

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

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

DATE: WEDNESDAY, MAY 18, 2022

TIME: 4:00 P.M.

PLACE: HYBRID REGULAR MEETING VIA TELECONFERENCE AND IN PERSON

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

To join this meeting via phone, please dial:

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

Meeting ID: 851 4700 4342 and Password: 090676

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

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

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

7. PERSONAL APPEARANCES AND PUBLIC COMMENTS

8. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

- * Annual Fourth Grade Poster Contest Winners
 - Indira Jayanti, Stone Ranch Elementary
 - Ariana Lemle, Flora Vista Elementary
 - Emalyn Negrea, Flora Vista Elementary
- * Jeff Fuchs – Utility II – Promotion – April
- * Jaime Tovar – Utility III – 5 Years – April
- * Shawn Patterson – Records & Contracts Coordinator – 5 Years – May
- * Paul Zamora – Field Services Technician I – New Hire – May
- * Omar Martinez – Utility III – New Hire – May

9. CONSIDER APPROVAL OF THE MINUTES OF THE MARCH 30, 2022, SPECIAL MEETING AND THE APRIL 20, 2022 REGULAR BOARD OF DIRECTORS MEETING

10. CONSENT CALENDAR

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

C-a	CONSIDER ADOPTION OF A MOTION APPROVING THE PAYMENT OF LISTED WARRANTS FROM THE DISTRICT’S REVOLVING AND REGULAR ACCOUNTS; LISTED TRANSFERS OF FUNDS; REIMBURSEMENT OF EXPENSES TO BOARD MEMBERS AND STAFF; AND MONTHLY INVESTMENT REPORT
C-b	CONSIDER ADOPTION OF A MOTION APPROVING THE DISTRICT’S CONSOLIDATED STATEMENT OF NET POSITION, CONSOLIDATED STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN NET POSITION, CONSOLIDATED STATEMENT OF CASH FLOWS, CONSOLIDATED ACTUAL VS BUDGET SUMMARY, AND CONSTRUCTION IN PROGRESS REPORT
C-c	CONSIDER AWARD OF A CONTRACT WITH EXPO TECHNOLOGIES CORPORATION IN THE AMOUNT OF \$71,966 FOR THE HARRIS PIPELINES CATHODIC PROTECTION REPLACEMENT PROJECT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT
C-d	CONSIDER UPDATE ON THE LAKES SEWER FORCE MAIN EMERGENCY PROJECT, AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD, AND ORDER A NOTICE OF COMPLETION BE FILED

11. CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT’S ADMINISTRATIVE AND ETHICS CODE (Article 3 – Organization of Staff and Article 4 – Classified Positions)

12. CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT’S ADMINISTRATIVE AND ETHICS CODE (Article 26 – Regulations of the Elfin Forest Recreational Reserve and other District Parks)

13. CONSIDER APPROVAL OF OLIVENHAIN MUNICIPAL WATER DISTRICT’S BIENNIAL OPERATING AND CAPITAL BUDGET FISCAL YEARS 2023 AND 2024 (FINAL DRAFT)

14. CONSIDER APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH HAZEN AND SAWYER IN THE AMOUNT OF \$234,549 FOR THE DAVID C. MCCOLLOM WATER TREATMENT PLANT FOURTH STAGE CENTRIFUGE ADDITION PROJECT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT
15. CONSIDER APPROVAL OF AMENDMENT NO. 1 TO CANYON HYDRO IN THE AMOUNT OF \$200,375 FOR CHANGES TO THE DAVID C. MCCOLLOM WATER TREATMENT PLANT ENERGY RECOVERY TURBINE REHABILITATION PROJECT, APPROPRIATE \$200,000 TO THE PROJECT BUDGET, AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT
16. CONSIDER APPROVAL OF GENERAL LIABILITY, PROPERTY, AUTOMOBILE, EQUIPMENT, TERRORISM, EXCESS, AND CYBERSECURITY INSURANCE POLICIES FOR FISCAL YEAR 2023 WITH ALLIED WORLD SPECIALTY INSURANCE COMPANY IN AN AMOUNT NOT TO EXCEED \$420,078 AUTHORIZING THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT, AND DIRECTING STAFF TO CONSIDER QUOTES FROM RISK-SHARING POOLS IN FUTURE REQUESTS FOR QUOTATIONS
17. CONSIDER ADOPTION OF A RESOLUTION ELECTING TO HAVE SEWER SERVICE FEES FOR THE SANTA LUZ AFFORDABLE HOUSING AREA AND BLACK MOUNTAIN RANCH EAST CLUSTERS PROJECT WITHIN THE 4S RANCH SANITATION DISTRICT COLLECTED ON THE COUNTY TAX ROLLS FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023 AND TO CERTIFY SAID FEES WITH THE SAN DIEGO COUNTY ASSESOR
18. CONSIDER ADOPTION OF A RESOLUTION ELECTING TO HAVE SEWER SERVICE FEES WITHIN THE RANCHO CIELO SANITATION DISTRICT COLLECTED ON THE COUNTY TAX ROLLS FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023 AND TO CERTIFY SAID FEES WITH THE SAN DIEGO COUNTY ASSESOR
19. CONSIDER ADOPTION OF A RESOLUTION ELECTING TO HAVE SEWER SERVICE FEES WITHIN THE 4S RANCH SANITATION DISTRICT COLLECTED ON THE COUNTY TAX ROLLS FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023 AND TO CERTIFY SAID FEES WITH THE SAN DIEGO COUNTY ASSESOR
20. CONSIDER UPDATE ON THE COVID-19 EMERGENCY DECLARATION
21. INFORMATIONAL REPORTS
 - A. PRESIDENT
 - B. GENERAL MANAGER
 - C. CONSULTING ENGINEER
 - D. GENERAL COUNSEL
 - E. SAN DIEGO COUNTY WATER AUTHORITY REPRESENTATIVE
 - F. LEGISLATIVE
 - G. TWELVE MONTH CALENDAR / OTHER MEETINGS / REPORTS BY BOARD MEMBERS PER AB 1234 / BOARD COMMENTS
22. CORRESPONDENCE
23. AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS
24. FUTURE AGENDA ITEMS

25. CONSIDER PUBLIC COMMENTS

26. CLOSED SESSION

- A) CONSIDER LITIGATION – HILLSIDE PATIO HOMES HOA [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: Claim received on August 17, 2020. Claim rejected on September 9, 2020.
- B) CONSIDER LITIGATION – LYNXT ENTERPRISES, LLC VS. PARS SORRENTO VALLEY SCIENCE PARK 1, LP [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: OMWD was served a complaint as a nominal defendant.
- C) CONSIDER LITIGATION – OLIVENHAIN MUNICIPAL WATER DISTRICT VS. GEOMAT TESTING LABORATORIES, INC., ET AL. [PURSUANT TO GOVERNMENT CODE SECTION 54956.9]
- D) CONSIDER CLAIM – PALMER CLAIM [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: Claim received on May 5, 2022.
- E) CONSIDER GENERAL COUNSEL REVIEW [PURSUANT TO GOVERNMENT CODE SECTION 54957] • Additional Facts: Preliminary input provided on May 18, 2022; full review to be held on June 22, 2022.

27. OPEN SESSION

28. 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: May 18, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Kimberly A. Thorner, General Manager
Subject: **CONSIDER IMPLEMENTING ASSEMBLY BILL 361 THAT PROVIDES THE ABILITY TO MEET REMOTELY DUE TO THE GOVERNOR'S PROCLAIMED STATE OF EMERGENCY UNDER MODIFIED BROWN ACT REQUIREMENTS**

Purpose

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

Recommendation

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

Alternative(s)

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

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

Background

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

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

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

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

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

Fiscal Impact

There is no cost associated with implementing AB 361.

Discussion

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

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

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

Memo

Date: May 18, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Rainy Selamat, Finance Manager
Via: Kimberly Thorner, General Manager
Subject: **CONSIDER ADOPTION OF A MOTION APPROVING THE PAYMENT OF LISTED WARRANTS FROM THE DISTRICT'S REVOLVING AND REGULAR ACCOUNTS; LISTED TRANSFERS OF FUNDS; REIMBURSEMENT OF EXPENSES TO BOARD MEMBERS AND STAFF; AND MONTHLY INVESTMENT REPORT**

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

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

Olivenhain Municipal Water District
Proposed Motions for May 18, 2022 Board of Directors Meeting
April 2022 Activities
Consent Calendar Item # C-a

Proposed Motions:

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

Regular Account	Warrants - by check	030836	to	031051	\$	1,322,288.55
	Warrants - by EFT	EFT031	to	EFT045		351,290.39
						<hr/> 1,673,578.94
						ACH Payments - Payroll 190,607.69
						ACH - Debt Service 2021B 148,000.00
						ACH - Debt Service 2021A 104,000.00
						ACH - Debt Service 2016A 245,000.00
						ACH - Debt Service 2015A 602,000.00
						Wire - SDCWA - Monthly Purchased Water Payment 2,117,775.86
						ACH Payment - SDCWA - Capacity Fees 8,763.00
						ACH Payments - Payroll 193,839.44
						<hr/> <hr/> \$ 5,283,564.93

Major Category of Disbursements

Total warrants from the District's checking account: \$ 1,673,578.94

Following is a breakdown of this total by major categories:

<u>Category</u>	
Outside services	\$ 952,455.12
Inventory and supplies	355,190.33
Utilities	146,500.05
Repairs and maintenance	39,788.37
Other	5,649.70
Refunds	13,761.09
Insurance	146,840.28
Permit Fees	13,394.00
Total	<hr/> <hr/> \$ 1,673,578.94

Sincerely,

Rainy Selamat

Rainy K. Selamat/Finance Manager

Olivenhain Municipal Water District
Proposed Motions for May 18, 2022 Board of Directors Meeting
April 2022 Activities

California Bank and Trust

Regular Account

Warrants - by check	030836	to	031051	\$	1,322,288.55
Warrants - by EFT	EFT031	to	EFT045		351,290.39
					<hr/> 1,673,578.94
4/14/2022 ACH Payments - Payroll					190,607.69
4/15/2022 ACH - Debt Service 2021B					148,000.00
4/15/2022 ACH - Debt Service 2021A					104,000.00
4/15/2022 ACH - Debt Service 2016A					245,000.00
4/15/2022 ACH - Debt Service 2015A					602,000.00
4/15/2022 Wire - SDCWA - Monthly Purchased Water Payment					2,117,775.86
4/27/2022 ACH Payment - SDCWA - Capacity Fees					8,763.00
4/28/2022 ACH Payments - Payroll					193,839.44
			Total	\$	<hr/> <hr/> 5,283,564.93

Approved:

For Board Consideration and Approval

Olivenhain Municipal Water District
April 2022 Warrant List - Check & EFT

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
030836	4/6/2022	Ababa Bolt Inc	32.51	WTP SUPPLIES	
030837	4/6/2022	Aqua Metric	7,575.36	3/4" E-Reg TR/PL Sr-II .01CF	Yes
030838	4/6/2022	CDW Government Inc	50,040.20	SUPPLIES	Yes
030839	4/6/2022	County Of San Diego	8,277.00	9541 OLD COURSE ROAD	Yes
030840	4/6/2022	Dudek	3,041.25	Construction Support Services	Yes
030841	4/6/2022	EcosConnect LLC	1,970.50	BACKFLOW REPORTS	
030842	4/6/2022	ESS	672.00	WWTP ALARM MONITORING	Yes
030843	4/6/2022	G. Briest Consulting, Inc.	4,369.07	ENGINEER CONSULTING SERVICES	Yes
030844	4/6/2022	Gallade Chemical	3,924.00	WTP CHEMICALS	
030845	4/6/2022	George & Krogh Welding, Inc.	1,762.34	WTP SERVICES	
030846	4/6/2022	Global Power Group Inc	400.50	WWTP ANNUAL SERVICES	
030847	4/6/2022	Harrington Industrial Plastics Inc	3,697.86	SUPPLIES	Yes
030848	4/6/2022	J & W Redwood Lumber Co	605.52	SUPPLIES	
030849	4/6/2022	Brian Keeler	1,417.74	EE COMPUTER PURCHASE REIMB	
030850	4/6/2022	McMaster-Carr Supply Co.	150.84	SUPPLIES	
030851	4/6/2022	Mission Janitorial Sply	605.12	WWTP SUPPLIES	Yes
030852	4/6/2022	Pacific Pipeline Supply	7,469.62	WTP SUPPLIES	Yes
030853	4/6/2022	Pacific Safety Center	1,675.00	TRAFFIC CNTL/FLAGGER SAFETY	Yes
030854	4/6/2022	Parsons	13,047.72	Preliminary and Final Design Services	Yes
030855	4/6/2022	Republic Services	1,344.64	4-4530-0333405	
030856	4/6/2022	Special District's	130.00	APPLICATION FEES	
030857	4/6/2022	The Water Research Foundation	2,074.00	2022 MEMBERSHIP DUES	
030858	4/6/2022	Two Oaks Sweeping LLC	542.50	3/15 SWEEPING SERVICES	
030859	4/13/2022	4S Ranch Gasoline & Car Wash	1,420.18	WWTP GASOLINE/CAR WASH	
030860	4/13/2022	Ababa Bolt Inc	263.30	WWTP SUPPLIES	Yes
030861	4/13/2022	American Backflow Specialities	413.33	SUPPLIES	
030862	4/13/2022	American Messaging	59.26	L1-072035	
030863	4/13/2022	Aqua Metric	85,822.41	3/4" SL iPerl Tr/PL Meter -7 1/2"	Yes
030864	4/13/2022	AT & T	22.56	9391056562	
030865	4/13/2022	Balboa Engineering Inc.	14,100.00	EL CAMINO P/L REPLACEMENT	Yes
030866	4/13/2022	Bee Rescue LLC	480.00	HUMMINGBIRD HILL	Yes
030867	4/13/2022	Bob Davis Painting	5,200.00	4S-1 RESERVOIR COMM BLDG	
030868	4/13/2022	California State Disbursement Unit	123.23	ED100514-4/14/2022	
030869	4/13/2022	CCL Contracting Inc	1,545.36	REF:1088574_302675	
030870	4/13/2022	CDW Government Inc	357.84	SUPPLIES	Yes
030871	4/13/2022	Cintas First Aid & Safety	218.79	FIRST AID SUPPLIES (WWTP)	
030872	4/13/2022	DCL Enterprise Inc DbA	300.86	WTP SERVICES	Yes
030873	4/13/2022	DLM Engineering Inc	23,005.68	ENGINEER CONSULTING SERVICES	Yes
030874	4/13/2022	Donna Borg	56.98	REF:1003349_198630	
030875	4/13/2022	Edco Waste & Recycling	427.79	25-4A 861816	Yes
030876	4/13/2022	Encinitas Ford	149.97	PU98 SUPPLIES	Yes
030877	4/13/2022	ESS	216.00	WWTP SERVICES	
030878	4/13/2022	Fallbrook Printing Corp	277.41	DISCONNECTION DOOR HANGERS	
030879	4/13/2022	Federal Express Corp	1,830.18	SHIPPING CHARGES	Yes
030880	4/13/2022	Ferguson Enterprises Inc. #1083	557.40	SUPPLIES	Yes
030881	4/13/2022	First Choice Technology	157.00	13001474	Yes
030882	4/13/2022	G. Briest Consulting, Inc.	10,938.48	Construction Management/Consulting Engineer Services	Yes
030883	4/13/2022	Gillingham Water Planning and Engineering,	20,470.00	Consulting - economic analysis to ensure cost-effectiveness of project	Yes
030884	4/13/2022	Guardian	938.06	4/22 DENTAL ADMIN FEES	
030885	4/13/2022	Hanson Aggregates Inc	201.55	MATERIAL	
030886	4/13/2022	Harrington Industrial Plastics Inc	149.71	WTP SUPPLIES	
030887	4/13/2022	Hasa	4,629.97	WWTP CHEMICALS	
030888	4/13/2022	Home Depot/Gecf	8,828.29	3/22 SUPPLIES	Yes
030889	4/13/2022	Stephen Lee Mowry DBA	710.00	WTP SERVICES	
030890	4/13/2022	Idexx Distribution Inc	623.86	WTP SUPPLIES	Yes
030891	4/13/2022	Integrity Municipal Systems	1,303.00	WWTP SERVICES	
030892	4/13/2022	Kamala Kramer	38.56	REF:1081180_228830	
030893	4/13/2022	Kaman Industrial	1,325.63	WTP SUPPLIES	
030894	4/13/2022	Kimberly McKittrick	49.11	REF:1082348_160700	
030895	4/13/2022	McMaster-Carr Supply Co.	518.41	SUPPLIES	
030896	4/13/2022	MGM Plastics Inc	1,131.38	SUPPLIES	Yes

Olivenhain Municipal Water District
April 2022 Warrant List - Check & EFT

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
030897	4/13/2022	Mike Lloyd Excavating Inc	1,411.26	REF:1022597_303115	
030898	4/13/2022	Napa Auto Parts	62.06	3/22 SUPPLIES	
030899	4/13/2022	Nat'l Water Resources Assoc.	525.00	MUNICIPAL CACUS DUES	
030900	4/13/2022	NBS	2,109.14	CONTINUING DISCLOSURE RPTG	
030901	4/13/2022	NexusTek Phoenix	4,676.00	Cloud Support Services Software	Yes
030902	4/13/2022	Ninyo & Moore	5,243.25	Geotechnical Services	Yes
030903	4/13/2022	North County Powder Coating	111.75	WTP - PUMP SERVICES	Yes
030904	4/13/2022	O'Reilly Auto Enterprises LLC	59.25	SHOP TOOLS	
030905	4/13/2022	On-Sight Safety Optics, Inc.	1,995.00	SAFETY GLASSES	
030906	4/13/2022	Otay Landfill	362.49	4-4531-0018538	
030907	4/13/2022	Pacific Pipeline Supply	3,682.63	WWTP SUPPLIES	Yes
030908	4/13/2022	Peterson Structural Engineers, Inc.	10,740.00	Inspection and Analysis Servcies	Yes
030909	4/13/2022	Quality Chevrolet	1,249.40	FB74 SERVICES	Yes
030910	4/13/2022	Republic Services	1,433.49	4-4530-0333405	
030911	4/13/2022	Richard F. Yeager Jr. Db	3,200.00	CATHODIC PROTECTION SUPPORT	Yes
030912	4/13/2022	Richard McDonald	100.00	REF:1062660_235410	
030913	4/13/2022	Richard Raub	25.02	REF:1027577_165125	
030914	4/13/2022	S D G & E	264.85	400000078	
030915	4/13/2022	Samba Holdings Inc	207.59	DRIVER RECORD MONITORING	
030916	4/13/2022	San Diego Building Maintenance	5,396.00	3/22 JANITORIAL SERVICES	
030917	4/13/2022	San Diego Gas & Electric	41,757.30	0092081023809	Yes
030918	4/13/2022	San Elijo Joint Powers Auth.	28,286.40	3/22 16.6 AF RECYCLED WATER	
030919	4/13/2022	Sign A Rama	578.83	VEHICLE MAGNETS	Yes
030920	4/13/2022	Sloan Electric	823.91	WTP SERVICES	
030921	4/13/2022	Southern Counties Lubricants, LLC.	9,044.75	DIESEL & UNLEADED	
030922	4/13/2022	Standard Insurance Co.	5,402.86	4/22 LIFE & LTD PREMIUM	
030923	4/13/2022	Suzanne Morris	73.31	REF:1084239_179290	
030924	4/13/2022	Tak Sze	94.55	REF:1032871_151045	
030925	4/13/2022	Tetra Tech Inc	20,050.00	Consulting for the SDVGWP	Yes
030926	4/13/2022	Traffic Supply Inc	573.64	SUPPLIES	
030927	4/13/2022	Ty Luangviseth	150.22	REF:1020273_144955	
030928	4/13/2022	US Internet Corp - BIN #131489	184.40	EMAIL SCANNING SERVICES	
030929	4/13/2022	USA Blue Book	2,169.39	WWTP SUPPLIES	Yes
030930	4/13/2022	Utility Cost Management Llc	3,862.00	SDGE ELECTRICITY SERVICES	
030931	4/13/2022	Valley Construction Management	33,286.00	CONSTRUCTION MGMT SERVICES	Yes
030932	4/13/2022	Water for People	60.00	WTRPL 4/14/2022	
030933	4/13/2022	West Coast Sand & Gravel	3,621.96	SCREENED FILL SAND	Yes
030934	4/20/2022	Adrienne Luban	107.33	REF:1020275_225640	
030935	4/20/2022	Ahrens Mechanical	1,507.96	REF:1089976_302960	
030936	4/20/2022	Alpha Mechanical, Inc	1,351.00	SANTA FE VALLEY HVAC SERVICES	
030937	4/20/2022	Anne Susalski	44.82	REF:1059613_209105	
030938	4/20/2022	AT & T	1,936.51	9391059578	Yes
030939	4/20/2022	AVI Systems, Inc.	960.00	ON SITE SERVICES (HQ)	
030940	4/20/2022	Brightview Landscape Services	1,020.00	TREE REMOVAL (PASEO ESPLANADA)	
030941	4/20/2022	Carly Wilson	45.55	REF:1085929_210905	
030942	4/20/2022	Carrie Davis	25.00	REF:1083378_187995	
030943	4/20/2022	CDW Government Inc	1,905.49	SUPPLIES	Yes
030944	4/20/2022	City Treasurer	1,701.95	1.04 AF RECYCLED WATER	
030945	4/20/2022	Coble Homes/Brian Coble	64.41	REF:1086558_301920	
030946	4/20/2022	Core & Main LP	184.49	SUPPLIES	Yes
030947	4/20/2022	Corodata	288.05	OFFSITE RECORDS STORAGE	
030948	4/20/2022	Corodata Shredding, Inc	83.87	PAPER DESTRUCTION SERVICES	
030949	4/20/2022	County Of San Diego	3,379.00	9541 CAMINO DEL SUR	Yes
030950	4/20/2022	Crosby HOA	10,740.91	FORCED SEWER MAIN LEAK PYMNT	Yes
030951	4/20/2022	D&H Water Systems	3,133.77	WTP SUPPLIES	
030952	4/20/2022	Dennis Bent	50.00	REF:1045296_141975	
030953	4/20/2022	Deva Sudhir Pulivendula	97.98	REF:1090724_123100	
030954	4/20/2022	Dominic Arguelles	200.00	REF:1001104_205980	
030955	4/20/2022	Donn Vickrey	50.00	REF:1080686_177605	
030956	4/20/2022	Duhig Stainless	559.62	WTP SUPPLIES	Yes
030957	4/20/2022	Encina Wastewater Authority	9,732.00	WATER SAMPLES	Yes
030958	4/20/2022	Encinitas Ford	4,475.83	PU97 REPAIRS	Yes

Olivenhain Municipal Water District
April 2022 Warrant List - Check & EFT

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
030959	4/20/2022	Four by Four Construction	65.92	REF:1080760_300685	
030960	4/20/2022	Hanson Aggregates Inc	788.33	SUPPLIES	Yes
030961	4/20/2022	Harrington Industrial Plastics Inc	2,512.94	WTP SUPPLIES	Yes
030962	4/20/2022	Integrity Municipal Systems	1,303.00	WWTP SERVICES	
030963	4/20/2022	Interstate Battery Of San Diego Inc	91.80	SHOP SUPPLIES	
030964	4/20/2022	Jennette Company Inc.	46,220.17	ERT Removal & Reinstallation	Yes
030965	4/20/2022	Jessica Broom	100.00	REF:1081210_198125	
030966	4/20/2022	Jill Youkl	11.61	REF:1084697_124505	
030967	4/20/2022	John Pasqueralli	80.20	REF:1059813_189840	
030968	4/20/2022	Julia Riperton	94.56	REF:1062889_227570	
030969	4/20/2022	Konecranes Inc	700.00	Crane & Hoist Inspections at DCMWTP	Yes
030970	4/20/2022	L A Design Studio Inc	1,320.00	WEB DESIGN	
030971	4/20/2022	VOID	-	VOID	
030972	4/20/2022	Lindsey Carwin	50.00	REF:1081132_190605	
030973	4/20/2022	Lisa Vondle	168.97	REF:1058730_194290	
030974	4/20/2022	Maria Goodson	100.00	REF:1012335_227300	
030975	4/20/2022	Mario Alfonso Cantu Suarez	50.00	REF:1082109_165645	
030976	4/20/2022	Maurissa Cruz	50.00	REF:1085068_153735	
030977	4/20/2022	McMaster-Carr Supply Co.	1,222.74	SUPPLIES	Yes
030978	4/20/2022	Mission Electric Supply, Inc.	318.13	SUPPLIES	
030979	4/20/2022	Morton Salt Inc	4,857.72	WTP CHEMICALS	
030980	4/20/2022	Myers & Sons	118.96	PARKS SUPPLIES	
030981	4/20/2022	NV5, Inc	272.25	MANCHESTER PIPELINE OUTREACH	Yes
030982	4/20/2022	One Source Distributors	1,134.31	WWTP SUPPLIES	
030983	4/20/2022	Pacific Pipeline Supply	940.55	1/2" Fip X Fip Ball Valve(Matco) Yellow	Yes
030984	4/20/2022	Shawn Patterson	50.00	5 YEAR SERVICE AWARD	
030985	4/20/2022	Piperin Corporation	13,069.75	CROSBY SEWER FORCE MAIN RPRS	Yes
030986	4/20/2022	PWLC I, INC	14,848.00	LANDSCAPE MAINTENANCE	Yes
030987	4/20/2022	Rebecca Lindsey	69.40	REF:1087351_211045	
030988	4/20/2022	Rodriguez, Jose	100.00	TUITION REIMBURSEMENT	
030989	4/20/2022	Samuel Simkin	139.01	REF:1085089_169885	
030990	4/20/2022	San Diego Gas & Electric	81,051.72	0099949341729	Yes
030991	4/20/2022	Santa Fe Irrigation Dist	2,181.79	008128-009	Yes
030992	4/20/2022	Sarah Epstein	150.00	REF:1009569_102770	
030993	4/20/2022	State Water Resources	90.00	T3 CERTIFICATION - S.SULLIVAN	
030994	4/20/2022	State Water Resources Control Board	1,738.00	16595 DOVE CANYON RD	
030995	4/20/2022	Streakwave Wireless Inc	410.51	SUPPLIES	Yes
030996	4/20/2022	Sue Kessinger	77.02	REF:1017199_190705	
030997	4/20/2022	Sunbelt Rentals, Inc.	1,336.24	GENERATOR RENTAL	
030998	4/20/2022	Tong Tang	60.00	T2 CERT RENEWAL REIMBURSEMENT	
030999	4/20/2022	Traffic Supply Inc	176.71	SUPPLIES	
031000	4/20/2022	USA Blue Book	392.55	WWTP SUPPLIES	
031001	4/20/2022	Utilis, Inc.	74,500.00	ANALYSIS - POI'S - MASTER PLAN	Yes
031002	4/20/2022	Valleccitos Water District	48,616.46	RECLAIMED WATER SALES	
031003	4/20/2022	VWR International LLC	448.32	WTP SUPPLIES	
031004	4/20/2022	Wendi Burkhardt	43.14	REF:1086603_166595	
031005	4/20/2022	Whitson CM	30,445.26	WRF INSPECTION & NONA REPORT	Yes
031006	4/20/2022	William Johnston	50.00	REF:1082650_189515	
031007	4/27/2022	Aflac	1,215.80	FS005, 4/4/22	
031008	4/27/2022	Aqua Metric	6,822.26	5/8" Sr-Ii Tr/PI Meter	Yes
031009	4/27/2022	AT & T	578.89	9391059578	Yes
031010	4/27/2022	BlueWater Strategies Ilc	78,000.00	CONSULTING FEES	
031011	4/27/2022	Boyd Fasteners	4,946.26	WTP SUPPLIES	
031012	4/27/2022	C E Wilson Corporation	1,674.62	REF:1005335_302870	
031013	4/27/2022	California State Disbursement Unit	123.23	ED100514-4/28/2022	
031014	4/27/2022	Christina Burruss	137.70	REF:1082794_160770	
031015	4/27/2022	Claudia Kuepper	111.63	REF:1018234_177350	
031016	4/27/2022	County of San Diego, RCS	171.00	3/22 RADIO SERVICES	
031017	4/27/2022	DXP Enterprises, Inc.	16,601.10	Flowserve 3FRB Series Pump	Yes
031018	4/27/2022	Erin Pawlowski	170.43	REF:1084673_193200	
031019	4/27/2022	Fallbrook Printing Corp	96.98	BUSINESS CARDS - KBL	

Olivenhain Municipal Water District
April 2022 Warrant List - Check & EFT

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
031020	4/27/2022	Federal Express Corp	305.26	SHIPPING CHARGES	Yes
031021	4/27/2022	Guardian	948.60	5/22 DENTAL ADMIN FEES	
031022	4/27/2022	Christy Guerin	710.50	SDLA CONF. TRANSPORTATION	
031023	4/27/2022	Hanson Aggregates Inc	587.00	SUPPLIES	Yes
031024	4/27/2022	Harrington Industrial Plastics Inc	1,480.18	WTP SUPPLIES	
031025	4/27/2022	Julie Brawn-Whitesides	122.07	REF:1061305_179735	
031026	4/27/2022	KRC Rock	1,570.74	SUPPLIES	
031027	4/27/2022	Linda Cormier	100.00	REF:1054975_213945	
031028	4/27/2022	Livia Buteri	312.37	REF:1083082_209480	
031029	4/27/2022	McMaster-Carr Supply Co.	118.45	WTP SUPPLIES	
031030	4/27/2022	NexusTek Phoenix	4,676.00	Cloud Support Services Software	Yes
031031	4/27/2022	Nick Dowler	12.60	REF:1087944_205805	
031032	4/27/2022	Pacific Pipeline Supply	10,675.72	SUPPLIES	Yes
031033	4/27/2022	Jarothe Inc., dba	78.00	760-489-9971	
031034	4/27/2022	Parsons	12,077.76	Preliminary and Final Design Services	Yes
031035	4/27/2022	Patriot Environmental	575.00	WWTP ROLLOFF BIN SERVICES	
031036	4/27/2022	Peterson Structural Engineers, Inc.	20,755.79	Inspection and Analysis Servcies	Yes
031037	4/27/2022	Priscilla Wood-Balikian	32.22	REF:1083021_165300	
031038	4/27/2022	Rosalio Olivarez	44.28	REF:1085968_230215	
031039	4/27/2022	Rupes Hydraulics	712.64	FB48 SERVICES	Yes
031040	4/27/2022	San Diego Gas & Electric	11,955.74	0098000669143	Yes
031041	4/27/2022	Sarah Dean	56.99	REF:1090243_231330	
031042	4/27/2022	Standard Insurance Co.	5,333.44	5/22 LTD & LIFE INSURANCE PREM	
031043	4/27/2022	State of California Department of Transporta	200,000.00	MANCHESTER HOV	Yes
031044	4/27/2022	Tetra Tech Inc	4,920.00	CONSULTING SERVICES	Yes
031045	4/27/2022	Tom Willis	3,787.74	REF:1036149_100155	
031046	4/27/2022	Underground Service Alert	229.45	DIG ALERT TICKETS	
031047	4/27/2022	UniFirst Aid Corp	215.84	FIRST AID SUPPLIES	
031048	4/27/2022	Valley Construction Management	42,795.50	CONSTRUCTION MGMT SERVICES	Yes
031049	4/27/2022	Water for People	60.00	WTRPL 4/28/2022	
031050	4/27/2022	Wenzhen Lu	161.19	REF:1061309_127660	
031051	4/27/2022	Rancho Santa Fe Community Svs	13,405.47	16.24 AF RECYCLED WATER	
EFT031	4/13/2022	ACWA - JPIA	133,001.52	5/22 GROUP INSURANCE	
EFT032	4/13/2022	Mesa Products	14,636.34	SUPPLIES	Yes
EFT033	4/13/2022	Zoho Corporation	6,615.00	OUTSIDE SERVICES	
EFT034	4/20/2022	Mesa Products	527.60	SUPPLIES	
EFT035	4/20/2022	Traffic Safety Solutions	8,975.00	TRAFFIC CONTROL	Yes
EFT036	4/20/2022	Protelesis Corporation	488.00	PHONE SERVICES	Yes
EFT037	4/20/2022	Rutan & Tucker, LLP	240.00	CONSULTING SERVICES	
EFT038	4/20/2022	Nobel Systems	144,160.00	GEO VIEWER SUBSCRIPTION	
EFT039	4/20/2022	Nossaman LLP	26,247.86	LEGAL SERVICES INV. 532791, 532792, 532794	Yes
EFT040	4/20/2022	Univar Solutions Usa Inc	2,722.80	WWTP CHEMICALS	
EFT041	4/27/2022	B. Weber Consulting LLC	6,247.50	CONSULTING SERVICES	Yes
EFT042	4/27/2022	Wageworks	176.00	4/22 ADMIN FEES	
EFT043	4/27/2022	Evoqua Water Technologies	262.77	WWTP PREVENT MAINT SERVICES	Yes
EFT044	4/27/2022	DocuSign, Inc.	3,450.00	E-SIGNATURE ACCESS MANAGEMENT	
EFT045	4/27/2022	CDW Government Inc	3,540.00	Senior Engineer	Yes
			<u>1,673,578.94</u>		

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

<u>Name</u>	<u>Payment Date</u>	<u>Check#/ Credit Card</u>	<u>Meals & Lodging</u>	<u>Travel & Transport</u>	<u>Other</u>	<u>Total Reimbursed Expenses</u>	<u>Directors Fee</u> *
Director Bruce-Lance			0.00	0.00	0.00	0.00	450.00
			0.00	0.00	0.00	0.00	450.00
Director Guerin	4/27/2022	900498	0.00	710.50	0.00	0.00	900.00
			0.00	710.50	0.00	0.00	900.00
Director Meyers			0.00	0.00	0.00	0.00	750.00
			0.00	0.00	0.00	0.00	750.00
Director Topolovac			0.00	0.00	0.00	0.00	300.00
			0.00	0.00	0.00	0.00	300.00
Director Watt			0.00	0.00	0.00	0.00	1,050.00
			0.00	0.00	0.00	0.00	1,050.00
General Manager Thorner			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Human Resources Manager Joslin			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Finance Manager Selamat			0.00	0.00	250.00	0.00	
			0.00	0.00	250.00	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			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Customer Service Manager Carnegie			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	

*Includes March and April Director fees.

Notes:

(1) Reviewed and discussed with the Finance Committee (02/05/18).

(2) Reimbursement of expenses are in compliance with Article 19 of the District's Administrative and Ethics Code.

(3) Travel and other expenses charged to District's credit cards and paid by the District are recorded and maintained separately.

Olivenhain Municipal Water District
MONTHLY CASH AND INVESTMENT SUMMARY
As of February 28, 2022

Active Deposits

	<u>Book Value</u>
Checking Accounts	\$ 12,432,490
Cash Restricted for Specific Use	5,413,006
Petty Cash/Disaster Preparedness	1,476
Total Active Deposits	<u>\$ 17,846,972</u>

Deposits Not Covered by Investment Policy

Cash with Fiscal Agents	2,863,729
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<u>Investments</u>	<u>Face Value</u>	<u>Market Value</u>	<u>Current Yield</u>	
LAIF	\$ 27,199,116	27,199,286	0.28%	\$ 27,199,116
CAMP - US Bank	11,536,221	11,536,221	0.06%	11,536,221
Money Market Funds	203,720	203,720	0.02%	203,720
Municipal Bonds	1,000,000	1,111,790	4.50%	1,216,760
U.S. Treasury Securities	4,000,000	3,959,650	1.33%	4,034,255
U.S. Agency Securities	31,876,111	30,873,559	0.56%	31,872,931
Total Investments	<u>\$ 75,815,167</u>	<u>\$ 74,884,225</u>	<u>0.48%</u>	<u>\$ 76,063,003</u>
Total - All Deposits/Investments				<u><u>\$ 96,773,703</u></u>

Maturity Analysis of Investments

	<u>Percent</u>	<u>Balance</u>
Demand Deposits	51.2%	\$ 38,939,056
Maturity within the next two months	0.0%	-
Maturity within three months and one year	6.6%	5,034,075
Maturity beyond one year	42.2%	32,089,871
Total Investments	<u>100.0%</u>	<u>\$ 76,063,003</u>

Weighted Average Days to Maturity **574**

Other Required Disclosures:

Accrued interest receivable as of 02/28/2022 \$ 69,614

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

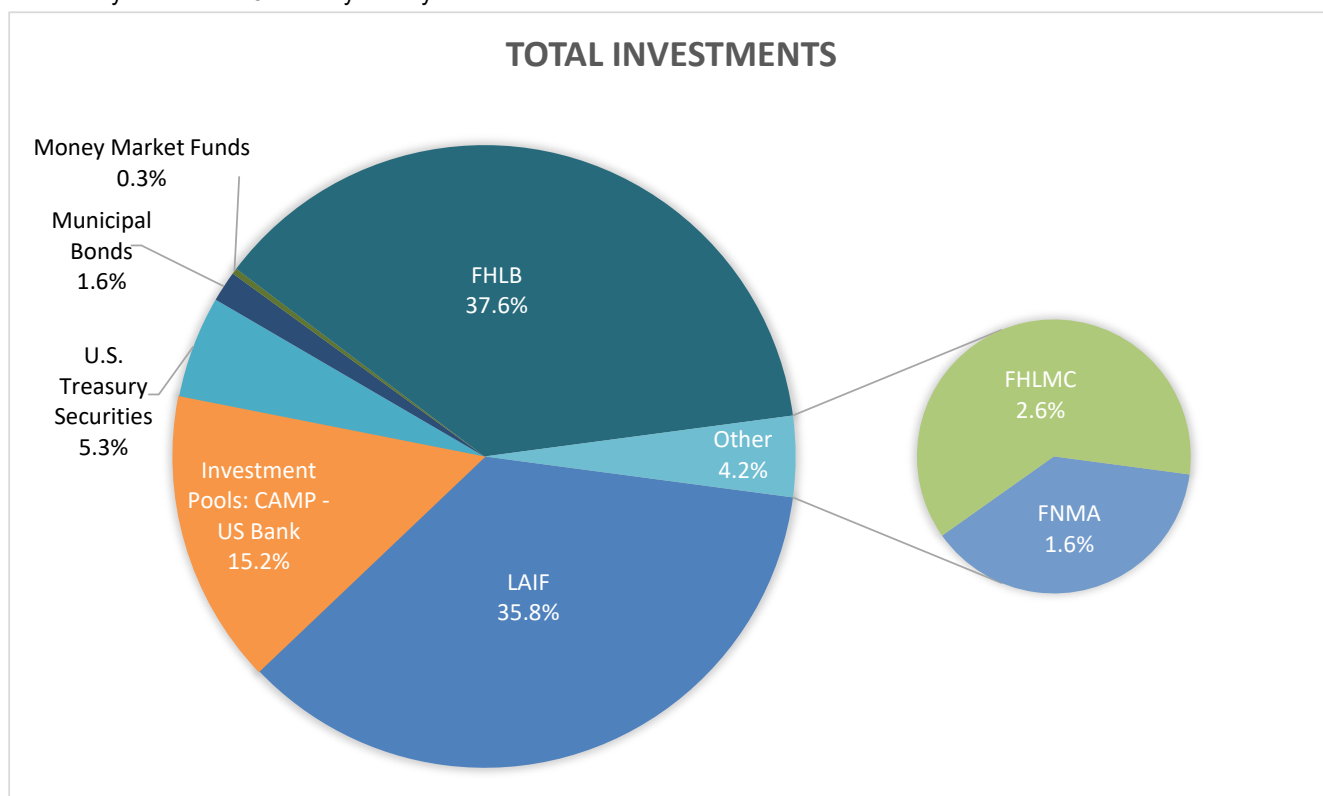
The District has sufficient funds on hand to meet the next 30 days' obligations.

Olivenhain Municipal Water District
PORTFOLIO LIMITATIONS ANALYSIS PER INVESTMENT POLICY
February 28, 2022

	Book Value	Percent	Permitted Percent	In Compliance?
LAIF	\$ 27,199,116	35.8%	50.0% ⁽¹⁾	Yes
Investment Pools: CAMP - US Bank	11,536,221	15.2%	30.0%	Yes
U.S. Treasury Securities	4,034,255	5.3%	100.0% ⁽²⁾	Yes
Municipal Bonds	1,216,760	1.6%	30.0%	Yes
Money Market Funds	203,720	0.3%	20.0% ⁽³⁾	Yes
U.S. Agency Securities	31,872,931	41.8%	50.0%	Yes
<i>FHLB</i> <i>Federal Home Loan Bank</i>	28,623,111	37.6%		
<i>FNMA</i> <i>Fannie Mae</i>	1,250,000	1.6%		
<i>FHLMC</i> <i>Freddie Mac</i>	1,999,820	2.6%		
Total Investments	\$ 76,063,003	100%		

Note:

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



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

Olivenhain Municipal Water District
MONTHLY INVESTMENTS DETAIL
February 28, 2022

ACTIVE DEPOSIT

	Book Value
Checking A/C: California Bank and Trust for General Purpose	12,432,490
California Bank and Trust for Specific Purpose	412,102
CAMP 2021A Bond	5,000,903
Petty Cash/Disaster Preparedness	1,476
Total - Active Deposits	17,846,972

DEPOSITS NOT COVERED BY INVESTMENT POLICY

Cash with Fiscal Agents:

Union Bank - RAD 96-1 Refunding Bond	608,660
Union Bank - 2015A Refunding Bond	876,352
SRF Loan	856,359
Union Bank - 2016A Refunding Bond	266,026
Union Bank - 2021A WW Revenue Bond	105,778
Union Bank - 2021B Refunding Bond	150,554

Total Deposits Not Covered by Investment Policy

2,863,729

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

INVESTMENTS

Invest. Pools: US Bank Calif. Asset Mgmt Prgm (CAMP)	Demand	1	0.06%	\$ 11,536,221	\$ 11,536,221	\$ 11,536,221
State Local Agency Investment Fund (LAIF)	Demand	1	0.28%	27,199,286	27,199,116	27,199,116
First American Government 31846V567	Demand	1	0.02%	203,720	203,720	203,720

U.S. Treasury Notes/Bills

912828YH7	U.S.Treasury Notes	Aaa	-	03/09/21	02/28/26	1,462	1.50%	1.50%	997,500	1,000,000	1,036,684
91282CBQ3	U.S.Treasury Notes	Aaa	-	03/09/21	09/30/24	946	0.50%	0.53%	952,310	1,000,000	984,478
912828YW4	U.S.Treasury Notes	Aaa	-	02/09/22	12/15/22	291	1.63%	1.62%	1,005,310	1,000,000	1,007,330
912828TJ9	U.S.Treasury Notes	Aaa	-	02/09/22	08/15/22	169	1.63%	1.62%	1,004,530	1,000,000	1,005,763
						91	1.31%	1.33%	\$ 3,959,650	\$ 4,000,000	\$ 4,034,255

U.S. Agency Securities

3134GXXH6	FHLMC Callable	Aaa	AA+	01/27/21	01/27/23	04/27/22	334	59	0.13%	0.13%	993,980	1,000,000	999,820
3130AJZJ1	FHLB Callable	Aaa	AA+	09/02/20	08/25/23	Anytime	544	1	0.32%	0.32%	1,138,967	1,151,111	1,151,111
3136G4P56	FNMA Callable	Aaa	AA+	08/26/20	02/26/24	08/26/22	729	180	0.40%	0.41%	1,227,463	1,250,000	1,250,000
3130ALHM9	FHLB Callable	Aaa	AA+	03/10/21	06/10/24	03/10/22	834	11	0.30%	0.31%	975,780	1,000,000	999,000
3130AKEW2	FHLB Callable	Aaa	AA+	11/04/20	11/04/24	Anytime	981	1	0.43%	0.44%	1,936,920	2,000,000	2,000,000
3134GWAQ9	FHLMC Callable	Aaa	AA+	07/28/20	07/28/25	07/28/22	1,247	151	0.65%	0.67%	969,040	1,000,000	1,000,000
3130AKGX8	FHLB Step-up Callable	Aaa	AA+	12/15/20	12/15/25	03/15/22	1,387	16	0.30%	0.31%	1,936,680	2,000,000	2,000,000
3130AKMD5	FHLB Callable	Aaa	AA+	01/26/21	01/26/26	04/26/22	1,429	58	0.50%	0.53%	948,650	1,000,000	999,500
3130AKU53	FHLB Callable	Aaa	AA+	01/28/21	01/28/26	04/28/22	1,431	60	0.52%	0.54%	958,010	1,000,000	1,000,000
3130AKN69	FHLB Callable	Aaa	AA+	01/28/21	01/28/26	01/28/23	1,431	335	0.50%	0.52%	957,610	1,000,000	1,000,000
3130AKVN3	FHLB Callable	Aaa	AA+	01/29/21	01/29/26	04/29/22	1,432	61	0.52%	0.54%	957,980	1,000,000	1,000,000
3130AKWK8	FHLB Callable	Aaa	AA+	02/12/21	02/12/26	05/12/22	1,446	74	0.51%	0.53%	957,080	1,000,000	1,000,000
3130AKX43	FHLB Step-up Callable	Aaa	AA+	02/24/21	02/24/26	05/24/22	1,458	86	0.70%	0.73%	1,926,300	2,000,000	2,000,000
3130AL7M0	FHLB Callable	Aaa	AA+	02/24/21	02/24/26	05/24/22	1,458	86	0.63%	0.65%	960,580	1,000,000	1,000,000
3130AKYR1	FHLB Callable	Aaa	AA+	02/25/21	02/25/26	02/25/23	1,459	363	0.55%	0.58%	946,520	1,000,000	1,000,000
3130AL6K5	FHLB Callable	Aaa	AA+	02/25/21	02/25/26	02/25/23	1,459	363	0.58%	0.60%	959,310	1,000,000	1,000,000
3130ALD76	FHLB Callable	Aaa	AA+	02/25/21	02/25/26	05/25/22	1,459	87	0.70%	0.73%	963,060	1,000,000	1,000,000
3130ALCW2	FHLB Callable	Aaa	AA+	02/25/21	02/25/26	02/25/23	1,459	363	0.63%	0.65%	960,880	1,000,000	998,500
3130AL6Q2	FHLB Callable	Aaa	AA+	02/26/21	02/26/24	Anytime	729	1	0.22%	0.23%	973,970	1,000,000	1,000,000
3130ALGJ7	FHLB Callable	Aaa	AA+	03/23/21	03/23/26	03/23/22	1,485	24	1.00%	1.04%	939,530	975,000	975,000
3130ALPQ1	FHLB Step-up Callable	Aaa	AA+	03/30/21	03/30/26	03/30/22	1,492	31	0.50%	0.51%	976,280	1,000,000	1,000,000
3130ALVC5	FHLB Step-up Callable	Aaa	AA+	04/14/21	04/14/26	04/14/22	1,507	46	0.60%	0.62%	974,910	1,000,000	1,000,000
3130AMMV1	FHLB Callable	Aaa	AA+	06/03/21	06/03/24	03/03/22	827	4	0.40%	0.41%	489,120	500,000	500,000
3130AMKE1	FHLB Callable	Aaa	AA+	05/27/21	02/27/25	05/27/22	1,096	89	0.66%	0.68%	968,800	1,000,000	1,000,000
3130ANGN4	FHLB Step-up Callable	Aaa	AA+	08/18/21	02/18/25	05/18/22	1,087	80	0.35%	0.36%	976,470	1,000,000	1,000,000
3130ANSP6	FHLB Callable	Aaa	AA+	09/17/21	10/17/24	03/17/22	963	18	0.50%	0.51%	971,390	1,000,000	1,000,000
3130ANTP5	FHLB Callable	Aaa	AA+	09/16/21	09/16/24	03/16/22	932	17	0.50%	0.51%	975,130	1,000,000	1,000,000
3130APAY1	FHLB Callable	Aaa	AA+	10/21/21	10/21/26	04/21/22	1,697	53	1.10%	1.13%	972,890	1,000,000	1,000,000
3130APL78	FHLB Callable	Aaa	AA+	10/28/21	10/28/26	04/28/22	1,704	60	1.38%	1.40%	980,260	1,000,000	1,000,000
							1,228	2,923	0.55%	0.56%	\$ 30,873,559	\$ 31,876,111	\$ 31,872,931

Municipal Bonds

882724RA7	TEXAS ST PUB FIN AUTH	Aaa	AAA	10/30/20	10/01/25	1,312	5.00%	4.50%	1,111,790	1,000,000	1,216,760
						1,312	5.00%	4.50%	\$ 1,111,790	\$ 1,000,000	\$ 1,216,760
Total Investments						574	0.47%	0.48%	\$ 74,884,225	\$ 75,815,167	\$ 76,063,003

TOTAL - ALL DEPOSITS AND INVESTMENTS

\$ 96,773,703

**Olivenhain Municipal Water District
INVESTMENTS TRANSACTION
February 28, 2022**

PURCHASED

DATE				Investment Description	<i>Stated</i>	<i>Current</i>	Face Value	Book Value
Purchase	Maturity	Call	Step-Up		Coupon	Yield		
02/09/22	12/15/22			U.S.Treasury Notes	1.625%	1.616%	1,000,000	1,007,330
02/09/22	08/15/22			U.S.Treasury Notes	1.625%	1.618%	1,000,000	1,005,763

MATURED / REDEEMED / CALLED

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

Olivenhain Municipal Water District
UNAUDITED CASH POSITION BY FUNDING SOURCES
As of February 28, 2022

<u>Water Funds (Potable & Recycled)</u>		<u>Balance</u>
10050-100	Cash - Petty Cash Fund	1,476
10030-100	Cash - Capital and Equipment Fund	38,773,464
10010-100	Cash - Operating Fund	16,735,093
10060-100	Cash - Deposit Work for Other	62,324
10040-100	Cash - Rate Stabilization	12,134,144
14000-500	Restricted Cash - Capacity Fee Fund	5,061,659
Total Water Funds (Potable & Recycled)		<u>72,768,160</u>
 <u>Wastewater Funds</u>		
10010-110	Wastewater - Operating Fund	3,810,162
10030-110	Wastewater - Capital Replacement Fund	9,312,751
10040-110	Wastewater - Rate Stabilization Fund	2,605,895
Total Wastewater Funds		<u>15,728,809</u>
 <u>Non Fiscal Agent Debt Service Cash</u>		
14020-570	Cash non-agent - RAD 96-1	400,902
10070-561	Cash non-agent - Bond 2015A	621
10070-581	Cash non-agent - Bond 2016A	10,580
14020-521	Cash non-agent - Bond 2021A	5,000,903
Total Non Fiscal Agent Debt Service Cash		<u>5,413,006</u>
 <u>Debt Service Funds</u>		
14030-510	SRF Loan - Fiscal Agent	856,359
14105-570	Redemption fund - RAD 96-1	542,424
14110-570	Reserve fund - RAD 96-1	66,236
14100-561	Redemption fund - Bond 2015A	876,352
14100-581	Redemption fund - Bond 2016A	266,026
14100-521	Redemption fund - CB&T 2021A	105,778
14100-522	Redemption fund - CB&T 2021B	150,554
Total Debt Service Funds		<u>2,863,729</u>
TOTAL FUND BALANCES		<u>96,773,703</u>

Memo

Date: May 18, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Rainy K. Selamat, Finance Manager
Via: Kimberly Thorner, General Manager
Subject: **CONSIDER ADOPTION OF A MOTION APPROVING THE DISTRICT'S
CONSOLIDATED STATEMENT OF NET POSITION, CONSOLIDATED
STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN NET POSITION,
CONSOLIDATED STATEMENT OF CASH FLOWS, CONSOLIDATED ACTUAL VS
BUDGET SUMMARY, AND CONSTRUCTION IN PROGRESS REPORT**

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

- February 2022 Monthly Statement of Net Position Report.
- February 2022 Statement of Revenues, Expenses, and Changes in Net Position Report.
- February 2022 Consolidated Statement of Cash Flows.
- February 2022 Monthly Consolidated Actual VS Budget Summary and explanation of significant variance report.
- February 2022 Construction In Progress Report.

