

**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, JULY 20, 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: 816 5528 3352 and Password: 085742

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
 - * Diana Spencer – Customer Service Representative I – New Hire – June
 - * Adam Schmidt – Systems Administrator – 5 Years – July
9. CONSIDER APPROVAL OF THE MINUTES OF THE JUNE 22, 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 FOLLOW UP FROM THE MARCH 30 SPECIAL MEETING ON THE SAN DIEGUITO VALLEY BRACKISH GROUNDWATER DESALINATION PROJECT (INFORMATIONAL ITEM)
C-d	CONSIDER 2022 ANNUAL OBJECTIVES AND TIGER TEAM STATUS REPORT
C-e	CONSIDER UPDATE ON THE COVID-19 EMERGENCY DECLARATION
C-f	CONSIDER A RESOLUTION AUTHORIZING THE APPLICATION FOR FUNDING FROM THE UNITED STATES BUREAU OF RECLAMATION’S “WATERSMART GRANTS: WATER AND ENERGY EFFICIENCY GRANTS FOR FISCAL YEAR 2023” PROGRAM AND AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE UNITED STATES BUREAU OF RECLAMATION
C-g	CONSIDER CONSENT TO AN ASSIGNMENT AGREEMENT BETWEEN THE SAN ELIJO JOINT POWERS AUTHORITY AND SAN DIEGUITO WATER DISTRICT FOR USE OF THE WANKET TANK FOR RECYCLED WATER AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD
C-h	CONSIDER A RESOLUTION TO OPPOSE BALLOT INITIATIVE 21-0042A1

11. CONSIDER ADOPTION OF A RESOLUTION HONORING GEORGE BRIEST FROM GB CONSULTING, INC. FOR HIS EXPERTISE, DEDICATION, AND CONTRIBUTIONS TO THE OLIVENHAIN MUNICIPAL WATER DISTRICT

12. CONSIDER INFORMATIONAL REPORT ON WATER SUPPLY CONDITIONS AND LONG-TERM WATER USE EFFICIENCY LEGISLATION
13. CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT’S ADMINISTRATIVE AND ETHICS CODE (Article 2 – Organization of Board of Directors)
14. HOLD PUBLIC HEARING AND CONSIDER APPROVAL OF OLIVENHAIN MUNICIPAL WATER DISTRICT’S PUBLIC HEALTH GOAL REPORT (JULY 20, 2022 – 5:30 P.M.)
15. 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
 - H. BOARD COMMENTS
16. CORRESPONDENCE
17. AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS
18. FUTURE AGENDA ITEMS
19. CONSIDER PUBLIC COMMENTS
20. 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.
21. OPEN SESSION
22. 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 OMWD's website.

Memo

Date: July 20, 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 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 compliant 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 in the safest manner possible 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. 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 were in effect as of 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: July 20, 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:

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

Olivenhain Municipal Water District
Proposed Motions for July 20, 2022 Board of Directors Meeting
June 2022 Activities
Consent Calendar Item # C-a

Proposed Motions:

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

Regular Account	Warrants - by check	031237	to	031475	\$	1,824,827.16
	Warrants - by EFT	EFT000000000075	to	EFT000000000124		475,521.93
						<u>2,300,349.09</u>
	ACH Payments - Payroll					197,131.73
	Wire - SDCWA - Monthly Purchased Water Payment					2,504,525.86
	ACH Payments - Payroll					250,200.35
	ACH - RAD 96-1					635,928.47
					\$	<u><u>5,888,135.50</u></u>

Major Category of Disbursements

Total warrants from the District's checking account:

\$ 2,300,349.09

Following is a breakdown of this total by major categories:

Category

Outside services	\$	719,605.80
Inventory and supplies		515,998.22
Utilities		217,404.17
Repairs and maintenance		67,097.50
Other		23,574.86
Refunds		12,761.64
Insurance		743,906.90

Total

\$ 2,300,349.09

Sincerely,



Rainy K. Selamat/Finance Manager

Olivenhain Municipal Water District
Proposed Motions for July 20, 2022 Board of Directors Meeting
June 2022 Activities

California Bank and Trust

Regular Account

Warrants - by check	031237	to	031475	\$	1,824,827.16
Warrants - by EFT	EFT0000000000075	to	EFT0000000000124		475,521.93

2,300,349.09

6/9/2022 ACH Payments - Payroll	197,131.73
6/16/2022 Wire - SDCWA - Monthly Purchased Water Payment	2,504,525.86
6/23/2022 ACH Payments - Payroll	250,200.35
6/29/2022 ACH - RAD 96-1	635,928.47

Total	\$	<u><u>5,888,135.50</u></u>
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Approved:

For Board Consideration and Approval

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

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
031237	6/1/2022	Ababa Bolt Inc	14.89	WTP SUPPLIES	
031238	6/1/2022	Aqua Metric	9,034.97	1" Iperl Tr/PI Meter	Yes
031239	6/1/2022	AT & T	649.26	9391059578	Yes
031240	6/1/2022	Bee Rescue LLC	1,180.00	OMWD HQ SERVICES	Yes
031241	6/1/2022	Brightview Landscape Services	1,020.00	OMWD HQ TREE REMOVAL	
031242	6/1/2022	City Treasurer	6,170.23	620000109372	
031243	6/1/2022	Controlled Entry Specialists	190.00	WWTP SERVICES	
031244	6/1/2022	D-Max Engineering, Inc.	4,021.50	FOG Inspections for the 4S and Cielo Collection Systems	Yes
031245	6/1/2022	Date! Systems Inc	5,619.00	MESSAGE ARCHIVER VIRT LIC 350 SUB 1YR	Yes
031246	6/1/2022	EcosConnect LLC	2,878.00	BACKFLOW REPORTS	
031247	6/1/2022	Edco Waste & Recycling	427.79	25-4A 861816	Yes
031248	6/1/2022	Encinitas Ford	2,914.66	PU36 TRANSMISSION	Yes
031249	6/1/2022	ESS	2,154.86	CARD READER	
031250	6/1/2022	Federal Express Corp	195.39	SHIPPING CHARGES	Yes
031251	6/1/2022	Ferguson Enterprises Inc. #1083	11,600.37	1 1/2" Copper Pipe (Type K)	Yes
031252	6/1/2022	Frost Company	4,600.00	WWTP SERVICES	
031253	6/1/2022	Global Power Group Inc	2,818.75	NBHD #3	Yes
031254	6/1/2022	Integra Chemical Company	30,425.37	Vita-Chlor Tablets	Yes
031255	6/1/2022	Integrity Municipal Systems	9,379.88	Carbon Change for Mid-Point SPS Odor Scrubber	Yes
031256	6/1/2022	Kaman Industrial	321.32	WTP SUPPLIES	
031257	6/1/2022	KP Public Affairs	15,000.00	MEMBERSHIP FEE	
031258	6/1/2022	North County Powder Coating	279.38	WWTP SERVICES	
031259	6/1/2022	Pacific Pipeline Supply	1,636.95	SUPPLIES	Yes
031260	6/1/2022	PWLC I, INC	3,575.00	OMWD TREE SERVICES	Yes
031261	6/1/2022	San Diego Gas & Electric	31,833.66	0098000669143	Yes
031262	6/1/2022	Standard Insurance Co.	5,248.90	06/22 LIFE & LTD PREMIUM	
031263	6/1/2022	UniFirst Aid Corp	272.52	FIRST AID SUPPLIES	
031264	6/1/2022	US Bank	2,190.51	777321	
031265	6/1/2022	Volt Management Corp DBA	575.64	SDCWA INTERN W/E 5/6/22	
031266	6/1/2022	VWR International LLC	319.09	WTP SUPPLIES	Yes
031267	6/8/2022	Aflac	1,215.80	FS005	
031268	6/8/2022	Alpha Mechanical, Inc	549.02	WTP SERVICES	
031269	6/8/2022	American Messaging	59.20	L1-072035	
031270	6/8/2022	AT & T	22.43	9391056562	
031271	6/8/2022	Colette Barrow	50.00	5 YEAR SERVICE AWARD	
031272	6/8/2022	Bee Rescue LLC	480.00	7921 CALLE MADRID	Yes
031273	6/8/2022	Bob Turner's Crane Service Inc	792.00	WWTP SERVICES	
031274	6/8/2022	Boot World Inc	400.00	Safety Boots	Yes
031275	6/8/2022	California State Disbursement Unit	123.23	ED100514-6/9/2022	
031276	6/8/2022	Canyon Industries	1,077.85	Dynamic Gear Pump GP F10 20 P C	Yes
031277	6/8/2022	Cash	178.15	PETTY CASH REIMBURSEMENT	
031278	6/8/2022	Chaty Chaudhury	100.05	REF:1083835_160910	
031279	6/8/2022	David Karpol	286.01	REF:1016791_137695	
031280	6/8/2022	Dudek	1,545.00	Construction Support Services	Yes
031281	6/8/2022	Jason Emerick	55.96	MEETING REFRESHMENTS REIMB	
031282	6/8/2022	Encinitas Ford	2,265.20	PU94 SUPPLIES	Yes
031283	6/8/2022	ESS	925.87	ELECTRICAL ROOM SVCS	
031284	6/8/2022	Fallbrook Printing Corp	370.77	LETTERHEAD	
031285	6/8/2022	Federal Express Corp	144.00	SHIPPING	
031286	6/8/2022	Ferguson Enterprises Inc. #1083	44.78	WTP SUPPLIES	
031287	6/8/2022	Franchise Tax Board	491.30	For xxx-xx-6144	
031288	6/8/2022	Global Power Group Inc	400.50	WWTP SERVICES	
031289	6/8/2022	Home Depot/Gecf	11,894.84	5/22 SUPPLIES	Yes
031290	6/8/2022	IKG Environmental	8,357.70	Additional Work with IKG for Groundwater Level Monitoring for the San Dieguito Valley	Yes
031291	6/8/2022	Infrastructure Engineering Corporation	4,475.00	19981 ELFIN FOREST RD FIRE FLO	Yes
031292	6/8/2022	Interface Automation Inc.	6,375.00	WWTP SERVICES	Yes
031293	6/8/2022	Kaman Industrial	1,447.07	WTP SUPPLIES	
031294	6/8/2022	Kristopher Allen- Ross	73.29	REF:1088998_196900	
031295	6/8/2022	Kruer General Engineering Construction	1,005.80	REF:1091145_303160	
031296	6/8/2022	Leucadia Wastewater District	2,937.48	FY22/23 EMPLOYEE ASSIST PGM	
031297	6/8/2022	Mike Lloyd Excavating Inc	2,053.16	REF:1022597_303095	
031298	6/8/2022	Morton Salt Inc	4,983.00	WTP CHEMICALS	
031299	6/8/2022	One Source Distributors	2,343.00	Rockwell Automation License and Support Renewal	Yes
031300	6/8/2022	Pacific Pipeline Supply	4,770.71	SUPPLIES	Yes
031301	6/8/2022	Republic Services	1,236.45	4-4530-0333405	
031302	6/8/2022	Robert Kelly	147.58	REF:1048849_191645	
031303	6/8/2022	S D G & E	264.85	400000078	
031304	6/8/2022	San Diego Gas & Electric	185.74	0081481106215	Yes
031305	6/8/2022	Streakwave Wireless Inc	1,276.91	SUPPLIES	
031306	6/8/2022	Sunbelt Rentals, Inc.	496.83	CONCRETE & MIXER RENTAL	
031307	6/8/2022	TASC	474.85	5/22 VEB ADMIN FEES	
031308	6/8/2022	Kim Thorner	168.47	NEW EMPLOYEE TOUR LUNCH REIMB	
031309	6/8/2022	Verizon Connect Fleet USA, LLC	924.85	100000112726	
031310	6/8/2022	Water for People	60.00	WTRPL 6/9/2022	
031311	6/15/2022	4S Ranch Gasoline & Car Wash	956.32	WWTP GASOLINE	

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

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
031312	6/15/2022	Adriel Hampton	60.37	REF:1085732_231005	
031313	6/15/2022	Armorcast Products Co	61,842.33	4-1/2 Polymer Cover W/Mxu Hole - A6000484TDQ-H2S	Yes
031314	6/15/2022	AT & T	310.79	9391056516	Yes
031315	6/15/2022	Boot World Inc	200.00	Safety Boots	Yes
031316	6/15/2022	Burrow, Brandon	164.63	REPLACE LOST PAYROLL CK 101569	
031317	6/15/2022	Corodata Shredding, Inc	77.87	PAPER DESTRUCTION SERVICES	
031318	6/15/2022	Crisna Ontiveros	635.36	REF:1081674_112280	
031319	6/15/2022	CSDA San Diego Chapter	150.00	2022/2023 RENEWAL	
031320	6/15/2022	Edco Waste & Recycling	200.00	25-4R 912759	Yes
031321	6/15/2022	Encinitas Ford	258.55	PUB83 SUPPLIES	Yes
031322	6/15/2022	Ferguson Enterprises Inc. #1083	2,662.30	1 1/2" Full Face Solid Rubber	Yes
031323	6/15/2022	First Choice Technology	157.04	13001474	Yes
031324	6/15/2022	Lomeli, George	162.48	REPLACE LOST PAYROLL CK 101587	
031325	6/15/2022	Grangetto's Ag. Supply	19.41	SUPPLIES	
031326	6/15/2022	Hadronex Llc	120.00	AVENIDA ORILLA	
031327	6/15/2022	Hasa	4,562.55	WWTP CHEMICALS	
031328	6/15/2022	HCC Investors LLC/THE BRIDGES	80.92	RM REFUND: DEBIT000000000544	
031329	6/15/2022	Infrastructure Engineering Corporation	2,492.50	NBHD #1 SPS REPLACEMENT PJT	Yes
031330	6/15/2022	Joe's Paving Inc	47,351.03	Paving restoration	Yes
031331	6/15/2022	Zeller, Jonathan	443.00	EMT REFRESHER COURSE	
031332	6/15/2022	Linwood Real Estate	2,524.25	RM REFUND: DEBIT000000000556	
031333	6/15/2022	Loganathan Doraisamy	108.16	REF:1081441_130870	
031334	6/15/2022	Martha James	68.48	REF:1086293_223780	
031335	6/15/2022	Msd's Online	998.00	2022 SUBSCRIPTION	
031336	6/15/2022	Napa Auto Parts	324.00	5/22 SUPPLIES	Yes
031337	6/15/2022	Newco Inc.	16,655.14	Sodium Fluoride Annual Purchase	Yes
031338	6/15/2022	NVS, Inc	15,775.00	Design services	Yes
031339	6/15/2022	Jaroth Inc., dba	78.00	760-489-9971	
031340	6/15/2022	Palomar Health	135.00	EMPLOYEE SERVICES	
031341	6/15/2022	Parkhouse Tire Inc	996.11	FB45 SUPPLIES	Yes
031342	6/15/2022	Quality Chevrolet	1,213.36	PUB39 SERVICES	Yes
031343	6/15/2022	R & R Industries Inc	2,268.88	SAFETY VESTS	
031344	6/15/2022	Reed, Phillip	30.15	PERS LOAN DEDUCTION REPAYMENT	
031345	6/15/2022	Richard F. Yeager Jr. DBA	7,360.00	CATHODIC PROTECTION SUPPORT	Yes
031346	6/15/2022	San Diego Gas & Electric	53,110.91	0090081023809	Yes
031347	6/15/2022	San Diego North EDC	1,500.00	7/22-6/23 MEMBERSHIP DUES	
031348	6/15/2022	Santa Fe Irrigation Dist	2,528.81	008128-009	Yes
031349	6/15/2022	Southern Counties Lubricants, LLC.	13,703.43	FUEL SUPPLIES	
031350	6/15/2022	Swanson Insurance Agency	482,802.02	INSURANCE	Yes
031351	6/15/2022	United Parcel Service	14.13	SHIPPING	
031352	6/15/2022	West Coast Sand & Gravel	887.73	3/4" CRUSHED ROCK	
031353	6/15/2022	West Yost & Associates, Inc	11,500.54	Inspections/as-needed services SE Quadrant	Yes
031354	6/22/2022	Advanced Air & Vacuum	2,058.03	WTP SUPPLIES	
031355	6/22/2022	AG Tech Llc	968.64	BIOSOLIDS WASTE DISPOSAL	
031356	6/22/2022	American Conservation & Billing Solutions, I	3,251.00	7/22 AQUAHAWK SERVICES	
031357	6/22/2022	Aqua Metric	83,100.60	4-1/2 Polymer Cover W/Mxu Hole - A6000484TDQ-H2S	Yes
031358	6/22/2022	AT & T	758.23	9391059578	Yes
031359	6/22/2022	Bee Rescue LLC	240.00	OMWD HQ BEE SERVICES	
031360	6/22/2022	Brent Clifford	133.06	REF:1006205_237500	
031361	6/22/2022	Brian Plowman	93.30	REF:1059046_225650	
031362	6/22/2022	California State Disbursement Unit	123.23	ED100514-6/23/2022	
031363	6/22/2022	Christopher Maldonado	39.84	REF:1088296_196330	
031364	6/22/2022	City Treasurer	358.48	620000109372	
031365	6/22/2022	Karen Connor	1,600.00	CPR/AED WORKSHOP	Yes
031366	6/22/2022	Corodata	293.74	OFFSITE RECORDS STORAGE	
031367	6/22/2022	County of San Diego, RCS	171.00	5/22 RADIO SERVICES	
031368	6/22/2022	Dawn Ellinwood	144.52	REF:1056597_116280	
031369	6/22/2022	EcosConnect LLC	532.00	5/22 BACKFLOW REPORTS	
031370	6/22/2022	Eric Guy	36.25	REF:1013051_218210	
031371	6/22/2022	Fallbrook Printing Corp	615.66	SEWER CHG INCREASE LETTERS	
031372	6/22/2022	Federal Express Corp	309.78	SHIPPING CHARGES	Yes
031373	6/22/2022	Fortuna Del Este Road Maintenance	812.00	FORTUNA DEL ESTE RMA	
031374	6/22/2022	Franchise Tax Board	491.30	For xxx-xx-6144	
031375	6/22/2022	Glenn LaBar	123.15	REF:1060212_219450	
031376	6/22/2022	Global Electronic Recycling	5,065.80	ELECTRONICS DISPOSAL SVC -MTRS	
031377	6/22/2022	Global Power Group Inc	788.94	GANO RESERVOIR SERVICES	
031378	6/22/2022	Guardian	990.76	7/22 DENTAL ADMIN FEES	
031379	6/22/2022	Gyan Penrose-Kafka	61.34	REF:1060405_213725	
031380	6/22/2022	Hanna Thumm	42.54	REF:1087519_190555	
031381	6/22/2022	Infosend	11,466.62	5/22 WATER BILL STATEMENTS	Yes
031382	6/22/2022	Integrity Municipal Systems	1,303.00	WWTP ODOR CNTL SCRUBBER SVC	
031383	6/22/2022	Kaitlyn Kelly	109.20	REF:1061162_116130	
031384	6/22/2022	Katie Skouse	82.42	REF:1062288_192370	
031385	6/22/2022	Kent Coykendall	248.61	REF:1073519_121050	
031386	6/22/2022	Lisa Rowe	56.00	REF:1082019_241630	
031387	6/22/2022	Mark Hanson	122.12	REF:1062326_196515	

