage or personal injury resulting from the project if the project meets specified requirements, including that the project is funded, at least in part, by a state or federal agency whose mission includes restoring habitat for native fish and wildlife, and the liability arises from, and the property owner or any person or entity retained by the property owner does not perform, the construction, design specifications, surveying, planning, supervision, testing, or observation of construction related to the project to restore fish and wildlife habitat.

Position

AB 322 (Salas D) Energy: Electric Program Investment Charge program: biomass.

Last Amend: 3/18/2021

Status: 3/22/2021-Re-referred to Com. on U. & E.

Location: 2/12/2021-A. U. & E.

Calendar: 4/7/2021 1:30 p.m. - State Capitol, Assembly Chamber ASSEMBLY UTILITIES AND ENERGY, HOLDEN, Chair

Summary: Current law requires the Energy Commission, in administering moneys in the Electric Program Investment Charge Fund for research, development, and demonstration programs, to develop and implement the EPIC program for the purpose of awarding funds to projects that may lead to technological advancement and breakthroughs to overcome barriers that prevent the achievement of the state's statutory energy goals and that may result in a portfolio of projects that are strategically focused and sufficiently narrow to make advancement on the most significant technological challenges. Current law, until January 1, 2023, requires the Energy Commission to expend certain percentages of the moneys appropriated from the fund for technology demonstration and deployment at sites that benefit certain communities. This bill would require the Energy Commission to allocate not less than 20% of the funds appropriated for the EPIC program to bioenergy projects for biomass conversion, as specified.

Position

AB 350 (Villapudua D) Agriculture: Cannella Environmental Farming Act of 1995: technical assistance grant program: groundwater conservation planning.

Last Amend: 3/22/2021

Status: 3/23/2021-Re-referred to Com. on AGRI.

Location: 2/12/2021-A. AGRI.

Calendar: 4/15/2021 10:30 a.m. - State Capitol, Room 4202 ASSEMBLY AGRICULTURE, RIVAS, ROBERT, Chair

Summary: Would require, upon an appropriation of funds, the Department of Food and Agriculture to establish and administer a 3-year grant program to fund technical assistance to support landowners located in critically overdrafted basins, as defined, in the San Joaquin Valley in reaching water use reduction goals established pursuant to the Sustainable Groundwater Management Act. The bill would require the

department, in its development of the grant program, to establish various criteria, guidelines, restrictions, processes and regulations for the qualification and administration of grants to technical assistance providers, as specified. The bill would require the grant program to fund one technical assistance provider in each of the 8 counties in the San Joaquin Valley. The bill would require the department to ensure that at least 25% of the grant program funds are used to provide technical assistance to socially disadvantaged farmers and ranchers, as defined.

Position

AB 373 (Seyarto R) State Emergency Plan: update.

Last Amend: 3/3/2021

Status: 3/4/2021-Re-referred to Com. on E.M. **Location:** 2/25/2021-A. EMERGENCY MANAGEMENT

Summary: Current law, the California Emergency Services Act, establishes the Office of Emergency Services (Cal OES) within the office of the Governor, and requires Cal OES to update the State Emergency Plan on or before January 1, 2019, and requires Cal OES to update it every 5 years thereafter. This bill, instead, would require Cal OES to update the State Emergency Plan every three years commencing January 1, 2024.

Position

AB 394 (Arambula D) Fresno Metropolitan Flood Control District: contracts.

Status: 2/12/2021-Referred to Com. on L. GOV.

Location: 2/12/2021-A. L. GOV.

Summary: The Fresno Metropolitan Flood Control Act establishes the Fresno Metropolitan Flood Control District and grants the district authority relating to flood control. The act requires that a contract entered into by the district for materials, supplies, or for the construction or repair of works or improvements that has a contract price exceeding \$10,000 be let to the lowest responsible bidder in accordance with specified public bidding requirements, except as provided. The act authorizes the district to enter into a contract without public bidding if the contract price does not exceed \$10,000. This bill would increase the contract price amount set forth in those provisions for a contract for materials or supplies from \$10,000 to \$25,000.

Position

AB 418 (Valladares R) Emergency services: grant program.

Status: 2/12/2021-Referred to Coms. on E.M. and U. & E. **Location:** 2/12/2021-A. EMERGENCY MANAGEMENT

Calendar: 4/5/2021 2:30 p.m. - State Capitol, Room 437 ASSEMBLY EMERGENCY

MANAGEMENT, RODRIGUEZ, Chair

Summary: Would establish the Community Power Resiliency Program (program), to be administered by the Office of Emergency Services, to support local governments in priority areas including schools, elections offices, food storage reserves, COVID-19 testing sites, and traffic signals and street lamps. The bill would authorize the office to allocate specified sums, pursuant to an appropriation by the Legislature, to local governments, special districts, and tribes for various purposes relating to power resiliency, and would require those entities applying for funding to either describe the portion of their emergency plan that includes power outages or provide an attestation that power outages will be included when the entity revises any portion of their emergency plan.

AB 442 (Mayes I) Surface Mining and Reclamation Act of 1975: exemption: Metropolitan Water District of Southern California: single master reclamation plan.

Status: 3/25/2021-From committee: Do pass and re-refer to Com. on W.,P., & W. with recommendation: To Consent Calendar. (Ayes 11. Noes 0.) (March 24). Re-

referred to Com. on W.,P., & W. **Location:** 3/24/2021-A. W.,P. & W.

Summary: The Surface Mining and Reclamation Act of 1975 exempts certain activities from the provisions of the act, including, among others, emergency excavations or grading conducted by the Department of Water Resources or the Central Valley Flood Protection Board for the specified purposes; surface mining operations conducted on lands owned or leased, or upon which easements or rights-of-way have been obtained, by the Department of Water Resources for the purpose of the State Water Resources Development System or flood control; and surface mining operations on lands owned or leased, or upon which easements or rights-of-way have been obtained, by the Central Valley Flood Protection Board for the purpose of flood control. This bill would additionally exempt from the provisions of the act emergency excavations or grading conducted by the Metropolitan Water District of Southern California (MWD) for its own operations and infrastructure for specified purposes.

Position

AB 464 (Mullin D) Enhanced Infrastructure Financing Districts: allowable facilities and projects.

Last Amend: 3/25/2021

Status: 3/25/2021-From committee chair, with author's amendments: Amend, and

re-refer to Com. on L. GOV. Read second time and amended.

Location: 2/18/2021-A. L. GOV.

Calendar: 4/14/2021 1:30 p.m. - State Capitol, Room 4202 ASSEMBLY LOCAL

GOVERNMENT, AGUIAR-CURRY, Chair

Summary: Current law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance that provide significant benefits to the district or the surrounding community, including, but not limited to, the acquisition, construction, or repair of industrial structures for private use. This bill would include, in the list of facilities and projects the district may fund, the acquisition, construction, or repair of commercial structures by the small business, as defined, occupant of such structures, if certain conditions are met, and facilities in which nonprofit community organizations provide health, youth, homeless, and social services.

Position

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

Status: 2/18/2021-Referred to Com. on NAT. RES.

Location: 2/18/2021-A. NAT. RES.

Summary: The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection. The act 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. This bill would extend the operation of the Forest Fire Prevention Exemption indefinitely. The bill would delete the requirement that the tree

harvesting area not exceed 300 acres and the requirement that temporary road construction or reconstruction be limited to no more than 2 miles of road per ownership in a planning watershed per any 5-year period.

Position

AB 564 (Gonzalez, Lorena D) Biodiversity Protection and Restoration Act.

Status: 2/18/2021-Referred to Coms. on A. & A.R. and W., P., & W.

Location: 2/18/2021-A. A. & A.R.

Summary: Would establish the Biodiversity Protection and Restoration Act and would provide that it is the policy of the state that all state agencies, boards, and commissions shall utilize their authorities in furtherance of the biodiversity conservation purposes and goals of certain executive orders. The bill would require all state agencies, boards, and commissions to consider and prioritize the protection of biodiversity in carrying out their statutory mandates. The bill would require strategies related to the goal of the state to conserve at least 30% of California's land and coastal waters by 2030 to be made available to the public and provided to certain legislative committees by no later than June 30, 2022.

Position

AB 602 (Grayson D) Development fees: impact fee nexus study.

Last Amend: 3/18/2021

Status: 3/22/2021-Re-referred to Com. on L. GOV.

Location: 3/18/2021-A. L. GOV.

Summary: Would, among other things, require, on and after January 1, 2022, a city, county, or special district that conducts an impact fee nexus study to follow specific standards and practices, including, but not limited to, (1) that prior to the adoption of an associated development fee or exaction, an impact fee nexus study be adopted, (2) that the study identify the existing level of service for each assessed impact, identify the proposed new level of service, explain the level of metric being used, and include a finding of why the new level of service is necessary, and (3) that a fee levied or imposed on a housing development project by a local agency be proportionate to the square footage of the proposed unit or units. The bill would also require a city, county, or special district to post a written fee schedule or a link directly to the written fee schedule on its internet website.

Position

AB 622 (Friedman D) Washing machines: microfiber filtration.

Status: 2/25/2021-Referred to Com. on E.S. & T.M.

Location: 2/25/2021-A. E.S. & T.M.

Calendar: 4/21/2021 9 a.m. - State Capitol, Room

4202 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair **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 with a mesh size of 100 microns or smaller.

Position

AB 642 (Friedman D) Wildfires.

Status: 3/25/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9.

Noes 0.) (March 24). Re-referred to Com. on APPR.

Location: 3/24/2021-A. APPR.

Summary: Would require the Director of Forestry and Fire Protection to identify areas in the state as moderate and high fire hazard severity zones. The bill would additionally require the director classify areas into fire hazard severity zones based on additional factors including possible lightning caused ignition. The bill would require a local agency, within 30 days of receiving a transmittal from the director that identifies fire hazard severity zones, to make the information available for public comment.

Position

AB 648 (Fong R) Greenhouse Gas Reduction Fund: healthy forest and fire prevention: appropriation.

Status: 2/25/2021-Referred to Com. on NAT. RES.

Location: 2/25/2021-A. NAT. RES.

Summary: Would continuously appropriate, beginning in the 2021–22 fiscal year and ending in the 2028–29 fiscal year, \$200,000,000 of the annual proceeds from the Greenhouse Gas Reduction Fund to the Department of Forestry and Fire Protection for (1) healthy forest and fire prevention programs and projects that improve forest health and reduce greenhouse gas emissions caused by uncontrolled wildfires and (2) prescribed fire and other fuel reduction projects through proven forestry practices consistent with the recommendations of the California Forest Carbon Plan, including the operation of year-round prescribed fire crews and implementation of a research and monitoring program for climate change adaptation.

Position

AB 652 (Friedman D) Product safety: juvenile products: chemicals: perfluoroalkyl and polyfluoroalkyl substances.

Last Amend: 3/29/2021

Status: 3/29/2021-From committee chair, with author's amendments: Amend, and

re-refer to Com. on E.S. & T.M. Read second time and amended.

Location: 2/25/2021-A. E.S. & T.M.

Calendar: 4/7/2021 9 a.m. - State Capitol, Room

4202 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair

Summary: Would, on and after July 1, 2023, prohibit a person, including a manufacturer, from selling or distributing in commerce in this state any new, not previously owned, juvenile product, as defined, that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS), as defined. The bill would establish requirements for manufacturers when replacing PFAS chemicals in juvenile products.

Position

AB 697 (Chau D) Forest resources: national forest lands: Good Neighbor Authority Fund: ecological restoration and fire resiliency projects.

Status: 3/25/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 2.) (March 24). Re-referred to Com. on APPR.

Location: 3/24/2021-A. APPR.

Summary: Would reorganize the law relating to the State Treasury the Good Neighbor Authority Fund. The bill would require the Department of Forestry and Fire Protection, under an agreement between the state and the federal government, to establish a program for purposes of conducting ecological restoration and fire resiliency projects on national forest lands, with priority given to forest restoration

and fuels reduction projects that are landscape scale, focused on ecological restoration and based on the best available science, emphasize the use of prescribed fire, and include community fire protection and protection of water infrastructure and other infrastructure as important goals, as provided.

Position

AB 703 (Rubio, Blanca D) Open meetings: local agencies: teleconferences.

Status: 2/25/2021-Referred to Com. on L. GOV.

Location: 2/25/2021-A. L. GOV.

Summary: Current law, by Executive Order N-29-20, suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill would remove the requirements of the act particular to teleconferencing and allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda and the ability of the public to observe the meeting and provide public comment. The bill would require that, in each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the local agency also give notice of the means by which members of the public may observe the meeting and offer public comment and that the legislative body have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act, as provided.

Position

AB 712 (Calderon D) Local Agency Public Construction Act: change orders.

Status: 2/25/2021-Referred to Com. on L. GOV.

Location: 2/25/2021-A. L. GOV.

Summary: The Local Agency Public Construction Act regulates contracting by local agencies, including counties and special districts. The act, for a county, imposes a \$5,000 cap when the total amount of the original contract does not exceed \$50,000. For any original contract that exceeds \$50,000, but does not exceed \$250,000, the cap is 10% of the amount of the original contract. For contracts whose original cost exceeds \$250,000, the cap is \$25,000 plus 5% of the amount of the original contract cost in excess of \$250,000, and prohibits a change or alteration cost from exceeding \$210,000. This bill would require that the existing caps be adjusted annually to reflect the percentage change in the California Consumer Price Index. The bill would modify the cap applicable to contracts exceeding \$250,000 to apply only to contracts exceeding that amount but not exceeding \$25,000,000. The bill would add a new change order cap of \$500,000 for contracts whose original cost exceeds \$25,000,000 and of \$1,000,000 for contracts whose original cost exceeds \$50,000,000, both of which would be adjusted annually to reflect the percentage change in the California Consumer Price Index.

Position

AB 736 (Mathis R) Safe Drinking Water State Revolving Fund: internet website information: updates.

Status: 2/25/2021-Referred to Com. on E.S. & T.M.

Location: 2/25/2021-A. E.S. & T.M.

Summary: The Safe Drinking Water State Revolving Fund Law of 1997, administered by the State Water Resources Control Board, establishes the Safe Drinking Water

State Revolving Fund to provide grants or revolving fund loans for the design and construction of projects for public water systems that will enable those systems to meet safe drinking water standards. The law requires the board, at least once every 2 years, to post information on its internet website and send a link of the internet website to the Legislature regarding implementation of the law and expenditures from the fund, as specified. This bill would require the board to post that information and send that link at least annually instead of at least once every 2 years.

Position

AB 754 (Mathis R) Sustainable groundwater management: groundwater sustainability plan.

Last Amend: 3/11/2021

Status: 3/15/2021-Re-referred to Com. on W.,P., & W.

Location: 3/11/2021-A. W.,P. & W.

Calendar: 4/22/2021 2:30 p.m. - State Capitol, Room 4202 ASSEMBLY WATER,

PARKS AND WILDLIFE, GARCIA, EDUARDO, Chair

Summary: The Sustainable Groundwater Management Act authorizes the State Water Resources Control Board to designate a high- or medium-priority basin as a probationary basin if the basin is not entirely covered by an adopted groundwater sustainability plan or plans or a department-approved alternative by the applicable deadline. The act authorizes the board to adopt an interim plan for a probationary basin, as specified. This bill would extend the deadline for all high- or medium-priority basins not subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated plans until January 31, 2023. The bill would make conforming changes to the authority of the board to designate a high- or medium-priority basin as a probationary basin for the failure to manage a basin under a groundwater sustainability plan or coordinated plan by the applicable deadlines.

Position

AB 781 (Daly D) Flood control projects: County of Orange: subvention funds.

Last Amend: 3/4/2021

Status: 3/8/2021-Re-referred to Com. on W.,P., & W.

Location: 3/4/2021-A. W.,P. & W.

Calendar: 4/22/2021 2:30 p.m. - State Capitol, Room 4202 ASSEMBLY WATER,

PARKS AND WILDLIFE, GARCIA, EDUARDO, Chair

Summary: Would authorize the state to provide subvention funds, as prescribed, to the County of Orange for a specified flood control project at an estimated cost to the state of the sum that may be appropriated for state cooperation by the Legislature and upon a determination by the Department of Water Resources that the project meets specified requirements. The bill would provide that the state assumes no liability for damages that may result from the project by authorizing the provision of subvention funds, or by the appropriation of those subvention funds.