OLIVENHAIN MUNICIPAL WATER DISTRICT
Statement of Net Position (Unaudited)
All Funds
2/28/2022

Assets

Current assets:

Unrestricted assets:

Cash and cash equivalents	\$83,297,313
Accounts receivable - water and sewer, net	5,864,554
Interest Receivable	69,614
Taxes receivable	154,318
Other receivables	215,901
Inventories	1,369,940
Prepaid expenses and deposits	892,538
Total unrestricted assets	<u>91,864,177</u>

Restricted assets:

Cash and cash equivalents	13,196,228
Assesments receivable	46,855
Grants receivable	191,135
Total restricted assets	<u>13,434,219</u>
Total current assets	<u>105,298,396</u>

Noncurrent assets:

Capital assets, nondepreciable	47,484,243
Capital assets, depreciable/amortizable, net	333,156,025
Capital assets, net	<u>380,640,268</u>
Prepaid bond insurance	21,889
Other long-term receivables	26,185
Total noncurrent assets	<u>380,688,342</u>
Total assets	<u>485,986,737</u>

Deferred Outflows of Resources

Deferred amount on refunding	(1,074,515)
Deferred amount from pension	(3,585,712)
Total deferred outflows of resources	<u>(4,660,227)</u>

Liabilities

Current Liabilities

Liabilities payable from unrestricted assets:

Accounts payable	4,952,363
Accrued payroll	397,153
Customer deposits	364,048
Payable related to work in progress	54,064
Compensated absences, current portion	771,000
Current portion of long-term debt:	
Wastewater Revenue Bonds 2021A	245,740
Wastewater Refunding Revenue Bonds 2021B	419,070
Water Revenue Refunding Bonds 2016A	530,000
Water Revenue Refunding Bonds 2015A	1,750,000
Special Assessment Debt with Government Commi...	863,064
Notes Payable	808,276
Total liabilities payable from unrestricted assets	<u>10,489,967</u>

Liabilities payable from restricted assets:

Accounts payable	4,260
Interest payable	425,192
Total liabilities payable from restricted assets	<u>429,452</u>
Total current liabilities	<u>10,919,419</u>

Noncurrent liabilities

Compensated absences	959,271
Net pension liability	14,608,845
Long-term debt, excluding current portion:	
Wastewater Revenue Bonds 2021A	4,796,400
Wastewater Refunding Revenue Bonds 2021B	3,513,900
Water Revenue Refunding Bonds 2016A	13,721,616
Water Revenue Refunding Bonds 2015A	13,731,689
Special Assessment Debt with Government Commi...	4,594,691
Notes Payable	10,756,474
Total noncurrent liabilities	<u>66,682,885</u>
Total liabilities	<u>77,602,304</u>

OLIVENHAIN MUNICIPAL WATER DISTRICT
Statement of Net Position (Unaudited)
All Funds
2/28/2022

Deferred Inflows of Resources	
Deferred amounts on pension	425,243
Total deferred inflows of resources	<u>425,243</u>
Net Position	
Investment in Capital Assets, net of related debt	330,989,032
Restricted Net Position	7,999,599
Unrestricted Net Position	<u>72,965,976</u>
Total Net Position	<u><u>411,954,607</u></u>

OLIVENHAIN MUNICIPAL WATER DISTRICT
Statement of Revenues, Expenses and Changes in Net Position (Unaudited)
All Funds
For the Eight Months Ending 2/28/2022

	<u>2022</u>
Operating Revenues:	
Water Sales	\$36,968,188
Sewer Charges	3,309,293
Other Water Operating revenues	1,325,368
Total Operating Revenues	<u>41,602,848</u>
Operating Expenses	
Cost of Purchased Water Sold	20,113,850
Pumping and Water Treatment	2,592,122
Transmission and Distribution	2,839,743
Sewer Collection and Treatment	1,201,419
Elfin Forest Recreation Operations	260,930
Facilities Maintenance	847,408
Customer Service	1,321,552
General and Administrative	4,683,872
Depreciation and Amortization	7,260,560
Total Operating Expenses	<u>41,121,455</u>
Operating Income (Loss)	481,393
Nonoperating Revenues (Expenses)	
Investment income	160,414
Property taxes	2,577,446
Capacity charges	1,164,395
Benefit assessments	670,987
Other nonoperating revenues	662,884
Interest expense, net	(891,561)
Other nonoperating expenses	(129,583)
Total nonoperating revenues (expenses)	<u>4,214,983</u>
Income before capital contributions	4,696,376
Capital contributions	12,077
Change in net position	<u>4,708,453</u>
Net Position, Beginning of year	<u>407,246,154</u>
Net Position, End of year	<u><u>411,954,607</u></u>

OLIVENHAIN MUNICIPAL WATER DISTRICT
CONSOLIDATED STATEMENT OF CASH FLOWS (UNAUDITED)
AS OF February 28, 2022

CASH FLOWS FROM OPERATING ACTIVITIES:

Receipts from water and sewer customers	\$ 48,158,581
Payments for water	(21,433,991)
Payments for services and supplies	(6,753,288)
Payments for employee wages, benefits and related costs	(9,352,069)
Net cash provided by operating activities	<u>10,619,233</u>

CASH FLOWS FROM NONCAPITAL AND RELATED FINANCING ACTIVITIES:

Property taxes and benefit assessments received	<u>3,241,559</u>
Net cash provided by noncapital and related financing activities	<u>3,241,559</u>

CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES:

Acquisition and construction of capital assets	(5,901,495)
Proceeds from Grants	198,185
Principal paid on long-term debt	(5,566,573)
Proceeds from debt issuance	8,975,110
Interest paid on long-term debt	(612,427)
Capacity charges received	1,164,396
Other capital financing receipts (expenses)	652,216
Net cash used by capital and related financing activities	<u>(1,090,588)</u>

CASH FLOWS FROM INVESTING ACTIVITIES:

Investment income received	<u>172,881</u>
Net cash provided (used) by investing activities	<u>172,881</u>

Net increase (decrease) in cash and cash equivalents 12,943,085

Cash and cash equivalents, beginning of year 49,689,236

Cash and cash equivalents, end of period \$ 62,632,321

FINANCIAL STATEMENT PRESENTATION:

Cash and cash equivalents - current assets	51,699,042
Cash and cash equivalents - restricted assets	<u>10,933,279</u>
Total cash and cash equivalents	<u>\$ 62,632,321</u>

CASH AND CASH EQUIVALENTS RECONCILIATION

		Balance Includes Mkt Securities	Without Mkt Securities
Unrestricted cash	2/28/2022	83,297,313	51,699,042
Restricted cash	2/28/2022	13,196,228	<u>10,933,279</u>
Total cash and cash equivalents			<u>62,632,321</u>

OLIVENHAIN MUNICIPAL WATER DISTRICT
Consolidated Actual vs Budget Summary
For the Eight Months Ending 2/28/2022

	Approved Budget	Actual YTD	Budget YTD	Variance Amt	Variance %	Notes
Operating Revenues						
Commodity Water Sales	\$41,465,000.00	\$26,750,437.69	\$28,103,400.00	(\$1,352,962.31)	(4.8%)	1
Water Fees and Services	17,917,000.00	11,543,118.06	11,947,360.00	(404,241.94)	(3.4%)	
Sewer Revenue	5,435,000.00	3,309,292.67	3,264,000.00	45,292.67	1.4%	
Total Operating Revenues	64,817,000.00	41,602,848.42	43,314,760.00	(1,711,911.58)	(4.0%)	
Operating Expenses						
Purchased Water - Variable	22,350,000.00	14,615,653.37	15,012,640.00	396,986.63	2.6%	1
Purchased Water - Fixed	8,316,000.00	5,498,196.32	5,498,256.00	59.68	0.0%	
General Manager Dept	1,922,000.00	1,129,466.65	1,281,840.00	152,373.35	11.9%	2
Engineering Dept	2,196,000.00	1,342,651.87	1,464,560.00	121,908.13	8.3%	2
Finance Dept	1,556,000.00	966,274.39	1,037,200.00	70,925.61	6.8%	2
Customer Service Dept	2,628,800.00	1,509,784.33	1,754,288.00	244,503.67	13.9%	2
Human Resources Dept	713,600.00	466,005.18	476,000.00	9,994.82	2.1%	2
Water Operations and Maintenance Dept	10,995,000.00	6,637,459.01	7,333,912.00	696,452.99	9.5%	2
Parks Dept	442,300.00	284,582.19	295,488.00	10,905.81	3.7%	2
Sewer Operations and Maintenance Dept	2,774,000.00	1,798,258.50	1,850,024.00	51,765.50	2.8%	2
Recycled Water Operations Dept	1,222,500.00	648,844.15	815,840.00	166,995.85	20.5%	2
Paygo Transfers						
Water Operations	7,900,000.00	5,264,000.00	5,264,000.00		0.0%	
Recycled Operations	2,200,000.00	1,464,000.00	1,464,000.00		0.0%	
Capitalized Operations Expenditures	(1,531,470.00)	(503,720.43)	(1,021,520.00)	(517,799.57)	50.7%	3
Total Operating Expenses	63,684,730.00	41,121,455.53	42,526,528.00	1,405,072.47	3.3%	
Net Operating Income (Loss)	1,132,270.00	481,392.89	788,232.00	(306,839.11)		
Nonoperating Revenues						
Water Funds	5,875,000.00	3,338,747.63	2,491,800.00	846,947.63	34.0%	4
Debt Service Funds	1,049,000.00	672,089.30	651,160.00	20,929.30	3.2%	
Sewer Funds	39,000.00	9,624.15	26,400.00	(16,775.85)	(63.5%)	5
Recycled Water Funds	60,000.00	15,374.25	39,840.00	(24,465.75)	(61.4%)	5
Total Nonoperating Revenue	7,023,000.00	4,035,835.33	3,209,200.00	826,635.33	25.8%	
Nonoperating Expense						
Capacity Fee Funds	30,000.00	17,510.47	19,840.00	2,329.53	11.7%	
Debt Service Funds	1,393,620.00	998,286.43	934,240.00	(64,046.43)	(6.9%)	6
Potable Water Funds	10,000.00	5,346.92	6,400.00	1,053.08	16.5%	
Total Nonoperating Expense	1,433,620.00	1,021,143.82	960,480.00	(60,663.82)	(6.3%)	
Inc before Cap Fees and Capital Contributions	6,721,650.00	3,496,084.40	3,036,952.00	459,132.40		
Capacity Fee Funds	745,000.00	1,200,291.56				7
Capital contributions	1,655,000.00	12,076.94				8
Change in Net Position		4,708,452.90				

OLIVENHAIN MUNICIPAL WATER DISTRICT
Actual vs Budget Variance
For the Eight Months Ending 02/28/2022

1. Water Sales revenue were lower than Budget YTD by approximately \$1.4 million resulting in an unfavorable variance of 4.8%. The negative variance is primarily due to estimates for unbilled water and lower water consumption than budgeted through February 2022. Consequently, purchased water variable expenses were also lower than the Budget YTD for a favorable variance of \$397 thousand or 2.6%.
2. 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.
3. Actual Capitalized Operating Expenses were lower than the Budget YTD due to timing of capitalized labor spent on District projects, such as the Manchester Potable and Recycled Pipeline Replacement projects. The Budget YTD amount assumes expenditures are incurred evenly throughout the year.
4. Actual Non-operating Revenues – Water Funds were more than Budget YTD for a favorable variance due to the sale of Peay Parcel for \$595 thousand, and due to the timing of property tax revenues received from the County.
5. Actual Non-operating Revenues – Sewer Funds and Recycled Water Funds were less than Budget YTD for an unfavorable variance due to lower-than-expected return on investments.
6. Actual Non-Operating Expenses – Debt Service Funds were greater than Budget YTD for an unfavorable variance due to cost of issuance fees on the 2021A and 2021B sewer bonds issued in October.
7. Actual YTD Capacity Fee Funds were greater than Approved Budget due to the receipt of wastewater (sewer) capacity and annexation fees collected from Lennar Homes of California Inc. for the Avion development that were not anticipated for in the budget.
8. Actual YTD Capital Contributions were less than Approved Budget due to delay in grant receipts. Approved Budget assumed \$1.655 million in capital contributions from grants would be received in fiscal year 2022.

Construction Work In Progress Report as of 2/28/2022

Project Name	Budget	Appropriation to Date	Expenditures & Encumbrance	(Over) / Under
New and Remodeled Facilities	\$35,387	\$35,387	\$35,364	\$23
Replace El Camino Real PL	\$4,960,000	\$4,960,000	\$4,948,842	\$11,158
Manchester Recyc PL Exten.	\$4,634,000	\$4,634,000	\$854,040	\$3,779,960
San Dieguito Desalination	\$42,837,000	\$4,262,000	\$3,973,214	\$288,786
Manchester Potable Pipeline	\$4,198,000	\$4,198,000	\$3,255,921	\$942,079
Replace Neighborhood 1 SPS	\$4,832,000	\$2,534,000	\$918,418	\$1,615,582
Replace Valves	\$9,121,000	\$1,044,000	\$621,112	\$422,888
DCMWTP PH Control System	\$737,000	\$737,000	\$606,619	\$130,381
Replace DCMWTP Membranes	\$8,336,000	\$725,000	\$727,994	(\$2,994)
Fixed Base AMI	\$3,278,000	\$627,000	\$321,321	\$305,679
Pipeline Replace. Assessment	\$590,000	\$590,000	\$587,707	\$2,293
Replace Headworks Manual Sys	\$3,160,000	\$503,000	\$354,302	\$148,698
Residuals Handling Bldg Canopy	\$482,000	\$482,000	\$89,560	\$392,440
Hydropower Turbine Refurb	\$600,000	\$480,000	\$441,858	\$38,142
PRS Replacements	\$3,451,000	\$453,000	-	\$453,000
Lone Jack PRS	\$340,000	\$340,000	\$128,051	\$211,949
HOA Pipeline Ext - CB, VP, SH	\$2,415,000	\$315,000	\$557	\$314,443
DCMWTP Analyzer Replace.	\$727,000	\$305,000	\$260,720	\$44,280
Rehab Concrete Tanks	\$727,000	\$283,000	\$260,748	\$22,252
Steel Mains Protection	\$3,120,000	\$270,000	\$47,246	\$222,754
Replace Potable Meters	\$4,042,000	\$270,000	\$113,638	\$156,362
RSFe Rd Unit A North PL	\$1,748,000	\$253,250	\$208,560	\$44,690
Pot & Recycled Master Plan	\$524,000	\$228,000	\$12,530	\$215,470
Circo Diegueno Ct. Leak Repair	\$215,000	\$215,000	\$38,673	\$176,327 #
Stratford HOA Pipeline Repair	\$213,050	\$213,050	\$95,405	\$117,645
Network User Enhancements	\$200,000	\$200,000	\$163,295	\$36,705
Replace Pipelines	\$7,674,950	\$196,000	\$2,253	\$193,747
Parking & Access Improvements	\$265,000	\$191,000	\$27,971	\$163,029
District-Wide PLC replacements	\$1,618,000	\$166,000	\$95	\$165,905
Rancho La Cima/Aliso Canyon PL	\$165,000	\$165,000	\$63,152	\$101,848
Replace WW Pumps/ Motors/Equip	\$1,799,000	\$156,000	\$110,240	\$45,760
Ext. 153 Flow Meter	\$200,000	\$105,000	-	\$105,000
DCMWTP 4th Stage Centrifuge	\$1,040,000	\$104,000	\$5,058	\$98,942
Replace Meter Anodes	\$1,496,000	\$100,000	\$8,457	\$91,543
The Lakes Sewer Main Leak	\$99,000	\$99,000	-	\$99,000 #
Retrofit Pot. Service to Recyc	\$1,267,000	\$97,000	\$22,968	\$74,032
Network Security	\$1,126,000	\$84,000	\$1,560	\$82,440
Bing Crosby Sewer Main Leak	\$82,000	\$82,000	\$17,244	\$64,756 #
Replace Pot. Pumps and Motors	\$1,026,000	\$81,000	\$23,127	\$57,873
Village Park PRS	\$80,000	\$80,000	\$408	\$79,592
Gardendale PRS	\$80,000	\$80,000	\$408	\$79,592
Palms I and II Reservoirs	\$1,307,000	\$73,000	\$72,785	\$215
Village View Rd Pipln Repair	\$72,500	\$72,500	-	\$72,500
District-Wide Facility Securit	\$70,000	\$70,000	\$18,789	\$51,211
Train 9 Control Wiring	\$64,000	\$64,000	\$1,746	\$62,254
Gardenview Crt Pipln Repair	\$57,500	\$57,500	-	\$57,500
Rancho Cielo Manhole Lining	\$539,000	\$47,000	\$46,330	\$670
Vault Upgrades	\$105,000	\$46,825	\$19,700	\$27,125
Landscape HQ Courtyards	\$45,000	\$45,000	-	\$45,000
4S Physical Security Upgrades	\$35,000	\$35,000	-	\$35,000
EFRR Parking Lot Repair	\$32,250	\$32,250	-	\$32,250
4S System Manhole Lining	\$189,000	\$16,000	\$14,500	\$1,500
WRF Phone System Upgrade	\$16,000	\$16,000	-	\$16,000
Meter Replacement, Recycled	\$164,000	\$14,000	\$2,016	\$11,984
WW Master Plan	\$76,000	\$2,000	-	\$2,000
Chlorine Generation Cell		\$0	\$22,804	(\$22,804) *
Total:	\$126,312,637	\$31,533,762	\$19,547,303	\$11,986,459

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

* Emergency project within GM approval

Memo

Date: May 18, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Geoff Fulks, Operations Manager
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER AWARD OF A CONTRACT WITH EXARO TECHNOLOGIES CORPORATION IN THE AMOUNT OF \$71,966 FOR THE HARRIS PIPELINES CATHODIC PROTECTION REPLACEMENT PROJECT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT**

Purpose

The purpose of this agenda item is to consider award of a contract with EXARO Technologies Corporation (EXARO) in the amount of \$71,966 for the Harris Pipelines Cathodic Protection Replacement project and authorize the General Manager to sign on behalf of the Olivenhain Municipal Water District (OMWD).

Recommendation

Staff recommends award of a contract and authorization for the General Manager to sign the contract on behalf of OMWD.

Alternative(s)

The Board could reject the bid and direct staff to re-bid the project. The Board could direct staff as otherwise deemed appropriate.

Background

The proposed work is located along 10" and 12" steel pipelines located in Director Divisions 3 (Guerin) and 4 (Bruce-Lane.) The pipelines were installed in 1961 and the current anodes and testing stations were installed in 2010. Over the course of performing routine evaluations of OMWD's cathodic protection (CP) systems by staff and our corrosion consultant R.F. Yeager, the existing sacrificial CP system protecting the pipelines was identified as a priority system in need of replacement to ensure continued protection against corrosive soil conditions. The project will replace existing cathodic protection anodes and test stations along the steel pipelines that are at the end of their useful life.

Fiscal Impact

The proposed work was included in the FY 21-22 budget under the Steel Mains Protection project.

Is this a Multi Fiscal Year Project? **Yes**

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

Total Project Budget: **\$3,120, 000**

Current Fiscal Year Appropriation: **\$270,000**

To Date Approved Appropriations: **\$270,000**

Target Project Completion Date: **September 1, 2022**

Expenditures and Encumbrances as of May 10, 2022: **\$76,312**

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

Following a public bidding process per OMWD's Administrative and Ethics Code Section 6.3C Public Works Contracts for Work exceeding \$35,000 not done by Force Account. :

"When work is not to be done by the District itself by force account, and the amount involved is \$35,000 or more, and competitive bidding of the contract is required by law, any contract for such work shall be let to the lowest responsive and responsible bidder after publication of notice inviting sealed bids in a newspaper or periodical of general circulation to be designated by the General Manager for such time as shall be fixed by law. A canvas of all bids received shall be presented by the General Manager to the Board of Directors, together with a statement of the lowest responsive bid and the General Manager's recommendation on the bidder who should receive the award. Such recommendation shall be subject to approval by the Board of Directors prior to award of the contract on which bids were received. The Board of Directors may reject any and all bids, determine that a bid is non-responsive, determine that a bidder is not responsible, or take such further action."

The project was bid on May 9, 2022. A total of three (3) bids were received from:

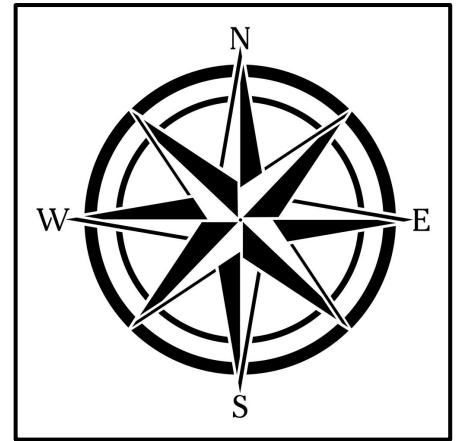
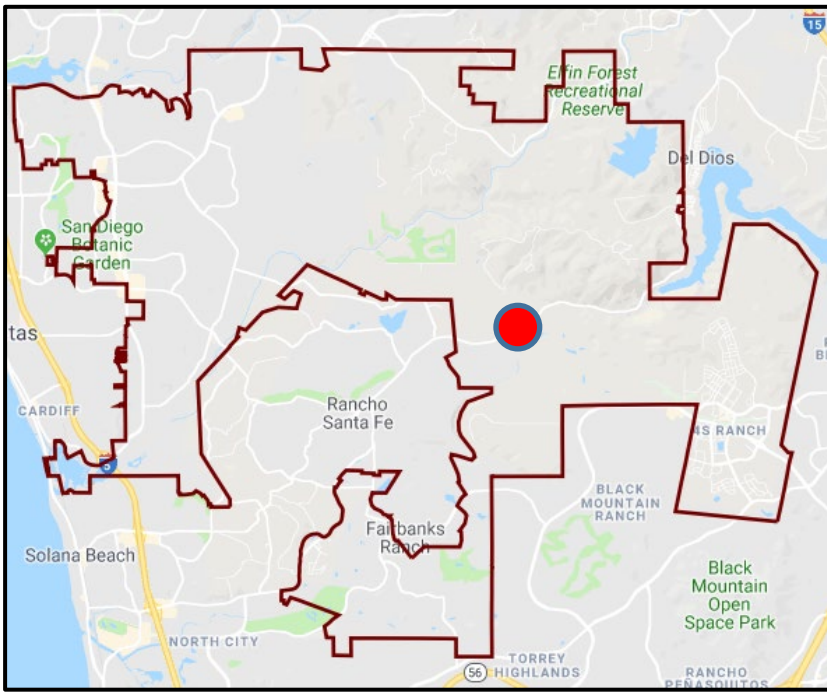
- Accurate Corrosion Control Inc.
- EXARO Technologies Corporation
- Farwest Corrosion Control Company

The lowest responsive and responsible bid was received from EXARO in the amount of \$71,966. Staff recommends awarding a contract to EXARO. Staff is available to answer any questions.

Attachment(s):
Bid Results;
Project Site Map

Harris Pipelines Cathodic Protection Replacement Project
 Bid Results 05.09.2022 2:00 pm

	Bidder:	1	2	3
		Accurate Corrosion Control Inc.	EXARO Technologies Corporation	Farwest Corrosion Control Company
Bid Item Number	Bid Item			
1	Mob/Demob, Bonds, Permits, Insurance & Cleanup for all work require under this Bid Schedule	\$29,737.33	\$9,667.00	\$40,075.00
2	Drill three (3) minimum 14-inch diameter holes to a minimum depth of 12 feet at location BC 511. Install two (2) Pipe Leads. Install new test station. Connect anode leads to test box. Connect pipe leads to test box. Refer to details shown on map Work Site #1:	\$29,737.33	\$12,970.00	\$15,785.00
3	Drill three (3) minimum 14-inch diameter holes to a minimum depth of 12 feet at location BC 510. Install new test station. Connect anode leads to test box. Utilize existing pipe leads. Connect pipe leads to test box. Refer to details shown on map Work Site #2:	\$29,737.33	\$10,419.00	\$11,080.00
4	Drill three (3) minimum 14-inch diameter holes to a minimum depth of 12 feet at location BC 509. Install two (2) Pipe Leads. Install new test station. Connect anode leads to test box. Connect pipe leads to test box. Apply temporary pavement to ensure roadway is safe until permanent paving occurs. Refer to details shown on map Work Site #3:	\$29,737.33	\$12,970.00	\$23,120.00
5	Drill three (3) minimum 14-inch diameter holes to a minimum depth of 12 feet at location BC 200109. Install two (2) Pipe Leads. Install new test station. Connect anode leads to test box. Connect pipe leads to test box. Apply temporary pavement to ensure roadway is safe until permanent paving occurs. Refer to details shown on map Work Site #4:	\$29,737.33	\$12,970.00	\$15,590.00
6	Drill three (3) minimum 14-inch diameter holes to a minimum depth of 12 feet at location BC 200108. Install two (2) New Pipe Leads. Install new test station. Connect anode leads to test box. Connect pipe leads to test box. Refer to details shown on map Work Site #5:	\$29,737.33	\$12,970.00	\$22,235.00
Total Bid Schedule	Total Amount of Bid Schedule	\$178,423.98	\$71,966.00	\$127,885.00
Bid Form Checklist	Bid Form Checklist	X	X	X
Bid Bond	Bid Bond	X	X	X
Addendums	1&2	X	X	X



HARRIS PIPELINES CATHODIC PROTECTION REPLACEMENT PROJECT

DISTRICT PROJECT NO. D120038

Memo

Date: May 18, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Steve Weddle, Engineering Services Supervisor
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER UPDATE ON THE LAKES SEWER FORCE MAIN EMERGENCY PROJECT, AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD, AND ORDER A NOTICE OF COMPLETION BE FILED**

Purpose

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

The General Manager declared an emergency on April 20, 2022. Pursuant to the Administrative and Ethics Code Section 3.2.1, the Board shall review the General Manager's emergency action at the next Board meeting. The emergency was reviewed with the Board at the April 20, 2022 Board meeting under the General Manager's report in accordance with Olivenhain Municipal Water District's (OMWD) Administrative and Ethics code.

Recommendation

As the emergency is over and the Notice of Completion prepared, this will be the last update to the Board on the emergency. Staff recommends the Board review and affirm the General Manager's emergency declaration and approval of the Notice of Completion.

Alternative(s)

There are no alternatives as the work is now complete. California Public Contract Code Section 1102 states, “Emergency, as used in this code, means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.” Failure to complete The Lakes Sewer Force Main Investigation Project could have caused public property damage, impacts to public health, impacts to the environment, and limited sanitary service to customers within a portion of OMWD thereby creating a loss of essential public services.

Background

The Lakes development is located in Director Division 1 (Director Topolovac) and is an integral part of OMWD’s sewer collection system. The potential leak investigation was located on Old Course Road, North of Province Court.

Fiscal Impact

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

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

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

Total Project Budget: **\$99,000**

Current Fiscal Year Appropriation: **\$99,000**

Target Project Completion Date: **April 21, 2022**

Expenditures and Encumbrances as of (April 27, 2022): **\$30,829.64**

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

OMWD staff was notified by the Lakes Homeowners' Association (HOA) of a potential sewer force-main leak on Old Course Road, North of Province Court in the Lakes HOA Development on April 19, 2022. Upon discovery of moisture seeping from a crack in the AC pavement adjacent to the Sewer force-main location, staff contacted three (3) contractors (Piperin Corporation, C.E. Wilson, and Orion Construction Corporation) to assist with the investigation and excavation. Orion Construction Corporation (Orion) responded, and Piperin Corporation and C.E. Wilson were not available. OMWD was also notified by the Lakes that irrigation within the area of concern had been off for over a week while they investigated possible leaks on their irrigation system.

Orion began excavation on April 20, 2022 at the possible leak site. After exposing the PVC sewer force-main, no visible leaks were found. OMWD staff re-energized the main and observed its status through several pumping cycles over the next 24 hours. The condition of the main remain unchanged, with no leaks at the investigation location. Orion crews were called off the site and OMWD forces completed the work of backfilling and restoration of the roadway.

After verification that there was no leak on the sewer force-main in the area, OMWD crews began investigation on the adjacent recycled water pipeline to rule out any possible issues. During the investigation, it was discovered that an irrigation mainline tee had failed underground on the Lakes system, approximately 100' south and up slope of the area of concern. The Lakes HOA landscape crews enacted repairs to the irrigation system soon thereafter. Ultimately, this proved to be the cause of the issue and had saturated the surrounding area which manifested in surface water accumulating through fissures in the asphalt adjacent to the OMWD sewer force-main.

The following photos show the results of the investigation efforts:



Initial Surface moisture present on 04.19.2022



Orion Crews Excavating Sewer Force-Main



Excavated Sewer Force-Main PVC Pipe (Note dry condition of bedding)



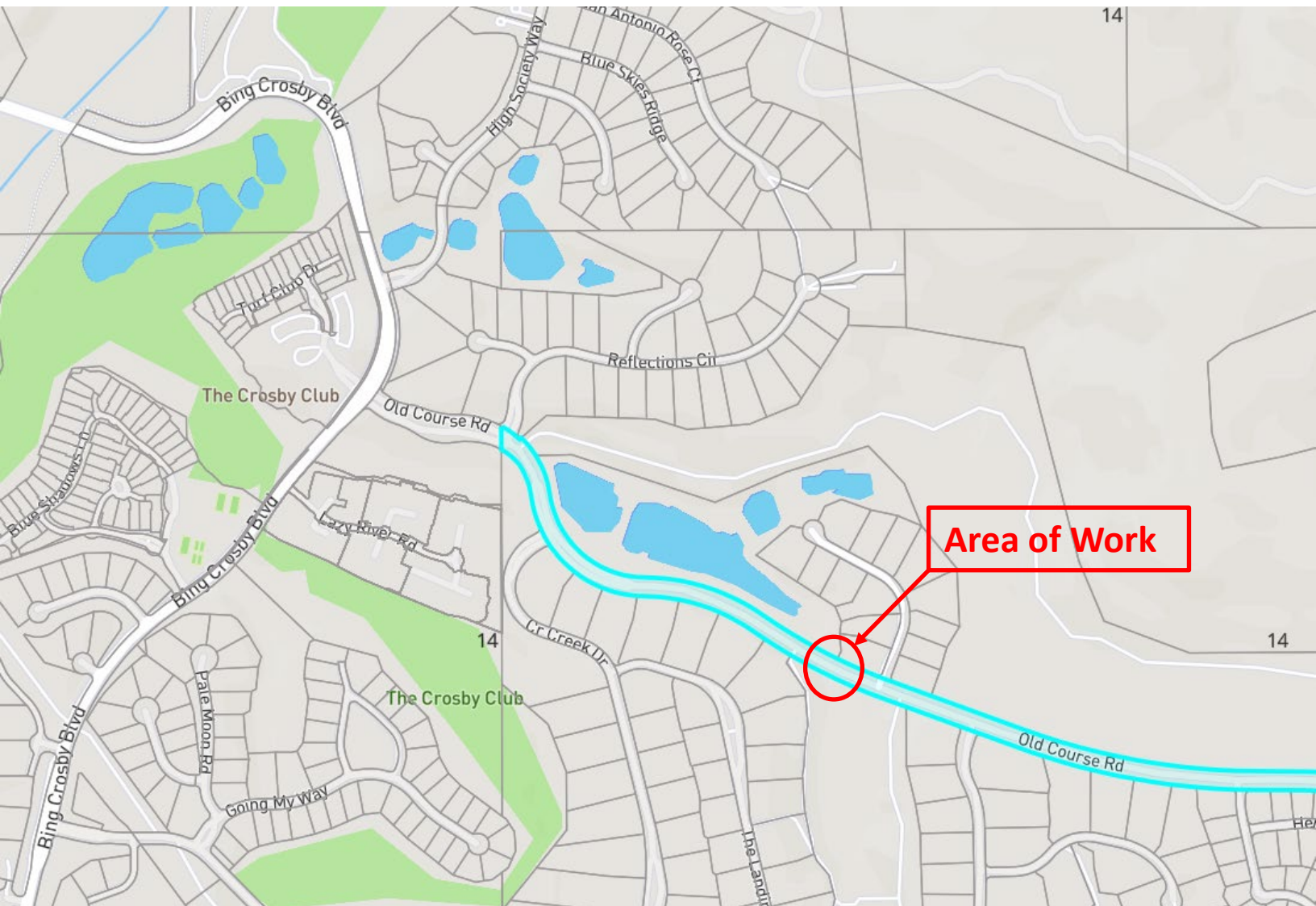
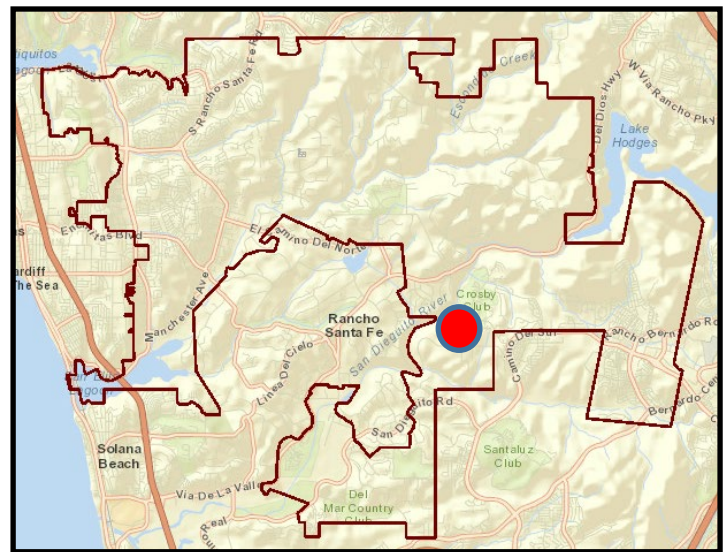
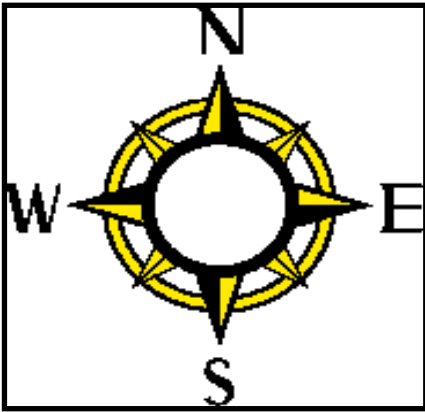
Lakes HOA Broken Irrigation Tee

Work for the project is now complete and this will be the final report on the emergency declaration to the Board. Staff recommends the Board review and affirm the General Manager's emergency declaration and approve of the Notice of Completion.

Staff is available to answer any questions.

Attachments:

Location Map;
Project Budget Worksheet;
Notice of Completion



THE LAKES SEWER FORCE MAIN EMERGENCY PROJECT
OMWD PROJECT NO. D700035

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

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

Project Name The Lakes Sewer Force Main Leak Project Manager Steve Weddle & John Onkka

Cost Category	Cost to Complete/Budget	Estimated Costs		
		FY2022		
OMWD labor	20,000	20,000		
OMWD overhead (2 X labor)	-			
Misc purchases 101P	-			
Materials/Inventory 102/103P	5,000	5,000		
Equipment 104P	-			
Utilities 105P	-			
Outside services 106P	20,000	20,000		
Consultants 107P	-			
Legal 108P	-			
Engineering 109P	-			
Design 110P	-			
Permits, EIR 111P	-			
Sitework/survey 112P	-			
Construction 113P	20,000	20,000		
Construction mgmt 114P	-			
Road, asphalt 115P	30,000	30,000		
Inspection 116P	4,000	4,000		
Land/landscape 117P	-			
Other/Misc 119P	-			
Total	\$ 99,000	\$ 99,000	\$ -	\$ -

Project description

Kimberly Horner

Approved by General Manager (REQUIRED)

Steve Weddle 04.20.2022
Prepared by and date (REQUIRED)

Funding Source (Total must = 100%)

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

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

**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 Lakes Sewer Force Main Investigation Project located on Old Course Road, north of Province Court, in the City of San Diego, County of San Diego, State of California for which the OLIVENHAIN MUNICIPAL WATER DISTRICT ("Owner," in fee, of the facilities), headquartered at 1966 Olivenhain Road, Encinitas, CA 92024, contracted with ORION CONSTRUCTION CORPORATION, ("Contractor"), located at 2185 La Mirada Drive, Vista, CA 92081, have been completed in accordance with District specifications as of April 21, 2022. The facilities have been accepted by the Board of Directors of the OLIVENHAIN MUNICIPAL WATER DISTRICT on this 18th day of May, 2022.

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

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

OLIVENHAIN MUNICIPAL WATER DISTRICT

Date: _____, 2022

By: _____
Kimberly A. Thorner
General Manager

Memo

Date: May 18, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Jennifer Joslin, Human Resources Manager
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (Article 3 – Organization of Staff and Article 4 – Classified Positions)**

Purpose

The purpose of this item is to consider adoption of the attached Ordinance amending the District's Administrative and Ethics Code to revise Article 3 – Section 3.1 Organization Chart of District Personnel and Article 4 – Section 4.4 Salary Schedule and Job Classification.

Recommendation

Staff recommends that the Board adopt the Ordinance updating the Organization Chart for FY 2022/23 in Section 3.1 and increase the salary ranges in Section 4.4 by 7.5% as previously negotiated in the Board approved Memorandum of Understanding (MOU). Adoption of this Ordinance is a housekeeping item to update the District's Administrative and Ethics Code.

Alternative(s)

The Board could choose to not adopt the Ordinance and direct staff to make further revisions, however the 7.5% adjustment was previously negotiated and approved by the Board.

Background

The Article 3 Organization Chart of District Personnel and Article 4 Salary Schedule and Job Classification updates reflect the staffing recommendations presented in the five year Staffing Analysis approved by the Board at its April 20, 2022 meeting. The Salary Schedule updates are consistent with the Board approved Memorandum of Understanding (MOU) with the District's employee bargaining units. The 7.5% increase is the first adjustment over a three year period in order to reach the 65th percentile in compensation within our labor market. The 7.5% is an adjustment to the ranges only not an increase to actual pay rates. Note, the General Manager's salary is not being adjusted as her salary is set by the Board at the end of each calendar year.

Fiscal Impact

All costs related to the Ordinance have been included in the budget. Costs related to staffing changes were previously included in the Staffing Analysis memo approved by the Board on April 20, 2022.

Discussion

Staff will be available to answer any questions.

Attachments: Ordinance

ORDINANCE NO. 4xx

AN ORDINANCE OF THE BOARD OF DIRECTORS OF
OLIVENHAIN MUNICIPAL WATER DISTRICT
AMENDING THE DISTRICT'S ADMINISTRATIVE AND ETHICS CODE
(Article 3 – Organization of Staff and Article 4 – Classified Positions)

BE IT ORDAINED by the Board of Directors of the Olivenhain Municipal Water District as follows:

SECTION 1: Article 3, Organization of Staff, Organizational Chart of District Personnel is hereby amended (*see attached*).

SECTION 2: Article 4, Classified Positions, Section 4.4 of the District's Administrative and Ethics Code is hereby amended to read as follows:

Sec. 4.4. Salary Schedule and Job Classification

OLIVENHAIN MUNICIPAL WATER DISTRICT
RANGES FROM ~~1/1/2022~~6/18/2022 THROUGH ~~6/18/2022~~6/16/2023
(revised ~~12/15/2021~~5/18/2022)

NO.	JOB CLASSIFICATION	GRADE	RANGE	
			<u>BI-WEEKLY</u>	<u>SALARY</u>
	<u>EXEMPT CLASSIFICATION</u>			
1	GENERAL MANAGER	N/A	Actual Effective 1/1/2022	10,584.94
1	ASSISTANT GENERAL MANAGER	19	6,501.076 <u>9,101.519</u>	9,101.519 <u>12,784.12</u>
1	ENGINEERING MANAGER	18	5,003.705 <u>7,980.858</u>	7,980.858 <u>11,579.41</u>
1	FINANCE MANAGER	18	5,003.705 <u>7,980.858</u>	7,980.858 <u>11,579.41</u>
1	OPERATIONS MANAGER	18	5,003.705 <u>7,980.858</u>	7,980.858 <u>11,579.41</u>
1	HUMAN RESOURCES MANAGER	17	4,643.494 <u>7,423.227</u>	7,423.227 <u>11,979.96</u>
1	CUSTOMER SERVICES MANAGER	17	4,643.494 <u>7,423.227</u>	7,423.227 <u>11,979.96</u>
0	NO INCUMBENT	16	4,320.934 <u>6,902.477</u>	6,902.477 <u>10,420.16</u>
0	NO INCUMBENT	15	3,904.684 <u>5,851.946</u>	5,851.946 <u>8,290.80</u>
1	WATER TREATMENT FACILITIES SUPERVISOR	14	3,633.783 <u>5,445.305</u>	5,445.305 <u>7,853.70</u>
1	INFORMATION TECHNOLOGY SUPERVISOR	14	3,633.783 <u>5,445.305</u>	5,445.305 <u>7,853.70</u>
1	CUSTOMER SERVICE AND PUBLIC AFFAIRS- SUPERVISOR	13	3,378.253 <u>5,064.845</u>	5,064.845 <u>7,444.71</u>
1	SAFETY/RISK COMPLIANCE ADMINISTRATOR	13	3,378.253 <u>5,064.845</u>	5,064.845 <u>7,444.71</u>
1	ACCOUNTING SUPERVISOR	12	3,139.193 <u>4,711.045</u>	4,711.045 <u>6,837.37</u>
1	ENGINEERING SERVICES SUPERVISOR	12	3,139.193 <u>4,711.045</u>	4,711.045 <u>6,837.37</u>
2	OPERATIONS SUPERVISOR	12	3,139.193 <u>4,711.045</u>	4,711.045 <u>6,837.37</u>
1	FIELD SERVICES SUPERVISOR	12	3,139.193 <u>4,711.045</u>	4,711.045 <u>6,837.37</u>
10	ENGINEERING PROJECT ADMINISTRATOR	12	3,139.193 <u>4,711.045</u>	4,711.045 <u>6,837.37</u>
1	WATER RECLAMATION FACILITIES SUPERVISOR	12	3,139.193 <u>4,711.045</u>	4,711.045 <u>6,837.37</u>
1	SENIOR SYSTEMS ADMINISTRATOR	12	3,139.193 <u>4,711.045</u>	4,711.045 <u>6,837.37</u>
2	SYSTEMS ADMINISTRATOR	11	2,920.563 <u>4,378.304</u>	4,378.304 <u>6,370.67</u>
1	PARK SUPERVISOR	11	2,920.563 <u>4,378.304</u>	4,378.304 <u>6,370.67</u>

NON-EXEMPT CLASSIFICATIONHOURLY WAGE

1	WATER TREATMENT PLANT OPERATOR LEVEL IV	6	37.05 39.83	51.87 55.76
2	INSTRUMENT CONTROL TECHNICIAN II	6	37.05 39.83	51.87 55.76
1	WATER RECLAMATION OPERATOR LEVEL IV	6	37.05 39.83	51.87 55.76
2	PUMP/MOTOR TECHNICIAN II	6	37.05 39.83	51.87 55.76
1	HUMAN RESOURCES ANALYST	6	37.05 39.83	51.87 55.76
1	EXECUTIVE SECRETARY	6	37.05 39.83	51.87 55.76
1	FACILITIES COORDINATOR	6	37.05 39.83	51.87 55.76
1	SYSTEMS OPERATOR III	6	37.05 39.83	51.87 55.76
1	INSPECTOR III	6	37.05 39.83	51.87 55.76
1	FINANCIAL ANALYST II	6	37.05 39.83	51.87 55.76
1	<u>ENGINEERING TECHNICIAN III</u>	6	39.83	55.76
1	INSPECTOR II	5	31.94 34.34	44.72 48.07
0	PROJECT ACCOUNTANT II	5	31.94 34.34	44.72 48.07
3	ADMINISTRATIVE ANALYST	5	31.94 34.34	44.72 48.07
2	SYSTEMS OPERATOR II	5	31.94 34.34	44.72 48.07
4	WATER TREATMENT PLANT OPERATOR LEVEL III	5	31.94 34.34	44.72 48.07
3	WATER RECLAMATION OPERATOR LEVEL III	5	31.94 34.34	44.72 48.07
0	BACKFLOW AND CROSS CONNECTION COORDINATOR II	5	31.94 34.34	44.72 48.07
1	INFORMATION TECHNOLOGY COORDINATOR	5	31.94 34.34	44.72 48.07
0	GENERAL LEDGER ACCOUNTANT II	5	31.94 34.34	44.72 48.07
1	<u>ENGINEERING TECHNICIAN II</u>	5	34.34	48.07
1	FINANCIAL ANALYST I	4	27.77 29.86	38.86 41.77
0	PUMP/MOTOR TECHNICIAN I	4	27.77 29.86	38.86 41.77
1	CATHODIC PROTECTION TECHNICIAN	4	27.77 29.86	38.86 41.77
	ENGINEERING AND RIGHT-OF-WAY			
40	<u>COORDINATOR/TECHNICIAN I</u>	4	27.77 29.86	38.86 41.77
2	FIELD SERVICES TECHNICIAN III	4	27.77 29.86	38.86 41.77
2	INSTRUMENT CONTROL TECHNICIAN I	4	27.77 29.86	38.86 41.77
1	INSPECTOR I	4	27.77 29.86	38.86 41.77
1	OPERATIONS COORDINATOR	4	27.77 29.86	38.86 41.77
1	RECORDS AND CONTRACTS COORDINATOR	4	27.77 29.86	38.86 41.77
1	SYSTEMS OPERATOR I	4	27.77 29.86	38.86 41.77
3*	UTILITY III (*1 FROZEN DUE TO COVID-19)	4	27.77 29.86	38.86 41.77
1	EQUIPMENT TECHNICIAN	4	27.77 29.86	38.86 41.77
01	WATER TREATMENT PLANT OPERATOR LEVEL II	4	27.77 29.86	38.86 41.77
1	WATER RECLAMATION OPERATOR LEVEL II	4	27.77 29.86	38.86 41.77
0	VALVE MAINTENANCE TECHNICIAN LEVEL II	4	27.77 29.86	38.86 41.77
2	BACKFLOW AND CROSS CONNECTION COORDINATOR I	4	27.77 29.86	38.86 41.77
3	ACCOUNTANT I	4	27.77 29.86	38.86 41.77
0	DEPARTMENT ASSISTANT II	3	24.38 26.21	34.12 36.68
1	CUSTOMER SERVICE REPRESENTATIVE II	3	24.38 26.21	34.12 36.68
1	FIELD SERVICES TECHNICIAN II	3	24.38 26.21	34.12 36.68
1	PARK RANGER II	3	24.38 26.21	34.12 36.68
1	PURCHASING/WAREHOUSE CLERK	3	24.38 26.21	34.12 36.68
2	VALVE MAINTENANCE TECHNICIAN LEVEL I	3	24.38 26.21	34.12 36.68
43	UTILITY II	3	24.38 26.21	34.12 36.68
0	WATER TREATMENT PLANT OPERATOR LEVEL I	3	24.38 26.21	34.12 36.68
0	WATER RECLAMATION OPERATOR LEVEL I	3	24.38 26.21	34.12 36.68
2	DEPARTMENT ASSISTANT I	2	21.58 23.20	30.17 32.44
2	CUSTOMER SERVICE REPRESENTATIVE I	2	21.58 23.20	30.17 32.44
4	FIELD SERVICES TECHNICIAN I	2	21.58 23.20	30.17 32.44
1	PARK RANGER I	2	21.58 23.20	30.17 32.44
45 *	UTILITY I (*12 FROZEN DUE TO COVID-19)	2	21.58 23.20	30.17 32.44
0	UTILITY I - Limited term	2	21.58 23.20	30.17 32.44

0	NO INCUMBENT	1	19.24 20.68	26.93 28.95
70				
<u>72</u>	NON-EXEMPT (current approved headcount)			
92				
<u>93</u>	TOTAL EXEMPT AND NON-EXEMPT (current approved headcount)			
92				
<u>93</u>	TOTAL APPROVED POSITIONS			

With approval of the General Manager, classifications may be flexibly staffed according to the “Grow Your Own” (GYO) program and department need. GYO does not add to the employee total headcount; it is an in-house promotional opportunity.

*Two Utility positions (Utility I / II / III) will remain frozen for FY ~~21/22~~22/23.

PASSED, APPROVED AND ADOPTED at a regular meeting of Olivenhain Municipal Water District’s Board of Directors held this 18th day of May 2022 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

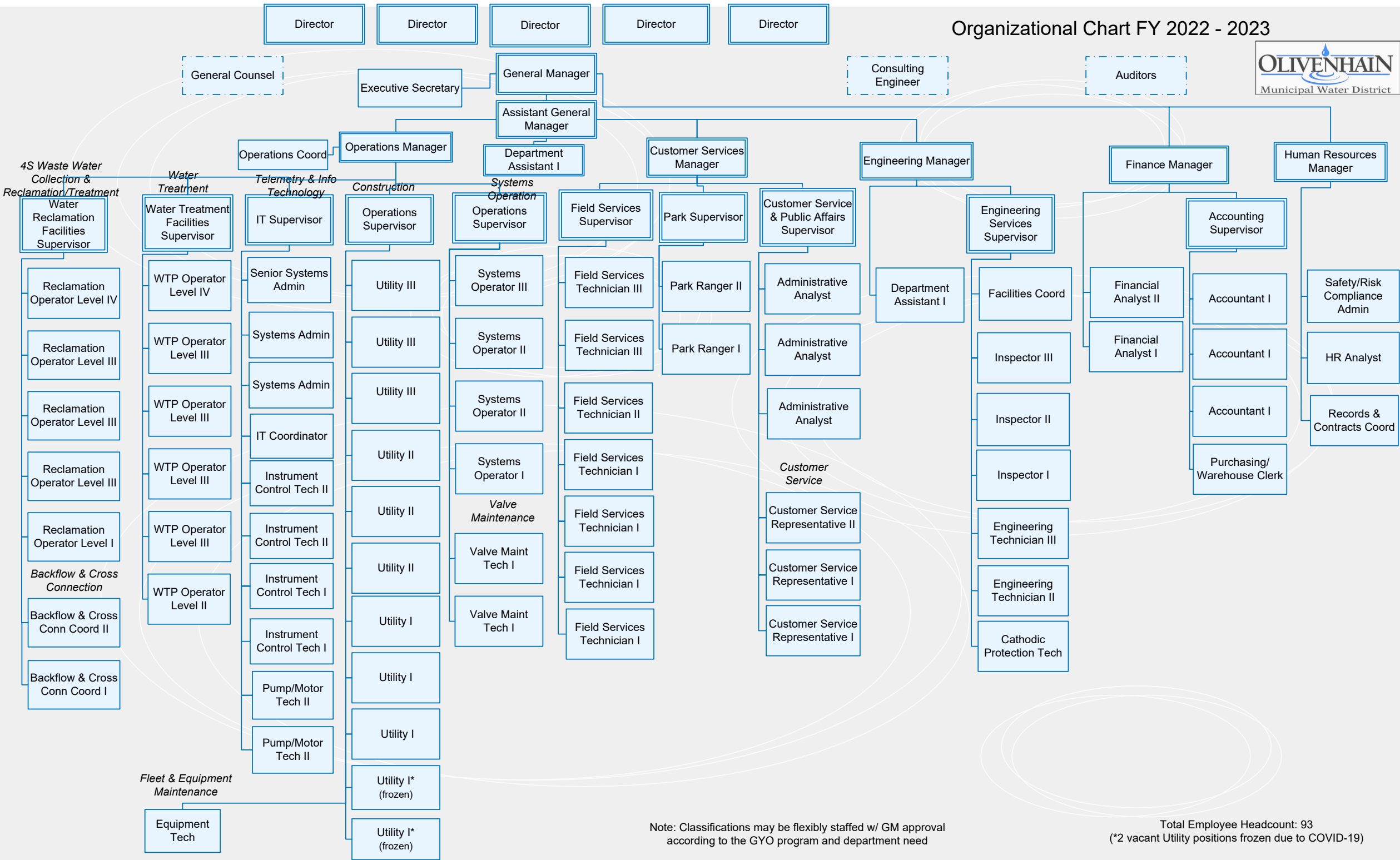
ABSENT:

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

ATTEST:

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

Organizational Chart FY 2022 - 2023



Note: Classifications may be flexibly staffed w/ GM approval according to the GYO program and department need

Total Employee Headcount: 93
(*2 vacant Utility positions frozen due to COVID-19)

Memo

Date: May 18, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Jeff Anderson, Park Supervisor
John Carnegie, Customer Services Manager
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (Article 26 – Regulations of the Elfin Forest Recreational Reserve and other District Parks)**

Purpose

The purpose of this item is to make findings regarding the safety requirements associated with the use of electric bicycles within Elfin Forest Recreational Reserve, and consider adoption of the attached ordinance amending Article 26 of the Administrative and Ethics Code for proposed changes to EFRR's Rules and Regulations.

Recommendation

Staff is recommending that the board make findings regarding the safety of electric bicycle use within EFRR and adopt the attached ordinance. Staff has consulted and worked with the General Counsel in development of this memorandum.

Alternative(s)

- The board may leave Article 26 of the Administrative and Ethics Code “as is.” However, the change has been proposed to increase the safety of all trail users at EFRR.
- The board may decide not to approve the proposed changes and instruct staff to adopt other changes.

Background

When EFRR opened to the public in 1992, its design, trail standards, operating hours, and rules and regulations were created based on direction provided in EFRR’s Recreation Master Plan (RMP) document. The intent of the RMP was to find an acceptable balance between recreation and conservation within EFRR. Chapter 3 (Riding and Hiking Trails Plan and Program) of the RMP states that, “Motorized vehicles that share the trails with pedestrians and horseback riders increase the risk of injury to these users.” The RMP also states that, “Trail safety can be achieved by conforming to the standards covering the design, construction, and management of trails.” The intent of these statements still applies to any motor-driven device operated on a multi-use trail corridor that was not designed, constructed, or managed to accommodate motorized vehicles.

In February 2020, the board adopted Ordinance 474 which updated EFRR’s Rules and Regulations to make clear that the prohibition on motor vehicles in EFRR applies to electric mountain bikes.

Fiscal Impact

Minimal fiscal impact will result from updating signage to reflect this change to EFRR’s rules and regulations.

Discussion

Legal Considerations: Title II of the Americans with Disabilities Act (ADA) requires public entities to make reasonable modifications in their policies, practices, or procedures to permit individuals with mobility disabilities to use other power-driven mobility devices (“OPDMD”), unless the entity can demonstrate that the class of OPDMDs cannot be operated in accordance with legitimate safety requirements. (28 C.F.R. § 35.137(b)(1).)

An electric bicycle likely qualifies as an OPDMD which is broadly defined to include: “any mobility device powered by batteries, fuel, or other engines — whether or not designed primarily for use by individuals with mobility disabilities — that is used by individuals

with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway(R) PT, or any mobility device designed to operate in areas without defined pedestrian routes...” (28 C.F.R. § 35.104.)¹

However, under section 28 C.F.R. section 35.137(b)(1), a public entity is not required to make reasonable accommodations if it “can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the public entity has adopted pursuant to § 35.130(h).”

In turn, 28 C.F.R. section 35.137(h) sets out the following assessment factors for determining whether a particular OPDMD can be allowed in a specific facility as a reasonable modification:

- I. The type, size, weight, dimensions, and speed of the device;
- II. The facility’s volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- III. The facility’s design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);
- IV. Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and
- V. Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

A review of the factors identified above justifies disallowing the use of electric bicycles within EFRR. As discussed in greater detail below, the speed and weight of electric bicycles, and the increased congestion on EFRR’s trails, would likely cause an increase in the frequency and severity of injuries in more remote areas of EFRR. Permitting electric bicycles on EFRR’s trails would also increase damage to the trails, disturb wildlife, and pose an increased risk of wildfires.

¹ The California Department of Parks and Recreation has recognized electric bicycles as OPDMDs—the Department issued a Departmental Notice (“DN”) revising policy and implementation guidelines for the use of OPDMDs in California State Parks and establishing a process for evaluating accommodation requests that deviate from policy. The DN includes “electric bicycles” as examples of OPDMDs. ([Other Power Driven Mobility Devices \(OPDMD\) \(ca.gov\)](#))

Additional Considerations: Since opening to the public, EFRR has not allowed motorized vehicles of any kind to be operated by the general public on its trails, nor does EFRR allow bicycles to travel in excess of 15 miles per hour in any recreational areas. Trails were not designed to accommodate motor vehicles traveling at high speeds, and thus OMWD has restricted the use thereof on the basis of safety.

EFRR's trails are multi-use (they allow hikers, equestrians, mountain bikers, and leashed dogs) and are becoming more and more impacted by a growing number of trail users. The current level of traffic on EFRR's trails results in user conflict. Since 2004, usage at EFRR has nearly doubled (up 95%), which has resulted in more congestion on all trails, more potential for conflict between trail user groups, and thus an impact to safety of all users. This conflict usually originates with two user groups. The first group is dog owners and is the result of aggressive dogs, or dogs off leash. The board recently addressed this trail conflict issue via Ordinance 493, when EFRR changed its rules to require dogs to be always on leash within EFRR. The second user group that is the most common source of trail conflict at EFRR are the mountain bikers. Conflict related to mountain bikers is usually due to speed in proximity to other trail users. Education and outreach methods are currently employed (trail signage, trail courtesy pamphlet, bike bells) at EFRR to reduce conflict between mountain bikers and other users.

Over the past several years, the advent of electric-powered bicycles has reached the mountain bike community and is becoming more and more affordable for the general public. Modern e-bikes are classified into three different classes. Class I e-bikes require the rider to actively pedal to initiate the electric motor to assist the rider. The power assist in Class I e-bikes can propel the rider up to 20 mph. Class II e-bikes do not require riders to pedal to access benefit from the electric motor; they are controlled by a throttle. Class II e-bikes can propel the rider up to 20 mph. Class III e-bikes require pedal-assist to activate the electric motor and they can propel riders up to 28 mph. Any electric bicycle that can propel a rider over 28 mph is not street legal.

The prospect of introducing electric bicycles to EFRR would introduce new and greater safety concerns. E-bikes generally weigh more and can travel even faster than human-powered mountain bikes, potentially leading to more traumatic injuries. The trail injuries can happen in more remote areas of EFRR, which complicates emergency response. E-bikes are powered by high-capacity lithium batteries that have the potential to burn, create a fireball, or explode, which is of serious concern in an area like EFRR with considerable wildfire risk. Lithium battery failures can be caused by manufacturer defects, abuse of cells within the battery caused by impact or puncture, short circuiting, over-charging, or operation in temperatures beyond design parameters. Furthermore,

allowing e-bikes on EFRR's narrow and crowded trails will bring in more trail users, which will further exacerbate trail congestion and trail conflict.

The use of e-bikes within EFRR creates ecological concerns as well. A representative of the California Department of Fish and Wildlife advised staff that studies in Southern California preserves have shown more limited wildlife use near trails as a result of e-bike use, and that e-bikes lead to more accelerated trail erosion which in turn leads to costlier repairs and demands on staff.

Given the significant safety concerns noted above, staff does not recommend allowing e-bikes in EFRR for any reason. Section 8 of EFRR's current Rules and Regulations permits the Park Manager to allow the use of motorized vehicles within EFRR on a case-by-case basis (with certain activities, such as maintenance or patrol, excepted). Staff is recommending that this case-by-case clause be removed and that emergency response is added as an excepted activity.

Attachments:

Ordinance Amending Article 26

ORDINANCE NO. 5xx

AN ORDINANCE OF THE BOARD OF DIRECTORS OF
OLIVENHAIN MUNICIPAL WATER DISTRICT
AMENDING THE DISTRICT'S ADMINISTRATIVE AND ETHICS CODE
(Article 26 – Regulations of the Elfin Forest Recreational Reserve and Other District Parks)

BE IT ORDAINED by the Board of Directors of Olivenhain Municipal Water District as follows:

SECTION 1: Article 26 of OMWD's Administrative and Ethics Code, Regulations of the Elfin Forest Recreational Reserve and Other District Parks, is hereby amended to read as shown on Exhibit A (attached).

PASSED, APPROVED, AND ADOPTED at a regular meeting of Olivenhain Municipal Water District's Board of Directors held this 18th day of May 2022.

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

ATTEST:

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

OLIVENHAIN MUNICIPAL WATER DISTRICT ADMINISTRATIVE AND ETHICS CODE	Article No. 26	Page 1 of 2
	Title REGULATIONS OF ELFIN FOREST RECREATIONAL RESERVE AND OTHER DISTRICT PARKS	
	Latest Revision Date May 18, 2022	Ordinance No. 5xx

ARTICLE 26. REGULATIONS OF THE ELFIN FOREST RECREATIONAL
RESERVE AND OTHER DISTRICT PARKS

Sec. 26.1. Declaration of Policy.

California Water Code Section 71660 et seq. empowers the District to construct, maintain, improve, and operate public recreation facilities pertinent to any water facilities operated or contracted to be operated by the District. The District may by Ordinance provide regulations binding upon all persons to govern the use of such facilities, including regulations imposing reasonable charges for the use thereof. Violation of District regulations relating to vehicle speed limits, defacement of District property, the use, possession or discharge of firearms, weapons or fires, the creation of fire hazards, being under the influence of intoxicating beverages or drugs, or remaining on, or re-entering District premises after an authorized District officer or employee has specifically withdrawn consent for a person to utilize District facilities, is a misdemeanor. Violation of any other regulation of the District adopted pursuant to California Water Code Section 71660 et seq. is an infraction.

Sec. 26.2 revised via Ordinance No. 493 / September 8, 2021

Sec. 26.2 revised via Ordinance No. 449 / May 17, 2017

Sec. 26.2. revised via Ordinance No. 410 / November 6, 2013

Sec. 26.2. revised via Ordinance No. 312 / October 27, 2004

Sec. 26.2. Regulations for the Use of Elfin Forest Recreational Reserve
and Other District Park Facilities.

The terms of the regulations pertaining to use of Elfin Forest Recreational Reserve and all other District park and recreational facilities, and any revisions thereto, are incorporated herein by reference. These regulations shall apply to all persons using recreational areas, parks, and District facilities within these park and recreational areas which are owned, operated, or controlled by the District and shall apply to all portions of such recreational areas and parks.

Sec. 26.3 revised via Ordinance No. 449/ May 17, 2017

Sec. 26.3. Enforcement of Regulations.

All State and County Law Enforcement officers are hereby authorized to enter onto all or any portion of the District's recreational areas, parks, and related facilities and to enforce all park and recreational regulations adopted by the District. The District's General Manager or his/her designee is also hereby

OLIVENHAIN MUNICIPAL WATER DISTRICT ADMINISTRATIVE AND ETHICS CODE	Article No. 26	Page 2 of 2
	Title REGULATIONS OF ELFIN FOREST RECREATIONAL RESERVE AND OTHER DISTRICT PARKS	
	Latest Revision Date May 18, 2022	Ordinance No. 5xx

ARTICLE 26. REGULATIONS OF THE ELFIN FOREST RECREATIONAL RESERVE AND OTHER DISTRICT PARKS

authorized to enforce all District regulations and to delegate enforcement authority to other employees of the District as the General Manager deems appropriate from time to time. The authority of State and County Law Enforcement officers and the District's General Manager, or his/her designated representatives, to enforce these rules and regulations includes the express authority to expel any person or vehicle acting in violation of any District, State, or County rule or regulation and the express authority to take all other actions deemed necessary by these officials to enforce the rules and regulations of the District as amended from time to time.

Sec. 26.4. Punishment for Violation of District Regulations.