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

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
031388	6/22/2022	Mission Electric Supply, Inc.	3,232.50	SUPPLIES	
031389	6/22/2022	Newco Inc.	16,655.14	Sodium Fluoride Annual Purchase	Yes
031390	6/22/2022	NexusTek Phoenix	4,532.00	Cloud Support Services Software	Yes
031391	6/22/2022	Nicholas Gilmore	23.14	REF:1087220_148020	
031392	6/22/2022	Noelle Cariani	128.26	REF:1080993_201565	
031393	6/22/2022	Otay Landfill	364.83	4-4531-0018538	
031394	6/22/2022	Ovivo USA LLC	1,569.71	WWTP SUPPLIES	
031395	6/22/2022	Pacific Pipeline Supply	4,480.66	WWTP SUPPLIES	Yes
031396	6/22/2022	Peterson Structural Engineers, Inc.	4,512.50	Inspection and Analysis Servcies	Yes
031397	6/22/2022	Precision Striping, Inc	1,700.00	WTP PARKING LOT STRIPING SVCS	
031398	6/22/2022	Pres-Tech	14,293.65	WWTP VACUUM PUMP REPAIRS	
031399	6/22/2022	PWLC I, INC	15,098.00	WWTP IRRIGATION MOD SERVICES	Yes
031400	6/22/2022	Rachel Wissner	18.17	REF:1086642_189755	
031401	6/22/2022	Rancho Santa Fe Community Svs	16,352.36	5/22 19.81 AC RECYCLED WATER	
031402	6/22/2022	RECON Environmental, Inc.	7,904.70	ELFIN FOREST OVERFLOW PARKING	Yes
031403	6/22/2022	San Diego Building Maintenance	5,396.00	5/22 JANITORIAL SERVICES	
031404	6/22/2022	San Diego Gas & Electric	5,517.37	0087116592083	Yes
031405	6/22/2022	San Elijo Joint Powers Auth.	65,731.40	GRANT ADMIN SUPPORT	Yes
031406	6/22/2022	Sebastian Page	4.99	REF:1057035_193200	
031407	6/22/2022	Rainy K Selamat	1,009.76	GFOA CONF EXPENSE REIMB.	
031408	6/22/2022	SiteOne Landscape Supply, LLC	476.85	IRRIGATION MASTER VALVE	
031409	6/22/2022	Standard Insurance Co.	5,649.00	7/22 LTD & LIFE INSURANCE PREM	
031410	6/22/2022	Sunbelt Rentals, Inc.	566.71	TOWABLE CONCRETE MIXER RENTAL	Yes
031411	6/22/2022	Thomas Ferrara	164.55	REF:1059063_195480	
031412	6/22/2022	Tim Sheppard	138.00	BACKFLOW TESTER TRNG REIMB	
031413	6/22/2022	Timothy Scott	17.68	REF:1062067_198035	
031414	6/22/2022	Tri Signal Integration Inc	387.25	WTP SERVICES	
031415	6/22/2022	TS Industrial Supply	450.15	SUPPLIES	
031416	6/22/2022	Two Oaks Sweeping LLC	1,085.00	5/4/22 OMWD HQ SWEEPING SVCS	Yes
031417	6/22/2022	United Parcel Service	16.14	SHIPPING	
031418	6/22/2022	Vallecitos Water District	48,616.46	RECLAIMED WATER SALES	
031419	6/22/2022	Water for People	60.00	WTRPL 6/23/2022	
031420	6/22/2022	West Coast Sand & Gravel	1,144.84	MATERIALS	
031421	6/22/2022	Whitson CM	600.00	WWTP SITE INSPECTION	Yes
031422	6/22/2022	Cathy Godfrey	250.00	LANDSCAPE CONTEST WINNER	
031423	6/29/2022	4S Ranch Gasoline & Car Wash	660.46	WWTP GASOLINE & CAR WASH	
031424	6/29/2022	American Backflow Specialties	264.00	CALIBRATION SERVICES	Yes
031425	6/29/2022	AT & T	516.40	9391056158	
031426	6/29/2022	Bay City Electric Works	2,396.37	RANCHO LAKES PUMP STATION #1	
031427	6/29/2022	Bee Rescue LLC	1,260.00	GATY RESERVOIR - BEE SVCS	Yes
031428	6/29/2022	Brittnee Pope	132.75	REF:1086606_221200	
031429	6/29/2022	CCL Contracting Inc.	127,842.85	MANCHESTER AVE PJT RETENTION	
031430	6/29/2022	Cintas First Aid & Safety	116.73	WWTP FIRST AID SUPPLIES	
031431	6/29/2022	City Treasurer	9,030.51	5/22 8.46 AF RECYCLED WATER	
031432	6/29/2022	Cliffard Alberts	55.01	REF:1090182_103410	
031433	6/29/2022	Daphne Lavi	117.18	REF:1061632_160125	
031434	6/29/2022	Delia Nieves Arvelo	141.27	REF:1059257_130640	
031435	6/29/2022	Dept Of Industrial Relations	225.00	WTP ELEVATOR INSPECTION	
031436	6/29/2022	Encinitas Ford	165.62	SHOP SUPPLIES	Yes
031437	6/29/2022	ESS	366.00	AMMONIA FEE FACILITY	
031438	6/29/2022	Frost Company	3,000.00	WWTP SERVICES	
031439	6/29/2022	Gallade Chemical	5,847.31	WTP CHEMICALS	Yes
031440	6/29/2022	Geoscience Support Svcs, Inc.	3,679.75	KT approved Request for Additional Work	Yes
031441	6/29/2022	Santana, Giovanni	200.00	SAFETY SHOES EXPENSE REIMB	
031442	6/29/2022	Global Power Group Inc	1,464.30	WWTP PREVENT MAINT SERVICES	Yes
031443	6/29/2022	Hasa	4,608.07	WWTP CHEMICALS	
031444	6/29/2022	James W Fowler Company	324.89	REF:1086995_302150	
031445	6/29/2022	Kevin Moores	70.99	REF:1085465_169275	
031446	6/29/2022	Kuenzi, Kristofer	580.00	TUITION REIMBURSEMENT	
031447	6/29/2022	Lisa Hand	273.74	REF:1013442_228635	
031448	6/29/2022	Masi Wahab	132.63	REF:1063143_145950	
031449	6/29/2022	Colombo, Melody	34.98	NEW HIRE TOUR SNACKS	
031450	6/29/2022	Morton Salt Inc	4,595.07	WTP CHEMICALS	
031451	6/29/2022	Naumann Hobbs - San Diego	524.10	WTP SERVICES	Yes
031452	6/29/2022	Neil Purchell	141.27	REF:1085828_145980	
031453	6/29/2022	Nicole Casey	105.11	REF:1089523_194660	
031454	6/29/2022	Karen Ogawa	1,068.22	REPLACE PAYROLL CHECK 101591	
031455	6/29/2022	Onyx Paving Co, Inc	1,868.52	REF:1091033_303145	
031456	6/29/2022	Orion Construction Corporation	68,955.27	Construction Services	Yes
031457	6/29/2022	Pacific Pipeline Supply	1,688.73	MACRO-FC FLG COUPLING	Yes
031458	6/29/2022	Parkhouse Tire Inc	788.25	PU83 SUPPLIES	Yes
031459	6/29/2022	Republic Services	1,596.45	4-4530-0333405	
031460	6/29/2022	Sabrina Applegate	106.30	REF:1090739_175715	
031461	6/29/2022	San Diego Gas & Electric	94,222.57	0098000669143	Yes
031462	6/29/2022	Scott Erven	6.01	REF:1084245_165980	
031463	6/29/2022	SDRMA	118,467.65	FY22/23 WORKERS COMP	

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

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
031464	6/29/2022	Shea Homes	493.40	REF:1052276_182180	
031465	6/29/2022	SiteOne Landscape Supply, LLC	1,200.05	IRRIGATION PARTS	
031466	6/29/2022	Southern Counties Lubricants, LLC.	9,719.78	UNLEADED & DIESEL FUEL	
031467	6/29/2022	Southland Paving Inc	27,220.00	GARDEN VIEW CT	Yes
031468	6/29/2022	Sunbelt Rentals, Inc.	311.27	TRENCHER RENTAL	Yes
031469	6/29/2022	TS Industrial Supply	2,305.85	16" VIBRATORY PLATE	
031470	6/29/2022	UniFirst Aid Corp	180.18	FIRST AID SUPPLIES	
031471	6/29/2022	US Bank	2,190.51	777321, 6/17/2022	
031472	6/29/2022	Utility Cost Management Llc	6,131.53	0086691602929	
031473	6/29/2022	West Coast Sand & Gravel	1,975.32	MATERIALS	
031474	6/29/2022	West Yost & Associates, Inc	7,635.87	Inspections/as-needed services SE Quadrant	Yes
031475	6/29/2022	San Diego Gas & Electric	1,517.00	0079226232718	
EFT000000000075	6/1/2022	Wageworks	230.00	5/22 ADMIN FEES	
EFT000000000076	6/1/2022	McMaster-Carr Supply Co.	277.53	SUPPLIES	
EFT000000000077	6/1/2022	G. Briest Consulting, Inc.	9,631.70	ENGINEER CONSULTING SERVICES	Yes
EFT000000000078	6/1/2022	Protelesis Corporation	340.90	PHONE SERVICES	
EFT000000000079	6/1/2022	E.H. Wachs Company	525.42	SUPPLIES	
EFT000000000080	6/1/2022	CDW Government Inc	1,614.71	SUPPLIES	Yes
EFT000000000081	6/8/2022	PSI Water Technologies	51,948.80	NOVA 240 PPD Cell	Yes
EFT000000000082	6/8/2022	McMaster-Carr Supply Co.	962.57	SUPPLIES	Yes
EFT000000000083	6/8/2022	Duo Security	7,200.00	Duo Access Edition	Yes
EFT000000000084	6/8/2022	Sloan Electric	724.45	WTP SERVICES	
EFT000000000085	6/8/2022	CyberlinkASP Technology	7,749.04	DYNAMICS HOSTING SERVICES	
EFT000000000086	6/8/2022	Volt Management Corp DBA	559.65	SDCWA INTERN W/E 5/13/2022	
EFT000000000087	6/8/2022	Rutan & Tucker, LLP	20,080.00	Special counsel and strategic assistance in evaluating project feasibility	Yes
EFT000000000088	6/8/2022	Parsons	15,266.55	Preliminary and Final Design Services	Yes
EFT000000000089	6/8/2022	Martin Marietta Materials Inc	3,123.30	MATERIALS	Yes
EFT000000000090	6/8/2022	Univar Solutions Usa Inc	10,256.80	WWTP CHEMICALS	Yes
EFT000000000091	6/8/2022	Valley Construction Management	7,729.50	Construction Management and Inspection Services	Yes
EFT000000000092	6/8/2022	Harrington Industrial Plastics Inc	366.86	WWTP SUPPLIES	
EFT000000000093	6/15/2022	ACWA - JPIA	129,057.92	7/22 GROUP INSURANCE PREMIUM	
EFT000000000094	6/15/2022	SemiTorr Group, LLC	7,600.40	Estimated Tax	Yes
EFT000000000095	6/15/2022	Woodard & Curran	65,765.95	Regulatory and Environmental Services	Yes
EFT000000000096	6/15/2022	Volt Management Corp DBA	554.32	SDCWA INTERN W/E 5/20/22	
EFT000000000097	6/22/2022	Mesa Products	2,590.91	SUPPLIES	Yes
EFT000000000098	6/22/2022	B. Weber Consulting LLC	2,310.00	CONSULTING SERVICES	
EFT000000000099	6/22/2022	Evqua Water Technologies	242.77	WWTP PREENT MAINT SVCS	
EFT000000000100	6/22/2022	McMaster-Carr Supply Co.	305.51	PARKS SUPPLIES	
EFT000000000101	6/22/2022	Woodard & Curran	7,511.50	WIIN NEPA SUPPORT	Yes
EFT000000000102	6/22/2022	Volt Management Corp DBA	543.66	SDCWA INTERN W/E 5/27/22	
EFT000000000103	6/22/2022	Transnet Investigative Group Inc.	197.50	PRE-EMPLOYMENT BACKGROUND	
EFT000000000104	6/22/2022	Martin Marietta Materials Inc	919.74	SUPPLIES	Yes
EFT000000000105	6/22/2022	Softchoice	2,153.73	SURFACE LAPTOP	Yes
EFT000000000106	6/22/2022	Nossaman LLP	16,873.41	4/22 LEGAL SERVICES	Yes
EFT000000000107	6/22/2022	TK Elevator Corporation	963.88	SERVICES WTP	
EFT000000000108	6/22/2022	San Diego County Water Authority	16,464.68	FY2023 SVC CONNECTION MAINT	
EFT000000000109	6/22/2022	Harrington Industrial Plastics Inc	526.81	WTP SUPPLIES	Yes
EFT000000000111	6/29/2022	DLM Engineering Inc	8,671.06	ENGINEER CONSULTING SERVICES	Yes
EFT000000000112	6/29/2022	Wageworks	236.00	6/22 VEDA ADMIN FEES	
EFT000000000113	6/29/2022	McMaster-Carr Supply Co.	169.01	SUPPLIES	
EFT000000000114	6/29/2022	Calif. Surveying & Drafting Supply	264.57	SUPPLIES	
EFT000000000115	6/29/2022	Traffic Safety Solutions	2,090.75	MANCHESTER AVE	Yes
EFT000000000116	6/29/2022	G. Briest Consulting, Inc.	17,513.83	Construction Management/Consulting Engineer Services	Yes
EFT000000000117	6/29/2022	Parsons	4,111.75	Preliminary and Final Design Services	Yes
EFT000000000118	6/29/2022	Martin Marietta Materials Inc	256.25	DUMP BOBTAIL - CONCRETE	
EFT000000000119	6/29/2022	Softchoice	4,014.99	SUPPORT SERVICES	Yes
EFT000000000120	6/29/2022	Nossaman LLP	22,065.54	5/22 LEGAL SERVICES	Yes
EFT000000000121	6/29/2022	Univar Solutions Usa Inc	6,550.95	WTP CHEMICALS	Yes
EFT000000000122	6/29/2022	Valley Construction Management	15,003.25	CONSTRUCTION MGMT SERVICES	Yes
EFT000000000123	6/29/2022	Konecranes Inc	1,384.88	WTP CRANE SERVICES	
EFT000000000124	6/29/2022	Harrington Industrial Plastics Inc	18.63	WTP SUPPLIES	

2,300,349.09

Olivenhain Municipal Water District
Monthly Directors Fee and Reimbursed Expenses for Directors and Staff
June 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	-
			0.00	0.00	0.00	0.00	0.00
Director Guerin			0.00	0.00	0.00	0.00	-
			0.00	0.00	0.00	0.00	0.00
Director Meyers			0.00	0.00	0.00	0.00	-
			0.00	0.00	0.00	0.00	0.00
Director Topolovac			0.00	0.00	0.00	0.00	-
			0.00	0.00	0.00	0.00	0.00
Director Watt			0.00	0.00	0.00	0.00	-
			0.00	0.00	0.00	0.00	0.00
General Manager Thorner	6/8/2022	31308	168.47	0.00	0.00	168.47	
			168.47	0.00	0.00	168.47	
Human Resources Manager Joslin			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Finance Manager Selamat	6/22/2022	31407	168.16	841.60	0.00	0.00	
			168.16	841.60	0.00	0.00	
Operations Manager Fulks			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Assistant General Manager Randall			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	

*June Director fees were paid in July and will be included in July's report.

Notes:

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



Olivenhain Municipal Water District
MONTHLY CASH AND INVESTMENT SUMMARY
As of April 30, 2022

Active Deposits

	<u>Book Value</u>
Checking Accounts	\$ 13,592,452
Cash Restricted for Specific Use	5,741,737
Petty Cash/Disaster Preparedness	1,476
Total Active Deposits	<u>\$ 19,335,665</u>

Deposits Not Covered by Investment Policy

Cash with Fiscal Agents	3,903,536
-------------------------	-----------

<u>Investments</u>	<u>Face Value</u>	<u>Market Value</u>	<u>Current Yield</u>	
LAIF	\$ 27,220,882	26,914,744	0.52%	\$ 27,220,882
CAMP - US Bank	6,540,618	6,540,618	0.50%	6,540,618
Money Market Funds	86,116	86,116	0.18%	86,116
Commercial Paper	2,000,000	1,991,570	1.01%	1,991,848
Municipal Bonds	1,000,000	1,062,220	4.71%	1,216,760
U.S. Treasury Securities	7,000,000	6,868,260	1.18%	7,020,310
U.S. Agency Securities	31,876,111	29,856,828	0.82%	31,872,931
Total Investments	<u>\$ 75,723,728</u>	<u>\$ 73,320,356</u>	<u>0.78%</u>	<u>\$ 75,949,466</u>

Total - All Deposits/Investments

\$ 99,188,667 ✓

Maturity Analysis of Investments

	<u>Percent</u>	<u>Balance</u>
Demand Deposits	44.6%	\$ 33,847,616
Maturity within the next two months	0.0%	-
Maturity within three months and one year	13.2%	10,011,979
Maturity beyond one year	42.3%	32,089,871
Total Investments	<u>100.0%</u>	<u>\$ 75,949,466</u> ✓

Weighted Average Days to Maturity **554**

Other Required Disclosures:

Accrued interest receivable as of 04/30/2022 \$ 60,903

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.