Position

AB 792 (Flora R) Forestry: prescribed burning agreements.

Status: 2/25/2021-Referred to Com. on NAT. RES.

Location: 2/25/2021-A. NAT. RES.

Summary: Current law authorizes the Director of Forestry and Fire Protection to enter into an agreement for prescribed burning or other hazardous fuel reduction for specified purposes, such as vegetation management and forest improvement. Current law requires an agreement that is entered into pursuant to that authorization to, among other requirements, provide that the Department of Forestry and Fire

Protection be fully responsible for prescribed burns initiated at the department's request, with the consent of the landowner, for training or other purposes on lands owned by a nonprofit organization or other public agencies. This bill would delete the qualification that those prescribed burns initiated at the department's request be on lands owned by a nonprofit organization or other public agencies.

Position

AB 800 (Gabriel D) Wildfires: local general plans: safety elements: fire hazard severity zones.

Last Amend: 3/18/2021

Status: 3/22/2021-Re-referred to Com. on NAT. RES.

Location: 3/18/2021-A. NAT. RES.

Summary: Current law requires the Director of Forestry and Fire Protection to identify areas of the state as very high fire hazard severity zones, as provided. Current law requires each planning agency to prepare, and the legislative body of each county and city to adopt, a comprehensive, long-term general plan, including a safety element, for the physical development of the county or city, as provided. Current law requires the draft element of, or draft amendment to, the safety element of a county or city's general plan to be submitted to the State Board of Forestry and Fire Protection and to every local agency that provides fire protection to territory in the city or county at least 90 days before the adoption or amendment to the safety element of its general plan for each city or county that contains a very high fire hazard severity zone. This bill would require the director to also identify areas of the state as moderate and high fire hazard severity zones, as provided.

Position

AB 819 (Levine D) California Environmental Quality Act: notices and documents: electronic filing and posting.

Last Amend: 3/16/2021

Status: 3/26/2021-From committee: Amend, and do pass as amended and re-refer

to Com. on APPR. (Ayes 11. Noes 0.) (March 24).

Location: 3/24/2021-A. APPR.

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. The act requires the lead agency to mail certain notices to persons who have filed a written request for notices. This bill would require a lead agency to submit to the State Clearinghouse, in an electronic form, the above-described environmental review documents for all projects and would require the lead agency to post those documents on its internet website.

Position

AB 821 (Cooper D) Sexually violent predators: placement outside county of domicile: notice and hearing.

Last Amend: 3/18/2021

Status: 3/22/2021-Re-referred to Com. on PUB. S.

Location: 3/18/2021-A. PUB. S.

Summary: Current law requires a sexually violent predator who is conditionally released to be placed in the county that was the person's county of domicile prior to the person's incarceration, unless extraordinary circumstances exist requiring placement outside the county, as specified. This bill would require advance notice, as specified, if a sexually violent predator is to be released to a county other than their county of domicile. The bill would require the local jurisdiction to give public notice of the intended release and allow for public comment, as specified. The bill would require the court to hold an evidentiary hearing to determine if extraordinary circumstances exist.

Position

AB 1250 (Calderon D) Water and sewer system corporations: consolidation of service.

Status: 3/4/2021-Referred to Coms. on E.S. & T.M. and U. & E.

Location: 3/4/2021-A. E.S. & T.M.

Calendar: 4/7/2021 9 a.m. - State Capitol, Room

4202 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair **Summary:** The California Safe Drinking Water Act, provides for the operation of public water systems and imposes on the State Water Resources Control Board related regulatory responsibilities and duties. Current law authorizes the state board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2021, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing the water or sewer system corporation to consolidate with a public water system or state small water system. The bill would require the commission to approve or deny the application within 8 months, except as provided.

Position

AB 1500 (Garcia, Eduardo D) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.

Status: 3/11/2021-Referred to Coms. on W.,P., & W. and NAT. RES.

Location: 3/11/2021-A. W.,P. & W.

Calendar: 4/8/2021 2:30 p.m. - State Capitol, Room 4202 ASSEMBLY WATER,

PARKS AND WILDLIFE, GARCIA, EDUARDO, Chair

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 \$6,700,000,000 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.

Position

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

Status: 12/8/2020-From printer. May be heard in committee January 7.

Location: 12/7/2020-A. PRINT

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

AJR 4 (Garcia, Cristina D) Basel Convention: ratification.

Status: 3/25/2021-From committee: Be adopted. Ordered to Third Reading. (Ayes 9.

Noes 0.) (March 24).

Location: 3/24/2021-A. THIRD READING

Summary: This measure would declare California to be in favor of the United States' ratification of the Basel Convention at the earliest opportunity and would request the Biden Administration to accomplish this ratification as a matter of urgency.

Position

SB 5 (Atkins D) Affordable Housing Bond Act of 2022.

Last Amend: 3/10/2021

Status: 3/18/2021-Re-referred to Coms. on HOUSING and GOV. & F.

Location: 3/18/2021-S. HOUSING

Summary: Would enact the Affordable Housing Bond Act of 2022, which, if adopted, would authorize the issuance of bonds in the amount of \$6,500,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds would be used to fund affordable rental housing and homeownership programs. The bill would state the intent of the Legislature to determine the allocation of those funds to specific programs. This bill would provide for submission of the bond act to the voters at the November 8, 2022, statewide general election in accordance with specified law.

Position

SB 12 (McGuire D) Local government: planning and zoning: wildfires.

Status: 3/25/2021-From committee: Do pass and re-refer to Com. on HOUSING.

(Ayes 5. Noes 0.) (March 25). Re-referred to Com. on HOUSING.

Location: 3/25/2021-S. HOUSING

Summary: Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse.

Position

SB 27 (Skinner D) Carbon sequestration: state goals: natural and working lands:

registry of projects. Last Amend: 3/1/2021

Status: 3/25/2021-Set for hearing April 27.

Location: 3/15/2021-S. N.R. & W.

Calendar: 4/27/2021 9 a.m. - John L. Burton Hearing Room (4203) SENATE NATURAL RESOURCES AND WATER, STERN, Chair

Summary: Would require, no later than July 1, 2022, the Natural Resources Agency, in coordination with the California Environmental Protection Agency, the State Air Resources Board, and the Department of Food and Agriculture, to establish carbon sequestration goals for natural and working lands, as provided. The bill would require the state board, as part of its scoping plan, to establish specified carbon dioxide removal targets for 2030 and beyond.

Position

SB 33 (Cortese D) Apprenticeship: annual report: task force.

Last Amend: 3/11/2021

Status: 3/23/2021-Set for hearing April 5. **Location:** 3/18/2021-S. L., P.E. & R.

Calendar: 4/5/2021 Upon adjournment of Session - John L. Burton Hearing Room (4203) SENATE LABOR, PUBLIC EMPLOYMENT AND RETIREMENT, CORTESE, Chair

Summary: Would require the Director of Industrial Relations, on or before September 1, 2022, to convene a task force to promote apprenticeship for all populations throughout the state, to be known as the Apprenticeship Advancement Task Force, with membership as prescribed. The bill would require the task force to study the recruitment, retention, and barriers to entry of minority, underrepresented, and disadvantaged populations in the State of California for purposes of ensuring apprenticeship opportunities are more inclusive of those populations.

Position

SB 37 (Cortese D) Contaminated sites: the Hazardous Waste Site Cleanup and Safety Act.

Last Amend: 3/1/2021

Status: 3/18/2021-Set for hearing April 12.

Location: 3/11/2021-S. E.Q.

Calendar: 4/12/2021 9 a.m. - John L. Burton Hearing Room (4203) SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

Summary: Current law requires the State Department of Health Care Services to compile a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis by local health officers. Current law also requires the State Water Resources Control Board to compile a list of specified information, including, but not limited to, all cease and desist orders and cleanup and abatement orders issued under the Water Code that concern the discharge of wastes that are hazardous materials. Current law requires these agencies to update the information as appropriate, but at least annually, and to submit the information to the Secretary of Environmental Protection. Under current law, the Secretary for Environmental Protection is required to consolidate the information provided by these state agencies and distribute the information in a timely fashion to each city and county in which sites on the lists are located and to any other person upon request. This bill would enact the Hazardous Waste Site Cleanup and Safety Act and would recodify the above-described provisions with certain revisions.

Position

(Portantino D) Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.

Status: 3/24/2021-Set for hearing April 8. April 8 hearing postponed by committee.

Location: 3/16/2021-S. GOV. & F.

Summary: Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.

Position

SB 52 (Dodd D) State of emergency: local emergency: sudden and severe energy shortage: planned power outage.

Status: 3/23/2021-Read second time. Ordered to third reading.

Location: 3/23/2021-S. THIRD READING

Calendar: 4/6/2021 #32 SENATE THIRD READING

Summary: Current law defines the terms "state of emergency" and "local emergency" to mean a duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state or the territorial limits of a local government caused by, among other things, a sudden and severe energy shortage. Current law defines a "sudden and severe energy shortage" as a rapid, unforeseen shortage of energy, resulting from, but not limited to, events such as an embargo, sabotage, or natural disasters, and that has statewide, regional, or local impact. This bill would expand the definition of "sudden and severe energy shortage" to include a "deenergization event," defined as a planned power outage, as specified, and would make a deenergization event one of those conditions constituting a state of emergency and a local emergency.

Position

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

Last Amend: 2/25/2021

Status: 3/18/2021-Set for hearing April 12.

Location: 3/11/2021-S. E.Q.

Calendar: 4/12/2021 9 a.m. - John L. Burton Hearing Room (4203) SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

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 63 (Stern D) Fire prevention: vegetation management: public education: grants: defensible space: fire hazard severity zones: forest management.

Status: 3/26/2021-Set for hearing April 29.

Location: 3/16/2021-S. HOUSING

Calendar: 4/29/2021 10:30 a.m. or upon adjournment of Session - Senate

Chamber SENATE HOUSING, WIENER, Chair

Summary: Would, among other things, require the Director of Forestry and Fire Protection to identify areas of the state as moderate and high fire hazard severity zones and would require a local agency to make this information available for public review and comment, as provided. By expanding the responsibility of a local agency, the bill would impose a state-mandated local program.

SB 208 (Dahle R) Sierra Nevada Conservancy: Sierra Nevada Region: subregion: definitions: annual report.

Status: 3/22/2021-March 22 hearing: Placed on APPR suspense file.

Location: 3/22/2021-S. APPR. SUSPENSE FILE

Summary: Current law requires the Sierra Nevada Conservancy to make an annual report to the Legislature and to the Secretary of the Natural Resources Agency regarding expenditures, land management costs, and administrative costs. This bill would modify areas listed under the definitions of the "Sierra Nevada Region" and its "subregions," as specified, for these purposes. The bill would require the conservancy to include, in its report regarding expenditures, land management costs, and administrative costs for the year 2022, recommendations to the Legislature for legislation to change the name of the conservancy and the governing board of the Sierra Nevada Conservancy, and to change the structure of the regions, subregions, and board, to align the conservancy with its recent expansion in the Counties of Shasta, Siskiyou, and Trinity.

Position

SB 209 (Dahle R) State of emergency: termination after 45 days: extension by the Legislature.

Last Amend: 3/4/2021

Status: 3/4/2021-From committee with author's amendments. Read second time and

amended. Re-referred to Com. on G.O.

Location: 2/10/2021-S. G.O.

Summary: Would require a state of emergency to terminate 45 days after the Governor's proclamation of the state of emergency unless the Legislature extends it

by a concurrent resolution.

Position

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

Status: 3/22/2021-March 22 set for first hearing canceled at the request of author.

Location: 3/15/2021-S. APPR.

Summary: Would require the State Water Resources Control Board to establish, maintain, and direct an ongoing, dedicated program called the Constituents of Emerging Concern Program 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 to review and provide recommendations to the state board on CEC for further action, among other duties. The bill would require the state board to provide an annual report to the Legislature on the ongoing work conducted by the panel.

Position

SB 259 (Wilk R) Public Utilities Commission: oversight of electrical corporations.

Status: 2/22/2021-Art. IV. Sec. 8(a) of the Constitution dispensed with. (Ayes 32. Noes 4.) Joint Rule 55 suspended. (Ayes 32. Noes 4.)

Location: 1/26/2021-S. RLS.

Summary: Would state the intent of the Legislature to enact legislation to strengthen the Public Utilities Commission's oversight of electrical corporations' efforts to reduce their fire risk and use of deenergization events.

SB 260 (Wiener D) Climate Corporate Accountability Act.

Status: 3/18/2021-Set for hearing April 12.

Location: 2/3/2021-S. E.Q.

Calendar: 4/12/2021 9 a.m. - John L. Burton Hearing Room (4203) SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

Summary: Would require the State Air Resources Board, on or before January 1, 2023, to develop and adopt regulations requiring publicly traded domestic and foreign corporations with annual revenues in excess of \$1,000,000,000 that do business in California, defined as "covered entities," to publicly disclose their greenhouse gas emissions, categorized as scope 1, 2, and 3 emissions, as defined, from the prior calendar year. The bill would require the state board, on or before January 1, 2024, to develop and adopt regulations requiring covered entities to set science-based emissions targets, as defined, based on the covered entity's emissions that have been reported to the state board.

Position

SB 267 (Hertzberg D) Property taxation: active solar energy systems: partnership flip transactions.

Status: 3/23/2021-Set for hearing April 5.

Location: 3/11/2021-S. APPR.

Calendar: 4/6/2021 #3 SENATE SECOND READING

Summary: Would provide that for a legal entity that owns an active solar energy system pursuant to a partnership flip transaction, as defined, neither an initial transfer of a capital and profits interest in the legal entity, nor any subsequent change in the allocation of the capital and profits of the legal entity among the members, shall be deemed to constitute a transfer of control of, or of a majority interest in, the legal entity. The bill would make related findings and declarations. By adding to the duties of county assessors in applying this exclusion, the bill would impose a statemendated local program.

Position

SB 273 (Hertzberg D) Water quality: municipal wastewater agencies.

Status: 3/18/2021-Set for hearing April 12.

Location: 3/11/2021-S. E.Q.

Calendar: 4/12/2021 9 a.m. - John L. Burton Hearing Room (4203) SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

Summary: Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program.

Position

SB 274 (Wieckowski D) Local government meetings: agenda and documents.

Last Amend: 4/5/2021

Status: 3/25/2021-From committee: Do pass as amended and re-refer to Com. on

APPR. (Ayes 5. Noes 0.) (March 25). (Amended 4/5/2021)

Location: 3/25/2021-S. APPR.

Summary: Would require a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email.

Position

SB 282 (Dahle R) State Water Resources Control Board.

Status: 2/22/2021-Art. IV. Sec. 8(a) of the Constitution dispensed with. (Ayes 32.

Noes 4.) Joint Rule 55 suspended. (Ayes 32. Noes 4.)

Location: 2/1/2021-S. RLS.

Summary: Current law establishes the State Water Resources Control Board, consisting of 5 members, in the California Environmental Protection Agency to exercise certain powers relating to water rights, water quality, and safe and reliable drinking water. This bill would make a nonsubstantive change in these provisions.

Position

SB 284 (Stern D) Workers' compensation: firefighters and peace officers: post-traumatic stress.

Last Amend: 3/16/2021

Status: 3/22/2021-March 22 hearing: Placed on APPR suspense file.

Location: 3/22/2021-S. APPR. SUSPENSE FILE

Summary: Current law, under the workers' compensation system, provides, only until January 1, 2025, that, for certain state and local firefighting personnel and peace officers, the term "injury" includes post-traumatic stress that develops or manifests during a period in which the injured person is in the service of the department or unit, but applies only to injuries occurring on or after January 1, 2020. Existing law requires the compensation awarded pursuant to this provision to include full hospital, surgical, medical treatment, disability indemnity, and death benefits. This bill would make that provision applicable to active firefighting members of the State Department of State Hospitals, the State Department of Developmental Services, the Military Department, and the Department of Veterans Affairs, and to additional peace officers, including security officers of the Department of Justice when performing assigned duties as security officers and the officers of a state hospital under the jurisdiction of the State Department of State Hospitals or the State Department of Developmental Services, among other officers.

Position

SB 318 (Melendez R) Land use: development fee or charge: audit: auditor standards.

Status: 2/22/2021-Art. IV. Sec. 8(a) of the Constitution dispensed with. (Ayes 32.