Every person convicted of an infraction for a violation of any regulation of the District shall be subject to fines in accordance with California Water Code Section 71600. Any person in violation of any District regulations relating to vehicle speed limits, defacement of District property, the use, possession or discharge of firearms or weapons, the starting of any fire, the creation of any fire hazard, being under the influence of intoxicating beverages or illegal drugs, or remaining on, or re-entering District property governed by these rules and regulations posted hours of operation, or after a law enforcement or authorized District employee has specifically withdrawn consent for a person to utilize District facilities shall constitute a misdemeanor.

OLIVENHAIN MUNICIPAL WATER DISTRICT

Regulations for the Recreational Facilities Operated by the District, Including Elfin Forest Recreational Reserve

Section No.	Section Name
1	Declaration of Policy
2	Fee Schedule
3	Application of Regulations
4	Definitions
5	Breaking, Cutting, or Injuring Plants
6	Care of Wildlife
7	Taking Wood
8	Motor Vehicles and Other Conveyances
9	Bicycles
10	Glass Beverage Containers Prohibited
11	Regulation of Equestrians
12	Pollution of Streams
13	Dogs
14	Geocaching
15	Camp Fires
16	Camping
17	Disposal of Rubbish and Garbage
18	Unreasonable Noises
19	Advertising
20	Hunting

21	Possession and Use of Firearms and Weapons
22	No Smoking Allowed
23	Night Closing
24	Fireworks Prohibited
25	Permit for Organized Public Programs
26	Special Event Policy
27	Illegal Drugs
28	Care of District Property
29	Off Trail Travel
30	Care of Watershed
31	Military Use of Recreational Facilities and Parks
32	Exemptions from Regulations
33	Punishment for Violation of Regulations
34	Enforcement of Regulations
35	Severability

Section 1: Declaration of Policy

California Water Code Section 71660 et seq. empowers the District to construct, maintain, improve, and operate public recreation facilities pertinent to any water facilities operated or contracted to be operated by the District. The District may by Ordinance provide regulations binding upon all persons to govern the use of such facilities, including regulations imposing reasonable charges for the use thereof. Violation of District regulations relating to vehicle speed limits, defacement of District property, the use, possession, or discharge of firearms, weapons, or fires, the creation of fire hazards, being under the influence of intoxicating beverages or drugs, or remaining on, or re-entering District premises after an authorized District officer or employee has specifically withdrawn consent for a person to utilize District facilities, is a misdemeanor. Violation of any other regulation of the District adopted pursuant to California Water Code Section 71660 et seq. is an infraction.

Section 2: Fee Schedule

Persons using District park or recreational facilities shall be required to pay the applicable fees in accordance with the EFRR Fee Schedule.

All fees described in this policy will be paid to Olivenhain Municipal Water District.

Race Events Fees

- A \$300 administration fee will be paid to OMWD prior to any approved race event.
- A \$5 per participant fee will be collected by the Race Organizer and paid to OMWD for any approved race event.

Interpretive Center Facility Rentals Hourly Fees

- OMWD Customer Non-Profit Organization: \$100/hour
- Non-OMWD Customer Non-Profit Organization: \$125/hour
- OMWD Customer Private Event: \$200/hour
- Non-OMWD Customer Private Event: \$250/hour
- \$300 deposit is required upon reservation.
- Rentals extending after EFRR hours are subject to an additional \$100/hour fee.

Special Events in Trail Areas Fees

- \$250 per hour (including setup, breakdown and cleanup)

Commercial Activities in Trail Areas Fees

- \$5 per participant

Photo/Film Event Fees

- Fees for still photography shoots are \$50 per hour, \$200 half-day, \$400 whole day.
- Fees for film/video shoots are \$100 per hour, \$400 half-day, \$800 whole day.
- Fees for using the Reserve as a production base are \$500 per day. An additional \$50 catering fee will apply if a caterer is present.
- Fees for use of the Reserve during closed hours (see Section 23) are \$100 per hour additional to those fees specified above.
- Total payment for the permit is due prior to the event.

Section 3: Application of Regulations

The regulations set forth by the District shall govern all persons using any recreational areas, parks, or associated facilities owned, operated, or controlled by Olivenhain Municipal Water District ("District") and shall apply to all portions of such recreational areas and parks including all portions specifically mentioned in the Regulations for the Use of Olivenhain Water Storage Project and Elfin Forest Recreational Reserve and other District park and recreational facilities.

Section 4: Definitions

Alcoholic Beverages. For purposes of this title, the term alcoholic beverages shall include alcohol, spirits, liquor, wine, beer, and every liquid or solid containing one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances. No alcohol is allowed within the EFRR except when it is associated with an approved Special Event Permit.

Park Manager. Park Manager is defined as the General Manager and/or his or her designee with the responsibility of overseeing the Reserve, including but not limited to the Park Supervisor, Customer Services Manager, or Assistant General Manager.

Peace Officer. Peace Officer is defined as any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

Section 5: Breaking, Cutting or Injuring Plants

No person shall pluck, take, remove, damage, or destroy any flower, shrubbery, plant, vine, tree, grass, ground cover, or other natural or cultivated growth in any park or recreational area of the District except with prior written permission of the Park Manager.

Section 6: Care of Wildlife

It shall be unlawful for any person to hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, throw projectiles at, or otherwise disturb any animal, reptile, or bird in any District park or recreational area unless otherwise authorized in writing by the Park Manager.

Section 7: Taking Wood

No person shall cut or remove any wood or fallen trees in or from any park or recreational area of the District except with written permission of the Park Manager.

Section 8: Motor Vehicles and Other Conveyances

- a) It shall be unlawful for any person at any time to operate or drive an automobile, truck, trailer, motorcycle, electric bicycle, motor scooter, motorbike, or any other type of motor vehicle in a District park or recreational area, unless such vehicles are in a designated parking or staging area or on a County of San Diego maintained road, ~~without prior written permission from the Park Manager.~~
- b) No person in a park or recreational area shall fail to comply with all applicable provisions of California Vehicle Code and traffic laws in regard to equipment, signs, speed limits, and operation of vehicles together with such regulations as are contained in these regulations.
- c) No person shall park any vehicle within a park or recreational area except for the duration of their visit.
- d) Vehicles parked in violation of California Vehicle Code Sections 22651(r) or 22652 may be subject to removal from the park or recreational area at the vehicle owner's expense.
- e) These provisions shall not apply to motor vehicles and motorized equipment for District maintenance; patrol vehicles in the process of conducting maintenance, operation, ~~or enforcement,~~ or emergency response activities within any District park or recreational area; and contractors/consultants, performing work for the District as authorized by the Board of Directors or the District's General Manager or his/her designee.
- f) No person shall illegally park a vehicle within the boundaries of a park or recreational area, or leave a vehicle parked during closed hours without advance written permission from the Park Manager. The District reserves the right to lock vehicles within the boundaries of a park or recreational area or tow vehicles illegally parked within the boundaries of a park or recreational area at the vehicle owners' expense.

- g) Operation of drones or unmanned aircraft systems in a District park or recreation area requires advance written permission from the Park Manager.

Section 9: Bicycles

- a) It shall be unlawful for any person to ride a bicycle of any type on grounds other than designated trails. Bicyclists shall be permitted to use hiking trails and paths designated for pedestrian use, but must use due care and caution to not interfere with hikers or equestrian users.
- b) Bicycle speed limits shall be as follows:
- Fifteen (15) miles/hour maximum in all recreational and park areas
 - Five (5) miles/hour within one hundred (100) feet of pedestrians and equestrians
- c) Bicyclists must dismount in the immediate presence of horses.
- d) Bicyclists must observe points of congestion on trails and slow their speed at these choke points.
- e) Bicyclists should participate in the Bike Bell Program, wherein bikers are encouraged to pick up a bell from a container at the trailhead of the Way Up Trail and then return the bell upon exiting the trail. This will allow other users to hear them approaching.
- f) Electric bicycles are not permitted within the boundaries of a District park or recreational area.
- g) Helmets and appropriate protective equipment must be worn by all bicycle riders within a District park or recreational area.

Section 10: Glass Beverage Containers Prohibited

No person shall possess any glass beverage container in any park or recreational area of the District except that the sponsor of an organized public event may obtain written permission in advance from the Park Manager to possess glass beverage containers, provided that the containers remain under the sponsor's control and are not distributed to participants of the event.

Section 11: Regulation of Equestrians

No horses shall be ridden on any District park or recreational area except on designated equestrian routes and trails.

Section 12: Pollution of Streams

No person shall contaminate or pollute, or cause to be contaminated or polluted, any water of any creek flowing through or within any park or recreational area, or to deposit or cause to be deposited any refuse, rubbish, or other waste matter of any kind or character, in such waters, or to wash or clean vehicles, clothing, animals, or persons in the waters of any creek or reservoir.

Section 13: Dogs

Dogs will be required to remain on a hand-held leash no longer than six feet at all times in all areas of EFRR. Dog owners must properly dispose of their pet's waste while utilizing District parks or recreation areas. Owners are responsible for any damage, harm, or injury caused by their dog.

Section 14: Geocaching

EFRR recognizes geocaching – a treasure hunt that utilizes the Global Positioning System (GPS) and the internet to find caches – as a recreational experience. However, not all areas of EFRR are suitable for geocaching due sensitive habitat. This geocaching policy was developed to facilitate responsible geocaching such that EFRR can meet its mission.

Register cache:

- Caches must be registered by completion and approval of a registration form prior to placing a cache.
- Registration forms are available online at Geocache Registration Form and will include the following information:
 - a) Geocache owner information,
 - b) Description and photo of cache and description of cache contents,
 - c) Coordinates, description and photo of proposed cache location.

Approval of a proposed cache location will be based upon the following criteria:

Location

- Caches must be placed within 3 feet of existing trails, overlooks, or picnic areas.
- No off trail hiking or disturbance of cultural, historical, or biological resources.
- Caches must be hidden without impacting flora/fauna. Caches may not be buried.
- Geocaches must be at least 0.10 miles apart.

Size and labeling

- Cache size is limited to 8x6x4 inches.
- Geocache name must be clearly visible on exterior of waterproof container.

Number

- The number of caches within EFRR is limited to fifteen (15).
- An individual may register up to three (3) caches within EFRR at any one time.

Cache Items

- No food items.
- No dangerous, hazardous, offensive, or otherwise inappropriate items.
- Caches may not contain any commercial advertising or content.

Cache Owner Responsibilities:

- Caches must be checked every six months.
- Once cache registration has expired, the owner is responsible for removing the cache and deactivating the online coordinate posting.
- Failure to remove a cache and deactivate the coordinate posting within seven days of registration expiration (or if cache was inappropriately placed) may negate further approvals.

A Geocache Registration Form must be submitted and approved prior to cache placement.

Section 15: Camp Fires

It shall be unlawful to make any fire of any kind at any time within any District park or recreational area.

Section 16: Camping

No person or group of persons shall camp overnight or remain overnight within any park or recreational area.

Section 17: Disposal of Rubbish and Garbage

No person shall throw, dump, or otherwise place or cause to be placed, or leave, either directly or indirectly, any rubbish, garbage, sewage, or waste matter, or any trash or refuse of any kind or character, other than in receptacles established and maintained for such purposes. No person shall bring or cause to be brought any rubbish, garbage, sewage, waste matter, trash, or refuse of any kind for the purpose of disposing of same in the park either in the receptacles described herein, or at any other place.

Section 18: Unreasonable Noises

- a) No person shall operate any form of speaker or any other sound amplification device in any park without first obtaining the written permission of the Park Manager.

- b) No person, either by voice, mechanical device, tumultuous or other offensive conduct, or otherwise, shall create, permit, or cause to be created, any loud or unusual noises at any time which create a nuisance. Noises determined to be too loud or offensive shall be promptly reduced or discontinued as directed by any peace officer or authorized District employee.

Section 19: Advertising

No person shall display or post any plates, markers, signs, commercial, or message in any park or recreational area without prior written approval of the Park Manager.

Section 20: Hunting

No person shall hunt, fish, trap, or take any wild game, animals, birds, or eggs in any park or recreational area except with the prior written permission of the Park Manager.

Section 21: Possession and Use of Firearms and Weapons

No person shall take, carry, or transport any firearm, pellet gun, pump gun, zip gun, air rifle, bow and arrow, BB gun, or weapon of any kind in, upon, through, or across any park or recreational area without first having obtained a written permit from the Park Manager.

Section 22: No Smoking Allowed

No person shall carry upon or across any park or recreational area any lighted smoking or inflammable material. The possession of any object containing a lighted or vaporized tobacco product or any other lighted or vaporized weed or plant, or the lighting or vaporizing of any object containing a tobacco product or any other weed or plant is prohibited.

Section 23: Night Closing

No person shall enter or remain in any park or recreational area during closed hours without prior written permission from the Park Manager. Unauthorized entering or remaining in any park or recreational area during closed hours constitutes trespassing and is subject to enforcement as outlined in Sections 33 and 34 of this document.

All parks and recreational areas shall be closed to the public in accordance with the following schedule:

From the Daylight Saving Time end through January 20:

5:00 p.m. to 8:00 a.m.

From January 21 through February 21:
5:30 p.m. to 8:00 a.m.

From February 22 through Daylight Saving Time begin:
6:00 p.m. to 8:00 a.m.

From Daylight Saving Time begin through April 2:
7:00 p.m. to 8:00 a.m.

From April 3 through September 2:
7:30 p.m. to 8:00 a.m.

From September 3 through September 25:
7:00 p.m. to 8:00 a.m.

From September 26 through October 18:
6:30 p.m. to 8:00 a.m.

From October 19 through Daylight Saving Time end:
6:00 p.m. to 8:00 a.m.

The Reserve will be closed from 5:00 p.m. December 24 to 8:00 a.m. December 26 and no person shall enter or remain in any park or recreational area during this time except persons or groups receiving prior written permission from the Park Manager.

Section 24: Fireworks Prohibited

No fireworks of any kind shall be lit within or discharged towards any District park or recreation area.

Section 25: Permit for Organized Public or Private Programs

No person shall conduct any organized public program, public assemblage or public address in any public park without first obtaining the written permission of the Park Manager. All Special Uses and Special Events are subject to the rules in the EFRR Special Event Policy and Fee Schedule. The General Manager or his/her designee has the authority to approve or reject Special Use or Special Event requests at his or her discretion.

- 1) Special Use Permits shall be required under the following circumstances:
 - a) A group of eight (8) or more people
 - b) A group of four (4) or more horses
 - c) A group of four (4) or more vehicles

Violations of regulations by permitted groups may result in forfeiture of future permits.

- 2) Special Event Permits shall be required under any of the following circumstances:
 - a) Any event in the park that is expected to have 40 participants or more
 - b) Any event that requires the temporary closure of any portion of the park to the public
 - c) Any commercial or for-profit use of the park
 - d) Any organized ceremony in the park

Section 26: Special Event Policy

Fees applicable to the following are listed in the fee schedule Section 2 of this document.

Insurance Requirements for all Events and Rentals

Each event organizer for any event included in this policy must obtain a \$1 million per incident and \$2 million aggregate commercial general liability insurance policy naming Olivenhain Municipal Water District as an additional insured. If alcohol is to be included as part of an event, the insurance policy must include Liquor Liability Coverage.

Race Events

OMWD recognizes that EFRR is a desirable location for race events, and strives to find the balance between safely offering these types of events at EFRR while still offering adequate access of EFRR's trails and facilities to the public during these events. For that reason, any proposed race event (e.g., mountain bike, running, duathlon, etc.) will be handled on a case-by-case basis. Minimum requirements for race events are:

- Event organizer must demonstrate their competency in running events of this nature in open space parks.
- Rancho Santa Fe Fire Protection District must have its safety requirements satisfied for any event that is to take place within or to pass through EFRR. Written documentation of approval is required.
- All race participants and staff must sign an OMWD liability release form.
- No lasting damage or changes to EFRR may occur as a result of any race event.
- For any race event that includes areas outside EFRR, race organizer must provide proof that permission has been granted for the event to take place on other property(ies).

Interpretive Center Facility Rentals

OMWD owns and operates the unique Elfin Forest Interpretive Center Honoring Susan J. Varty (EFIC) at Elfin Forest Recreational Reserve. This 1,000-square-foot facility is generally open to the public and staffed by EFRR docents, but can be made available for private special events. Due to the nature of EFIC's contents, a Park Ranger is required to be on site for all interpretive center facility rentals and that staff time is built into the rental fee schedule.

Interpretive Center Rental Rules and Conditions

Renters of the EFIC agree to the following rules and conditions:

- Minimum rental time is 2 hours.
- Deposit is required upon reservation.
- Deposit is refundable up to 72 hours prior to reservation.
- Rental time includes setup, breakdown, and cleanup of facility.
- Renters are responsible for the contents of the EFIC and will be charged for missing or damaged items and for additional cleanup if costs exceed the deposit amount.
- Setup and breakdown must occur immediately before and after rental.
- EFIC is subject to closure during severe weather. If this occurs, renter can reschedule or request a refund.
- Maximum event size is 50 people.
- Staging area parking is not guaranteed for renters of EFIC.
- Children must be under adult supervision at all times.
- Alcohol use by a private party does not require a Liquor License from the State Department of Alcoholic Beverage Control or EFRR when the following conditions exist: 1) when there is no payment for contracted vendor services who are providing the alcohol; 2) when there are no donations, fees, or charges requested if attending the event; and 3) when the event is not open to the general public.
- If a group contracts with a caterer or beverage vendor to supply the alcohol, then it is the responsibility of the event organizer to ensure that the service provider has a valid Liquor License.
- Alcohol service must end one hour prior to the end of the event.
- Rentals extending after EFRR hours are subject to an additional fee as specified in Section 2.
- EFIC is not available for rental on weekends or holidays.
- The use of an open flame is limited to outdoor space heaters and chaffing dish heating devices.

Special Events in Trail Areas

OMWD realizes that EFRR offers many scenic areas that are perfect for special events such as secluded, small wedding ceremonies. Due to the popularity of EFRR for its recreational opportunities, special events in trail areas are permitted but limited to the following:

- Events may only take place Monday through Friday (holidays excluded).
- Events may take place on trails, viewing areas, overlooks or picnic areas.
- Events at the Elfin Forest Interpretive Center are allowed but are subject to the Interpretive Center Facility Rental restrictions above.
- Events in trail areas must be 30 persons or less.
- No trail or access to a trail may be blocked by the event.
- Events including a photographer/videographer must also obtain a separate Special Event Permit for those activities.

Commercial Activities in Trail Areas

EFRR was created to provide unique recreational opportunities to the general public. Many service-based businesses (e.g., fitness trainers, dog walkers, day camps, etc.) utilize public areas to serve their clients. These activities displace the general public and detract from the overall experience EFRR was intended to convey to its patrons. For this reason, entities that would like to utilize EFRR's amenities for their business are required to satisfy the following requirements:

- Commercial activities are not permitted on weekends and holidays.
- Groups may not exceed 40 people or 5 animals.
- Groups must carpool to minimize impact on parking.
- Groups must obtain a Special Event Permit prior to arriving at EFRR.
- Fees for non-profit organizations or school groups may be waived at the discretion of OMWD.

Photo/Film Events

EFRR offers a variety of scenery for still photographers and filmmakers for backdrops and film footage. OMWD appreciates the beauty and diversity of its facilities and encourages the use of EFRR for photo and film opportunities, while maintaining the integrity of the environment and the enjoyment of its visitors.

OMWD reserves the right to reject permit applications for photo/film shoots that contain subject matter that OMWD, in its sole discretion, determines is inappropriate.

Reservation procedures and fees for using EFRR are outlined below:

- A minimum of a \$1,000,000 insurance policy naming Olivenhain Municipal Water District is required.
- Requests for photo/film permits may be made by completing a Special Event Permit application and emailing it to efrrfriends@olivenhain.com. Please allow a minimum of 72 hours (not including weekends and holidays) processing time prior to scheduled film/photo shoot.
- A walk-through may also be required with OMWD ranger staff to determine the location, if the facility can accommodate the requested use, and if staff film monitors will be required. Film monitors and/or additional ranger staff is at the expense of the filmmaker/photographer and will be collected by OMWD.

- Any special requests/needs will be handled on an individual basis at the time of the application.
- EFRR is open from 8:00 a.m. until sunset. Requests for early entry or late stay will result in an additional fee per Section 2.
- Because weekends and holidays are generally the busiest times at EFRR, all filming activities (including preparation/setup) are only permitted to take place Monday through Friday during EFRR hours.
- Photography activities on weekends and holidays are permitted on a case by case basis.

Section 27: Illegal Drugs

No person shall use, possess, or be under the influence of any federally illegal or illicit drug in any area of any park or recreational area of the District.

Section 28: Care of District Property

It shall be unlawful for any person to mark, deface, disfigure, injure, destroy, tamper with, displace, or remove any equipment, buildings, tables, benches, railings, fencing, paving, irrigation materials, utilities, or parts or appurtenances thereof, signs, notices, place cards, District property, including but not limited to, monuments, stakes, posts or any other boundary markers, or other structures, equipment, facilities, or materials within any park or recreational area.

Section 29: Off Trail Travel

It shall be unlawful for any person or group of persons to travel off any marked or designated trail by any means, including by foot, horse, or bicycle, except to enter a developed area of a park or recreational facility.

Section 30: Care of Watershed

It shall be unlawful for any person to conduct any activity within a District park or recreational facility which may degrade the watershed of that facility and/or the resulting quality of water within that watershed.

Section 31: Military Use of Recreational Facilities and Parks

- a) No organized military use of any District park or recreational facility by the ROTC, National Guard, or any other military unit shall be allowed without first obtaining written permission from the General Manager or his/her designee. Requests to use a park shall be submitted to the Park Manager and shall include a description of the proposed use.
- b) The General Manager or his/her designee may approve a request by a military unit if he/she finds:

1. The number of participants is few, so as not to adversely impact the park or members of the public;
 2. The availability of alternative sites has been considered and use of a District recreational area is the only feasible alternative;
 3. The area of use is remote, so as to diminish the impact of the use on members of the public;
 4. The group requesting the use will wear either civilian clothing or understated military uniforms (i.e., no helmets, flak vests, etc.);
 5. Training and other uses will be of a non-threatening nature, such as hiking with backpacks, running, or exercises involving the use of a map and compass to navigate over unfamiliar terrain; and
 6. No weapons and ammunition will be used, no practice grenades will be used, no mock weapons will be used.
- c) The General Manager or his/her designee may deny permission, or revoke permission if permission has been granted, upon finding that a group cannot or has not obeyed the conditions or restrictions imposed by the General Manager or his/her designee. If permission is denied or revoked because of unauthorized use or violation of conditions or restrictions, the offending group shall be denied permission to use parks for five years from the date said unauthorized use or violation is determined to have been committed.

Section 32: Exemptions from Regulations

The provisions of these regulations shall not apply to or restrict any officer, employee, volunteer, or agent of the District, or any other peace officer when such person is acting to enforce any of these regulations.

Section 33: Punishment for Violation of Rules

Violation of these regulations relating to vehicle speeds, defacement of District property, the use, possession, or discharge of firearms, weapons, or fireworks, the creation of fire hazards, being under the influence of intoxicating beverages or drugs, or remaining on or re-entering District premises after an authorized District officer or other peace officer has specifically withdrawn consent for a person to utilize District facilities is a misdemeanor. Violation of any other or regulation shall constitute an infraction punishable by fines as prescribed by Water Code Section 71660.

Section 34: Enforcement of Regulations

All peace officers as defined in Section 4 of this document, are hereby authorized to enter onto all or any portion of the District's recreational areas, parks, and related facilities and to enforce all park and recreational rules and regulations adopted by the District. The District's General Manager is also hereby authorized to enforce all District rules and regulations and to delegate enforcement authority to other employees of the District as the General Manager deems appropriate from time to time. District Park Rangers shall have the authority to enforce all Reserve rules and regulations, to revoke the permit of, or eject any person from the park who is in violation of these rules and regulations. The authority of peace officers and the District's General Manager, or his/her designated representatives, to enforce these regulations includes the express authority to expel any person or vehicle acting in violation of any District, federal, state, or county rule or regulation and the express authority to take all other actions deemed necessary by these officials to enforce the regulations of the District as amended from time to time. Citations will be issued per these regulations if determined necessary by Park Rangers.

Section 35: Severability

The District's regulations for Elfin Forest Recreational Reserve facilities and other District park and recreational facilities and their various parts, sections, and clauses thereof are declared by the Board of Directors to be severable. If any part, sentence, paragraph, section, subsection, clause, phrase, part, or portion thereof is judged unconstitutional or invalid by a competent jurisdiction, the remainder of these regulations shall not be effected thereby. The Board of Directors hereby declares that it would have passed these regulations and each part thereof, regardless of the fact that one or more of such parts would be declared unconstitutional or invalid.

Memo

Date: May 18, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Rainy Selamat, Finance Manager
Via: Kimberly Thorner, General Manager
Subject: **CONSIDER PROPOSED CHANGES TO THE OLIVENHAIN MUNICIPAL WATER DISTRICT'S DRAFT OPERATING AND CAPITAL BUDGET FOR FISCAL YEARS 2023 AND 2024 AND TENTATIVELY APPROVE THE FINAL DRAFT BUDGET AS PRESENTED**

Purpose

Staff is presenting the proposed changes to the Draft Operating and Capital Budget for Fiscal Years 2023 and 2024 (presented to the Board at the April 20, 2022 meeting) as final draft budget for consideration and tentative approval by the Board.

These proposed changes to the draft Budget were reviewed and discussed with the Finance Committee (Director Guerin and Director Watt) at its May 9th regular meeting.

Recommendation

Staff is requesting the Board to consider proposed changes to the draft budget and tentatively approve the Budget as presented to give Finance staff adequate time to compile the General Manager's Recommended Operating and Capital Budget book for fiscal years 2023 and 2024 for final consideration and adoption by the Board. Final approval and adoption of the District's Budget book is set at the June 22 board meeting.

Alternative

The Board may choose not to approve changes to the draft Budget as presented and/or to approve the final draft Budget with certain modifications.

Background

At the April 20, 2022 meeting, Staff presented the District's Operating and Capital Draft Budget for Fiscal years 2023 and 2024 for consideration and discussion with the Board.

During the presentation, Staff received comments from the Board on the proposed automotive equipment purchases for fiscal years 2023 and 2024 and computer hardware purchases for fiscal year 2023. Staff also reported to the Board that staff will continue updating fiscal years 2023 and 2024 budget estimates prior to final approval by the Board. Any material changes (more than \$75,000) to the draft Budget, presented to the Board at the April meeting, will be itemized and reviewed with the Finance Committee and the Board for consideration prior to formal adoption by the Board at the June meeting.

Significant changes (over \$75,000) to the District's Draft Operating and Capital Budget for fiscal years 2023 and 2024 and Board's comments to the Budget are included below and attached.

Fiscal Impact

A proposed increase in the District's Draft Operating Budget for fiscal year 2023 by approximately \$8,000 due to the increase in general liability insurance premium cost. Proposed increases in the District's planned capital expenditures by \$333,000 for fiscal year 2023 and \$84,000 for fiscal year 2024, respectively. The proposed planned capital expenditures for fiscal year 2023 also includes a carried forward of unspent appropriations (approved by the Board in fiscal year 2022) of approximately \$375,000 due to timing of capital expenditures and delays.

Discussion

Staff's proposed changes to the Draft Operating and Capital Budget for fiscal years 2023 and 2024 since the Board budget workshop meeting on April 20, 2022 are as follows:

1. A reduction of \$91,000 in the District's purchased water wholesale costs due to revised cost estimates from San Diego County Water Authority (SDCWA).

Note: The cost estimates are not yet final from SDCWA and are subject to approval by the SDCWA Board at its June meeting.

2. An increase of \$99,000 in the District's commercial and general liability insurance premium expenditures based on actual cost.
3. An increase in the District's proposed capital expenditures of \$333,000 and \$84,000 in fiscal year 2023 and 2024, respectively, due to the anticipated increase in costs to complete District projects and two new projects added to the District's planned capital spending. Fiscal year 2023 also includes an increase of approximately \$375,000 in unspent appropriations from fiscal year 2022 as mentioned above.
4. A net decrease of one (1) field service truck in the proposed annual equipment purchases in fiscal year 2024 of approximately \$39,000. The proposed equipment purchases budget for fiscal year 2023 includes a \$150,000 carried forward appropriation for one (1) construction crew truck that was approved by the Board in fiscal year 2022, due to supply chain issues and timing of expenditures.
5. Staff is requesting no adjustments to the annual computer hardware/software replacement program for fiscal years 2023 and 2024 due to security issues, incompatibility, and supply chain challenges.

Staff will be available at the meeting for further discussion with the Board.

Attachment: Presentation

Proposed Changes to DRAFT Fiscal Years 2023 & 2024 Operating and Capital Budget

May 18, 2022 Board Meeting

Proposed Changes to the DRAFT Operating Budget

- 💧 Decrease purchased water wholesale costs for potable water by \$91,000 due to utilizing CWA's preliminary All-In untreated rate for CY 2023.
- 💧 Increase property insurance by \$99,000 due to actual quote received from carrier for FY 2023
 - 💧 35% increase over FY 2022 budget

Revised Operating Budget Summary

All Funds

Description	FYE 2021 Actual	FYE 2022 Approved*	FYE 2023 Proposed	% Change From FYE '22 Approved*	FYE 2024 Proposed	% Change From FYE '23 Proposed
<u>Operating Revenues</u>						
Potable Water Operations	55,528,789	54,802,000	56,665,000	3.40%	59,849,000	5.62%
Wastewater Operations	5,127,136	5,435,000	5,598,000	3.00%	5,766,000	3.00%
Recycled Water Operations	4,819,058	4,580,000	4,844,000	5.76%	5,089,000	5.06%
Total Operating Revenues	65,474,983	64,817,000	67,107,000	3.53%	70,704,000	5.36%
<u>Non-operating Revenues</u>						
Fund Potable Water - Property Tax	4,027,357	3,800,000	4,100,000	7.89%	4,100,000	0.00%
Water - Investment and Other **	5,581,795	1,909,000	1,173,000	-38.55%	300,000	-74.42%
Debt Service	1,175,805	1,049,000	1,044,000	-0.48%	1,045,000	0.10%
Wastewater - Investment and Other **	(4,634)	39,000	32,000	-17.95%	66,000	106.25%
Recycled - Investment and Other	4,555	60,000	52,000	-13.33%	99,000	90.38%
Capital Contributions from Others***	3,656,811	2,400,000	2,253,000	-6.13%	1,097,000	-51.31%
Total Revenues	79,916,672	74,074,000	75,761,000	2.28%	77,411,000	2.18%
<u>Operating Expenses</u>						
Purchased Potable Water Cost	29,145,311	29,312,000	30,868,000	5.31%	32,745,000	6.08%
Purchased Recycled Water Cost, net of credit	1,456,672	1,354,000	1,373,000	1.40%	1,449,000	5.54%
Potable Water Operations	19,220,585	20,422,400	21,728,000	6.39%	22,937,000	5.56%
Wastewater Operations	2,989,361	2,817,000	2,974,000	5.57%	3,209,000	7.90%
Elfin Forest Recreational Reserve (Park) Operations	419,355	443,300	478,000	7.83%	478,000	0.00%
Recycled Water Operations	1,194,205	1,239,500	1,287,000	3.83%	1,345,000	4.51%
Less: Capitalized Operating Expenditures	(1,733,991)	(1,519,000)	(1,843,000)	21.33%	(1,763,000)	-4.34%
Transfer To (From) Other Fund Balances	11,150,000	8,600,000	9,590,000	11.51%	8,800,000	-8.24%
Total Operating Expenses	63,841,497	62,669,200	66,455,000	6.04%	69,200,000	4.13%
<u>Non-operating Expenses</u>						
Loan and Debt Service Payments	5,776,055	6,344,000	6,424,000	1.26%	6,420,000	-0.06%
Water Other Non-Operating Expense	217,457	40,000	40,000	0.00%	40,000	0.00%
Wastewater Other Non-Operating Expense	780,517	-	-	0.00%	-	0.00%
Total Expenses	70,615,526	69,053,200	72,919,000	5.60%	75,660,000	3.76%
Net Income	9,301,146	5,020,800	2,842,000	-43.40%	1,751,000	-38.39%

Proposed Changes to DRAFT 10 Year Capital Improvement Projects (CIP) Spending Plan

- 💧 Increase FY 2023 CIP by \$333 thousand and FY 2024 by \$84 thousand per following changes:

Original CIP Budget	FY 2023	FY 2024
Wastewater Master Plan	\$ 2,000	\$ 16,000 ¹
Scada Ignition Upgrade	\$ 275,000	\$ - ²
	\$ 277,000	\$ 16,000

Proposed CIP Budget Changes	FY 2023	FY 2024
Wastewater Master Plan	\$ 10,000	\$ 100,000 ¹
Back-Up Generator Santa Fe Valley RW Pump Station	\$ 250,000	\$ - ³
Golem 14" Pipeline Condition Assessment	\$ 150,000	\$ - ³
Hydropower Turbine Refurbishment (change order)	\$ 200,000	\$ - ⁴
	\$ 610,000	\$ 100,000

Change in CIP Total	\$ 333,000	\$ 84,000
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1 - Increase project total to align with anticipated cost of master plan

2 - Removed due to project budget included in District wide SCADA upgrade project

3 - New project added

4 - Increase due to change in scope of project

- 💧 Increase the roll forward amount of FY 2022 appropriation to FY 2023 for delayed projects by \$375k
 - 💧 Primarily from Hydropower Turbine Refurbishment project

Revised CIP Spending Plan

Water (Potable & Recycled) (1 of 2)

	Project Description	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032
(1)	San Dieguito Groundwater Desalination	700,000	1,669,000	2,813,000	11,345,000	22,448,000	-	-	-	-	-
(1)	Advanced Metering Infrastructure (AMI)	853,000	679,000	884,000	-	-	-	-	-	-	-
	District-Wide PLC Replacements (PW/RCW)	198,000	90,000	386,000	386,000	-	-	-	-	-	-
(1)	District Wide Scada Upgrades	256,000	-	-	-	-	-	-	-	-	-
(1)	Network User Enhancements	60,000	-	-	-	-	-	-	-	-	-
(1)	District Wide Physical Security Improvements	50,000	30,000	30,000	30,000	30,000	-	-	-	-	-
(1)	OMWD Parking and Access Improvements	150,000	-	-	-	-	243,000	-	-	-	-
(1)	SWPPP Facility Improvements	100,000	-	-	-	-	-	-	-	-	-
(1)	PW and RCW Master Plan Update	325,000	220,000	-	-	-	-	-	-	-	-
(1)	RSF Unit A North PL Repl	1,238,000	844,000	-	-	-	-	-	-	-	-
	Gaty II Safety Improvements	67,000	523,000	-	-	-	-	-	-	-	-
	Unit B & K Rehab	-	327,000	1,533,000	-	-	-	-	-	-	-
	Dusty Trail PL Replacement	-	-	698,000	-	-	-	-	-	-	-
	Encinitas Blvd PL Inspection and Repair	145,000	537,000	-	-	-	-	-	-	-	-
	Encinitas Blvd PL Replacement	-	-	-	-	-	500,000	2,282,000	7,617,000	-	-
	RSF Rd PL Inspection	-	-	164,000	524,000	-	-	-	-	-	-
	RSF Rd PL Replacement	-	-	-	-	-	-	-	-	460,000	885,000
(1)	Village Park PRS Replacement	180,000	760,000	-	-	-	-	-	-	-	-
(1)	Gardendale PRS Replacement	180,000	760,000	-	-	-	-	-	-	-	-
	Del Lago PRS Replacement	-	-	120,000	820,000	-	-	-	-	-	-
	SE #1 PRS Replacement	-	-	-	-	130,000	880,000	-	-	-	-
	Quail Gardens	-	-	-	-	-	-	140,000	960,000	-	-
	Via Valle Verde	-	-	-	-	-	-	-	-	150,000	1,030,000
	Palms I and II Reservoirs Replacem	-	150,000	1,135,000	-	-	-	-	-	-	-
	Rancho La Cima/Aliso Canyon PL Relocation	102,000	5,000	130,000	-	-	-	-	-	-	-
	Harris Ranch Right-of-Way Acquisition	-	-	182,000	-	-	-	-	-	-	-
	Unit B & K EM CCTV Inspect & Rehab Phase 2	-	-	412,000	1,838,000	-	-	-	-	-	-
	EV Charging Station	-	-	60,000	750,000	1,485,000	-	-	-	-	-
	Pressure Zone 386 Expansion	-	-	-	989,000	-	-	-	-	-	-
	Gano Reservoir Improvements	-	-	-	20,000	159,000	-	-	-	-	-
	Gaty I Reservoir Decommissioning	-	-	-	-	-	398,000	-	-	-	-
	Berk Reservoir Improvements	-	-	-	-	-	-	22,000	179,000	-	-
	Replace Maryloyd Pump Station	-	-	-	-	-	-	-	506,000	-	-
	Replace Lone Jack Pipeline	-	-	-	-	-	-	-	-	1,447,000	-
(1)	Residuals Handling Building Canopy	414,000	-	-	-	-	-	-	-	-	-
(1)	DCMWTP pH Control Systems	586,000	-	-	-	-	-	-	-	-	-
	4th Stage Centrifuge Addition	996,000	-	-	-	-	-	-	-	-	-
	Hydropower Turbine Refurbishment	479,000	-	-	-	-	-	-	-	-	-
	Chlorine Gen Rm Lining Rehab	150,000	-	-	-	-	-	-	-	-	-
	Air Monitoring and HVAC Improvement	50,000	100,000	-	-	-	-	-	-	-	-
	General WTP Inspect & Cond Assessment	400,000	-	-	-	-	-	-	-	-	-
	2nd Stage Membrane Train Overhaul	270,000	280,000	295,000	-	-	-	-	-	-	-

Revised CIP Spending Plan

Water (Potable & Recycled) (2 of 2)

Project Description	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032
Membrane Train Control Wiring Replacement	-	-	55,000	-	-	62,000	-	-	70,000	-
Flow Meter Replacements	-	-	-	-	-	-	-	85,000	89,000	92,000
DCMWTP Office Construction	-	-	-	-	-	1,874,000	1,423,000	-	-	-
DCMWTP Analyzer Replacement	-	-	-	-	-	-	451,000	-	-	-
Replace Strainer Isolation Valves	-	-	-	-	-	-	-	101,000	-	-
Replace Chemical Feed Systems	-	-	-	-	-	-	-	108,000	112,000	116,000
Replace Chemical Storage Systems	-	-	-	-	-	-	-	232,000	241,000	251,000
DCMWTP Sewer Manhole Project	-	-	-	-	-	-	-	131,000	-	-
Repl Main DCMWTP Compressors	-	-	-	-	-	-	-	216,000	-	-
Replace Chlorine Generator	-	-	-	-	-	-	-	-	1,442,000	-
DCMWTP Chemical Systems Upgrade	-	-	-	-	-	-	-	-	-	150,000
3rd Stage DAF Addition	-	-	-	-	-	-	-	-	-	758,000
Landscape HQ Courtyards	35,000	-	-	-	-	-	-	-	-	-
Bridge Crane Rehabilitation and Mods	-	-	-	-	-	-	-	-	-	836,000
Golem 14" Pipeline Condition Assessment	150,000	-	-	-	-	-	-	-	-	-
Recurring Replacement Projects										
Network Security	165,000	115,000	96,000	100,000	104,000	109,000	114,000	119,000	124,000	129,000
Replace Pipelines	1,350,000	1,070,000	544,000	1,279,000	658,000	684,000	712,000	875,000	910,000	946,000
Replace Valves	1,085,000	1,106,000	917,000	907,000	888,000	854,000	821,000	789,000	759,000	730,000
Replace DCM WTP Membranes	725,000	749,000	900,000	936,000	842,000	876,000	911,000	947,000	985,000	1,024,000
Replace PRS Valves	50,000	52,000	54,000	56,000	58,000	60,000	62,000	65,000	68,000	71,000
Replace Potable Meters	315,000	328,000	336,000	342,000	515,000	575,000	598,000	615,000	637,000	660,000
Steel Mains Protection	281,000	292,000	304,000	316,000	329,000	342,000	356,000	370,000	385,000	400,000
Replace Meter Anodes	146,000	152,000	158,000	164,000	171,000	178,000	185,000	192,000	200,000	208,000
Replace Pumps and Motors	84,000	88,000	91,000	95,000	99,000	103,000	107,000	111,000	115,000	119,000
Rehab Concrete Tanks	45,000	47,000	49,000	51,000	53,000	55,000	57,000	60,000	62,000	425,000
Physical Security Upgrades	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
Recycled Projects										
(1) Manchester Recycled Pipeline Ext.	4,465,000	-	-	-	-	-	-	-	-	-
(1) Replace Recycled Meters	21,000	18,000	16,000	16,000	25,000	26,000	27,000	28,000	31,000	33,000
(1) Retrofit Potable Services to Recycled	2,110,000	500,000	-	-	-	-	-	-	-	-
(1) Retrofit Potable Meters to Recycled	60,000	62,000	65,000	67,000	70,000	73,000	76,000	79,000	82,000	85,000
(1) Ext. 153 Flow Meter	205,000	155,000	-	-	-	-	-	-	-	-
Wanket RW Reservoir Rehabilitation	75,000	75,000	-	-	-	-	-	-	-	-
Back-Up Generator Santa Fe Valley RW Pump Station	250,000	-	-	-	-	-	-	-	-	-
Santa Fe Valley RW Reservoir Improvements	-	-	-	20,000	159,000	-	-	-	-	-
Total	\$ 19,591,000	\$ 11,808,000	\$ 12,452,000	\$ 21,076,000	\$ 28,248,000	\$ 7,917,000	\$ 8,369,000	\$ 14,410,000	\$ 8,394,000	\$ 8,973,000

Revised CIP Spending Plan Sewer (Wastewater)

Project Description	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032
(1) Rehab Neighborhood 1 Pump Station	6,592,000	-	-	-	-	-	-	-	-	-
(1) Headworks Screening System Improvements	116,000	39,000	2,754,000	-	-	-	-	-	-	-
(1) Replace Overflow Pond Strainer	25,000	206,000	-	-	-	-	-	-	-	-
District-Wide PLC Replacements (WW)	38,000	91,000	386,000	386,000	-	-	-	-	-	-
4S WRF Scada Upgrades	64,000	-	-	-	-	-	-	-	-	-
(1) Cielo SPS Flow Meters	193,000	-	-	-	120,000	-	-	130,000	-	-
Wastewater Master Plan	10,000	100,000	-	-	-	-	-	-	-	-
4S WRF Tertiary Filter Condition Assessment	-	-	61,000	-	-	-	-	74,000	-	-
EV Charging Station	-	-	15,000	187,000	748,000	-	-	-	-	-
Replace Digester Blowers	-	-	-	-	75,000	802,000	213,000	-	-	-
Main Electrical Switchgear Upgrade	-	-	-	-	-	366,000	3,405,000	3,316,000	-	-
Stormwater Diversion Pipeline	-	-	-	-	-	-	80,000	530,000	-	-
Emergency Generator Replacement	-	-	-	-	-	-	204,000	1,078,000	-	-
Upgrade Plant B Oxidation Ditch	-	-	-	-	-	-	-	100,000	713,000	1,220,000
(1) Site Paving Improvements	-	-	-	-	-	-	-	-	151,000	313,000
(1) Neighborhood 3 SPS Pumps	-	-	-	-	-	-	-	-	142,000	993,000
Non-Potable Water Pump Station Rehab	-	-	-	-	-	-	-	-	-	219,000
Headworks Odor Scrubber Replacement	-	-	-	-	-	-	-	-	-	199,000
(1) 4S Ranch Pipe Replacement	136,000	-	-	153,000	-	-	172,000	-	-	199,000
(1) 4S Ranch System Manhole Lining	17,000	18,000	18,000	19,000	20,000	21,000	21,000	23,000	24,000	25,000
Collection System SPS Rehab	169,000	-	100,000	-	198,000	-	214,000	-	231,000	-
(1) Rancho Cielo Pipe Replacement	173,000	-	-	194,000	-	-	218,000	-	-	246,000
(1) Rancho Cielo System Manhole Lining	48,000	50,000	52,000	54,000	57,000	59,000	61,000	66,000	68,000	71,000
Biological Process Optimization	-	-	-	-	-	-	-	-	-	-
(1) Replace Pumps/Motors/Equipment	169,000	175,000	182,000	190,000	197,000	205,000	213,000	222,000	231,000	240,000
Recurring Replacement Projects										
(1) 4S WRF Physical Security Upgrades	30,000	30,000	30,000	30,000	15,000	15,000	15,000	15,000	15,000	15,000
Total	\$ 7,780,000	\$ 709,000	\$ 3,598,000	\$ 1,213,000	\$ 1,430,000	\$ 1,468,000	\$ 4,816,000	\$ 5,554,000	\$ 1,575,000	\$ 3,740,000

Source: Capital Projects Budget for Fiscal Year Ended June 30, 2023

(1) These projects are carried over from the prior year and have incurred costs prior to FYE 2023

Proposed Changes and Comments to FYs 2023 and 2024 Equipment Purchases

- 💧 FY 2023 – delay purchase of two vehicles until FY 2024 per enclosed schedule and include F-550 crew truck approved for purchase in FY 2022
- 💧 FY 2024 - delay purchase of one vehicle until FY 2025 per enclosed schedule
- 💧 Current Vehicle Replacement Procedures for all vehicle classes shown below are proposed to be changed from 75,000 miles to 100,000 miles and increased to 10 years of service.

Current District Vehicle Replacement Procedures (also includes a maintenance cost analysis for each vehicle):

Class	Description	Miles	Years
1	Passenger Cars	75,000 <u>100,000</u>	6 <u>10</u>
2	Light Pickup Trucks (Ranger class)	75,000	6
32	1/2 ton Pickup Trucks	75,000 <u>100,000</u>	7 <u>10</u>
43	3/4 Ton Pickups w/ Utility Beds	85,000 <u>100,000</u>	8 <u>10</u>
54	Flatbed Trucks	85,000 <u>100,000</u>	9 <u>10</u>
65	1 - 2 Ton Construction Trucks	100,000	10

Note: Light Pickup Trucks are no longer part of District fleet so will be removed from list

- 💧 Annual Laptops Replacement – Staff is proposing no changes due to the following reasons: incompatibility (after warranty expiration), savings, security, logistic, and supply-chain challenges.

Proposed Equipment Purchases FYE 2023

Asset Class	Qty.	Item Description	Budget Amount	Source of Funds *		
				Potable Water	Wastewater	Recycled Water
Automotive Equipment Project # D139830 - Potable Water Project # D739830 - Wastewater Project # D839830- Recycled Water	1	New Vehicle for Ops Const Crew Valve Turning Truck / Ford 3500XD V-8 Engine	75,000	64,000	4,000	7,000
	1	New Vehicle for Ops Const Crew Valve Turning Truck / Ford 3500XD V-8 Engine	75,000	64,000	4,000	7,000
	1	New Vehicle for Ops Supervisor / Ford F-150 V-6	39,000	33,000	2,000	4,000
	1	New Vehicle for Ops Const Crew Truck / Ford F-550 S/C V-8 Engine**	150,000	120,000	15,000	15,000
Subtotal Automotive Equipment			\$ 339,000	\$ 281,000	\$ 25,000	\$ 33,000
Furniture and Fixtures Project # D139850 - Potable Water Project # D739850 - Wastewater Project # D809850 - Recycled Water	1	Office Workstations	35,000	35,000	-	-
Subtotal Furniture and Fixtures			\$ 35,000	\$ 35,000	\$ -	\$ -
Computer Hardware/Software Project # D139860- Potable Water Project # D739860 - Wastewater Project # D839860 - Recycled Water	1	Help Desk System (Multi-Fund)	15,000	8,000	6,000	1,000
	62	Laptop Replacements (Potable)	124,000	124,000	-	-
	40	Desktop Replacements (Potable)	15,000	15,000	-	-
	4	Mac Replacements (Potable)	8,000	8,000	-	-
	-14	Remove Desktop and Mac Replacements (included in Laptops)	(23,000)	(23,000)	-	-
	2	Server Replacements (Recycled)	12,000	-	-	12,000
	1	Server Replacement (Wastewater)	6,000	-	6,000	-
Subtotal Computer Hardware/Software			\$ 157,000	\$ 132,000	\$ 12,000	\$ 13,000
				Potable Water	Wastewater	Recycled Water
TOTAL			\$ 531,000	\$ 448,000	\$ 37,000	\$ 46,000

* Capital item funding sources are allocated based on percentage of use of each asset.

**Vehicle purchase approved for FY 2022 budget year delayed until FY 2023

Vehicle Purchases Postponed:

Postponed until FY 2024	1	New Vehicle for Cross Connection Specialist / Ford F-150 V-6**	39,000	33,000	2,000	4,000
Postponed until FY 2024	1	New Vehicle for Ops Supervisor / Ford Explorer V-6**	40,000	34,000	2,000	4,000

Laptop Replacement Summary

- 💧 15 of 62 laptops are replacing substandard models that were purchased at the beginning of the COVID pandemic for remote work. They were purchased with a 1-year warranty and substandard specifications due to supply chain issues and time constraints at that time. Devices are at the end of warranty and have weak encryption presenting security issues.
- 💧 33 of 62 laptops are over 4 years old (some 6-8 years) and outside of the 3-year warranty period. Devices over four years have a higher failure rate and require additional staff time to diagnose issues. Extended warranties beyond 3 years are more costly and still require staff time to diagnose issues.
- 💧 Remaining 14 of 62 laptops are conversions from desktops to laptops to support remote work.

Proposed Equipment Purchases FYE 2024

Asset Class	Qty.	Item Description	Budget Amount	Source of Funds *		
				Potable Water	Wastewater	Recycled Water
Automotive Equipment Project # D139830 - Potable Water Project # D739830 - Wastewater Project # D839830- Recycled Water	1	New Vehicle for Ops Construction Dump Truck / Ford F-650 Reg Dump Truck	105,000	89,000	5,000	11,000
	1	New Vehicle for Ops Construction Dump Truck / Ford F-650 Reg Dump Truck	105,000	89,000	5,000	11,000
	1	New Vehicle for Cross Connection Specialist / Ford F-150 V-6**	39,000	33,000	2,000	4,000
	1	New Vehicle for Ops Supervisor / Ford Explorer V-6**	40,000	34,000	2,000	4,000
Subtotal Automotive Equipment			\$ 289,000	\$ 245,000	\$ 14,000	\$ 30,000
Furniture and Fixtures Project # D139850 - Potable Water Project # D739850 - Wastewater Project # D809850 - Recycled Water	1	Office Workstations	35,000	35,000	-	-
Subtotal Furniture and Fixtures			\$ 35,000	\$ 35,000	\$ -	\$ -
Computer Hardware/Software Project # D139860- Potable Water Project # D739860 - Wastewater Project # D839860 - Recycled Water	4	Server Replacements (Potable)	50,000	50,000	-	-
	5	Laptop Replacements (Potable)	10,000	10,000	-	-
	1	Desktop Replacement (Potable)	1,500	1,500	-	-
	1	Server Replacement (Recycled)	12,000	-	12,000	-
	1	Server Replacement (Wastewater)	12,000	-	-	12,000
	1	Laptop Replacement (Wastewater)	2,000	-	-	2,000
Subtotal Computer Hardware/Software			\$ 87,500	\$ 61,500	\$ 12,000	\$ 14,000
				Potable Water	Wastewater	Recycled Water
TOTAL			\$ 411,500	\$ 341,500	\$ 26,000	\$ 44,000

* Capital item funding sources are allocated based on percentage of use of each asset.

**Vehicle purchase carried forward from FY 2023

Vehicle Purchases Postponed:

Postponed until FY 2025	1	New Vehicle for Field Service Truck / Ford F-150 S/C V-6	39,000	33,000	2,000	4,000
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Staff Requests and Board Actions

- 💧 The Board to consider the Draft Biennial Operating and Capital Budget for Fiscal Years 2023 and 2024 for approval at the June 22, 2022 meeting.
- 💧 Staff plans to present the General Manager's Recommended Biennial Operating and Capital Budget Fiscal Years 2023 and 2024 for approval and adoption by the Board at the June board meeting (June 22, 2022.)

Memo

Date: May 18, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Geoff Fulks, Operations Manager
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH HAZEN AND SAWYER IN THE AMOUNT OF \$234,549 FOR THE DAVID C. MCCOLLOM WATER TREATMENT PLANT FOURTH STAGE CENTRIFUGE ADDITION PROJECT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT**

Purpose

The purpose of this agenda item is to consider approval of a professional services agreement (PSA) with Hazen and Sawyer in the amount of \$234,549 for design services as part of the David C. McCollom Water Treatment Plant (DCMWTP) Fourth Stage Centrifuge Addition project and authorize the General Manager to sign on behalf of the Olivenhain Municipal Water District (OMWD).

Recommendation

Staff recommends approval of the PSA with Hazen and Sawyer and authorization for the General Manager to sign on behalf of OMWD.

Alternatives

- The Board may direct staff to select another firm for the design services.
- The Board may choose against creating a design for the project at this time; however, this could impact water quality and delay construction of critical plant infrastructure leading to limited treatment capabilities and plant production.
- The Board could direct staff as it otherwise deems appropriate.

Background

OMWD owns and operates the DCMWTP, located in Director Division 4 (Bruce-Lane), which provides the majority of treated drinking water to its customers. The centrifuge processes concentrated solids residuals delivered from the third stage process. Without a centrifuge in operation, the DCMWTP would need a special permit to haul waste off-site daily consisting of 30,000 gallons of wet sludge at a considerable cost. The DCMWTP currently utilizes one centrifuge for the dewatering of the sludge. While the existing centrifuge can adequately handle the range of water treatment residuals historically generated at the DCMWTP, the equipment is over 10 years old and reaching expected end of life. In addition, with other improvements planned at the DCMWTP, flows to the fourth stage will increase. A capacity reliability study completed by Hazen and Sawyer in 2017, recommended adding a second unit to enhance reliability, redundancy, and operations.

Fiscal Impact

Funds for this project in the amount of \$1,040,000 were approved by the Board with the FY 20-22 Capital and Operating Budget at the June 17, 2020 meeting.

Is this a Multi Fiscal Year Project? Yes

In which Fiscal Year did this project begin? 2020

Total Project Budget: \$1,040,000

Current Fiscal Year Appropriation: \$104,000

Target Project Completion Date: 6/30/23

Expenditures and encumbrances as of April 27, 2022: \$9,872

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

Staff planned for the DCMWTP Fourth Stage Centrifuge Addition project in the Board-approved 20 Year Capital Improvement Program. The first phase of the project will develop detailed design plans and technical specifications. In January 2022, a request for proposals was posted to OMWD's website for professional design of the Fourth Stage Centrifuge project. OMWD received two proposals from:

- Dudek \$192,560
- Hazen and Sawyer \$234,549

Per OMWD's Administrative and Ethics Code Section 6.9B- Professional Service Contracts Selection Policy

For professional service contracts that are anticipated to exceed \$200,000, staff shall request proposals in writing to at least three firms. A detailed RFP shall be used. An in-house panel shall be established for rating/interviewing and shall consist of at least one person from a different department than the one conducting the detailed RFP process. The in-house panel may conduct interviews at the discretion of the department manager

for the department conducting the detailed RFP process. Approval criteria shall include, but not be limited to:

- **Experience**
- **Expertise**
- **Availability and qualifications of consultant's staff**
- **Completeness and responsiveness of proposal**
- **Cost**

Table of Selection Criteria for both consultants-

Admin Code 6.9B Selection Criteria	Hazen	Dudek
Experience	Extensive experience with similar potable water treatment plant projects and at the DCMWTP.	Experience listed was for wastewater treatment plant solids handling. Centrifuges were not specifically listed. Wastewater treatment plant processes are different from potable water treatment plant processes.
Expertise	As a company and as individuals, the team has expertise in centrifuges and residuals handling at water treatment plants. Hazen has all the required expertise in house and no subconsultants are needed.	The expertise listed was for wastewater treatment plants solids handling.
Availability and Qualifications of Staff	The proposed team has worked together on the planning for this DCMWTP project. Individual team members have deep experience with other similar water treatment plants.	Resumes for proposed team members listed mostly wastewater treatment qualifications.
Completeness and Responsiveness	Very detailed project approach and scope of services reflecting a deep understanding of the DCMWTP processes, long-term master plan improvements, and OMWD goals and objectives.	Less detailed understanding and approach.
Cost	Higher cost but "learning curve" and staff oversight costs will be minimal because of Hazen's experience at the DCMWTP.	Lower cost.

Proposals were reviewed by an interdepartmental committee. The Hazen and Sawyer proposal was extremely comprehensive and had a reasonable schedule which gave staff the confidence in their ability to deliver the design work according to project demands. Hazen and Sawyer have in-depth experience with the centrifuge and the related processes including pumping, piping, electrical, and instrumentation. Their evaluation of overall plant reliability identified this project along with other enhancements that will be evaluated. Hazen and Sawyer were selected to provide the design services for the project based on their experience and expertise with DCMWTP processes, team qualifications and the detailed project analysis provided in their proposal.

Staff followed up with Dudek, as directed by the Board at the April 20, 2022 meeting, to inquire about their understanding of the project and schedule. Dudek acknowledged that the schedule could be lengthened to accommodate for additional OMWD review with no impact to the proposal cost. Staff also spoke with Dudek to clarify a process error in the Dudek proposal and inquired why there was no consideration of the 2017 capacity reliability study regarding flow recovery from the raw water strainer backwash waste or expansion of the second stage process, all of which would increase the overall flow demands on the fourth stage process. Dudek responded that they made an error in their original proposal regarding stored sludge being blended into the third stage. On further query in the follow up meeting, Dudek was not able to articulate the future plans of the DCMWTP with regards to flow recovery from the raw water strainer backwash waste and the expansion of the second stage process and its effects on the 4th stage centrifuge. Dudek omission of increased flow demands could impact the ability to treat additional future flows. Staff is available to answer any questions.