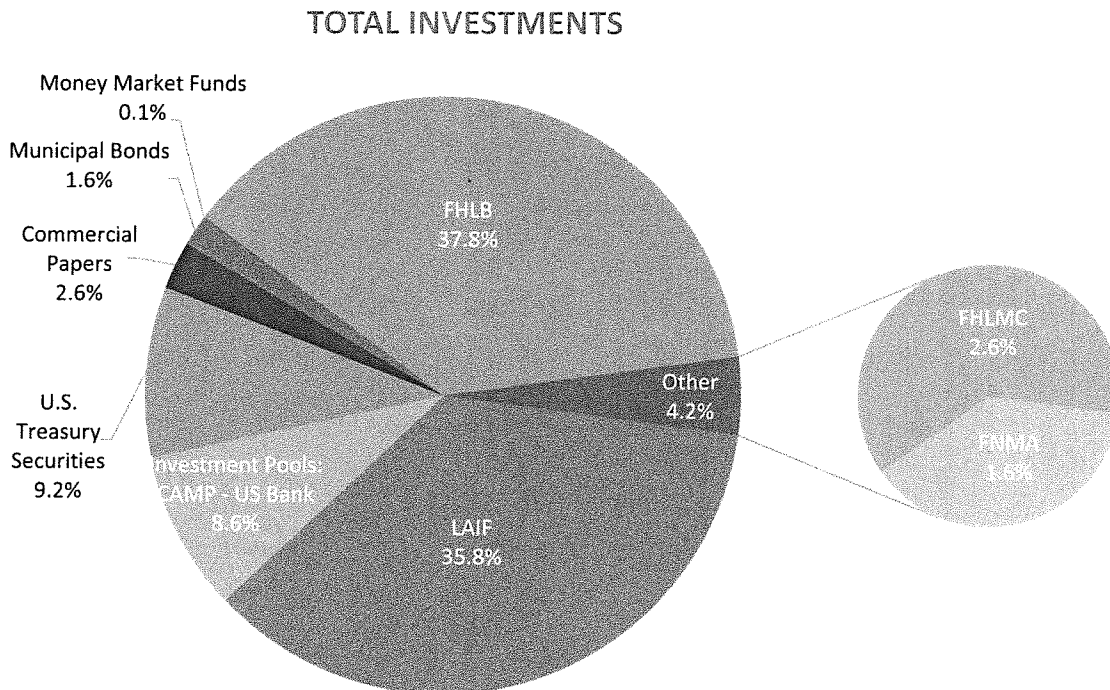
Olivenhain Municipal Water District
PORTFOLIO LIMITATIONS ANALYSIS PER INVESTMENT POLICY
April 30, 2022

	<u>Book Value</u>	<u>Percent</u>	<u>Permitted Percent</u>		<u>In Compliance?</u>
LAIF	\$ 27,220,882	35.8%	50.0%	(1)	Yes
Investment Pools: CAMP - US Bank	6,540,618	8.6%	30.0%		Yes
U.S. Treasury Securities	7,020,310	9.2%	100.0%	(2)	Yes
Commercial Papers	1,991,848	2.6%	20.0%	(3)	Yes
Municipal Bonds	1,216,760	1.6%	30.0%		Yes
Money Market Funds	86,116	0.1%	20.0%	(4)	Yes
U.S. Agency Securities	31,872,931	41.9%	50.0%		Yes
<i>FHLB Federal Home Loan Bank</i>	<i>28,623,111</i>	<i>37.7%</i>			
<i>FNMA Fannie Mae</i>	<i>1,250,000</i>	<i>1.6%</i>			
<i>FHLMC Freddie Mac</i>	<i>1,999,820</i>	<i>2.6%</i>			

Total Investments **\$ 75,949,466 / 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% per issuer.
- (4) 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
April 30, 2022

ACTIVE DEPOSIT

Checking A/C: California Bank and Trust for General Purpose
 California Bank and Trust for Specific Purpose
 CAMP 2021A Bond
 Petty Cash/Disaster Preparedness
Total - Active Deposits

Book Value
 13,592,452
 737,708
 5,004,029
 1,476
19,335,665

DEPOSITS NOT COVERED BY INVESTMENT POLICY

Cash with Fiscal Agents:

Union Bank - RAD 96-1 Refunding Bond
 Union Bank - 2015A Refunding Bond
 SRF Loan
 Union Bank - 2016A Refunding Bond
 Union Bank - 2021A VVW Revenue Bond
 Union Bank - 2021B Refunding Bond

551,631
 1,478,424
 856,342
 511,048
 208,519
 297,572

Total Deposits Not Covered by Investment Policy

3,903,536

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

INVESTMENTS

Invest. Pools: US Bank Calif. Asset Mgmt Prgm (CAMP)
 State Local Agency Investment Fund (LAIF)
 First American Government 31846V567

Demand	1	0.50%	\$ 6,540,618	\$ 6,540,618	\$ 6,540,618
Demand	1	0.52%	26,914,744	27,220,882	27,220,882
Demand	1	0.18%	86,116	86,116	86,116

U.S. Treasury Notes/Bills

91282YH7	U.S. Treasury Notes	Aaa	-	03/09/21	02/28/25							
91282CBQ3	U.S. Treasury Notes	Aaa	-	03/09/21	09/30/24	1,401		1.50%	1.55%	969,100	1,000,000	1,036,684
91282YVW4	U.S. Treasury Notes	Aaa	-	02/09/22	12/15/22	885		0.50%	0.55%	911,450	1,000,000	984,478
91282TJ9	U.S. Treasury Notes	Aaa	-	02/09/22	08/15/22	230		1.63%	1.63%	1,000,000	1,000,000	1,007,330
912796M71	U.S. Treasury Bills	Aaa	-	03/15/22	09/08/22	108		1.63%	1.62%	1,001,410	1,000,000	1,005,763
912796U64	U.S. Treasury Bills	Aaa	-	03/15/22	09/08/22	132		0.72%	0.72%	996,200	1,000,000	996,520
912796M89	U.S. Treasury Bills	Aaa	-	03/31/22	09/29/22	153		1.03%	1.03%	995,210	1,000,000	994,894
				04/07/22	10/06/22	160		1.08%	1.09%	994,890	1,000,000	994,641
						97		1.15%	1.18%	\$ 6,868,260	\$ 7,000,000	\$ 7,020,310

U.S. Agency Securities

3134GXXH6	FHLMC Callable	Aaa	AA+	01/27/21	01/27/23	07/27/22	273	89	0.13%	0.13%	988,010	1,000,000	999,820
3130AJZJ1	FHLB Callable	Aaa	AA+	09/02/20	08/25/23	Anytime	483	1	0.32%	0.33%	1,116,935	1,151,111	1,151,111
3136G4P56	FNMA Callable	Aaa	AA+	08/26/20	02/26/24	08/26/22	668	119	0.40%	0.42%	1,201,363	1,250,000	1,250,000
3130ALHM9	FHLB Callable	Aaa	AA+	03/10/21	06/10/24	06/10/22	773	42	0.30%	0.31%	954,080	1,000,000	999,000
3130AKEW2	FHLB Callable	Aaa	AA+	11/04/20	11/04/24	Anytime	920	1	0.43%	0.46%	1,885,600	2,000,000	2,000,000
3134GWAQ9	FHLMC Callable	Aaa	AA+	07/28/20	07/28/25	07/28/22	1,186	90	0.65%	0.70%	931,200	1,000,000	1,000,000
3130AKGX8	FHLB Step-up Callable	Aaa	AA+	12/15/20	12/15/25	06/15/22	1,326	47	0.30%	0.32%	1,870,400	2,000,000	2,000,000
3130AKMD5	FHLB Callable	Aaa	AA+	01/26/21	01/26/26	07/26/22	1,368	88	0.50%	0.55%	911,170	1,000,000	999,500
3130AKU53	FHLB Callable	Aaa	AA+	01/28/21	01/28/26	07/28/22	1,370	90	0.52%	0.57%	920,230	1,000,000	1,000,000
3130AKN69	FHLB Callable	Aaa	AA+	01/28/21	01/28/26	01/28/23	1,370	274	0.50%	0.54%	919,700	1,000,000	1,000,000
3130AKVN3	FHLB Callable	Aaa	AA+	01/29/21	01/29/26	07/29/22	1,371	91	0.52%	0.57%	920,170	1,000,000	1,000,000
3130AKWK8	FHLB Callable	Aaa	AA+	02/12/21	02/12/26	05/12/22	1,385	13	0.51%	0.55%	918,940	1,000,000	1,000,000
3130AKX43	FHLB Step-up Callable	Aaa	AA+	02/24/21	02/24/26	05/24/22	1,397	25	0.70%	0.76%	1,849,760	2,000,000	2,000,000
3130AL7M0	FHLB Callable	Aaa	AA+	02/24/21	02/24/26	05/24/22	1,397	25	0.63%	0.68%	922,210	1,000,000	1,000,000
3130AKYR1	FHLB Callable	Aaa	AA+	02/25/21	02/25/26	02/25/23	1,398	302	0.55%	0.61%	908,320	1,000,000	1,000,000
3130AL6K5	FHLB Callable	Aaa	AA+	02/25/21	02/25/26	02/25/23	1,398	302	0.58%	0.63%	920,760	1,000,000	1,000,000
3130ALD76	FHLB Callable	Aaa	AA+	02/25/21	02/25/26	05/25/22	1,398	26	0.70%	0.76%	924,730	1,000,000	1,000,000
3130ALCW2	FHLB Callable	Aaa	AA+	02/25/21	02/25/26	02/25/23	1,398	302	0.63%	0.68%	922,330	1,000,000	998,500
3130ALQ2	FHLB Callable	Aaa	AA+	02/26/21	02/26/24	Anytime	668	1	0.22%	0.23%	956,490	1,000,000	1,000,000
3130ALGJ7	FHLB Callable	Aaa	AA+	03/23/21	03/23/26	05/23/22	1,424	24	1.00%	1.08%	901,056	975,000	975,000
3130ALPQ1	FHLB Step-up Callable	Aaa	AA+	03/30/21	03/30/26	06/30/22	1,431	62	0.75%	0.80%	941,100	1,000,000	1,000,000
3130ALVC5	FHLB Step-up Callable	Aaa	AA+	04/14/21	04/14/26	07/14/22	1,446	76	7.50%	7.99%	939,010	1,000,000	1,000,000
3130AMMV1	FHLB Callable	Aaa	AA+	06/03/21	06/03/24	06/03/22	766	35	0.40%	0.42%	478,275	500,000	500,000
3130AMKE1	FHLB Callable	Aaa	AA+	05/27/21	02/27/25	05/27/22	1,035	28	0.66%	0.70%	939,910	1,000,000	1,000,000
3130ANGN4	FHLB Step-up Callable	Aaa	AA+	08/18/21	02/18/25	05/18/22	1,026	19	0.35%	0.37%	949,170	1,000,000	1,000,000
3130ANSP6	FHLB Callable	Aaa	AA+	09/17/21	10/17/24	09/17/22	902	141	0.50%	0.53%	946,120	1,000,000	1,000,000
3130ANTP5	FHLB Callable	Aaa	AA+	09/16/21	09/16/24	06/16/22	871	48	0.50%	0.53%	950,600	1,000,000	1,000,000
3130APAY1	FHLB Callable	Aaa	AA+	10/21/21	10/21/26	07/21/22	1,636	83	1.10%	1.18%	930,340	1,000,000	1,000,000
3130APL78	FHLB Callable	Aaa	AA+	10/28/21	10/28/26	07/28/22	1,643	90	1.38%	1.46%	938,850	1,000,000	1,000,000
							1,167	2,619	0.77%	0.82%	\$ 29,856,828	\$ 31,876,111	\$ 31,872,931

Commercial Paper

46640QJ85	JP MORGAN SEC LLC	P-1	A-1	03/09/22	09/08/22	132	1.08%	1.08%	994,020	1,000,000	994,561
48306BGE9	Kaiser Foundation	F1+	A-1+	03/31/22	07/14/22	76	0.94%	0.94%	997,550	1,000,000	997,288
						6	1.01%	1.01%	\$ 1,991,570	\$ 2,000,000	\$ 1,991,848

Municipal Bonds

882724RA7 TEXAS ST PUB FIN AUTH Aaa AAA 10/30/20 10/01/25						1,251	5.00%	4.71%	1,062,220	1,000,000	1,216,760
						1,251	5.00%	4.71%	\$ 1,062,220	\$ 1,000,000	\$ 1,216,760
Total Investments						554	0.76%	0.78%	\$ 73,320,356	\$ 75,723,728	\$ 75,949,465

Total Investments

554	0.76%	0.78%	\$ 73,320,356	\$ 75,723,728	\$ 75,949,466
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TOTAL - ALL DEPOSITS AND INVESTMENTS

\$ 89,188,667

Olivenhain Municipal Water District
INVESTMENTS TRANSACTION
April 30, 2022

PURCHASED

DATE				Investment Description	<i>Stated</i>	<i>Current</i>	Face Value	Book Value
Purchase	Maturity	Call	Step-Up		<i>Coupon</i>	<i>Yield</i>		
04/07/22	10/06/22			U.S.Treasury Bills	1.080%	1.086%	1,000,000	994,641

MATURED / REDEEMED / CALLED

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

Olivenhain Municipal Water District
UNAUDITED CASH POSITION BY FUNDING SOURCES
As of April 30, 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	39,613,668
10010-100	Cash - Operating Fund	16,017,427
10060-100	Cash - Deposit Work for Other	66,726
10040-100	Cash - Rate Stabilization	12,144,280
14000-500	Restricted Cash - Capacity Fee Fund	5,075,448
Total Water Funds (Potable & Recycled)		<u>72,919,025</u>
 <u>Wastewater Funds</u>		
10010-110	Wastewater - Operating Fund	4,813,055
10030-110	Wastewater - Capital Replacement Fund	9,203,241
10040-110	Wastewater - Rate Stabilization Fund	2,608,072
Total Wastewater Funds		<u>16,624,369</u>
 <u>Non Fiscal Agent Debt Service Cash</u>		
14020-570	Cash non-agent - RAD 96-1	726,508
10070-561	Cash non-agent - Bond 2015A	621
10070-581	Cash non-agent - Bond 2016A	10,580
14020-521	Cash non-agent - Bond 2021A	5,004,029
Total Non Fiscal Agent Debt Service Cash		<u>5,741,737</u>
 <u>Debt Service Funds</u>		
14030-510	SRF Loan - Fiscal Agent	856,342
14105-570	Redemption fund - RAD 96-1	485,506
14110-570	Reserve fund - RAD 96-1	66,125
14100-561	Redemption fund - Bond 2015A	1,478,424
14100-581	Redemption fund - Bond 2016A	511,048
14100-521	Redemption fund - CB&T 2021A	208,519
14100-522	Redemption fund - CB&T 2021B	297,572
Total Debt Service Funds		<u>3,903,536</u>
TOTAL FUND BALANCES		<u>99,188,667</u>

Memo

Date: July 20, 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:

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

OLIVENHAIN MUNICIPAL WATER DISTRICT
Statement of Net Position (Unaudited)
All Funds
4/30/2022

Assets

Current assets:

Unrestricted assets:

Cash and cash equivalents	\$84,342,534
Accounts receivable - water and sewer, net	7,360,530
Interest Receivable	60,903
Taxes receivable	154,318
Other receivables	227,536
Inventories	1,538,276
Prepaid expenses and deposits	839,920
Total unrestricted assets	<u>94,524,017</u>

Restricted assets:

Cash and cash equivalents	14,562,162
Assesments receivable	44,852
Grants receivable	166,135
Total restricted assets	<u>14,773,150</u>
Total current assets	<u>109,297,167</u>

Noncurrent assets:

Capital assets, nondepreciable	49,048,431
Capital assets, depreciable/amortizable, net	331,354,488
Capital assets, net	<u>380,402,919</u>
Prepaid bond insurance	21,305
Other long-term receivables	22,023
Total noncurrent assets	<u>380,446,246</u>
Total assets	<u>489,743,413</u>

Deferred Outflows of Resources

Deferred amount on refunding	(1,045,371)
Deferred amount from pension	(3,585,712)
Total deferred outflows of resources	<u>(4,631,083)</u>

Liabilities

Current Liabilities

Liabilities payable from unrestricted assets:

Accounts payable	5,995,111
Accrued payroll	275,453
Customer deposits	364,464
Payable related to work in progress	58,436
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>12,080,613</u>

Liabilities payable from restricted assets:

Interest payable	640,615
Total liabilities payable from restricted assets	<u>640,615</u>
Total current liabilities	<u>12,721,227</u>

Noncurrent liabilities

Compensated absences	957,166
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	13,705,467
Water Revenue Refunding Bonds 2015A	13,669,533
Special Assessment Debt with Government Commi...	4,594,691
Notes Payable	10,756,474
Total noncurrent liabilities	<u>66,602,476</u>
Total liabilities	<u>79,323,703</u>

OLIVENHAIN MUNICIPAL WATER DISTRICT
Statement of Net Position (Unaudited)
All Funds
4/30/2022

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	330,799,705
Restricted Net Position	9,128,507
Unrestricted Net Position	<u>74,697,338</u>
Total Net Position	<u><u>414,625,550</u></u>

OLIVENHAIN MUNICIPAL WATER DISTRICT
Statement of Revenues, Expenses and Changes in Net Position (Unaudited)
All Funds
For the Ten Months Ending 4/30/2022

	<u>2022</u>
Operating Revenues:	
Water Sales	\$45,899,907
Sewer Charges	5,254,737
Other Water Operating revenues	<u>1,510,963</u>
Total Operating Revenues	52,665,607
Operating Expenses	
Cost of Purchased Water Sold	25,043,010
Pumping and Water Treatment	3,206,829
Transmission and Distribution	3,566,503
Sewer Collection and Treatment	1,519,912
Elfin Forest Recreation Operations	329,215
Facilities Maintenance	1,059,450
Customer Service	1,645,201
General and Administrative	5,901,180
Depreciation and Amortization	<u>9,075,700</u>
Total Operating Expenses	51,346,999
Operating Income (Loss)	1,318,608
Nonoperating Revenues (Expenses)	
Investment income	237,612
Property taxes	3,976,280
Capacity charges	1,475,113
Benefit assessments	1,007,241
Other nonoperating revenues	665,496
Interest expense, net	(1,114,856)
Other nonoperating expenses	<u>(198,884)</u>
Total nonoperating revenues (expenses)	6,048,003
Income before capital contributions	<u>7,366,611</u>
Capital contributions	<u>12,786</u>
Change in net position	7,379,397
Net Position, Beginning of year	<u>407,246,154</u>
Net Position, End of year	<u><u>414,625,550</u></u>

OLIVENHAIN MUNICIPAL WATER DISTRICT
CONSOLIDATED STATEMENT OF CASH FLOWS (UNAUDITED)
AS OF April 30, 2022

CASH FLOWS FROM OPERATING ACTIVITIES:

Receipts from water and sewer customers	\$ 57,718,306
Payments for water	(29,995,847)
Payments for services and supplies	(3,331,594)
Payments for employee wages, benefits and related costs	(11,818,974)
Net cash provided by operating activities	<u>12,571,891</u>

CASH FLOWS FROM NONCAPITAL AND RELATED FINANCING ACTIVITIES:

Property taxes and benefit assessments received	4,978,650
Net cash provided by noncapital and related financing activities	<u>4,978,650</u>

CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES:

Acquisition and construction of capital assets	(7,478,577)
Proceeds from Grants	223,185
Principal paid on long-term debt	(5,644,878)
Proceeds from debt issuance	8,975,110
Interest paid on long-term debt	(620,299)
Capacity charges received	1,475,114
Other capital financing receipts (expenses)	615,254
Net cash used by capital and related financing activities	<u>(2,455,091)</u>

CASH FLOWS FROM INVESTING ACTIVITIES:

Investment income received	258,790
Net cash provided (used) by investing activities	<u>258,790</u>

Net increase (decrease) in cash and cash equivalents 15,354,240

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

Cash and cash equivalents, end of period \$ 65,043,476

FINANCIAL STATEMENT PRESENTATION:

Cash and cash equivalents - current assets	52,744,263
Cash and cash equivalents - restricted assets	12,299,213
Total cash and cash equivalents	<u><u>\$ 65,043,476</u></u>

CASH AND CASH EQUIVALENTS RECONCILIATION

		Balance Includes Mkt Securities	Without Mkt Securities
Unrestricted cash	4/30/2022	84,342,534	52,744,263
Restricted cash	4/30/2022	14,562,162	12,299,213
Total cash and cash equivalents			<u><u>65,043,476</u></u>

OLIVENHAIN MUNICIPAL WATER DISTRICT
Consolidated Actual vs Budget Summary
For the Ten Months Ending 4/30/2022

	Approved Budget	Actual YTD	Budget YTD	Variance Amt	Variance %	Notes
Operating Revenues						
Commodity Water Sales	\$41,465,000.00	\$33,098,553.68	\$33,611,000.00	(\$512,446.32)	(1.5%)	1
Water Fees and Services	17,917,000.00	14,312,316.82	14,934,200.00	(621,883.18)	(4.2%)	2
Sewer Revenue	5,435,000.00	5,254,736.95	4,140,000.00	1,114,736.95	26.9%	3
Total Operating Revenues	64,817,000.00	52,665,607.45	52,685,200.00	(19,592.55)	(0.0%)	
Operating Expenses						
Purchased Water - Variable	22,350,000.00	18,135,752.44	18,152,300.00	16,547.56	0.1%	
Purchased Water - Fixed	8,316,000.00	6,907,257.64	6,907,278.00	20.36	0.0%	
General Manager Dept	1,922,000.00	1,474,326.59	1,602,300.00	127,973.41	8.0%	4
Engineering Dept	2,196,000.00	1,592,233.38	1,830,700.00	238,466.62	13.0%	4
Finance Dept	1,556,000.00	1,194,718.11	1,296,500.00	101,781.89	7.9%	4
Customer Service Dept	2,628,800.00	1,936,985.37	2,192,860.00	255,874.63	11.7%	4
Human Resources Dept	713,600.00	590,123.53	595,000.00	4,876.47	0.8%	4
Water Operations and Maintenance Dept	10,995,000.00	8,317,443.31	9,167,390.00	849,946.69	9.3%	4
Parks Dept	442,300.00	358,850.97	369,360.00	10,509.03	2.8%	4
Sewer Operations and Maintenance Dept	2,774,000.00	2,262,382.62	2,312,530.00	50,147.38	2.2%	4
Recycled Water Operations Dept	1,222,500.00	803,905.25	1,019,800.00	215,894.75	21.2%	4
Paygo Transfers						
Water Operations	7,900,000.00	6,580,000.00	6,580,000.00		0.0%	
Recycled Operations	2,200,000.00	1,830,000.00	1,830,000.00		0.0%	
Capitalized Operations Expenditures	(1,531,470.00)	(636,979.67)	(1,276,900.00)	(639,920.33)	50.1%	5
Total Operating Expenses	63,684,730.00	51,346,999.54	52,579,118.00	1,232,118.46	2.3%	
Net Operating Income (Loss)	1,132,270.00	1,318,607.91	106,082.00	1,212,525.91		
Nonoperating Revenues						
Water Funds	5,875,000.00	4,786,724.74	3,507,000.00	1,279,724.74	36.5%	6
Debt Service Funds	1,049,000.00	1,011,597.76	1,017,200.00	(5,602.24)	(0.6%)	
Sewer Funds	39,000.00	15,056.66	33,000.00	(17,943.34)	(54.4%)	7
Recycled Water Funds	60,000.00	21,505.66	49,800.00	(28,294.34)	(56.8%)	7
Total Nonoperating Revenue	7,023,000.00	5,834,884.82	4,607,000.00	1,227,884.82	26.7%	
Nonoperating Expense						
Capacity Fee Funds	30,000.00	19,992.77	24,800.00	4,807.23	19.4%	
Debt Service Funds	1,393,620.00	1,238,803.94	1,167,800.00	(71,003.94)	(6.1%)	8
Potable Water Funds	10,000.00	54,942.59	8,000.00	(46,942.59)	(586.8%)	9
Total Nonoperating Expense	1,433,620.00	1,313,739.30	1,200,600.00	(113,139.30)	(9.4%)	
Inc before Cap Fees and Capital Contributions	6,721,650.00	5,839,753.43	3,512,482.00	2,327,271.43		
Capacity Fee Funds	745,000.00	1,526,857.38				10
Capital contributions	1,655,000.00	12,785.68				11
Change in Net Position		7,379,396.49				

OLIVENHAIN MUNICIPAL WATER DISTRICT
Actual vs Budget Variance
For the Ten Months Ending 04/30/2022

1. Water Sales revenue were lower than Budget YTD by approximately \$512 thousand resulting in an unfavorable variance of 1.5%. The negative variance is primarily due to estimates for unbilled water and lower actual water consumption than the Budget YTD projected water sales through April 2022.
2. Water Fees and Services revenue were lower than Budget YTD primarily due to decreased water treatment services to Vallecitos Water District (VWD). In early March both the District and VWD began repairs on their transfer systems which prevented the delivery of treated water to VWD. The joint repairs could take up to six months and will reduce revenue for the current fiscal year.
3. Sewer Revenue was higher than Budget YTD for a favorable variance due to timing of receipts from the County. 4S Ranch and Rancho Cielo Sanitation Districts' sewer service fees are collected on the County's tax roll when customers pay their property tax to the County. Actual YTD sewer service revenue will be closer to the Budget YTD amount by the end of the current fiscal year.
4. 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.
5. Actual Capitalized Operating Expenses were lower than the Budget YTD due to the 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.
6. 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.
7. 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.
8. Actual Non-Operating Expenses – Debt Service Funds were greater than Budget YTD for an unfavorable variance from the 2021A and 2021B bonds costs of issuance not anticipated in Budget YTD.
9. Actual Non-Operating Expenses – Potable Water Funds were greater than Budgeted YTD for an unfavorable variance due to the MET rate reimbursement credits, that were not included in the budget, that currently total \$46,600.

OLIVENHAIN MUNICIPAL WATER DISTRICT
Actual vs Budget Variance
For the Ten Months Ending 04/30/2022

10. 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.
11. 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 4/30/2022

Project Name	Budget	Appropriation to Date	Expenditures & Encumbrance	(Over) / Under
Replace Neighborhood 1 SPS	\$7,732,000	\$7,732,000	\$935,395	\$6,796,605
Replace El Camino Real PL	\$4,960,000	\$4,960,000	\$4,958,612	\$1,388
Manchester Recyc PL Exten.	\$4,634,000	\$4,634,000	\$1,076,144	\$3,557,857
San Dieguito Desalination	\$42,837,000	\$4,262,000	\$4,021,477	\$240,523
Manchester Potable Pipeline	\$4,198,000	\$4,198,000	\$3,214,373	\$983,627
Replace Valves	\$9,121,000	\$1,044,000	\$679,932	\$364,068
DCMWTP PH Control System	\$737,000	\$737,000	\$613,274	\$123,726
Replace DCMWTP Membranes	\$8,336,000	\$725,000	\$737,273	(\$12,273) ^
Fixed Base AMI	\$3,278,000	\$627,000	\$594,595	\$32,405
Pipeline Replace. Assessment	\$590,000	\$590,000	\$587,707	\$2,293
Replace Headworks Manual Sys	\$3,160,000	\$503,000	\$356,692	\$146,308
Residuals Handling Bldg Canopy	\$482,000	\$482,000	\$89,560	\$392,440
Hydropower Turbine Refurb	\$600,000	\$480,000	\$458,402	\$21,598
PRS Replacements	\$3,451,000	\$453,000	-	\$453,000
Lone Jack PRS	\$340,000	\$340,000	\$311,798	\$28,202
HOA Pipeline Ext - CB, VP, SH	\$2,415,000	\$315,000	\$2,593	\$312,407
DCMWTP Analyzer Replace.	\$727,000	\$305,000	\$263,266	\$41,734
Rehab Concrete Tanks	\$727,000	\$283,000	\$261,077	\$21,923
Steel Mains Protection	\$3,120,000	\$270,000	\$73,921	\$196,079
Replace Potable Meters	\$4,042,000	\$270,000	\$152,193	\$117,807
RSFe Rd Unit A North PL	\$1,748,000	\$253,250	\$211,199	\$42,051
Pot & Recycled Master Plan	\$524,000	\$228,000	\$20,301	\$207,699
Circo Diegueno Ct. Leak Repair	\$215,000	\$215,000	\$38,777	\$176,223 #
Stratford HOA Pipeline Repair	\$213,050	\$213,050	\$95,405	\$117,645
Network User Enhancements	\$200,000	\$200,000	\$177,229	\$22,771
Replace Pipelines	\$7,674,950	\$196,000	\$79,021	\$116,979
Parking & Access Improvements	\$265,000	\$191,000	\$48,065	\$142,935
District-Wide PLC replacements	\$1,618,000	\$166,000	\$5,624	\$160,376
Rancho La Cima/Aliso Canyon PL	\$165,000	\$165,000	\$63,152	\$101,848
Replace WW Pumps/ Motors/Equip	\$1,799,000	\$156,000	\$142,740	\$13,260
Ext. 153 Flow Meter	\$200,000	\$105,000	\$555	\$104,445
DCMWTP 4th Stage Centrifuge	\$1,040,000	\$104,000	\$9,872	\$94,128
Replace Meter Anodes	\$1,496,000	\$100,000	\$8,913	\$91,087
The Lakes Sewer Main Leak	\$99,000	\$99,000	\$30,830	\$68,170 #
Retrofit Pot. Service to Recyc	\$1,267,000	\$97,000	\$30,893	\$66,107
Rancho Cielo Manhole Lining	\$539,000	\$92,000	\$46,330	\$45,670
Network Security	\$1,126,000	\$84,000	\$1,560	\$82,440
Bing Crosby Sewer Main Leak	\$82,000	\$82,000	\$47,030	\$34,970 #
Replace Pot. Pumps and Motors	\$1,026,000	\$81,000	\$68,898	\$12,102
Village Park PRS	\$80,000	\$80,000	\$1,432	\$78,568
Gardendale PRS	\$80,000	\$80,000	\$686	\$79,314
Palms I and II Reservoirs	\$1,307,000	\$73,000	\$72,785	\$215
Village View Rd Pipln Repair	\$72,500	\$72,500	\$1,141	\$71,359
District-Wide Facility Securit	\$70,000	\$70,000	\$20,103	\$49,897
Train 9 Control Wiring	\$64,000	\$64,000	\$36,139	\$27,861
Gardenview Crt Pipln Repair	\$57,500	\$57,500	\$95	\$57,405
Vault Upgrades	\$105,000	\$46,825	\$19,700	\$27,125
Landscape HQ Courtyards	\$45,000	\$45,000	\$93	\$44,908
New and Remodeled Facilities	\$35,387	\$35,387	\$35,364	\$23
4S Physical Security Upgrades	\$35,000	\$35,000	-	\$35,000
EFRR Parking Lot Repair	\$32,250	\$32,250	\$7,806	\$24,444
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	\$15,983	(\$1,983) ^
WW Master Plan	\$76,000	\$2,000	-	\$2,000
Chlorine Generation Cell		\$0	\$22,804	(\$22,804) *
Total:	\$129,212,637	\$36,776,762	\$20,763,307	\$16,013,455

Emergency repair project previously approved by the Board as part of the Replace Pipelines placeholder project.

^ Project is close to complete and overage is within Manager approval limit

* Emergency project within GM approval

Memo

Date: July 20, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Joey Randall, Assistant General Manager
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER FOLLOW UP FROM THE MARCH 30 SPECIAL MEETING ON THE
SAN DIEGUITO VALLEY BRACKISH GROUNDWATER DESALINATION PROJECT
(INFORMATIONAL ITEM)**

Purpose

The purpose of this agenda item is to provide a follow up to questions asked by the Board at the March 30, 2022, Special Meeting on the San Dieguito Valley Brackish Groundwater Desalination Project.

Recommendation

This is an informational item; no action is required.

Alternative(s)

Not applicable; informational item only.

Background

The San Dieguito Brackish Groundwater Desalination Project is OMWD's largest current potential capital project. The project supports OMWD's historical goal of obtaining one-third of its water supply from local sources, when added to recycled water.

At its March 30, 2022, Special Meeting, the Board was presented with an update on the project that included the results of recent investigations into regulatory and environmental considerations, project economics, and sustainability. The intention of the Special Meeting was not only to provide project updates, but also to facilitate discussion and questions from the Board, and to ensure their input was captured on the project next steps.

Discussion

Questions and additional information requested by the Board at the March 30, 2022, Special Meeting are listed below along with staff responses.

What is the length of both proposed brine pipeline alignments?

- The westerly alignment, following San Andres Drive to the SEJPA Ocean Outfall, is approximately 33,800 feet (6.4 miles). Other westerly alignments that were considered could increase this length to 44,300 feet (8.4 miles).
- The easterly alignment, directly to the City of Escondido Land Outfall Pipeline, is approximately 25,500 feet (4.8 miles).

How long will the project construction take?

- Multiple OMWD consultants estimate approximately two years.

Update Potential Extraction Well Siting Map to show additional features and points of reference.

- See attached Exhibit A.

What is the estimated construction timeline of the current Caltrans project ongoing on El Camino Real near Surf Cup?

- The widening of El Camino Real and bridge construction project will commence in spring 2023 and take approximately three years to complete.

What is included in the budget over the next two years?

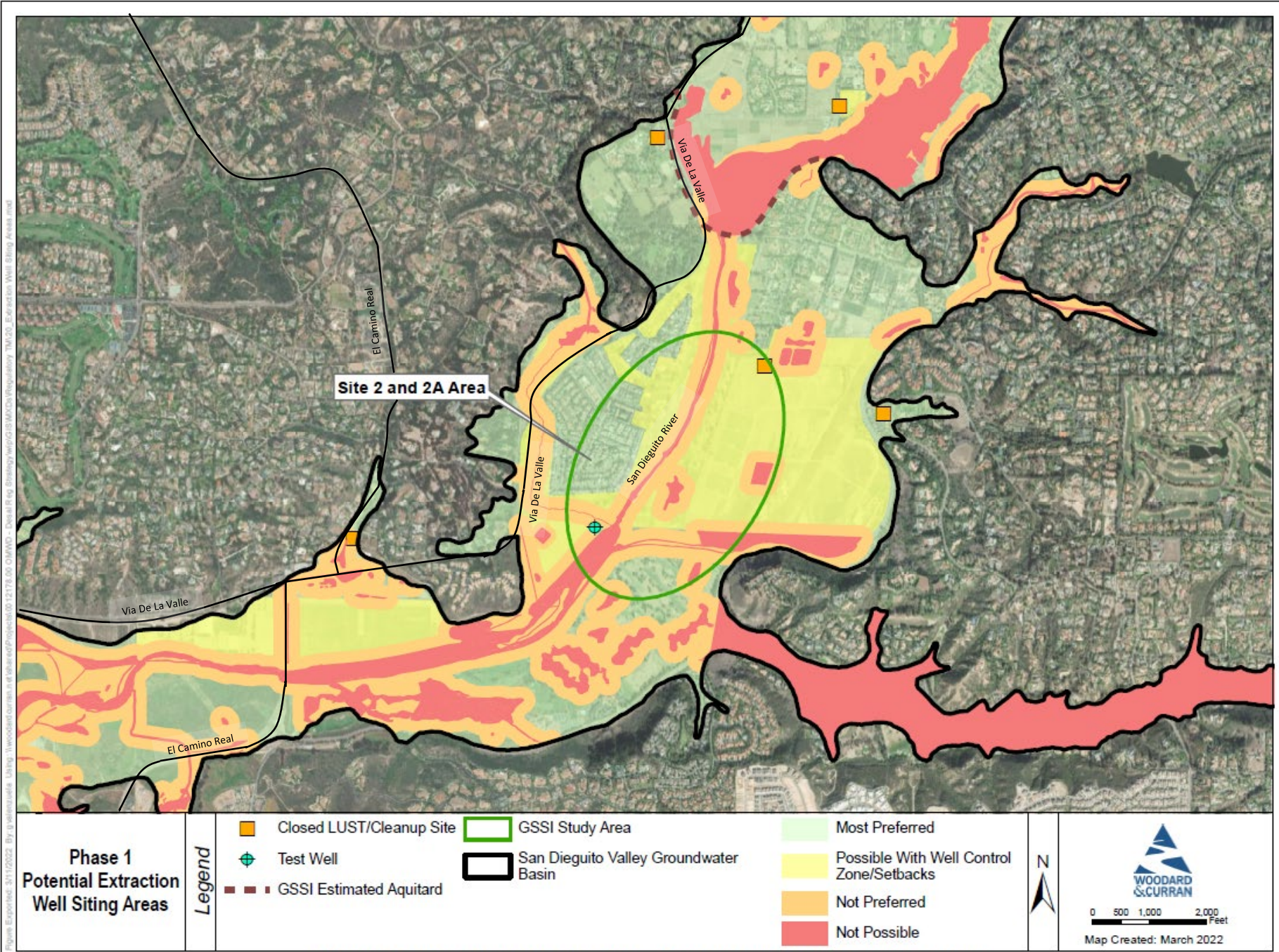
- Hydrogeologic Investigations
 - Add historical hydrologic record to the model. Add climate change scenarios.
 - Use the model to test extractions of 1.6 and 2.0 million gallons per day.
 - Complete return flow calculations. That is the quantity of water supplied by OMWD, SFID, Del Mar, and San Diego that recharges the groundwater basin.
 - Research additional justification that the San Dieguito Basin is “percolating groundwater” and not a “subterranean stream.”
 - Identification of preferred well sites that avoid groundwater under the direct influence of surface water.
- Water Rights Investigations
- Project Partnership Discussions
- Facility Siting Analysis Including Title Searches
- Quarterly Groundwater Level Monitoring
- Economic Analysis Update
- Board of Directors’ Workshop

In addition to the above-listed project questions presented at the March 30, Special Meeting, the Board also inquired about a future rate impact analysis and a retroactive review of water treatment plant costs over the last 20 years. Staff is still working on these additional requests as cost projections are refined and will provide further follow-up information to the Board at a future date to be determined.

Staff is available to answer any questions.