Noes 4.) Joint Rule 55 suspended. (Ayes 32. Noes 4.)

Location: 2/17/2021-S. GOV. & F.

Summary: The Mitigation Fee Act authorizes a local agency to retain an independent auditor if requested to conduct an audit to determine whether a fee or charge is reasonable, provided, among other conditions, that the person who requests the audit deposits with the local agency the amount of the local agency's reasonable estimate of the cost of that audit, except as provided. This bill would require that the independent auditor be a certified public accountant, as defined, or a firm, as defined, of certified public accountants. The bill would prohibit the local agency from retaining an independent auditor that the local agency contracted with for any reason during

the preceding 10 years, as provided. The bill would also prohibit an independent auditor that is retained by a local agency to conduct the audit from soliciting or accepting employment from the local agency for 5 years following the completion of the audit and all subsequent challenges related to the audit.

Position

SB 319 (Melendez R) Land use: development fees: audit.

Status: 3/24/2021-Set for hearing April 8.

Location: 2/17/2021-S. GOV. & F.

Calendar: 4/8/2021 Upon adjournment of Session - John L. Burton Hearing Room

(4203) SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

Summary: Current law authorizes a person to request an audit to determine whether a fee or charge levied by a local agency exceeds the amount reasonably necessary to cover the cost of any product, public facility, or service provided by the local agency. If a local agency does not comply with the above-described disclosure requirement for 3 consecutive years, existing law prohibits the local agency from requiring that person to make a specified deposit and requires the local agency to pay the cost of the audit. This bill, additionally, would require that audit to include each consecutive year the local agency did not comply with the disclosure requirement. The bill would make clarifying changes to that provision.

Position

SB 323 (Caballero D) Local government: water or sewer service: legal actions.

Last Amend: 3/17/2021

Status: 3/25/2021-From committee: Do pass and re-refer to Com. on JUD. (Ayes 4.

Noes 1.) (March 25). Re-referred to Com. on JUD.

Location: 3/25/2021-S. JUD.

Summary: Current law prohibits a local agency from imposing fees for specified purposes, including fees for water or sewer connections, as defined, that exceed the estimated reasonable cost of providing the service for which the fee is charged, unless voter approval is obtained. Current law provides that a local agency levying a new a water or sewer connection fee or increasing a fee must do so by ordinance or resolution. Current law requires, for specified fees, including water or sewer connection fees, any judicial action or proceeding to attack, review, set aside, void, or annul an ordinance, resolution, or motion adopting a new fee or service charge or modifying an existing fee or service charge to be commenced within 120 days of the effective date of the ordinance, resolution, or motion according to specified procedures for validation proceedings. This bill would apply the same judicial action procedure and timelines, as stated above, to ordinances, resolutions, or motions adopting, modifying, or amending water or sewer service fees or charges adopted after January 1, 2022, except as provided.

Position

SB 347 (Caballero D) Urban forestry: California Community and Neighborhood Tree Voluntary Tax Contribution Fund.

Last Amend: 3/17/2021

Status: 3/25/2021-From committee: Do pass and re-refer to Com. on APPR with recommendation: To consent calendar. (Ayes 5. Noes 0.) (March 25). Re-referred to

Com. on APPR.

Location: 3/25/2021-S. APPR.

Summary: Would allow a taxpayer to designate an amount in excess of personal income tax liability to be transferred into the California Community and Neighborhood Tree Voluntary Tax Contribution Fund, which the bill would create. The bill would

require the Franchise Tax Board to revise the tax return to include a space for this fund for taxable years beginning on or after January 1, 2021, and until January 1, 2028, unless the fund fails to meet an annual minimum contribution amount of \$250,000, in which case these provisions would be repealed on December 1 of that year. The bill would require moneys transferred to the California Community and Neighborhood Tree Voluntary Tax Contribution Fund to be continuously appropriated and allocated to the Department of Forestry and Fire Protection to the grant program for urban forest management activities under the California Urban Forestry Act of 1978 and to the Franchise Tax Board and the Controller for related administrative costs, as provided.

Position

SB 351 (Caballero D) Water Innovation Act of 2021.

Status: 3/24/2021-Set for hearing April 15.

Location: 2/17/2021-S. N.R. & W.

Calendar: 4/15/2021 Upon adjournment of Agriculture Committee - John L. Burton Hearing Room (4203) SENATE NATURAL RESOURCES AND WATER, STERN, Chair **Summary:** Current law establishes the State Water Resources Control Board for the purposes of providing for the orderly and efficient administration of the water resources of the state. This bill, the Water Innovation Act of 2021, would create the Office of Water Innovation at the California Water Commission for the furtherance of new technologies and other innovative approaches in the water sector. The bill would require the office, by December 31, 2023, to take specified measures to advance innovation in the water sector. The bill would make findings and declarations regarding the need for water innovation.

Position

SB 369 (Pan D) Flood control: Yolo Bypass Cache Slough Partnership Multibenefit Program.

Status: 3/25/2021-Read third time. Passed. (Ayes 38. Noes 0.) Ordered to the

Assembly. In Assembly. Read first time. Held at Desk.

Location: 3/25/2021-A. DESK

Summary: Would establish the Yolo Bypass Cache Slough Partnership Multibenefit Program to support the development and implementation of projects within the Yolo Bypass and Cache Slough region. The bill would define "Yolo Bypass Cache Slough Partnership" to mean the multiagency partnership established pursuant to a memorandum of understanding signed in May 2016 by a total of 15 participating federal, state, and local agencies. The bill would require the participating state agencies, including the Natural Resources Agency, the Department of Water Resources, the Department of Fish and Wildlife, the Central Valley Flood Protection Board, the State Water Resources Control Board, and the Central Valley Regional Water Quality Control Board, to work in collaboration with the participating federal and local agencies to promote the discussion, prioritization, and resolution of policy and other issues critical to the successful implementation of projects to advance specified objectives in the Yolo Bypass and Cache Slough region.

Position

SB 372 (Leyva D) Medium- and heavy-duty fleet purchasing assistance program: zero-emission vehicles.

Last Amend: 3/4/2021

Status: 3/18/2021-Re-referred to Coms. on E.Q., TRANS., and JUD. Set for hearing April 12. Referral to Com. on JUD. rescinded because of the limitations placed on committee hearings due to ongoing health and safety risks of the COVID-19 virus.

Location: 3/18/2021-S. E.Q.

Calendar: 4/12/2021 9 a.m. - John L. Burton Hearing Room (4203) SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

Summary: Would require the California Pollution Control Financing Authority to establish a program to make financing tools and nonfinancial supports available to the operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles. The bill would require the authority to consult with various state agencies and stakeholders in the development and implementation of the program.

Position

SB 391 (Min D) Common interest developments: emergency powers and procedures.

Last Amend: 3/22/2021

Status: 3/25/2021-Set for hearing April 6.

Location: 3/18/2021-S. JUD.

Calendar: 4/6/2021 1:30 p.m. - Senate Chamber SENATE JUDICIARY, UMBERG,

Chair

Summary: The Davis-Stirling Common Interest Development Act governs the management and operation of common interest developments. Current law defines a board meeting as a congregation, as provided, or a teleconference, as provided. Current law requires, among other things, a board meeting held by teleconference to identify at least one physical location so that members of the association may attend, except as provided. This bill would establish alternative teleconferencing procedures for a board meeting or a meeting of the members if the common interest development is in an area affected by a federal, state, or local emergency. The bill would also make a conforming change.

Position

SB 396 (Dahle R) Forestry: internal combustion engines: industrial operations: fire toolbox.

Status: 3/24/2021-Set for hearing April 15.

Location: 2/25/2021-S. N.R. & W.

Calendar: 4/15/2021 Upon adjournment of Agriculture Committee - John L. Burton Hearing Room (4203) SENATE NATURAL RESOURCES AND WATER, STERN, Chair Summary: Current law prohibits any person, except as specified, from using or operating any vehicle, machine, tool, or equipment powered by an internal combustion engine operated on hydrocarbon fuels, in any industrial operation located on or near any forest, brush, or grass-covered land between April 1 and December 1 of any year, or at any other time when ground litter and vegetation will sustain combustion permitting the spread of fire, without providing and maintaining, for firefighting purposes only, suitable and serviceable tools, as prescribed. Current law requires a sealed box of tools to be located within the operating area and accessible in the event of a fire, which fire toolbox shall contain: one backpack pump-type fire extinguisher filled with water, 2 axes, 2 McLeod fire tools, and a sufficient number of shovels so that each employee at the operation can be equipped to fight fire. This bill would require a dedicated set of tools to be located within the operating area and accessible in the event of a fire, which fire toolbox shall contain: a sufficient number of fire extinguishers, axes, 2 McLeod fire tools, and shovels so that, when added to any other tools on the industrial operation, each employee at the operation can be equipped to fight fire.

SB 403 (Gonzalez D) Drinking water: consolidation.

Status: 3/16/2021-From committee: Do pass and re-refer to Com. on GOV. & F.

(Ayes 5. Noes 1.) (March 15). Re-referred to Com. on GOV. & F.

Location: 3/15/2021-S. GOV. & F.

Summary: The California Safe Drinking Water Act authorizes the State Water Resources Control Board to order consolidation with a receiving water system where a public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would authorize the state board to also order consolidation where a water system serving a disadvantaged community is at risk of failing to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that are at risk of failing to provide an adequate supply of safe drinking water.

Position

SB 412 (Ochoa Bogh R) California Environmental Quality Act: emergency definition.

Last Amend: 3/9/2021

Status: 3/18/2021-Re-referred to Com. on E.Q.

Location: 3/18/2021-S. E.Q.

Summary: Would expand the definition of "emergency" provided in CEQA to include proactive efforts by a state or local agency to prevent, minimize, or mitigate loss of, or damage to, life, health, property, natural resources, or essential public services, resulting from fire, flood, or earthquake or other soil or geologic movements, in areas of the state that a lead agency determines, based on substantial evidence, are at a heightened risk of the occurrence of those events. The bill would also specify that "emergency" includes, but is not limited to, man-made or natural occurrences, as specified, and would make other nonsubstantive changes.

Position

SB 423 (Stern D) Energy: renewable and zero-carbon resources.

Status: 3/23/2021-Set for hearing April 12.

Location: 2/25/2021-S. E. U., & C.

Calendar: 4/12/2021 Upon adjournment of Session - Senate

Chamber SENATE ENERGY, UTILITIES AND COMMUNICATIONS, HUESO, Chair **Summary:** The 100 Percent Clean Energy Act of 2018 established as a policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers and 100% of electricity procured to serve all state agencies by December 31, 2045. Existing law requires the Public Utilities Commission and State Energy Resources Conservation and Development Commission, in consultation with the State Air Resources Board, to take steps to ensure that a transition to a zero-carbon electric system for the State of California does not cause or contribute to greenhouse gas emissions increases elsewhere in the western grid. This bill would require the state board and Energy Commission to timely incorporate emerging renewable energy and firm zero-carbon resources, as defined, into its energy and resource planning processes, as specified.

Position

SB 426 (Rubio D) Municipal separate storm sewer systems: financial capability analysis.

Last Amend: 3/1/2021

Status: 3/22/2021-March 22 hearing: Placed on APPR suspense file.

Location: 3/22/2021-S. APPR. SUSPENSE FILE

Summary: Would require the State Water Resources Control Board, by July 1, 2022, to establish financial capability assessment guidelines for municipal separate storm sewer system permittees that are adequate and consistent when considering the costs to local jurisdictions. The bill would require the state board and the regional boards to continue using available regulatory tools and other approaches to foster collaboration with permittees to implement permit requirements in light of the costs of implementation.

Position

SB 427 (Eggman D) Water theft: enhanced penalties.

Last Amend: 3/25/2021

Status: 3/25/2021-From committee with author's amendments. Read second time

and amended. Re-referred to Com. on GOV. & F.

Location: 2/25/2021-S. GOV. & F.

Calendar: 4/8/2021 Upon adjournment of Session - John L. Burton Hearing Room

(4203) SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

Summary: Existing law authorizes the legislative body of a city or a county to make, by ordinance, any violation of an ordinance subject to an administrative fine or penalty and limits the maximum fine or penalty amounts for infractions, to \$100 for the first violation, \$200 for a 2nd violation of the same ordinance within one year of the first violation, and \$500 for each additional violation of the same ordinance within one year of the first violation. This bill would authorize the legislative body of a city or a county that is authorized by the applicable local agency formation commission to provide water service to adopt an ordinance that prohibits water theft, as defined, subject to an administrative fine or penalty in excess of the limitations above, as specified. The bill would require the local agency to adopt an ordinance that sets forth the administrative procedures that shall govern the imposition, enforcement, collection, and administrative review by the local agency 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.

Position

SB 429 (Bradford D) Public utilities: women, minority, disabled veteran, and LGBT business enterprises: microgrids.

Last Amend: 3/10/2021

Status: 3/18/2021-Re-referred to Com. on E., U. & C.

Location: 3/18/2021-S. E. U., & C.

Summary: Current law requires the Public Utilities Commission to require each electrical corporation, gas corporation, water corporation, wireless telecommunication service provider, electric service provider, and telephone corporation with gross annual California revenues exceeding \$25,000,000 and their commission-regulated subsidiaries and affiliates, to submit annually a detailed and verifiable plan for increasing procurement from women, minority, disabled veteran, and LGBT business enterprises in all categories. That law specifies certain categories of procurement that are expressly required to be included in the plan, like renewable energy projects and smart grid projects. Current law requires those entities with gross annual California revenues between \$15,000,000 and \$25,000,000 to annually submit data to the commission on its procurement from enterprises in all categories, expressly including all of the same categories as are required for the higher grossing regulated entities. This bill would expressly include microgrids as one of the categories for purposes of this annual submission of procurement data to the commission.

SB 462 (Borgeas R) Disaster relief: Creek Fire: allocation to local agencies.

Status: 3/22/2021-March 22 hearing: Placed on APPR suspense file.

Location: 3/22/2021-S. APPR. SUSPENSE FILE

Summary: The California Disaster Assistance Act requires the Director of Emergency Services to provide financial assistance to local agencies for their personnel costs, equipment costs, and the cost of supplies and materials used during disaster response activities, incurred as a result of a state of emergency proclaimed by the Governor, subject to specified criteria. Under the act, the state share for eligible project costs is generally 75% of total eligible costs, and for specified incidents, the state share is up to 100% of total eligible costs. The act continuously appropriates moneys in the Disaster Assistance Fund and its subsidiary account, the Earthquake Emergency Investigations Account, without regard to fiscal year, for purposes of the act. This bill would allow for a state share of up to 100% of total eligible costs related to the Creek Fire that started on September 4, 2020, in the Counties of Fresno and Madera.

Position

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

Last Amend: 3/8/2021

Status: 3/24/2021-Set for hearing April 15.

Location: 3/18/2021-S. N.R. & W.

Calendar: 4/15/2021 Upon adjournment of Agriculture Committee - John L. Burton Hearing Room (4203) SENATE NATURAL RESOURCES AND WATER, STERN, Chair **Summary:** Would authorize a landowner to, where a conduit is constructed across or buried beneath the lands of 2 or more landowners, 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 property receiving a benefit of the conduit or, otherwise injure any person using or interested in the conduit.

Position

SB 626 (Dodd D) Construction Manager/General Contractor Procurement Method: Department of Water Resources.

Status: 3/24/2021-Set for hearing April 15.

Location: 3/3/2021-S. N.R. & W.

Calendar: 4/15/2021 Upon adjournment of Agriculture Committee - John L. Burton Hearing Room (4203) SENATE NATURAL RESOURCES AND WATER, STERN, Chair **Summary:** Current law authorizes the Department of Transportation, regional transportation agencies, and the San Diego Association of Governments to engage in a Construction Manager/General Contractor project delivery method (CM/GC method) for specified public work projects. This bill would authorize the Department of Water Resources to utilize the CM/GC method, as specified, for projects for the construction of a facility or infrastructure related to water resources. The bill would require the Department of Water Resources, on all projects delivered by the department, to use department employees or consultants under contract with the department to perform all project design and engineering services related to design, and construction inspection services, required for the CM/GC method consistent with specified existing law.