Attachment(s):

Draft Professional Services Agreement;

Project Site Map

PROFESSIONAL SERVICES AGREEMENT
FOR PRELIMINARY AND FINAL DESIGN OF THE
DAVID C. MCCOLLOM WATER TREATMENT PLANT (DCMWTP)
FOURTH STAGE CENTRIFUGE ADDITION PROJECT
FOR THE OLIVENHAIN MUNICIPAL WATER DISTRICT

22AGRXXX
D120096

This Agreement is entered into by and between the Olivenhain Municipal Water District, a Municipal Water District organized and operating pursuant to Water Code Sections 71000 *et seq.* (hereinafter the District) and Hazen and Sawyer, a California corporation organized and operating in the State of California (hereinafter “HAZEN & SAWYER”).

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

1. The District is a public agency organized and operating pursuant to Water Code Sections 71000 *et seq.*, which provides water, recycled water, and sewer service within certain areas of Northern San Diego County.
2. The District requires the services of qualified engineering consultants to provide planning, preliminary design, and final design services within the District boundaries.
3. HAZEN & SAWYER is a qualified engineering HAZEN & SAWYER licensed to do business in the State of California with expertise in planning, preliminary design, and final design for the David C. McCollom Water Treatment Plant (DCMWTP) Fourth Stage Centrifuge Addition Project.
4. The District desires to retain HAZEN & SAWYER to provide planning, preliminary design, final design, plans, specifications, contract documents, construction cost estimates, and construction phase support services for the David C. McCollom Water Treatment Plant (DCMWTP) Fourth Stage Centrifuge Addition Project.

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

1. Services to Be Performed. HAZEN & SAWYER agrees to perform planning, preliminary design, final design, plans, specifications, contract documents, construction cost estimates, and construction phase support services for the DCMWTP Fourth Stage Centrifuge Addition Project. The services to be provided by HAZEN & SAWYER are more particularly described in the Scope and Cost Proposal attached hereto as Exhibit "A" and incorporated herein by reference. All work performed by HAZEN & SAWYER shall be subject to review and approval by the District. The District shall have no obligation to approve any work found defective by the District, in its sole discretion.

2. Correction of Defective Work. HAZEN & SAWYER agrees to correct all labor or materials found defective by the District at its sole cost and expense. All work found defective by the District shall be corrected in the time specified by the District by written notice to HAZEN & SAWYER.

3. Price for Work. HAZEN & SAWYER agrees to perform all work described in Exhibit "A" for a total price not to exceed \$234,549. No increase in this price shall be allowed without the express written consent of the District. The District shall have no obligation to grant this consent and may deny consent to any price increase, in its sole discretion.

4. Payment for Work. HAZEN & SAWYER shall bill the District monthly for all labor and materials provided during the previous month. All billings shall include a complete description of all work completed during the previous month, including hours and costs of each person performing the work and shall also include a detailed description of progress to date on each task of work described in Exhibit "A". All bills shall be subject to review and approval by the District. Invoices approved by the District will be paid on a monthly basis thirty (30) days after the invoice has been approved by the District. The District shall have no obligation to pay for any work not expressly approved by the District. The District's approval shall not be unreasonably withheld. HAZEN & SAWYER shall provide the District with any additional information requested by the District from time to time to support any item contained on an invoice no later than seven (7) days after a written request for this information from the District.

5. Extra Work. The District may request additional work or services from HAZEN & SAWYER from time to time, as the District shall determine, in its sole discretion. HAZEN & SAWYER shall not commence any extra work without a written change order expressly approved by the District, in writing. Work performed by HAZEN & SAWYER without an approved change order signed by the District will not be paid for by the District. In the event the District determines that additional work is justified, the parties shall agree on the additional work to be performed and the price to be paid for this additional work prior to commencement of any additional work by CONSULTANT. It is understood by the parties that HAZEN & SAWYER shall not be entitled to any payment for extra work unless the District determines that it desires extra work to be performed and a written change order has been executed by the parties. Attached as Exhibit "B" is the Request for Additional Work Form required by the District for all requests for additional work or task transfers.

6. Standard of Care. In performing all work and services required by this Agreement, HAZEN & SAWYER agrees to use the highest degree of skill and expertise ordinarily exercised, under similar circumstances, by a qualified engineering HAZEN & SAWYER with expertise in planning, preliminary design, final design and the other services described in the Scope and Cost Proposal attached as Exhibit "A". As a material term of this Agreement, HAZEN & SAWYER warrants and represents that it has secured all licenses required by federal or California law to perform all work and services required by this Agreement. HAZEN & SAWYER agrees to perform all work required by this Agreement at all times in strict accordance with all applicable federal, state, and local laws and regulations which apply to the labor or materials being provided.

7. Work Performance Standards. HAZEN & SAWYER agrees to perform all work and services required by this Agreement in a manner which complies with all federal and state health and safety standards and in a manner which avoids damage or injury to any real or personal property of any person or entity, including any real or personal property of the District. HAZEN & SAWYER agrees to perform the work at all times in a manner which avoids the creation of any trespass or private or public nuisance during conduct of the work.

8. Liability for Work of Agents, Independent Contractors, and Subcontractors. HAZEN & SAWYER shall be solely liable and responsible for all labor and materials provided

by any director, officer, agent, employee, subcontractor, supplier, or independent contractor hired or retained by HAZEN & SAWYER to perform any work or to provide any materials or supplies. The District shall have no liability whatsoever for any work or services performed or any materials or supplies provided by HAZEN & SAWYER or its directors, officers, agents, employees, subcontractors, suppliers, or independent contractors.

9. Time for Completion of Services. As a material term of this Agreement, HAZEN & SAWYER agrees to complete all work and services required by this agreement by no later than June 30, 2023. The breach of this paragraph shall constitute a material breach of this Agreement.

10. District Termination Right. The District shall have the express right to terminate this Agreement at any time without cause by giving seven (7) consecutive days advance written notice to HAZEN & SAWYER. This Agreement shall be automatically terminated without further action of any party upon expiration of the seven (7) day period. Promptly upon receipt of any termination notice from the District, HAZEN & SAWYER shall cease all further work and services, except as otherwise expressly directed by the District in the written termination notice. In the event the District exercises its termination right, HAZEN & SAWYER shall be paid only for work and services performed and approved by the District to the date this Agreement terminates. The District shall have the express right to withhold any payment otherwise due HAZEN & SAWYER to correct any labor or materials determined to be defective by the District at the time of termination. All plans, maps, drawings, reports, designs, or other writings of any type or nature prepared by HAZEN & SAWYER as a result of this Agreement shall become and remain the sole property of the District. All such writings shall be provided to the District not later than seven (7) consecutive days after termination of this Agreement for any reason. All labor, supplies, work and materials provided by HAZEN & SAWYER in conjunction with this Agreement shall become and remain the sole property of the District.

11. Hazardous and Toxic Waste. For purposes of this section, the term “hazardous or toxic waste” means any solid, liquid, or gaseous product classified as a hazardous or toxic waste under any federal, state, or local laws, rules, regulations, or ordinances, and all gas and oil products and by-products of every kind or nature. HAZEN & SAWYER shall be solely liable and responsible for the proper clean-up and removal of all hazardous or toxic waste used, handled,

stored, or spilled by HAZEN & SAWYER or any director, officer, agent, employee, subcontractor, independent contractor or representative of HAZEN & SAWYER. HAZEN & SAWYER shall pay all fees, costs, expenses and fines necessary to clean-up or remediate any hazardous or toxic waste for which HAZEN & SAWYER is liable under this paragraph in strict accordance with all federal, state and local laws, rules and regulations at CONSULTANT's sole cost and expense. HAZEN & SAWYER shall not be liable for any hazardous or toxic waste used, handled, stored or spilled by the District or its directors, officers, employees or contractors.

In the event any third party, including any regulatory agency, brings any claim or cause of action against the District to clean-up or remediate any hazardous or toxic waste for which HAZEN & SAWYER is liable under this section, HAZEN & SAWYER shall also indemnify and hold harmless the District and its directors, officers, agents, and employees from all claims, actions, losses, costs, fees, expenses, fines, and penalties, of whatever type or nature, including all costs of defense and attorneys fees, upon written demand for indemnity from the District.

12. Independent Contractor. As a material term of this Agreement, it is expressly agreed between the parties that HAZEN & SAWYER is performing all work and services for the District pursuant to this Agreement as an independent contractor and not as an agent or employee of the District. The parties further agree and acknowledge that the District expects HAZEN & SAWYER to make its own independent determination of the means and methods to perform all work required by this Agreement, and will not be directed as to any of these means or methods by the District.

13. Conflicts of Interest Prohibited. As a material term of this Agreement, HAZEN & SAWYER shall not in any way attempt to use its position to influence any decision of the District in which it knows, or has reason to know, its has a financial interest other than the compensation provided in this agreement. As a material term of this Agreement, HAZEN & SAWYER warrants and represents that it does not, to the best of its knowledge, have any economic interests which would conflict with any of its duties under this Agreement. HAZEN & SAWYER agrees not to secure any economic interest during the performance of this Agreement which conflicts with its duties to the District under this Agreement.

14. Breach. The breach of any term or provision of this Agreement by HAZEN & SAWYER shall constitute a material breach of this Agreement.

15. District Remedies for Breach. In the event HAZEN & SAWYER breaches any term, covenant, or condition of this Agreement or fails to perform any work or services required by this Agreement, the District shall be entitled to elect all or any of the following remedies at the District's sole option:

15.1 Unilateral Termination. Unilaterally terminate this Agreement by written notice to CONSULTANT. Upon election of this remedy by the District, Paragraph 10 governing District Termination Right shall apply; or

15.2 Specific Enforcement. Enforce any provision of this Agreement by specific performance. If this remedy is elected by the District, HAZEN & SAWYER agrees that specific performance is appropriate and reasonable given the unique and special services being performed by HAZEN & SAWYER and expressly waives the right to contest the right of the District to seek specific performance in any subsequent action or proceeding between the parties; or

15.3 File suit against HAZEN & SAWYER for damages arising from breach of this Agreement. In the event the District elects this remedy, it shall be entitled to recover all damages authorized by law; and/or

15.4 The District shall be entitled to withhold such amounts as the District determines are appropriate, in its sole discretion, to complete the work or services required by this Agreement, or to correct any labor or materials resulting from HAZEN & SAWYER'S negligence.

In the event the District is required to pay any sum or amount to complete any labor or materials services required by this Agreement, or to correct any labor or materials resulting from HAZEN & SAWYER'S negligence, amounts paid by the District shall earn interest at the rate of one percent (1%) per month from the date of payment until the District is repaid in full.

16. Insurance. At all times during the term of this Agreement, HAZEN & SAWYER must maintain a commercial liability insurance policy, workers' compensation insurance, and

professional liability insurance in strict accordance with all terms of this paragraph. The insurance required by this paragraph shall be provided as follows:

16.1 Liability Insurance. Following execution of this Agreement, and prior to commencement of any work, HAZEN & SAWYER shall provide the District with proof of liability insurance coverage with an insurance company licensed to do business in the State of California and acceptable to the District, providing \$1,000,000 of coverage per occurrence and \$2,000,000 minimum aggregate. The liability insurance coverage shall include each of the following types of insurance:

A. General Liability:

- | | |
|---|---|
| 1. Comprehensive Form | 6. Contractual Insurance |
| 2. Premises-Operations | 7. Broad form Property Damage, Including Completed Operations |
| 3. Explosion and Collapse Hazard | 8. Independent Contractors |
| 4. Underground Hazard | 9. Personal Liability |
| 5. Projects/Completed Operations Hazard | |

B. Auto Liability

1. Comprehensive Form
2. Owned
3. Hired

The policy shall include contractual coverage sufficiently broad to insure the matters set forth in the section entitled “Indemnity” in this Agreement. The deductible amount shall not exceed \$5,000.00. Also included in such insurance shall be a “cross-liability” or “severability of interest” clause.

16.2 Workers’ Compensation Insurance. Following execution of this Agreement and prior to commencement of any work, HAZEN & SAWYER shall submit proof of insurance showing they have obtained, for the period of the agreement, full workers’ compensation insurance coverage for no less than the statutory limits covering all persons whom HAZEN & SAWYER employs or may employ in carrying out the work under this agreement.

16.3 Professional Liability Insurance. Following execution of this Agreement, and prior to commencement of any work, HAZEN & SAWYER shall provide the District with proof of professional liability insurance with an insurance provider licensed to do business in the

State of California, providing \$1,000,000 of coverage per occurrence and \$2,000,000 minimum aggregate. This insurance shall have a deductible not to exceed \$5,000.

16.4 ACORD Certificate of Liability Insurance and Additional Insured Endorsements. All insurance required by Paragraph 16.1, 16.2, and 16.3 of this agreement shall be submitted on an ACORD Certificate of Liability Insurance. Insurers must be authorized to do business and have an agent for service of process in the State of California and have an 'A' financial strength rating and a financial size rating of at least Class VI in accordance with the most current A.M. Best's Rating Guide. Additional Insured Endorsements must be provided for the Liability Insurance called out in Paragraph 16.1 with the **Olivenhain Municipal Water District (District), the District's Engineer/Architect, the District's Representatives, Consultants, and each of the District's Directors, Officers, Agents, and Employees** named as additional insureds. The insurance must include a Waiver of Subrogation and must be Primary and non-Contributory. The additional insured endorsements must be provided on Form CG 20 10 10 01. The insurance certificate and endorsements shall be cancelable with notice delivered to the District in accordance with the policy provisions.

17. Job Site Safety. HAZEN & SAWYER shall be solely liable and responsible for complying with all federal, state and local laws, rules and regulations pertaining to job safety for all agents, employees, subcontractors, suppliers, and independent contractors retained by HAZEN & SAWYER to perform any work or services or to provide any materials required by this Agreement. However, HAZEN & SAWYER shall not be liable or responsible for overall job site safety or the job site safety for any workers or agents employed by any construction contractor performing any work for the District on any construction project.

18. Indemnity. As a material term of this Agreement, HAZEN & SAWYER agrees to hold harmless, indemnify, and defend the District and its directors, officers, employees, agents, and representatives from and against any and all demands, liability, claims, suits, actions, damages, costs, fees, expenses, fines, and penalties, of whatever type or nature, including, but not limited to, reasonable attorney fees, to the extent arising out of, pertaining to, or relating to the willful misconduct, recklessness, or negligence of HAZEN & SAWYER, including its directors, officers, employees, agents, subcontractors, sub-consultants, suppliers, independent contractors, or other

persons and entities employed or utilized by HAZEN & SAWYER in the performance of this Agreement. In the event that any administrative proceeding, litigation or arbitration is instituted naming the District or any other indemnified parties as a defendant, the District and such other indemnified parties shall be entitled to appoint their own independent counsel to represent them, and HAZEN & SAWYER agrees to pay all reasonable attorneys fees, expert fees and costs, and litigation costs associated with this defense within thirty (30) days of any billing; provided however, that the CONSULTANT's obligation shall be limited as provided by Civil Code Section 2782.8 to the extent that the HAZEN & SAWYER establishes its proportionate percentage of fault by stipulation of all the parties to the proceeding or a final adjudicatory determination.

19. Miscellaneous Provisions.

19.1 California Law Governs. This Agreement shall be governed by California law.

19.2 Jurisdiction and Venue. In the event of any legal or equitable proceeding to enforce or interpret the terms and conditions of this Agreement, the parties agree that jurisdiction and venue shall lie only in the federal or state courts in or nearest to the North County Judicial District, County of San Diego, State of California.

19.3 Modification. This Agreement may not be altered in whole or in part except by a written modification approved by the Board of Directors of the District and executed by all the parties to this Agreement.

19.4 Attorneys' Fees. In the event any arbitration, action or proceeding is initiated to challenge, invalidate, enforce or interpret any of the terms of this Agreement, the prevailing party shall be entitled to all attorneys' fees, all expert fees and costs, and all litigation fees, costs, and expenses in addition to any other relief granted by law. This provision shall apply to the entire Agreement.

19.5 Entire Agreement. This Agreement, together with all exhibits attached hereto, contains all representations and the entire understanding between the parties with respect to the subject matter of this Agreement. Any prior correspondence, memoranda, or agreements, whether or not such correspondence, memoranda or agreements are in conflict with this

Agreement, are intended to be replaced in total by this Agreement and its exhibits. HAZEN & SAWYER warrants and represents that no District representative has made any oral representations or oral agreements not contained in this Agreement. HAZEN & SAWYER further warrants and represents that HAZEN & SAWYER has not relied upon any oral statements or promises made by any District representative or agent in executing this Agreement. The parties mutually declare that this Agreement and its exhibits constitute a final, complete and integrated agreement between the parties.

19.6 Prohibition on Assignment. HAZEN & SAWYER shall not be entitled to assign or transfer all or any portion of its rights or obligations in this Agreement without obtaining the express prior written consent of the District. The District shall have no obligation to give its consent to any assignment and may deny any requested assignment, in its sole discretion.

19.7 Binding Effect. This Agreement shall inure to the benefit of and be binding upon the parties and on their respective purchasers, successors, heirs and assigns.

19.8 Unenforceable Provisions. The terms, conditions, and covenants of this Agreement shall be construed whenever possible as consistent with all applicable laws and regulations. To the extent that any provision of this Agreement, as so interpreted, is held to violate any applicable law or regulation, the remaining provisions shall nevertheless be carried into full force and effect and remain enforceable.

19.9 Representation of Capacity to Contract. Each party to this Agreement represents and warrants that he or she has the authority to execute this Agreement on behalf of the entity represented by that individual. This representation is a material term of this Agreement.

19.10 Opportunity to be Represented by Independent Counsel. Each of the parties to this Agreement warrants and represents that it has been advised to consult independent counsel of its own choosing and has had a reasonable opportunity to do so prior to executing this Agreement.

19.11 No Waiver. The failure of either party to enforce any term, covenant or condition of this Agreement on the date it is to be performed shall not be construed as a waiver of that party's right to enforce this, or any other, term, covenant, or condition of this Agreement at

any later date or as a waiver of any term, covenant, or condition of this Agreement. No waiver shall occur unless the waiver is expressly stated in writing and signed by the person for the party having the authority to expressly waive the benefit or provision, in writing. No oral waivers shall be effective against either party.

19.12 No Joint Venture and No Third Party Beneficiaries. Nothing in this Agreement is intended to create a joint venture, partnership or common enterprise relationship of any kind between the District and HAZEN & SAWYER. No third parties shall be construed as beneficiaries of any term, covenant or provision of this Agreement.

19.13 Time of Essence. The parties agree that time is of the essence as to all matters specified in this Agreement. The parties mutually declare that this is a material term of this Agreement.

19.14 Notices. All letters, statements, or notices required pursuant to this Agreement shall be deemed effective upon receipt when personally served, transmitted by facsimile machine, or sent certified mail, return receipt requested, to the following addresses or facsimile numbers:

To: "HAZEN & SAWYER"
Hazen and Sawyer
Attn: Kevin Alexander, PE
11290 El Camino Real, Suite 102
San Diego, CA 92130

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

19.15 Effective Date. The effective date of this Agreement executed in counterparts in Encinitas, California, within the North County Judicial District, County of San Diego, State of California, is _____, 2022.

Dated: _____, 2022

Olivenhain Municipal Water District,
a public agency

By: _____
Kimberly A. Thorner
General Manager

Dated: _____, 2022

HAZEN & SAWYER

By: _____

Title: _____

EXHIBIT "A"

OMWD - Design for Stage 4 Centrifuge Addition (Rev 1)					Management					QA/QC					Task Lead					Engineering Support					CAD				
	PIC	T/A	T/A	PM	Pro/Mech	Civil	Elect	I&C	Struct	Pro/Mech	Civil	Elect	I&C	Struct	Pro/Mech	Elect	Cost	I&C	Struct	Pro/Mech	Elect	I&C	Archit	Struct					
	K. Alexander	A. Duke	Gorralsky	S. Ghlu	M. Peterson	T. Yokoyama	A. Miklar	A. Miklar	W. Dressler	B. Melara	A. Lau	C. Portner	M. Burba	J. Berger	V. Funari	A. Lau	M. Burba	A. Buha	J. Berger										
	\$100	\$266	\$211	\$250	\$230	\$250	\$250	\$250	\$230	\$232	\$264	\$222	\$222	\$213	\$119	\$146	\$213	\$151	\$148	\$164	\$146	\$151	\$165	\$148					
TASK 1- PRELIMINARY DESIGN																													
TASK 1.1- Project Management																													
Invoices, budget checks, status reports	\$0		16	\$4,000																									
Subtotal Task 1.1	\$0		16	\$4,000																									
TASK 1.2- Quality Control/Quality Assurance																													
QA/QC BDR	\$0	9	\$2,250	\$2,250																									
Subtotal Task 1.2	\$0	9	\$2,250	\$2,250																									
TASK 1.3- Review Previous Planning Work and Meet with OMWD																													
Site Visit (cont)	\$500	16	\$2,956	\$3,456																									
Documents Review	\$0	44	\$7,254	\$7,254																									
Subtotal Task 1.3	\$500	60	\$10,210	\$10,710																									
TASK 1.4- Prepare Draft Preliminary Design Report																													
Draft PDR	\$150	199	\$33,679	\$33,829																									
Meeting with OMWD	\$0	6	\$1,399	\$1,399																									
Subtotal Task 1.4	\$150	205	\$35,078	\$35,228																									
TASK 1.5- Construction Cost Estimate and Schedule																													
Develop Preliminary Construction Costs	\$0	13	\$2,705	\$2,705																									
Develop Preliminary Constuction Schedule	\$0	9	\$2,213	\$2,213																									
Subtotal Task 1.5	\$0	22	\$4,918	\$4,918																									
TASK 1.6- Prepare Final Preliminary Design Report																													
Final PDR	\$150	22	\$3,956	\$4,106																									
Subtotal Task 1.6	\$150	22	\$3,956	\$4,106																									
TASK 2 - ENVIRONMENTAL DOCUMENTATION AND PUBLIC OUTREACH SUPPORT (N/A)																													
TASK 3 - FINAL DESIGN																													
TASK 3.1- Record Research																													
Complete review of record drawings	\$0	19	\$3,266	\$3,266																									
Subtotal Task 3.1	\$0	19	\$3,266	\$3,266																									
TASK 3.2- Plans and Specifications																													
Project Management	\$0	16	\$4,000	\$4,000																									
QA/QC 50% Submittal	\$0	24	\$6,000	\$6,000																									
QA/QC 90% Submittal	\$0	26	\$6,500	\$6,500																									
QA/QC 100% Submittal	\$0	8	\$2,000	\$2,000																									
Design Review Workshops (3 meetings)	\$300	31	\$6,161	\$6,461																									
Draft 50% Plans and Specs	\$200	227.5	\$37,801	\$38,001																									
Draft 90% Plans and Specs	\$500	235.5	\$39,581	\$40,081																									
Draft 100% Plans and Specs	\$200	161.5	\$26,417	\$26,617																									
Final Plans and Specs	\$200	53	\$8,877	\$9,077																									
Subtotal Task 3.2	\$1,400	783	\$137,337	\$138,737																									
TASK 3.3 - Construction Cost Estimate and Schedule																													
Develop Final Construction Costs	\$0	11	\$2,305	\$2,305																									
Develop Final Construction Schedule	\$0	3	\$745	\$746																									
Subtotal Task 3.3	\$0	14	\$3,051	\$3,051																									
TASK 3.4 - PRE-BID ASSISTANCE (OPTIONAL)																													
Pre-bid meeting	\$0	20	\$4,656	\$4,656																									
Technical Questions Support (Up to 3)	\$0	12	\$2,322	\$2,322																									
Subtotal Task 3.4	\$0	32	\$6,978	\$6,978																									
TASK 3.5- ENGINEERING SERVICES DURING CONSTRUCTION (OPTIONAL)																													
Field Meeting (3)	\$900	44	\$8,628	\$9,528																									
Submittal Review (Up to 3)	\$0	23	\$5,028	\$5,028																									
Request for Information (Up to 3)	\$0	14	\$3,027	\$3,027																									
Potential Change Orders (up to 2)	\$0	17	\$3,723	\$3,723																									
Subtotal Task 3.5	\$900	98	\$20,406	\$21,306																									
ODC																													
Hours																													
Labor																													
Total																													
Task 1 - Preliminary Design	\$800	334	\$60,411	\$61,211																									
Task 3 - Final Design	\$1,400	816	\$143,654	\$145,054																									
Total Tasks 1 and 3	\$2,200	1149	\$204,065	\$206,265																									
Optional Tasks 3.4 and 3.5	\$900	130	\$27,384	\$28,284																									

OMWD - Design for Stage 4 Centrifuge Addition (Rev 1)	Weeks	2022								2023		
		May	June	July	August	Sept	Oct	Nov	Dec	Jan	Feb	March
		1	2	3	4	5	6	7	8	9	10	11
TASK 1- PRELIMINARY DESIGN	14											
TASK 1.1- Project Management	14											
TASK 1.2- Quality Control/Quality Assurance	1											
TASK 1.3- Review Previous Planning Work and Meet with OMWD	4											
TASK 1.4- Prepare Draft Preliminary Design Report	8											
TASK 1.5- Construction Cost Estimate and Schedule	2											
OMWD PDR Review	2			*								
TASK 1.6- Prepare Final Preliminary Design Report	2											
TASK 2 - ENVIRONMENTAL DOCUMENTATION AND PUBLIC OUTREACH SUPPORT (N/A)	N/A											
TASK 3 - FINAL DESIGN	28											
TASK 3.1- Record Research	2											
TASK 3.2- Plans and Specifications	28											
Project Management	28											
Draft 50% Plans and Specs	8											
OMWD Review 50%	2					*						
Draft 90% Plans and Specs	8											
OMWD Review 90%	2							*				
Draft 100% Plans and Specs	4											
OMWD Review 100%	2									*		
Final Plans and Specs	2											
TASK 3.3 - Construction Cost Estimate and Schedule	3											
TASK 3.4 - PRE-BID ASSISTANCE (OPTIONAL)	6											
TASK 3.5- ENGINEERING SERVICES DURING CONSTRUCTION (OPTIONAL)	40											

Legend:

	OMWD Review Period with Workshop
	Hazen Work Development
	Overall Schedule Per Task

EXHIBIT "B"

Olivenhain Municipal Water District

Request for Additional Work

(Includes Authorization to Perform Additional Services and Inter-Task Transfers)

Consultant name _____ Request # _____

Project name DCMWTP Stage 4 Centrifuge Addition Project Date Required _____

Project Task	Current Budget	Change	Revised Budget
			\$0.00
			\$0.00
			\$0.00
Total Contract Change Amount		\$0.00	\$0.00

Original Project Budget	_____
Prior requests approved	_____
This request	\$0.00
Revised Project Budget	_____

Reason for requested change(s). please attach supporting documentation

Signature of consultant representative _____ Date _____
e-mail _____**Email the completed form to tgarnica@olivenhain.com or mail to 1966 Olivenhain Rd., Encinitas, CA. 92024**

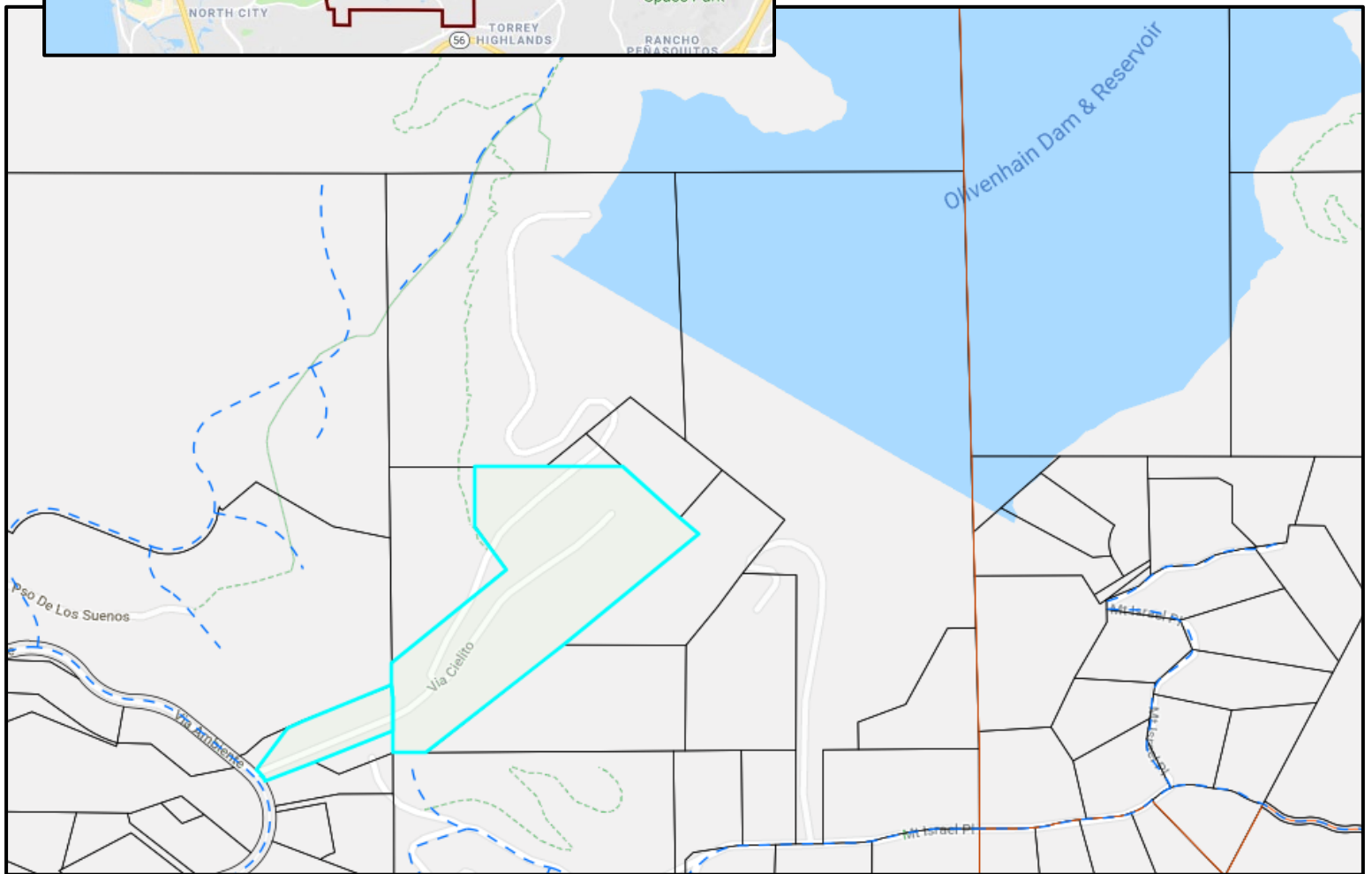
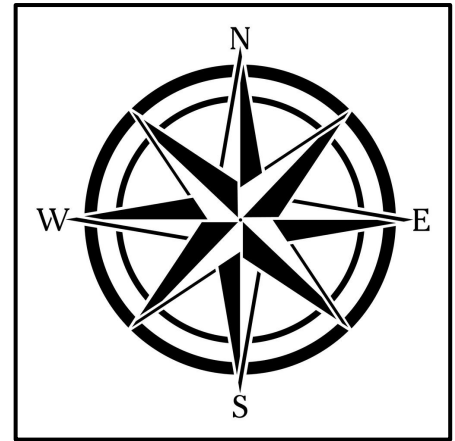
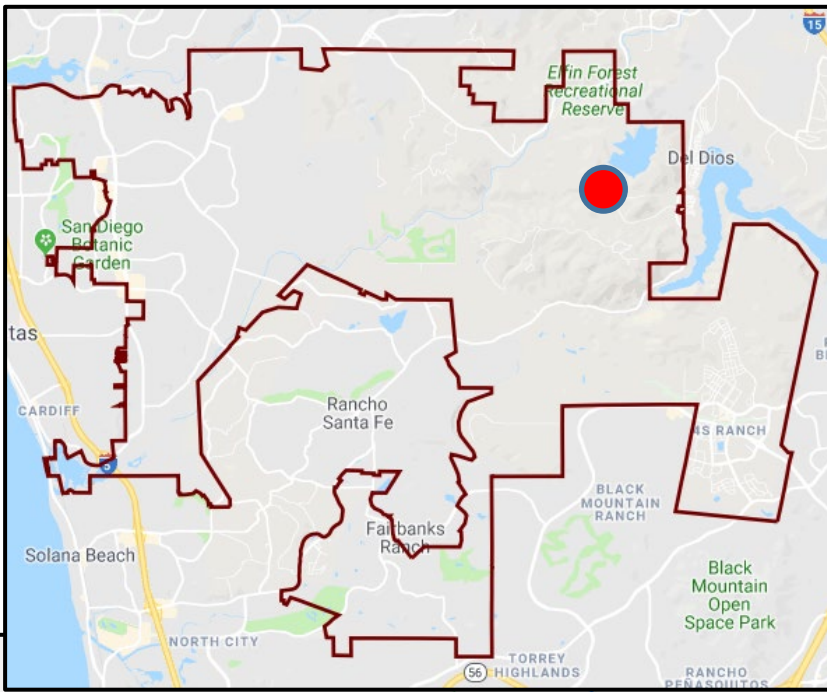
OMWD use only below this line

Approved by _____ Date _____

D120096 _____ 22AGRXXX
Workorder number(s) to charge _____ OMWD Record No.**Original to General Manager**☐

Copies to

Originating Dept. ☐Consultant ☐Project Acct ☐



**DAVID C. MCCOLLOM WATER TREATMENT PLANT
FOURTH STAGE CENTRIFUGE ADDITION PROJECT**

DISTRICT PROJECT NO. D120096

Memo

Date: May 18, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Geoff Fulks, Operations Manager
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER APPROVAL OF AMENDMENT NO. 1 TO CANYON HYDRO IN THE AMOUNT OF \$200,375 FOR CHANGES TO THE DAVID C. MCCOLLOM WATER TREATMENT PLANT ENERGY RECOVERY TURBINE REHABILITATION PROJECT, APPROPRIATE \$200,000 TO THE PROJECT BUDGET, AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT**

Purpose

The purpose of this agenda item is to consider approval of Amendment No.1 (A#1) to the agreement with Canyon Hydro in the amount of \$200,375 for changes required due to unforeseen conditions on the David C. McCollom Water Treatment Plant (DCMWTP) Energy Recovery Turbine (ERT) project, appropriate \$200,000 to the project budget, and authorize the General Manager to sign on behalf of the Olivenhain Municipal Water District (OMWD).

Recommendation

Staff recommends approval of the amendment, appropriation to the project budget in the amount of \$200,000, and authorization for the General Manager to sign on behalf of OMWD.

Alternatives

The current agreement and proposed A#1 include costs for the repair of both energy recovery turbines. Due to operational constraints, only one turbine is removed and refurbished at a time. As an alternative, the Board could choose to authorize funds only for the turbine currently being refurbished at Canyon Hydro (ERT-123) and allocate funds for the second turbine refurbishment after it has been removed and inspected (Fall 2022) when a more complete determination of internal repairs can be completed. The Board could also direct staff as otherwise deemed appropriate.

Background

OMWD owns and operates the DCMWTP, located in Director Division 4 (Bruce-Lane), which provides the majority of treated drinking water to its customers. The DCMWTP was constructed in 2000 at an original capacity of 25 Million Gallons a Day (MGD). In 2006, improvements were constructed which increased the capacity to 34 MGD and added process improvements for water quality and energy efficiency. LT2 upgrades as required by the State, which included the installation of two new energy recovery turbine /generator sets that utilize incoming hydraulic head pressure to generate electrical energy for use at the plant, were completed in 2013. Designed, fabricated and installed by Canyon Hydro, these turbine and generator sets have been in place and operating continuously since 2013.

Limited internal inspections conducted in late 2020 by Canyon Hydro showed that while the ERTs appeared to be in decent condition, internal wetted surfaces showed significant corrosion and should be reconditioned. Additionally, other internal parts such as the mechanical seals, turbine bearings, and bushings were showing signs of wear and should be replaced during the rehabilitation process for the turbines to continue operating at peak efficiency.

In January 2022, the Board approved an agreement with Canyon Hydro for the refurbishment of both turbine sets. ERT-123 was removed and shipped to their facility on March 22, 2022. On April 22, 2022, OMWD received an inspection report from Canyon Hydro indicating significant wear and corrosion on the internal components of ERT-123 which were not apparent during the December 2020 inspection. According to Canyon Hydro, the vast majority of the wear and degradation is the result of an interaction between the chlorinated water and the carbon steel components internal to the unit. The corrosion is severe enough to require the complete replacement of the turbine headcover

and baseplate components which showed both corrosion and cracking. A copy of the inspection report is attached.

Fiscal Impact

The energy recovery turbines are an integral cost savings component of the DCMWTP operations. The turbines generate an average of 325 megawatt hours (MWh) per month resulting in cost savings of over \$1.1M per year in energy costs.

Is this a Multi Fiscal Year Project? **Yes**

In which Fiscal Year did this project begin? **FY 20-21**

Total Project Budget: **\$600,000**

Current Fiscal Year Appropriation: **\$480,000**

Target Project Completion Date: **6/30/23**

Expenditures and encumbrances as of May 10, 2022: **\$458,735**

Is this change order within the appropriation of this fiscal year? **No**

If this change order is outside of the appropriation, Source of Fund: **Capital Reserve Fund**

Discussion

The Energy Recovery Turbines (ERTs) were designed, fabricated, and installed by Canyon Hydro in 2013 as part of the LT2 Improvement Project. As such they have unique equipment specific knowledge of the turbine and generator internal components and have first-hand experience with OMWD's turbines. Based on their inspection results, Canyon Hydro is recommending that many of the severely corroded components in the turbine be replaced with components fabricated from stainless steel. This will greatly reduce the corrosion of internal components. Based on their experience with similar units, Canyon Hydro has opined that replacement of the internal components as recommended in their inspection report will result in an increased life cycle between

overhauls to as much as 15 years with future repair activities also being less intensive due to anticipated reduced corrosion.

During the removal of ERT-123 it was discovered that the 30" inlet pipeline and the turbine unit were offset and out of alignment by several inches. This resulted in a situation during the ERT removal in which the 30" inlet control valve body cracked and requires replacement. Subsequent investigation after the ERT was removed indicates that the pipeline and valve have been under stress since they were originally installed in 2013. During reinstallation of ERT-123, the inlet pipeline will need to be cut and realigned to match with the turbine inlet. The cost of a new valve, reinstallation, and pipeline realignment (\$35,000 estimated) is included in the requested appropriation to the budget.

ERT-123 is currently anticipated to be returned and reinstalled at the DCMWTP in mid July 2022. ERT-124 will be removed for refurbishment in Fall 2022. The costs included in this change order request include the replacement of internal components for ERT-124 with stainless steel as the internal condition of ERT-124 is anticipated to be similar to that discovered in ERT-123.

Staff recommends approving the amendment with Canyon Hydro and appropriating \$200,000 to the DCMWTP Energy Recovery Turbine project. Staff is available for any questions.

Attachment(s):

Amendment No.1

April 18, 2022 Canyon Hydro Inspection Report

Integrated Power Services Inspection Report

EXHIBIT "B"

**Olivenhain Municipal Water District
Request for Additional Work**

(Includes Authorization to Perform Additional Services and Inter-Task Transfers)

Consultant name Canyon Hydro Request # 1

Project name DCMWTP ERT Rehabilitation Date Required 06.01.2022

Project Task	Current Budget	Change	Revised Budget
Replacement of internal components for ERT 123 & 124	\$383,072.00	\$200,375.00	\$583,447.00
			\$0.00
			\$0.00
Total Contract Change Amount		\$200,375.00	\$200,375.00

Original Project Budget	\$383,072.00
Prior requests approved	\$0.00
This request	\$200,375.00
Revised Project Budget	\$583,447.00

Reason for requested change(s). please attach supporting documentation

Brett Bauer
Signature of consultant representative

5/2/22

Date

e-mail brett.bauer@canyonhydro.com

Email the completed form to cbarrow@olivenhain.com or mail to 1966 Olivenhain Rd., Encinitas, CA. 92024

OMWD use only below this line

Approved by _____

Date _____

D120115

Workorder number(s) to charge _____

22AGR006

OMWD Record No. _____

Original to General Manager

☐

Copies to

Originating Dept. ☐

Consultant ☐

Project Acct ☐



May 05, 2022

Mr. George Breist
G. Briest Consulting, Inc.
San Diego, CA 92117
(619) 851-5918

Dear George,

After our tear down and inspection of OMWD's energy recovery turbine #123, it was determined that the level of corrosion we found throughout was more significant than what was visible during the 2020 onsite inspections. The headcover, bottom plate, and cartridges are not recommended that they be put back in service due to their level of degradation, and we feel repairing them would be very costly and not practical.

We believe a major factor in the accelerate corrosion can be attributed to the presence of chlorine in the water. With that, the following are modifications & repairs, beyond the base proposal, that we are recommending be done to both turbines. These repairs are not only to correct the damaged parts, but also increase the internal and external corrosion resistance, prolonging the life of the turbines.

Turbine Repairs & Modifications

- Replace all wicket keyless bushings (BLOCS) with new units that are coated with thin, dense chrome.
- Replace all carbon steel threaded ports on the turbine spiral case with 316L stainless steel ports.
- Replace all carbon steel clean out covers with new ones made from 304L stainless steel.
- On the steel cleanout bases, wrap the 3M Scotchkote coating up onto the mating/sealing face.
- Apply the 3M Scotchkote coating to the upper and lower most faces of the removable draft tube. Coat the face that mates to the bottom plate with epoxy.
- Manufacture new draft tube slip rings from 304L stainless steel.
- Manufacture new headcover and bottom plates from 316L stainless steel.
- Manufacture new upper and lower wear bands from 17-4PH stainless steel.
- Manufacture new upper and lower wicket gate bearing cartridges from Vesconite Hilube thermopolymer material.
- Manufacture new mechanical seal throat rings from Vesconite Hilube thermopolymer material.

Cost adder for the above mentioned repairs, for both units, is **\$181,775**.

In addition to the turbine repairs, there was additional damage found in the generator during disassembly. It is recommended that this damage be repaired to maintain the life of the unit.

Generator Repairs & Modifications

- Repair the DE bearing housing by machining the bore and installing a hardened sleeve.
- Replace the DE main shaft labyrinth seal (Inpro/Seal).

- Replace the DE sight glass.
- Install a 17-4PH stainless steel sleeve onto the lower portion of the shaft (where the runner connects) to restore the surface condition.

Cost adder for the above mentioned repairs, for both units, is **\$18,600***.

*The above cost would cover the same scope of repairs for both ERT123 & ERT124, as it is assumed that ERT124 is in the same condition. If additional repairs are found and required during the inspection, they will be quoted at the time.

We expect all the the above mention modifications to add 4-5 weeks to the overall project schedule.

Please contact me with any questions.

Best Regards,



Mike Hansen
Project Engineer
Canyon Hydro
360-592-5552



223008 OLIVENHAIN ERT-123 REHABILITATION

As-Found Inspection Report



Job Name Olivenhain MWD ERT-123

Job No. 22-3008

Customer PO WO D120115

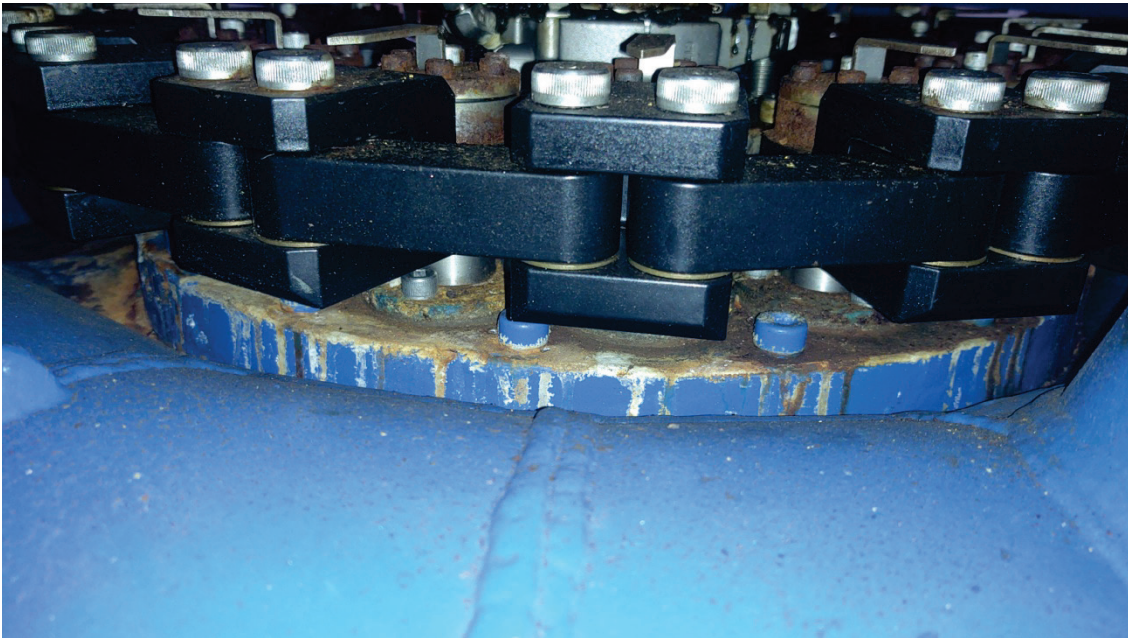
Date 4/18/2022

Revision 0

Inspection Report

Page 2 of 31

As-Received Overview





Job Name	Olivenhain MWD ERT-123
Job No.	22-3008
Customer PO	WO D120115
Date	4/18/2022
Revision	0

Inspection Report

Page 3 of 31



The mechanical shaft seal had a fair amount of grease stuck to it, which could be a sign of over-greasing of the lower bearing, or a failed seal. We also noted signs of upper bearing oil on the turbine housing and the underside of the generator. We will do a further inspection on the generator to look for signs of failed seals.

Any uncoated surfaces that aren't stainless had significant corrosion and should be replaced.



Job Name Olivenhain MWD ERT-123

Job No. 22-3008

Customer PO WO D120115

Date 4/18/2022

Revision 0

Inspection Report

Page 4 of 31

Turbine Runner





Job Name Olivenhain MWD ERT-123

Job No. 22-3008

Customer PO WO D120115

Date 4/18/2022

Revision 0

Inspection Report

Page 5 of 31





Job Name	Olivenhain MWD ERT-123
Job No.	22-3008
Customer PO	WO D120115
Date	4/18/2022
Revision	0

Inspection Report

Page 6 of 31



Comments / Recommendations

Overall, the runner is in good condition and showed little signs of wear and cavitation. The red discoloration is likely from rust staining coming from the headcover corrosion.

The suction side of the blades have small rough patches of raised bumps that have developed over time. They don't present any structural concerns, but are not ideal for flow dynamics. These can be polished away without removing any blade material.

A dye penetrant inspection was done and no relevant indications were found. The full dye pen report can be provided in the dose out documents.

The runner is suitable to return to service.



Job Name	Olivenhain MWD ERT-123
Job No.	22-3008
Customer PO	WO D120115
Date	4/18/2022
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Turbine Housing / Spiral Case





Job Name Olivenhain MWD ERT-123

Job No. 22-3008

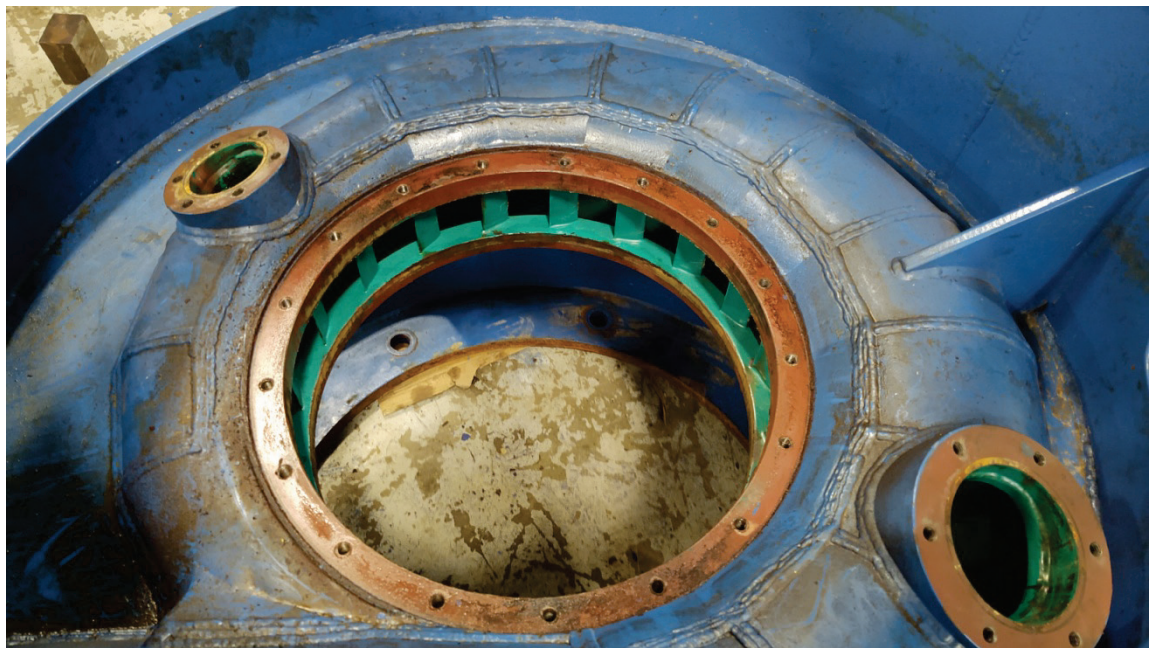
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Comments / Recommendations

The exterior of the turbine housing was in decent condition. It has minor scuffs and scratches and typical wear and tear, but overall did not have any notable issues. The entire exterior will be blasted and recoated with Amerlock 2 epoxy.

The interior coating showed a moderate level of degradation and corrosion. This is likely being accelerated by the presence of chlorine. There are blisters starting to form on the inlet portion of the spiral case and some of the stay vanes have debris/rock impact damage. All the threaded ports on the spiral case are beginning to rust internally. This is expected as it's not practical to get coating down into the actual threads.

Once the unit has been blasted, we will perform a closer inspection of the weld joins and structural members to look for any relevant indications. We will perform minor weld repairs to the leading edges of the stay vanes to return them to OEM profile.

We don't expect to make any changes to the type of internal coating, but have started a conversation with 3M to review if the Scotchkote is still the best choice for this application. We have provided them with some paint samples for testing and the OMWD agreed to provide water samples.

As described in our December 2021 proposal, we recommend some additional modification be performed to reduce the amount of uncoated steel and help prolong the life of the machine. These are summarized below and the costs are included in "**Cost Adder #1**" at the end of the report.

¹To combat the corrosion in the threaded ports, we are recommending replacing all the steel ports with stainless steel.

¹For each of the clean out covers, we suggest cutting off the steel cap and replacing it with stainless. The wet surface inboard of the o-ring would then be recoated with the Scotchkote. The stainless will prevent corrosion from forming outboard of the o-ring around the bolt holes.

¹On the steel cleanout bases, we would wrap the Scotchkote up onto the mating/sealing face. We can use Scotchkote on these faces since its application is similar to that of powder coating, which creates an impervious bond to the base metal. We don't advise using epoxy paint here as there is risk that the water can tunnel under the coating, causing leaks.



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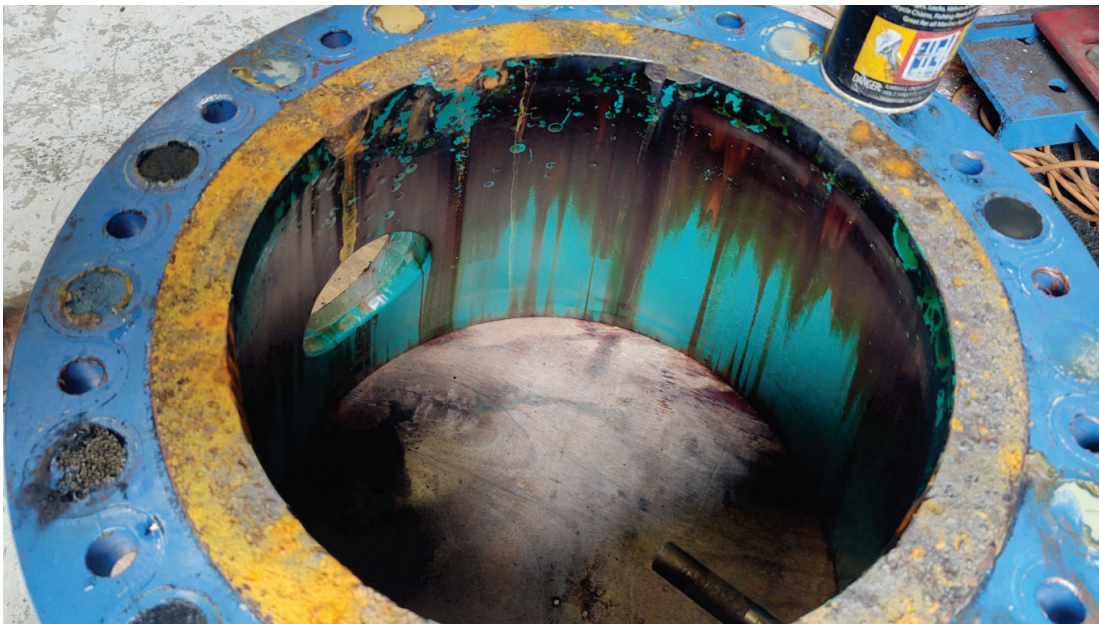
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Removable Draft Tube





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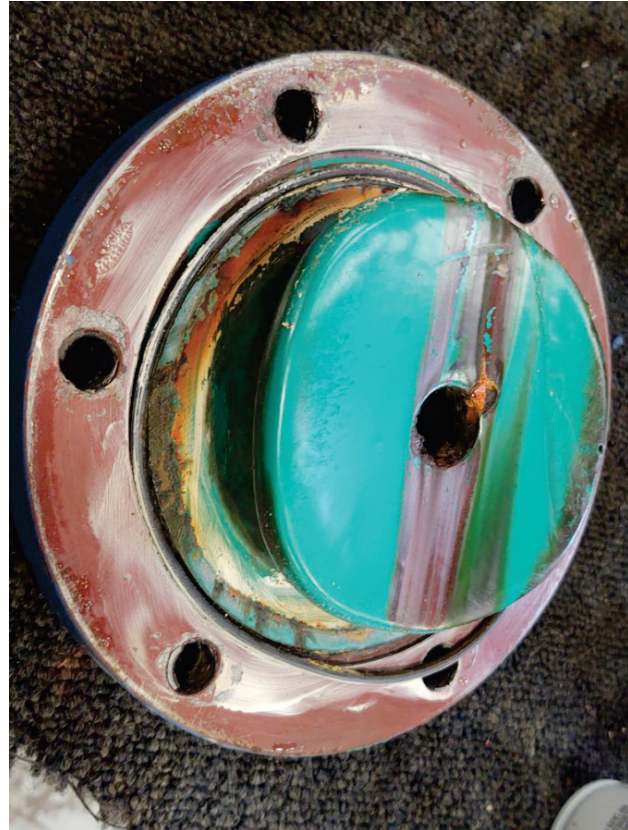
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Comments / Recommendations

The removable draft tube is in similar condition as the spiral case, showing moderate levels of corrosion and degradation to the bare surfaces. The face of the draft tube immediately down stream of the runner is heavily pitted and corroded. These surfaces were originally coated with primer and have since been removed by the chlorine, exposing bare steel. Overtime, this has allowed water to work its way under the coating, causing the chips and blisters as shown. The red discoloration is likely from rust staining.

After the draft tube is blasted, a closer inspection of the welds and surface condition will be done to look for any relevant indications. We will perform minor weld repairs to largest areas of pitting to help restore the discharge surfaces. Upon completion of repairs, the draft tube will be recoated.

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As with the spiral case, we recommend some additional modification be performed to reduce the amount of uncoated steel. These are summarized below and the costs are included in **"Cost Adder #1"** at the end of the report.

¹ Apply the Scotchkote to the upper and lower most faces, which are currently primer/bare. For the face that mates to the bottom plate, we would machine a small relief into the face, up to the o-ring diameter. This would allow us to add some coating to the portion outboard of the o-ring, without interfering with the alignment of the draft tube.

¹ Replace the draft tube slip rings (currently still installed onsite) with new ones manufactured from 304L stainless steel. This will remove two additional surfaces that are subject to corrosion.



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Generator Shaft



Comments / Recommendations

The generator shaft showed considerable amounts of corrosion and pitting primarily in the areas in contact with the water. The worst areas being that just below the mechanical seal exhibiting pitting upwards of 0.07" deep. The areas above the mechanical seal will be cleaned up and painted. Currently there are two feasible options for repair for the corroded area:

- Machine the shaft undersized and press on a stainless shaft sleeve. The sleeve OD would be machined back to OEM dimensions.
- Perform an overlay of stainless through a thermal spray process, which would fill the pitting and provide a stainless layer to prevent future corrosion.

We have engaged US Motors to comment on an acceptable repair option.

The full generator inspection is still underway and the report will be provided upon completion.



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Mechanical Seal



Comments / Recommendations

The mechanical seal overall is in good condition. The main housing and rotary holder are made from stainless and showed little signs of wear and corrosion. There was minor staining of the faces that contacted the water, but were easily cleaned. These components are suitable to be put back in service.

The ceramic stationary and rotary faces didn't appear to be worn or chipped, but were packed with rust and debris from the generator shaft. These, along with all the seals and o-rings in the seal will be replaced during reassembly.