Attachments:

A- Potential Extraction Well Siting Map



Third Party GIS Disclaimer: This map is for reference and graphical purposes only and should not be relied upon by third parties for any legal decisions. Any reliance upon the map or data contained herein shall be at the users' sole risk. Data Sources:



Charting Local Waters:

San Dieguito Groundwater Study

An OMWD Sustainable Supplies Project

Status Update





- Additional Hydrogeologic Analysis – Increased Capacity Opportunities
- Siting Analysis
- Firm Up Water Rights, CEQA - SGMA





- Explore Partnership Opportunities
- OMWD Board Workshop – Spring 2023



Memo

Date: July 20, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Teresa L. Chase, Administrative Analyst
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER 2022 ANNUAL OBJECTIVES AND TIGER TEAM STATUS REPORT**

Purpose

The purpose of this agenda item is to provide the board with a status update on the 2022 annual objectives and stretch objectives for the period beginning January 1, 2022, as well as an update on the Tiger Team program.

Recommendation

This is an informational item; no action is required.

Alternative(s)

Not applicable; informational item only.

Background

At the February 16 board meeting, 78 annual objectives and 10 stretch objectives were approved for calendar year 2022. This is the second full status update presented to the board.

Fiscal Impact

There are no costs associated with this item.

Discussion

This report is presented to the Board of Directors to provide updates on staff's progress toward completion of the 2022 annual objectives and stretch objectives. The report also includes a status update on the Tiger Team program, which tracks funds saved or generated through grant funding, cost savings, and alternative revenue generation.

The next status update will be provided at the October 19, 2022 board meeting. The objectives featured herein are to be completed by December 31, 2022.

Attachments: Annual Objectives PowerPoint

2022 Annual Objectives

July 20, 2022

Board of Directors Meeting



2022 Annual Objectives

- A total of 78 objectives and 10 stretch objectives were adopted for calendar year 2022

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

Objective

1. Complete Train 2 membrane replacement at David C. McCollom Water Treatment Plant and commence membrane replacement of one additional train depending on the priority needs of the trains
2. Complete a condition assessment and structural integrity analysis of the DCMWTP membrane basins and chemical feed rooms

Progress Toward Completion

1. 70% - Train 2 membranes were installed and commissioned in April; commencement of Train 4 membrane replacement is scheduled for November
2. 30% - Underway; assessment report from Peterson Structural Engineering is expected in July

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

Objective

3. Partner with Asterra on satellite leak detection program and present findings to Facilities Committee
4. Complete construction of the DCMWTP pH Control System Project

Progress Toward Completion

3. 50% - Completed satellite and ground inspections; staff is evaluating 154 points of interest identified by Asterra
4. 40% - Construction commenced in February

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

Objective	Progress Toward Completion
5. Complete construction of the Manchester Avenue Potable Water Pipeline Replacement Project	5. 100% - Notice of Completion approved at the April 20 board meeting
6. Complete construction of the Lone Jack Pressure Reducing Station Replacement Project	6. 95% - board to consider Notice of Completion on August 17
7. Complete preliminary design for the Unit A North Rancho Santa Fe Road Potable Water Pipeline Replacement or Rehabilitation Project	7. 100% - Completed preliminary design

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

Objective

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

Stretch

Complete maintenance of three additional impacted easements beyond Objective 8

Progress Toward Completion

8. 60% - Completed maintenance of three easements

0% - Staff will review after achievement of Objective 8

2. Providing wastewater collection and treatment services in an environmentally responsible manner, and producing and supplying high-quality recycled water to irrigation customers in support of regional water conservation efforts.

Objective

Progress Toward Completion

9. Complete preliminary design for the 4S Ranch Water Reclamation Facility Headworks Screening System Project
10. Make five new connections to the recycled water distribution system

9. 90% - Staff has reviewed draft preliminary design
10. 20% - A number of sites are in various stages of conversion

2. Providing wastewater collection and treatment services in an environmentally responsible manner, and producing and supplying high-quality recycled water to irrigation customers in support of regional water conservation efforts.

Objective	Progress Toward Completion
11. Commence design of Extension 153 Flow Metering Facility	11. 100% - Design is underway; project will be completed in-house
12. Commence construction of the Manchester Avenue Recycled Water Pipeline Project	12. 95% - Notice to Proceed issued
13. Commence construction of the 4S Ranch Neighborhood 1 Sewer Pump Station Replacement Project	13. 95% - Notice to Proceed issued

2. Providing wastewater collection and treatment services in an environmentally responsible manner, and producing and supplying high-quality recycled water to irrigation customers in support of regional water conservation efforts.

Objective

Progress Toward Completion

Stretch

Make two additional new connections to the recycled water distribution system beyond Objective 10

0% - Staff will review after the achievement of Objective 10

3. Operating Elfin Forest Recreational Reserve in the most cost-effective, safe, environmentally responsive, and service-oriented manner.

Objective	Progress Toward Completion
14. Continue education program for elementary schools in partnership with the Escondido Creek Conservancy as COVID restrictions allow, providing at least 1,000 students with in-person field trips to EFRR	14. 97% - Hosted over 974 students on in-person field trips in 2022
15. Utilize volunteer groups such as San Diego Mountain Bike Association and EFRR trail patrol for two trail maintenance/repair projects as COVID restrictions allow	15. 10% - Trail projects have been identified and scope of work developed; coordinating with volunteer groups
16. Participate in I Love a Clean San Diego Creek to Bay Cleanup event if COVID restrictions allow	16. 100% - Creek to Bay Cleanup held on April 23 with 31 participants from the public

3. Operating Elfin Forest Recreational Reserve in the most cost-effective, safe, environmentally responsive, and service-oriented manner.

Objective	Progress Toward Completion
17. Begin sixteenth annual photo contest if COVID restrictions allow	17. 0% - Sixteenth annual photo contest is scheduled to launch in November
18. Conduct second round of oak tree monitoring for signs of Golden Spotted Oak Borer damage; report findings to EFRR Executive Committee with recommendations	18. 80% - GSOB monitoring was completed in June utilizing staff and volunteers
19. Host water conservation workshop at Elfin Forest Interpretive Center Honoring Susan J. Varty if COVID restrictions allow	19. 20% - Workshop speaker has been identified and workshop is scheduled for October 13

3. Operating Elfin Forest Recreational Reserve in the most cost-effective, safe, environmentally responsive, and service-oriented manner.

Objective

- 20. Investigate pedestrian safety along main driveway; report findings to EFRR Executive Committee with recommendations
- 21. Commemorate EFRR's 30th anniversary

Progress Toward Completion

- 20. 50% - Data collection complete; staff evaluating actions to increase pedestrian safety along main driveway
- 21. 10% - Planning underway to celebrate EFRR's 30th anniversary

3. Operating Elfin Forest Recreational Reserve in the most cost-effective, safe, environmentally responsive, and service-oriented manner.

Objective

- 22. Address maintenance demands on Ridgeline Maintenance Road by installing stabilized decomposed granite between Escondido Overlook and end of maintenance road
- 23. Replace fencing at Ridgetop Picnic Area and lower section of Cielo Trail

Progress Toward Completion

- 22. 100% - Completed installation of stabilized decomposed granite on Ridgeline Maintenance Road on April 13
- 23. 50% - Staff replaced Ridgetop Picnic Area fencing, and quotes have been acquired to replace fencing on Cielo Trail

3. Operating Elfin Forest Recreational Reserve in the most cost-effective, safe, environmentally responsive, and service-oriented manner.

Objective

Progress Toward Completion

Stretch

Cooperate with I Love a Clean San Diego on additional clean-up day if COVID restrictions allow

10% - Second ILACSD clean-up day is scheduled for September

Work with volunteer groups on two additional trail maintenance events if COVID restrictions allow

50% - Volunteer labor used to complete fencing replacement project at Ridgetop Picnic Area

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

Objective	Progress Toward Completion
24. Commence overhaul and rehabilitation of one DCMWTP energy recovery turbine to ensure continuous energy savings	24. 65% - Turbine is being overhauled by manufacturer; anticipate installation in late July
25. Continue partnerships with energy providers and third-party consultants to optimize energy costs	25. 50% - Continuing partnership with Utility Cost Management on SDG&E rate audit; implemented rate change providing cost savings at DCMWTP
26. Install power monitoring equipment at a recycled water pump station and collect data on SCADA to be used for future energy intensity recording	26. 50% - Instrumentation installed; SCADA programming under development

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

Objective

27. Investigate cost/benefit alternatives for photovoltaic systems at Elfin Forest Interpretive Center Honoring Susan J. Varty to meet year-round power demands; submit a project for consideration in fiscal year 2023 annual budget

Stretch

Install power monitoring equipment at one additional recycled water pump station beyond Objective 26

Progress Toward Completion

27. 100% - System assessment was performed in the spring; more efficient solar panels were recommended; staff was able to complete installation in June due to affordability of this solution

50% - Instrumentation installed; SCADA programming under development

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

Objective

- 28. Update Administrative and Ethics Code, Employee Handbook, and Compensation Policy to comply with new employee Memorandum of Understanding
- 29. Prepare staffing analysis succession planning document; present to Personnel Committee and full board

Progress Toward Completion

- 28. 100% - Administrative and Ethics Code updated and approved at the January 19 board meeting; Employee Handbook and Compensation Policy were reviewed and updated
- 29. 100% - Staffing analysis succession planning document presented to Personnel Committee on March 21; approved at the April 20 board meeting

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

Objective	Progress Toward Completion
30. Add two less expensive ACWA HMO and PPO health insurance plans; make available to employees at open enrollment	30. 50% - Paperwork submitted to ACWA to add the two new health plans; open enrollment scheduled for October
31. Conduct employee morale survey in early October; meet with HEART Committee to review results and help determine the success of the 4/10 work schedule and remote work trial programs	31. 0% - Survey scheduled for October
32. Enhance employee health and wellness by providing quarterly wellness-related trainings and one wellness challenge	32. 50% - Held COVID fatigue wellness seminar on February 17; conducted a “steps” walking challenge in February; held nutrition wellness seminar on June 21

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

Objective	Progress Toward Completion
33. Conduct employee focus groups with General Manager	33. 0% - Focus groups will begin in late summer
34. Develop and implement a network security training incentive program for employees	34. 20% - Program will be presented at an upcoming Staff Leadership Meeting for input
35. Complete installation of irrigation and plants in courtyards at headquarters	35. 50% - Design plans nearly complete; installation anticipated in the fall
36. In coordination with local law enforcement, conduct active shooter training education/drills	36. 100% - Active shooter response training sessions were conducted on May 19 and May 26 for all staff

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

Objective	Progress Toward Completion
37. Complete and submit to Department of Water Resources the first Annual Water Supply and Demand Assessment	37. 100% - Preliminary assessment submitted to DWR in May and final assessment submitted in June
38. Complete and submit to DWR the Annual Water Loss Audit using DWR's updated reporting criteria	38. 20% - Draft audit has been created and data is being entered as it is received; preliminary review of draft audit will take place in late July
39. Resume disconnections for non-payment in compliance with Senate Bill 998 (2018) upon discontinuation of the statewide moratorium	39. 100% - Discontinuation of service for non-payment is in full effect

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

Objective	Progress Toward Completion
40. Enhance experience of in-house staff by completing replacement of 50 valves in support of the Valve Replacement Project	40. 38% - Nineteen valves have been replaced by in-house staff
41. Complete self audit of the Sewer System Management Plan	41. 100% - Audit was completed in May
42. Conduct Public Health Goal public hearing by June 2022 to complete the State Water Resources Control Board Division of Drinking Water's tri-annual requirement	42. 30% - Public hearing scheduled for the July 20 board meeting
43. File application with SWRCB to remove the industrial permit status for the 4S WRF for the purpose of securing a Storm Water Pollution Prevention Plan exemption	43. 100% - SWRCB approved application for declassification from the Industrial General Permit in June, removing 4S WRF from the permit and reducing regulatory compliance exposure by 50%

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

Objective

- 44. Continue to work with SWRCB on options/potential for a 4S WRF discharge permit and report findings to Facilities Committee
- 45. Based upon stormwater-related regulatory requirements, identify improvements to the headquarters site to enhance the site SWPPP, ensure regulatory compliance, and reduce potential violation exposure; present findings to Facilities Committee

Progress Toward Completion

- 44. 20% - Continued discussions with SWRCB regarding discharge options
- 45. 50% - Identified improvements; preliminary design underway; anticipate presenting to Facilities Committee in the fall

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

Objective

46. Continue interdepartmental SWPPP committee to provide greater oversight for stormwater issues at headquarters and 4S WRF; conduct four quarterly meetings

Stretch

Complete replacement of 10 additional valves beyond Objective 40

Progress Toward Completion

46. 75% - Held quarterly meetings in January, March, and July

0% - Staff will review after achievement of Objective 40

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

Objective

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

Progress Toward Completion

47. 50% - Submitted application to USBR for North San Diego Water Reuse Coalition 2020 Project (Title XVI); coalition project was approved for inclusion in regional application to DWR for Prop 1 Round 2 funding; submitted two applications to Department of Parks & Recreation for EFRR parking lot (Recreational Trails Program and Land & Water Conservation Fund); submitted request to County Board of Supervisors for American Rescue Plan Act Coronavirus Local Fiscal Recovery Funding; provided shovel-ready project descriptions to SDCWA/MWD for Bipartisan Infrastructure Law funding consideration

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

Objective	Progress Toward Completion
48. Upgrade to latest version of customer payment portal to facilitate autopay enrollment and eBilling for consolidated customers	48. 5% - Quote received and cost analysis is underway
49. Complete Phase 7 of the AMI Expansion Project	49. 100% - Installed an additional 127 transmitters beyond the planned 1,882 for a total of 2,009
50. Review current and potential cost-sharing and/or resource-sharing opportunities with other local agencies; present to a board committee	50. 5% - Staff is preparing for a committee meeting in the fall

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

Objective

Progress Toward Completion

Stretch

Achieve one or more new grant awards

100% - Received notice of award for \$22,349 in grant funding from MWD's Leak Detection & Repair grant program; grant-seeking efforts will continue

8. Maintaining open communication and participation with the public through active conservation and educational programs as well as continually seeking customer input for informed decision-making.

Objective	Progress Toward Completion
51. Achieve District of Distinction and District Transparency Certificate of Excellence re-accreditation from Special District Leadership Foundation	51. 100% - Reaccreditation was achieved at the Platinum level; only ten other agencies in the state have achieved this highest level; OMWD to be recognized at August CSDA conference
52. Conduct comprehensive customer survey to measure customer satisfaction	52. 20% - Public Outreach Committee meeting held with consultant on June 30; survey to be completed by August; anticipate presenting to full board in the fall

8. Maintaining open communication and participation with the public through active conservation and educational programs as well as continually seeking customer input for informed decision-making.

Objective	Progress Toward Completion
53. Implement campaign to raise customer awareness of conservation-related resources and water use restrictions should they become mandated	53. 50% - Sent e-newsletters in February, May, and July; March and June newsletters featured information on the drought, water waste prohibitions, rebates, water use evaluation program, and leak detection; issued joint news release with City of Encinitas; staff is prepared to respond should restrictions become mandatory
54. Continue to develop messaging to protect customers' interests and to ensure customer awareness of SWRCB water use efficiency regulations and new legislative requirements	54. 50% - Ongoing; water use prohibitions were featured in March and June newsletters; staff continues to monitor for new developments at the state level

8. Maintaining open communication and participation with the public through active conservation and educational programs as well as continually seeking customer input for informed decision-making.

Objective

Progress Toward Completion

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

55. 50% - Ongoing; partnered with Solana Center, SFID, SDWD, and CMWD on January rain barrel program; partnered with SDCWA, Home Depot, and SDWD on March 26 plant sale event; partnered on events with San Diego Botanic Garden in April, Olivenhain FireSafe Council in May, and the De Anza Chapter of the National Society Daughters of the American Revolution in June

56. Complete redistricting process in advance of November 2022 general election

56. 100% - New director division boundaries have been finalized for the November election

8. Maintaining open communication and participation with the public through active conservation and educational programs as well as continually seeking customer input for informed decision-making.

Objective	Progress Toward Completion
57. Commemorate DCMWTP's 20th anniversary	57. 100% - Commemorative event held in June; video posted to OMWD's YouTube channel
58. Complete installation of demonstration garden to model water-efficient landscaping for customers	58. 90% - Installation of materials is complete; staff is finalizing signage
59. Add a minimum of 500 households to My Water Use portal	59. 100% - Over 1,300 new subscribers have enrolled in 2022
60. Explore outreach efforts to increase customer e-newsletter participation by 500 subscribers	60. 100% - As of June 30, 560 new subscribers have been added since implementation of outreach efforts

8. Maintaining open communication and participation with the public through active conservation and educational programs as well as continually seeking customer input for informed decision-making.