Memo

G

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

TWELVE MONTH CALENDAR/OTHER MEETINGS / REPORTS

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 3/31/21)

Date(s)	Event	Time	Location	Attending Board Member(s)	Additional Information (Speakers' Topic, Cohosts, etc.)
MARCH 2021					
18-Mar	Conference Call with the GM - Board Meeting Review		Call	Watt	
18-Mar	Conference Call with the GM - Pure Water and WateReuse		Call	Bruce-Lance	
22-Mar	Conference Call with the GM - CWA Issues		Call	Guerin	
22-Mar	Conference Call with the GM - CWA Issues		Call	Watt	
23-Mar	Elfin Forest Recreational Reserve Executive Committee Meeting	10:00 AM	Zoom	Bruce-Lane, Watt	
23-Mar	Finance Committee Meeting	3:30 PM	Zoom	Guerin, Watt	
24-Mar	ACWA'S Regulatory Landscape Webinar	11:00 AM	Virtual	Bruce-Lane	
24-Mar	SDLA Module 1 - Part 1	1:00-4:00 PM	Virtual	Bruce-Lane	
25-Mar	SDLA Module 1 - Part 2	1:00-4:00 PM	Virtual	Bruce-Lane	
25-Mar	Conference Call with the GM - CWA Issues		Call	Guerin	
29-Mar	Conference Call with the GM - CWA Issues		Call	Watt	
30-Mar	Conference Call with the GM		Call	Topolovac	
31-Mar	ACWA Federal Water Issue Series: Session 3 - First 100 Days of the Biden Admin.	11:00 AM	Virtual	Bruce-Lane	
APRIL 2021					
12-Apr	SDLA Module 2 - Part 1	9:00 AM - 12:00 PM	Virtual	Bruce-Lane	
12-Apr	Meeting with the GM	10:00 AM	Encinitas, CA	Topolovac	
13-Apr	SDLA Module 2 - Part 2	9:00 AM - 12:00 PM	Virtual	Bruce-Lane	
13-Apr	SDNEDC Economic Summit	9:00 - 11:00 AM	Virtual	Watt	

Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

CORRESPONDENCE

Any correspondence is attached.

Board of Directors

Lawrence A. Watt, President Kristie Bruce-Lane, Vice President Christy Guerin, Treasurer Edmund K. Sprague, Secretary Robert F. Topolovac, Director



General Manager Kimberly A. Thorner, Esq. General Counsel Alfred Smith, Esq.

March 15, 2021

Assemblymember Robert Rivas California State Assembly State Capitol, Room 5158 Sacramento, CA 95814

RE: Assembly Bill 361 (Rivas) – Support as Introduced

Dear Assembly Member Rivas,

On behalf of Olivenhain Municipal Water District, I am pleased to support Assembly Bill 361, related to the Ralph M. Brown Act. OMWD provides over 86,000 customers in northern San Diego County with water, wastewater, recycled water, hydroelectric, and recreational services.

On March 4, 2020, Governor Newsom declared a state of emergency in response to the COVID-19 pandemic. The governor's state of emergency declaration was followed-up with numerous executive actions, of which Executive Orders N-25-20, N-29-20, and N-35-20 modified the requirements of the Brown Act. OMWD is supportive of AB 361 codifying several provisions within these executive orders.

AB 361 would ensure that local agencies, such as OMWD, can safely meet remotely during an emergency. The changes to law included in AB 361 are what have allowed OMWD to continue to operate while also complying with public health directives issued by officials during the COVID-19 pandemic. By enshrining these provisions in statute, this bill ensures that OMWD would continue providing essential services while remaining safe in future emergencies.

AB 361 will include important safeguards that ensure public agency transparency and public access. For a public agency to utilize these provisions to meet remotely, a local agency must meet subsequent or concurrent to a proclaimed state of emergency or declared local emergency, and declare that the nature of the emergency would prevent them from safely meeting in-person. This bill would specifically prohibit local agencies from requiring members of the public to submit their comments in advance, guaranteeing that the public has the opportunity to observe and offer comment during the meeting.

OMWD has quickly responded to the challenges posed by COVID-19 through proactive measures to ensure timely information to the public, continuity of operations, safety of our employees, and safety of the water supply. While the Brown Act is an important mechanism safeguarding the open governing process, public health emergencies such as COVID-19 have demonstrated the need for additional tools ensuring continuity of operations during times of crisis. While there is collective hope that the changes proposed in AB 361 won't need to be utilized, OMWD appreciates your leadership in providing these tools for future emergencies.





OMWD is pleased to support AB 361 as introduced. If you or your staff should need any additional information, please do not hesitate to contact me at 760-753-6466 or kthorner@olivenhain.com.

Regards,

Kimberly A. Thorner General Manager

CC:

Senator Brian Jones Senator Patricia Bates Senator Toni G. Atkins

Assemblymember Christopher Ward Assemblymember Marie Waldron Assemblymember Brian Maienschein Assemblymember Tasha Boerner Horvath

California Special Districts Association [advocacy@csda.net]

Board of Directors

Lawrence A. Watt, President Kristie Bruce-Lane, Vice President Christy Guerin, Treasurer Edmund K. Sprague, Secretary Robert F. Topolovac, Director



General Manager Kimberly A. Thorner, Esq. General Counsel Alfred Smith, Esq.

March 17, 2021

Gary Croucher, Board Chair San Diego County Water Authority 4677 Overland Avenue San Diego, CA 92123-1233

Sandra L. Kerl, General Manager San Diego County Water Authority 4677 Overland Avenue San Diego, CA 92123-1233

RE: San Diego County Water Authority's Rebate to Member Agencies from Recent Litigation Successes

Dear Board Chair Croucher and General Manager Kerl,

On behalf of Olivenhain Municipal Water District, I am writing in response to your letter dated March 3, 2021. We join you in celebrating recent successes in San Diego County Water Authority's decade-long litigation, challenging water rates and charges imposed by Metropolitan Water District of Southern California onto San Diego County water agencies.

OMWD appreciates the hard work and diligent efforts of SDCWA in reaching this victory for the region. We know that SDCWA Board of Directors, its legal team, and staff have spent countless hours working to secure this decision. We appreciate the persistence and hard work that went in to getting us to this point. The rebate is a welcome step in providing some financial relief to member agencies who are dealing with the financial consequences of the COVID-19 pandemic.

Once again, our thanks to all those who made this result possible.

Sincerely

Lawrence A. Watt

President

cc:

Olivenhain Municipal Water District Board of Directors

















BELLA VISTA WATER DISTRICT































































































NORTH MARIN WATER DISTRICT





















Services of the San Francisco **Public Utilities Commission**





























March 19, 2021

The Honorable Mike McGuire Chair, Senate Committee on Governance and Finance State Capitol, Room 5061 Sacramento, CA 95814

RE: SB 323 (Caballero) – Local government: water and sewer service: legal actions

Position: SUPPORT

Dear Chair McGuire:

The Association of California Water Agencies (ACWA) and undersigned organizations write to express our strong support for SB 323, which would provide public agency water and sewer rates the same protections already afforded to fees and charges that fund other essential government services.

This bill would authorize a local agency or interested person to bring a validation action in a superior court to determine the validity of a fee or charge for water and sewer service. It would also require an interested party bring a validation action within 120 days after the fee or charge becomes effective.

Reliable long-term financial planning is paramount to providing essential government services, like water and sewer. Public water and sewer utility budgets are largely funded by revenue collected through service rates. These rates provide the funding necessary to improve aging infrastructure, build facilities needed to accommodate new growth, improve delivery systems, and operate effectively. While public water and sewer service providers require financial stability to meet these demands, existing law does not prevent lawsuits that seek refunds or seek to invalidate existing rate structures *years* after rates have been adopted and collected.

The California State Legislature has recognized the need to minimize fiscal uncertainty for public agencies providing essential government services by creating statutes of limitation for legal challenges to certain fees and charges, such as municipal electric rates¹ and connection and capacity fees assessed

¹ See Public Utilities Code § 10004.5.

by water and sewer agencies². However, existing law offers a piecemeal statutory landscape where statutes of limitation are afforded to fees and charges that fund some essential government services but not others. SB 323 would close this gap in existing law by allowing customers to bring legal challenges to water and sewer rates within a reasonable—but limited—period of time. By following precedent established in existing law, this bill strikes a balance between the interests of ratepayers and the need for public agencies to maintain reliable sources of revenue.

The impacts of COVID-19 have exacerbated many challenges facing local agencies. The necessary disruptions to in-person work and Governor Newsom's executive order prohibiting water shutoffs have made water districts' revenue and financial planning more unpredictable. Now is the time to make existing legal protections consistent and increase predictability for utility providers throughout our State.

For the reasons above, we strongly support SB 323 and respectfully request your "AYE" vote when the bill is heard in the Senate Governance and Finance Committee. If you have any questions about our position or this bill, please contact ACWA Legislative Advocate Kristopher Anderson at KrisA@acwa.com or (916) 441-4545.

Sincerely,

Kristopher M. Anderson, Esq.

Legislative Advocate

KA:sn

cc: The Honorable Anna Caballero

The Honorable Melissa Hurtado

Honorable Members, Senate Committee on Governance and Finance

Mr. Anton Favorini-Csorba, Consultant, Senate Committee on Governance and Finance

Mr. Ryan Eisenberg, Policy Consultant, Senate Republican Caucus

Alameda County Water District

Amador Water Agency Aromas Water District

Association of California Water Agencies

Bella Vista Water District

Bodega Bay Public Utility District

Brooktrails Township Community Services District

California Municipal Utilities Association California Special Districts Association

Calleguas Municipal Water District Coachella Valley Water District

Corcoran Irrigation District

City of Fountain Valley

City of Garden Grove

City of La Habra

City of Oceanside

City of Roseville

City of Sacramento

City of Santa Rosa

City of Shasta Lake

City of Watsonville

Cucamonga Valley Water District

Diablo Water District

Eastern Municipal Water District El Dorado Irrigation District

El Toro Water District

² See Government Code § 66022.

Elk Grove Water District

Elsinore Valley Municipal Water District

Foothill Municipal Water District

Helix Water District

Hidden Valley Lake Community Services District

Humboldt Bay Municipal Water District

Humboldt Community Services District

Indian Wells Valley Water District

Irvine Ranch Water District

Kings River Conservation District

Las Virgenes Municipal Water District

League of California Cities

Los Angeles County Sanitation Districts

Marin Water

Mariana Ranchos County Water District

McKinleyville Community Services District

Mid-Peninsula Water District

Modesto Irrigation District

Monte Vista Water District

North Coast County Water District

North Marin Water District

Olivenhain Municipal Water District

Otay Water District

Pine Grove Community Service District

Princeton Codora Glenn Irrigation District

Provident Irrigation District

Public Water Agencies Group

Rainbow Municipal Water District

Rancho California Water District

Reclamation District #1500

Regional Water Authority

Root Creek Water District

Sacramento Suburban Water District

San Bernardino Municipal Water Department

San Diego County Water Authority

San Francisco Public Utilities Commission

San Juan Water District

Santa Margarita Water District

Scotts Valley Water District

Sonoma County Water Agency

South San Joaquin Irrigation District

South Tahoe Public Utility District

Southern California Water Coalition

Tuolumne Utilities District

United Water Conservation District

Valley Center Municipal Water District

Vista Irrigation District

Walnut Valley Water District

West County Wastewater District

Western Municipal Water District

Westlands Water District

Attention: 5500 Central Team 3840 Murphy Canyon Road San Diego, CA 92123

OLIVENHAIN MUNICIPAL WATER DISTRICT GOVERNING BOARD 1966 OLIVENHAIN RD ENCINITAS, CA 92024-5676 February 16, 2021

Re: California Broker Compensation Disclosure Report for OLIVENHAIN MUNICIPAL WATER DISTRICT

Reporting Period: 01/2020 - 12/2020

California law now requires health plans and insurers to annually disclose broker compensation information to the governing boards of public agency employer groups. Enclosed is your first Broker Compensation Disclosure Report. Information reported includes broker compensation related to your public agency's Kaiser Permanente health plan contract and its group policies, if any, with Kaiser Permanente Insurance Company (KPIC).

This report is considered informational, and you are not required to take any action. You may choose to keep this report as part of your files, but you are not required by the legislation to do so.

California law AB 2589 was enacted in 2008 and went into effect January 1, 2009. The law requires that health plans and insurers annually disclose to the governing boards of public agencies any fees or commissions paid to agents, brokers, or other individuals as part of the group's contract. The report must include the following information:

- · The agent, broker, or individual's name and address
- Any amount paid to the agent, broker, or individual (including non-monetary compensation)

In addition, the report also provides the following information:

- Total premium received by Kaiser Permanente within your plan contract year
- Member and subscriber counts (as of the last month of the contract period)

Reporting is required annually, so you can expect to receive the Broker Compensation Disclosure Report for your group each year within approximately 60 days of the end of the contract year. If you have questions about the information, please contact us at **5500-Central-Team@kp.org**.

We value our business relationship with you. Our practices for broker compensation disclosure reporting under AB 2589 reflect our shared commitment to full compliance with the law. Thank you for your continued support.

Sincerely, Kaiser Permanente 5500-Central-Team@kp.org

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CALIFORNIA BROKER COMPENSATION DISCLOSURE REPORT FOR PUBLIC AGENCIES

Health Plans and Insurance companies are required to provide the following information pursuant to California Insurance Code Section 10604.5 which requires that broker compensation be disclosed to the governing board of any public agency which is covered under a group health insurance policy.

This report is considered informational and you do not need to take any action.

Information Concerning Insurance Coverage, Fees, and Commissions

Seek a commercial particle of the commercial properties. Region: CA

Name of Insurance Carrier: Kaiser Foundation Health Plan Inc

Plan Sponsor's Name: OLIVENHAIN MUNICIPAL WATER DISTRICT

Information Concerning Insurance Contract Coverage

Insurance Carrier: Kaiser Foundation Health Plan Inc

Group Contract or Identification Number: 105432

Approximate number of persons covered at end of policy contract year, 76

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Contract Year from 01/2020 - 12/2020

Premium Received by Kaiser Foundation Health Plan Inc during your group's contract year:

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\$357,328.18

Information Concerning Insurance Contract Fees and Commissions

Total Amount of Commissions Paid: \$3,862.78

Total Amount of Fees Paid: \$0.00°

1) Name and address of the agent, broker, or other person to whom commissions or fees were paid:

WSP Corporate Benefits & Insurance Services, Inc.

5650 EL CAMINO REAL STE 207 CARLSBAD, CA 92008-7128

Amount of sales and base commissions paid to WSP Corporate Benefits & Insurance Services, Inc.: \$3,862.78

Fees and other compensation paid to WSP Corporate Benefits & Insurance Services, Inc.: \$0.00

Bonus Amount: \$0.00

Bonus Purpose:

Value of Non-Monetary Compensation: \$0.00

Type/Purpose of Non-Monetary Compensation:

2) Name and address of the agent, broker, or other person to whom commissions or fees were paid:

None

Amount of sales and base commissions paid to None \$0.00 Fees and other compensation paid to None: \$0.00

Bonus Amount: \$0.00

Bonus Purpose: None

Value of Non-Monetary Compensation: \$0.00

Type/Purpose of Non-Monetary Compensation: None

ERISA AB2589GOV

3) Name and address of the agent, broker, or other person to whom commissions or fees were paid: الأراب المراجع المرازية None Amount of sales and base commissions paid to None \$0.00 Fees and other compensation paid to None: \$0.00 Bonus Amount: \$0.00 ٠,٠ Bonus Purpose: None Value of Non-Monetary Compensation: \$0.00 Type/Purpose of Non-Monetary Compensation: None 4) Name and address of the agent, broker, or other person to whom commissions or fees were paid: - 1¹ None Commence of the second Amount of sales and base commissions paid to None \$0.00 Fees and other compensation paid to None: \$0.00 Bonus Amount: \$0.00 Bonus Purpose: None Value of Non-Monetary Compensation: \$0.00 Type/Purpose of Non-Monetary Compensation: None 5) Name and address of the agent, broker, or other person to whom commissions or fees were paid: The state of the s None in i Amount of sales and base commissions paid to None \$0.00 Fees and other compensation paid to None: \$0.00 -- - - ----Bonus Amount: \$0.00 teal Art. Bonus Purpose: None Value of Non-Monetary Compensation: \$0.00 Type/Purpose of Non-Monetary Compensation: None 6) Name and address of the agent, broker, or other person to whom commissions or fees were paid: None Amount of sales and base commissions paid to None \$0.00 Fees and other compensation paid to None: \$0.00 Bonus Amount: \$0.00 fil , # Bonus Purpose: None Value of Non-Monetary Compensation: \$0.00 Type/Purpose of Non-Monetary Compensation: None ्रतीय व क्रान्य (J) . 7) Name and address of the agent, broker, or other person to whom commissions or fees were paid: None Amount of sales and base commissions paid to None \$0.00 ** Fees and other compensation paid to None: \$0.00 Bonus Amount: \$0.00 Bonus Purpose: None Value of Non-Monetary Compensation: \$0.00

Type/Purpose of Non-Monetary Compensation: None

Date Report Produced: February 16, 2021



AB2589 California Broker Compensation Disclosure Reporting for Public Agencies

California AB2589 requires healfh plans and insurers to disclose broker compensation information to public agency employer groups. This Q&A will answer some of your questions about the law.