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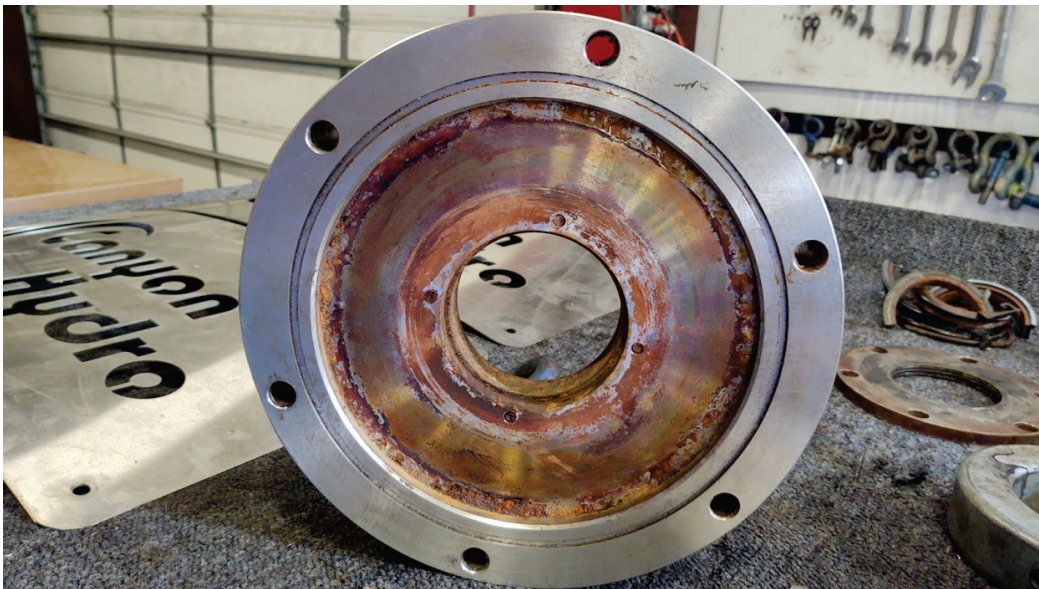
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Mechanical Seal Mount & Runner Seal Plate





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Comments / Recommendations

The mechanical seal mount plate and runner seal plate are in good condition. The rust and grease stains were easily cleaned off revealing little signs of wear. These are suitable to be returned to service.

²The bronze throat ring is starting to show signs of erosion, similar to what's present on the other bronze parts. It is recommended that these get replaced using a thermopolymer bearing material, such as Vesconite or Thordon. The costs associated with replacement are described in "**Cost Adder #2**" at the end of the report.



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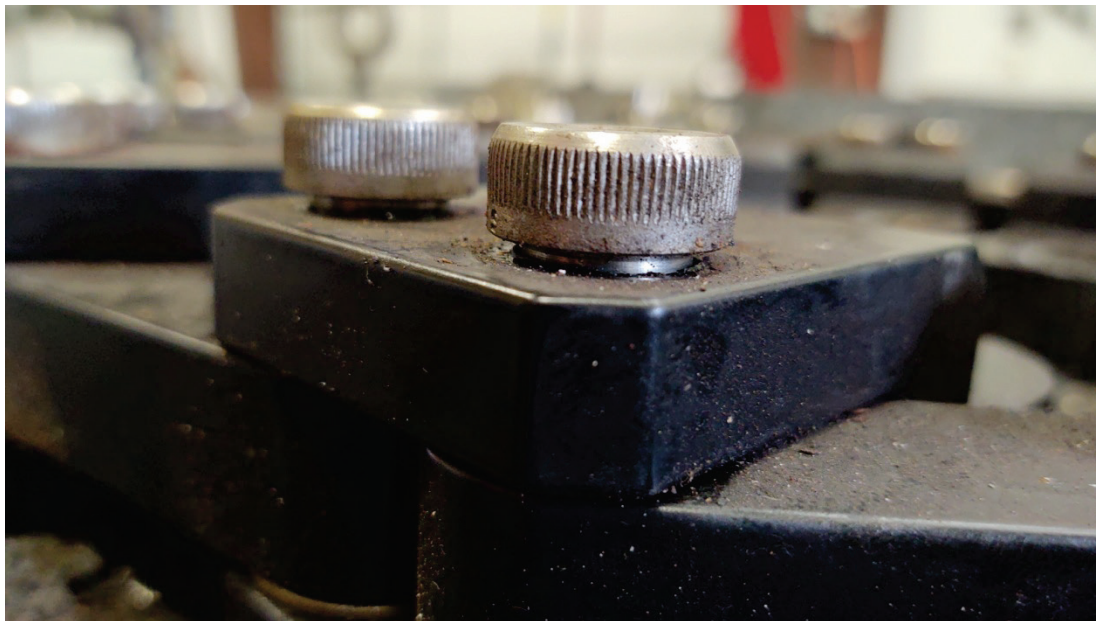
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Wicket Gate Linkage





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Comments / Recommendations

During the initial inspection, it was noted that several of the linkage pins were loose and could be unscrewed by hand.

The powder coating on the lever arms is chipped around most of the pin holes, allowing the base metal to rust. All the arms will be blasted and re-powder coated. There was also a minor amount of corrosion on the ID surfaces just below the wicket gate keyless bushings. The rust will be removed and a coat of paint will be applied to these surfaces after final assembly, to protect the exposed bare steel. The link coating was in good shape and will not need re-coating.

The stainless transfer link pins show a minor amount of wear through the bearing journal and will be replaced. The link bushings measured .002"-.004" out of round, suggesting wear from the pins. These will be replaced along with the bronze thrust washers.



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Wicket Gate Keyless Bushings



Comments / Recommendations

The current wicket gate keyless bushings (Blocs) are Fenner's standard steel finish and are heavily corroded. These will be replaced with new, standard Blocs under the base scope.

¹To increase the corrosion resistance against the chlorinated environment, Fenner is recommending these be replaced with new units that are coated with thin, dense chrome. This would include both the body and the tensioning screws. The adder to upgrade to the thin dense chrome is included in "**Cost Adder #1**" at the end of the report.



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Wicket Gate Cartridges





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Comments / Recommendations

The ends of the bronze cartridges that are exposed to the flow path are heavily eroded. It's not recommended that these be put back into service and repairs would not be practical.² The adder to replace these is included in "**Cost Adder #2**" at the end of the report.

The dry portion of the cartridges look to be in decent condition, with the exception of the flange on the headcover cartridges. These have a fair amount of corrosion developing.

The Teflon bearings inside the cartridges show signs of wear and a few show signs of galling to the wicket gate stems.

The lip seals and o-rings have some standard wear but don't show any signs of failure. All seals and o-rings will be replaced.



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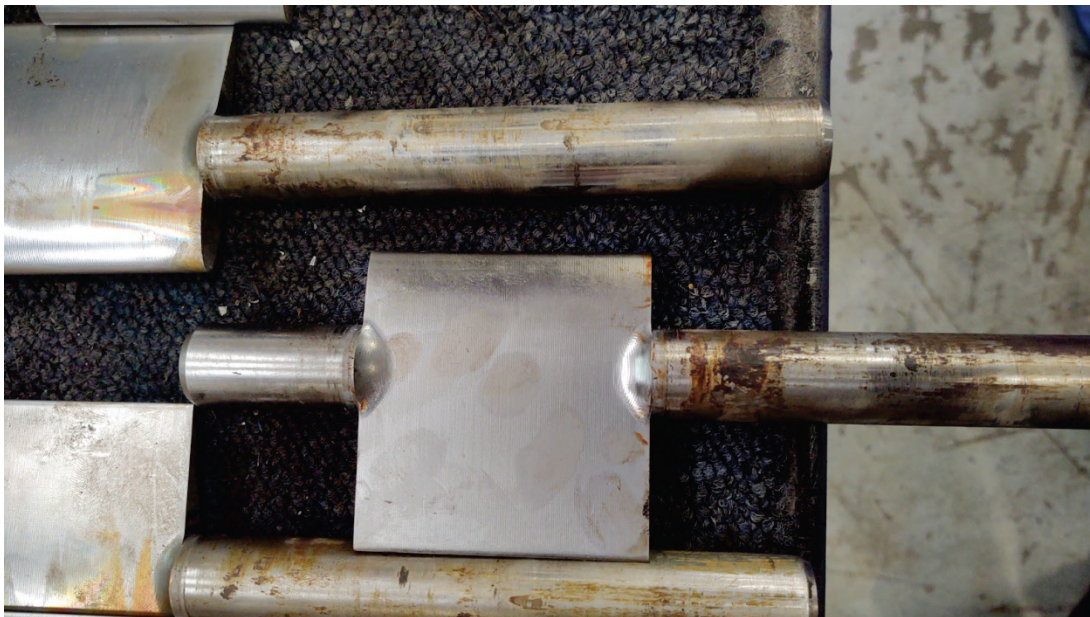
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Wicket Gates

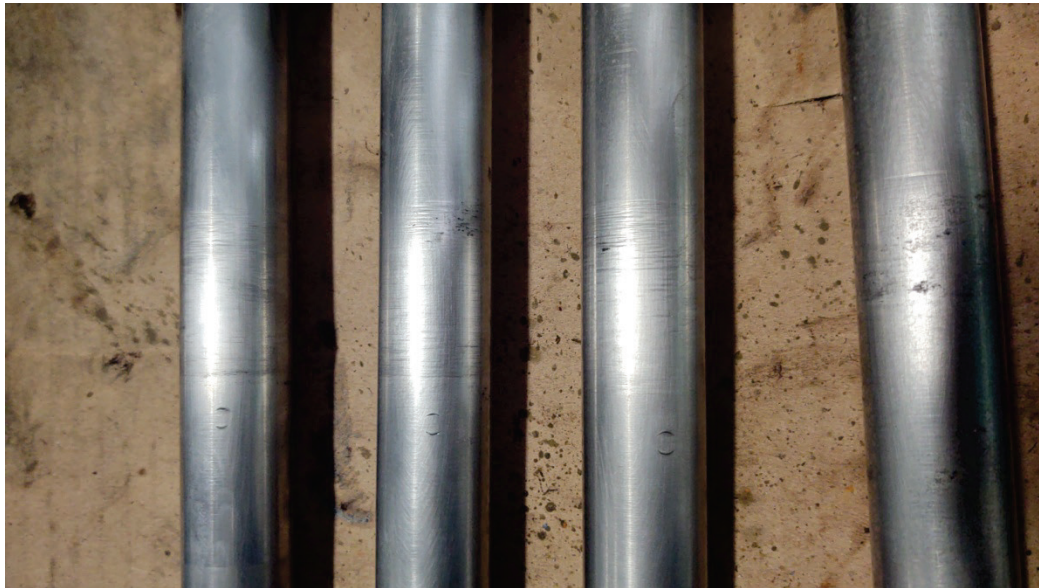




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Comments / Recommendations

Overall the wicket gates are in good condition. There is no wear or cavitation visible on the hydraulic profiles and the OEM machine marks are still visible.

The stems show minor wear in the areas where the lip seals ride and also in the portion of the shaft where the upper bearings ride. There are signs that some of the Teflon bearings may have been galling to the shafts. It doesn't appear that any of the locking devices have been slipping.

The worn areas are still in tolerance. Once the stems are cleaned and polished, the gates can be put back in service.



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Head Cover





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Comments / Recommendations

The headcover is poor condition and it is not recommend that it goes back in service. The bare steel areas that surround the top of the runner are heavily corroded and pitted. The exterior epoxy coating has flaked off and the underlying base metal is also rusting.

The bronze overlay on the cheek plates its exhibiting accelerated erosion and has multiple locations of cracking between the wicket gate holes. Repairs to this area are not practical as it would require welding, which would warp the headcover. The loss of material off of the cheek plates has likely increase leakage past the wicket gates, resulting in higher no-load speeds during start up.

The bronze wear band also shows significant erosion and the retaining setscrews are starting to be exposed.

²The recommendations for replacement and associated costs are included in "**Cost Adder #2**" at the end of the report.



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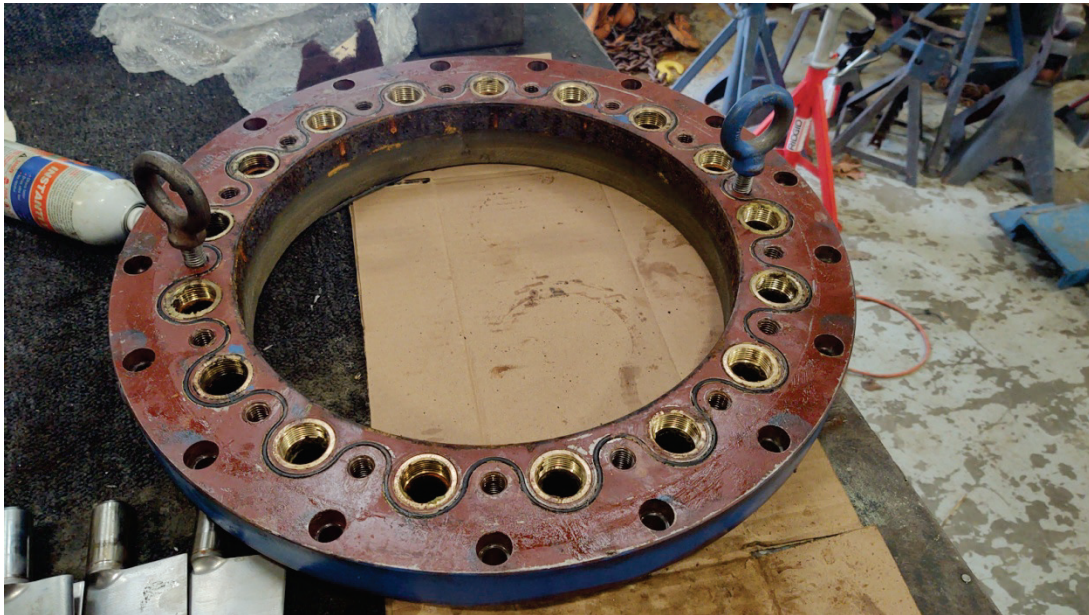
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Bottom Plate





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Comments / Recommendations

Like the headcover, the bottom plate is also in poor condition. Similarly, it is not recommend that it goes back in service. The bare steel of the bore, which locates the draft tube, is heavily corroded and pitted. The exterior epoxy coating is in marginal shape and doesn't appear to be flaking off.

The bronze overlay on the cheek plates its exhibiting accelerated erosion and has multiple locations of cracking between the wicket gate holes. Repairs to this area are not practical as it would require welding, which would warp the bottom plate. The loss of material off of the cheek plates has likely increase leakage past the wicket gates, resulting in higher no-load speeds during start up.

The bronze wear band also shows significant erosion and the retaining setscrews are starting to be exposed.

²The recommendations for replacement and associated costs are included in "**Cost Adder #2**" at the end of the report.



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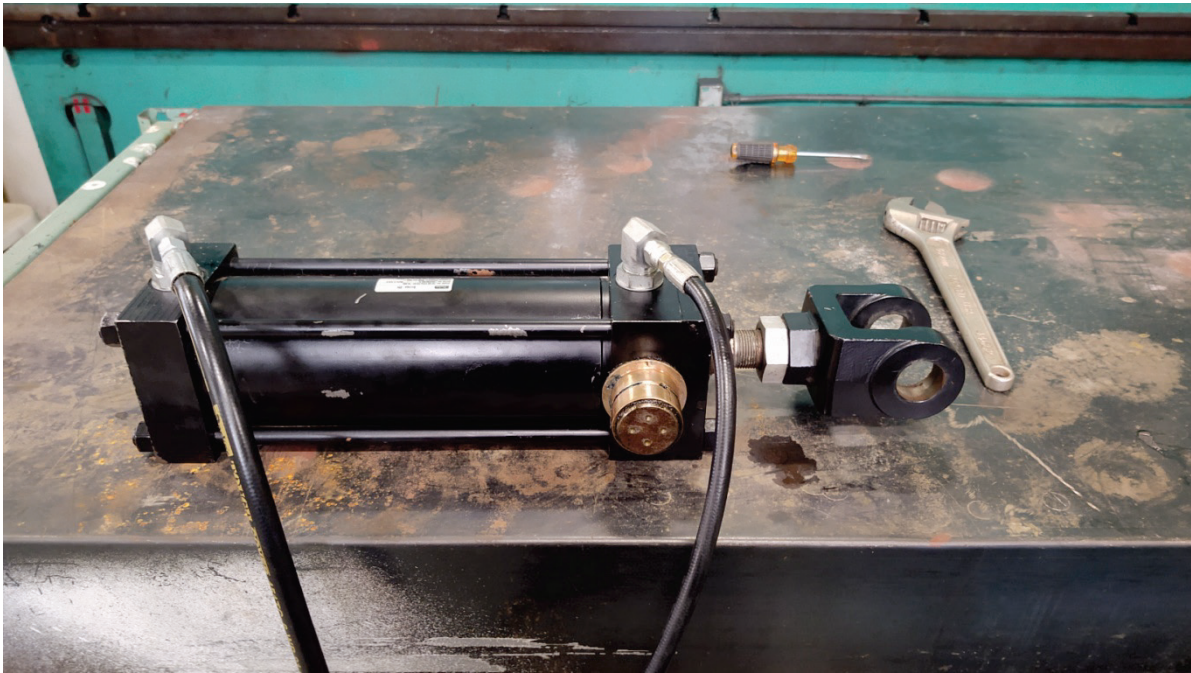
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Wicket Gate Actuator

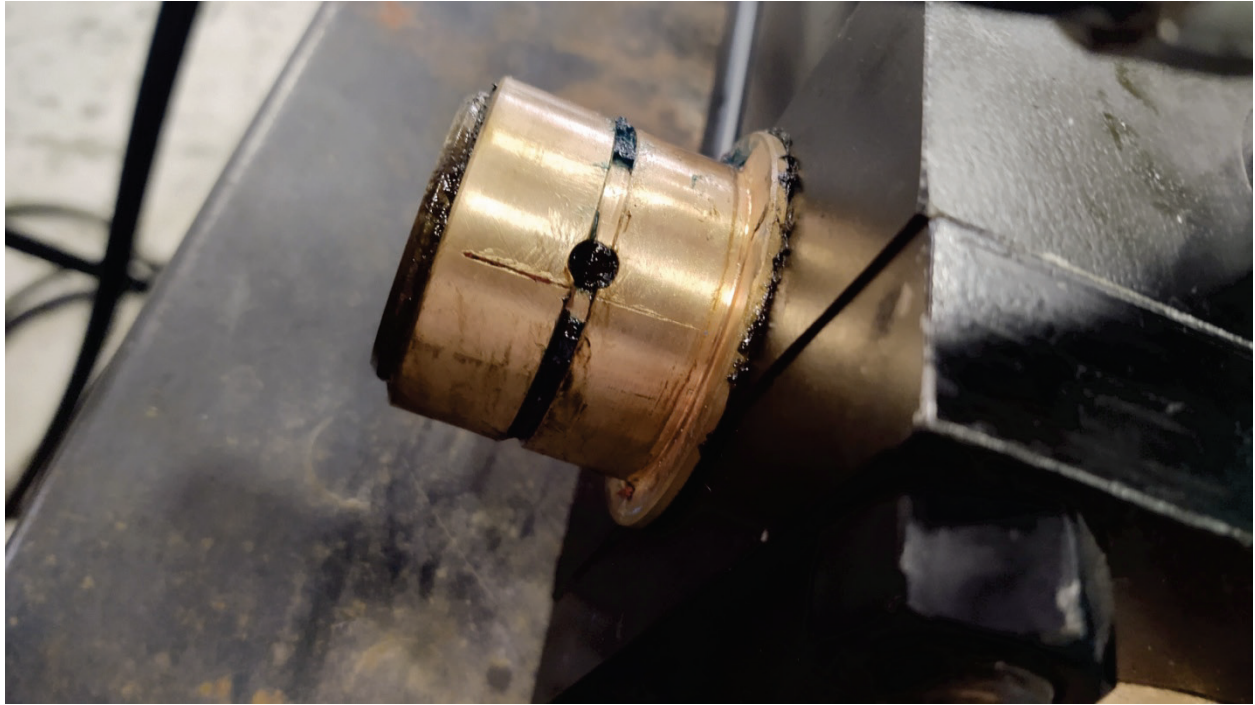




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Comments / Recommendations

The wicket gate actuator was pressure tested to 1600psi, on both the rod and non-rod sides, to check for piston leakage as well as external leaks. None were noted so the cylinder will be returned to service as found. Spare piston and rod seal kits can be supplied upon request.

The trunnion bushings have minor damage to the ODs and light wear on the bores. These will be replaced.

The clevis bore showed light wear and surface rust, but is suitable to return to service.

The clevis pin showed light wear in the journal that rides in the main actuator arm bushing, but is suitable to return to service. The main lever arm bushing will be replaced.



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Additional Recommendations and Costs

The level of corrosion we found throughout the turbine was more significant than what was visible during the 2020 onsite inspections. With that, the following are proposed modifications/repairs beyond the base proposal that we are recommending.

Recommendation #1

Based on the level of corrosion that was found on the bare steel surfaces, as well as some of the coated surfaces, it is our recommendation to implement the additional coating modifications as proposed in our December 2021 proposal, and also described throughout the report. We feel these few practical changes (in combination with Recommendation #2) could reduce the internal and external corrosion by about 75%, prolonging the life of the turbines.

¹ Cost Adder #1 for the corrosion modification as described throughout is **\$48,000**. This covers both units.

In lieu of the modifications recommended for the removable draft tubes, a pair of new draft tubes manufactured from 304L stainless steel could be provided for \$32,500. If the stainless draft tubes are preferred, then the noted modifications would be backed out of cost adder #1, and remaining modifications would be charged accordingly.

Recommendation #2

The headcover, bottom plate, and wicket gate cartridges are not recommended that they be put back in service. After a thorough review with a metallurgist, it is our determination that the accelerated erosion on the bronze components is likely due to galvanic corrosion as a result of the chlorinated environment. The chlorine appears to be attacking the aluminum elements in the bronze structure, but not bothering the stainless.

After reviewing available higher corrosion resistant bronze materials, it's not quantifiable how much longer service life would be obtained by switching bronze grades. Repairs to these components would also be challenging and costly, therefore, we are proposing the following changes:

- Manufacture new headcover and bottom plates from 304L stainless. This would eliminate the need for any bronze overlay on the cheek (facing) plate areas. The hardness differential between the wicket gates and headcover would be far enough apart that there would be no concerns of galling. Stainless will also eliminate any concerns of corrosion on the coated/bare steel areas.



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- Manufacture new upper and lower wear bands from 17-4PH stainless, which is a highly corrosion resistant stainless steel. The hardness would exceed that of the runner to ensure no galling.
- For the wicket gate cartridges, we are proposing eliminating the bronze all together and making them entirely out of a thermopolymer bearing material. We are recommending a product called Vesconite. This material is a low friction, no-swell, grease-free thermopolymer bearing that has been tested at up to 3ppm of chlorine concentration. Additionally, we were seeing some galling between the wicket gate shafts and the current Teflon lined wicket gate bushings. We feel switching to this Vesconite material will resolve that issue as well. We could also use a more commonly known material, such as Thordon, but it does carry a slightly higher cost and lead time.
- It is recommended that the bronze throat rings also be replaced with the Vesconite bearing material.

² Cost Adder #2 for replacement parts as described above is **\$133,775**. This covers both units.

The stainless and polymer materials have a much shorter lead time (as little as 3 weeks) compared to any of the available bronze materials, which vary from 8-10 weeks. We feel the above approach will not only provide better long term corrosion protection, but also get the unit back in service quicker.

The above mention modifications are expected to add 4-5 weeks to the overall project schedule.

END OF DOCUMENT



5500 Blue Heron Lane | Deming, WA 98244
1-360-592-5552 | www.canyonhydro.com

DATE RCVD: 2/23/2022	CUSTOMER: CANYON INDUSTRIES INC	JOB #: 026417
CUST TAG:	PO#: 9167-223008	CAT#: N/P
SERIAL#:	MFG: NIDEC	HP: 373HP
VOLTS: UNK	ENCL: ODP	FRAME: UNKNOWN
MODEL#:	DUTY: CODE:	AMPS:
TYPE:	INS:	DESIGN:
SF:	AMB:	DIMENSIONS:
CERT TYPE: N/P	CERT#: N/P	CLASS 1/GRP:
		CLASS 2/GRP:

MISC:

TERMINAL BOX (STYLE/POSITION) NONE	AUX BOX (#/STYLE/POSITION) NONE	# EYEBOLTS NONE	MOUNTING	ROTATION	HISTORY	SHAFT BLOCKED
<input type="checkbox"/> KEY	<input type="checkbox"/> BRAKE	<input type="checkbox"/> BRAKE DRUM	<input checked="" type="checkbox"/> MFG NP	<input type="checkbox"/> RTD BOX	<input type="checkbox"/> SCREENS	<input type="checkbox"/> LEAD SEAL
<input type="checkbox"/> PUMP	<input type="checkbox"/> TACH	<input type="checkbox"/> BLOWER / FAN	<input type="checkbox"/> CUST NP	<input type="checkbox"/> COVERS	<input type="checkbox"/> GEARBOX	<input type="checkbox"/> REPAIR SPECS
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AS FOUND CONDITION SUMMARY

INSPECTION / DISASSEMBLY				INCOMING				
LUGS	PAINT COLOR GRAY		BLASTING REQ	UNECONOMICAL	SHAFT TURNS FREE	MEGOHMS		
LEAD CONDITION	SPECIAL GREASE N/A		LUBE TYPE					
LEAD LENGTH	PHASE BAL	SEAL TYPE DE	SEAL TYPE ODE					
# LEADS	CONNECTION VOLTAGE		COUPLING POS					
LEADS SEALED	RUN-OUT	END PLAY	GROW ROOM					
				FOOT PLANARITY				
				-		-		
LEAD CONNECTION	STAND PIPE	INT FAN COND.	EXT FAN COND.	X = SOFT FOOT - MEASUREMENT				SHAFT
				-		-		

DISASSEMBLY / TESTING

CORE TEST	WINDING RESISTANCE Ω's	STAT MΩ @1MIN	SURGE TEST	HIPOT	μA LKGE	PI	MCE	BALL TEST	HTR VLT PHS	SHRT- RING
		MΩ @	V	V	<input type="checkbox"/>				II	
# HEATERS	HEATER TEST	MEGOHMS	WATTAGE	OHMS	VOLT / CONN	OPEN RTR	WINDING THERMALS			
						<input type="checkbox"/>	TYPE:	RATING:		
# SLOTS	# BARS	RTR GRWL TEST	RTR/BARS COND.	RTR CORE TEST			BEARING THERMALS			
							TYPE:	RATING:		

FAILURE ANALYSIS

SUSPECTED CAUSE:	N/A
ELECTRICAL:	
MECHANICAL:	
OTHER:	

REQUIRED REPAIRS

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DATE RCVD: 2/23/2022	CUSTOMER: CANYON INDUSTRIES INC	JOB #: 026417
CUST TAG:	PO#: 9167-223008	CAT#: N/P
HP: 373HP	RPM: 1200	VOLTS: UNK
FRAME: UNKNOWN	ENCL: ODP	MFG: NIDEC

DRIVE END (DE)			
BEARING NUMBER (QTY)		6020 ()	
MANUFACTURER	-		
CONFIGURATION			
ROLLER TYPE			
INTERNAL CLRNC / ABEC			
END BRACKET			
BEARING HSNG	6.6943 FAIL OVERSIZED (FAIL)		
MIN	5.9055	MAX	5.9065
HOUSING INS.			
SEAL FIT ID	4.935 PASS		
BEARING CAP	4.590 PASS		
BCK CAP SPRNG			
WAVY WASHER			
GRND RING			
GRND RING MFG			
FLANGE FACE		SPIGOT	

RUN-OUT / COUPLING	
DE COUPLING R/O:	
DE SHAFT R/O:	
DE COUPLING COND:	
DE BORE SIZE:	
DE COUPLING TYPE:	
DE COUPLING MFG:	
DE COUPLING #:	
DE ROTOR COND:	
ODE COUPLING R/O:	
ODE SHAFT R/O:	
ODE COUPLING COND:	
ODE BORE SIZE:	
ODE COUPLING TYPE:	
ODE COUPLING MFG:	
ODE COUPLING #:	
ODE ROTOR COND:	

OPPOSITE DE (ODE)			
BEARING NUMBER (QTY)		7230 ()	
MANUFACTURER	-		
CONFIGURATION			
ROLLER TYPE			
INTERNAL CLRNC / ABEC			
END BRACKET			
BEARING HSNG	10.6310 PASS GOOD		
MIN	10.6299	MAX	10.6312
HOUSING INS.			
SEAL FIT ID	N/A		
BEARING CAP	N/A		
BCK CAP SPRNG			
WAVY WASHER			
GRND RING			
GRND RING MFG			
FLANGE FACE		SPIGOT	



SHAFT JOURNALS				SHAFT EXT	DE	ODE	SHAFT JOURNALS			
1) SHAFT EXTENSION		3.436 PASS		TAPERED			5) SHAFT EXTENSION		4.1240 PASS	
COUPLING ID		CLRNC		THREAD COND			FAN FIT		4.1011	
2) OB SEAL JOURNAL		3.935 PASS		LCK NUT COND			6) OB SEAL JOURNAL		N/A	
OUTBOARD CLEARANCE		1.0000		LCK NUT SIZE			OUTBOARD CLEARANCE			
3) BEARING JOURNAL		4.3314 PASS		KEYWY COND			7) BEARING JOURNAL		5.9054 PASS GOOD	
MINIMUM		3.9371		KEYWAY SIZE (L x W x D)			MINIMUM		5.9061	
MAX		3.9377					MAX		5.9071	
4) IB SEAL JOURNAL		4.570 PASS				DE	8) IB SEAL JOURNAL		N/A	
INBOARD CLEARANCE		.0200				ODE	INBOARD CLEARANCE			

INSPECTION COMMENTS



Integrated Power Services
Inspection Supplement Report

IMAGE
LINKS

AS
RECEIVED

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CUSTOMER: CANYON INDUSTRIES INC

JOB #: 026417

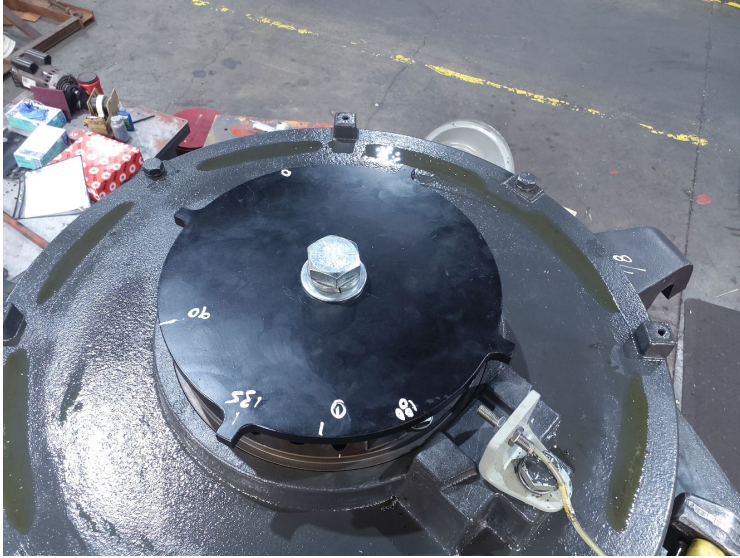
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PO#: 9167-223008

CAT#: N/P

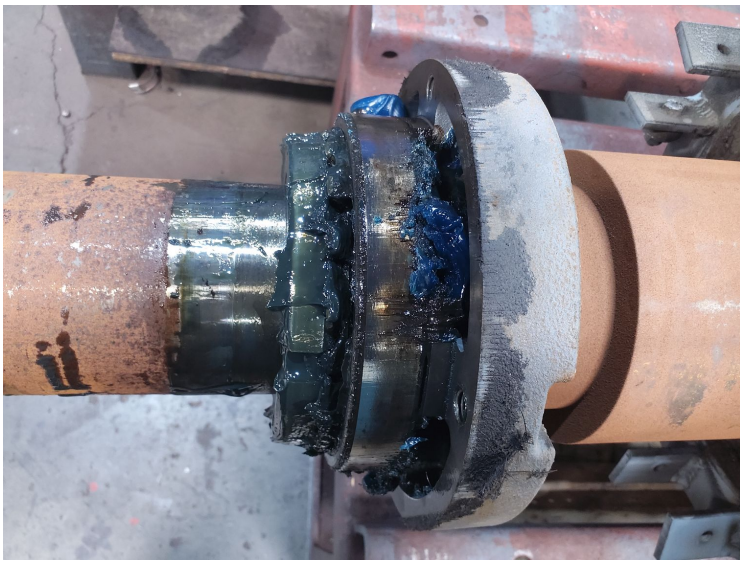
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Date Taken	Picture Name	Received - Picture Link
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Date Taken	Picture Name	Inspection - Picture Link
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04/11/2022



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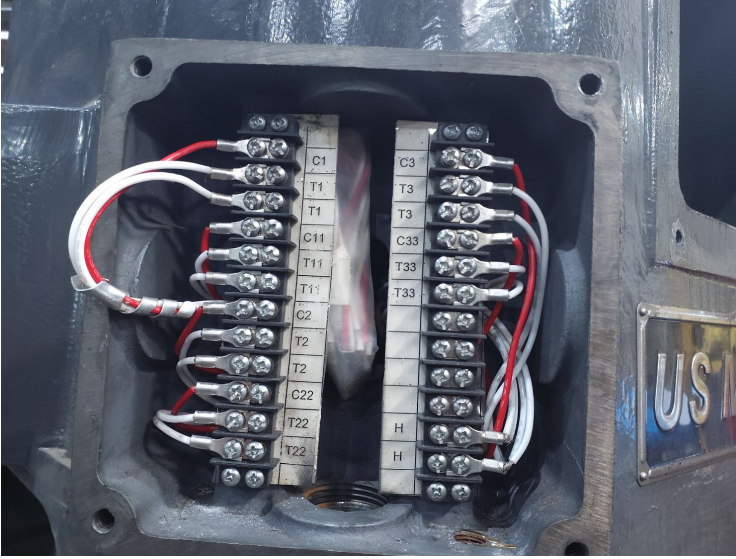
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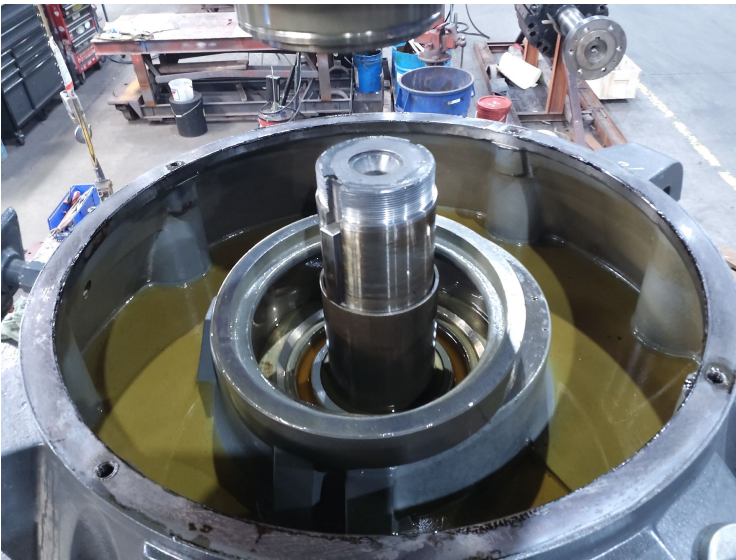
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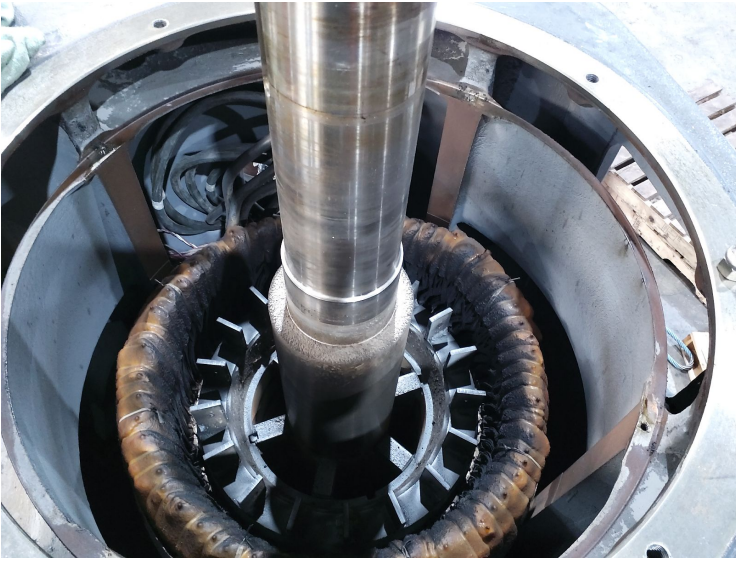
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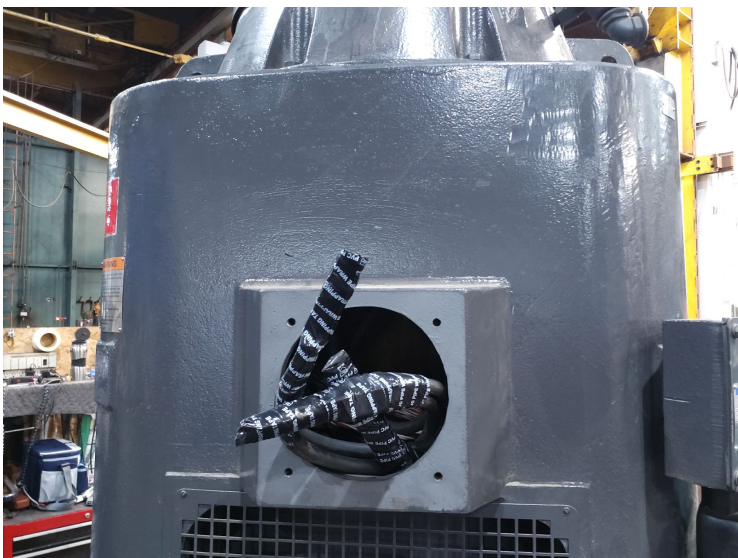
DE CLOSE UP

04/11/2022



DE SHAFT

04/13/2022



INSIDE CONNECTION BOX

04/11/2022



ODE CLOSE UP

04/11/2022



ODE COUPLING 1

04/13/2022

Memo

Date: May 18, 2022

To: Olivenhain Municipal Water District Board of Directors

From: John Carnegie, Customer Services Manager

Via: Kimberly A. Thorner, General Manager

Subject: **CONSIDER APPROVAL OF GENERAL LIABILITY, PROPERTY, AUTOMOBILE, EQUIPMENT, TERRORISM, EXCESS, AND CYBERSECURITY INSURANCE POLICIES FOR FISCAL YEAR 2023 WITH ALLIED WORLD SPECIALTY INSURANCE COMPANY IN AN AMOUNT NOT TO EXCEED \$420,078, AUTHORIZING THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT, AND DIRECTING STAFF TO CONSIDER QUOTES FROM RISK-SHARING POOLS IN FUTURE REQUESTS FOR QUOTATIONS**

Purpose

The purpose of this item is to consider approval of the general liability, property, automobile, equipment, terrorism, excess, and cybersecurity insurance policies for Fiscal Year 2023 and authorize the General Manager to execute an insurance agreement on OMWD's behalf. Given recent changes in the insurance market that have limited the number of insurers willing to write policies for OMWD, this item would also allow staff to better ensure coverage beyond FY 2023 by considering risk-sharing pools in future Requests for Quotations for insurance.

Recommendation

With the concurrence of the Ad Hoc Insurance Committee—consisting of Directors Guerin and Meyers—staff recommends approval of the quote for \$420,078 from Allied World Specialty Insurance Company for general liability, property, automobile, equipment, terrorism, excess, and cybersecurity insurance policies for FY 2023.

Additionally, with the committee's concurrence, it is recommended that the board direct staff to consider quotes from both independent carriers and risk-sharing pools in future Requests for Quotations for insurance coverage, and to begin the eligibility assessment process with ACWA JPIA to allow OMWD to obtain quotations therefrom for insurance coverage in future years.

Alternative(s)

- The board could instruct staff to increase deductibles to lower premiums for FY 2023. However, even major increases to deductibles would have a minor impact on premiums. For example, increasing the property deductible from \$1,000 to \$50,000 would lower premiums by only \$4,400. This alternative is not recommended by staff.
- The board could instruct staff to increase excess liability coverage. The liability policy and excess policies recommended by staff provide an effective liability limit of \$11 million, with defense costs outside of this limit. At the board's discretion, it could select higher liability limits at additional cost—\$5 million in additional liability coverage would cost an additional \$61,950, with further \$5 million increments available at approximately \$50,000 each. This option is examined in greater detail in the Discussion section.
- The board could reaffirm its prior decision to not consider risk-sharing pools for insurance coverage in the future. However, given recent changes in the insurance marketplace that led to only one independent carrier being willing to provide OMWD with a quote for FY 2023, staff advises that OMWD considers risk-sharing pools in future years to maximize the likelihood of insurance coverage.
- The board could direct staff as it otherwise deems appropriate.

Background

Since 2000, OMWD has worked with its broker, Swanson Insurance Agency, to secure general liability, property, automobile, equipment, terrorism, excess, and, more recently, cybersecurity insurance policies. Workers compensation coverage is procured

separately by the Human Resources Department, and has been provided since 1982 by Special District Risk Management Authority.

Historically, OMWD has conducted a competitive selection process for its general liability, property, auto, and cybersecurity insurance policies every few years.

Since 2013, insurance coverages have been provided by WaterPlus. WaterPlus, managed by Allied World, is a full-service program providing insurance services to brokers and clients throughout the United States. WaterPlus also has coverages that are unique to water-related entities, such as pollution, asbestos/lead for potable water, subsidence liability, failure to supply, water/wastewater testing errors and omissions, and inverse condemnation. Underwritten through an AM Best A-rated (Excellent) carrier, WaterPlus is distributed through independent insurance brokers.

On June 16, 2021, the board approved insurance policies for FY 2022 provided through WaterPlus in the amount of \$310,871. The FY 2022 premium represented a 13.6 percent increase in the commercial package premium and a 43 percent increase in the cybersecurity premium versus the prior year, primarily due to the rise in coverage costs nationwide. In the fourth quarter of 2020, for example, US commercial insurance prices saw their highest increase since 2003. Factors driving cost increases included COVID-19, extreme weather (2020 featured a record-breaking 30 named storms, and a power crisis in Texas that led to an estimated \$90 billion in total losses), wildfires (52,113 wildfires burned 8,889,297 acres in 2020), and a surge in ransomware incidents and other cybersecurity losses. As a result, 2020 was the fifth-costliest year on record with regard to global insured catastrophe losses (\$83 billion). In this difficult cost environment for insurance, local agencies saw premiums escalate rapidly—for example, Padre Dam Municipal Water District staff indicated in a May 2021 staff report that its premium for FY 2022 increased by 105 percent versus FY 2021. Additionally, OMWD experienced increases in exposure during FY 2021.

Considering rapidly escalating costs for insurance as well as a projected improvement in OMWD's loss history in the next year, staff planned to conduct a competitive selection process for insurance policies for FY 2023. It was staff's intent at that time to exclude risk-sharing pools from consideration given the board's historical interest in the flexibility and comprehensive coverage offered by independent insurance carriers. The last time that a pool submitted a quote to OMWD was for the FY 2012 policies, which were ultimately awarded to Grundy Worldwide. Among the reasons that risk-sharing pools have not been selected include that pricing was not competitive at the time, and that pools can expose OMWD to the claims/losses of other participating agencies. Additionally, risk-sharing pools have typically required three-year commitments,

whereas independent carriers have offered annual renewals and thus more flexibility for OMWD to competitively and cost-effectively manage its insurance program. Finally, some pools—e.g., ACWA JPIA—do not allow OMWD’s General Counsel to intervene if a carrier refuses a claim, which has proven necessary and beneficial for OMWD in the past, nor to allow General Counsel to serve as defense counsel, as OMWD’s current carrier allows.

At the request of Director Meyers, a staff report was presented on August 25, 2021 to the Safety Committee—consisting of Directors Meyers and Topolovac—seeking input into the request for quotations process by which staff would secure insurance policies for FY 2023. At the meeting, the Safety Committee determined that further discussion was warranted and that carriers/programs from which OMWD could request quotations—e.g., SDRMA, ACWA JPIA, Allied World’s WaterPlus program, and Allied World’s CalMutuals Joint Powers Risk and Insurance Management Authority program—should be participants in the discussion.

At the September 8, 2021 board meeting, President Watt formed the Ad Hoc Insurance Committee and assigned Directors Guerin and Meyers thereto. The new committee would focus in detail on the request for quotations for FY 2023 insurance policies.

Representatives from SDRMA, ACWA JPIA, and Allied World were invited to present at Insurance Committee meetings on October 5 and October 25, 2021 to better inform OMWD’s approach to requesting quotations for FY 2023. Each carrier was asked to complete a survey that would allow the committee to easily compare its program and coverages with those of the other carriers.

Upon conclusion of the informational presentations on October 25, the Insurance Committee was divided as to whether to allow risk-sharing pools to submit proposals for FY 2023, and also whether the current liability limit of \$11 million is more appropriate than a \$50 million limit. As a result, the committee requested that the discussion be referred to the full board.

At the November 17, 2021 board meeting, the board directed staff to consider only traditional insurance carriers (instead of risk-sharing pools) for FY 2023, and to obtain quotes for higher liability limits than in previous years. Staff indicated to the board at that time that it anticipated that three proposals would be received from traditional insurance carriers, such as Glatfelter Insurance Group, Grundy, and Allied World/WaterPlus.

Fiscal Impact

Staff recommendation reflects a fiscal impact of \$420,078 for general liability, property, automobile, equipment, terrorism, excess, and cybersecurity insurance policies from Allied World.

The proposed FY 2023 premium is provided for in the General Manager's Recommended Biennial Operating & Capital Budget for Fiscal Years 2023 and 2024, which will be presented for the board's final review at the May 18, 2022 board meeting.

Discussion

FY 2023 Insurance Policies: In early March, staff submitted application packages to Glatfelter, Grundy, and Allied World. Two of these three carriers have insured OMWD in years past, and traditionally, all three have reliably provided quotations upon request. However, staff was notified by Glatfelter's underwriter on March 15 that Glatfelter is now declining to provide a quote because of wildfire risk at several OMWD facilities. Swanson Insurance subsequently reached out to the underwriter for two additional carriers—Liberty Mutual and Travelers—and both carriers also declined to provide a quote on the basis of wildfire scores. Grundy indicated on March 28 that it would also decline to quote because of wildfire scores.

Reinsurers are pulling back their capacity in California based on wildfire losses since 2015, which have dramatically impacted insurer loss ratios. The decision to determine pricing/capacity from wildfire scores has quickly become widespread in 2022. Scores are based on risk factors such as location, wildfire event history, brush levels, slope, emergency access, and identifiable risks from wind-borne embers. Often rated from 5 to 100, a score over 80 denotes high risk. OMWD had multiple properties scoring over 80, with one particular property—the Cielo Pump Station—earning the maximum score of 100.

Of the five carriers from which staff solicited quotes, staff received one responsive quote, from Allied World. Allied World's proposed FY 2023 premium represents a total increase of \$109,207 versus FY 2022's premium. This includes an approximate 30 percent increase in the commercial package premium and a 138 percent increase in the cybersecurity premium, which are attributable to the new methodology that was not previously implemented by reinsurers. The commercial package increase also includes a 5.25 percent increase attributable to an increase in OMWD exposure, including revenue and personnel increases and the addition of insured facilities.

Staff met with the Insurance Committee on April 12 to discuss the procurement process and commercial package quote, and to reach a consensus on a recommendation to the full board for FY 2023.

At the committee's request, staff has confirmed that the renewal quote for the commercial package contains the same coverages, deductibles, exclusions, and limits as the FY 2022 policies. However, there are two notable changes in the proposed FY 2023 cybersecurity policy versus FY 2022:

1. The cybersecurity deductible has been raised from \$50,000 to \$100,000. The higher deductible is a function of insurers' increasing reluctance to provide any cybersecurity coverage to public entities due to historical losses largely associated with ransomware. Allied World provided the quote to OMWD because it is an existing customer; Allied World is not quoting this coverage to new customers. However, the higher deductible was required in order for Allied World to quote the policy.
2. An endorsement, "Amend Limit of Insurance for Incident Response Coverage Breach Response in Addition to Aggregate," was removed. The effect of this is that data breach notification now falls within the \$1 million limit of liability, whereas this was previously not subject to the \$1 million limit.

Additionally, in light of increased costs, the committee asked for clarification as to the broker's commission for these policies, noting that the FY 2022 cybersecurity policy documents showed a commission of 17.5 percent. Swanson Insurance advised that its commission for the proposed FY 2023 policies is 10 percent, which is included in the premium, and that this is the lowest commission that it receives on any business that it writes. This is the case whether there are large rate increases (FY 2023), or a rate decrease (FY 2020). Swanson Insurance's commission funds the services that it provides to OMWD throughout the year such as policy procurement, serving as point of contact for claims, and staff training. Swanson Insurance advised that the 17.5 percent figure that appeared on the FY 2022 cybersecurity policy document is the amount paid to Allied Public Risk by the carrier providing the coverage. In this case, Allied World is licensed as a managing general agent to contract with various carriers and provide those markets to retail agents/brokers such as Swanson Insurance.

Staff remains satisfied with the method by which Allied World has handled claims and has determined that the Allied World insurance product continues to satisfy OMWD's insurance needs. At this time, staff's recommendation is to accept the renewal quote from Allied World for FY 2023.

Staff has consulted with General Counsel, who has reviewed and approves of these policies.

Additional Excess Liability Coverage: OMWD's existing liability limit is \$11 million—the WaterPlus program offers \$1 million per occurrence and \$10 million in excess liability coverage (which includes inverse condemnation).

Though not part of staff's recommendation for FY 2023, the current limit can be raised at the board's discretion, and a decision to do so should be evaluated based on OMWD's historical experience, legal jurisdiction, and operational exposures. Allied World reports that the largest loss experienced by any of its clients nationwide has been \$6 million, well within OMWD's current limit, and that over 95 percent of its over 4,000 public water system clients purchase liability limits at or below \$11 million. Allied World also noted that its limits do not apply to legal defense costs; this differs from programs like ACWA JPIA, where defense costs are within the limit. Swanson Insurance confirmed that the largest loss OMWD has sustained was in 2016 for approximately \$300,000, including legal expenses and fees, which involved water damage to a large residential property in Fairbanks Ranch; additionally, the total losses experienced during the past twelve years are \$1,347,364. Current policy limits have been sufficient and OMWD has not had to use its excess liability coverage in the past 21 years. Further, higher limits will invariably include discontinuity of coverage, which means the higher limits will not offer the same depth of coverage as the underlying \$11 million liability limits.

Because California allows claimants to subpoena the insurance policies of defendants, higher excess liability limits may also increase OMWD's exposure in the event of a lawsuit as it would facilitate settlements within policy limits. For example, during the discovery process for a case involving serious harm or death, such as an OMWD employee failing to stop at a stop sign and colliding with another vehicle, attorneys may often seek the full limit of an agency's coverage.

Also of note, if a large loss on a private home were to occur in the future as experienced in 2016, coverage is for the cost to rebuild or repair the home and not the current market value of the residential property. In neighborhoods with high property values, the land is usually the highest cost associated with a residential property.

Nevertheless, should the board be interested in raising the existing limit, staff has worked with Swanson Insurance to obtain the attached quotation for additional excess liability coverage. The policy would provide an additional \$5 million in excess liability coverage for \$61,950, subject to certain exclusions. The carrier advises that further incremental increases of \$5 million dollars are available for approximately \$50,000.

Future Requests for Quotations: Though the board expressed concerns with risk-sharing pools at its November 17, 2021 meeting, ultimately directing staff to only consider traditional carriers for FY 2023, it was acknowledged at that time that OMWD has accepted and considered quotations from risk-sharing pools (e.g., ACWA JPIA, SDRMA) in past competitive processes. Because of the major changes in the insurance market such that independent carriers previously relied upon are no longer willing to insure OMWD because of increased concern about wildfire risk, options are now limited. To address this, staff recommends that both traditional insurers and risk-sharing pools are considered in future requests for quotations. Staff is not proposing that OMWD move forward with selecting a pool product, only that pools are not excluded from consideration during the FY 2024 selection process.

One pool from which OMWD would be likely to seek a quote is ACWA JPIA. ACWA JPIA requires a process of approximately four months to verify an agency's eligibility to join the JPIA before a quote will be provided. With the board's concurrence, staff is prepared to initiate this evaluation process in late 2022 by which to allow OMWD to seek a quote from ACWA JPIA for coverage in FY 2024.

Attachments:

- *Allied World quote for general liability, property, automobile, equipment, and terrorism policies for Fiscal Year 2023*
- *Allied World quote for a cybersecurity insurance policy for Fiscal Year 2023*
- *Allied World quote for additional excess liability coverage for Fiscal Year 2023*
- *Declination letters from four carriers*



INSURANCE PROPOSAL
Olivenhain Municipal Water District

EFFECTIVE DATE
7/1/2022

PRESENTED BY:
Swanson Insurance Agency



PROGRAM MANAGER
www.alliedpublicrisk.com
Allied Community Insurance Services, LLC
Agency License No. 733176
CA License No. 0L01269



PREMIUM SUMMARY

NOTE: This proposal is prepared from information supplied to us on the application submitted by your insurance broker. It may or may not contain all terms requested on the application. Proposed coverages are provided by the Allied Public Risk WaterPlus policy forms and are subject to the terms, exclusions, conditions and limitations of those policy forms. Actual policies should be reviewed for specific details. Specimen policies are available from your insurance broker.

PAGE	COVERAGE SECTION	PREMIUM	
3-7	SECTION 1. PROPERTY (Property, Equipment Breakdown & Mobile Equipment)	\$	Included
8	SECTION 2. COMMERCIAL CRIME	\$	Included
9-10	SECTION 3. COMMERCIAL GENERAL LIABILITY	\$	Included
11	SECTION 4. PUBLIC OFFICIALS & MANAGEMENT LIABILITY (POML) (Wrongful Acts, Employment Practices, Employee Benefits, Privacy & Network Risk)	\$	Included
12	SECTION 5. BUSINESS AUTO	\$	Included
13	SECTION 6. COMMERCIAL EXCESS LIABILITY	\$	Included

TOTAL ANNUAL PREMIUM (excludes state-imposed taxes, surcharges, and fees)		\$	381,952.00
TERRORISM PREMIUM		\$	Included
FULLY EARNED POLICY FEE		\$	300.00
STATE-IMPOSED TAXES, SURCHARGES, AND FEES		\$	N/A
TOTAL AMOUNT DUE* *Payment is due in accordance with the producer agreement.		\$	382,252.00

NOTES:

INSURED: Olivenhain Municipal Water District

EFFECTIVE DATE: 7/1/2022

DISCLAIMER: Actual coverage is subject to the language of the policies as issued. Your issued policy may contain limits, exclusions, and limitations that are not detailed in this proposal.



SECTION 1. PROPERTY*

*IS THIS SECTION INCLUDED IN THE PROPOSAL? Yes

CARRIER:

- Allied World Assurance Company or affiliate
- A XV (Excellent) A.M. Best Rating

FORM:

- Special Causes of Loss
- Proprietary
- Integrated

LIMITS:

Blanket Property: (Real Property & Business Personal Property)	\$70,731,056
Blanket Coverage Extension: A separate blanket limit that applies to the following coverages: Business Income, Extended Business Income, Commandeered Property, Civil Authority, Extra Expense, Tenant Leasehold Interest, Electronic Data, Preservation of Property.	\$2,000,000
Equipment Breakdown / Boiler & Machinery:	Included
Mobile Equipment (Scheduled):	\$599,723
Mobile Equipment (unscheduled, maximum \$10,000 any one item):	\$25,000
Mobile Equipment (borrowed, rented & leased):	\$100,000
Earthquake (earth movement excluded):	N/A
Flood Zone AE:	N/A
Flood Zone X (unshaded):	N/A

DEDUCTIBLES:

\$1,000	Property
\$1,000	Mobile Equipment
\$1,000	Equipment Breakdown (aboveground & less than 50 feet belowground)
\$2,500	Equipment Breakdown (greater than 50 feet belowground)
N/A	Earthquake (earth movement excluded)
N/A	Flood Zone X (per occurrence)
N/A	Flood Zone AE ¹ (per occurrence)
N/A	Flood Zone AE ¹ (per damaged structure / per occurrence)
	¹ the greater of the deductibles will be applied
N/A	Wind/Hail ² (per occurrence)
N/A	Wind/Hail ² (per damaged structure / per occurrence)
	² the greater of the deductibles will be applied

POLICY HIGHLIGHTS:

- Blanket Policy Limits
- Blanket Coverage Extension Limits
- No Coinsurance Penalty
- Equipment Breakdown
- Broad Definition of Covered Property
- Proprietary Coverage Extensions

VALUATION:

- Replacement Cost: Real Property & Business Personal Property
- Actual Cash Value: Mobile Equipment
- Actual Loss Sustained: Loss of Income & Expenses
- Market Price: Fine Arts

INSURED: Olivenhain Municipal Water District

EFFECTIVE DATE: 7/1/2022

DISCLAIMER: Actual coverage is subject to the language of the policies as issued. Your issued policy may contain limits, exclusions, and limitations that are not detailed in this proposal.



SPECIAL COVERAGES:

■ **New Locations Or Newly Constructed Property:**

Pays up to \$1,000,000 for your new real property while being built on or off described premises as well as real property you acquire, lease or operate at locations other than the described premises; and business personal property located at new premises.

■ **Utility Services – Direct Damage, Business Income & Expense:**

Pays up to \$250,000 for covered property damaged by an interruption in utility service to the described premises. The interruption in utility service must result from direct physical loss or damage by a Covered Cause of Loss and does not apply to loss or damage to electronic data, including destruction or corruption of electronic data. Separate limits apply to Direct Damage and Business Income/Expense Expense.