Objective

61. Update webpage to enhance user experience, including making the encroachment permit process and rebate programs more easily accessible

Stretch

Win award from CSDA, ACWA, or other industry group

Progress Toward Completion

61. 50% - Added translation tool so website can be accessible in 12 languages; leak form and agricultural pages revised for user-friendliness; links to the My Water Use dashboard have been added to main menus; improvements to encroachment permit and rebate pages are complete

100% - Won two American Public Works Association project of the year awards for El Camino Real Pipeline Replacement Project and Indian Head Canyon Emergency Repair

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

Objective

62. Complete fiscal year 2022 Annual Comprehensive Financial Report

63. Research and develop Pension Funding Policy; present to Finance Committee and full board

Progress Toward Completion

62. 20% - Interim audit underway; staff will work on fiscal year-end closing procedures in July and August; anticipate starting audit fieldwork in mid-September; draft 2022 ACFR will be completed by October

63. 100% - Pension Funding Policy was presented to Finance Committee in May and adopted at the June 22 board meeting

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

Objective

64. Complete Capital Assets Guidelines for GASB 87 implementation on leases

65. Complete the Fiscal Years 2022 and 2023 Biennial Operating and Capital Budget

Progress Toward Completion

64. 95%- Completed draft Capital Assets Guidelines; staff is finalizing the guidelines to include auditor input

65. 100% - The General Manager's Recommended Biennial Operating and Capital Budget for Fiscal Years 2023 and 2024 was adopted at the June 22 board meeting

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

Objective

Progress Toward Completion

66. Review and update water and sewer rates and charges

66. 50% - 2022 water rates and charges were adopted at the February 16 board meeting; board adopted a five-year sewer rate ordinance; 2023 water rates and charges will be brought to the board for discussion in the fall

67. Update water capacity fees

67. 20% - Capacity fee study underway with Raftelis; provided Raftelis with a list of assets by zone of benefits

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

Objective

Progress Toward Completion

68. Implement Rate Reimbursement Credit program

68. 100% - Implemented program in billing software; credit shown on customers' monthly water bills; auditors agreed with staff recommendation on accounting and treatment of the RRC on the financial statement

69. Expand Electronic Fund Transfer payment process to avoid fraudulent checks

69. 50% - Ongoing; staff is setting up new EFT vendors each month

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

Objective

Progress Toward Completion

Stretch

Keep OMWD's planned revenue adjustment at 5% or below for fiscal year 2023

50% - Ongoing; the rate model will be updated with 2023 purchased water wholesale cost increases in July

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

Objective	Progress Toward Completion
70. Commence planning documents for the Potable and Recycled Water Master Plan	70. 50% - Ongoing; staff is working with Consulting Engineer
71. Complete the Long-Term CIP Study and report findings to Facilities Committee	71. 75% - Ongoing; staff is working with Consulting Engineer
72. Create Pipeline Sampling Program for data collection and infrastructure assessment	72. 80% - Sample collection continues

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

Objective

73. Continue investigations to determine viability for the San Dieguito Valley Groundwater Project and present update to board at the March 30 special board meeting

Stretch

Continue working with DWR/SWRCB for a variance for the urban water use objective for recycled water with high TDS

Progress Toward Completion

73. 100% - Project update presented to board at the March 30 special board meeting

50% - Provided input to DWR; awaiting SWRCB's draft proposed variance

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

Objective	Progress Toward Completion
74. Coordinate with Registrar of Voters on the 2022 general election process for board members	74. 75% - Ongoing; General Manager submitted initial paperwork for the November elections with updated information for all divisions
75. Engage and influence SWRCB regulations and water use efficiency legislation utilizing OMWD's advocate in Sacramento	75. 50% - Ongoing; provided comment letter on emergency regulations
76. Revisit position on Delta Conveyance with board when the EIR is released in summer 2022	76. 0% - Release of EIR expected in late summer

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

Objective

Progress Toward Completion

77. Revisit position on Regional Conveyance with board at the completion of Phase B

77. 0% - Completion of Phase B expected in late summer

78. Work with SDCWA on development of its 2023 rates and five-year financial plan development

78. 50% - Ongoing; GM provides input at SDCWA board and committee meetings; 2023 rates were established, but five-year financial plan has not been released; changes to rate structure were delayed until 2024 by SDCWA board

Tiger Team Report

Fiscal Year 2022



Grants and Alternative Funding

- *\$3,731,783—Pursuing funding for Regional Recycled Water Program: 2020 Project through DWR's Integrated Regional Water Management Proposition 1/Round 2 Implementation Grant Program (OMWD's portion could be \$451,750)*
- *\$11,726,953—Pursuing second funding award for Regional Recycled Water Program: 2020 Project through WaterSMART: Title XVI Water Reclamation and Reuse Projects funding program (OMWD's share has yet to be determined)*
- *\$50,850—Pursuing Federal Emergency Management Agency COVID funding*
- *\$TBD—Pursuing American Rescue Plan Act's Coronavirus Local Fiscal Recovery Fund (requested funds toward \$2,984,370 in unmet needs)*
- *\$387,418—Pursuing Department of Parks & Recreation Land and Water Conservation Fund grant for EFRR Visitor Access Expansion Project*
- *\$807,775—Pursuing Department of Parks & Recreation Recreational Trails Program funding for EFRR Visitor Access Expansion Project*

Total Grants and Alternative Funding Awarded to OMWD in Fourth Quarter of Fiscal Year 2022
\$0 awarded; \$16,704,779 Pursued

Cost Savings

- There are no cost savings to report this quarter

Total Cost Savings During Fourth Quarter of Fiscal Year 2022
\$0

Tiger Team Report

Alternative Revenue



**OLIVENHAIN MUNICIPAL WATER DISTRICT
SCHEDULE OF OTHER BUSINESS (NON-WATER RELATED) REVENUES
FOR THE THREE MONTHS ENDED MARCH 31, 2022 (UNAUDITED)**

	ACTUAL	THREE MONTH BUDGET
REVENUES:		
CELL SITE LEASES + RENTAL	179,380	166,000
MISCELLANEOUS INCOME	3,969	
ROGER MILLER HYDROELECTRIC REVENUES	12,555	20,000
SELF-GENERATION INCENTIVE PROGRAM GRANT	-	1,250
CB&T VISA CASH INCENTIVE*	4,021	N/A
ESTIMATED DCMWTP ENERGY OFFSETS**	114,870	N/A
	<u>314,795</u>	187,250
 TOTAL REVENUE FOR THE THREE MONTHS ENDED MARCH 31, 2022	 <u>314,795</u>	

Notes:

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

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

Total alternative revenue in third quarter of FY 2022: \$314,795

Tiger Team Report



Summary

Total fourth quarter FY 2022 grant funding and cost savings, with third quarter FY 2022 alternative revenue:

\$314,795

Total grant funding and potential alternative funding sources under pursuit:

\$16,704,779

Since Inception of the Program (2005)

Total grant funding and cost savings to date:

\$44,880,710

Total alternative revenue generated to date:

\$16,842,503

Memo

Date: July 20, 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-seven 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 aide, especially at the operator level. OMWD begins providing San Diego County Water Authority and San Diego County Office of Emergency Services with daily status updates via WEBEOC.
March 18, 2020	OMWD's regularly scheduled board meeting transitioned to teleconference format.
March 21, 2020	California Public Utilities Commission informed that OMWD has initiated a temporary disconnection moratorium.
March 22, 2020	OMWD's Elfin Forest Recreational Reserve closed until further notice.
March 23, 2020	OMWD participated in second teleconference meeting regarding wastewater mutual aid with SEJPA, LWWD, VWD, Oceanside, Carlsbad, and Encina.
	Finance Department creates account to track costs associated with COVID-19.
March 24, 2020	Schedules further modified to ensure as much social distancing as possible; operations divisions separated into alternating teams to allow for separation on a weekly basis. Teams not working are to stay home, safe and sober in the event of an emergency need. Remaining administrative employees authorized remote working capability with laptops.
March 25, 2020	Deployed additional laptops to enable additional employees to work from home.
	Filmed informational video about the safety of our water that will be released in the near future.
	Prepared a list of shovel ready projects to CWA.
March 26, 2020	Sent an informational mailer to all customers regarding the safety of their water supply.
	Secured adequate supply of N95 masks for employees.
March 27, 2020	Staff has contacted certified retired operators to determine their ability to provide support in the event our current staff was impacted.
March 30, 2020	Made and distributed hand sanitizer to be used as needed.

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

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

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

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

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

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

Date: July 20, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Joe Jansen, Administrative Analyst
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER A RESOLUTION AUTHORIZING THE APPLICATION FOR FUNDING FROM THE UNITED STATES BUREAU OF RECLAMATION'S "WATERSMART GRANTS: WATER AND ENERGY EFFICIENCY GRANTS FOR FISCAL YEAR 2023" PROGRAM AND AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE UNITED STATES BUREAU OF RECLAMATION**

Purpose

The purpose of this agenda item is to consider a resolution that would authorize the General Manager to submit an application to the United States Bureau of Reclamation for funding from its WaterSMART Grants: Water and Energy Efficiency Grants for Fiscal Year 2023 program for OMWD's Advanced Metering Infrastructure Expansion Project.

Recommendation

Staff recommends approval of the resolution.

Alternative(s)

- The board may elect against adoption of the resolution; however this will preclude staff from seeking up to \$500,000 from USBR in grant funding for the final phases of the Advanced Metering Infrastructure Expansion Project.
- The board may direct staff as otherwise deemed appropriate.

Background

OMWD began implementation of its Advanced Metering Infrastructure in 2012, by which meter read data is transmitted to a fixed-based receiver instead of a vehicle-based receiver. The project is being implemented in ten phases. The initial pilot phase took place in 4S Ranch between FY 12 and FY 16, and subsequent phases have been implemented each fiscal year.

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

In March 2019, the board approved Resolution No. 2019-03, which authorized staff to submit an application for the AMI Expansion Project under the previous funding opportunity under the WaterSMART Grants: Water and Energy Efficiency Grants for Fiscal Year 2019. Staff submitted the application, which was selected to receive funds from USBR. In April 2020, OMWD entered into an agreement with USBR to receive \$299,707 in grant funding for the AMI Expansion Project. The funding has offset costs associated with the project's phases 4 through 6; phases 4 and 5 were completed in fiscal years 2019 and 2020, respectively, and phase 6 was completed in fiscal year 2021.

In August 2020, the board approved Resolution No. 2020-19, which authorized staff to submit a second application for the AMI Expansion Project under the previous funding opportunity under the WaterSMART Grants: Water and Energy Efficiency Grants for Fiscal Year 2021. Staff submitted the application, which was selected to receive funds from USBR. In March 2021, OMWD entered into an agreement with USBR to receive \$500,000 in grant funding for the AMI Expansion Project. The funding has offset costs associated with the project's phases 7 and 8; which are on schedule to be completed in fiscal year 2023.

Fiscal Impact

There are no costs directly associated with adoption of this resolution. Should the board approve the resolution, an as-yet-determined amount of staff time will be dedicated to preparation of the grant application.

If staff is successful in obtaining WaterSMART Grants: Water and Energy Efficiency Grants for Fiscal Year 2023 funding from the Bureau of Reclamation, OMWD's share of costs to complete the project would be reduced by up to \$500,000.

Discussion

The WaterSMART Grants: Water and Energy Efficiency Grants for Fiscal Year 2023 program provides grant funding to agencies to leverage their money and resources by cost sharing with the Bureau of Reclamation on projects that result in quantifiable and sustained water savings and support broader water reliability benefits. The Bureau of Reclamation announced a funding opportunity under this program in May 2022. Staff has determined that the AMI Expansion Project is eligible for grant funding via this program.

With the board's approval, staff will submit a funding application for the final remaining phases of the AMI Expansion Project prior to the July 28, 2022 deadline.

Staff is currently implementing phase 7 and 8 of the AMI Expansion Project, with phases 9 and 10 remaining. The remaining phases are expected to cost approximately \$1,563,000 through fiscal year 2025. Staff has previously been successful in securing grant funds to assist with funding of previous phases of the AMI Expansion Project. The project is eligible to receive up to \$500,000 in grant funding from the WaterSMART Grants: Water and Energy Efficiency Grants for Fiscal Year 2023, which would reduce OMWD's share of costs for the final phases of the AMI Expansion Project.

Attachment: Resolution 2022-XX

RESOLUTION NO. 2022-X

RESOLUTION AUTHORIZING THE APPLICATION FOR FUNDING FROM THE UNITED STATES BUREAU OF RECLAMATION'S "WATERSMART GRANTS: WATER AND ENERGY EFFICIENCY GRANTS FOR FISCAL YEAR 2023" PROGRAM AND AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE UNITED STATES BUREAU OF RECLAMATION

WHEREAS, Olivenhain Municipal Water District has the authority to construct, operate, and maintain its water system; and

WHEREAS, Olivenhain Municipal Water District desires to leverage its money and resources by cost sharing with the United States Bureau of Reclamation on projects that result in quantifiable and sustained water savings and support broader water reliability benefits; and

WHEREAS, Olivenhain Municipal Water District has the legal authority to enter into an agreement with the Bureau of Reclamation; and

WHEREAS, Olivenhain Municipal Water District has the capability to provide the amount of funding and/or in-kind contributions that it specifies in project funding plans submitted to the Bureau of Reclamation; and

WHEREAS, Olivenhain Municipal Water District will work with the Bureau of Reclamation to meet established deadlines for entering into a cooperative agreement;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Olivenhain Municipal Water District that, pursuant and subject to all of the terms and provisions of the WaterSMART Grants: Water and Energy Efficiency Grants for Fiscal Year 2023, that application be made to the Bureau of Reclamation for funding; and

BE IT FURTHER RESOLVED that the General Manager of Olivenhain Municipal Water District is hereby authorized and directed to cause the necessary data to be prepared and application to be signed and filed with the Bureau of Reclamation.

PASSED, ADOPTED AND APPROVED at a regular meeting of the Board of Directors of Olivenhain Municipal Water District held on July 20, 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: July 20, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Joey Randall, Assistant General Manager
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER CONSENT TO AN ASSIGNMENT AGREEMENT BETWEEN THE SAN ELIJO JOINT POWERS AUTHORITY AND SAN DIEGUITO WATER DISTRICT FOR USE OF THE WANKET TANK FOR RECYCLED WATER AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD**

Purpose

The purpose of this agenda item is to review and consent to an agreement between San Dieguito Water District (SDWD) and the San Elijo Joint Powers Authority (SEJPA) for ownership rights related to the Wanket Reservoir and authorize the General Manager to sign on behalf of OMWD.

Recommendation

Staff recommends that the Board of Directors authorize the General Manager to consent to into an agreement between the SDWD and the SEJPA for assignment of ownership rights and for an access license agreement related to the Wanket Reservoir.

Alternative(s)

The Board could direct staff not to consent to the agreement; however, there is no risk to OMWD with this agreement and the improved recycled water reliability would benefit OMWD customers.

Background

On September 26, 1974, SDWD and OMWD entered into an agreement with SDWD for the J.C. Wanket Reservoir, an approximately 3 million gallon tank, inclusive of valves, pipes and other fixtures (the “Reservoir Agreement”), providing for joint use of the water storage reservoir. In addition, SDWD and OMWD jointly own the real property on which the Reservoir is located, APN 254-611-11 (the “Property”), as tenants-in-common, pursuant to the grant deed recorded May 16, 1974 as document no. 74-127670.

Pursuant to the Reservoir Agreement, SDWD is entitled to one-third of the capacity in the Reservoir and is obligated to pay for one-third of the maintenance costs of the Reservoir. While OMWD operated and used the Reservoir from 1975 until 2008, San Dieguito has never used its capacity in the Reservoir and neither entity has used the Reservoir for water storage since 2008.

SEJPA desires to rehabilitate the Reservoir to store recycled water and connect it to its nearby recycled water distribution system. SDWD is assigning its rights in the Reservoir to SEJPA.

Fiscal Impact

Entry into this agreement does not have a significant fiscal impact to OMWD in-and-of itself as SEJPA is budgeting for and funding the conversion of the Wanket Tank to recycled water. There may be, however, costs associated with the conversion of the Wanket Reservoir to recycled water for which OMWD may elect to participate in. Included in the approved '23-'24 Capital budget is \$75k for Wanket RW Reservoir Rehabilitation Project.

Discussion

Use of the Reservoir for recycled water storage by SEJPA would benefit customers of both OMWD and SDWD by increasing operational reliability and service capacity of SEJPA recycled water system. In addition, the Reservoir would more than double the storage capacity of the existing recycled water system, which would improve the ability of San Elijo to provide recycled water service during times when its recycled water facility is offline for maintenance, as well as improve water pressure in the northern section of the service area. The location of the Reservoir is also advantageous for interconnecting to other recycled water districts that could allow for expanded service and regional storage and distribution in the future.

Staff and attorneys for SDWD, OMWD, and SEJPA have reviewed the proposed agreements and support the assignment of San Dieguito's ownership of the Reservoir to SEJPA. OMWD will retain its ownership rights of the Reservoir and has supported San Elijo in its pursuits of grant funding towards the cost of converting the Reservoir to recycled water.

With the assignment of SDWD's ownership, SEJPA agrees to assume all rights, obligations, and liabilities of SDWD with respect to the Reservoir based on the terms and conditions in the proposed agreement, and OMWD consents to such assignment and assumption.

Attachments:

- *Assignment Consent Agreement*
- *License Agreement*

ASSIGNMENT AND ASSUMPTION AGREEMENT

This Assignment and Assumption Agreement ("Agreement"), is made as of _____ by and among the San Dieguito Water District ("San Dieguito" or "SDWD") and the San Eljio Joint Powers Authority ("SEJPA" or "Assignee"), and consented to by the Olivenhain Municipal Water District ("Olivenhain").

RECITALS

- A. On September 26, 1974, San Dieguito and Olivenhain entered into an agreement in regard to the J.C. Wanket Reservoir, an approximately 3 million gallon tank, inclusive of valves, pipes and other fixtures (the "Reservoir"), providing for joint use of the Reservoir and defining the parties' rights and responsibilities with respect to capacity in and operation of the Reservoir (the "Reservoir Agreement").
- B. In addition, San Dieguito and Olivenhain jointly own the real property on which the Reservoir is located, APN 254-611-11 (the "Property"), as tenants-in-common, pursuant to the grant deed recorded May 16, 1974 as document no. 74-127670.
- C. Pursuant to the Reservoir Agreement, San Dieguito is entitled to one-third of the capacity in the Reservoir and is obligated to pay for one-third of the maintenance costs of the Reservoir.
- D. While Olivenhain operated and used the Reservoir from 1975 until 2008, San Dieguito has never used its capacity in the Reservoir and neither entity has used the Reservoir for water service since 2008.
- E. SEJPA desires to rehabilitate the Reservoir to store recycled water and connect it to its nearby recycled water distribution system.
- F. Use of the Reservoir for recycled water storage by SEJPA would benefit customers of both Olivenhain and San Dieguito by increasing operational reliability and performance of SEJPA's recycled water system with cost-effective new storage.
- G. SEJPA desires to acquire San Dieguito's one-third interest in the Reservoir to allow for SEJPA's rehabilitation and operation of the Reservoir for recycled water storage.
- H. SDWD agrees to transfer and assign its interests in the Reservoir to SEJPA and SEJPA agrees to assume all rights, obligations and liabilities of SDWD with respect to the Reservoir based on the terms and conditions below, and Olivenhain consents to such assignment and assumption.

NOW THEREFORE, San Dieguito, SEJPA and Olivenhain agree as follows:

1. Effective Date. As used in this Agreement, the "Effective Date" shall be _____.
2. Assignment by San Dieguito. As of the Effective Date, San Dieguito assigns to SEJPA all rights, title, and interest to its capacity in the Reservoir pursuant to the Reservoir

Agreement including, but not limited to, its one-third storage capacity in the Reservoir and all corresponding rights and obligations. As consideration for said assignment, and in addition to the benefits to be received by San Dieguito customers from SEJPA's proposed operation of the Reservoir as recycled water storage, SEJPA agrees to fully and forever waive and discharge the \$136,796.40 owed by San Dieguito for annual minimum recycled water purchases for fiscal year 2019-20, as set forth in the SEJPA invoice dated August 11, 2020, titled "FY 2019-20 Reconciliation of Recycled Water Invoiced to SDWD." All such amounts owed by San Dieguito will be considered fully paid and no longer due.

3. San Dieguito Representations. San Dieguito represents that all costs and fees due from San Dieguito for the Reservoir are current and there are no outstanding amounts owed to Olivenhain or any other person or entity. San Dieguito further represents that it is not aware of any current liabilities, claims, or disputes with respect to its interests in the Reservoir, nor is it aware of any liens or encumbrances on the Reservoir.

4. SEJPA Assumption. SEJPA hereby assumes San Dieguito's rights and interests in the Reservoir and assumes all obligations with respect to future maintenance, repairs, improvements and liabilities. San Dieguito shall have no further responsibility or liability for the Reservoir.