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Q: What is AB2589?

A: AB2589 is California legislation that requires health plans and insurers to annually disclose broker compensation information to the governing boards of public agency employer groups. The law specifically requires that the health plan and insurer disclose to the governing board of the public agency that has a group contract with Kaiser Permanente; the name and address of, and amount paid to, any agent, broker, or individual to whom the plan paid fees or commissions related to the public agency's group contract.

Q: Why am I receiving this report?

A: You are receiving the report because you were identified as the governing board representative for a public agency (or the representative of a public agency without a governing board) that holds a health insurance contract with Kaiser Permanente. If you are the designated contract signer for a public agency, you will also receive a copy of the report. California Broker Compensation Disclosure Reports will be sent to the governing boards and contract signers of Kaiser Permanente's California public agency employer groups, regardless of the size of the group.

Q: What types of employers are considered public agencies?

A: Public agencies are defined in the California Government Code (§6500) as follows:

"Public Agency" includes, but is not limited to; the federal government or any federal department or agency, this state, another state or any state department or agency, a county, county board of education, county superintendent of schools, city, public corporation, public district, regional transportation commission of this state or another state, or any joint powers authority formed pursuant to this article by any of these agencies.

Q: What types of compensation are included in this report?

A: In addition to monetary fees or commissions related to the public agency's group contract. Kaiser Permanente must report the value of any other gifts of prizes awarded to the agent, broker, or individual if those items were based on placement or retention of business related to that group.

Examples of non-monetary compensation include sporting event or concert tickets, trips, gift cards, and any other non-cash items of tangible value

Q: Why is this report sent directly to my public agency's governing board?

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A: The law requires that the reports be distributed annually to the governing board of any public agency contracted for coverage with Kaiser Permanente. Since the law specifically states the Broker Compensation Disclosure Report should be addressed to the governing board, we are unable to address the primary copy of the report to another resource. However, we do provide the contract signer a copy of the report as a courtesy.

Continue on next page

Q: When will I receive this report?

A: You can expect to receive the report annually, approximately 60 days after the last day of the contract year. For example, if your contract year is on a January-December schedule, you can expect the Broker Compensation Disclosure Report in early March for the preceding year. If your contract year is July-June, you can expect to receive the report in early September of that year.

Q: Is this the same as an ERISA 5500 Schedule A Disclosure Report?

A: Federal law requires certain employer groups to receive an annual report known as an ERISA 5500 Schedule A Disclosure Report, which contains the same type of information that's required for the Broker Compensation Disclosure Report, However,... unlike the 5500 Schedule A Disclosure Report, the .. Broker Compensation Disclosure Report is informational only, and public agencies aren't required to submit the information to the U.S. Department of Labor or to any other state or federal agency. Although public agencies have Although public agencies have been exempt from the federal reporting requirements under ERISA 5500 guidelines, some "11.2" public agencies have requested to receive the 5500 Schedule A Disclosure Report from Kaiser Permanente. The information contained in that report is identical to what is included on the Broker Compensation Disclosure Report. If you received a 5500 Schedule A Disclosure Report in the past. and you're a California public agency, you'll now receive the Broker Compensation Disclosure Report instead.

Q: We don't have a broker. Why are we getting this report?

A: The law requires all health plans or health insurers to disclose all monetary and non-monetary compensation that's paid to any agent, broker, or individual if it's related to your public agency's contract with us. That includes consultants and other individuals who may not be referred to as a broker, but who have a compensation

arrangement based on placement or retention of business with us.

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Q: Will I get a copy if there's no compensation to report?

A: Yes. To ensure compliance, a report will be sent to any California public agency with whom we're contracted, even if the amounts being reported are zero.

Q: Why don't the numbers on the report match my records?

A: The reported compensation and commissions are based on what was actually paid to and received by us during the contract year, regardless of what was due. For example, if your December premium is paid in January, it will show up on the following year's report (if you're on a January—December contract). Membership numbers on the report may also be different from your records. They're based on the number of members enrolled at the end of the last calendar month of the contract.

Q: What should I do with this report?.

A: This report is considered informational, and you are not required to take any action. You may choose to keep this report as part of your files, but you are not required by the legislation to do so.

Q: If we don't keep our copy of the report can we get a copy from you if we need it?

A: We'll electronically store copies of all Broker.
Compensation Disclosure Reports for a minimum of six years. However, we can't guarantee we'll be able to provide you with a hard copy if you request it after six years, so you should keep a copy in your files.

Q: Who should I contact for more information?

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A: You can contact the 5500 Central Team at 5500-Central-Team@kp.org

 From:
 Kim Thorner

 To:
 Busby, Francine

 Cc:
 Joseph Randall

Subject: RE:

Date: Wednesday, March 24, 2021 2:15:00 PM

Attachments: <u>image002.pnq</u>

image003.png image004.png image005.png image006.png

Dear Ms. Busby – Thank you so much for the kind words. OMWD is very excited about receiving federal funding for this important water infrastructure project that benefits the north county region and provides for conservation of our water resources.

OMWD is also a part of the Northern San Diego WateReuse Coalition, which is a coalition of water and wastewater agencies who are collaborating on a plan to connect the north county region in water reuse. The current members are Carlsbad Municipal Water District, City of Escondido, City of Oceanside, Leucadia Wastewater District, Olivenhain Municipal Water District, Rincon del Diablo Municipal Water District, San Elijo Joint Powers Authority, Santa Fe Irrigation District and Vallecitos Water District. We do anticipate reaching out to Congressman Levin's office to inform him of our upcoming WIIN application under Title XVI and would appreciate any support the Congressman can give to our Coalition's WIIN grant submission. The FOA was just released today and the deadline is April 23, 2021. We will reach out soon and hope that we can get the Congressman's support for our submission.

Thank you again and look forward to working with you. Kim

Kimberly A. Thorner, Esq. General Manager Olivenhain Municipal Water District 760-415-6158 Cell

From: Busby, Francine [mailto:Francine.Busby@mail.house.gov]

Sent: Tuesday, March 23, 2021 3:12 PM **To:** Kim Thorner < KThorner@olivenhain.com> **Cc:** Joseph Randall < jrandall@olivenhain.com>

Subject:

Dear Ms. Thorner,

On behalf of Congressman Levin, I would like to Congratulate you, your team and Board of Directors on the recent \$500,000 2021 WaterSMART Water and Energy Efficiency Grant that you received from the Bureau of Reclamation to continue implementation of advanced metering infrastructure. Your continuing efforts to improve efficiency and conserve valuable water resources are greatly appreciated.

We would be happy to provide a letter of support for your future federal grant submissions. As a member of the House Committee on Natural Resource subcommittee on Water, Oceans and Wildlife, Congressman Levin is interested in learning how he can best support regional efforts to assure a reliable and safe water supply. Please don't hesitate to contact our office if we can ever be of assistance.

Best regards,

Francine Busby
District Director
U.S. Congressman Mike Levin (CA-49)
760-599-5000
2204 El Camino Real, suite 314
Oceanside, CA 92054

Sign up for updates <u>HERE</u>.

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General Manager Kimberly A. Thorner, Esq. General Counsel Alfred Smith, Esq.

March 24, 2021

Assemblymember Alex Lee California State Assembly State Capitol, Room 2170 P.O. Box 942849 Sacramento, CA 94249-0025

Assemblymember Cristina Garcia California State Assembly State Capitol P.O. Box 942849 Sacramento, CA 94249-0058

RE: Assembly Bill 339 (Lee) - Oppose Unless Amended

Dear Assemblymember Lee and Assemblymember Garcia,

On behalf of Olivenhain Municipal Water District, I am writing to express our opposition, unless amended, to proposals within AB 339 that intend to establish new rules regarding digital and remote participation for government hearings. OMWD provides 87,000 customers in northern San Diego County with water, wastewater, recycled water, hydroelectric, and recreational services.

OMWD supports the overall principle of the bill, which aims to increase public participation in meetings through internet-based video conferencing platforms. Providing additional tools relating to remote access theoretically broadens the number of people who are able to participate in government. This is why OMWD strongly supports AB 361 (Rivas), which codifies several of Governor Newsom's executive orders that modified the Ralph M. Brown Act that allows agencies, such as OMWD, to safely meet remotely during an emergency.

While the overall goal of the bill is laudable, there are areas of AB 339 that are problematic for many public agencies throughout California, including OMWD. Specifically, the bill mandates local agencies to "employ a sufficient amount of qualified bilingual persons [or translation services] to provide translation during the meeting in the language of a non-English-speaking person, in jurisdictions which govern a substantial number of non-English-speaking people." When applied to local agencies, such as OMWD, this blanket requirement is challenging for the following reasons:

Incorrect Application of the Dymally-Alatorre Bilingual Services Act

In proposing translation requirements for all languages for which five percent of the population in the area governed by a local agency, AB 339 cites compliance with the Dymally-Alatorre Bilingual Services Act (Cal. Gov't Code §§ 7290 – 7299.8). However, AB 339 misinterprets the Act. The five percent threshold is established in Gov't Code § 7296.2 in defining a "substantial number of non-English-speaking people." This definition is applied to specified sections relating to state agencies and their local offices, not the local agencies AB 339 targets. The proposals in AB 339 simultaneously ignores Gov't Code § 7293 of the Act, which states that the "determination of what constitutes a substantial number of non-English-speaking people and a sufficient number of qualified bilingual persons *shall be made by the local agency.*"





Establishing a Threshold

If AB 339 inaccurately applies the five percent threshold with bi-annual reviews cited in Gov't Code § 7296.2 to local agencies, this data would be difficult to generate for thousands of special districts in California. Unlike cities, which must be located in a specific county, special districts may cross many city and county boundaries in providing their public services. Thus, collecting data relating to language is often difficult and costly to retrieve. Census data, which is commonly used by state, county, and city governments, are not a perfect resource for special districts since their boundaries can often split census blocks, which are the smallest geographic unit of census data. This requires extensive staff time to research data and/or the potential need for frequent special surveys by private consultants.

Unfunded Mandate during an Emergency

Several of the proposals in AB 339 are financially burdensome to local agencies, already struggling from the economic ramifications of the COVID-19 pandemic. With no financial reimbursements and unfeasible requirements, local agencies will have to pay for additional staff time or survey consultants to simply determine whether or not they even meet the threshold established by AB 339. If a local agency does meet the threshold, they may need to hire additional translation services or potentially provide overtime to bilingual staff in order to participate in meetings. In essence, AB 339 will divert funds while many local agencies are struggling to retain employees and provide basic public services to their constituents during the COVID-19 pandemic.

As stated above, OMWD supports increasing transparency and accessibility to meetings, demonstrated by past support for legislation that aims for these goals. However, several proposals within AB 339 are unworkable as introduced. Therefore, OMWD opposes AB 339 unless it is amended to correct the issues highlighted above.

If you or your staff should need any additional information, please do not hesitate to contact me at 760-753-6466 or kthorner@olivenhain.com.

Regards,

Kimberly A. Thorner

General Manager

CC: Senator Brian Jones

Senator Patricia Bates

Senator Toni G. Atkins

Assemblymember Christopher Ward

Assemblymember Marie Waldron

Assemblymember Brian Maienschein

Assemblymember Tasha Boerner Horvath

California Special Districts Association [advocacy@csda.net]

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General Manager Kimberly A. Thorner, Esq. General Counsel Alfred Smith, Esq.

March 29, 2021

Assemblymember Eduardo Garcia, Chair Committee on Water, Parks, and Wildlife California State Assembly Legislative Office Building 1020 N Street, Rm 160 Sacramento, CA 95814 Assemblymember Megan Dahle, Vice Chair Committee on Water, Parks, and Wildlife California State Assembly Legislative Office Building 1020 N Street, Rm 160 Sacramento, CA 95814

RE: Assembly Bill 1434 (Friedman) – Oppose

Dear Assemblymember Garcia and Assemblymember Dahle,

On behalf of Olivenhain Municipal Water District, I am writing to express our opposition to AB 1434, which will impose impracticable requirements on residential indoor water use. OMWD provides 87,000 customers in northern San Diego County with water, wastewater, recycled water, hydroelectric, and recreational services.

OMWD is a strong proponent of water conservation, evident through its numerous programs and policies. OMWD has hosted conservation workshops, established a water waste hotline, relayed rebate opportunities on water-saving devices, publicized landscape transformation incentives, coordinated free water use evaluations to help customers conserve, and educated the next generation about water conservation through student contests and educational opportunities. Furthermore, OMWD is a regional leader in growing the use of recycled water and leading the North San Diego Water Reuse Coalition, which seeks to connect the region to recycled water — a reliable, drought-proof source of water that will conserve potable water.

In 2018, AB 1668, which was also produced by Assemblymember Friedman, and SB 606 required retail water agencies to meet several water use objectives based on residential indoor and outdoor consumption, commercial water use, and water loss, regardless of regional water supply and ignoring hydrologic conditions. After much negotiation, discussion, and public input, the law established a standard of 55 gallons per capita daily for indoor residential water use, subsequently decreasing by 2.5 gallons in 2025 and again in 2030. AB 1434 curiously proposes to radically decrease those previously negotiated standards further to unfeasible amounts and to arbitrarily move up the implementation timeline. The bill proposes a standard of 48 gallons per capita daily from 2023 to 2025, lowering to 44 gallons in 2025, and 40 gallons in 2030. The standards proposed in the bill are unmanageable.

The following list of problems with AB 1434 should be considered by the California State Assembly's Committee on Water, Parks, and Wildlife:

Abolishes Studies and Investigations into Indoor Residential Water Use

AB 1434 eliminates the studies and investigations that were required by statute, which takes a comprehensive look at indoor residential water use. During their inquiry, the Department of Water Resources





and State Water Resources Control Board are collecting data on water use and potential impacts of the 2018 standards. They were also tasked with gathering input from important stakeholders, which would lead to a recommendation to the legislature proposing workable standards. It is alarming that AB 1434 eliminates these ongoing studies and investigations into workable indoor water use standards, while arbitrarily proposing new standards that are implausibly low.

Consequences on Infrastructure

Should the bill be successful in lowering indoor residential water use standards to 40 GPCD, there will likely be a negative consequence on wastewater systems operations and supplies. Based on their design, water and wastewater systems are designed to operate with a certain level of water flow. Thus, a reduced water flow can lead to dangerous buildups of sludge and other material.

Weakening Drought Resilient Water Sources

In a time when local, state, and federal entities and leaders are pushing to expand the use of recycled water, the proposals in the bill will negatively impact recycled water supplies. The less water that is available for reclamation, the more potable water may be needed for nonpotable uses, nullifying the water conservation objective that the bill attempts to accomplish. Water reuse is a proven tool in conserving available water supplies, increasing reliability, and is a water source that can withstand droughts. The Governor's Water Resilience Portfolio recognizes recycled water as a sustainable, nearly drought-proof water supply that can nearly triple in the next ten years under current conditions.

Technological Feasibility

It is not clear if there will be an adequate amount of affordable technologies available to the public to help them gauge their water use. Anticipating improvements to indoor appliances that use water is difficult to predict, yet will be important for Californian households to meet any indoor water use standard. Furthermore, technology based around real-time leak detection is still evolving and being implemented. To place such a stringent water use standard without a full deployment of tools to Californians which help them conserve water illustrates a key policy flaw in the proposed bill.