■ **Pollution Remediation Expenses:**

Pays up to \$100,000 or \$250,000 for remediation expenses resulting from a Covered Causes of Loss or Specified Cause of Loss occurring during the policy period and reported within 180 days. Covered Causes of Loss means risks of direct physical loss unless the loss is excluded or limited by the Property Coverage Form. Specified Cause of Loss means the following: fire; lightning; explosion; windstorm or hail; smoke; aircraft or vehicles; riot or civil commotion; vandalism; leakage from fire extinguishing equipment; sinkhole collapse; volcanic action; falling objects; weight of snow; ice or sleet; water damage; and equipment breakdown.

■ **SCADA Upgrades:**

Pays up to \$100,000 to upgrade your scheduled SCADA system after direct physical loss from a Covered Cause of Loss. The upgrade is in addition to its replacement cost. SCADA means the Supervisory Control and Data Acquisition system used in water and wastewater treatment and distribution to monitor leaks, waterflow, water analysis, and other measurable items necessary to maintain operations.

■ **Contract Penalties:**

Pays up to \$100,000 for contract penalties you are required to pay due to your failure to deliver your product according to contract terms solely as a result of direct physical loss or damage by a Covered Cause of Loss to Covered Property.

■ **Contamination:**

Pays up to \$100,000 for loss or damage to covered property because of contamination as a result of a Covered Cause of Loss. Contamination means direct damage to real property and business personal property caused by contact or mixture with ammonia, chlorine, or any chemical used in the water and / or wastewater treatment process.

■ **Property In Transit:**

Pays up to \$100,000 for direct physical loss or damage to covered property while in transit more than 1000 feet from the described premises. Shipments by mail must be registered for covered to apply. Electronic data processing property and fine arts are excluded.

■ **Unintentional Errors:**

Pays up to \$100,000 for any unintentional error or omission you make in determining or reporting values or in describing the covered property or covered locations.



KEY DEFINITIONS

■ **Real Property:**

The buildings, items or structures described in the Declarations that you own or that you have leased or rented from others in which you have an insurable interest. This includes:

- Aboveground piping;
- Aboveground and belowground penstock;
- Additions under construction;
- Alterations and repairs to the buildings or structures;
- Buildings;
- Business personal property owned by you that is used to maintain or service the real property or structure or its premises, including fire-extinguishing equipment; outdoor furniture, floor coverings and appliances used for refrigerating, ventilating, cooking, dishwashing or laundering;
- Completed additions;
- Exterior signs, meaning neon, automatic, mechanical, electric or other signs either attached to the outside of a building or structure, or standing free in the open;
- Fixtures, including outdoor fixtures;
- Glass which is part of a building or structure;
- Light standards;
- Materials, equipment, supplies and temporary structures you own or for which you are responsible, on the premises or in the open (including property inside vehicles) within 1000 feet of the premises, used for making additions, alterations or repairs to buildings or structures at the premises;
- Paved surfaces such as sidewalks, patios or parking lots;
- Permanently installed machinery and equipment;
- Permanent storage tanks;
- Solar panels;
- Submersible pumps, pump motors and engines;
- Underground piping located on or within 1000 feet of premises described in the Declarations;
- Underground vaults and machinery.

■ **Business Personal Property:**

The property you own that is used in your business including:

- Furniture and fixtures;
- Machinery and equipment;
- Computer equipment;
- Communication equipment;
- Labor materials or services furnished or arranged by you on personal property of others;
- Stock;
- Your use interest as tenant in improvements and betterments.
- Leased personal property for which you have a contractual responsibility to insure.

■ **Pollution Conditions:**

The discharge, dispersal, release, seepage, migration, or escape of any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, minerals, chemical elements and waste. Waste includes materials to be recycled, reconditioned or reclaimed.



KEY DEFINITIONS *(continued)*

■ **Remediation Expenses:**

Expenses incurred for or in connection with the investigation, monitoring, removal, disposal, treatment, or neutralization of pollution conditions to the extent required by: (1) Federal, state or local laws, regulations or statutes, or any subsequent amendments thereof enacted to address pollution conditions; and (2) a legally executed state voluntary program governing the cleanup of "pollution conditions."

■ **Outdoor Property:**

Fixed or permanent structures that are outside covered real property including but not limited to:

- Historical markers or flagpoles;
- Sirens, antennas, towers, satellite dishes, or similar structures and their associated equipment;
- Exterior signs not located at a premises;
- Fences or retaining walls;
- Storage sheds, garages, pavilions or other similar buildings or structures not located at a premises;
- Dumpsters, concrete trash containers, or permanent recycling bins;
- Hydrants; or
- Electric utility power transmission and distribution lines and related equipment owned by the insured.

■ **Equipment Breakdown:**

Direct damage to mechanical, electrical or pressure systems as follows:

- Mechanical breakdown including rupture or bursting caused by centrifugal force;
- Artificially generated electrical current, including electrical arcing, that disturbs electrical devices, appliances or wires;
- Explosion of steam boilers, steam piping, steam engines or steam turbines owned or leased by you, or operated under your control;
- Loss or damage to steam boilers, steam pipes, steam engines or steam turbines; or
- Loss or damage to hot water boilers or other water heating equipment;
- If covered electrical equipment requires drying out as a result of a flood, we will pay for the direct expenses for such drying out.
- None of the following are covered objects as respects to equipment breakdown:
 - a. Insulating or refractory material;
 - b. Buried vessel or piping;
 - c. Sewer piping, piping forming a part of a fire protection system or water piping other than:
 - (1) Feed water piping between any boiler and its feed pump or injector;
 - (2) Boiler condensate return piping; or
 - (3) Water piping forming a part of refrigerating and air conditioning vessels and piping used for cooling, humidifying or space heating purposes;
 - d. Structure, foundation, cabinet or compartment containing the object;
 - e. Power shovel, dragline, excavator, vehicle, aircraft, floating vessel or structure, penstock, draft tube or well-casing;
 - f. Conveyor, crane, elevator, escalator or hoist, but not excluding any electrical machine or electrical apparatus mounted on or used with this equipment; and
 - g. Felt, wire, screen, die, extrusion, late, swing hammer, grinding disc, cutting blade, cable chain, belt, rope, clutch late, brake pad, non-metallic part or any part or tool subject to frequent, periodic replacement.

**PROPERTY SUBLIMITS:**

Coverage	Limit				
Accounts Receivable	\$500,000				
Valuable Papers and Records	\$500,000				
Contamination	\$100,000				
Tools and Equipment Owned by Your Employees	\$5,000				
Personal Effects and Property of Others	\$5,000				
Outdoor Property (unscheduled)	\$25,000				
New Locations or Newly Constructed Property	\$1,000,000				
Business Personal Property at New Locations	\$1,000,000				
Utility Services - Direct Damage	\$250,000				
Utility Services – Business Income and Extra Expense	\$250,000				
Dependent Business Premises	\$250,000				
Property at Other Locations	\$250,000				
Pollution Remediation Expense (specified cause of loss)	\$250,000				
Pollution Remediation Expense (covered cause of loss)	\$100,000				
Contract Penalties	\$100,000				
SCADA Upgrades	\$100,000				
Property in Transit	\$100,000				
Backup/Overflow of Water from Sewer, Drain, Sump	\$100,000				
Fine Arts	\$25,000				
Limited Coverage for “Fungus”, Wet Rot or Dry Rot	\$25,000				
Trees, Shrubs & Plants (maximum \$1,000 any one item)	\$25,000				
Indoor and Outdoor Signs (unscheduled)	\$25,000				
Arson Reward	\$10,000				
Fire Department Service Charge	\$5,000				
Non-Owned Detached Trailers	\$5,000				
Cost of Inventory or Adjustment	\$5,000				
Patterns, Dies, Molds, Forms	\$2,500				
Fire Protection Devices	\$2,500				
Debris Removal	25% of scheduled limit				
Ordinance or Law Provision	25% of scheduled limit				

NOTES:

Premium is calculated from attached property schedule; review property schedule for coverage and limit adequacy.

Earthquake and Flood coverages are excluded.

INSURED: Olivenhain Municipal Water District

EFFECTIVE DATE: 7/1/2022

DISCLAIMER: Actual coverage is subject to the language of the policies as issued. Your issued policy may contain limits, exclusions, and limitations that are not detailed in this proposal.



SECTION 2. COMMERCIAL CRIME*

***IS THIS SECTION INCLUDED IN THE PROPOSAL? Yes**

CARRIER:

- Allied World Assurance Company or affiliate
- A XV (Excellent) A.M. Best Rating

FORM:

- Proprietary
- Integrated

RATING BASIS:

- On file with underwriter
- Non auditable

LIMITS:

EMPLOYEE THEFT	FORGERY OR ALTERATION	INSIDE THE PREMISES Theft of Money and Securities	INSIDE THE PREMISES Robbery or Safe Burglary or Other Property	OUTSIDE THE PREMISES	COMPUTER FRAUD	FUNDS TRANSFER FRAUD	MONEY ORDERS & COUNTERFEIT PAPER CURRENCY
\$250,000	\$250,000	\$250,000	\$5,000	\$250,000	\$100,000	\$100,000	\$100,000

DEDUCTIBLE:

\$1,000 each claim

DESIGNATED EMPLOYEE BENEFIT PLAN(S):

POLICY HIGHLIGHTS:

- Separate Limits Apply to Each Coverage
- Coverage Extended to Directors and Authorized Volunteers
- Faithful Performance

NOTES:

INSURED: Olivenhain Municipal Water District

EFFECTIVE DATE: 7/1/2022

DISCLAIMER: Actual coverage is subject to the language of the policies as issued. Your issued policy may contain limits, exclusions, and limitations that are not detailed in this proposal.



SECTION 3. COMMERCIAL GENERAL LIABILITY *

***IS SECTION INCLUDED IN THE PROPOSAL? Yes**

CARRIER:

- Allied World Assurance Company or affiliate
- A XV (Excellent) A.M. Best Rating

FORM:

- Occurrence
- Proprietary

RATING BASIS:

- On file with underwriter
- Non auditable

LIMITS:

Per Occurrence	\$1,000,000
General Aggregate	\$3,000,000
Products & Completed Operations Aggregate	\$3,000,000
Personal & Advertising Injury Limit	\$1,000,000
Damage to Premises Rented to You	\$1,000,000
Medical Payments	\$10,000

DEDUCTIBLE:

\$10,000 per occurrence including expenses

POLICY HIGHLIGHTS:

- Duty to Defend
- Broad Definition of Insured
- Fellow Employee
- Per Location Aggregate
- Blanket Additional Insured Endorsement

OPTIONAL COVERAGES INCLUDED IN QUOTE:

INSURED: Olivenhain Municipal Water District

EFFECTIVE DATE: 7/1/2022

DISCLAIMER: Actual coverage is subject to the language of the policies as issued. Your issued policy may contain limits, exclusions, and limitations that are not detailed in this proposal.



SPECIAL COVERAGES:

■ **Water & Wastewater Testing Errors & Omissions:**

Coverage is provided for damages arising out of an act, error or omission which arises from your water or wastewater testing.

■ **Failure To Supply:**

Coverage is provided for bodily injury or property damage arising out of the failure of any insured to adequately supply water.

■ **Waterborne Asbestos:**

Coverage is provided for bodily injury or property damage from waterborne asbestos arising out of potable water which is provided by you to others.

■ **Contractual Liability - Railroads:**

Coverage is provided for any contract or agreement that indemnifies a railroad for bodily injury or property damage arising out of construction or demolition operations, within 50 feet of any railroad property and affecting any railroad bridge or trestle, tracks, road-beds, tunnel, underpass or crossing.

■ **Pollution:**

Coverage is provided for bodily injury or property damage which occurs or takes place as a result of your operations and arises out of the following:

- Potable water which you supply to others;
- Chemicals you use in your water or wastewater treatment process;
- Natural gas or propane gas you use in your water or wastewater treatment process;
- Urgent response for the protection of property, human life, health or safety conducted away from premises owned by or rented to or regularly occupied by you;
- Your application of pesticide or herbicide chemicals if such application meets all standards of any statute, ordinance, regulation or license requirement of any federal, state or local government;
- Smoke drift from controlled or prescribed burning that has been authorized and permitted by an appropriate regulatory agency.
- Fuels, lubricants or other operating fluids needed to perform the normal electrical, hydraulic or mechanical functions necessary for the operation of mobile equipment or its parts
- Escape or back-up of sewage or waste water from any sewage treatment facility or fixed conduit or piping that you own, operate, lease, control or for which you have the right of way, but only if property damage occurs away from land you own or lease.
- Sudden and accidental events that are neither expected nor intended by an Insured. However, no coverage is provided under this exception for petroleum underground storage tanks.

NOTES:

Failure to supply electricity exclusion will be applied.

WA-GL 0008 00 (03/12) with PNC will be provided for SDG&E PPA, per expiring term.

INSURED: Olivenhain Municipal Water District

EFFECTIVE DATE: 7/1/2022

DISCLAIMER: Actual coverage is subject to the language of the policies as issued. Your issued policy may contain limits, exclusions, and limitations that are not detailed in this proposal.



SECTION 4. PUBLIC OFFICIALS & MANAGEMENT LIABILITY*

***IS THIS SECTION INCLUDED IN THE PROPOSAL? Yes**

CARRIER:

- Allied World Assurance Company or affiliate
- A XV (Excellent) A.M. Best Rating

FORM:

- Occurrence

DEFENSE COSTS:

- Outside the Limits of Liability

LIMITS:

Wrongful Acts	\$1,000,000	per act
Employment Practices <i>(including third party discrimination)</i>	\$1,000,000	per offense
Employee Benefit Plans	\$1,000,000	per offense
Injunctive Relief	\$5,000	per act
	\$3,000,000	aggregate limit

PRIVACY LIABILITY AND NETWORK RISK¹:

Privacy & Network Security Wrongful Acts	N/A	per act
Breach Consultation Services	N/A	per act
Breach Response Services	N/A	per act
Public Relations & Data Forensics	N/A	per act

¹Coverage provided for Privacy Liability & Network Risk Coverage is issued on a claims made basis with defense inside the limit of liability. Privacy Retroactive Date: N/A. Privacy Deductible: N/A.

SPECIAL COVERAGES:

- Inverse Condemnation: Yes

DEDUCTIBLE

\$10,000 each claim including expenses

RETROACTIVE DATE:

POLICY HIGHLIGHTS:

- Duty To Defend
- Broad Definition of Named Insured including Past and Future Employees
- Outside Directorship
- Punitive Damages are Covered Where Insurable by Law
- No Intentional Acts, Assault & Battery or Bodily Injury Exclusions

NOTES:

Insured has separate Privacy Policy in place – attach WA PO 0029 to exclude Privacy coverage.

INSURED: Olivenhain Municipal Water District

EFFECTIVE DATE: 7/1/2022

DISCLAIMER: Actual coverage is subject to the language of the policies as issued. Your issued policy may contain limits, exclusions, and limitations that are not detailed in this proposal.



SECTION 5. BUSINESS AUTO*

***IS THIS SECTION INCLUDED IN THE PROPOSAL? Yes**

CARRIER:

- Allied World Assurance Company or affiliate
- A XV (Excellent) A.M. Best Rating

FORM:

- ISO Business Auto

PORTFOLIO:

	Symbol	Limit
Combined Single Limit for Bodily Injury & Property Damage (each accident)	1	\$1,000,000
Hired Auto Liability	8	\$1,000,000
Non-Owned Auto Liability	9	\$1,000,000
"No-Fault" or Statutory Personal Injury Protection (each person)	No Coverage	N/A
Medical Payments	2	\$5,000
Uninsured / Underinsured Motorists	2	\$1,000,000
Hired Physical Damage	8	\$50,000
Owned Physical Damage – Comprehensive	2	ACV
Owned Physical Damage – Collision	2	ACV

DEDUCTIBLE:

Liability: None
 Comprehensive: \$500
 Collision: \$500

NOTES:

**Please refer to Auto terms provided for per unit coverage.
 Fleet Automatic applies.**

INSURED: Olivenhain Municipal Water District

EFFECTIVE DATE: 7/1/2022

DISCLAIMER: Actual coverage is subject to the language of the policies as issued. Your issued policy may contain limits, exclusions, and limitations that are not detailed in this proposal.



SECTION 6. COMMERCIAL EXCESS LIABILITY *

***IS THIS SECTION IS INCLUDED IN THE PROPOSAL? Yes**

CARRIER:

- Allied World Assurance Company or affiliate
- A XV (Excellent) A.M. Best Rating

FORM:

- Proprietary
- Following Form

LIMITS:

\$10,000,000 / \$10,000,000

RATING BASIS:

- On file with underwriter
- Non auditable

SCHEDULED UNDERLYING POLICIES:

Commercial General Liability - Yes

Hired and Non-Owned Auto Liability - Yes

Public Officials & Management Liability - Yes

Wrongful Acts - Yes

Employment Practices - Yes

Employee Benefit Plans - Yes

Owned Auto Liability - Yes

Employer's Liability (minimum underlying limit requirement of \$500,000 / \$500,000 / \$500,000) - No

Other:

NOTABLE EXCLUSION:

- Workers' Compensation

NOTES:

Employers' Liability subject to Allied World security requirements.

INSURED: Olivenhain Municipal Water District

EFFECTIVE DATE: 7/1/2022

DISCLAIMER: Actual coverage is subject to the language of the policies as issued. Your issued policy may contain limits, exclusions, and limitations that are not detailed in this proposal.

**POLICYHOLDER DISCLOSURE
NOTICE OF TERRORISM
INSURANCE COVERAGE**

You are hereby notified that under the Terrorism Risk Insurance Act, as amended via the Program Reauthorization Act of 2015, that you have a right to purchase insurance coverage for losses resulting from acts of terrorism, as defined in Section 102(1) of the Act: The term “act of terrorism” means any act that is certified by the Secretary of the Treasury – in consultation with the Secretary of Homeland Security, and the United States Attorney General—to be an act of terrorism; to be a violent act or an act that is dangerous to human life, property or infrastructure; to have resulted in damage within the United States, or outside the United States in the case of certain air carriers or vessels or the premises of a United States mission; and to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

YOU SHOULD KNOW THAT WHERE COVERAGE IS PROVIDED BY THIS POLICY FOR LOSSES RESULTING FROM CERTIFIED ACTS OF TERRORISM SUCH LOSSES MAY BE PARTIALLY REIMBURSED BY THE UNITED STATES GOVERNMENT UNDER A FORMULA ESTABLISHED BY FEDERAL LAW. HOWEVER, YOUR POLICY MAY CONTAIN OTHER EXCLUSIONS WHICH MIGHT AFFECT YOUR COVERAGE, SUCH AS EXCLUSION FOR NUCLEAR EVENTS. UNDER THIS FORMULA, THE UNITED STATES GOVERNMENT GENERALLY REIMBURSES [85% THROUGH 2015; 84% BEGINNING ON JANUARY 1, 2016; 83% BEGINNING ON JANUARY 1, 2017; 82% BEGINNING ON JANUARY 1, 2018; 81% BEGINNING ON JANUARY 1, 2019 AND 80% BEGINNING ON JANUARY 1, 2020] OF COVERED TERRORISM LOSSES EXCEEDING THE STATUTORILY ESTABLISHED DEDUCTIBLE PAID BY THE INSURANCE COMPANY PROVIDING THE COVERAGE. THE PREMIUM CHARGED FOR THIS COVERAGE IS PROVIDED BELOW AND DOES NOT INCLUDE ANY CHARGES FOR THE PORTION OF LOSS COVERED BY THE FEDERAL GOVERNMENT UNDER THE ACT.

YOU SHOULD ALSO KNOW THAT THE TERRORISM RISK INSURANCE ACT, AS AMENDED, CONTAINS A \$100 BILLION CAP THAT LIMITS U.S. GOVERNMENT REIMBURSEMENT AS WELL AS INSURERS' LIABILITY FOR LOSSES RESULTING FROM CERTIFIED ACTS OF TERRORISM WHEN THE AMOUNT OF SUCH LOSSES IN ANY ONE CALENDAR YEAR EXCEEDS \$100 BILLION. IF THE AGGREGATE INSURED LOSSES FOR ALL INSURERS EXCEED \$100 BILLION, YOUR COVERAGE MAY BE REDUCED.

Acceptance or Rejection of Terrorism Insurance Coverage

	I hereby elect to purchase terrorism coverage for a prospective premium of \$TBA
	I hereby decline to purchase terrorism coverage for certified acts of terrorism. I understand that I will have no coverage for losses resulting from certified acts of terrorism.

Policyholder/Applicant's Signature Olivenhain Municipal Water District	Insurance Company Allied World Specialty Insurance Company
Print Name	Policy Number
Date	

CALIFORNIA UNINSURED MOTORISTS COVERAGE SELECTION/REJECTION

Applicant/Named Insured: Olivenhain Municipal Water District

Company: Allied World Specialty Insurance Company

California law permits you to make certain decisions regarding Uninsured Motorists Coverage. This document describes this coverage and the options available.

You should read this document carefully and contact us or your agent if you have any questions regarding Uninsured Motorists Coverage and your options with respect to this coverage.

This document includes general descriptions of coverage. However, no coverage is provided by this document. You should read your policy and review your Declarations Page(s) and/or Schedule(s) for complete information on the coverages you are provided.

A. Mandatory Offer Of Bodily Injury Uninsured Motorists Coverage

Please indicate your choices by initialing next to the appropriate item(s) below.

1. Selection Of Bodily Injury Uninsured Motorists Coverage

(Initials)

I select Bodily Injury Uninsured Motorists Coverage at limits equal to the limits of my Bodily Injury Liability Coverage (split limits) or Combined Single Limit for Liability Coverage.

2. Rejection Of Bodily Injury Uninsured Motorists Coverage

The California Insurance Code requires that we provide you with the following information:

"The California Insurance Code requires an insurer to provide uninsured motorists coverage in each bodily injury liability insurance policy it issues covering liability arising out of the ownership, maintenance, or use of a motor vehicle. Those provisions also permit the insurer and the applicant to delete the coverage completely or to delete the coverage when a motor vehicle is operated by a natural person or persons designated by name. Uninsured motorists coverage insures the insured, his or her heirs, or legal representatives for all sums within the limits established by law, which the person or persons are legally entitled to recover as damages for bodily injury, including any resulting sickness, disease, or death, to the insured from the owner or operator of an uninsured motor vehicle not owned or operated by the insured or a resident of the same household. An uninsured motor vehicle includes an underinsured motor vehicle as defined in subdivision (p) of Section 11580.2 of the Insurance Code".

(Initials)	
<hr/>	I reject Bodily Injury Uninsured Motorists Coverage entirely.
<hr/>	I delete Bodily Injury Uninsured Motorists Coverage only with respect to the following individuals:
	(Name of Excluded Driver(s))
	<hr/>
	<hr/>

3. Lower Limit(s) For Bodily Injury Uninsured Motorists Coverage

The California Insurance Code requires that we provide you with the following information:

"The California Insurance Code requires an insurer to provide uninsured motorists coverage in each bodily injury liability insurance policy it issues covering liability arising out of the ownership, maintenance, or use of a motor vehicle. Those provisions also permit the insurer and the applicant to agree to provide the coverage in an amount less than that required by subdivision (m) of Section 11580.2 of the Insurance Code but not less than the financial responsibility requirements. Uninsured motorists coverage insures the insured, his or her heirs, or legal representatives for all sums within the limits established by law, which the person or persons are legally entitled to recover as damages for bodily injury, including any resulting sickness, disease, or death, to the insured from the owner or operator of an uninsured motor vehicle not owned or operated by the insured or a resident of the same household. An uninsured motor vehicle includes an underinsured motor vehicle as defined in subdivision (p) of Section 11580.2 of the Insurance Code".

(Initials)

I reject Bodily Injury Uninsured Motorists Coverage at limits equal to my Bodily Injury Liability Coverage (split limits) or Combined Single Limit for Liability Coverage and I select the following lower limits.

(Choose one):

(Initials)	Split Limits	OR	(Initials)	Combined Single Limit
_____	\$ 15,000/30,000		_____	\$ 30,000
_____	20,000/40,000		_____	40,000
_____	25,000/50,000		_____	50,000
_____	30,000/60,000		_____	60,000
_____	50,000/100,000		_____	100,000
_____	100,000/300,000		_____	250,000
_____	250,000/500,000		_____	300,000
_____	500,000/1,000,000		_____	500,000
_____	\$ _____		_____	1,000,000
	(Other)		_____	\$ _____
				(Other)

B. Mandatory Offer Of Property Damage Uninsured Motorists Coverage

Uninsured Motorists Coverage may also include Property Damage Uninsured Motorists Coverage. Property Damage Uninsured Motorists Coverage provides insurance protection to an insured for compensatory damages for injury to or destruction of a covered auto caused by an automobile accident which an insured is legally entitled to recover from the owner or operator of certain types of uninsured motor vehicles. However, Property Damage Uninsured Motorists Coverage is available only:

1. If you have not rejected Bodily Injury Uninsured Motorists Coverage; and
2. For autos for which you have not purchased Collision Coverage.

Please indicate your choices by initialing next to the appropriate item(s) below.

(Initials)

I select **Property Damage Uninsured Motorists Coverage** at a limit of **\$3,500** for each accident for the following vehicle(s):

(Specify Year/Make/Model)

(Initials)

I reject **Property Damage Uninsured Motorists Coverage** entirely.

I delete **Property Damage Uninsured Motorists Coverage** only with respect to the following individuals:

(Name of Excluded Driver(s))

Applicant's/Named Insured's Signature

Date



ALLIED WORLD NATIONAL ASSURANCE COMPANY

311 South Wacker Drive, Suite 1100
Chicago, IL 60606
USA

T. 312-646-7700
F. 312-922-1159

To:	Elaine Wang Allied Public Risk, LLC 311 South Wacker Drive, Suite 3390 Chicago, IL 60606	Date:	04/26/2022
		ewang@alliedpublicrisk.com	
From:	Lisa Yarte	Account #:	1321846
Re:	Olivenhain Municipal Water District - Allied World Cyber		

VIA EMAIL QUOTATION

Insured:	Olivenhain Municipal Water District		
Address:	1966 Olivenhain Road Encinitas, CA 92024		
Policy Period:	From: 07/01/2022	To: 07/01/2023	

Limits and Retentions

Option	1
Policy Aggregate Limit of Insurance	\$1,000,000

Third Party Liability Insuring Agreements

Coverage	Limits of Insurance	Retention	Retroactive Date
A. Network Security and Privacy Liability Coverage	\$1,000,000	\$100,000	07/01/2014
B. Media Liability Coverage	\$1,000,000	\$100,000	07/01/2014
C. Professional Services Liability Coverage	Not Requested	Not Requested	Not Requested
D. Technology Services Liability Coverage	Not Requested	Not Requested	Not Requested

First Party Insuring Agreements

Coverage	Limit of Insurance	Retention
E. Incident Response Coverage	\$1,000,000	\$100,000
Inside the Aggregate Limit of Insurance		
1. Breach Consultation	\$1,000,000	\$100,000

ALLIED WORLD NATIONAL ASSURANCE COMPANY

2. Data Forensics	\$1,000,000	\$100,000
3. Breach Response	\$1,000,000	\$100,000
4. Public Relations	\$1,000,000	\$100,000
F. PCI Expenses	\$1,000,000	\$100,000
G. Network Extortion Coverage	\$1,000,000	\$100,000
H. Cyber Crime Coverage	\$250,000	\$100,000
1. Social Engineering Fraud Coverage	\$250,000	\$100,000
2. Telecommunications Fraud Coverage	\$250,000	\$100,000
3. Funds Transfer Fraud Coverage	\$250,000	\$100,000
I. Data Restoration Coverage	\$1,000,000	\$100,000
Coverage	Limit of Insurance	Waiting Period
J. Business Interruption and Extra Expense Coverage	\$1,000,000	12 hours
1. Business Interruption	\$1,000,000	12 hours
2. System Failure Business Interruption	\$1,000,000	12 hours
3. Contingent Business Interruption	\$1,000,000	12 hours
Coverage	Limit of Insurance	
K. Supplemental Expenses Coverage	\$25,000	
L. Disciplinary Proceedings Coverage	Not Requested	

Premium	\$36,635
Premium Due Date:	30 Days from effective date of policy

ALLIED WORLD NATIONAL ASSURANCE COMPANY

Carrier:	Allied World National Assurance Company
Policy Forms:	AWCYB 00004 00 (01/18) - Allied World Cyber
Professional Services Description:	Not Requested
Technology Services Description:	Not Requested

Endorsements

1. [AWCYB 00040 00 \(01/18\)](#) - Amend Definition of Third Party Contractor
2. [AWCYB 00050 00 \(01/18\)](#) - Service of Suit
3. [AWCYB 00054 00 \(07/18\)](#) - Amend Prior Knowledge Exclusion Applies to Knowledge of Executive Officer
4. [AWCYB 00055 00 \(07/19\)](#) - Amendatory Endorsement
5. [AWCYB 00057 00 \(04/19\)](#) - Contingent System Failure (\$500K)
6. [AWCYB 00058 00 \(04/19\)](#) - General Data Protection Regulation (GDPR) Endorsement
7. [AWCYB 00059 00 \(04/19\)](#) - Reputational Harm Coverage Endorsement (\$100K/\$100K)
8. [AWCYB 00063 00 \(04/19\)](#) - Computer System Property Damage Coverage (Bricking) (\$100K/\$100K)
9. [IL 00017 04 \(11/08\)](#) - California - Suits Involving a Surplus Lines Broker - Remedies

Subjectivities

Quotation subject to Insurer's receipt, review and acceptance of:

Surplus Lines Affidavit

Please email ALL subjectivities to lisa.yarte@awac.com.

Surplus Lines Disclosure

This quotation is being offered on a surplus lines basis. As the producing broker, it will be your responsibility to comply with regulatory requirements, including arranging for the payment of the applicable state tax and/or stamping fee should a policy be issued. You will be required to complete and return the attached Surplus Lines Affidavit prior to the release of the policy.

Quotation valid until 07/01/2022

This quotation is subject to modification or withdrawal by the Company if, before the proposed inception date, any new, corrected or updated information becomes known which could change the underwriting evaluation of the proposed Insured, and the Company, in its sole discretion, determines that the terms of this quotation are no longer appropriate.

Thank you for choosing Allied World National Assurance Company.



Insurance Quote

Dear: James V. Swanson, Swanson Insurance Agency

Date: May 04, 2022

Attached please find Carrier quotation RPS has secured on your behalf for the below mentioned risk. Please review the attached and below carefully as coverage described herein may be different from the original application submitted, or prior policy if applicable.

Insured: Olivenhain Municipal Water District

RPS Reference #: 4892847A

Mailing Address: 1966 Olivenhain Rd Encinitas, CA 92024

Carrier: HDI Global Specialty SE / Non-Admitted

AM Best Rating: A XV

Policy Period: 7/1/2022 to 7/1/2023

Coverage: Excess Liability

TIV: per Carrier terms attached

Limit: per Carrier terms attached

Rate: per Carrier terms attached

Policy Premium: \$60,000.00

Fees (fully earned):

Taxes: \$1,800.00
\$150.00

Surplus Lines Tax
Stamping Office Fee

Home State: CA

TOTAL: \$61,950.00 Flat
Term, Including CA
SLT & Fees, Without
TRIA

THE PREMIUM ABOVE DOES NOT INCLUDE TERRORISM COVERAGE. IF THE INSURED ELECTS TO PURCHASE TERRORISM COVERAGE THE ADDITIONAL PREMIUM WILL BE \$750.00 PLUS TAX OF \$24.38.

Commission: 10%

Minimum Earned Premium:

Conditions/Subjectivities: per Carrier terms attached
No Flat Cancellations

SUBJECTIVITIES:

All Underlying Binders/Policies Upon Issuance

Signed and Completed TRIA Form

Currently Valued, Ground Up and Uncapped Loss Runs Valued Within 90 Days of the Effective Date

Please note:

- You are responsible for reviewing and explaining the coverage to the client, including any options, available or not from

our office. The terms hereon are not fully described and no assumption should be made as to the adequacy of the coverage of the risk to the client.

- You are not an Agent of the insurer, and as such, cannot bind coverage nor make any commitments on behalf of the insurer, nor of us. This policy cannot be assigned to another without the written consent of the insurer or their Agent.
- Insurance companies will not approve binding until all subjectivities (except inspections) have been received and accepted.
- This document is a representation of the Carrier's quotation and is subject to all premiums, limits, terms, conditions and exclusions as set forth by the carrier.
- If this policy is issued on a non-admitted basis, your office is responsible for completing, collecting and delivery to RPS any required surplus lines forms, taxes and fees from the insured at time of Binding. RPS will remit the applicable taxes and forms to the state. If this policy is subject to the surplus lines laws in your state, you should make every effort to comply with any special provisions and regulations of your state.
- You are responsible for the issuance and review of Certificates of Insurance (COI). COIs cannot amend or alter the terms provided herein.
- All premiums and any fees are due to RPS within 20 days of binding unless otherwise stipulated. Accounts with payments that are overdue and are not received within this time frame are subject to cancellation.
- By binding you commit to any provisions contained hereon, such as Minimum Earned Premiums. There are no flat cancellations allowed.

Please advise in writing if you would like to bind coverage per the attached terms and conditions. Should you have any questions please give us a call. Thank you for the opportunity to work on your business!

Sincerely,
Steve Cius
Risk Placement Services, Ins. Broker - LA
Phone: (323) 932-5714
Email: Steve_Cius@rpsins.com



APR—Alternative Markets

Dedicated to Public Entity

COMMERCIAL EXCESS LIABILITY PROPOSAL

INSURANCE PROPOSAL FOR: Olivenhain Municipal Water District

POLICY EFFECTIVE: 07/01/2022

POLICY EXPIRATION: 07/01/2023



COMMERCIAL EXCESS LIABILITY PROPOSAL

This proposal is valid until the effective date.

ISSUE DATE: 05/04/2022

PROPOSAL PREPARED FOR: Risk Placement Services
1201 Dove Street, Suite 240
Newport Beach, CA 92660

NAMED INSURED: Olivenhain Municipal Water District
1966 Olivenhain Road
Encinitas, CA 92024

POLICY NUMBER: TBD

ISSUING COMPANY: HDI Global Specialty SE
AM Best Rating: A (Stable)

POLICY PERIOD: From: 07/01/2022 To: 07/01/2023
At 12:01 A.M. standard time at the address of the named in-

LIMITS OF LIABILITY: Each Occurrence Limit \$5,000,000
Aggregate Limit (Where Applicable) \$5,000,000

LIMITS OF UNDERLYING INSURANCE: See Schedule of Underlying

PREMIUM AND PAYMENT TERMS:

Premium	\$60,000
Terrorism	\$750
Total	\$60,750

**Premium is due at inception, payable in 30 days. Any State Surcharges and Fees are in addition to and not considered premium.*

**Compliance with all surplus lines placement requirements, including stamping the Policy and collection and payment of surplus lines taxes, is the responsibility of the broker.*



SCHEDULE OF CONTROLLING UNDERLYING INSURANCE

Coverage:	Company:	Limits:	
Commercial Excess Liability	Allied World Specialty Insurance Company	Each Occurrence Limit	\$10,000,000
	Policy Number:	Aggregate Limit	\$10,000,000
	TBD		
	Policy Period:		
	07/01/2022—07/01/2023		
Coverage:	Company:	Limits:	
Business Auto Liability	Allied World Assurance Company	Each Accident	\$1,000,000
	Policy Number:	Aggregate Limit	N/A
	TBD		
	Policy Period:		
	07/01/2022—07/01/2023		
Coverage:	Company:	Limits:	
Commercial General Liability	Allied World Specialty Insurance Company	Each Occurrence Limit	\$1,000,000
	Policy Number:	General Aggregate	\$3,000,000
	TBD	Products / Completed Operations Aggregate	\$3,000,000
	Policy Period:	Personal & Advertising Limit	\$1,000,000
	07/01/2022—07/01/2023	Deductible	\$10,000
Coverage:	Company:	Limits:	
Public Officials & Management Liability	Allied World Specialty Insurance Company	Each Wrongful Act or Offense	\$1,000,000
	Policy Number:	Employee Benefits/Each Offense	\$1,000,000
	TBD	Aggregate	\$3,000,000
	Policy Period:	Deductible	\$10,000
	07/01/2022—07/01/2023		

FORMS AND ENDORSEMENTS

FOLLOW FORM EXCESS

FORMS AND ENDORSEMENTS:

	Network Adjusters Claim Notice
SL CX SU 4033 (05 20)	Commercial Follow Form Excess Liability Declarations
SL CX AM 4001 (07 19)	Commercial Excess Liability Policy
SL CX AM 4022 (07 19)	Excess Coverage Limitation Endorsement
SL CX AM 4034 (08 20)	Policy Change—Public Use of Property
SL CX EX 4011 (07 19)	Exclusion—Wildfire
SL CX EX 4012 (07 19)	Exclusion—Access or Disclosure of Confidential or Personal Information and Data Related Liability
SL CX EX 4013 (07 19)	Exclusion—Cross Suits
SL CX EX 4016 (07 19)	Exclusion—Unmanned Aircraft
SL CX EX 4033 (07 19)	Exclusion—Communicable Disease
SL CX EX 4037 (07 19)	Exclusion of Punitive Damages Related to Certified Act of Terrorism (if TRIA is purchased)
SL CX EX 4040 (03 21)	Exclusion—Land Subsidence
IL 3018 IICH (01 21)	Policyholder Disclosure Notice of Terrorism Insurance Coverage
IL P 001 01 04	U.S. “OFAC” Advisory Notice To Policyholders
IICH 2019 (SLEX)	Sanction and Limitation Exclusion Clause
IICH SOS 1000 CW (03 20)	Service of Suits Clause
IICH PP 3000 (11 20)	Privacy Notice
CA PHN	CA Policyholder Notice

DEFENSE TREATMENT: Follows the underlying Policy.

TERRITORY: United States and its territories or possessions.

NOTICE OF CANCELLATION: Per state Requirement

GENERAL CONDITIONS:

- This proposal represents the Company's proposed terms and conditions, which may not include all of the requested terms and conditions. No warranty is made or implied with respect to the total compliance to bid specifications or applications.
- Coverage is not subject to audit.
- Terrorism
This proposal includes coverage for the TRA (Terrorism Reform Act) legislation. Our quote for certified terrorism coverage, as defined by the act, includes as an additional premium that is stated in the attached Acceptance or Rejection of Terrorism Insurance Coverage. The insured has the option to reject the terrorism coverage. If the insured rejects to purchase the coverage, a terrorism exclusion form must be completed and signed by the insured in order to do so. **If the form is not returned to us upon binding of coverage, the terrorism premium will be automatically included.**
- The excess follow form pricing, terms and conditions included in this proposal have been developed based upon the **Vantapro Specialty Insurance Company's** primary casualty terms and conditions as stated on the "limits and retentions" page of this proposal (page 2). In the event the primary casualty coverage is bound with another program or carrier other than **Vantapro Specialty Insurance Company**, or there is a change in limits, retention, or coverage, this Underwriter reserves the right to modify the terms and conditions of this follow form excess coverage up to and including nullification of the excess follow form quotation provided in this proposal.
- If the loss experience or the exposures materially change between the issue date of this proposal and the date that coverage is bound, we reserve the right to change the terms, conditions and / or premium.
- Loss runs must be valued within 90 days of the policy's inception. If loss runs originally submitted exceed 90 days, currently valued loss runs will be due at the time of binding.
- Agent/Broker is responsible for the payment and filing of all surplus lines filings, taxes and fees.

THE FOLLOWING SUBJECTIVITIES ARE REQUIRED TO BIND COVERAGE:

- Signed and dated Acceptance or Rejection of Terrorism Insurance Coverage form.
- Signed and dated Surplus Lines Producer Acknowledgement.
- Underlying binders prior to binding confirmation.
- Updated loss runs valued within 90 days of the effective date.

POLICYHOLDER DISCLOSURE

NOTICE OF TERRORISM INSURANCE COVERAGE

You are hereby notified that under the Terrorism Risk Insurance Act, as amended, you have a right to purchase insurance coverage for losses resulting from acts of terrorism. *As defined in Section 102(1) of the Act:* The term “act of terrorism” means any act or acts that are certified by the Secretary of the Treasury—in consultation with the Secretary of Homeland Security, and the Attorney General of the United States—to be an act of terrorism; to be a violent act or an act that is dangerous to human life, property, or infrastructure; to have resulted in damage within the United States, or outside the United States in the case of certain air carriers or vessels or the premises of a United States mission; and to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

YOU SHOULD KNOW THAT WHERE COVERAGE IS PROVIDED BY THIS POLICY FOR LOSSES RESULTING FROM CERTIFIED ACTS OF TERRORISM, SUCH LOSSES MAY BE PARTIALLY REIMBURSED BY THE UNITED STATES GOVERNMENT UNDER A FORMULA ESTABLISHED BY FEDERAL LAW. HOWEVER, YOUR POLICY MAY CONTAIN OTHER EXCLUSIONS WHICH MIGHT AFFECT YOUR COVERAGE, SUCH AS AN EXCLUSION FOR NUCLEAR EVENTS. UNDER THE FORMULA, THE UNITED STATES GOVERNMENT GENERALLY REIMBURSES 80% BEGINNING ON JANUARY 1, 2020, OF COVERED TERRORISM LOSSES EXCEEDING THE STATUTORILY ESTABLISHED DEDUCTIBLE PAID BY THE INSURANCE COMPANY PROVIDING THE COVERAGE. THE PREMIUM CHARGED FOR THIS COVERAGE IS PROVIDED BELOW AND DOES NOT INCLUDE ANY CHARGES FOR THE PORTION OF LOSS THAT MAY BE COVERED BY THE FEDERAL GOVERNMENT UNDER THE ACT.

YOU SHOULD ALSO KNOW THAT THE TERRORISM RISK INSURANCE ACT, AS AMENDED, CONTAINS A \$100 BILLION CAP THAT LIMITS U.S. GOVERNMENT REIMBURSEMENT AS WELL AS INSURERS’ LIABILITY FOR LOSSES RESULTING FROM CERTIFIED ACTS OF TERRORISM WHEN THE AMOUNT OF SUCH LOSSES IN ANY ONE CALENDAR YEAR EXCEEDS \$100 BILLION. IF THE AGGREGATE INSURED LOSSES FOR ALL INSURERS EXCEED \$100 BILLION, YOUR COVERAGE MAY BE REDUCED.

Acceptance or Rejection of Terrorism Insurance Coverage

<input type="checkbox"/>	I hereby elect to purchase terrorism coverage for a prospective premium of \$750.
<input type="checkbox"/>	I hereby decline to purchase terrorism coverage for certified acts of terrorism. I understand that I will have no coverage for losses resulting from certified acts of terrorism.

Policyholder/Applicant’s Signature

Insurance Company

Print Name

Policy Number

Date

March 15, 2022

Swanson Insurance Agency
1161 E Main Street Ste 201
El Cajon, CA 92021

RE: OLIVENHAIN MUNICIPAL WATER DISTRICT (CA) C28824
Declination of New Business Application Submission

Dear Jim,

Thank you for your submission of the above captioned applicant dated 3/15/2022. I regret to inform you that I must decline to quote this submission. As discussed, after review, this risk is not one I can consider due to the following:

- The exposures are outside of the guidelines for Glatfelter Public Practice, such as wildfire risk.

Again, thank you for considering **Glatfelter Public Practice**. I look forward to working with you in the future.

Sincerely,

Kelly L. Anderson
GPP Underwriter

Jim Swanson

From: Clint Deiley <clint@grundy.com>
Sent: Monday, March 28, 2022 12:42 PM
To: Jim Swanson
Subject: RE: Olivenhain MWD

Jim,

Philly has declined the account because of the fire score rating.

Regards,

Clinton Deiley
Vice President Utility Services



Address: 400 Horsham Road | P.O. Box 1957 | Horsham, PA 19044
Phone: (215) 674-8171 ext. 154 | **Toll Free:** (877) 338-4004 ext. 154
Fax: (215) 674-5716
Email: clint@grundy.com

[Grundy.com](#) | [Motor Vehicle Program](#) | [Special Client Services](#) | [Marine](#) | [Commercial Insurance](#) | [Water & Sewer](#)



This email does not constitute a binder of insurance. Any premium quotation is strictly limited to the terms and conditions of Underwriting Approval.

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From: Jim Swanson [mailto:jim@swansoninsurance.com]
Sent: Monday, March 28, 2022 2:06 PM
To: Clint Deiley <clint@grundy.com>

Jim Swanson

From: Nathan Simmons <nsimmons@apexinsurance.com>
Sent: Tuesday, April 5, 2022 10:10 AM
To: Jim Swanson
Subject: Olivehain MWD - Liberty Declination

Jim,

Please see the below declination from Liberty on Olivenhain MWD. They won't be able to compete on the current program.

From the UW:

We're still not writing liability in CA for Municipal Risks and the property at the main address for this one would fall into a wildfire zone that we'd consider high (out of bounds). The lines we could look at here would be just Work Comp and any supporting auto.

Thank You,



Nate Simmons

Senior Vice President | Apex Insurance Agency, Inc.
411 East 3rd Ave | Suite 200 | Eugene, OR 97401
1-541-393-2130 – Direct
1-925-708-3372 – Cell
CA License #0G11189

“Innovative Wholesale P&C Solutions for Public Entities, Schools and Non-Profits”

Please remember coverage cannot be bound, amended or cancelled via the voice mail system.

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BINDING NOTICE: Insurance coverage cannot be bound, amended or cancelled via an e-mail message without confirmation from an authorized representative of Apex Insurance Agency.

Jim Swanson

From: Nathan Simmons <nsimmons@apexinsurance.com>
Sent: Tuesday, April 5, 2022 3:42 PM
To: Jim Swanson
Cc: Whitney Mills
Subject: Olivenhain MWD - Travelers Declination

Jim,

Please see below from Travelers. They won't be a market for this account.

From the UW:

Thanks for the submission. Unfortunately this would not be a good fit due to the potential wildfire exposure on the property, FTS limit requirements and other terms and conditions. I didn't get a chance to review the entire submission but I wanted to get a response back to you today.

Please let us know if you have any additional questions.

Thank You,



Nate Simmons

Senior Vice President | Apex Insurance Agency, Inc.
411 East 3rd Ave | Suite 200 | Eugene, OR 97401
1-541-393-2130 – Direct
1-925-708-3372 – Cell
CA License #0G11189

“Innovative Wholesale P&C Solutions for Public Entities, Schools and Non-Profits”

Please remember coverage cannot be bound, amended or cancelled via the voice mail system.

Memo

Date: May 18, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Rainy Selamat, Finance Manager
Via: Kimberly Thorner, General Manager
Subject: **CONSIDER ADOPTION OF A RESOLUTION ELECTING TO HAVE SEWER SERVICE FEES FOR THE SANTA LUZ AFFORDABLE HOUSING AREA AND BLACK MOUNTAIN RANCH EAST CLUSTERS PROJECT WITHIN THE 4S RANCH SANITATION DISTRICT COLLECTED ON THE COUNTY TAX ROLLS FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023 AND TO CERTIFY SAID FEES WITH THE SAN DIEGO COUNTY ASSESOR**

Purpose

The purpose of this item is to consider adoption of a resolution to collect sewer service fees for the Santa Luz Affordable Housing Area and Black Mountain Ranch East Clusters Project within the 4S Ranch Sanitation District on the San Diego County Tax rolls for administrative streamlining and as a cost containment effort and to certify said fees with the San Diego County Assessor.

In accordance with California Health and Safety Code, Section 5470-5474.10, a written report containing a description of each parcel of real property receiving sewer service and the proposed amount of sewer service fee for FY 2022/23 has been filed with the General Manager.

Recommendation

Staff recommends the Board consider and adopt the Resolution as presented.

Alternative

The Board could choose to have District staff combine water and sewer services into one (1) monthly bill and bill customers monthly for services provided. The District would need to add one additional employee in order to accomplish this task.

Background

The District has historically billed and collected sewer service fees via the San Diego County Assessor's Office on the Property Tax Roll due to administrative convenience and low cost. The District's wastewater (sewer) bills are collected on each property owner's property tax bill on an annual basis and payment is due and payable at the same time when a property owner's tax bill is due to the San Diego County Tax Assessor Office in April and December of each year.

This methodology allows the District to collect sewer service fees without additional billing staff and secures the fees through a Tax Assessor's lien on the property if the fees are not paid.

Staff recommends that this method for collection of sewer service fees be continued.

Fiscal Impact

Staff anticipates that sewer service revenues to be collected from Santa Luz Affordable Housing Area and Black Mountain Ranch (BMR) East Clusters Project for fiscal year 2022/23 will be approximately \$330,371.

Discussion

At the May 19, 2021 meeting, the Board approved and adopted Olivenhain Municipal Water District Wastewater (Sewer) Service fees for fiscal years 2022, 2023, 2024, 2025, and 2026 to be effective on July 1st of each year. Annual sewer service fee for each property receiving sewer service in the Santa Luz Affordable Housing Area and BMR East Cluster, which will be collected from San Diego County Property Tax Roll for fiscal year 2022/23, was calculated based on the July 1, 2022 Wastewater (Sewer) Service Fees table included in Section 28.5 of the District's Administrative and Ethics code.

The attached resolution must be filed with the San Diego County Tax Assessor's Office to continue collecting the District's annual sewer service charge for fiscal year 2022/23 on customer's property tax bills.

Attachment: Resolution

RESOLUTION NO. 2022-xx

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE OLIVENHAIN MUNICIPAL WATER DISTRICT
ELECTING TO HAVE SEWER SERVICE FEES FOR THE
SANTALUZ AFFORDABLE HOUSING AREA AND BLACK
MOUNTAIN RANCH EAST CLUSTERS PROJECT WITHIN
THE 4S RANCH SANITATION DISTRICT COLLECTED ON
THE COUNTY TAX ROLLS FOR THE FISCAL YEAR JULY
1, 2022 TO JUNE 30, 2023

WHEREAS, the Olivenhain Municipal Water District (District) operates a sewer district known as the 4S Ranch Sanitation District which provides sewer service to the Santaluz Affordable Housing Area and Black Mountain Ranch East Clusters Project; and

WHEREAS, the District completed 2021 Wastewater Rate Study to calculate sewer service fees to pay for costs of operating and maintaining the 4S Wastewater Collection and Treatment Facilities to provide wastewater collection and treatment services to the Santaluz Affordable Housing Area and Black Mountain Ranch East Clusters; and

WHEREAS, the District's Wastewater Rate Study also analyzed costs to construct capital infrastructure improvements needed to replace and refurbish the aging wastewater collection and treatment facilities, to maintain the operational and financial stability of the District's wastewater operations, and to comply with state and federal regulatory wastewater and disposal requirements; and

WHEREAS, the District's sewer service charges do not exceed the reasonable cost of providing sewer services; and

WHEREAS, the Board of Directors of the Olivenhain Municipal Water District has elected to have sewer service fees for fiscal year July 1, 2022 to June 30, 2023 within the Santaluz Affordable Housing Area and Black Mountain Ranch East Clusters Project collected on the San Diego County tax rolls in accordance with California Health and Safety Code Section 5470-5474.0; and

WHEREAS, in accordance with California Health and Safety Code, Section 5470-5474.10, a written report was prepared and filed with the General Manager of the District which contains a description of each parcel of real property receiving sewer service and the proposed amount of sewer service fee for each parcel for FY 2023; and

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

RESOLUTION NO. 2022-xx *continued*

SECTION 1. The Board of Directors of the District hereby finds and determines that the sewer service fees have been adopted and levied in full compliance with all of the requirements contained in Section 6 of Article XIID of the California Constitution. The Board of Directors of the District further finds and determines that these sewer service fees fully comply with all the requirements contained in Article XIID of the California Constitution.

SECTION 2. The Board of Directors of the District hereby finds and determines that imposition of a sewer service fee for each parcel of land within the Santaluz Affordable Housing Area and Black Mountain Ranch East Clusters Project for the fiscal year commencing July 1, 2022 and ending June 30, 2023 is to pay for ongoing operating and maintenance costs of the 4S Wastewater Collection and Treatment Facilities operated and maintained by the District.

SECTION 3. The Board of Directors of the District hereby finds that imposition of a sewer service fee for the Santaluz Affordable Housing Area and Black Mountain Ranch East Clusters Project for the fiscal year commencing July 1, 2022 and ending June 30, 2023 does not exceed the reasonable cost of providing sewer service.

SECTION 4. The Board of Directors hereby determines that the sewer service fee for each property receiving sewer service in the Santaluz Affordable Housing Area and Black Mountain Ranch East Clusters Project for the fiscal year commencing July 1, 2022 and ending June 30, 2023 is correctly described in the written report.

SECTION 5. Pursuant to Water Code Sections 72094 and 72100, the Board of Supervisors and the San Diego County Tax Collector are hereby requested to collect on the tax rolls the sewer service fees for each property receiving sewer service listed in the written report.

SECTION 6. Pursuant to Section 72094 of the California Water Code, the Secretary is hereby authorized and directed to send a certified copy of this Resolution to the Clerk of the Board of Supervisors and the County Auditor on or before September 1, 2022.

RESOLUTION NO. 2022-xx *continued*

PASSED, ADOPTED AND APPROVED at a regular meeting of the Board of Directors of the Olivenhain Municipal Water District held on May 18, 2022.

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

ATTEST:

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

Memo

Date: May 18, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Rainy Selamat, Finance Manager
Via: Kimberly Thorner, General Manager
Subject: **CONSIDER ADOPTION OF A RESOLUTION ELECTING TO HAVE SEWER SERVICE FEES WITHIN THE RANCHO CIELO SANITATION DISTRICT COLLECTED ON THE COUNTY TAX ROLLS FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023 AND TO CERTIFY SAID FEES WITH THE SAN DIEGO COUNTY ASSESOR**

Purpose

The purpose of this item is to consider adoption of a resolution to collect sewer service fees for the Rancho Cielo Sanitation District on the San Diego County Tax rolls for administrative streamlining and as a cost containment effort and to certify said fees with the San Diego County Assessor.

In accordance with California Health and Safety Code, Section 5470-5474.10, a written report containing a description of each parcel of real property receiving sewer service and the proposed amount of sewer service fee for FY 2022/23 has been filed with the General Manager.

Recommendation

Staff recommends the Board consider and adopt the Resolution as presented.

Alternative

The Board could choose to have District staff combine water and sewer services into one (1) monthly bill and bill customers monthly for services provided. The District would need to add one additional employee in order to accomplish this task.

Background

The District has historically billed and collected sewer service fees via the San Diego County Assessor's Office on the Property Tax Roll due to administrative convenience and low cost. The District's wastewater (sewer) bills are collected on each property owner's property tax bill on an annual basis and payment is due and payable at the same time when a property owner's tax bill is due to the San Diego County Tax Assessor Office in April and December of each year.

This methodology allows the District to collect sewer service fees without additional billing staff and secures the fees through a Tax Assessor's lien on the property if the fees are not paid.

Staff recommends that this method for collection of sewer service fees be continued.

Fiscal Impact

Staff anticipates that Rancho Cielo Sanitation District sewer service fee revenues to be collected from the San Diego County Property Tax Roll for FY 2022/23 will be approximately \$309,933.00.

Discussion

At the May 19, 2021 meeting, the Board approved and adopted Olivenhain Municipal Water District Wastewater (Sewer) Service fees for fiscal years 2022, 2023, 2024, 2025, and 2026 to be effective on July 1st of each year. Annual sewer service fee for each property receiving sewer service in the Rancho Cielo Sanitation District, which will be collected from San Diego County Property Tax Roll for fiscal year 2022/23, was calculated based on the July 1, 2022 Wastewater (Sewer) Service Fees table included in Section 28.5 of the District's Administrative and Ethics code.

The attached resolution must be filed with the San Diego County Tax Assessor's Office to continue collecting the District's annual sewer service charge for fiscal year 2022/23 on customer's property tax bills.

Attachment: Resolution

RESOLUTION NO. 2022-xx

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE OLIVENHAIN MUNICIPAL WATER DISTRICT
ELECTING TO HAVE SEWER SERVICE FEES WITHIN
THE RANCHO CIELO SANITATION DISTRICT
COLLECTED ON THE COUNTY TAX ROLLS FOR THE
FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023

WHEREAS, the Olivenhain Municipal Water District (District) operates a sewer district known as the Rancho Cielo Sanitation District which provides sewer service to the Rancho Cielo area of the District; and

WHEREAS, the District completed 2021 Wastewater Rate Study to calculate sewer service fees to pay for costs of operating and maintaining the 4S Wastewater Collection and Treatment Facilities; and

WHEREAS, the District's Wastewater Rate Study also analyzed costs to construct capital infrastructure improvements needed to replace and refurbish the aging wastewater collection and treatment facilities, to maintain the operational and financial stability of the District's wastewater operations, and to comply with state and federal regulatory wastewater and disposal requirements; and

WHEREAS, the District's sewer service charges do not exceed the reasonable cost of providing sewer services; and

WHEREAS, the Board of Directors of the Olivenhain Municipal Water District has elected to have sewer service fees for fiscal year July 1, 2022 to June 30, 2023 within the Rancho Cielo Sanitation District collected on the San Diego County tax rolls in accordance with California Health and Safety Code Section 5470-5474.0; and

WHEREAS, in accordance with California Health and Safety Code, Section 5470-5474.10, a written report was prepared and filed with the General Manager of the District which contains a description of each parcel of real property receiving sewer service and the proposed amount of sewer service fee for each parcel for FY 2023; and

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

SECTION 1. The Board of Directors of the District hereby finds and determines that the sewer service fees have been adopted and levied in full compliance with all of the requirements contained in Section 6 of Article XIID of the California Constitution. The Board of Directors of the District further finds and

RESOLUTION NO. 2022-xx *continued*

determines that these sewer service fees fully comply with all the requirements contained in Article XIID of the California Constitution.

SECTION 2. The Board of Directors of the District hereby finds and determines that imposition of a sewer service fee for each parcel of land within the Rancho Cielo Sanitation District for the fiscal year commencing July 1, 2022 and ending June 30, 2023 is to pay for ongoing operating and maintenance costs of the 4S Wastewater Collection and Treatment Facilities.