5. Olivenhain Consent. Olivenhain hereby consents to the assignment and assumption between San Dieguito and SEJPA pursuant to this Agreement and agrees that, after the Effective Date of this Agreement, San Dieguito is relieved of all obligations under the Reservoir Agreement.

6. Real Property and Access Rights. The parties acknowledge and agree that the assignment by San Dieguito to SEJPA pursuant to this Agreement is limited to San Dieguito's interests in the Reservoir and expressly does not include San Dieguito or Olivenhain's rights, title, and interest in the real property on which the Reservoir is located except for the license rights set forth in this section. Fee title to the Property shall remain with Olivenhain and San Dieguito and will not be affected in any manner whatsoever by this Agreement. Notwithstanding the foregoing, San Dieguito and Olivenhain, as tenant-in-common co-owners of the Property, agree to provide SEJPA with access rights to the Reservoir, as set forth in License Agreement and Right of Entry, attached hereto as Exhibit "A" and incorporated by reference.

7. Indemnification.

a. SEJPA shall indemnify, hold harmless, and defend San Dieguito, its elected and appointed officials, directors, employees, agents, and volunteers and each of them from any and all claims, demands, causes of action, damages, costs, expenses or losses or liability in law or in equity arising out of or in connection with SEJPA's assumption of San Dieguito's rights and obligations in the Reservoir pursuant to this Agreement. SEJPA's indemnity obligations shall not apply to any claims, demands, causes of action, damages, costs, expenses or losses or liability in law or in equity arising prior to the Effective Date of this Agreement.

b. San Dieguito shall indemnify, hold harmless, and defend SEJPA, its elected and appointed officials, directors, employees, agents, and volunteers and each of them from any and all claims, demands, causes of action, damages, costs, expenses or losses or liability in law or in equity arising out of or in connection with San Dieguito's rights and obligations in the Reservoir existing prior to the Effective Date. San Dieguito's indemnity obligations shall

not apply to any claims, demands, causes of action, damages, costs, expenses or losses or liability in law or in equity arising after the Effective Date of this Agreement.

c. Acceptance of Reservoir "As Is" and Indemnity Limitation. Notwithstanding subsection b. above, San Dieguito shall not be required to indemnify, hold harmless, or defend SEJPA with respect to the physical condition of the Reservoir including, but not limited, costs, expenses or losses in connection with hazardous substances. SEJPA accepts the capacity rights in the Reservoir in the Reservoir's present physical "as-is" condition, and agrees to make no demands upon San Dieguito for any improvements or alterations. The parties acknowledge that Olivenhain is a third party beneficiary of SEJPA's acceptance of the Reservoir in its "as-is" condition, and that OMWD is accordingly entitled to all rights, benefits, protections and enforcement powers associated therewith. By signing this Agreement, SEJPA represents and warrants that SEJPA will independently inspect the Reservoir and the area immediately surrounding and made all investigations, tests, and observations necessary to satisfy SEJPA as to the condition of the Reservoir, zoning and land use laws, regulations, and ordinances affecting the Reservoir, and all of the conditions, restrictions, encumbrances, and other matters of record relating to the Reservoir. SEJPA agrees that SEJPA is relying solely on SEJPA's independent inspection and that San Dieguito makes no warranty or representation with regard to the Reservoir. San Dieguito shall not be responsible for any latent defect or change in condition in the Reservoir and SEJPA's obligations under this Agreement shall not be diminished on account of any defect in the Reservoir, any change of condition, or any damages occurring on or in the Reservoir. SEJPA hereby releases San Dieguito from all future claims, actions, or demands that SEJPA may have or may hereinafter have, known and unknown, in any way relating to the quality, fitness, or condition of the Reservoir, and SEJPA specifically waives all rights under California Civil Code section 1542, which provides as follows:

A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

Initial: _____

8. Revocation of Assignment. The assignment effectuated by this Agreement may be revoked by Olivenhain and San Dieguito if SEJPA abandons or ceases to maintain and operate the Reservoir for any consecutive period of seven (7) years or more, upon written notice to SEJPA specifying the effective date thereof at least one hundred eighty (180) days prior to the effective date. In the event of such a revocation, all rights, title, and interest to SEJPA's capacity in the Reservoir shall revert to San Dieguito and this Agreement shall be of no further force and effect.

9. Legal Effect. This Agreement shall be binding upon and inure to the benefit of the successors, assigns, personal representatives, heirs and legatees of all the respective parties hereto.

10. Entire Agreement. This Agreement, including attachments, contains the entire agreement between San Dieguito, Olivenhain and SEJPA with respect to the subject matter hereof and supersedes all prior agreements, understandings, offers and negotiations, oral or written, with respect thereto.

11. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of California.

12. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

13. Further Assurances. Each of the parties hereto covenants and agrees to, at its own expense, perform any further acts and execute and deliver any further instruments that may be reasonably necessary to carry out the provisions and intent of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first herein above written.

SAN DIEGUITO WATER DISTRICT

By: _____

Its:

OLIVENHAIN MUNICIPAL WATER DISTRICT

By: _____

Its:

SAN ELIJO JOINT POWERS AUTHORITY

By: _____

By: _____

Its:

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

San Elijo Joint Powers Authority
2695 Manchester Avenue
Cardiff by the Sea, CA 92007-7077

**NO FEE REQUIRED PER
GOVERNMENT CODE SECTION 6103**

**DEED TRANSFER TAX: \$ 0
EXEMPT UNDER SEC. 11922 OF
REVENUE TAXATION CODE**

This Space is for Recorder's Use

APN 254-611-11

**LICENSE AGREEMENT AND RIGHT OF ENTRY
FOR J.C. WANKET RESERVOIR**

This License Agreement and Right of Entry ("License Agreement") is entered into and effective as of _____, 2022, by and between the Olivenhain Municipal Water District, a Municipal Water District ("Olivenhain"), and the San Dieguito Water District, a subsidiary district of the City of Encinitas organized and operating under the Irrigation District Law ("San Dieguito"), public agencies collectively referred to herein as "Licensors," and the SAN ELIJO JOINT POWERS AUTHORITY, a public agency organized as a Joint Powers Authority ("SEJPA" or "Licensee"), each referred to herein as a "Party" or collectively as the "Parties."

RECITALS

WHEREAS, Olivenhain and San Dieguito are the owners of record, as tenants in common, of that certain parcel of real property located in the City of Encinitas, County of San Diego, State of California, described on Exhibit B, attached hereto and incorporated herein by reference ("Property"); and

WHEREAS, on September 26, 1974, San Dieguito and Olivenhain entered into an agreement in regard to the J.C. Wanket Reservoir, an approximately 3 million gallon tank, inclusive of valves, pipes and other fixtures located on the Property (the "Reservoir"), providing for joint use of the Reservoir and defining the parties' rights and responsibilities with respect to capacity in and operation of the Reservoir (the "Reservoir Agreement"); and

WHEREAS, the Parties are entering into an Assignment and Assumption Agreement ("Assignment Agreement") for SEJPA to acquire San Dieguito's one-third interest in the Reservoir to allow for SEJPA to rehabilitate and operate the Reservoir for recycled water storage; and

WHEREAS, pursuant to Section 6 of the Assumption Agreement, Olivenhain and San Dieguito shall grant to SEJPA access rights to the Reservoir and across the Property for construction, maintenance, and operation of the Reservoir for recycled water storage; and

WHEREAS, the license and right of entry granted by this License Agreement consists of access across the Property and to, around and including the Reservoir, as depicted in Exhibit "C" (hereinafter the "License Area").

NOW, THEREFORE, in consideration of the foregoing and the mutual promises contained herein, the Parties agree as follows:

1. GRANT OF LICENSE

Licensors grant to SEJPA, and to SEJPA's successors and assigns, a perpetual non-exclusive license and right-of-entry ("License") upon, in, across, over, and under the Property for the License Area, as depicted in Exhibit "C", under the terms and conditions herein stated.

2. AUTHORITY NOT EXCLUSIVE

This License is non-exclusive. The Licensee shall respect the rights and property of Licensors and other authorized users of the Licensors' property.

3. LICENSE USE

This License is granted for the purpose of and conveys to Licensee, as a joint user with capacity rights in the Reservoir pursuant to the Assignment Agreement attached hereto as Exhibit "A" and incorporated herein by reference, the right to restore, refurbish, rehabilitate, modify, repair, access, use (including for recycled or potable water), protect (including by erecting or constructing any fences or walls, in locations and with the consent of GRANTORS), inspect, and maintain the Reservoir within the License Area as Licensee may from time to time determine, and further conveys the right of ingress and egress to and along said License Area by practical route or routes, in, upon, over, and across the Property, together with the right to clear and keep clear said routes of ingress and egress. The term "Reservoir" as used herein includes all pipelines, pumps, valves, meters, fixtures and facilities necessary or convenient for Licensee's use and protection of the Reservoir.

4. LIMITATIONS ON USE

Licensee shall comply with all applicable terms, conditions and requirements of Licensors' policies regarding the Property, and any ordinances, rules and regulations imposed by state or federal law. Licensee shall comply with all applicable laws and regulations of the federal, state, county, local government and all administrative agencies thereof which may have jurisdiction over the License Area.

- a. SEJPA will ensure that its exercise of any rights provided for by this License is consistent with the purpose of this License and will not interfere with Licensors' use of the Property.
- b. Within a reasonable time following completion of any work done by SEJPA to the Reservoir or within the License Area, SEJPA shall restore, or cause to be restored, the License Area surface as near as practicable to its pre-existing condition.
- c. SEJPA shall not cause or permit any Hazardous Material to be used, stored, transported, generated, or disposed in or about the License Area by SEJPA, SEJPA's agents, employees, contractors, or invitees. "Hazardous Material" means any hazardous, toxic, or infectious substance, material, or waste which is or becomes regulated by any local governmental entity, the State of California, or the United States Government under any law, regulation or ordinance regulating or controlling any Hazardous Material.

5. LICENSORS' RESERVED RIGHTS

Licensors reserve to each of them, and to their successors and assigns, the right to cultivate, occupy or use the Property and the License Area for any purpose not conflicting, interfering, or inconsistent with the access rights and privileges granted to Licensee herein including, but not limited to, the right of

ingress and egress across the License Area; erection and maintenance of cell towers and/or other utilities; erection or construction of any building, fences, walls, or other permanent structures of any kind; planting or maintenance of any trees, shrubs or other plants or vegetation; changing the alignment or grading of the surface or of any road; increasing or decreasing the ground elevation existing at the time of this License; and/or drilling, digging or excavating past the surface of any portion of the License Area. Licensors shall provide Licensee with thirty (30) days' notice prior to exercising any such reserved rights which, in Licensors' reasonable discretion, could impact or potentially interfere with Licensee's use of the License Area. Licensors' use of the Property and exercise of reserved rights shall not interfere with Licensee's License, including Licensee's use of the Reservoir and any property interests therein.

6. MODIFICATIONS TO LICENSE AREA

The Parties, upon mutual written agreement, shall have the right to make reasonable changes, whether temporary or in perpetuity, in the location, dimensions, or configuration of the License Area, provided that the relocation or modifications do not significantly reduce either the utility of the License or the Licensee's ability to enjoy and use the License, or frustrate the purposes for which the License was created.

7. CONSIDERATION

As consideration for this License, SEJPA agrees to contribute to the maintenance of the Reservoir and operate and maintain the Reservoir in a safe condition. SEJPA further agrees, at its sole cost and expense (subject to separate agreement between SEJPA and Olivenhain), to be responsible for maintenance of the License Area and assume San Dieguito's maintenance obligations for the Property. Except as set forth in this section, SEJPA shall have the right to exercise the rights granted to it by this License without the payment of any compensation to Licensors. Nothing in this License Agreement shall prevent SEJPA from separately entering into cost-sharing or other agreements relating to the Reservoir with either or both Licensors or with any other person or entity.

8. CONSTRUCTION, MAINTENANCE AND REPAIR

Any work performed or caused to be performed by SEJPA in the License Area shall be performed (a) in accordance with any and all applicable laws, rules and regulations (including the Licensor's rules and regulations); (b) in accordance with City of Encinitas' permitting process; and (c) in a manner that is satisfactory to Licensors and which meets or exceeds the then applicable standards of the industry for such work. Licensee shall notify Licensors prior to any commencement of work within the License Area. Additionally, Licensee shall be responsible for any citations issued by any agency having jurisdiction as a result of Licensee's failure to comply with any applicable law, regulation, ordinance, rule, or order.

9. INDEMNIFICATION

Licensee agrees to protect, save, defend, and hold harmless Licensors and their respective Board of Directors ("Boards") and each member of the Boards (collectively, the "Indemnified Parties"), and the Indemnified Parties' respective officers, agents, contractors and employees, from any and all liability or claim of liability, loss or expense, including defense costs and legal fees and claims for damages of whatsoever character, nature and kind, whether directly or indirectly arising from or connected with an act or omission of Licensee, or any employee, agent, invitee, or contractor of Licensee, or other person acting by or on behalf of Licensee, arising from the License Area, including, but not limited to, liability,

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expense, and claims for bodily injury, death, personal injury, or property damage; provided, however, that (1) nothing herein shall relieve any party indemnified hereunder from liability to the extent that such liability arises from such party's sole established negligence or willful misconduct; (2) nothing herein shall relieve any Indemnified Parties from liability to the extent that such liability arises from such party's established negligence or willful misconduct for all other claims; and (3) nothing herein shall relieve Olivenhain from any obligation, including contribution, that may be required in its capacity as co-owner of the Reservoir or as agreed to between Olivenhain and Licensee.

The requirements as to insurance coverage to be maintained by Licensee as required by Section 12 are not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by Licensee pursuant to this License Agreement, including but not limited to the provisions concerning indemnification.

10. TERMINATION

- a. Parties acknowledge that the License granted herein is necessary for Licensee to access, improve, and maintain the Reservoir. This License shall run with the land unless terminated as set forth in this section.
- b. If Licensee uses the License Area for any purpose not expressly authorized by this License Agreement or fails to act strictly in accordance with the terms and conditions of this License Agreement, Licensors shall provide written notice to Licensee of the default. Licensee shall correct the default within thirty (30) days; however, if the default is not able to be cured within thirty (30) days, Licensee shall provide notice to Licensors with evidence of Licensee's efforts to cure the default. The Parties shall make reasonable efforts to work together to cure the default, and should Licensee not be able to cure the default, Licensors may terminate this License Agreement and prevent Licensee from using or remaining upon the License Area.
- c. If Licensee abandons or ceases to maintain and operate the Reservoir for any consecutive period of seven (7) years or more, Licensors may terminate this License Agreement, specifying the effective date thereof at least one hundred eighty (180) days prior to the effective date.
- d. Upon termination of this License, all improvements shall be and remain a part of the License Area.

11. ACCEPTANCE OF LICENSE AREA

Licensee accepts any License Area in its present physical "as-is" condition, and agrees to make no demands upon Licensors for any improvements or alterations. By signing this License Agreement, Licensee represents and warrants that Licensee will independently inspect any License Area and the area immediately surrounding and made all investigations, tests, and observations necessary to satisfy Licensee as to the condition of any License Area, zoning and land use laws, regulations, and ordinances affecting the License Area, and all of the conditions, restrictions, encumbrances, and other matters of record relating to the License Area. Licensee agrees that Licensee is relying solely on Licensee's independent inspection and that Licensors makes no warranty or representation with regard to any License Area. Licensors shall not be responsible for any latent defect or change in condition in any License Area and Licensee's obligations under this License Agreement shall not be diminished on account of any defect in any License Area, any change of condition, or any damages occurring on any License Area. Licensee hereby releases Licensors from all future claims, actions, or demands that Licensee may have or may hereinafter have, known and unknown, in any way relating to the quality, fitness, or condition of the License Area, and Licensee specifically waives all rights under California Civil Code section 1542, which provides as follows:

A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

Initial: _____

12. INSURANCE

Without limiting Licensee's indemnification obligations to Licensors under this License Agreement, Licensee shall provide and maintain during the term of this License, at Licensee's sole expense, insurance in amounts sufficient to reasonably cover and protect from any and all Licensee operations in the License Area.

13. GENERAL

- a. All terms and conditions in this Easement shall inure to the benefit of and bind the parties, their successors and assigns.
- b. The benefits and burdens herein are intended, and shall, run with the land.
- c. This License shall not be modified except by a written instrument signed by the Parties and recorded.
- d. Licensors expressly warrant and represent that they have the power to grant this License in accordance with its terms.
- e. This License Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this License Agreement, the action shall be brought in a State or Federal court situated in the County of San Diego, State of California.
- f. Except as otherwise provided in this License Agreement, any notice required or permitted to be given hereunder shall be in writing and may be given by personal delivery or by certified or registered mail, and shall be deemed sufficiently given if delivered or addressed to:

SEJPA: San Elijo Joint Powers Authority
2695 Manchester Avenue
Cardiff by the Sea, CA 92007
Attention: _____

San Dieguito: San Dieguito Water District
160 Calle Magdalena
Encinitas, CA 92024
Attention: _____

Olivenhain: Olivenhain Municipal Water District
1966 Olivenhain Road
Encinitas, CA 92024
Attention: _____

Mailed notices shall be deemed given upon actual receipt at the address required, or forty-eight (48) hours following deposit in the mail, postage prepaid, whichever first occurs. Any Party may by notice to the others specify a different address for notice purposes.

[Signature Page to Follow]

IN WITNESS WHEREOF, the Parties executed this License Agreement effective as of this ____ day of _____, 2022.

OLIVENHAIN MUNICIPAL WATER DISTRICT:

By: _____
Name: _____
Title: _____

SAN DIEGUITO WATER DISTRICT

By: _____
Name: _____
Title: _____

SAN ELIJO JOINT POWERS AUTHORITY

By: _____
Michael T. Thornton, General Manager

DRAFT

Exhibit A

Assignment Agreement

DRAFT

Exhibit B

Legal Description of Land

Real property located in the City of Encinitas, County of San Diego, State of California, and more particularly described as follows:

PARCEL 1

All that portion of the Southeast Quarter of the Northeast Quarter of Section 3, Township 13 South, Range 4 West, San Bernardino Meridian in the County of San Diego, State of California, according to the United States Government survey approved April 19, 1881 described as follows:

Commencing at the Southeast corner of said Southeast Quarter of the Northeast Quarter; thence along the Southerly line thereof, North 89°11'20" West 177.34 feet to the TRUE POINT OF BEGINNING; thence continuing along said Southerly line of the Southeast Quarter of the Northeast Quarter of Section 3, North 89°11'20" West 253.81 feet; thence North 0°48'40" East 457.00 feet; thence South 89°11'20" East 253.81 feet; thence South 0°48'40" West 457.00 feet to the TRUE POINT OF BEGINNING.