Punishing Disadvantaged Communities

By forcing Californians to an arbitrary 40 gallons per capita per day, disadvantaged communities will be further punished for not being able to afford new fixtures that use water more efficiently. Imposing the standards within AB 1434 is not equitable, requiring more from those who have less.

Impractical "One-Size Fits All" Policy

The proposed standard for indoor residential water use as 48 gallons per capita daily, eventually lowering to 40 gallons by 2030, is based on a single methodology that does not consider essential factors such as local and regional water conditions or hydrologic conditions. To apply a singular methodology to a state as large and diverse as California illustrates the inherent flaws and unfeasible targets proposed in the legislation.

Burdening Constituents and Public Backlash

Californians, including your constituents, made great strides through personal sacrifices to conserve water during the 2011 to 2017 drought. Water agencies, such as OMWD, made great advancements in minimizing waste and increasing conservation. However, the water standards established in 2018 instigated negative news coverage and numerous complaints from voters and customers, worried about the impact to their everyday lives.

For these reasons, OMWD opposes AB 1434 and respectfully requests your committee to reject the bill. OMWD urges the Committee to allow for legally required studies to be completed, engage stakeholders for input on indoor water use standards, and continue on with the previously negotiated standards from 2018.

If you or your staff should need any additional information, please do not hesitate to contact me at 760-753-6466 or kthorner@olivenhain.com.

Regards,

Kimberly A. Thorner General Manager

CC: Assemblymember Laura Friedman

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Assemblymember Christopher Ward
Assemblymember Marie Waldron
Assemblymember Brian Maienschein
Assemblymember Tasha Boerner Horvath

Board of Directors

Lawrence A. Watt, President Kristie Bruce-Lane, Vice President Christy Guerin, Treasurer Edmund K. Sprague, Secretary Robert F. Topolovac, Director



General Manager Kimberly A. Thorner, Esq. General Counsel Alfred Smith, Esq.

April 1, 2021

The Honorable Scott Peters
United States House of Representatives
1201 Rayburn Office Building
Washington, DC 20515

The Honorable Darrell Issa United States House of Representatives 2300 Rayburn House Office Building Washington, DC 20515

RE: Water Recycling Investment and Improvement Act (H.R. 1015)

Dear Representative Peters and Representative Issa,

On behalf of Olivenhain Municipal Water District, I am writing to urge you to support H.R. 1015, which will increase funding authorization for the Bureau of Reclamation's Title XVI water recycling programs. OMWD provides 87,000 customers in northern San Diego County with water, wastewater, recycled water, hydroelectric, and recreational services.

Droughts have tragically become a regular occurrence in the United States, particularly in California. As of March 19, over 99% of California is abnormally dry with over 90% of the state currently experiencing drought conditions. Thus, it is critical for the federal government to increase its assistance for this national issue. Increasing authorization of USBR's Title XVI Water Reclamation and Reuse Program can help reduce the impacts of drought and water shortages through funding of key wastewater reuse projects. Funding Title XVI has been a worthwhile investment for the federal government, as \$700 million in federal funding since 1992 has been leveraged with more than \$3.3 billion in non-federal funding for water recycling projects.

OMWD is a leader in expanding cooperative recycled water effort and regional partnership. As a member of the North San Diego Water Reuse Coalition, OMWD is one of several agencies within the coalition working collectively to maximize recycled water use and reduce demand for imported water. To increase water supply and drought resilience, the Coalition began the Regional Recycled Water Project, which will develop regional recycled water infrastructure to increase the capacity and connectivity of the recycled water storage and distribution systems of the Coalition members and maximize reuse of available wastewater supplies. The project will add 41 million gallons of recycled water per day to San Diego County's water supply portfolio at full build-out.

OMWD currently serves over two million gallons of recycled water every day through two methods. First, OMWD's 4S Ranch Water Reclamation Facility produces over one million gallons of recycled water per day. Second, OMWD has partnered with neighboring agencies to serve its customers with imported recycled water. Every gallon of recycled water provided to OMWD customers offset a gallon of valuable potable water, particularly significant during drought conditions.





OMWD was previously awarded Title XVI funding on the first regional recycled water project in northern San Diego County, known as the North County Recycled Water Project. Working together with Carlsbad Municipal Water District, Leucadia Wastewater District, and San Elijo Joint Powers Authority, this first effort, totaling approximately \$133 million in expenditures, was awarded \$20 million in Title XVI funding. The end result was 15,000 acre-feet—nearly 5 billion gallons—of recycled water that is currently being delivered to the region's customers each year.

OMWD requests your support for H.R. 1015. As scientists agree that droughts will become more common over time, it is imperative that Congress invests in the long-term solutions that will help California meet its future water demands. Thus, increasing the funding authorization for USBR's Title XVI water recycled grant program will give water agencies, such as OMWD, the needed funds to help increase the existing recycled water capacity of agencies or create new projects to boost water supplies.

OMWD looks forward to working with you to make this legislation a success and we hope that it takes center-stage in Congress' upcoming push for infrastructure investments. If you or your staff should need any additional information, please feel free to contact me at 760-753-6466 or kthorner@olivenhain.com.

Sincerely,

Kimberly A. Thorner General Manager

cc: Representative Grace Napolitano

Jay Tanner, ACWA Federal Relations Specialist (outreach@acwa.com & jtanner@sso.org)

Board of Directors

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General Manager Kimberly A. Thorner, Esq. General Counsel Alfred Smith, Esq.

April 1, 2021

The Honorable Grace F. Napolitano United States House of Representatives 1610 Longworth House Office Building Washington, DC 20515

RE: Water Recycling Investment and Improvement Act (H.R. 1015)

Dear Representative Napolitano,

On behalf of Olivenhain Municipal Water District, I am writing to express support for increased funding authorization for the Bureau of Reclamation's Title XVI water recycling programs. OMWD provides 87,000 customers in northern San Diego County with water, wastewater, recycled water, hydroelectric, and recreational services.

Droughts have tragically become a regular occurrence in the United States, particularly in California. The North American Drought Monitor indicates abnormally dry conditions for a majority of the country, with over 63 million Americans currently living in drought areas. As of March 19, over 99% of California is abnormally dry, with over 90% of the state currently experiencing drought conditions. Thus, it is critical for the federal government to increase its assistance for this national issue. Increasing authorization of Bureau of Reclamation's Title XVI Water Reclamation and Reuse Program can help reduce the impacts of drought and water shortages through funding of key wastewater reuse projects. Funding Title XVI has been a worthwhile investment for the federal government, as \$700 million in federal funding since 1992 has been leveraged with more than \$3.3 billion in non-federal funding for water recycling projects.

OMWD is a leader in expanding cooperative recycled water efforts and regional partnership. As a member of the North San Diego Water Reuse Coalition, OMWD is one of several agencies within the coalition working collectively to maximize recycled water use and reduce demand for imported water. To increase water supply and drought resilience, the Coalition began the Regional Recycled Water Project, which will develop regional recycled water infrastructure to increase the capacity and connectivity of the recycled water storage and distribution systems of the Coalition members and maximize reuse of available wastewater supplies. The project will add 41 million gallons of recycled water per day to San Diego County's water supply portfolio at full build-out.

OMWD currently serves over two million gallons of recycled water every day through two methods. First, OMWD's 4S Ranch Water Reclamation Facility produces over one million gallons of recycled water per day. Furthermore, OMWD has partnered with neighboring agencies to serve its customers with imported recycled water. Every gallon of recycled water provided to OMWD customers offsets a gallon of valuable potable water, particularly significant during drought conditions.





OMWD was previously awarded Title XVI funding on the first regional recycled water project in northern San Diego County, known as the North County Recycled Water Project. Working together with Carlsbad Municipal Water District, Leucadia Wastewater District, and San Elijo Joint Powers Authority, this first effort, totaling approximately \$133 million in expenditures, was awarded \$20 million in Title XVI funding. The end result was 15,000 acre-feet—nearly 5 billion gallons—of recycled water that is currently being delivered to the region's customers each year.

OMWD appreciates your leadership on this matter. As scientists agree that droughts will become more common over time, it is imperative that Congress invests in the long-term solutions that will help California meet its future water demands. Consequently, increasing the funding authorization for USBR's Title XVI water recycled grant program will give water agencies, such as OMWD, the needed funds to help increase the existing recycled water capacity of agencies or create new projects to boost water supplies.

OMWD looks forward to working with you to make this legislation a success and we hope that it takes center-stage in Congress' upcoming push for infrastructure investments. If you or your staff should need any additional information, please feel free to contact me at 760-753-6466 or kthorner@olivenhain.com.

Sincerely,

Kimberly A. Thorne General Manager

cc: Representative Mike Levin

mbulg & Kiorner

House of Representatives, Subcommittee on Water, Oceans, and Wildlife Jay Tanner, ACWA Federal Relations Specialist (<u>outreach@acwa.com</u> & <u>itanner@sso.org</u>)

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Lawrence A. Watt, President Kristie Bruce-Lane, Vice President Christy Guerin, Treasurer Edmund K. Sprague, Secretary Robert F. Topolovac, Director



General Manager Kimberly A. Thorner, Esq. General Counsel Alfred Smith, Esq.

April 2, 2021

Senator Ben Hueso, Chair Senator Brian Dahle, Vice Chair Committee on Energy, Utilities, and Communications California State Senate State Capitol, Room 4035 Sacramento, CA 95814 Senator Henry I. Stern, Chair Senator Brian W. Jones, Vice Chair Committee on Natural Resources and Water California State Senate State Capitol, Room 5046 Sacramento, CA 95814

RE: Senate Bill 222 (Dodd) - Oppose Unless Amended

Dear Senator Hueso, Senator Stern, Senator Dahle, and Senator Jones,

On behalf of Olivenhain Municipal Water District, I am writing to express our opposition to SB 222, which intends to create an unfeasible water affordability program. OMWD previously provided comments on the State Water Resources Control Board's February 2020 reported regarding a water low-income rate assistance program, which is enclosed for your reference. OMWD provides 87,000 customers in northern San Diego County with water, wastewater, recycled water, hydroelectric, and recreational services.

As currently written, SB 222 has several concerning areas highlighted below:

Perplexing Scope

The goal of the bill is to provide water rate assistance to low-income customers. However, the bill pursues funding for affordability assistance for drinking water and wastewater services, direct water bill assistance, water bill credits to renters, water crisis assistance, affordability assistance for low-income households served by domestic wells, and water efficiency measures for low-income households. Simply put, SB 222 is proposing too many ideas for many different situations and scenarios that each require thoughtful analysis and separate deliberation. OMWD requests that the bill narrow its scope to its original intent of providing a formulaic water and wastewater LIRA program that does not arbitrarily add emergencies, domestic wells, or water use efficiency programs.

Lack of Funding Source

As mentioned in OMWD's February 2020 letter, there should not be a tax on water at the retail and customer level, as water is a basic necessity such as food, and such a tax may penalize the very customers that low-income assistance programs are intended to support. OMWD emphasizes this point since SB 222 does not identify a funding source to fully cover the program. In its January 19, 2021 report, SWRCB estimated that the implementation of a low-income water and wastewater rate assistance program would cost approximately \$600 million annually, or an over 20% increase to the entire SWRCB's proposed budget for the year. With such a large amount needed to fund the proposed program, it is puzzling that a funding source has not been





identified. A water tax or water surcharge to fund the LIRA program <u>cannot</u> be considered. Thus, we urge that this bill cannot move forward until the source of hundreds of millions of dollars yearly has been identified to fund the proposed program.

Income Data

OMWD and similar water agencies do not have income data for their customers. SB 222 would require electrical and gas corporations to share their customer data with SWRCB for their customers who are enrolled in their assistance programs. There is concern that eligibility and verification for these programs administered by investor-owned utilities are not compatible in the context of public water agencies. In addition, comparing the costs and ability to pay for water, energy, and telecommunications is a flawed comparative approach, since the cost of water is typically the lowest of the three. Justifying the need or developing guidelines for a LIRA program for water based on the existence of energy and telecommunications LIRA programs lacks analytical consistency.

Burdensome Rate Data

SB 222 proposes to "Collect and ensure the accuracy of water rate data and water system boundary data from each public water system." There is no clear reason as to why SWRCB would need to collect rate data and boundary data, nor is the explanation of how the data will be used sufficient for such a large and costly effort. To implement a water and wastewater LIRA program, such information from every single water agency is not necessary and should be removed.

For the reasons listed above, along with our initial concerns on SWRCB's February 2020 report regarding a water low-income rate assistance program, OMWD opposes SB 222 unless heavily amended. If you or your committee should need any additional information, please do not hesitate to contact me at 760-753-6466 or kthorner@olivenhain.com.

Regards,

Kimberly A. Thorner General Manager

Enclosures: August 24, 2020 – Comment on SWRCB Recommendations for a Statewide Low-Income Water Rate

Assistance Program

CC: Senator Bill Dodd

Senator Brian Jones Senator Patricia Bates Senator Toni G. Atkins

Assemblymember Christopher Ward Assemblymember Marie Waldron

Assemblymember Brian Maienschein

Assemblymember Tasha Boerner Horvath

Board of Directors

Edmund K. Sprague, President Robert F. Topolovac, Vice President Lawrence A. Watt, Treasurer Robert M. Kephart, Secretary Christy Guerin, Director



General Manager Kimberly A. Thorner, Esq. **General Counsel** Alfred Smith, Esq.

August 24, 2020

Hon. Henry I. Stern, Chair Hon. Brian W. Jones, Vice Chair Committee on Natural Resources and Water California State Senate State Capitol, Room 5046 Sacramento, CA 95814

Hon. Eduardo Garcia, Chair Hon. Megan Dahle, Vice Chair Committee on Water, Parks, and Wildlife California State Assembly 1020 N Street, Room 160 Sacramento, CA 95814

Re: Comments on SWRCB Recommendations for a Statewide Low-Income Water Rate Assistance Program

Dear Senator Stern, Senator Jones, Assemblymember Garcia, and Assemblymember Dahle,

On behalf of Olivenhain Municipal Water District, I am writing in regard to State Water Resources Control Board's February 2020 report, entitled "Recommendations for a Statewide Low-Income Water Rate Assistance Program," which was prompted by the passage of AB 401 (2015) Low-Income Water Rate Assistance Act. OMWD provides over 86,000 customers in northern San Diego County with water, wastewater, recycled water, hydroelectric, and recreational services.

OMWD appreciates the time and effort by SWRCB to complete the report and the opportunities to provide feedback. Prior to the proposal of future legislation inspired by the report, OMWD would like to offer its initial comment on several areas of the report.

Program Eligibility & New Administrative Functions

The report envisions a statewide low-income assistance program with benefits distributed through water bills. Before benefits can be distributed, program eligibility and mechanisms for said distribution will need to be established for all water agencies throughout California. As proposed in the report, eligibility determination and program enrollment could either be migrated from the California Alternative Rates for Energy program, which could raise issues with regard to customer privacy, or via self-certification, which would entail additional burdens for both low-income households and agencies such as OMWD.

If enrollment information is derived from the CARE program, it is important that customer data be secured by the SWRCB and easily accessible to water agencies. It should be the responsibility of SWRCB to draw on the existing database of low-income families in the CARE program and ensure all legal requirements are met to ensure customer privacy. While CARE and other existing assistance programs in the state have privacy protections in place for household income data used to determine program eligibility, this would be new to water agencies such as OMWD and would likely require new privacy protection measures. To ease this burden, SWRCB should make every effort to streamline the process of retrieving the customer data for local agencies.



1966 Olivenhain Road • Encinitas, CA 92024 Phone (760) 753-6466 • Fax (760) 753-1578 • www.olivenhain.com



While OMWD supports the use of existing assistance programs such as CARE or CalFresh for data on low-income families, we strongly oppose a self-certification program. Both will have large financial burdens on local water agencies with regard to implementation and any future legislation should take this financial impact into consideration. However, a self-certification program would trigger even more administrative costs, such as billing system changes, compliance with requirements for reimbursement with state funding, enhanced customer interaction, and program promotion costs. Furthermore, additional staff may be needed, or existing staff would need to be trained, in analyzing and managing income data. The cumulative financial burden upon water agencies from this approach could register in the billions of dollars statewide. Placing such a heavy financial mandate upon water agencies will necessarily cause upward pressure on future water rates, which will only exacerbate problems with the water affordability this program is intended to alleviate.