SECTION 3. The Board of Directors of the District hereby finds that imposition of a sewer service fee for the Rancho Cielo Sanitation District for the fiscal year commencing July 1, 2022 and ending June 30, 2023 does not exceed the reasonable cost of providing sewer service.

SECTION 4. The Board of Directors hereby determines that the sewer service fee for each property receiving sewer service in the Rancho Cielo Sanitation District for the fiscal year commencing July 1, 2022 and ending June 30, 2023 is correctly described in the written report.

SECTION 5. Pursuant to Water Code Sections 72094 and 72100, the Board of Supervisors and the San Diego County Tax Collector are hereby requested to collect on the tax rolls the sewer service fees for each property receiving sewer service listed in the written report.

SECTION 6. Pursuant to Section 72094 of the California Water Code, the Secretary is hereby authorized and directed to send a certified copy of this Resolution to the Clerk of the Board of Supervisors and the County Auditor on or before September 1, 2022.

RESOLUTION NO. 2022-xx *continued*

PASSED, ADOPTED AND APPROVED at a regular meeting of the Board of Directors of the Olivenhain Municipal Water District held on May 18, 2022.

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

ATTEST:

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

Memo

Date: May 18, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Rainy Selamat, Finance Manager
Via: Kimberly Thorner, General Manager
Subject: **CONSIDER ADOPTION OF A RESOLUTION ELECTING TO HAVE SEWER SERVICE FEES WITHIN THE 4S RANCH SANITATION DISTRICT COLLECTED ON THE COUNTY TAX ROLLS FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023 AND TO CERTIFY SAID FEES WITH THE SAN DIEGO COUNTY ASSESOR**

Purpose

The purpose of this item is to consider adoption of a resolution to collect sewer service fees for the 4S Ranch Sanitation District on the San Diego County Tax rolls for administrative streamlining and as a cost containment effort and to certify said fees with the San Diego County Assessor.

In accordance with California Health and Safety Code, Section 5470-5474.10, a written report containing a description of each parcel of real property receiving sewer service and the proposed amount of sewer service fee for FY 2022/23 has been filed with the General Manager.

Recommendation

Staff recommends the Board consider and adopt the Resolution as presented.

Alternative

The Board could choose to have District staff combine water and sewer services into one (1) monthly bill and bill customers monthly for services provided. The District would need to add one additional employee in order to accomplish this task.

Background

The District has historically billed and collected sewer service fees via the San Diego County Assessor's Office on the Property Tax Roll due to administrative convenience and low cost. The District's wastewater (sewer) bills are collected on each property owner's property tax bill on an annual basis and payment is due and payable at the same time when a property owner's tax bill is due to the San Diego County Tax Assessor Office in April and December of each year.

This methodology allows the District to collect sewer service fees without additional billing staff and secures the fees through a Tax Assessor's lien on the property if the fees are not paid.

Staff recommends that this method for collection of sewer service fees be continued.

Fiscal Impact

Staff anticipates that 4S Ranch Sanitation District sewer service fee revenues to be collected from the San Diego County Property Tax Roll for fiscal year 2022/23 will be approximately \$4,799,000.

Discussion

At the May 19, 2021 meeting, the Board approved and adopted Olivenhain Municipal Water District Wastewater (Sewer) Service fees for fiscal years 2022, 2023, 2024, 2025, and 2026 to be effective on July 1st of each year. Annual sewer service fee for each property receiving sewer service in the 4S Ranch Sanitation District, which will be collected from San Diego County Property Tax Roll for fiscal year 2022/23, was calculated based on the July 1, 2022 Wastewater (Sewer) Service Fees table included in Section 28.5 of the District's Administrative and Ethics code.

The attached resolution must be adopted by the Board and filed with the San Diego County Tax Assessor's Office to continue collecting the District's annual sewer service charge for fiscal year 2022/23 on customer's property tax bills.

Attachment: Resolution

RESOLUTION NO. 2022-xx

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE OLIVENHAIN MUNICIPAL WATER DISTRICT
ELECTING TO HAVE SEWER SERVICE FEES WITHIN
THE 4S RANCH SANITATION DISTRICT COLLECTED ON
THE COUNTY TAX ROLLS FOR THE FISCAL YEAR JULY
1, 2022 TO JUNE 30, 2023

WHEREAS, the Olivenhain Municipal Water District (District) operates a sewer district known as the 4S Ranch Sanitation District which provides sewer service to the 4S Ranch area of the District; and

WHEREAS, the District completed 2021 Wastewater Rate Study to calculate sewer service fees to pay for costs of operating and maintaining the 4S Wastewater Collection and Treatment Facilities; and

WHEREAS, the District's Wastewater Rate Study also analyzed costs to construct capital infrastructure improvements needed to replace and refurbish the aging wastewater collection and treatment facilities, to maintain the operational and financial stability of the District's wastewater operations, and to comply with state and federal regulatory wastewater and disposal requirements; and

WHEREAS, the District's sewer service charges do not exceed the reasonable cost of providing sewer services; and

WHEREAS, the Board of Directors of the Olivenhain Municipal Water District has elected to have sewer service fees for fiscal year July 1, 2022 to June 30, 2023 within the 4S Ranch Sanitation District collected on the San Diego County tax rolls in accordance with California Health and Safety Code Section 5470-5474.0; and

WHEREAS, in accordance with California Health and Safety Code, Section 5470-5474.10, a written report was prepared and filed with the General Manager of the District which contains a description of each parcel of real property receiving sewer service and the proposed amount of sewer service fee for each parcel for FY 2023; and

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

SECTION 1. The Board of Directors of the District hereby finds and determines that the sewer service fees have been adopted and levied in full compliance with all of the requirements contained in Section 6 of Article XIID of the California Constitution. The Board of Directors of the District further finds and

RESOLUTION NO. 2022-xx *continued*

determines that these sewer service fees fully comply with all the requirements contained in Article XIID of the California Constitution.

SECTION 2. The Board of Directors of the District hereby finds and determines that imposition of a sewer service fee for each parcel of land within the 4S Ranch Sanitation District for the fiscal year commencing July 1, 2022 and ending June 30, 2023 is to pay for ongoing operating and maintenance costs of the 4S Wastewater Collection and Treatment Facilities.

SECTION 3. The Board of Directors of the District hereby finds that imposition of a sewer service fee for the 4S Ranch Sanitation District for the fiscal year commencing July 1, 2022 and ending June 30, 2023 does not exceed the reasonable cost of providing sewer service.

SECTION 4. The Board of Directors hereby determines that the sewer service fee for each property receiving sewer service in the 4S Ranch Sanitation District for the fiscal year commencing July 1, 2022 and ending June 30, 2023 is correctly described in the written report.

SECTION 5. Pursuant to Water Code Sections 72094 and 72100, the Board of Supervisors and the San Diego County Tax Collector are hereby requested to collect on the tax rolls the sewer service fees for each property receiving sewer service listed in the written report.

SECTION 6. Pursuant to Section 72094 of the California Water Code, the Secretary is hereby authorized and directed to send a certified copy of this Resolution to the Clerk of the Board of Supervisors and the County Auditor on or before September 1, 2022.

RESOLUTION NO. 2022-xx *continued*

PASSED, ADOPTED AND APPROVED at a regular meeting of the Board of Directors of the Olivenhain Municipal Water District held on May 18, 2022.

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

ATTEST:

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

Memo

Date: May 18, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Kimberly A. Thorner, General Manager
Subject: **CONSIDER UPDATE ON THE COVID-19 EMERGENCY DECLARATION**

Purpose

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

Recommendation

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

Background

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

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

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

CORONAVIRUS (COVID-19) ACTIONS

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

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

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

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

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

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

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

January 10, 2022	Sent booster shot clarification email for the updated January 14 th CALOSHA regulations that you are now deemed in the unvaccinated bucket (for exposure purposes) if you are eligible for a booster shot and have not received one.
January 14, 2022	CALOSHA adopted new regulations that go into effect on January 14, 2022 – face covering must pass light test, Testing for all employees (regardless of vaccination status) due to “close contact” in the workplace will be on paid regular work time, not sick leave, home COVID-19 tests are now permissible, however the employer or an authorized telehealth provider must observe the testing in real time.
January 18, 2022	Held a COVID Task Force Meeting.
January 25, 2022	Met via Zoom with Managers and Supervisors to discuss signs COVID fatigue in employees.
February 1, 2022	Awarded certificates to the top 5 employees who completed the most COVID symptom certification checklists since it was implemented at the beginning of the pandemic.
February 14, 2022	Email sent to all employees on the Governor’s COVID-19 paid sick leave retroactive to January 1, 2022, which will remain in effect through September 30, 2022, masks are no longer required for vaccinated individuals, and the COVID-19 Isolation and Quarantine flowchart.
March 2, 2022	Investigated and participated in a webinar on how to request County transfer of federal COVID relief funds. Will submit to County for OMWD impacts.
March 3, 2022	State extended the CALOSHA ETS to May 5, 2022. Informed the Employees at the Employee Forum.
March 15, 2022	Commenced planning for “End of COVID” restrictions event with employees to honor their frontline work for the past two years.
May 5, 2022	Email sent to all employees on CALOSHA’s updated COVID ETS Rules that are in effect from May 6 through December 31, 2022. These rules included that masks no longer require a light test, OMWD does not have to disinfect after a case at work, “high risk period” is now “infectious period.” Also, per supplemental COVID leave requirement, employees need to provide results from a medical provider, health facility or in front of a manager at OMWD. Employees still must complete Vector Solutions symptom certification.

Fiscal Impact

Staff has reviewed all mission critical chemicals, supplies, parts, and inventory on hand and was instructed to order 120 days of mission critical supplies and chemicals to store here at OMWD. OMWD is using funds from Water and Wastewater Operating Reserves to pay for these expenditures, as water sales have been lower than projected through March 2020 due to weather conditions. Total expenditures in the categories of information technology, inventory, supplies, and customer service total \$331,920.64 as

of the publishing of this memo. Of this amount, only \$134,033.45 represents special expenditures that would not have otherwise been incurred but for the COVID-19 pandemic. The remaining \$197,887.19 of expenditures represents parts, supplies, chemicals and materials that were ordered earlier than normal in order to have 5 to 6 months of supplies, materials, chemicals and parts on hand in case of lack of availability. The chart below reflects the COVID-19 expenditures incurred since March 12, 2020. OMWD submitted a Request for Public Assistant (RPA) to FEMA on September 18, 2020. OMWD has submitted for costs that were incurred outside of normal business practices to respond to the emergency, including additional overtime paid due to the isolation of employees in shifts. To date, OMWD's FEMA claim is still pending and we are awaiting direction as to what will be reimbursed. OMWD's FEMA representative indicated that the delay is due to the Presidential transition and that FEMA has been prioritizing vaccine projects.

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

COVID-19 Expenditures Incurred Since March 12, 2020

Item	Cost	Category	Note
Laptops	30,605.96	Information Technology	15 laptops
Laptop backpacks	486.33	Information Technology	15 laptops
Zoom meetings	2,398.80	Information Technology	
Duo 2 FA	980.00	Information Technology	

Mitel IP Phone Licenses	1,290.00	Information Technology	
Jabra headsets	645.24	Information Technology	
Sonim phones	611.55	Information Technology	
Samsung phones w/ Case and Hotspot	2,171.00	Information Technology	
Wireless mice & misc. supplies	528.47	Information Technology	
Bluetooth keyboards & mice, headsets, and phone chargers	440.47	Information Technology	
Spray bottles for sanitizer	940.00	Supplies	
Hand soap	817.00	Supplies	
Gloves, Glycerol, Hydrogen Peroxide, Distilled Water, batteries, safety glasses, and stock up of other warehouse supplies	7,957.06	Supplies	Warehouse supplies for the next 5-6 months.
Pinesol disinfectant	459.00	Supplies	
Janitorial supplies – hand wipes, paper towels, trash bags, cleaner, hand soap, facial tissue, bleach, toilet paper, hand sanitizer, etc.	9,352.33	Supplies	Janitorial supplies for the next 5-6 months.
Dust masks (not N95)	322.71	Supplies	
Hand sanitizer packets	397.33	Supplies	
Propanol	515.23	Supplies	

Pacific Pipeline Supply- hydrants, gate valves, copper pipe, repair couplings, and various other inventory items	100,714.07	Inventory	Inventory restock for the next 5-6 months.
AquaMetric - meters	68,954.48	Inventory	Inventory restock for the next 5-6 months.
Hach - Laboratory supplies - reagents and other supplies (WTP)	4,738.00	Supplies	6 month supply
IDEXX - Laboratory supplies - BAC-T bottles (WTP)	315.08	Supplies	120 day supply
Nalco - Water treatment chemicals - 7768 polymer barrels, four 55 gallon drums (WTP)	5,053.83	Supplies	
Sterling Water Technologies - Water treatment chemicals - ACH coagulant 2,000 gallons to top off tank (WTP)	8,759.40	Supplies	
Traffic cones to block off street parking (EFRR)	385.21	Supplies	
Custom COVID-19 park closure signs (EFRR)	221.10	Supplies	
COVID-19 Safety of Your Water Postcard - printing and mailing	9,559.69	Customer Service	Quantity sent: 25,584 postcards
Hair Trigger LLC - Hand Sanitizer	15,015.63	Supplies	Qty. 55 - 5 gallon buckets
Masks, disinfectants, hand soap, DIY hand sanitizer supplies	1,921.24	Supplies	
Barricades (EFRR)	56.01	Supplies	
Hydrogen peroxide, propanol for DIY cleaners	922.48	Supplies	
Disposable gloves	556.19	Supplies	

N95 Masks	242.44	Supplies	
Masks for employees	1,293.50	Supplies	
Containers for hand sanitizer	53.17	Supplies	
Propanol	412.19	Supplies	
Disposable gloves	1,559.72	Supplies	
Reusable masks	118.01	Supplies	
Hydrogen peroxide for DIY cleaners	161.85	Supplies	
Disinfectants, hand sanitizer packets, reusable masks, spray bottles, disposable gloves	2,019.92	Supplies	
Fork/Spoon/knife dispensers	47.97	Supplies	
Hydrogen peroxide for DIY cleaners	107.90	Supplies	
Cleaning wipes	2,248.56	Supplies	
Reusable masks	1,787.86	Supplies	
Thermometers, batteries for thermometers, bins to hold thermometers, bottles for hand sanitizer.	2,940.38	Supplies	
Disinfecting wipes, hand sanitizer, cleaning supplies	1,694.39	Supplies	
Custom COVID-19 park signs (EFRR)	738.24	Supplies	

Disinfecting wipes, alcohol wipes	467.61	Supplies	
Washable Masks (Qty. 400)	1,869.61	Supplies	
N95 masks (Qty. 1,000)	5,710.75	Supplies	
N95 masks (Qty. 130), spray bottles, utensil dispensers, thermometers, touchless soap dispensers, reusable masks (Qty. 250), hand soap	6,959.25	Supplies	
Customer COVID-19 courtesy letters for past due accounts	1,546.51	Customer Service	
Touchless items for Building D including: touchless soap dispensers, touchless paper towel dispensers, hands-free trash cans,	1,656.20	Supplies	
Wall-mounted forehead thermometer (touchless)	109.90	Supplies	
Disposable masks (Qty. 950)	292.82	Supplies	
Disposable masks (Qty. 1,000), alcohol wipes (24 packs)	672.32	Supplies	
Thermometers (5), Surface disinfectant spray (49), alcohol wipes (24 packs).	704.70		
Surface disinfectant, alcohol wipes, disposable face masks	628.42	Supplies	
Materials for temporary walls to divide Building D into pods.	658.29	Supplies	
N95 Masks (Qty 300), disinfectant	1,384.34	Supplies	
Heating, Ventilation, and Air Conditioning (HVAC) Filters	3,868.00	Supplies	

Disposable masks (Qty. 1,500)	398.35	Supplies	
N95 masks (Qty. 80) and thermometers (Qty. 3)	177.76	Supplies	
Disposable masks (500), N95 masks (240), alcohol wipes.	1002.20	Supplies	
Reusable masks (Qty. 100), Disposable masks (Qty. 1,060)	718.80	Supplies	
Disposable masks (Qty. 350)	188.44	Supplies	
Disposable masks (Qty. 1050)	329.28	Supplies	
COVID rapid tests (Qty. 540 total tests)	6369.77	Supplies	
Reusable "no light" masks for OSHA compliance (Qty. 300)	1008.60	Supplies	
Disposable masks (Qty. 800), alcohol wipes	464.41	Supplies	

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

Discussion

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

Memo

A

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS
PRESIDENT

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

Memo

B

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS
GENERAL MANAGER

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

May 18, 2022

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

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

Operations & Maintenance	Current Month	Last Month
DCMWTP Total Production	480.6 million gallons	369.6 million gallons
DCMWTP Average Daily Production	16 million gallons	11.9 million gallons
DCMWTP Peak Day Production	22.6 million gallons	18.7 million gallons
Source Water Blend (% State Project Water)	11%	30%
Total Deliveries to VWD	No Deliveries	40.30 acre feet 13.05 million gallons
4S and Rancho Cielo Sewer Systems Total Inflow	37.09 million gallons	40.19 million gallons
4S and Rancho Cielo Sewer Systems Average Daily Inflow	1,236,665 gallons	1,296,757 gallons
4S and Rancho Cielo Sewer Systems Peak Day Inflow	1,348,424 gallons	1,359,532 gallons
4S and Rancho Cielo Sewer Systems Low Day Inflow	1,136,142 gallons	1,234,838 gallons
4SWRF Average Daily Production	849,871 gallons	637,124 gallons
4SWRF Peak Day Production	1,321,170 gallons	1,134,094 gallons
4SWRF Total to Recycled Water Distribution System	25.49 million gallons	19.75 million gallons
4S Recycled Water Storage Pond Volume	142 acre feet	184 acre feet
Repaired Potable Water Main Leak(s)	0	1
Repaired Potable Water Service Lateral Assembly Leak(s)	4	2
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	2
Replaced Valve(s) Calendar Year To Date	4	3
Recycled Water Use Site Inspections & Visits	26	20
Recycled Water Use Site Cross Connection Tests	6	2
Cross Connection Site Surveys	4	14
Backflow Inspections & Testing (New)	3	7
IT Help Requests	22	20
Customer Services	Current Month	Last Month
Customer Calls and Inquiries	1,102	1,059
Total Monthly Bills Issued	23,064	23,082
Service Orders	507	1,217
New Potable Meters	3	0
New Fire Meters	0	0
New Recycled Water Meters	0	0
AMI Troubleshooting Investigations	34	36

Customer Services - Continued	Current Month	Last Month
AMR Troubleshooting Investigations	45	39
Stopped/Underperforming Meters Replaced	36	44
MXUs Upgraded to AMI	129	801
Meter Accuracy Tests Performed	0	0
Water Use Evaluations	14	12
Water Use Violation Reports	5	0
Workshops, Events, and Tours	0	1
High-Efficiency Clothes Washer Rebates	0	1
Weather-Based Irrigation Controller Rebates	0	1
Hose Irrigation Controller Rebates	0	0
High-Efficiency Rotating Nozzle Rebates	0	0
High-Efficiency Toilet Rebates	0	0
Rain Barrel Rebates	0	0
Flow Monitor Device Rebates	1	0
Turf Removal Project Rebates	1	3
Social Media Posts	24	18
News Releases/Media Advisories	1	1
EFRR	Current Month	Last Month
Special Use/Event Permits	8	8
Parking Notices	115	132
Incident Reports	6	7
Vehicle Count	5,616	5,275
Trail Use Count	19,437	11,767
Days Closed Due to Rain/Red Flag/COVID-19	0	1
Days IC Open	21	20
Number of IC Visitors	347	335
Volunteer Trail Patrol Shifts	7	7
Volunteer Docent Hours	92	92
Total Number of Docents	64	64
Finance	Current Month	Last Month
Infosend Payments	10,181	10,370
OMWD Auto Debit Payments	2,240	2,256
CB&T Lockbox Payments	2,856	3,252
Over the Counter Payments	453	517
Check-free, Metavante and Chase	4,476	5,155
Paymentus (Credit Card) Payments	793	1,004
Finance Calls and walk-ins	72	55
Service Orders Processed	16	8
Service Orders Closed Out	0	0
Purchase Orders	8	20
Inventory Items Received	4,005	439
Invoices Processed	544	721
Payroll Direct Deposits Processed	227	231
Accounts Payable Checks	230	261

ENGINEERING DEPARTMENT

Engineering Highlights for April 2022:

The Manchester Avenue Potable Water Pipeline Replacement is complete and moving on to the retention and warranty phase. Contract documents have been fully executed for the 4S Ranch Neighborhood 1 Sewer Pump Station Replacement Project and staff held a preconstruction meeting to discuss expectations and scheduling. The contract for the Manchester Avenue and South El Camino Real Recycled Water Pipelines Project was awarded and staff is working through contract processing. Coordination with Caltrans and their contractor for work occurring at I-5 and Manchester Avenue continued during the month of April. Staff received proposals for the design of the FY 2023 Recycled Water Pipeline Extension Project and the Selection Panel is in the process of reviewing. Staff also received proposals for three (3) As-Needed Services RFPs: As-Needed Construction Management Services, As-Needed Environmental Services, and As-Needed Geotechnical Services. Staff continues to handle developer and other minor projects including fire hydrants, detector checks, water service laterals, etc., assist other departments with engineering-related work, and manage OMWD's right of ways.

HUMAN RESOURCES DEPARTMENT

Human Resources Manager Jennifer Joslin Highlights for April 2022:

Human Resources staff coordinated recruitments for the vacant Equipment Technician and Department Assistant I for the Assistant General Manager positions. Conducted interviews for the vacant Utility II/III, Field Services Technician I, second interviews for Engineering Manager, as well as the internal temporary out of class assignment for a Water Treatment Plant Operator II. Participated in Liebert Cassidy virtual training on conducting performance evaluations. Distributed the employee pre-evaluation and goal setting forms, supervisor/manager confidential performance feedback survey, and created performance review forms for all staff in preparation for the annual review process. Records staff processed multiple public records requests. Purchased and installed a replacement treadmill for the wellness center. Safety staff conducted training for the San Diego County Water Authority intern. Reviewed and updated emergency contacts for each employee. Conducted a safety assessment of the Rancho Santa Fe Valley reclaimed water reservoir in preparation for a structural evaluation of the exterior and interior of the tank. Participated in the implementation of safety improvements at the DCMWTP. Hosted the April Safety Committee meeting.

OPERATIONS & MAINTENANCE

Operations Manager Geoff Fulks Highlights for April 2022:

DCMWTP and Pumps & Motor staff completed work on Membrane Train 2 filter replacements, permeate pump overhaul, basin hardware refurbishments and replacements. The overhauled filter train is now in service for another 10 years of reliable production. Staff reviewed the Energy Recovery Turbine 123 condition assessment report from Canyon Hydro which revealed extensive corrosion within the unit. Component upgrades are being recommended to extend the useful life of the equipment. DCMWTP staff continued to address challenges treating the varied source

water blends which have included higher turbidity water with algae, resulting in increased fouling throughout the plant. WRF staff worked closely with Construction and Engineering staff to conduct a sewer force main leak investigation. The leak was determined to be in the Lakes HOA irrigation system. Construction assisted Engineering staff to upgrade the recycled water irrigation system at headquarters. Construction also replaced one fire hydrant valve. IT continued the deployment of Microsoft 365 and procured new firewalls for the Process Network. ICT staff replaced the legacy security cameras at Gano Reservoir and supported the DCMWTP Strainer cleaning work. A Request for Proposals for design on the Programmable Logic Controller Replacement project was sent out to consultants. Deliveries of treated water have temporarily stopped, per Vallecitos Water District request, due to reservoir rehabilitation project.

CUSTOMER SERVICES DEPARTMENT

Customer Services Manager John Carnegie Highlights for April 2022:

Submitted to Department of Parks and Recreation a Recreational Trails Program application for EFRR overflow parking lot expansion; submitted to Representative Mike Levin two Community Project Funding applications for EFRR overflow parking lot expansion and San Dieguito Valley Brackish Groundwater Desalination Project; provided comments at State Water Resources Control Board meeting on draft emergency regulations; sponsored a San Diego County Office of Education Splash Science Mobile Lab visit whereby El Camino Creek Elementary students learned about the importance of water and sustainability through science-based exercises; received notice that the El Camino Real Potable Water Pipeline Replacement Project and the Indian Head Canyon Pipeline Restoration Project are American Public Works Association Project of the Year award winners; collaborated with San Diego Botanic Garden to promote water-efficient succulent plant class; mailed 126 postcards notifying customers affected by the next AMI Expansion Project phase of upcoming work and the My Water Use portal, and released commemorative video on David C. McCollom Water Treatment Plant's 20th anniversary.

At EFRR, hosted five field trips for Escondido Unified School District fifth graders; hosted a 1.5-mile section of San Diego Mountain Bike Association's Archipelago 50-mile ride; rebuilt vandalized Ridgetop Picnic Area drinking fountain; completed work on Ridgeline Maintenance Road by laying 40 yards of stabilized, decomposed granite; installed footing for volunteer-donated bench at Upper Creek Viewing Area; hosted Earth Day cleanup event in partnership with I Love A Clean San Diego; and hosted two Palomar College class field trips.

FINANCE DEPARTMENT

Finance Manager Rainy Selamat Highlights for April 2022:

Discussed Pension Funding Options and Strategies with the District's Pension Advisor; Reviewed and discussed Pension Funding plan and policy with GM Thorner; drafted OMWD Pension Funding Policy; discussed proposed departmental operating budget and capital budget with managers and GM Thorner; reviewed the DRAFT of fiscal years 2023 and 2024 Operating and Capital Budget for presentation to Finance Committee and the Board; held 2022 water capacity fee study kick-off meetings with Raftelis and the District's Engineering Consultants; worked with Fitch Ratings Director of Public Finance on OMWD Fitch annual rating review; staff assisted other department

in completing grant claims for AMI and San Dieguito Groundwater projects; staff began working on GASB 87 adjustments for reporting cell tower leases for fiscal year 2022; staff completed the State Controller's Compensation Report for calendar year 2021; drafted fiscal year 2022/23 sewer rate increase notice to sewer customers; and attended SDCWA's Member Agency Finance Officers meetings on purchased water wholesale cost increases and rate workshop.

ASSISTANT GENERAL MANAGER:

The Assistant General Manager reports the following:

Attended multiple meetings with the North San Diego Water Reuse Coalition; attended a board meeting with SDNEDC; attended an Insurance Subcommittee Meeting; attended Safety Committee Meeting; served on multiple interview panels; dedicated significant time to reviewing public records requests, personnel matters, employee recruitment, and claims management.

GENERAL MANAGER:

The General Manager reports the following:

General Manager Thorner participated in SDCWA General Managers meeting, the SDCWA Board Meeting, the Ad Hoc Committee on Rainbow-Fallbrook Meeting, MAM/MAFO Rate Workgroup Meeting #3, held a Finance Committee meeting, the WaterReuse California Executive Committee Meetings, Candidate Review Meeting for SDCWA General Counsel, held an Insurance Subcommittee Meeting, held a Safety Committee Meeting, dedicated significant time to interviews, personnel matters, reviewing COVID regulations, and reviewing legal matters.

Memo

C

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

CONSULTING ENGINEER

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

MEMORANDUM

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

From: Don MacFarlane, Consulting Engineer

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

Date: May 9, 2022

This is a report on the Finance and Insurance, Water Planning and Stewardship, and Engineering and Operations Committee meetings, held on May 9 and 10, 2022. The report is based on the webcast, Board reports and memorandums. Note that Committee approvals may be changed by the full Board at their meeting on May 10, 2022.

Delta Outflow – During the month of April 2022, the flow averaged 7,800 cubic feet per second (cfs). Over a 24-hour period, 7,800 cfs is approximately equal to 15,400 acre-feet.

Finance and Insurance Committee –

1. Water Transactions, Deliveries – Through March 2022

2. Variation	Budget Month	Budget YTD	Prior Year YTD
Transactions (TAF)	Not Available	+51.8	+87.0
Transactions \$MM	Not Available	+\$39.4	+\$109.9
	Actual Month		Prior Year
April Delivery (TAF)	134		138

2. FY 2022 Financial Performance – Staff is projecting net revenues of \$109.9 million.

Water Planning and Stewardship Committee

1. Water Surplus Drought Management Notes-

- a. For the three consecutive years ending this year:
 - i. The Northern Sierra Watershed 8-Station Precipitation Index is the driest on record.
 - ii. The Northern Sierra runoff is projected to be the lowest on record.

MEMORANDUM

Metropolitan Water District of Southern California

May 9, 2022 Committee Meetings

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5/10/2022

- iii. Lake Powell unregulated inflow is projected to be the second lowest on record.
 - b. The current forecast is to use 846 TAF from dry-year storage and transfers in 2022.
 - c. Currently, there are insufficient supplies in the MWD SWP dependent area.
2. Express Support for the Voluntary Agreement Approach for the SWRCB Bay-Delta Water Quality Control Plan Update –
- a. Staff requested Board support for this approach, which is collaborative involving the State Board, water users, NGO's and science, as opposed to a State Board regulatory approach. The approach also addresses habitat restoration and adaptively managed flows, and is performance based, as opposed to only addressing flows.
 - b. There were 15 public callers, all against the approach because 1) MWD should use less water from the Delta, 2) MWD should develop more local water, and 3) the process was not open to all parties. Staff noted that they advocated a more open process but the State was controlling participation.
 - c. There was considerable Board discussion both for and against the approach, with CWA directors advocating a delay in the decision.
 - d. The Committee approved the approach 10 Yes to 0 No, with the CWA directors abstaining.

Engineering and Operations Committee

1. Percent State Water Project Water at Lake Skinner – 0 percent.

CIP – Capital Improvement Program

CRA – Colorado River Aqueduct

CWA – San Diego County Water Authority

MWD – Metropolitan Water District of Southern California

NGOs – Non-Governmental Organizations

SWP – State Water Project

TAF – Thousand acre-feet

SWRCB – State Water Resources Control Board

Memo

D

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

GENERAL COUNSEL

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



TO: Olivenhain Municipal Water District

FROM: Alfred Smith

DATE: May 18, 2022

RE: Attorney Report: Brown Act Update
150152-0005

I. INTRODUCTION.

This attorney report provides a Brown Act update on two pending legislative proposals intended to address the Brown Act and virtual meeting requirements. As stated by the bill authors, both bills are intended to modernize the Brown Act by allowing directors to attend board meetings remotely, without requiring disclosure of the director's meeting location. However, to achieve this common goal, the bills take different approaches, with Assembly Bill 2449 imposing a number of additional requirements than Assembly Bill 1944.

II. BACKGROUND.

The Brown Act contains a number of requirements for remote/teleconference meetings. Among other things, the Brown Act requires that (1) local agencies post on the agenda the physical location of each director's teleconference location; (2) each teleconference location be accessible to the public; (3) members of the public be allowed to address the agency at each teleconference location; (4) the legislative body post an agenda at each teleconference location; and (5) at least a quorum of the directors participate from locations within the boundaries of the agency's jurisdiction.

Early in the COVID-19 pandemic, Governor Gavin Newsom issued a series of executive orders to expand public access to meetings by suspending some of the restrictions placed on teleconferencing. Among other things, these executive orders removed the requirements for agencies to post the location of each director's teleconference location; removed the requirements for members of the public to address the agency at each teleconference location; removed the requirement for agencies to post the agenda at each teleconference location; and removed the requirement for a quorum of directors to participate from a location within the boundaries of the agency's jurisdiction.

Assembly Bill 361 was signed into law, allowing for the teleconference provisions detailed in the executive orders to continue during a period of emergency declaration. However, once an emergency declaration expires, local agencies will again be required

to comply with the Brown Act's pre-existing requirements, making it more burdensome to hold virtual board meetings. Many agencies still use AB 361 to conduct public meetings safely and transparently. However, there is a strong desire from local agencies to continue the flexibility allowed under AB 361 beyond a declared state of emergency.

In addition, many legislators have expressed concerns that (1) the traditional Brown Act teleconferencing requirements are outdated; and (2) the requirement for local public officials to disclose their address on the agenda poses serious public safety concerns and discourages remote meetings. Intended to address these concerns, two new bills, Assembly Bill 1944 and Assembly Bill 2499, have been proposed and are currently working their way through the Legislature.

III. ASSEMBLY BILL 1944

AB 1944 would provide continued privacy to directors teleconferencing from private locations. However, the following requirements would still apply:

- Agencies must provide the public with virtual access when teleconferencing;
- Agendas must identify the members of the legislative body who will participate remotely;
- Agencies must update agendas if members make last-minute decisions to teleconference;
- Agencies must provide the public with a live video stream and an option to submit virtual public comments; and
- A quorum must participate from within the agency's boundaries when teleconferencing.

AB 1944 would authorize an agency to exempt itself by majority vote from the requirements that each teleconference location be accessible to the public, and that the director's teleconference address be publicly identified in the meeting notice and agenda. However, these exemptions would *only* apply when members of the legislative body teleconference from a non-public location (e.g. their home, a hotel, a hospital, etc.). AB 1944 contains a Jan. 1, 2030 sunset for these provisions.

When introducing AB 1944, co-author Assemblyman Alex Lee (D-San Jose), argued that the Brown Act's requirement to disclose an official's private address or location could be detrimental to their ability to fulfill their civic duties, using the example that an official recovering from surgery in a hospital room would be required to reveal the location of the hospital and their room under current state law. Lee also argued that teleconferenced meetings and remote participation options have made it far easier for members of the public, who may be unable to attend a government meeting on a weekday morning, to express their thoughts on local policy matters.

Lee and Assemblywoman Cristina Garcia (D-Bell Gardens) introduced AB 1944 as a tweaked version of last year's Assembly Bill 339, which they also jointly introduced. AB 339 would have required local governmental bodies to offer remote access options for public meetings as well as closed captioning and translation services. AB 339 was subsequently revised amid criticism from a coalition of public, private and educational agencies which argued the financial cost of continuing to offer remote meeting access in perpetuity would be too burdensome.

The final version of AB 339 only applied to cities and counties with more than 250,000 residents; removed requirements for translation or closed captioning services during board meetings; and contained a sunset provision after 2023. Under the final version, AB 339 would apply to just 26 of the state's 58 counties, and only 15 of the state's 482 cities. While state legislators did pass AB 339, Governor Gavin Newsom vetoed the bill, noting the bill would limit meeting flexibility and increase operating costs for the affected cities and counties.

According to co-author Lee, the current version of AB 1944 already has support from members of the Gilroy, Seaside, South San Francisco, Santa Ana and Sacramento city councils, as well as members of the boards of trustees for the Santa Clara County Unified School District and San Bruno Park School District.

IV. ASSEMBLY BILL 2449

While having similar goals, AB 2449 presents a more detailed approach to addressing remote meetings than AB 1944. Generally, AB 2449 only allows remote meetings when a quorum of directors participate in the meeting in-person from a single public location, such that relaxed teleconferencing procedures would only be available to some members of the agency for each meeting.

AB 2449 would authorize relaxed teleconferencing procedures (meaning there would be no need to identify each director's teleconference location, no need to post an agenda at each teleconference location, and no requirement to allow the public to access teleconference locations) if at least a quorum of the directors participates in-person at a single location identified on the agenda. The meeting location must be open to the public, and the legislative body must follow certain requirements, including:

- Giving regular notice of the meeting and posting agendas as otherwise required by the Brown Act;
- Teleconferencing members must use both audio and visual technology;
- Allowing the public to access the meeting and provide comments, including by teleconference, and including teleconference instructions in all notifications and agendas for the meeting on how the public can attend and provide comment;
- Pausing the meeting when there is a teleconference disruption;
- Allowing for real-time public comments and not requiring submission of comments in advance of the meeting; and

- Creating and implementing a procedure for receiving and swiftly resolving requests for reasonable accommodations for individuals with disabilities, and giving notice of this procedure in notifications and agendas for the meeting.

The League of California Cities has a “support in concept” position for AB 2449. In providing its support, the League noted the additional restrictions put in place by AB 2449 (relative to AB 1944) and the League’s continuing conversations with the author’s office and stakeholders.

V. CONCLUSION.

In order to modernize the Brown Act and allow for remote participation, while addressing concerns that requiring directors to disclose their address on the meeting agenda poses public safety concerns, Assembly Bill 1944 and Assembly Bill 2499 have been proposed and are currently working their way through the Legislature. Both bills take different approaches; however, according to the authors, both bills are intended to update existing law to encourage greater public participation during remote public meetings.

Of the two bills, AB 1944 offers the most flexibility and would allow directors to attend meetings remotely without posting their location if the agency agrees to this by majority vote. The agency must also have a livestream of the meeting available to the public and allow for virtual public participation. In addition, AB 1944 would require the meeting agenda to identify the directors participating remotely, and the agenda would need to be updated if a director decides to attend remotely after the agenda was posted.

AB 2449 would also allow directors to attend remote public meetings without posting their location, but with additional restrictions than AB 1944. Pursuant to AB 2449, directors may participate remotely if at least a quorum of the directors participate in-person from a singular location clearly identified on the agenda. The location must be open to the public and situated within the boundaries of the agency’s jurisdiction. The members attending remotely must participate through both audio and visual technology.

AB 2449 additionally requires the agenda to identify and include an opportunity for all persons to attend via a call-in or internet-based service option, and for members of the public to attend and address the Board at the in-person meeting location. AB 2449 further specifies that remote meetings must be paused if there is a teleconference disruption — such as a lost Zoom connection — and would disallow requiring submission of comments in advance of the meeting. Finally, AB 2449 requires agencies to create a procedure to receive and swiftly resolve requests for reasonable accommodations for people with disabilities.

Memo

E

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

SAN DIEGO COUNTY WATER AUTHORITY REPRESENTATIVE

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

REVISED

**SUMMARY OF FORMAL BOARD OF DIRECTORS' MEETING
APRIL 28, 2022**

1. Reappointment of Directors.
Director Jimmy Ayala was reappointed, representing the City of San Diego, term ending January 2, 2028; and Director Jim Madaffer was reappointed, representing the City of San Diego, term ending March 7, 2028.
2. Contract Amendment for Hawkins Delafield & Wood LLP associated with the Lewis Carlsbad Desalination Plant.
The Board authorized the General Manager to approve a legal services contract amendment with Hawkins Delafield & Wood LLP as special counsel to include additional legal support related to the Permanent Intake Modifications and other contractual compliance issues for the Claude "Bud" Lewis Carlsbad Desalination Plant (CDP) project in the amount of \$680,000, increasing the total not to exceed contract value from \$533,750 to \$1,213,750.
3. Professional services contract with Reid Middleton, Inc. to provide professional engineering services for the Flow Control Facility Seismic Upgrades Project.
The Board authorized the General Manager, or designee, to award a professional services contract to Reid Middleton, Inc. for a not-to-exceed amount of \$600,000, to provide professional engineering services for the Flow Control Facility Seismic Upgrades Project.
4. Amendments with CH2M Hill Engineers, Inc. for the Mission Trails Flow Regulatory Structure II and Flow Control Facility project.
The Board accepted Amendments 1 through 3 for an increase of \$176,696 and authorize the General Manager, or designee, to execute Amendment 4 to the professional services contract with CH2M Hill Engineers, Inc. in the amount of \$387,677, increasing the contract amount from \$2,047,325 to \$2,435,002.
5. Adopt positions on various state bills.
The Board adopted positions of Support on: the Support to Rehydrate the Environment, Agriculture, and Municipalities Act (STREAM) Act (Feinstein), relating to federal water funding; SB 991 (Newman), relating to progressive design-build; and AB 2016 (Bauer-Kahan), if amended, relating to StateWater Resources Control Board- desalination.
6. Monthly Treasurer's Report on Investments and Cash Flow.
Note and file the Treasurer's report.
7. Assembly Bill 361 Continued Determination Acknowledging the Governor of the State of California's Proclamation of a State of Emergency and of Remote Teleconference Meetings of the Legislative Bodies of San Diego County Water Authority due to the Emergency Pursuant to Brown Act Provisions.
The Board approved Governor's proclaimed State of Emergency, and approve continued remote teleconference meetings of the legislative bodies of San Diego County Water Authority due to the emergency pursuant to Brown Act after reconsidering the circumstances and finding



Our Region's Trusted Water Leader
San Diego County Water Authority

that state or local officials continue to impose or recommend measures to promote social distancing.

8. Approval of Minutes.

The Board approved the minutes of the Special Board Meeting/Workshop of March 10, 2022, and the Formal Board of Directors' meeting of March 24, 2022.

Memo

F

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS
LEGISLATIVE REPORT

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

TO: Olivenhain Municipal Water District
FROM: Ashley Walker, Senior Policy Advisor, Nossaman LLP
Jennifer Capitolo, Jennifer M. Capitolo and Associates LLC
DATE: May 11, 2022
RE: April/May 2022 Public Policy Report

State Legislative Update:

Status of the Legislature: The Legislature is preparing for the May Revision to be released, and to go into final negotiations on what will be included in the FY 2022-23 enacted budget. Policy and fiscal committees have continued to hear bills, as bills move over to the second house by the deadline of May 27. The Legislature will be on a summer recess from July 1 to August 1, and the final day of session is August 31.

FY 2022-23 State Budget: The May Revise will be released on Friday May 13. The Senate released their updated budget priorities in anticipation of the May Revise being released. Their priorities were discussed in a fairly detailed way, and relevant to the District includes funding for: climate change infrastructure, drought projects, safe drinking water projects, wildfire mitigation projects, and much more. The Legislature must pass the budget to the Governor by June 15.

Governor's Drought Related Executive Order: As we reported last month, the Governor announced an Executive Order (E.O.) on March 28 that is focused on drought mitigation efforts. You can find the press release and a copy of the E.O. [here](#). There has also been legislation introduced that mimics the efforts of the E.O. We will be monitoring the developments and requesting feedback from the District as the bill progresses.

Legislation: Nossaman suggests the following positions on legislation, and has provided an update on current positions OMWD has taken.

- **AB 2016 (Bauer-Kahan): State Water Resources Control Board: desalination plant: feasibility.** This bill would require the State Water Board to complete a comprehensive feasibility study of the potential impact of desalination plants within the state and present it to the Legislature on or before January 1, 2025. The bill would authorize the State Water Board to contract with an educational institution or related organization to conduct the feasibility study. AB 2016 would allow the State Water Board to request a one-time extension of up to one year to complete the feasibility study. ***Recommended position: Watch.***
- **AB 2142 (Gabriel): Income taxes: exclusion: turf replacement water conservation program.** This bill would, for taxable years beginning on or after January 1, 2022, and

before January 1, 2027, under both of these laws, provide an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a local water agency or supplier for participation in a turf replacement water conservation program. **Current Position: Support.**

- **AB 2247 (Bloom): Perfluoroalkyl and polyfluoroalkyl substances (PFAS) and PFAS products and product components: publicly accessible reporting platform:** Would require manufacturers of PFAS or products containing PFAS, to disclose the presence of PFAS in those products in a publicly accessible database. **Current Position: Support.**
- **AB 2387 (Garcia): Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.** Authorizes the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Act of 2022 (Climate Bond), a \$7.4 billion general obligation bond to address the impacts of climate change, to be placed before voters on the November 8, 2022, general election ballot. **Recommended position: Support if amended to align with ACWA's suggested amendments.**
- **SB 832 (Dodd): Water rights: measurement of diversion.** This bill would authorize the State Water Board to modify water diversion measurement requirements if it finds certain criteria to be met. **Recommended position: Watch.**
- **SB 892 (Hurtado): Cybersecurity preparedness: food and agriculture sector and water and wastewater systems sector.** This bill would require CalOES to develop and enact reporting requirements applicable to companies and cooperatives in the food and agriculture industry if they identify a significant and verified cyber threat or active cyberattack. This bill would require a water and wastewater systems sector entity serving more than 3,300 people to report their risk assessments and emergency response plan required by AWIA to CCIC, the Department of Water Resources (DWR), and the State Water Resources Control Board (State Water Board). The bill would require CalOES to direct CCIC to prepare a strategic, multiyear outreach plan that focuses on methods for state agencies to reach out to the food and agriculture sector and the water and wastewater sector in the state to increase awareness and interest in cybersecurity. **Recommended position: Watch.**
- **SB 1157 (Hertzberg): Urban water use objectives: indoor residential water use.** This bill would change the standards for indoor residential water use, to reflect those recommended by DWR and the SWRCB. Specifically, it would change the indoor residential water use standards beginning January 1, 2025, to be: Beginning January 1, 2025, until January 1, 2030 – 47 gpcd; Beginning January 1, 2030 – 42 gpcd. **Current position: Oppose.**
- **SB 1205 (Allen): Water rights: appropriation.** This bill would require the State Water Board to develop and adopt regulations to provide greater specificity as to the methods and practices for determining water availability in the issuance and administration of water right permits and licenses, including consideration of the effects of climate change

upon watershed hydrology as part of the preparation of water availability analyses. The bill would require the State Water Board to consult with the Department of Water Resources (DWR), the Department of Fish and Wildlife (DFW), qualified hydrologists, and climate change scientists to prepare the regulations. ***Recommended position: Watch.***

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

- April 20: Governor Newsom Highlights State Action to Address Water and Energy Challenges Amid Changing Climate
- April 14: State Expands Save Our Water Public Awareness Campaign as Drought Intensifies
- April 4: California Launches Updated Climate Adaptation Strategy to Protect Communities from Accelerating Impacts

DROUGHT UPDATE

On March 28 Governor Newsom issued his fifth drought-related Emergency [Executive Order N-7-22](#) (E.O.), calling on urban water suppliers statewide to move to Stage 2 (up to 20 percent reduction) of their Water Shortage Contingency Plans. The E.O. directs the State Water Resources Control Board (Water Board) to consider a statewide ban on the watering “non-functional” for Commercial, Industrial, and Institutional (CII) water users. The E.O. also includes direction for urban water suppliers to submit to DWR by June 1 a “Preliminary” Annual Water Supply and Demand Assessment (Annual Assessment), which is one month earlier than the submission date required in statute. The E.O. directs the State Water Board to adopt drought emergency conservation regulations to prepare for and mitigate the effects of the drought conditions. The State Water Board held a public webinar on April 21, 2022, to provide an overview of a draft Proposed Emergency Regulation for Conservation. OMWD’s comment letter on the proposed emergency regulations has been submitted.

On May 10, the State Water Board reported that statewide urban water use has increased to 77 GPCD. March 2022 saw 19% higher water usage than that of March 2020. Statewide cumulative water use is now only 3.7% percent lower than at this point in 2020, continuing to be far short of the goal of the 15 percent reduction called for by the Governor. At this same meeting, the State Water Board discussed reimposition of emergency water rights curtailments on surface water diverters in the Sacramento San Joaquin Delta watershed, as well as in the Russian, Scott, and Shasta and other northern California watersheds.

WATER QUALITY UPDATE

SAFER Needs Assessment – The updated SAFER Needs Assessment was released on May 15, 2022. The updates further refine the criteria for determining at-risk systems including better identifying challenges and needs associated with drought. OMWD is listed as “not at-risk” for all factors except affordability, which is categorized as “low-risk”. Please take a look at the new SAFER Dashboard, which can be found here:

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/2022.html

STATE WATER BOARD

Water Loss Standards Rulemaking – Water Board staff had noticed a proposed April 5 Board workshop to discuss possible revisions to the proposed Water Loss Performance Standards, but then cancelled it the week prior with no explanation. Comments submitted in February by the Water Loss Coalition (which includes ACWA, CMUA, and CWA) proposed several revisions to the proposal, and State Water Board staff had indicated that some revisions may be made to the regulation. The revised regulation was to have been released in April for an additional 15-day comment period focused only on the proposed revisions. With the Board workshop not yet rescheduled, a decision hearing by the State Water Board is now unlikely before at least early June.

DEPARTMENT OF WATER RESOURCES

Water Use Standards Recommendations – DWR has not yet released its revised recommendations for water use standards for outdoor CII landscape areas that are irrigated with dedicated irrigation meters (DIMs). A final recommendation is still expected to be submitted to the Water Board in coming weeks, along with final recommendations for residential outdoor water use standards, and variances.

Later this Spring the Water Board is expected to formally initiate its regulatory rulemaking process, which will coordinate the interrelated water use standard-setting elements of the comprehensive water conservation legislation of 2018, AB 1668 (Friedman) and SB 606 (Hertzberg), the so-called “Conservation as a California Way of Life” framework. Delayed rulemaking by the Water Board for both the Water Loss Performance Standards and the Water Conservation Standards is now making compliance deadlines for urban water suppliers much more challenging and may start to necessitate consideration of future Legislative action to extend those deadlines.

Annual Supply and Demand Assessment – Comments on the updated Draft Annual Water Supply and Demand Assessment Guidance were due to DWR on March 11. The final Guidance contains information on the recommended scope of the Annual Assessment, including reporting templates and worksheets. Although water suppliers are required to conduct and submit their Annual Assessment by July 1, 2022, the E.O. now requires submission of a “Preliminary” Annual Assessment on June 1 this year.

Implementation of SB 606 and AB 1668 and Wastewater Impacts - A workshop will be held on May 11, 2022 to provide an overview of the potential impacts of the proposed efficiency standards on local wastewater management. Additional information can be found here:

https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/regs/water_efficiency_legislation.html



Olivenhain Legislative Report 2021-22 Report as of 5/11/2022

Oppose

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

Status: 5/5/2022-Referred to Com. on W.,P., & W.

Location: 5/5/2022-A. W.,P. & W.

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

Position

Oppose

Support

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

Last Amend: 4/6/2022

Status: 5/5/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 0.) (May 5). Re-referred to Com. on APPR.

Location: 5/5/2022-A. APPR.

Summary: Current law provides an exclusion from gross income for any amount received as a rebate or voucher from a local water or energy agency or supplier for the purchase or installation of a water conservation water closet, energy efficient clothes washers, and plumbing devices, as specified. This bill would, for taxable years beginning on or after January 1, 2022, and before January 1, 2027, under the Personal Income Tax Law and the Corporation Tax Law, provide an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a public water system, as defined, local government, or state agency for participation in a turf replacement water conservation program.

Position

Support

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

Last Amend: 4/20/2022

Status: 4/27/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 2.) (April 26). Re-referred to Com. on APPR.

Location: 4/26/2022-A. APPR.

Calendar: 5/11/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: Would require, as part of the hazardous waste control laws, the Department of Toxic Substances Control to work with the Interstate Chemicals Clearinghouse to establish, on or before January 1, 2024, a publicly accessible reporting platform to collect information about perfluoroalkyl and polyfluoroalkyl substances (PFAS) and products or product components containing regulated PFAS, as defined, being sold, offered for sale, distributed, or offered for promotional purposes in, or imported into, the state. The bill would require, on or before July 1, 2024, and annually thereafter, a manufacturer, as defined, of PFAS or a product or a product component containing regulated PFAS that is sold, offered for sale, distributed, or offered for promotional purposes in, or imported into, the state to register the PFAS or the product or product component containing regulated PFAS, and specified other information, on the publicly accessible reporting platform.

Position

Support

Other

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

Last Amend: 1/24/2022

Status: 5/4/2022-Referred to Com. on N.R. & W.

Location: 5/4/2022-S. N.R. & W.

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

Position

AB 79 (Committee on Budget) Budget Act of 2020.

Last Amend: 4/8/2021

Status: 5/18/2021-Re-referred to Com. on B. & F.R.

Location: 5/18/2021-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 amending and adding items of appropriation and making other changes. This bill would declare that it is to take effect immediately as a Budget Bill.

Position

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

Last Amend: 2/2/2022

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

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

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

Position

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

Last Amend: 2/2/2022

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

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

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

Position

AB 147 (Ting D) Budget Act of 2021.

Last Amend: 2/2/2022

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

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

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

Position

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

Last Amend: 1/12/2022

Status: 5/4/2022-Referred to Com. on N.R. & W.

Location: 5/4/2022-S. N.R. & W.

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

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

Position

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

Status: 5/4/2022-Referred to Coms. on N.R. & W. and GOV. & F.

Location: 5/4/2022-S. N.R. & W.

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

Position

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

Last Amend: 3/22/2022

Status: 5/4/2022-Re-referred to Com. on E.Q.

Location: 5/4/2022-S. E.Q.

Calendar: 6/1/2022 9 a.m. - 1021 O Street, Room 1200 SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

Summary: The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would require mitigation measures, identified in an environmental impact report or mitigated negative declaration to mitigate the adverse effects of a project on air quality of a disadvantaged community, to include measures for avoiding, minimizing, or otherwise mitigating for the adverse effects on that community. The bill would require mitigation measures to include measures conducted at the project site that avoid or minimize to less than significant the adverse effects on the air quality of a disadvantaged community or measures conducted in the affected disadvantaged community that directly mitigate those effects.

Position

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

Last Amend: 1/12/2022

Status: 5/4/2022-Referred to Com. on E.Q.

Location: 5/4/2022-S. E.Q.

Calendar: 6/1/2022 9 a.m. - 1021 O Street, Room 1200 SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

Summary: Would, until January 1, 2029, exempt from CEQA egress route projects undertaken by a public agency to improve emergency access to and evacuation from a subdivision without a secondary egress if the State Board of Forestry and Fire Protection has recommended the creation of a secondary access to the subdivision and certain conditions are met. The bill would require the lead agency to hold a noticed public meeting to hear and respond to public comments before determining that a project is exempt. The bill would require the lead agency, if it determines that a project is not subject to CEQA and approves or carries out that project, to file a notice of exemption with the Office of Planning and Research and with the clerk of the county in which the project will be located.

Position

AB 1384 (Gabriel D) Resiliency Through Adaptation, Economic Vitality, and Equity Act of 2022.

Last Amend: 8/26/2021

Status: 4/19/2022-Read second time. Ordered to third reading.

Location: 4/19/2022-S. THIRD READING

Calendar: 5/12/2022 #74 SENATE ASSEMBLY BILLS - THIRD READING FILE

Summary: Current law requires the Natural Resources Agency to release a draft of the state's climate adaptation strategy, known as the Safeguarding California Plan, by January 1, 2017, and every 3 years thereafter, to update the plan by July 1, 2017, and every 3 years thereafter, and to coordinate with other state agencies to identify vulnerabilities to climate change by sectors and priority actions needed to reduce the risks in those sectors. Existing law requires, to address the vulnerabilities identified in the plan, state agencies to maximize specified objectives. This bill would instead require the agency to release the draft plan by January 1, 2024, and every 3 years thereafter, and to update the plan by July 1, 2024, and every 3 years thereafter.

Position

AB 1624 (Ting D) Budget Act of 2022.

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

Location: 1/10/2022-A. BUDGET

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

Position

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

Last Amend: 3/23/2022

Status: 4/27/2022-In committee: Set, first hearing. Referred to suspense file.

Location: 4/27/2022-A. APPR. SUSPENSE FILE

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

program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks.

Position

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

Last Amend: 3/24/2022

Status: 5/5/2022-Read third time. Passed. Ordered to the Senate. (Ayes 55. Noes 2.) In Senate. Read first time. To Com. on RLS. for assignment.

Location: 5/5/2022-S. RLS.

Summary: Would, until January 1, 2028, exempt from The California Environmental Quality Act (CEQA) a well project, as defined, that meets specified conditions, including that the domestic well or the water system to which the well is connected has been designated by the State Water Resources Control Board as high risk or medium risk in the state board's drinking water needs assessment. The bill would require a lead agency, before determining that a well project is exempt from CEQA pursuant to these provisions, to contact the state board to determine whether claiming the exemption will affect the ability of the well project to receive federal financial assistance or federally capitalized financial assistance. The bill would require a lead agency that determines that a well project is exempt from CEQA pursuant to these provisions to file a notice of exemption with the Office of Planning and Research and the county clerk, as provided.

Position

AB 1644 (Flora R) Greenhouse Gas Reduction Fund: California Jobs Plan Act of 2021.

Last Amend: 3/30/2022

Status: 5/5/2022-Read second time. Ordered to Consent Calendar.

Location: 5/4/2022-A. CONSENT CALENDAR

Calendar: 5/12/2022 #91 ASSEMBLY CONSENT CALENDAR 2ND DAY-ASSEMBLY BILLS

Summary: Current law, beginning in the 2022-23 fiscal year through the 2028-29 fiscal year, continuously appropriates \$200,000,000 from the fund to the Department of Forestry and Fire Protection for healthy forest and fire prevention programs and projects, and the completion of prescribed fire and other fuel reduction projects. The California Jobs Plan Act of 2021 requires the State Air Resources Board to work with the Labor and Workforce Development Agency to update, on or before July 1, 2025, Greenhouse Gas Reduction Fund funding guidelines for administering agencies to ensure that all applicants to grant programs funded by the fund meet specified standards, including fair and responsible employer standards and inclusive procurement policies, as provided. Current law exempts from these standards applicants for certain types of projects. This bill would exempt from these standards applicants for projects for healthy forest and fire prevention programs and projects, and the completion of prescribed fire and other fuel reduction projects.

Position

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

Status: 4/27/2022-In committee: Set, first hearing. Referred to suspense file.

Location: 4/27/2022-A. APPR. SUSPENSE FILE

Summary: Current law requires that, except as specified, not less than the general prevailing rate of per diem wages, determined by the Director of Industrial Relations, be paid to workers employed on public works projects. Current law defines the term "public works" for purposes of requirements regarding the payment of prevailing wages to include construction, alteration, demolition, installation, or repair work done

under contract and paid for using public funds, except as specified. Current law makes a willful violation of laws relating to the payment of prevailing wages on public works a misdemeanor. This bill would expand the definition of "public works" to include fuel reduction work paid for in whole or in part out of public funds performed as part of a fire mitigation project, as specified.

Position

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

Last Amend: 4/21/2022

Status: 4/27/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 2.) (April 26). Re-referred to Com. on APPR.

Location: 4/26/2022-A. APPR.

Calendar: 5/11/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, 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 all state-owned washing machines to contain a microfiber filtration system with a mesh size of 100 microns or smaller.

Position

AB 1725 (Smith R) Illegal cultivation of cannabis.