Lastly, OMWD is concerned with the additional administrative function of a state claims administrator with regard to executing the water crisis assistance component. As written, this component allows customers that received shutoff notices due to nonpayment to enroll in the state program for assistance. Water agencies would then be required to submit reimbursement claims for lost revenues from the nonpaying customers to a claims administrator for review. As stated in the report itself, the administrative complexity of setting up and operating a water crisis assistance component would require additional layer of service to water agencies. Future legislation should revise how this component is formulated and executed. OMWD requests a more streamlined approach to this component that is easily understood by the consumer and does not impose onerous and costly requirements onto water agencies.

Basis of Assistance

Water agencies throughout California have varying rate structures designed to meet the needs of their respective service areas. Thus, OMWD agrees that benefits assigned as a percentage of a specified consumption level is more viable option than a flat benefit discount or a discount to a certain component of the bill.

OMWD is delighted that SWRCB has modified the consumption level calculations based off our previous comments on the draft report. Future legislation derived from this report should ensure that benefits of the program be based on six centum cubic feet per month tied to indoor water use. This is because the original intent of AB 401 is to provide assistance of water use for basic human needs. Thus, including outdoor water use when determining consumption levels is not consistent with that intent. OMWD supports ensuring that water used for basic human needs remains affordable, and offers the lowest rate possible to all of our residential customers for the first six CCF of water.

In addition, OMWD is pleased that, at our urging, the final report modified its average household size with regard to consumption level calculations. The US Census Bureau reports that the median household size in California is just under three, and this should be the basis of any calculation moving forward regarding average household size.

Program Funding

As with food, there should not be a tax on water at the retail and customer level, as water is a basic necessity. The report recommends the potential use of progressive personal income tax and/or revenue sources that have a nexus to water use such as a soda tax or bottled water tax. OMWD concurs with such revenue collection options and urges any future legislation not use local water bills to generate revenue for the program.

Infringing on Local Control

The report's appendices proposes that the legislature evaluate the need for additional authority by which to exercise more oversight over how each water agency, such as OMWD, sets its rates. Local water districts are best suited to determine the most appropriate rate structure for their ratepayers and are responsible for ensuring the financial security of the district. Furthermore, recommending SWRCB or the legislature to become involved in financial management or rate-setting activities of locally elected governments is not relevant and outside the parameters set out in AB 401.

OMWD looks forward to working with your committee and staff on any future proposed legislation that is inspired by the report. If you or your staff should need any additional details pertaining to this assessment, please do not hesitate to contact me at 760-753-6466 or kthorner@olivenhain.com.

Regards,

General Manager

CC: Senator Bill Dodd

Senator Brian Jones Senator Patricia Bates

Assemblymember Todd Gloria

Assemblymember Marie Waldron

Assemblymember Brian Maienschein Assemblymember Tasha Boerner Horvath

Cindy Tuck, Association of California Water Agencies

Dave Bolland, Association of California Water Agencies

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General Manager Kimberly A. Thorner, Esq. General Counsel Alfred Smith, Esq.

April 2, 2021

Senator Ben Hueso, Chair Senator Brian Dahle, Vice Chair Committee on Energy, Utilities, and Communications California State Senate State Capitol, Room 4035 Sacramento, CA 95814

RE: Senate Bill 223 (Dodd) - Oppose

Dear Senator Hueso and Senator Stern,

On behalf of Olivenhain Municipal Water District, I am writing to express our strong opposition to SB 223 proposing new discontinuation of water service policies. OMWD provides 87,000 customers in northern San Diego County with water, wastewater, recycled water, hydroelectric, and recreational services.

This bill intends to succeed SB 998, which was passed by the Committee on Energy, Utilities, and Communications in 2018. That bill prohibits a public water system such as OMWD from discontinuing residential water service for nonpayment until a payment has been delinquent for at least 60 days. Water agencies spent millions of dollars and more than a year drafting new shutoff policies and creating the logistical steps needed to comply with provisions of SB 998 before they become effective on February 1, 2020. However, due to the COVID-19 pandemic and the Governor's moratorium on water shutoffs through emergency order on April 2, 2020, SB 998 has not yet had the opportunity to be fully implemented and tested. Yet SB 223 would modify multiple provisions of SB 998 and re-write discontinuation of service requirements when full implementation of the law has not yet occurred and without complete data to assess the merits of SB 998.

In addition to the unempirical approach of reworking requirements that water agencies prepared for before they can truly go into effect, OMWD finds the following areas of SB 223 concerning:

Unconstitutional Debt and Fee Forgiveness

Public water agency service rates for residential customers are governed by Proposition 218, which prohibits retail public water systems from charging rates that exceed the proportional costs of the service attributable to the parcel. The constitutional provision prevents public retail water systems from using ratepayer revenues to subsidize other ratepayers within the same customer class. Provisions within SB 223 appear to be at odds with Proposition 218.

The proposed "arrearage management plan" in SB 223 would require a public water agency to provide forgiveness of one-twelfth of a customer's delinquent water bill balance with every on-time payment of their





regular water bill. After a 12-month period, water agencies would be required to forgive the customer's full delinquent balance. Under the proposed plan, delinquent customers would not be required to pay off any debt accrued prior to enrolling in the arrearage management plan. In other words, SB 223 would require public water agencies to forgive debt for services already provided to a customer. This type of delinquency forgiveness is inconsistent with California's constitution, since someone other than the customer is paying for the costs of water.

Issues relating to Proposition 218 are also highlighted by SB 223's provision requiring any water service disconnections and reconnections to lower-income customers be provided without any fees. Similar to the "arrearage management plan," if the delinquent ratepayer does not pay for connection services, public water systems would need to subsidize these costs with revenue from other ratepayers. Thus, disconnection and reconnection fee waivers is another provision that contradicts Proposition 218.

Health-Related Water Service Disconnections & Local Emergencies

In 2018, after much deliberation, SB 998 was amended to limit water service disconnection prohibitions in health-related circumstances to those situations where the customer provides certification from a primary care provider. With SB 223, the scope of this discontinuation prohibition is drastically expanded to include self-certifications of threat to public health or safety or age-related prohibitions. This would significantly limit the ability of water agencies to discontinue water service for nonpayment and drastically increases the likelihood of fraud.

In addition, SB 223 prohibits discontinuation of residential water service for nonpayment during a state or local emergency. The focus of this proposal should be narrowed, since not all emergencies impact a customer's ability to pay a water bill. Furthermore, there are emergencies that vary in timeframe and location in a state as large as California. Given this, the scope of this proposal should narrow to local emergencies that occur in or near a water agency's jurisdiction or directly impacts the customer's ability to pay. As written, this loophole means a state emergency declared hundreds of miles away could prohibit nonpayment disconnection of residential water service for customers who are not impacted whatsoever by the state emergency.

Exacerbating the Water Affordability Crisis

If enacted, SB 223 would require each public water system to annually report to SWRCB the number of discontinuations of residential water service. The reporting would require information on customers' inability to pay for the public water system as a whole and for each ZIP Code served by the public water system. This would force public water agencies to redesign their billing systems to accommodate this new data-gathering obligation without clear purpose as to what this information would be needed for. California's water agencies would also need to invest millions more to implement arrearage management plans and new disconnection criteria. Together, these demands will necessarily exert an upward influence on water rates throughout California. These burdens are necessarily borne by California's water ratepayers, many of whom are already struggling to grapple with escalating costs.

Ignoring Millions in Debt from COVID-19

Based on recent surveys, California estimates that COVID-19 drinking water arrearages are likely over \$600 million statewide. OMWD is part of a broad coalition seeking emergency funding to help cover those arrearages. In the midst of the issues brought upon by the pandemic, SB 223 addresses these challenges by requiring public agencies to forgive this debt. This is an unworkable financial solution that puts public water agencies at financial risk. OMWD urges the State Legislature to approve emergency funding to address this

issue and distribute already approved federal and state emergency funding on a fast track to public water agencies.

SB 998 put into place a process and requirements under which public water agencies were required to take certain steps such as contacting customer and discussing payment options, alternative payment schedules, and deferred payments. Before SB 998 can truly be implemented and studied, SB 223 proposes to substantially re-write many key provisions of that law and implement unworkable proposals. For these reasons and those listed above, OMWD opposes SB 222.

If you or your committee should need any additional information, please do not hesitate to contact me at 760-753-6466 or kthorner@olivenhain.com.

Regards,

Kimberly A. Thorner General Manager

CC: Senator Bill Dodd

Senator Brian Jones Senator Patricia Bates

Senator Toni G. Atkins

Assemblymember Christopher Ward

Assemblymember Marie Waldron

Assemblymember Brian Maienschein

Assemblymember Tasha Boerner Horvath

Morner































Municipal Water District











The Honorable Bill Quirk Chair Assembly Environmental Safety & Toxic Materials Committee State Capitol, Room 2163 Sacramento, CA 95814

RE: AB 377 (Rivas, R) Water Quality, Impaired Waters - OPPOSE

Dear Chairman Quirk:

On behalf of the signatories to this letter, we must respectfully convey our continued opposition to AB 377 (Rivas R) related to water quality and impaired waters despite amendments incorporated in the March 8th and March 22nd versions of the bill in print.

AB 377 would have significant impacts on virtually all National Pollutant Discharge Elimination System (NPDES) permittees and other source categories that are currently regulated under Waste Discharge Requirements (WDRs) and waivers of WDRs. More specifically, the bill would apply to the agricultural, industrial, and construction sectors as well as to municipalities under the MS4 permit, Caltrans, and more. Further, every public school, health care provider, state prison, UC/CSU/community college campus, and all others that discharge into a community sewer system or who are located within a city with an MS4 permit, will see a dramatic increase in their costs.

Even as amended, AB 377 would prohibit the state and regional water boards from authorizing or renewing any NPDES permits, WDRs, or waivers of WDR, for a discharge that "causes or contributes" to an exceedance of a water quality standard (WQS), or from authorizing a best management practice (BMP) permit term to authorize a discharge that "causes or contributes" to an exceedance of a WQS in receiving waters. This would force dischargers to implement costly treatment controls that are likely unnecessary for WQS to be achieved in receiving waters. A move to treatment controls at each and every site and facility would move the state away from sustainable, nature-based solutions and away from solutions that are watershed-based and collaborative, and would result in greater greenhouse gas emissions and waste generation.

Furthermore, this would prohibit issuing or renewing any permit/WDR/waivers where a possibility exists that an exceedance of a WQS could occur. Ultimately, the inability to discharge wastewater, stormwater, etc. under a permit/WDR/waiver would affect most facilities and operations statewide. The short-sighted approach that would be imposed under AB 377 could have severe impacts on the state economy, as well as ecological impacts as many discharges contribute to the well-being of certain aquatic ecosystems.

Moreover, these provisions are incredibly concerning and will have tremendous ramifications on permittees' ability to comply with WQS. The proposed revisions would also result in massive costs that are not assured to even lead to addressing the impairments. Furthermore, it is scientifically and technically incorrect to state that a requirement that prohibits a discharge from causing or contributing to an exceedance necessitates that discharges have concentrations below WQS at the point of discharge. AB 377 is in conflict with the Clean Water Act (CWA) and the Environmental Protection Agency's (EPA) permit writers' manual for point source discharges. In essence, the manual highlights the need for a method or procedure for determining reasonable potential and computing effluent limitations for stormwater and non-point sources that is substantively similar.

Strict compliance with WQS at the point of discharge is also in conflict with the WQS themselves, as they are established based on frequency, magnitude, and duration. They are not values established for the purpose of never being exceeded. To the extent that these provisions were enacted, it would be exceedingly costly to comply for all permittees. Even if financial resources were unlimited, it would not ensure that strict compliance at the point of discharge could be achieved.

For those regulated by storm water discharge NPDES permits, WDRs or waivers of WDRs, AB 377 would further exacerbate the challenges with regulatory and permit compliance. More specifically, the bill would severely curtail the flexibility the state and regional water boards have to work with the regulated community to implement alternative compliance options for numeric effluent limitations (NELs) adopted into permits for storm water discharges. This would be devastating to the construction industry in particular, which is subject to the Construction General Permit (CGP), into which the State Water Resources Control Board is currently working to incorporate NELs for pollutants that have never before been regulated in discharges from construction sites. AB 377 would eliminate the BMPs and alternative compliance pathways the industry currently has as tools to ensure compliance with the CGP requirements. Further, this would effectively derail the Governor's and Legislature's goal of addressing housing availability and affordability as it would bring construction to a screeching halt.

Additionally, for the industrial sector, the state and regional boards have recognized the challenges Industrial General Permit (IGP) permittees face with compliance with total maximum daily load (TMDL) requirements across the state – particularly amid enforcement conducted by third parties. To that end, they have included in the most recently reissued IGP alternative compliance options for permittees to utilize to assist with compliance. AB 377 would upend the innovative solutions the industrial sector worked closely with State Water Resources Control Board (SWRCB) staff to institute. Further, many of these alternative compliance options are only just beginning to be utilized. AB 377 would result in waste of the significant resources currently being expended to implement and utilize these options.

AB 377 would also have severe implications for municipalities as they continue to struggle with compliance and costs under the state's MS4 permits. Currently, municipalities under the MS4 permit, like Los Angeles, utilize alternate compliance pathways that allow for creative and collaborative regional or watershed-based solutions. Under AB 377, the water boards will be required to ensure that numeric effluent limits (NEL) with the permits are strictly enforced at the point of discharge and will be prohibited from allowing any alternative pathways to address compliance with NELs in these permits and WDRs. More specifically, the provisions of AB 377 would mandate the state and regional water boards take enforcement actions against all water quality standards violations – contrary to current law, which provides water boards with discretion to determine what violations should be subject to enforcement action.

The implications of eliminating the use of alternative compliance options and BMPs will extend well beyond these sectors, adding millions in costs for operation of flood control and storm water conveyance systems as well. Further, AB 377 could have incredible implications for municipal liability for water quality impacts related to homelessness.

Finally, AB 377 would prohibit, on or after January 1, 2030, a regional water quality control plan from adopting any implementation schedule for development and deployment of measures designed to achieve water quality standards that was adopted as of January 1, 2021, and would prohibit a regional water quality control plan from including a schedule for implementation of a water quality standard that is adopted after January 1, 2021 unless specified conditions are met. This provision would, in effect, eliminate the ability for the state and regional water boards to work with the regulated community to establish programs, like the recent Central Valley Salinity Alternatives for Long-Term Sustainability Initiative (CV-SALTS) program that is the product of a collaborative stakeholder-driven and managed program to develop sustainable salinity and nitrate management planning for the Central Valley. The CV-SALTS initiative began in 2006 as a coalition of representatives from agriculture, municipalities, industry, water supply, environmental justice, state and federal regulatory agencies, and the public to develop an environmentally and economically sustainable plan for the management of salt and nitrate in the Central Valley. A Salt and Nutrient Management Plan is addressing legacy and ongoing loadings of salt and nitrate in the Central Valley and presents a comprehensive regulatory and programmatic approach for the sustainable management of salt and nitrate in groundwater and surface water. While recent amendments seek to exempt CV-SALTS from impact under the bill, AB 377 would negatively affect such collaborative, watershed approaches that may be needed in the future.

Given the significant cost burdens municipalities, and other sector permittees are saddled with, many choose to spread the costs over time to ease the compliance burden. AB 377 would eliminate the use of compliance schedules, which are critical for permittees to balance competing obligations, spread costs over defined periods of time, and avoid litigation.

For these reasons, although not all-inclusive, we must respectfully oppose AB 377 and request the bill be held given the significant and widespread negative impacts it will have across permitted sectors and interests. Thank you.

Trudi E. Hoger

Dawn Koepke

McHugh Koepke & Associates On behalf of CMTA

Trudi Hughes

CA League of Food Processors

Lisa Johnson

Chemical Industry Council of California

disa Ol Johnson

Sean Wallentine

CA Independent Petroleum Assn CA Industrial Materials Assn

Roberg Dugan

Jack Monger

Industrial Environmental

Assn

Tricia Leringes

Tricia Geringer Agricultural Council of CA Michael Miiller

California Association of Winegrape Growers

Matthew Hargrove California Business **Properties Assn**

Cliff Moriyama

On behalf of the CA Building

Industry Assn

Robert J. Reeb

Valley Ag Water Coalition

Alex Oseguera

Hjeudie Origina

Waste Management

Tim Schnelzer

Paul Cook

Irvine Ranch Water District

Charley Wilson

Southern California Water

Coalition

Tim Schmelzer

Wine Institute

Ju Aber was bei

Gary Link

Association

Jim Abercrombie El Dorado Irrigation District Mark Krause Desert Water Agency

Mark S. Krause

Shant Apekian Western States Petroleum Association Thomas Love Upper San Gabriel Valley MWD

Than before

Bruce E. Channing Assn of CA Cities Orange County

Limbuly A. Shorner

Northern California Water

Kimberly A. Thorner Olivenhain Municipal Water District

Cc: The Honorable Robert Rivas, Author

Members, Assembly Environmental Safety & Toxic Materials Cmte Josh Tooker & Marika Nell, Assembly Environmental Safety & Toxic Materials Cmte Gregory Melkonian, Consultant, Assembly Republican Office of Policy Members, CCEEB WCW Project

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 Munici	pal Water Dis	trict Board of	Directors

Subject: FUTURE AGENDA ITEMS

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

Memo

To:	Olivophoin	Municipal	Matar Di	strict Board	of Directors
10.	Olivernalii	Municipal	water Di	Suici 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.

\$5-billion water project could drill through Anza-Borrego park - Los Angeles Times

latimes.com/california/story/2021-02-05/water-pipeline-anza-borrego-desert-state-park

By Joshua Emerson Smith San Diego Union-Tribune Feb. 5, 2021 9:44 AM PT Facebook Twitter Show more sharing options Share Close extra sharing options Facebook Twitter LinkedIn Email Copy Link URL Copied! Print

It would be arguably the most ambitious public works project in San Diego history.

The envisioned pipeline would carry Colorado River water more than 130 miles from the Imperial Valley — through the Anza-Borrego Desert State Park, tunneling under the Cuyamaca Mountains, and passing through the Cleveland National Forest — to eventually connect with a water-treatment plant in San Marcos.

An alternative route would run through the desert to the south, boring under Mt. Laguna before emptying into the San Vicente Reservoir in Lakeside.

Estimated cost: roughly \$5 billion. New water delivered: None.

Proponents of the modestly named Regional Conveyance System say the project has the potential to save ratepayers billions of dollars by the end of the century.

The region has long received most of its water through a series of pipes and canals to the north via the Los Angeles-based Metropolitan Water District of Southern California, or MWD. The new pipeline would connect San Diego directly to the Imperial Irrigation District, or IID, and its All-American Canal outside of El Centro.

Those pushing the project argue that MWD has long overcharged San Diego for delivering water, including supplies the region has purchased from IID.

"If there's a way to bring water to our region cheaper and more efficient, we owe it to our ratepayers to do our due diligence. It's that simple," said Jim Madaffer, who as a board member of the San Diego County Water Authority has worked tirelessly over the last two years to advance the venture.

The idea of building a new pipeline to Imperial Valley just to bypass MWD has enraged environmental groups. They have vowed to block the massive, decade-long construction project, arguing it would needlessly generate new greenhouse-gas emissions, threaten endangered species such as big horned sheep and rip up pristine wilderness landscapes.

"The environmental destruction that would happen to the backcountry, to the parks, the mountains, it's ludicrous," said Matt O'Malley, executive director and managing attorney for San Diego Coastkeeper. "We would use everything within our arsenal including legal remedies to stop this.

"If you were looking for a way to unite all environmentalists in full opposition to something, this is the project you'd come up with," he added.

The proposed conveyance system has also drawn vocal opposition from a majority of those serving on the water authority's board, which represents the wholesaler's two-dozen member agencies. Many of the San Diego region's most senior water managers have repeatedly raised concerns that the project could drive up rates in the short term and wouldn't pencil out for many decades to come, if at all.

"We just feel the pipeline would cost an outrageous amount compared with continuing our relationship with Metropolitan," said Christy Guerin with the Olivenhain Municipal Water District, who until recently served on the water authority board. "To do that kind of tunneling and environmental damage and not acquire one extra drop of water, duplicating a pipe that already brings it to us, is bizarre in my mind."

Twenty of the board's 36 members voted in November to nix the project based largely on financial concerns.

However, Madaffer and his supporters were able to push through further study of the pipeline with a razor-thin margin because of the board's weighted vote, which gives greater leverage to those representing bigger cities. Appointed by former Mayor Jerry Sanders in 2012, Madaffer is one of 10 on the board representing the city of San Diego.

In a somewhat surprising turn of events, the city of San Diego's finance department sent a letter to the water authority a few days ahead of the November vote also raising concerns about the proposed pipeline's \$5 billion price tag. Top officials pointed out the city was already engaged in an expensive water recycling program, known as Pure Water, and could not commit to doling out more cash for the project.

Still, six of city's representatives on the water authority's board voted to approve further study of the project.

Opponents said they were shocked at Madaffer's relentless lobbying and how effective it proved.

"His ability to get people to support it, given the clear facts that this doesn't make sense, it's amazing to me," said Jack Bebee, general manager at the Fallbrook Public Utility District.

Madaffer is a long-time San Diego political insider. He served as a City Council member from 2000 to 2008 before starting a government-consulting firm, Madaffer Enterprises. He also sat on the California Transportation Commission for five years until early 2019.

The self-described futurist is now embarking on an 18-month-long crusade, along with water authority staff, to seek out state and federal funding opportunities as well as public-private partnerships that could help pay for the pipeline project.

"There are a lot of public-private entities out there that are interested in this project, from labor unions to major, major, global infrastructure builders."

Jim Madaffer, San Diego County Water Authority board member and political consultant

Madaffer told the Union-Tribune that he would abandon his vision if he could not secure enough outside funding to prevent ratepayers from seeing an even temporary increase to their water bills.

"There are a lot of public-private entities out there that are interested in this project, from labor unions to major, major, global infrastructure builders," he said. "There's a lot of potential to subsidize the cost of this project.

"If we would ever be paying a dime more on this project over what we'd pay MWD, I'll be a no vote," he added.

The Colorado River comes to San Diego

San Diego has long eyed a connection to the Colorado River through Imperial Valley. The city of San Diego even signed a contract with the U.S. Department of the Interior in 1933 to build a connection to the All-American Canal. The U.S. Bureau of Reclamation finished building the canal in 1942, but the pipeline to San Diego never materialized, largely because of local infighting.

During World War II, the Navy significantly expanded its footprint in San Diego. Eager for more water, the military offered to build a pipeline connection to Riverside County, where MWD had recently finished constructing the Colorado River Aqueduct. The 242-mile conveyance system from Parker Dam at Lake Havasu on the Arizona border would eventual turn the Los Angeles area into a megalopolis and usher in a massive wave of growth throughout Southern California.

Some leaders in San Diego were still pushing for the eastern connection to IID's new canal to solidify their independence from MWD and secure rights to the Colorado River. But President Franklin D. Roosevelt sided with the Navy and ordered that the pipeline head north.

However, a few years later, the federal government, sensing victory was close, backed out of the initial pipeline deal. By this time, San Diego was in the midst of a severe drought and desperate for a connection to the Colorado River, the only major source of water available at the time. Eventually, local leaders embraced the northern route and successfully lobbied the federal government to keep the project alive.

The San Diego water authority was formed in 1944 to finance the construction of the San Diego Aqueduct to hook into MWD's new canal. The water authority joined the L.A.-based agency a couple years later, relinquishing its relatively small allotment on the river to its new

parent agency. In 1947, Colorado River water flowed into the San Vicente Reservoir for the first time.

It's often said that San Diego, still adjusting to the war-driven population boom, had less than a month's supply of water when the first flows came down from MWD.

Over the years, the San Diego Aqueduct's pipeline system was expanded to pull down more supplies from the north. For decades, 95% or more of the region's water flowed through the water authority's connection with MWD. Today that share is down around 70%, with desalination and water recycling coming on line.

Proposed \$5 billion water pipeline routes

The San Diego County Water Authority is exploring ways to import Colorado River water through Imperial Valley. Both possible alignments would require a massive tunneling operation through the Cuyamaca Mountains.



Sources: San Diego County Water Authority; Nextzen; OpenStreetMap

CRISTINA BYVIK & MICHELLE GUERRERO U-T

In 1991, at the tail end of a five-year drought in California, the relationship between the two agencies soured. The feud has continued to this day.

The MWD board voted in February of that year to slash deliveries to the San Diego region by 31%. Many agencies throughout Southern California were taking deep reductions to their allotted water.

A wet miracle March staved off even worse cuts from the state, but the water authority's rationing went on for 13 months. Officials say it took a devastating toll on San Diego's local economy. Many of them felt the region was treated unfairly by MWD. Again local water officials started looking for alternative sources of water.

At the time of the water cuts, Madaffer was chief of staff to San Diego City Council member Judy McCarty. He and others at City Hall never forgot the experience. That included Maureen Stapleton, who as assistant city manger at the time would go on to be the water authority's general manager for more than two decades.

"When MWD said, 'Sorry, folks, we're cutting back your water,' it was at the height of a drop in the economy," he said. "Our region lost 50,000 jobs."

After the drought, San Diego started talking to IID about buying its Colorado River water to prevent future curtailments by MWD. By 2003, the two agencies had inked a deal. But the water authority still had to pay MWD to move the water through its aqueduct.

The proposal to build a pipeline directly to IID was resurrected as early as 1996 and reviewed again in 2002, 2012 and 2017. Each time, building a new pipeline connection to IID's canal was determined to be too expensive and redundant with the San Diego Aqueduct system.

In 2010, the water authority started hauling MWD into court, challenging its parent agency on the cost of moving the Colorado River water. The litigation continues to this day.

Madaffer, who has sat on the water authority's board since 2012, recently served a two-year term as chair starting in 2018. That's when the Regional Conveyance System got fresh legs.

"When you've been in this business as long as I have, it isn't like I just had an epiphany," said the 60-year-old Madaffer. "This was just unfinished business, and I wanted to get it done. That's what brought this study to the forefront in 2019."

The Madaffer plan

In June 2020, the San Diego water authority presented its 36-person board with an initial study. The report, prepared by an outside consultant, found that multiple pipeline routes between the Imperial Valley and San Diego could provide "significant savings" to ratepayers in the long run as compared with continuing to pay MWD to deliver Colorado River water.

Water authority board Chair Gary Croucher, who has served on the Otay Water District board for about two decades, supported the study and further exploration of the pipeline.

"As we move forward, not being held hostage would be a good thing for us, but the key is does it make sense for us financially," said Croucher, a retired firefighter. "We want to make sure we do our due diligence on all aspects, financially, environmentally."

Madaffer and his supporters have been leaning toward a route through Borrego Springs, a quiet desert town at the base of the Cuyamaca Mountains. The project would include 47 miles of canals, 39 miles of pipelines and 47 miles of tunnels, as well as three pump stations and associated power lines.

The pipeline system would also likely require a roughly \$1-billion desalination plant.

The water that comes out of the All-American Canal is highly salty because of the river's natural composition and upstream agricultural runoff. MWD blends its Colorado River water with supplies from the Sacramento–San Joaquin River Delta to reduce its salinity levels before sending it to San Diego.

Proponents say the brackish discharge from the new desalination plant could be used to help restore the Salton Sea. The reverse-osmosis process would also slightly reduce the total amount of water the region gets from the Colorado River.

Many of the board's most senior water managers were skeptical of the agency's finding. They questioned whether staff, in order to make the pipeline pencil out, had exaggerated the potential for MWD to increase its rates in coming decades.

Eighteen of the water authority's 24 member agencies banded together to commission their own independent study of the pipeline project. The report, which came back in July, found the water authority's study was based on "highly implausible" assumptions.

The water authority suggested the pipeline could start benefiting ratepayers as soon as 2062. The member agencies' study found that the project wouldn't be in the black until around 2080, if not decades later.

"I don't see this as a financially viable project," said Kim Thorner, general manager of the Olivenhain Municipal Water District. "It's our kids and grandkids who would be paying for this."

In November, Madaffer and his supporters pushed through additional study of the project with a weighted vote of the board, committing the agency to spend about \$4 million on the project.

Madaffer now has until the summer of 2022 to find investment partners and public funding to help shrink the pipeline's upfront cost to the water authority. His current term on the board expires in March of that year, but he could be reappointed by San Diego Mayor Todd Gloria.

Gloria, who is slated to make several appointments on the board in coming months, almost certainly has the political power to quash the pipeline. The mayor declined to take a position on the project in response to questions from the Union-Tribune.

"As the City of San Diego moves forward on ensuring a long-term safe and reliable water supply, our top priorities are fully implementing the landmark Pure Water program and protecting the interests of San Diego ratepayers," said Dave Rolland, a spokesman for the mayor.

Leading Borrego to water

Initially, Madaffer and others thought Borrego Springs might enthusiastically welcome the water pipeline. The desert town relies completely on groundwater and is under state pressure to ratchet down pumping to sustain its aquifer.

Water authority staff reached out to the Borrego Water District to propose storing water from its pipeline in the town's groundwater basin. However, water managers and others have raised a host of concerns, most notably that injecting the salty river water could compromise the town's high-quality groundwater supply.

In August, the Borrego Water District held a meeting to discuss the issue. While several community members showed up to oppose the pipeline, two of the town's most influential landholders encouraged further study.

Those in favor included Jack McGrory, part owner of La Casa del Zorro, a luxury Borrego Springs resort, as well as a representative from Rams Hill Golf Club, owned in part by real estate investor and former Republican politician Terry Considine.

"If it has really negative impacts to the park because of some pipeline issue or whatever, we can take a look at that," McGrory recently told the Union-Tribune, "but I think, at least in the conversations I've had with the county water authority, if they use our aquifer for storage, there'd be a revenue benefit.

"It's not just a uniform aquafer," he added. "There are pockets of good water and pockets that aren't so good up by Rams Hill. We have to look at that."

Meanwhile, opposition to the pipeline among long-time residents has only increased in recent months. Many people have voiced concerns that the project, which could take 10 to 15 years to complete, would destroy the town's quiet, rural aesthetic.

Specifically, ecologists and others have warned that drilling a tunnel through the mountains could drain surface creeks and streams that many animals rely on, including horned lizards, big horned sheep and other endangered species. The pipeline would also cross several fault lines.

It would turn Borrego Springs into a construction site for years, said Mark Jorgensen, former superintendent of Anza-Borrego Desert State Park.

"How can you even consider drilling beneath a state wilderness? It's sacrilegious," he said. "One of the great assets of the desert is darkness and silence. This project would ruin both of those."

Madaffer and water authority staff have downplayed the environmental impacts, saying the agency will look at those concerns if the project proves financially viable.

"There's a lot of enviros that see the benefits this project brings to saving the Salton Sea, replenishing aquafers," Madaffer said. "Like everything, there's tradeoffs.

"Most of the project's subterranean," he added. "I don't know how a tunnel below the floor of the Anza-Borrego Desert is going to be an impact to the flora and fauna."

MARCH 12, 2021 THE COAST NEWS



OMWD hosts 28th annual poster contest

By Staff

ENCINITAS Fourth-grade students living or attending school in Olivenhain Municipal Water District's service area are invited to enter its 28th annual poster contest.

The contest is held in participation with other North County water agencies, and will accept entries until April 5. For nearly 30 years, this contest has worked to teach students the value of water and the importance of using it efficiently. This year's theme is "Love Wa-ter, Save Water."

Students can create a drawing showing how to be good stewards of our most precious resource by reducing pollution, recycling water, or using water efficiently. Entries will be judged on best expression of the theme, poster design, creativity, and artistic skill.

The students' entries provide OMWD with locally produced artwork to reinforce water efficiency and conservation messages to customers, while students earn prizes and recognition. OMWD will also present a classroom grant in the form of a \$50 Lakeshore Learning Store gift card to the teacher of the first-place winner.

The 2022 awareness calendar will feature OMWD's three winners, who will each receive a prize and certificate of excellence.

Winners will be notified by May 14. The contest application and additional information is available at olivenhain. com/school.



The Coast News is in Encinitas, California.

Olivenhain Municipal Water District invites residents with water-efficient gardens to enter the 2021 WaterSmart Landscape Contest. The deadline to apply is May 14, and applications are available at landscapecontest.com. #olivenhainmunicipalwaterdistrict

#2021watersmartlandscapecontest #OMWD #savewater #waterwiselandscapes #savewater