Last Amend: 3/9/2022

Status: 3/15/2022-In committee: Set, first hearing. Hearing canceled at the request of author.

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

Summary: Would amend the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA) to make it a felony, punishable by 16 months or 2 or 3 years in county jail, for a person over 18 years of age to plant, cultivate, harvest, dry, or process more than 6 living cannabis plants. The bill would additionally make it a felony, punishable by 16 months or 2 or 3 years in county jail, for a person at least 18 years of age but less than 21 years of age to plant, cultivate, harvest, dry, or process less than 6 living cannabis plants. By increasing the penalty for a crime, this bill would impose a state-mandated local program.

Position

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

Status: 4/27/2022-In committee: Set, first hearing. Referred to suspense file.

Location: 4/27/2022-A. APPR. SUSPENSE FILE

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

Position

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

Last Amend: 3/22/2022

Status: 4/26/2022-In committee: Hearing for testimony only.

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

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

Position

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

Last Amend: 5/9/2022

Status: 5/9/2022-Read third time and amended. Ordered to third reading.

Location: 3/28/2022-A. THIRD READING

Calendar: 5/12/2022 #6 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary: Would prohibit, beginning January 1, 2025, any person from manufacturing, distributing, selling, or offering for sale in the state any textile articles that contain regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS, and requires a manufacturer to use the least toxic alternative when removing regulated PFAS in textile articles to comply with these provisions. The bill would require a manufacturer of a textile article that contains regulated PFAS to provide persons that offer the product for sale or distribution in the state with a certificate of compliance stating that the textile article is in compliance with these provisions and does not contain any regulated PFAS.

Position

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

Last Amend: 4/4/2022

Status: 4/26/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 12. Noes 0.) (April 26). Re-referred to Com. on APPR.

Location: 4/26/2022-A. APPR.

Summary: Current law authorizes certain entities, including the Department of General Services, the Military Department, the Department of Corrections and Rehabilitation, and specified local agencies, to use the design-build procurement process, as prescribed, for specified public works. This bill would authorize the Metropolitan Water District of Southern California to use the design-build procurement process for certain regional recycled water projects or other water infrastructure projects. The bill would define "design-build" to mean a project delivery process in which both the design and construction of a project are procured from a single entity. The bill would require the district to use a specified design-build procedure to assign contracts for the design and construction of a project, as defined.

Position

AB 1857 (Garcia, Cristina D) Solid waste.

Status: 5/4/2022-In committee: Set, first hearing. Referred to suspense file.

Location: 5/4/2022-A. APPR. SUSPENSE FILE

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

Position

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

Last Amend: 3/16/2022

Status: 4/26/2022-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 15. Noes 0.) (April 26). Re-referred to Com. on APPR.

Location: 4/26/2022-A. APPR.

Calendar: 5/11/2022 9 a.m. - 1021 O Street, Room
1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: Current law requires the court to grant a fee waiver to an applicant at any stage of the proceedings at both the appellate and trial court levels if the applicant meets specified standards of eligibility and application requirements, including a person who is receiving certain public benefits, such as Supplemental Security Income or Medi-Cal, or who has a monthly income of 125% or less of the current poverty guidelines, as specified. An initial fee waiver excuses the applicant from paying, among other fees and costs, fees for the first pleading and other court fees and costs as specified in rules adopted by the Judicial Council. This bill would require a court to initially grant permission to proceed without paying court fees and costs to a person who was joined or countersued in a case involving a water right held by the person.

Position

AB 1879 (Mathis R) California regional water quality control boards: unfounded or frivolous complaints.

Last Amend: 4/21/2022

Status: 4/27/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (April 26). Re-referred to Com. on APPR.

Location: 4/26/2022-A. APPR.

Calendar: 5/11/2022 9 a.m. - 1021 O Street, Room
1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: Current law authorizes the State Water Resources Control Board and the regional boards to hold hearings necessary for carrying out their duties, as specified. This bill would authorize a regional board to develop a plan or policy to address unfounded, as defined, or frivolous, as defined, complaints.

Position

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

Status: 5/5/2022-Read third time. Urgency clause adopted. Passed. Ordered to the Senate. (Ayes 61. Noes 0.). In Senate. Read first time. To Com. on RLS. for assignment.

Location: 5/5/2022-S. RLS.

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

Position

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

Last Amend: 4/18/2022

Status: 5/5/2022-Read second time. Ordered to third reading.

Location: 5/5/2022-A. THIRD READING

Calendar: 5/12/2022 #58 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary: The Ralph M. Brown Act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would require the agenda to identify any member of the legislative body that will participate in the meeting remotely.

Position

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

Last Amend: 3/23/2022

Status: 5/4/2022-In committee: Set, first hearing. Referred to suspense file.

Location: 5/4/2022-A. APPR. SUSPENSE FILE

Summary: Would create a 5-year woody biomass rural county collection and disposal pilot program, to be administered by the Department of Resources Recycling and Recovery. The bill would require the department, pursuant to the program, to award funding to participating counties with a total population of less than 250,000 for the purpose of conducting community collection days on which individuals could dispose of woody biomass and other source-separated biomass free of charge. The bill would require a county awarded funding under the program to contract with a local compost facility, mulch production facility, or biomass conversion facility to collect and to process or convert the biomass in a way that results in less greenhouse gas emitted than if the biomass had been disposed of. The bill would require the department to

report specified program information to the Legislature after the conclusion of the program.

Position

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

Last Amend: 3/31/2022

Status: 4/27/2022-In committee: Set, first hearing. Referred to suspense file.

Location: 4/27/2022-A. APPR. SUSPENSE FILE

Summary: Current law requires the Department of Water Resources, not later than July 1, 2004, to report to the Legislature on potential opportunities and impediments for using seawater and brackish water desalination, and to examine what role, if any, the state should play in furthering the use of desalination technology. Current law requires the department to convene a Water Desalination Task Force, composed of representatives from listed agencies and interest groups, to advise the department in carrying out these duties and in making recommendations to the Legislature. This bill would repeal those provisions.

Position

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

Last Amend: 4/18/2022

Status: 4/27/2022-Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (April 26). Re-referred to Com. on APPR.

Location: 4/26/2022-A. APPR.

Calendar: 5/11/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: Would require the State Water Resources Control Board to take specified actions if the state board adopts a primary drinking water standard with a compliance period for which public water systems are given a designated period of time to comply with the primary drinking water standard without being held in violation of the primary drinking water standard. Specifically, the bill would require the state board to determine which public water system may not be able to comply with the primary drinking water standard without receiving financial assistance and develop a compliance plan, including a financial plan to assist that public water system in complying with the primary drinking water standard. The bill would also require the state board, if a public water system is in violation of the primary drinking water standard after the compliance period, to take into consideration whether or not the public water system implemented the compliance plan.

Position

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

Last Amend: 3/22/2022

Status: 4/27/2022-Coauthors revised. In committee: Set, first hearing. Referred to suspense file.

Location: 4/27/2022-A. APPR. SUSPENSE FILE

Summary: Current law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program in the Department of Water Resources. Existing law requires the department, upon an appropriation for purposes of the program, to research climate forecasting and the causes and impacts that climate change has on atmospheric rivers, to operate reservoirs in a manner that improves flood protection,

and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers. This bill would rename that program the Atmospheric Rivers Research and Forecast Improvement Program: Enabling Climate Adaptation Through Forecast-Informed Reservoir Operations and Hazard Resiliency (AR/FIRO) Program.

Position

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

Status: 5/3/2022-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 5/3/2022-S. RLS.

Summary: Current law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district. Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe's lands that are not within a district, as prescribed. Current law also authorizes a district, until January 1, 2023, under specified circumstances, to apply to the applicable local agency formation commission to provide this service of water to Indian lands, as defined, that are not within the district and requires the local agency formation commission to approve such an application. This bill would extend the above provisions regarding the application to the applicable local agency formation commission to January 1, 2025.

Position

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

Last Amend: 3/15/2022

Status: 3/23/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 2.) (March 22). Re-referred to Com. on APPR.

Location: 3/23/2022-A. APPR.

Calendar: 5/11/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

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

Position

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

Last Amend: 4/19/2022

Status: 4/26/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 3.) (April 26). Re-referred to Com. on APPR.

Location: 4/26/2022-A. APPR.

Calendar: 5/11/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: Current law establishes the State Water Resources Control Board (state board) in the California Environmental Protection Agency. The state board consists of

5 members appointed by the Governor, including one member who is not required to have specialized experience. Current law requires one of those members, excluding the member who is not required to have specialized experience, to additionally be qualified in the field of water supply and water quality relating to irrigated agriculture. This bill would require that one of the persons appointed by the Governor to the state board be qualified in the field of water supply and water quality relating to disadvantaged or tribal communities and not be the same member as the member appointed who is qualified in the field of water supply and water quality relating to irrigated agriculture. The bill would also require that at least one person appointed to each regional board have specialized experience to represent disadvantaged or tribal communities.

Position

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

Last Amend: 3/15/2022

Status: 5/4/2022-In committee: Set, first hearing. Referred to suspense file.

Location: 5/4/2022-A. APPR. SUSPENSE FILE

Summary: Would create within the Waste Discharge Permit Fund the Waterway Recovery Account, the Citizen Monitoring Account, the Community Capacity Building Account, and the Stormwater Innovation Account, and, subject to future legislation, would annually transfer from the annual proceeds of the State Water Pollution Cleanup and Abatement Account, subject to a future legislative act, the following amounts: 30% to the Waterway Recovery Account; 5% to the Citizen Monitoring Account, but in no instance less than \$250,000; 10% to the Community Capacity Building Account, but in no instance less than \$500,000; and 5% to the Stormwater Innovation Account. The bill would require moneys in the Waterway Recovery Account to be distributed by the State Water Resources Control Board, upon appropriation by the Legislature, to each regional board on a pro rata basis to expend on specified purposes, including, among others, restoration projects that improve water quality.

Position

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

Status: 5/10/2022-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 5/10/2022-S. RLS.

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

Position

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

Status: 5/3/2022-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 5/3/2022-S. RLS.

Summary: Current law, until January 1, 2023, authorizes the retention proceeds withheld from any payment by an awarding entity, as described, from the original contractor, by the original contractor from any subcontractor, and by a subcontractor from any subcontractor, to exceed 5% on specific projects where the director of the applicable department, as specified, has made, or the governing body of the public

entity or designated official of the public entity has approved, a finding prior to the bid that the project is substantially complex and requires a higher retention and the department or public entity includes both this finding and the actual retention amount in the bid documents. This bill would make these provisions operative indefinitely.

Position

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

Last Amend: 4/27/2022

Status: 4/28/2022-Re-referred to Com. on APPR.

Location: 4/26/2022-A. APPR.

Calendar: 5/11/2022 9 a.m. - 1021 O Street, Room
1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: Current law authorizes the Judicial Council to conduct institutes and seminars for the purpose of orienting judges to new judicial assignments, keeping them informed concerning new developments in the law, and promoting uniformity in judicial procedure, as specified. This bill would require the Judicial Council, on or before January 1, 2025, to establish a program that provides training and education to judges in specified actions relating to water, as defined. The bill would provide that the program may be funded by an appropriation from the General Fund in the annual Budget Act or another statute, or by using existing funds for judicial training.

Position

AB 2377 (Muratsuchi D) Fire prevention: Deputy Director of Community Wildfire Preparedness and Mitigation.

Last Amend: 4/21/2022

Status: 4/25/2022-Re-referred to Com. on APPR.

Location: 4/18/2022-A. APPR.

Calendar: 5/11/2022 9 a.m. - 1021 O Street, Room
1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: Current law establishes within the Office of the State Fire Marshal a Deputy Director of Community Wildfire Preparedness and Mitigation who is responsible for fire preparedness and mitigation missions of the Department of Forestry and Fire Protection. Current law requires the deputy director to be responsible for specified programs and activities, including implementation of fire safety standards, as provided. This bill would expand the deputy director's responsibilities to include, among other things, prioritizing acres for fire and fuels treatment and executing those treatments.

Position

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

Last Amend: 3/21/2022

Status: 4/26/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 2.) (April 25). Re-referred to Com. on APPR.

Location: 4/25/2022-A. APPR.

Calendar: 5/11/2022 9 a.m. - 1021 O Street, Room
1100 ASSEMBLY APPROPRIATIONS, HOLDEN, 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 \$7,430,000,000 pursuant to the State General Obligation

Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.

Position

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

Last Amend: 4/18/2022

Status: 4/26/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 15. Noes 0.) (April 26). Re-referred to Com. on APPR.

Location: 4/26/2022-A. APPR.

Calendar: 5/11/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: The Cannella Environmental Farming Act of 1995 requires the Department of Food and Agriculture to establish and oversee an environmental farming program that provides incentives to farmers whose practices promote the well-being of ecosystems, air quality, and wildlife and their habitat. The act requires the Secretary of Food and Agriculture to convene the Scientific Advisory Panel on Environmental Farming to advise the secretary on the implementation of the Healthy Soils Program and the State Water Efficiency and Enhancement Program, and to assist federal, state, and local government agencies, as appropriate or necessary, on issues relating to the impact of agricultural practices on air, water, and wildlife habitat, as specified. This bill would require the department, upon appropriation by the Legislature of additional funds, to administer the State Water Efficiency and Enhancement Program to provide grants to agricultural operations to implement irrigation, water reclamation, water storage, or groundwater recharge systems that reduce greenhouse gases and energy use or increase water use efficiency.

Position

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

Last Amend: 4/19/2022

Status: 4/27/2022-Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 2.) (April 26). Re-referred to Com. on APPR.

Location: 4/26/2022-A. APPR.

Calendar: 5/11/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: The federal Infrastructure Investment and Jobs Act (IIJA) provides additional federal funds to rebuild the nation's infrastructures. Executive orders issued by President Biden established the federal Justice40 Initiative with the goal that 40% of the overall federal benefits flow to disadvantaged communities and stating that the implementation of the IIJA should prioritize investing public dollars equitably, including through the Justice40 Initiative. This bill would require a minimum of 40% of funds received by the state under the IIJA and certain other federal funds to be allocated to projects that provide direct benefits to disadvantaged communities and a minimum of an additional 10% be allocated for projects that provide direct benefits to low-income households and low-income communities, as provided. The bill would require state agencies administering those federal funds to perform specified tasks related to the expenditure of those federal funds.

Position

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

Last Amend: 4/20/2022

Status: 5/4/2022-In committee: Set, first hearing. Referred to suspense file.

Location: 5/4/2022-A. APPR. SUSPENSE FILE

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

Position

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

Last Amend: 4/7/2022

Status: 5/4/2022-In committee: Set, first hearing. Referred to suspense file.

Location: 5/4/2022-A. APPR. SUSPENSE FILE

Summary: Current law establishes the Geologic Energy Management Division in the Department of Conservation under the direction of the State Oil and Gas Supervisor, who is required to supervise the drilling, operation, maintenance, and abandonment of oil and gas wells. Current law requires the owner of any well to file with the supervisor a monthly statement that provides certain information relating to the well, including the source, volume, treatment, and disposition of water produced in oil and gas activities. Under current law, a person who fails to comply with this and other requirements relating to the regulation of oil or gas operations is guilty of a misdemeanor. Beginning January 1, 2023, and until January 1, 2025, this bill would prohibit the disposal of produced wastewater, as defined, into unlined ponds and the construction of new unlined ponds, except as conducted pursuant to a permit or other authorization lawfully issued before that date, and would also prohibit the issuance or renewal of a permit or other authorization for those activities. Beginning January 1, 2025, the bill would prohibit all disposal of produced wastewater into unlined ponds and the construction of new unlined ponds. The bill would exclude from these prohibitions the discharge of produced wastewater into unlined ponds under specified conditions.

Position

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

Status: 5/5/2022-Read second time. Ordered to third reading.

Location: 5/5/2022-A. THIRD READING

Calendar: 5/12/2022 #59 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

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

manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law.

Position

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

Status: 4/26/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 1.) (April 26). Re-referred to Com. on APPR.

Location: 4/26/2022-A. APPR.

Calendar: 5/11/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

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

Position

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

Status: 4/27/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 1.) (April 27). Re-referred to Com. on APPR.

Location: 4/27/2022-A. APPR.

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

Position

AB 2477 (Rodriguez D) Emergency alert and warning service providers: minimum operating standards.

Last Amend: 3/16/2022

Status: 4/26/2022-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 7. Noes 0.) (April 25). Re-referred to Com. on APPR.

Location: 4/25/2022-A. APPR.

Calendar: 5/11/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: The California Emergency Services Act establishes the Office of Emergency Services (OES) in the office of the Governor and makes the OES responsible for the state's emergency and disaster response services, as specified. Current law, on or before July 1, 2022, requires the OES, in consultation with specified entities, to develop voluntary guidelines for alerting and warning the public of an emergency, and requires the OES to provide each city, county, and city and county with a copy of the guidelines. This bill, on or before July 1, 2023, would require the OES, by regulation, to adopt minimum operating standards for private sector companies that provide alert and warning services to local entities and determine the appropriate thresholds for the provider of alert and warning services to report disruptions in service. Upon adoption of those regulations, the bill would require all providers of alert and warning services to notify the OES if a disruption in service or cybersecurity incident occurs. The bill would make the OES responsible for notifying any applicable county office of emergency services, the sheriff of any county, and any public safety answering point affected by the disruption of service.

Position

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

Last Amend: 4/20/2022

Status: 4/21/2022-Re-referred to Com. on APPR.

Location: 4/18/2022-A. APPR.

Calendar: 5/11/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

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

Position

AB 2503 (Garcia, Cristina D) Landlords and tenants: California Law Revision

Commission: study.

Last Amend: 5/4/2022

Status: 5/5/2022-Read second time. Ordered to third reading. Re-referred to Com. on APPR. pursuant to Joint Rule 10.5.

Location: 5/5/2022-A. APPR.

Summary: Would require the California Law Revision Commission to, on or before December 31, 2024, deliver to the Legislature a study regarding, among other things, the establishment of consistent terminology across the California codes to describe the parties to an agreement, lease, or other contract for the rental of residential real property, including in mobilehome parks, that meets certain criteria, specifically, among other things, that the study addresses whether the continued use of the terms "landlord" and "tenant," including related terms including "cotenant" and "subtenant," is useful and appropriate in code provisions that involve the rental of residential real property.

Position

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

Last Amend: 3/24/2022

Status: 5/5/2022-Read second time. Ordered to Consent Calendar.

Location: 5/4/2022-A. CONSENT CALENDAR

Calendar: 5/12/2022 #89 ASSEMBLY CONSENT CALENDAR 2ND DAY-ASSEMBLY BILLS

Summary: Current law authorizes the legislative body of a local agency, as defined, that provides water services to adopt an ordinance that prohibits water theft, as defined, subject to an administrative fine or penalty, as specified. Current law requires the local agency to adopt an ordinance that sets forth the administrative procedures governing the imposition, enforcement, collection, and administrative review of the administrative fines or penalties for water theft and to establish a process for granting a hardship waiver to reduce the amount of the fine, as specified. This bill would authorize irrigation districts, as defined, to impose fines or penalties for water theft in accordance with both of the above-described provisions, and would provide that the above-specified provisions do not cap or limit the fines that an irrigation district may impose in accordance with the Irrigation District Law.

Position

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

Last Amend: 4/26/2022

Status: 5/5/2022-Read second time. Ordered to third reading.

Location: 5/5/2022-A. THIRD READING

Calendar: 5/12/2022 #60 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary: The Mitigation Fee Act requires a local agency that establishes, increases, or imposes a fee as a condition of approval of a development project to, among other things, determine a reasonable relationship between the fee's use and the type of development project on which the fee is imposed. Current law requires a local agency that conducts an impact fee nexus study to follow certain standards and practices, as specified. Current law also requires a local agency to hold at least one open and public meeting prior to levying a new fee or service charge, as specified. This bill would require a local agency, prior to levying a new fee or capacity charge or approving an increase in an existing fee or capacity charge, to evaluate the amount of the fee or capacity charge. The bill would require the evaluation to include evidence to support that the fee or capacity charge does not exceed the estimated reasonable cost of providing service, as specified. The bill would require all information constituting the evaluation to be made publicly available at least 14 days prior to a specified meeting.

Position

AB 2610 (Friedman D) Wildlife Conservation Board: ecologically sensitive vegetation management: wildfire risk reduction.

Last Amend: 3/24/2022

Status: 4/26/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 0.) (April 25). Re-referred to Com. on APPR.

Location: 4/25/2022-A. APPR.

Calendar: 5/11/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: The Wildlife Conservation Law of 1947 establishes the Wildlife Conservation Board in the Department of Fish and Wildlife. Current law requires the board to determine the areas in the state that are most essential and suitable for wildlife production and preservation and that will provide suitable recreation, and to determine those lands in the state that are suitable for specified wildlife-related purposes. This bill would express the intent of the Legislature to encourage ecologically sensitive vegetation management practices for the purpose of maintaining ecological health and strengthening biodiversity while mitigating wildfire risk through fuel load reduction.

Position

AB 2639 (Quirk D) San Francisco Bay/Sacramento-San Joaquin Delta Estuary: water quality control plan: water right permits.

Last Amend: 4/19/2022

Status: 4/27/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 3.) (April 26). Re-referred to Com. on APPR.

Location: 4/26/2022-A. APPR.

Calendar: 5/11/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: Would require the State Water Resources Control Board, on or before December 31, 2023, to adopt a final update of the 1995 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, as specified, and to implement the amendments to the plan adopted by the state board pursuant to Resolution No. 2018-0059 on December 12, 2018. The bill would prohibit the state board, on or after January 1, 2024, from approving a new water right permit that would result in new or increased diversions to surface water storage from the Sacramento River/San Joaquin River watershed until and unless the state board has taken those actions.

Position

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

Last Amend: 4/19/2022

Status: 5/5/2022-Read second time. Ordered to third reading.

Location: 5/5/2022-A. THIRD READING

Calendar: 5/12/2022 #61 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary: Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board less than 72 hours before a meeting available for public inspection, as specified, at a public office or location that the agency designates. Current law also requires the local agency to list the address of the office or location on the agenda for all meetings of the legislative body of the agency. Current law authorizes a local agency to post the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting. This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates and list the address of the office or location on the agenda for all meetings of the legislative body of the agency unless the local agency meets certain requirements, including the local agency immediately posts the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

Position

AB 2673 (Irwin D) Hospice licensure: moratorium on new licenses.

Last Amend: 4/28/2022

Status: 5/2/2022-Re-referred to Com. on APPR.

Location: 4/26/2022-A. APPR.

Summary: The California Hospice Licensure Act of 1990 (act) requires a person, political subdivision of the state, or other governmental agency to obtain a license from the State Department of Public Health to provide hospice services to an individual who is experiencing the last phase of life due to a terminal disease, as defined, and their family, except as provided. The act also provides for the renewal of a license. The act imposes criminal penalties on any person who violates any

provision of the act or any rule or regulation promulgated under the act. Current law prohibits any person, political subdivision of the state, or other governmental agency from establishing, conducting, maintaining, or representing itself as a hospice unless a license has been issued under the act. This bill would additionally prohibit a person or entity described above that is issued a license to establish a hospice, from selling or trading the license to another person, political subdivision of the state, or other governmental agency within 5 years of issuance.

Position

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

Last Amend: 4/20/2022

Status: 5/5/2022-Read second time. Ordered to third reading.

Location: 5/5/2022-A. THIRD READING

Calendar: 5/12/2022 #69 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary: Under current law, a person engaging in commercial cannabis activity without a license is subject to a civil penalty of up to 3 times the amount of the license fee for each violation. Under current law, each day of operation without a license is a separate violation. This bill would increase the civil penalty to 4 times the amount of the license fee. The bill would require the Department of Cannabis Control to waive the civil penalty if the unlicensed person, within 10 business days of issuance of the civil penalty, submits payment equal to the original license fee and all accompanying documentation.

Position

AB 2787 (Quirk D) Microplastics in products.

Last Amend: 4/7/2022

Status: 4/27/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 0.) (April 26). Re-referred to Com. on APPR.

Location: 4/26/2022-A. APPR.

Calendar: 5/11/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: Current law requires the Ocean Protection Council, on or before December 31, 2021, to submit to the Legislature the Statewide Microplastics Strategy, along with recommended policy changes, including statutory changes, that may be needed to implement the strategy. Current law, the Microbeads Nuisance Prevention Law, prohibits a person from selling or offering for promotional purposes in the state any personal care products containing plastic microbeads that are used to exfoliate or cleanse in a rinse-off product, including, but not limited to, toothpaste. This bill would, on and after specified dates that vary based on the product, ban the sale, distribution in commerce, or offering for promotional purposes in the state of designated products, such as leave-on cosmetic products and waxes and polishes, if the products contain intentionally added microplastics, as defined. The bill would exclude from this ban products consisting, in whole or in part, of specified substances or mixtures containing microplastics. The bill would make a person who violates these provisions liable for a civil penalty not to exceed \$2,500 per day for each violation. The bill would authorize the penalty to be assessed and recovered in a civil action brought in any court of competent jurisdiction by the Attorney General or specified local officials. The bill would require the civil penalties collected in an action brought pursuant to the act to be retained by the office that brought the action.

Position

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

Last Amend: 4/18/2022

Status: 4/26/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 15. Noes 0.) (April 26). Re-referred to Com. on APPR.

Location: 4/26/2022-A. APPR.

Calendar: 5/11/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

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

Position

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

Last Amend: 4/25/2022

Status: 4/26/2022-Re-referred to Com. on APPR.

Location: 4/20/2022-A. APPR.

Summary: Current law authorizes the Public Utilities Commission to fix the rates and charges for every public utility and requires that those rates and charges be just and reasonable. Current law, the Local Government Renewable Energy Self-Generation Program, authorizes a local government to receive a bill credit, as specified, to be applied to a designated benefiting account for electricity exported to the electrical grid by an eligible renewable generating facility, as defined, and requires the commission to approve a rate tariff for the benefiting account. Under current law, an electrical corporation is obligated to provide a bill credit to a benefiting account designated by a local government only until that electrical corporation reaches its proportionate share of 250 megawatts of the combined statewide cumulative rated generating capacity of all eligible renewable generating facilities within the service territories of the state's 3 largest electrical corporations. This bill would increase the statewide 250-megawatts limitation to 300 megawatts. The bill would authorize the commission to additionally increase the statewide limitation, as specified, to up to 500 megawatts.

Position

AB 2877 (Garcia, Eduardo D) Safe and Affordable Drinking Water Fund: tribes.

Last Amend: 4/19/2022

Status: 4/28/2022-Measure version as amended on April 19 corrected.

Location: 4/26/2022-A. APPR.

Calendar: 5/11/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: Current law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Current law continuously appropriates to the State Water Resources Control Board moneys deposited in the fund for the development, implementation, and sustainability of long-term drinking water solutions, among other things. Existing law requires the state board to expend moneys in the fund for grants, loans, contracts, or services to assist eligible recipients. Current law includes within the list of "eligible recipients," public agencies, nonprofit organizations, public utilities, mutual water companies, federally recognized California Native American tribes, specified nonfederally recognized Native American tribes, administrators, groundwater sustainability agencies, community water systems, and technical assistance providers. This bill would specify that a limited waiver of tribal sovereignty is not required for a tribe that is an eligible recipient to access funding from the fund. The bill would require the state board to work with tribes that are eligible recipients to remove any barriers for those tribes to access funding, as specified.

Position

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

Last Amend: 4/26/2022

Status: 4/27/2022-Re-referred to Com. on APPR.

Location: 4/20/2022-A. APPR.

Summary: Under its current authority, the Public Utilities Commission requires certain electrical corporations to implement the California Overhead Conversion Program to provide financial assistance to local governments to facilitate projects that are in the public interest and replace overhead infrastructure with infrastructure in underground trenches. Current law requires each electrical corporation to annually prepare and submit a wildfire mitigation plan to the Office of Energy Infrastructure Safety for review and approval. Current law also requires the office to oversee and complete a review of each electrical corporation's compliance with its plan. Current law requires the commission to authorize the electrical corporation to establish a memorandum account to track costs incurred to implement the wildfire mitigation plan and requires the commission to consider whether the cost of implementing the wildfire mitigation plan is just and reasonable, as provided. This bill would additionally require each electrical corporation to prepare and submit to the office a multiyear wildfire mitigation plan, covering at least 7 years and not more than 10 years, that includes, among other things, a methodology for identifying and prioritizing circuits for mitigation based on wildfire risk reduction, public safety, and reliability benefits, and a comparison of undergrounding versus aboveground hardening of electrical equipment.

Position

AB 2895 (Arambula D) Water: permits and licenses: temporary changes: water or water rights transfers.

Last Amend: 4/27/2022

Status: 4/28/2022-Re-referred to Com. on APPR.

Location: 4/26/2022-A. APPR.

Calendar: 5/11/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: Under current law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Current law authorizes a permittee or licensee to temporarily

change the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights if the transfer would only involve the amount of water that would have been consumptively used or stored by the permittee or licensee in the absence of the proposed temporary change, would not injure any legal user of the water, and would not unreasonably affect fish, wildlife, or other instream beneficial uses. Current law prescribes the process for a permittee or licensee to petition the board for a temporary change due to a transfer or exchange of water rights and subsequent notice, decision, and hearing requirements by the board. Under that process, a petitioner is required to publish notice of a petition in a newspaper, as specified. Current law requires a petition to contain specified information and requires a petitioner to provide a copy of the petition to the Department of Fish and Wildlife, the board of supervisors of the county or counties in which the petitioner currently stores or uses the water subject to the petition, and the board of supervisors of the county or counties to which the water is proposed to be transferred. This bill would revise and recast the provisions regulating temporary changes due to a transfer or exchange of water rights, including, among other revisions, specifying that those provisions apply to a person who proposes a temporary change for purposes of preserving or enhancing wetlands habitat, fish and wildlife resources, or recreation.

Position

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

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

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

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

Position

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

Last Amend: 1/3/2022

Status: 5/5/2022-Referred to Com. on NAT. RES.

Location: 5/5/2022-A. NAT. RES.

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

Position

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

Last Amend: 2/25/2021

Status: 5/5/2022-Referred to Com. on NAT. RES.

Location: 5/5/2022-A. NAT. RES.

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

Position

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

Last Amend: 2/15/2022

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

Location: 2/15/2022-A. BUDGET

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

Position

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

Last Amend: 1/20/2022

Status: 5/5/2022-Referred to Com. on E.S. & T.M.

Location: 5/5/2022-A. E.S. & T.M.

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

Position

SB 260 (Wiener D) Climate Corporate Accountability Act.

Last Amend: 1/3/2022

Status: 5/5/2022-Referred to Coms. on NAT. RES. and JUD.

Location: 5/5/2022-A. NAT. RES.

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

Position

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

Last Amend: 9/3/2021

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

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

Calendar: 5/12/2022 #84 ASSEMBLY THIRD READING FILE - SENATE BILLS

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

Position

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

Last Amend: 1/10/2022

Status: 3/18/2022-March 22 set for second hearing canceled at the request of author.

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

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

Position

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

Last Amend: 4/6/2022

Status: 4/25/2022-April 25 hearing: Placed on APPR suspense file.

Location: 4/25/2022-S. APPR. SUSPENSE FILE

Summary: Current law defines various terms applicable to the Water Code. This bill would define "water year," unless otherwise specified, to mean the 12-month period beginning October 1 and ending September 30.

Position

[SB 840](#) ([Skinner D](#)) Budget Act of 2022.

Status: 1/11/2022-From printer.

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

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

Position

SB 844 (Min D) California Cybersecurity Integration Center: cybersecurity improvement: reports.

Last Amend: 3/16/2022

Status: 5/10/2022-Read second time. Ordered to consent calendar.

Location: 5/9/2022-S. CONSENT CALENDAR

Calendar: 5/12/2022 #78 SENATE CONSENT CALENDAR FIRST LEGISLATIVE DAY

Summary: Existing law establishes the California Cybersecurity Integration Center within the Office of Emergency Services, the primary mission of which is to reduce the likelihood and severity of cyber incidents that could damage California’s economy, its critical infrastructure, or computer networks in the state. Current law requires the center to serve as the central organizing hub of state government’s cybersecurity activities and to coordinate information sharing with local, state, and federal agencies, tribal governments, utilities and other service providers, academic institutions, and nongovernmental organizations. This bill would require the center to create four reports, to be delivered to the Legislature, as specified, for the 2021–22, 2022–23, 2023–24, and 2024–25 fiscal years that describe all expenditures made by the state within a single fiscal year pursuant to the federal State and Local Cybersecurity Improvement Act.

Position

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

Status: 4/4/2022-April 4 hearing: Placed on APPR suspense file.

Location: 4/4/2022-S. APPR. SUSPENSE FILE

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

Position

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

Last Amend: 2/23/2022

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

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

Summary: Would establish the Water Storage and Conveyance Fund in the State Treasury to be administered by the Department of Water Resources. The bill would require all moneys deposited in the fund to be expended, upon appropriation by the Legislature, in support of subsidence repair and reservoir storage costs, including environmental planning, permitting, design, and construction and all necessary road and bridge upgrades required to accommodate capacity improvements. The bill would require the department to expend from the fund, upon appropriation by the Legislature, specified monetary amounts to complete funding for the construction of

the Sites Reservoir, and to restore the capacity of 4 specified water conveyance systems, as prescribed, with 2 of those 4 expenditures being in the form of a grant to the Friant Water Authority and to the San Luis and Delta-Mendota Water Authority. This bill would make these provisions inoperative on July 1, 2030, and would repeal it as of January 1, 2031.

Position

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

Last Amend: 3/22/2022

Status: 4/18/2022-April 18 hearing: Placed on APPR suspense file.

Location: 4/18/2022-S. APPR. SUSPENSE FILE

Summary: Current law requires CalOES to establish the California Cybersecurity Integration Center (Cal-CSIC) with the primary mission of reducing the likelihood and severity of cyber incidents that could damage California's economy, its critical infrastructure, or public and private sector computer networks in the state. Current law requires Cal-CSIC to provide warnings of cyberattacks to government agencies and nongovernmental partners, coordinate information sharing among these entities, assess risks to critical infrastructure information networks, enable cross-sector coordination and sharing of best practices and security measures, and support certain cybersecurity assessments, audits, and accountability programs. Current law also requires Cal-CSIC to develop a statewide cybersecurity strategy to improve how cyber threats are identified, understood, and shared in order to reduce threats to California government, businesses, and consumers, and to strengthen cyber emergency preparedness and response and expand cybersecurity awareness and public education. This bill would require CalOES to develop, propose, and adopt optional reporting guidelines applicable to companies and cooperatives in the food and agriculture industry and entities in the water and wastewater systems industry if they identify a significant and verified cyber threat or active cyberattack

Position

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

Last Amend: 5/5/2022

Status: 5/9/2022-Read second time. Ordered to third reading.

Location: 5/9/2022-S. THIRD READING

Calendar: 5/12/2022 #55 SENATE SENATE BILLS -THIRD READING FILE

Summary: Current law requires the Director of Forestry and Fire Protection to establish a statewide program to allow qualified entities, including counties and other political subdivisions of the state, to support and augment the Department of Forestry and Fire Protection in its defensible space and home hardening assessment and education efforts. Current law requires the director to establish a common reporting platform that allows defensible space and home hardening assessment data, collected by the qualified entities, to be reported to the department. This bill would require any local governmental entity that is qualified to conduct these defensible space assessments in very high and high fire hazard severity zones, as specified, and that reports that information to the department, to report that information using the common reporting platform. The bill would require the department, on December 31, 2023, and annually thereafter, to report to the Legislature all defensible space data collected through the common reporting platform, as provided.

Position

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

Last Amend: 3/31/2022

Status: 4/25/2022-April 25 hearing: Placed on APPR suspense file.

Location: 4/25/2022-S. APPR. SUSPENSE FILE

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

Position

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

Last Amend: 3/16/2022

Status: 4/18/2022-April 18 hearing: Placed on APPR suspense file.

Location: 4/18/2022-S. APPR. SUSPENSE FILE

Summary: Current law authorizes the Director of the California Conservation Corps to establish the Education and Employment Reentry Program within the corps to develop, partner with, and create opportunities for certain forestry corps program objectives, collaborate with the Employment Development Department to provide access to workforce services, collaborate with nongovernmental organizations dedicated to providing access to counseling, mentorship, supportive housing, health care, and educational opportunities, and employ collaborations and partnerships available to the corps, as specified. This bill would require the director, upon appropriation and on or before December 31, 2024, in partnership with the Department of Forestry and Fire Protection and the Department of Corrections and Rehabilitation, to establish a forestry training center in northern California to provide enhanced training, education, work experience, and job readiness for entry-level forestry and vegetation management jobs.

Position

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

Last Amend: 4/4/2022

Status: 5/5/2022-Referred to Com. on L. GOV.

Location: 5/5/2022-A. L. GOV.

Summary: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. Under current law, in each county there is a local agency formation commission (commission) that oversees these changes of organization and reorganization. Current law authorizes a commission to dissolve an inactive district if specified conditions are satisfied. This bill would also authorize a commission to initiate a proposal for the dissolution of a district, as described, if the commission approves, adopts, or accepts a specified study that includes a finding, based on a preponderance of the evidence, that, among other things, the district has one or more documented chronic service provision deficiencies, the district spent public funds in an unlawful or reckless manner, or the district has shown willful neglect by failing to consistently adhere to the California Public Records Act.

Position

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

Last Amend: 3/29/2022

Status: 4/25/2022-April 25 hearing: Placed on APPR suspense file.

Location: 4/25/2022-S. APPR. SUSPENSE FILE

Summary: Falconiformes and Strigiformes (birds-of-prey) used in the practice of falconry. Current law authorizes the Fish and Game Commission to authorize the issuance and provide for the revocation of licenses and permits to persons for the practice of falconry. Current law also prohibits the taking or possession at any time of fully protected birds, as specified. Current law designates the American peregrine falcon as a fully protected bird. This bill would exempt the capture, possession, or training of an American peregrine falcon in the practice of falconry from the prohibitions in the fully protected bird statute. The bill would require the department to submit 2 reports to certain committees of the Legislature, on or before specified dates, regarding the use of American peregrine falcons and other raptors in falconry, as specified.

Position

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

Last Amend: 3/22/2022

Status: 5/9/2022-Read third time. Passed. (Ayes 33. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Location: 5/9/2022-A. DESK

Summary: Would, until January 1, 2029, authorize local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for public works projects in excess of \$5,000,000, similar to the progressive design-build process authorized for use by the Director of General Services. The bill would require a local agency that uses the progressive design-build process to submit, no later than January 1, 2028, to the appropriate policy and fiscal committees of the Legislature a report on the use of the progressive design-build process containing specified information, including a description of the projects awarded using the progressive design-build process. The bill would require the design-build entity and its general partners or joint venture members to verify specified information under penalty of perjury.

Position

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

Last Amend: 4/21/2022

Status: 5/5/2022-Referred to Coms. on L. GOV. and JUD.

Location: 5/5/2022-A. L. GOV.

Summary: The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Current law requires every agenda for regular meetings of a local agency to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body. Current law authorizes the legislative body to adopt reasonable regulations to ensure that the intent of the provisions relating to this public comment requirement is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Current law authorizes the members of the legislative body conducting the meeting to order the meeting room cleared and continue in session, as prescribed, if a group or groups have willfully interrupted the orderly conduct of a meeting and order cannot be restored by the removal of individuals who are willfully interrupting the meeting. This

bill would authorize the presiding member of the legislative body conducting a meeting to remove an individual for disrupting the meeting.

Position

SB 1124 (Archuleta D) Public health goal: primary drinking water standard: manganese.

Last Amend: 3/29/2022

Status: 4/25/2022-April 25 hearing: Placed on APPR suspense file.

Location: 4/25/2022-S. APPR. SUSPENSE FILE

Summary: Current law requires the Office of Environmental Health Hazard Assessment (OEHHA) to prepare and publish an assessment of the risks to public health posed by each contaminant for which the state board proposes a primary drinking water standard, as provided. Current law requires the risk assessment to contain an estimate of the level of the contaminant in drinking water that is not anticipated to cause or contribute to adverse health effects, or that does not pose any significant risk to public health, also known as the public health goal for the contaminant. Current law requires the state board to consider specified criteria when it adopts a primary drinking water standard, including the public health goal for the contaminant published by OEHHA. This bill would require, on or before July 1, 2023, OEHHA to prepare a public health goal for manganese, as provided. The bill would require the state board, after OEHHA publishes a public health goal for manganese, to adopt a primary drinking water standard for manganese and to establish monitoring requirements for manganese, as specified.

Position

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

Last Amend: 3/15/2022

Status: 4/18/2022-April 18 hearing: Placed on APPR suspense file.

Location: 4/18/2022-S. APPR. SUSPENSE FILE

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

Position

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

Last Amend: 3/16/2022

Status: 5/2/2022-May 2 hearing: Placed on APPR suspense file.

Location: 5/2/2022-S. APPR. SUSPENSE FILE

Summary: Current law declares that the protection of the public interest in the development of the water resources of the state is of vital concern to the people of the state and that the state shall determine in what way the water of the state, both

surface and underground, should be developed for the greatest public benefit. Current law creates the Office of Planning and Research to serve the Governor as staff for long-range planning and research and as a comprehensive state planning agency. This bill, the Water Innovation and Drought Resiliency Act of 2022, would create the Initiative to Advance Water Innovation and Drought Resiliency at the office for the furtherance of new technologies and other innovative approaches in the water sector. The bill would require the office, as part of the initiative, to take specified measures on or before December 31, 2024, to advance innovation in the water sector and ensure a drought-resilient economy.

Position

SB 1205 (Allen D) Water rights: appropriation.

Last Amend: 4/27/2022

Status: 5/9/2022-May 9 hearing: Placed on APPR suspense file.

Location: 5/9/2022-S. APPR. SUSPENSE FILE

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

Position

SB 1219 (Hurtado D) 21st century water laws and agencies: committee.

Last Amend: 4/6/2022

Status: 5/9/2022-May 9 hearing: Placed on APPR suspense file.

Location: 5/9/2022-S. APPR. SUSPENSE FILE

Summary: Would require the Secretary of the Natural Resources Agency and the Secretary for Environmental Protection to convene a committee to develop and submit, on or before December 31, 2024, to the Governor and to the Legislature a strategic vision, proposed statutes, and recommendations for a modern 21st century set of water laws and regulations and state and local water agencies for the state, as provided. The committee would consist of 5 specified heads of state agencies, 2 members appointed by the Senate Committee on Rules, and 2 members appointed by the Speaker of the Assembly. The bill would require the Governor or the committee to appoint a "blue ribbon" citizen commission or taskforce, a stakeholder advisory committee, and any other group that the Governor or the committee deems necessary or desirable to assist in carrying out these provisions. The bill would require all relevant state agencies, at the request of the committee, to make available staff and resources to assist in the preparation of the strategic vision and proposed statutes.

Position

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

Last Amend: 3/8/2022

Status: 5/9/2022-May 9 hearing: Placed on APPR suspense file.

Location: 5/9/2022-S. APPR. SUSPENSE FILE

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

would additionally require the plan to set out infrastructure priorities relating to specified flood prevention and maintenance projects.

Position

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

Last Amend: 4/28/2022

Status: 5/6/2022-Set for hearing May 16.

Location: 4/27/2022-S. APPR.

Calendar: 5/16/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: The California Safe Drinking Water Act authorizes the state board to contract with, or provide a grant to, an administrator to provide administrative, technical, operational, legal, or managerial services, or any combination of those services, to a designated water system to assist with the provision of an adequate supply of affordable, safe drinking water. Current law prescribes the processes and procedures pursuant to which the state board may identify a designated water system in need of services, order a designated water system to accept services from an administrator, and work with the administrator of a designated water system to develop adequate technical, managerial, and financial capacity to deliver an adequate supply of affordable, safe drinking water so that administrator services are no longer necessary. This bill would, among other things, expand the definition of "designated water system" and limit the liability of an administrator when the state board appoints an administrator to a designated water system, as prescribed.

Position

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

Last Amend: 5/2/2022

Status: 5/6/2022-Set for hearing May 16.

Location: 4/26/2022-S. APPR.

Calendar: 5/16/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Would amend the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA) by making it a misdemeanor or felony to plant, cultivate, harvest, dry, or process more than 50 living cannabis plants, or any part thereof, and where that activity involves unauthorized tapping into a water conveyance or storage infrastructure or digging or extracting groundwater from an unpermitted well. The bill would also clarify that causing substantial environmental harm to public resources includes groundwater. By expanding the scope of a crime, this bill would impose a state-mandated local program.

Position

Memo

G

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

TWELVE MONTH CALENDAR / OTHER MEETINGS /

REPORTS / BOARD COMMENTS

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

TWELVE MONTH CALENDAR OF EVENTS (AS OF 5/10/22)

Date(s)	Event	Time	Location	Attending Board Member(s)	Additional Information (Speakers' Topic, Cohosts, etc.)
<u>APRIL 2022</u>					
21-Apr	Board Meeting Debrief			Watt	
23-Apr	Creek to Bay Clean-Up	9:00 AM - 12:00 PM	EFRR	Bruce-Lane	
26-Apr	Safety Committee Meeting	2:30 PM	Boardroom	Topolovac	
28-Apr	Conference Call with the General Manager			Watt	
<u>MAY 2022</u>					
2-May	ACWA JPIA Board of Directors Meeting	1:30 PM	Sacramento, CA	Watt	
May 3-5	ACWA Spring Conference		Sacramento, CA	Meyers	
9-May	Finance Committee Meeting	11:00 AM		Guerin, Watt	
10-May	SDWD Centennial Celebration	9:30 AM	Encinitas Community and Senior Center	Meyers, Watt	
11-May	SDNEDC Economic Summit	7:00-10:00 AM	CSUSM Ballroom	Meyers, Watt	
12-May	Conference Call with the Gneral Manager			Topolovac	
17-May	COWU Meetingng	8:00 - 9:15 AM	Four Points Sheraton, 8110 Aero Drive, San Diego 92123		
17-May	Fliming for Mitigation Efforts Video	2:00 PM	Boardroom	Watt	
18-May	National Public Works Week Luncheon	11:30 AM	Jack's Shack		

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
Robert F. Topolovac, Secretary
Neal Meyers, Director



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

May 3, 2022

Christopher Hyun, Office of Research, Planning and Performance
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

via email: Christopher.Hyun@waterboards.ca.gov

Subject: Comment Letter–Proposed Conservation Emergency Regulations

Dear Mr. Hyun,

On behalf of Olivenhain Municipal Water District, thank you for the opportunity to comment on the proposed conservation emergency regulations. OMWD provides 87,000 customers in northern San Diego County with water, wastewater, recycled water, hydroelectric, and recreational services.

OMWD appreciates that State Water Resources Control Board hosted a workshop on April 20, 2022 to discuss and seek input on the proposed regulations. In addition to the verbal comments made during the workshop, OMWD would like to provide the following feedback.

1. Water Code §10632 establishes that shortage levels are “based on the suppliers’ water supply conditions.” Mandating agencies to move to a level of their water shortage contingency plan irrespective of an actual water shortage in their service area is inconsistent with state law. Furthermore, mandating a level 2 water shortage that is not supported by demand assessment results is crying wolf and it impacts the credibility with the public by disregarding supply and demand, in many cases mandating reduction in use when there is no shortage in supply. As we learned from the previous drought, a one-size-fits-all approach doesn’t work. A stress test, by way of a supply and demand assessment, should be performed. Suppliers should move to the appropriate level of their WSCP that corresponds to results of the demand assessment.
2. Mandating suppliers to implement conservation actions of their level 2, irrespective of supply conditions, negates the necessity of the preliminary demand assessment report. Requiring a report due June 1, that will be disregarded in the decision process to move to a level 2 shortage condition, is an unnecessary burden, especially considering an official assessment will be done a month later.
3. Limiting the definition of functional turf to solely include when turf is used for human recreation, civic, and community events is inadequate. The definition of functional turf needs to be expanded to include other uses for turf, including pastures, pet yards, erosion control, reduction of runoff, dust control, fire breaks, etc.
4. Releasing the proposed draft of emergency text the evening before the public meeting stifles public review and input and lacks transparency. Please consider releasing material for review



well in advance of any comment opportunity, especially with regard to issues of great consequence to individual Californians and the state's economy.

5. Governor Newsom's Executive Order N-7-22 does not require that urban water suppliers implement a level 2 water shortage condition. Rather, it states that SWRCB "**shall consider** adopting emergency regulations that include [...]" (emphasis added). An alternative option, one where a supplier moves to what ever level of its WSCP is required based on an actual water shortage, should be presented for the board's consideration.
6. OMWD has invested significant resources to reduce reliance on imported water supplies that are vulnerable to drought, and it is imperative we develop regulations that account for those ratepayer-funded investments. Not allowing agencies to use their available supplies will hamper future local water supply development, which directly interferes with both the California Water Plan and Governor's Water Resilience Portfolio initiative, and ultimately makes California more susceptible to future droughts.

Thank you again for the opportunity to comment and for your consideration of our feedback. 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,



Kimberly A. Thorner
General Manager

CC: Max Gomberg, Office of Research, Planning and Performance
Paola Gonzalez, Office of Research, Planning and Performance
Assemblymember Christopher Ward
Assemblymember Marie Waldron
Assemblymember Brian Maienschein
Assemblymember Tasha Boerner Horvath
Senator Pat Bates
Senator Brian Jones
Senator Toni Atkins
Gary Croucher, Chair, San Diego County Water Authority Board of Directors
Ashley Walker, Nossaman LLP



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

APR 14 2022

Ms. Kimberly Thorner, Esq., General Manager
Olivenhain Municipal Water District
1966 Olivenhain Road
Encinitas, CA 92024

Dear Ms. Thorner:

Thank you for taking the time to meet me at the Pure Water Oceanside dedication event. It was nice to learn about your district and discuss ways to collaborate through opportunities like the Bureau of Reclamation's WaterSMART program. I hope your district will continue to explore these opportunities during the unprecedented drought we're all facing.

I look forward to seeing you in the future and learning more about how the Department of the Interior and I can be of assistance.

Sincerely,

Gary Gold
Deputy Assistant Secretary
for Water and Science

May 2, 2022

Kim Thorner
Olivenhain Municipal Water District
1966 Olivenhain Road
Encinitas, CA 92024

Dear Kim,

On behalf of the San Diego Committee of Water For People, we sincerely thank you and your staff for assisting organizing the annual Walk For Water. We also appreciate the waiver of the normal fees for such events which makes the contribution to Water For People as much as possible. The venue at Elfin Forest Recreational Reserve was very appropriate with good trails, excellent views and good signage that coordinated with the maps provided.

We particularly appreciate the participation of Colette Barrow, Tammi Bowman, Karen Ogawa, Jeff Anderson, and the Volunteer Docent and Reserve Ranger on duty the day of the event. The supplies and facilities your staff made available, including private access, sanitation facilities, drinking water, and maps all contributed to the success of the event.

A copy of the final report is attached. The bottom line is that we contributed \$860 to Water For People.

Thanks again for your continued support!

Sincerely,

Harold Bailey

Harold Bailey
2022 Walk for Water Chair

Jeroen Olthof

Jeroen Olthof
2021-22 San Diego Committee Chair

Thanks Kim!

Attachment: 2022 Walk For Water Report

2022 Walk For Water

3.19.2022 at Elfin Forest
Recreational Reserve

RESULTS

COMMITTEE

Harold Bailey, Chair
Colette Barrow, Logistics & Flier
Tammi Bowman, SWAG & Fees
Karen Ogawa, Map
Jeff Anderson, EFRR Manager
Allie Syiem, Registration
Sarah Rossetto, Publicity

Special Thanks to Kim Thorner and the staff
at OMWD and EFRR for their support.



Marketing

Newsletter article and call for volunteers - February

Facebook Postings

Two E Blasts Announcement - March

Community Bulletin Board postings

Public Exposure on EventBrite

Direct contacts to EB	362
Event Discovery Platform	12
Automated Email Promotion	2

Participation

Registrations General Admission 32, Virtual 22, Walkers at EFRR 21*

Revenue: \$860

Postings on WFPSD Facebook Photo Album: 23 as of 4/15/2022

* Questionable

Learnings

1. When dogs are invited, provide water bowl and maybe doggie treats.
2. For HYBRID event registrations on EventBrite, use two EB sites instead of two types of tickets on one site.
3. Begin process in November to establish committee, permits, location, unified branding, schedule (start time, end time), etc.
4. Discuss the future of the event at a planning session.

Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: AUTHORIZATION TO ATTEND UPCOMING MEETINGS /
CONFERENCES / SEMINARS

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

Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: FUTURE AGENDA ITEMS

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

Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: CONSIDER PUBLIC COMMENTS

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

Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: CLOSED SESSION

It may be necessary to go into Closed Session.

Memo

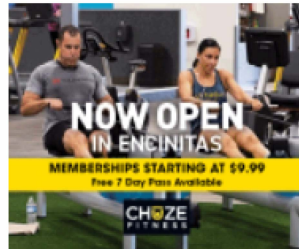
To: Olivenhain Municipal Water District Board of Directors

Subject: ADJOURNMENT

We are adjourned.

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EVENTS CALENDAR

SDC COAST LIFESTYLE



OMWD completes new Encinitas pipeline

by staff · April 21, 2022 · 2099

ENCINITAS — No more orange cones and traffic backup, for now. Olivenhain Municipal Water District's Board of Directors unanimously approved the filing of a notice of completion for the Manchester Avenue Potable Water Pipeline Project April 20. Encinitas pipeline replacement work is now complete along Manchester Avenue, Rancho Santa Fe Road and Encinitas Boulevard. In total, 3,700 linear feet of aged potable water pipeline was replaced.



Reserve the all new fully electric ID.4 which received the World Car of the Year Award.

Click Here >

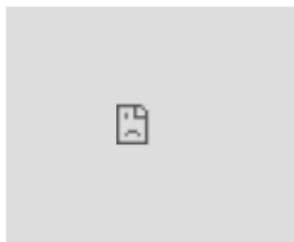
Family-Owned and
Operated Since 1967





EVENTS CALENDAR

SDC COAST LIFESTYLE

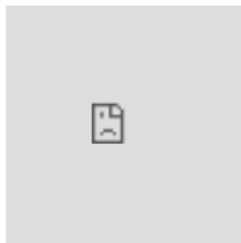
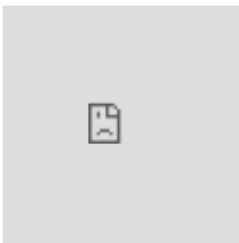


ezoic report this ad



The pipelines previously serving water in this area were installed in 1961 and were approaching the end of their lifespan. OMWD takes a proactive approach in repairing and replacing aging water infrastructure to avoid leaks and ensure the continuation of uninterrupted water service to its customers. As the impact of California's drought continues to escalate, projects like this that help save potable water are even more urgent.

"Emergency leaks are very costly, can waste millions of gallons of water, and can be disruptive to surrounding communities," said Bob Topolovac, OMWD board director. "The investments we made to prevent these emergencies will benefit our ratepayers well into the future."



This pipeline replacement project was completed on time and with no major disruptions or water outages to the impacted community. OMWD coordinated with the city of Encinitas on a traffic management plan to mitigate construction traffic, and there were no significant traffic impacts.



ezoic report this ad



NEWS

Mona Rios Is Leaving Politics. National City, Water Authority Are in for a Shake Up.

National City voters will have a mayor and two council members to vote for this November under the city's first district-based elections.

by [MacKenzie Elmer](#)

April 26, 2022



National City City Hall / Photo by Adriana Heldiz

Mona Rios, a National City councilwoman for 12 years, told Voice of San Diego Tuesday that she won't be seeking reelection. In fact, she said she's departing politics altogether in part, to have more time to take care of her elderly parents.

"I think it's time for me to allow other voices to be at the table," Rios, 69, said.

That means National City voters will have a mayor and two council members to vote for this November under the city's first district-based elections. Voters will choose representatives in District 1, which covers what's known as Old Town National City to the bayfront, and District 3 the district furthest east with a large Filipino/Asian-Pacific Islander population, which Rios represents.

Rios signaled her departure from politics when she resigned as vice-chair of the San Diego County Water Authority on March 16. That's second-in-command on a board making key decisions about water supplies and [rising costs to the region](#).

Board chair Gary Croucher, who represents Otay Water District, appointed Mel Katz, the city of Del Mar representative, to serve out the remainder of Rios' term as vice chair at a March 24 meeting.

Leadership appointments at the Water Authority serve a two-year term. The vice chair takes over for the chair, and the secretary takes over for the vice chair. The current secretary is Jerry Butkiewicz, one of 10 representatives from the city of San Diego, the Water Authority's largest customer.

Rios was the first Latina appointed as a Water Authority officer. Her departure leaves three White men in board leadership.

Rios is the second woman to step down from an officer position at the Water Authority in two years. Christy Guerin, who represented Olivenhain

Municipal Water District, resigned as vice chair in November 2020, a month after she was appointed.

Croucher said during the Water Authority's March meeting that he was putting together a committee to address board conduct and review how officers are elected. Another female board director called for an ethics office back in April 2021 to address [alleged lobbying by the Water Authority against her vote](#) on a controversial proposed parallel pipeline to the Colorado River.

"The board did not have an opportunity to pose a nomination or go through any kind of process," said Gary Arant, general manager of Valley Center Water District.

Kim Thorner, general manager at Olivenhain Municipal Water District, said it isn't clear what the rotation of the officers should be. There's been what Butkiewicz called during that December 2020 meeting, an "unwritten rule" that the three officers should separately represent north, central and southern parts of the county.

"If there are rules, they should be written," Thorner said.

National City Council finalized this month a transformation of its citywide election system into one based on geography or districts. Instead of councilmembers being able to live anywhere in the city and serve at-large, they must now live [within the newly-drawn districts](#) in order to run.

A three-way race for mayor is shaping up between the current mayor, Alejandra Sotelo-Solis, former mayor and Councilman Ron Morrison and Councilmember Jose Rodriguez Perez. All have filed paperwork with the city announcing they intend to run.

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