PARCEL 2

An easement of right of way in, upon, over, under, and across the lands hereinafter described to erect, construct, reconstruct, replace, repair, maintain and use a pipeline or pipelines for any and all purposes, together with their necessary fixtures and appurtenances including but not limited to facilities for power transmission and communication purposes, at such locations and elevations, upon, along, over and under the hereinafter described right of way as Grantee may now or hereafter deem convenient and necessary from time to time, together with the right of ingress thereto and egress therefrom, to and along said right of way by a practical route or routes in, upon, over and across the hereinafter described lands, together with the right to use said right of way for access to Grantee's rights of way situated in adjacent lands.

The lands in which said easement of right of way is hereby granted are situated in the County of San Diego, State of California, and are particularly described as follows:

The Southeast Quarter of the Northeast Quarter of said Section 3.

Said easement of right of way in the aforesaid lands is more particularly described as follows:

All that portion of the Southeast Quarter of the Northeast Quarter of said Section 3 lying within a strip of land of varying width, the sidelines of said strip of land being 35.00 feet Southwesterly and 25.00 feet Northeasterly, measured at right angles, from the following described line between the TRUE POINT OF BEGINNING of said line and the point hereinafter designated as Point "A", and being 10.00 feet on each side of the following described line between said Point "A" and the Northerly terminus of said line, said line being described as follows:

Commencing at the Southeast corner of the Southeast Quarter of the Northeast Quarter; thence along the Easterly line thereof, North 1°47'58" West 85.75 feet to the TRUE POINT OF BEGINNING of the herein described line; thence North 60°05'33" West 187.24 feet to Point "B"; thence North 81°05'33" West 132.62 feet to Point "A"; thence North 10°20'33" West 156.21 feet; thence North 84°25'23" West 462.19 feet; thence North 2°51'23" West 847.65 feet; thence North 10°28'42" West 211.58 feet to a point on the Southerly line of Lot 1 of said Section 3, distant thereon North 89°23'03" West 819.47 feet from the

Southeast corner of said Lot 1; thence continuing North 10°28'42" West 0.64 feet; thence South 79°05'00" West 186.10 feet; thence North 15°25'47" West 694.28 feet to the South line of the North 880.00 feet of said Lot 1.

EXCEPTING from the easement described in Parcel 2 above, that portion thereof included within the boundaries of the property described in Parcel 1 above.

PARCEL 3:

An easement for drainage purposes over, under, upon, and across a strip of land 20.00 feet of even width situated within the Southeast Quarter of the Northeast Quarter of said Section 3, the center line of said 20.00 foot wide strip of land being described as follows:

Beginning at the point designated in Parcel 2 above as Point "B"; thence North 67°39'00" East 85.00 feet.

PARCEL 4:

An easement, right, and privilege to spill water into the existing natural drainage swale which drains in a general Easterly direction from the Northeasterly terminus of the 20.00 foot wide drainage easement described in Parcel 3 above.

Grantor and their successors in estate shall not erect or construct, or permit to be erected or constructed, any building or other structure, plant any tree or trees, or drill any well or wells within the limits of said right of way.

Grantee shall have the right to erect, maintain and use gates in all fences which now cross or shall hereafter cross said route or routes, and to trim and cut and clear away any trees and brush whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights hereby granted, the right to transfer and assign this easement in whole or in part being hereby granted to the Grantee.

Grantor agrees that no other easement or easements shall be granted on, under or over said strip of land by Grantor, without the previous written consent of Grantee.

It is also understood and agreed by the parties hereto that the Grantor and their successors or assigns, shall not increase or decrease, or permit to be increased or decreased, the existing ground elevations of the above described right of way, existing at the time this document is executed, without the previous written consent of the Grantee.

Exhibit C

[depiction of license area]

DRAFT

Memo

Date: July 20, 2022
To: Olivenhain Municipal Water District Board of Directors
From: John Carnegie, Customer Services Manager
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER A RESOLUTION TO OPPOSE BALLOT INITIATIVE 21-0042A1**

Purpose

The purpose of this agenda item is to consider establishing a formal oppose position for Ballot Initiative 21-0042A1, that, if approved, would amend California's Constitution to adopt new and stricter rules for raising taxes, fees, and assessments in California.

Recommendation

Staff recommends approval of the attached resolution.

Alternative(s)

The board could choose against approval of the resolution.

Background

On November 5, 1996, California voters approved Proposition 218. Proposition 218 amended the California Constitution by adding articles XIII C and XIII D, which affect the ability of special districts and other local governments to levy and collect existing and future taxes, assessments, and property-related fees and charges. Article XIII C established voter approval requirements for general and special taxes and provided the initiative power to voters to reduce or repeal any local tax, assessment, fee, or charge. It further made the power of initiative applicable to all local governments. Article XIII D established a new category of fees and charges, referred to as “property-related fees and charges.” Additionally, Article XIII D established new procedural requirements for levying assessments and imposing new, or increasing existing, property-related fees and charges, and it placed substantive limitations on the use of the revenues collected from assessments and property-related fees and charges, as well as on the amount of the assessment, fee, or charge that may be imposed on each parcel.

No property-related fee or charge may be extended, imposed, or increased by a special district without first complying with the provisions of Article XIII D, section 6 of the California Constitution. Article XIII D, section 2(e) defines “fee” or “charge” as “any levy other than an ad valorem tax, special tax or assessment, imposed by an agency upon a parcel or upon a person as an incident of property ownership, including user fees or charges for a property related service.” Collectively, these are referred to as “property-related fees and charges.” Water and wastewater service fees have been determined to be property-related fees and charges within the meaning of Article XIII D, and are therefore subject to the substantive limitations and procedural requirements related thereto. Any special district proposing to adopt a new, or increase an existing, property-related fee or charge must therefore comply with both the substantive and procedural requirements of Article XIII D, section 6.

Fiscal Impact

There is no cost associated with adopting an oppose position for Ballot Initiative 21-0042A1.

However, passage of the measure by voters in November 2024 could negatively impact OMWD’s ability to raise revenue to fund the services that it offers to customers. The measure could also expose OMWD to new litigation regarding rate-setting. These fiscal impacts are as yet unknown but are potentially significant.

Discussion

To qualify for the November 2024 ballot, proponents of new initiatives must collect 997,139 valid signatures from California voters. The deadline to submit signatures to counties to qualify for the November 2024 general election is August 2, 2022.

In late June, the California Special Districts Association notified its members that it has joined a coalition of local governments throughout California to oppose Ballot Initiative 21-0042A1. CSDA requested that its members, including OMWD, consider formally opposing the initiative as well.

CSDA's key concerns are that the initiative would result in the loss of billions of dollars annually in critical state and local funding, restricting the ability of local agencies and the State of California to fund services and infrastructure by (1) adopting new and stricter rules for raising taxes, fees, assessments, and property-related fees; (2) amending the Constitution, including portions of Propositions 13, 218, and 26 among other provisions, to the advantage of the initiative's proponents and plaintiffs, creating new grounds to challenge these funding sources and disrupting fiscal certainty; and (3) restricting the ability of local governments to issue fines and penalties to corporations and property owners that violate local environmental, water quality, public health, public safety, fair housing, nuisance and other laws and ordinances.

Additionally, CSDA has advised its members providing water and wastewater services of the following points of concern:

- Proposition 218 currently requires fees cover the *reasonable* cost of service. This initiative would amend Proposition 218 to require the near-impossible standard of predicting *actual* costs years into the future. To compound this challenge, the new standard also factors in the receipt of external revenues that are constantly shifting and typically outside the control of the local agency. It defines "actual costs" as:
 - "(i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing "actual cost," the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product."
- The measure is likely to foster litigation challenging local fees claiming they are not the "minimum amount necessary." Challenges could include:

- Do pipes need to be replaced every 30 years or 50 years?
- Does infrastructure need to be upgraded or replaced or not improved at all?
- Is increasing water reliability through water recycling, desalination, or other means the “minimum amount necessary” to serve water, or could drilling a deeper well be cheaper?
- In addition to limiting fees and charges to the actual cost to the local government for providing the service, fees and charges must also be “reasonable” to the payor themselves; no definition is provided for this new subjective reasonableness test that is separate from the test as to how closely the fee or charge is related to the cost of service.
- The initiative would significantly increase a public agency’s burden of proof from “preponderance of evidence” to “clear and convincing evidence” to prove compliance with the new fee requirements. By changing evidence standards, the initiative is likely to promote litigation against public agencies.
- The initiative would expose previously established fees indexed to inflation or other metrics to new standards and legal challenges.
- The initiative would add to the Constitution a requirement for a board action to adopt, enact, create, establish, collect, increase, or extend any and all fees.
- The initiative would interfere with local enforcement efforts by making it more difficult to impose fines and penalties for state and local law violations related to activities such as water discharge, waste recycling, and weed abatement. The measure converts administratively imposed fines and penalties into taxes unless a new, undefined, and ambiguous “adjudicatory due process” is followed.

For these reasons, staff concurs with CSDA’s oppose position and recommends approval of the attached resolution.

Note that there are some restrictions on the actions that public agencies may take pertaining to supporting or opposing a ballot measure. It is permissible for an agency to analyze and evaluate the impacts of a ballot measure; adopt a formal position; and to educate the public on a measure, its impacts, and the agency’s position. An agency may not, however, advocate a “yes” or “no” vote or a particular course of action.

Attachments:

- *Resolution 2022-*
- *Ballot Initiative 21-0042A1*
- *Legislative Analyst’s Office assessment of the initiative*

RESOLUTION NO. 2022-

RESOLUTION OF THE BOARD OF DIRECTORS OF OLIVENHAIN
MUNICIPAL WATER DISTRICT TO OPPOSE BALLOT INITIATIVE 21-
0042A1

WHEREAS, a proposed proposition aiming for the November 2022 statewide ballot, Initiative 21-0042A1, has received the official title: "LIMITS ABILITY OF VOTERS AND STATE AND LOCAL GOVERNMENTS TO RAISE REVENUES FOR GOVERNMENT SERVICES. INITIATIVE CONSTITUTIONAL AMENDMENT"; and

WHEREAS, the measure includes provisions that would make it more difficult for local voters to pass measures needed to fund local services and infrastructure, and would limit voter input by prohibiting local advisory measures where voters provide direction on how they want their local tax dollars spent; and

WHEREAS, the measure exposes ratepayers to costly litigation, limits the discretion and flexibility of locally elected boards to respond to the needs of their communities, and injects uncertainty into the financing and sustainability of critical infrastructure; and

WHEREAS, the measure creates new constitutional loopholes that would allow corporations to pay less than their fair share for the impacts they impose on our communities, including local infrastructure, our environment, water quality, air quality, and natural resources; and

WHEREAS, the measure would reduce funding for critical infrastructure like drinking water, sanitation, and parks; and

WHEREAS, the measure threatens billions of dollars currently dedicated to state and local services, and could force cuts to streets and roads, public transportation, ports, public schools, fire and emergency response, law enforcement, public health, libraries, affordable housing, services to address homelessness, mental health services, and more.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Olivenhain Municipal Water District that Olivenhain Municipal Water District opposes Ballot Initiative 21-0042A1; and

BE IT FURTHER RESOLVED that Olivenhain Municipal Water District will join the "No on Initiative 21-0042A1 Coalition," a growing coalition of public safety, labor, local government, infrastructure advocates, and other organizations throughout the state.

PASSED, ADOPTED AND APPROVED at a regular meeting of the Board of Directors of Olivenhain Municipal Water District held on July 20, 2022.

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

ATTEST:

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

BELL, McANDREWS & HILTACHK, LLP
ATTORNEYS AND COUNSELORS AT LAW
455 CAPITOL MALL, SUITE 600
SACRAMENTO, CALIFORNIA 95814

(916) 442-7757
FAX (916) 442-7759
www.bmhlaw.com

21 - 0042 Amdt. # 1

January 4, 2022

RECEIVED

JAN 04 2022

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Anabel Renteria
Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

Re: Initiative 21-0042 - Amendment Number One

Dear Initiative Coordinator:

Pursuant to subdivision (b) of Section 9002 of the Elections Code, enclosed please find Amendment #1 to Initiative No. 21-0042 "The Taxpayer Protection and Government Accountability Act." The amendments are reasonably germane to the theme, purpose or subject of the initiative measure as originally proposed.

I am the proponent of the measure and request that the Attorney General prepare a circulating title and summary of the measure as provided by law, using the amended language.

Thank you for your time and attention processing my request.

Sincerely,



Thomas W. Hiltachk

The Taxpayer Protection and Government Accountability Act

[Deleted codified text is denoted in ~~strikeout~~. Added codified text is denoted by *italics and underline.*]

Section 1. Title

This Act shall be known, and may be cited as, the Taxpayer Protection and Government Accountability Act.

Section 2. Findings and Declarations

(a) Californians are overtaxed. We pay the nation's highest state income tax, sales tax, and gasoline tax. According to the U.S. Census Bureau, California's combined state and local tax burden is the highest in the nation. Despite this, and despite two consecutive years of obscene revenue surpluses, state politicians in 2021 alone introduced legislation to raise more than \$234 *billion* in new and higher taxes and fees.

(b) Taxes are only part of the reason for California's rising cost-of-living crisis. Californians pay billions more in hidden "fees" passed through to consumers in the price they pay for products, services, food, fuel, utilities and housing. Since 2010, government revenue from state and local "fees" has more than doubled.

(c) California's high cost of living not only contributes to the state's skyrocketing rates of poverty and homelessness, they are the pushing working families and job-providing businesses out of the state. The most recent Census showed that California's population dropped for the first time in history, costing us a seat in Congress. In the past four years, nearly 300 major corporations relocated to other states, not counting thousands more small businesses that were forced to move, sell or close.

(d) California voters have tried repeatedly, at great expense, to assert control over whether and how taxes and fees are raised. We have enacted a series of measures to make taxes more predictable, to limit what passes as a "fee," to require voter approval, and to guarantee transparency and accountability. These measures include Proposition 13 (1978), Proposition 62 (1986), Proposition 218 (1996), and Proposition 26 (2010).

(e) Contrary to the voters' intent, these measures that were designed to control taxes, spending and accountability, have been weakened and hamstrung by the Legislature, government lawyers, and the courts, making it necessary to pass yet another initiative to close loopholes and reverse hostile court decisions.

Section 3. Statement of Purpose

(a) In enacting this measure, the voters reassert their right to a voice and a vote on new and higher taxes by requiring any new or higher tax to be put before voters for approval. Voters also intend that all fees and other charges are passed or rejected by the voters themselves or a governing body elected by voters and not unelected and unaccountable bureaucrats.

(b) Furthermore, the purpose and intent of the voters in enacting this measure is to increase transparency and accountability over higher taxes and charges by requiring any tax measure placed on the ballot—

either at the state or local level—to clearly state the type and rate of any tax, how long it will be in effect, and the use of the revenue generated by the tax.

(c) Furthermore, the purpose and intent of the voters in enacting this measure is to clarify that any new or increased form of state government revenue, by any name or manner of extraction paid directly or indirectly by Californians, shall be authorized only by a vote of the Legislature and signature of the Governor to ensure that the purposes for such charges are broadly supported and transparently debated.

(d) Furthermore, the purpose and intent of the voters in enacting this measure is also to ensure that taxpayers have the right and ability to effectively balance new or increased taxes and other charges with the rapidly increasing costs Californians are already paying for housing, food, childcare, gasoline, energy, healthcare, education, and other basic costs of living, and to further protect the existing constitutional limit on property taxes and ensure that the revenue from such taxes remains local, without changing or superseding existing constitutional provisions contained in Section 1(c) of Article XIII A.

(e) In enacting this measure, the voters also additionally intend to reverse loopholes in the legislative two-thirds vote and voter approval requirements for government revenue increases created by the courts including, but not limited to, *Cannabis Coalition v. City of Upland*, *Chamber of Commerce v. Air Resources Board*, *Schmeer v. Los Angeles County*, *Johnson v. County of Mendocino*, *Citizens Assn. of Sunset Beach v. Orange County Local Agency Formation Commission*, and *Wilde v. City of Dunsmuir*.

Section 4. Section 3 of Article XIII A of the California Constitution is amended to read:

Sec. 3(a) Every levy, charge, or exaction of any kind imposed by state law is either a tax or an exempt charge.

(b)(1) (a) Any change in state statute law which results in any taxpayer paying a new or higher tax must be imposed by an act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, and submitted to the electorate and approved by a majority vote, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property, may be imposed. Each Act shall include:

(A) A specific duration of time that the tax will be imposed and an estimate of the annual amount expected to be derived from the tax.

(B) A specific and legally binding and enforceable limitation on how the revenue from the tax can be spent. If the revenue from the tax can be spent for unrestricted general revenue purposes, then a statement that the tax revenue can be spent for "unrestricted general revenue purposes" shall be included in a separate, stand-alone section. Any proposed change to the use of the revenue from the tax shall be adopted by a separate act that is passed by not less than two-thirds of all members elected to each of the two houses of the Legislature and submitted to the electorate and approved by a majority vote.

(2) The title and summary and ballot label or question required for a measure pursuant to the Elections Code shall, for each measure providing for the imposition of a tax, including a measure proposed by an elector pursuant to Article II, include:

(A) The type and amount or rate of the tax;

(B) The duration of the tax; and

(C) The use of the revenue derived from the tax.

(c) Any change in state law which results in any taxpayer paying a new or higher exempt charge must be imposed by an act passed by each of the two houses of the Legislature. Each act shall specify the type of exempt charge as provided in subdivision (e), and the amount or rate of the exempt charge to be imposed.

(d) ~~(b)~~ As used in this section and in Section 9 of Article II, "tax" means every ~~any~~ levy, charge, or exaction of any kind imposed by the State state law that is not an exempt charge, except the following:

(e) As used in this section, "exempt charge" means only the following:

(1) ~~a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the State of conferring the benefit or granting the privilege to the payor.~~

(1) ~~(2)~~ A reasonable charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the State of providing the service or product to the payor.

(2) ~~(3)~~ A charge imposed for the reasonable regulatory costs to the State incident to issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

(3) A levy, charge, or exaction collected from local units of government, health care providers or health care service plans that is primarily used by the State of California for the purposes of increasing reimbursement rates or payments under the Medi-Cal program, and the revenues of which are primarily used to finance the non-federal portion of Medi-Cal medical assistance expenditures.

(4) A reasonable charge imposed for entrance to or use of state property, or the purchase, rental, or lease of state property, except charges governed by Section 15 of Article XI.

(5) A fine, or penalty, ~~or other monetary charge~~ including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or the State, as a result of a state administrative enforcement agency pursuant to adjudicatory due process, to punish a violation of law.

(6) A levy, charge, assessment, or exaction collected for the promotion of California tourism pursuant to Chapter 1 (commencing with Section 13995) of Part 4.7 of Division 3 of Title 2 of the Government Code.

(f) ~~(e)~~ Any tax or exempt charge adopted after January 1, ~~2022~~ 2010, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax or exempt charge is reenacted by the Legislature and signed into law by the Governor in compliance with the requirements of this section.

(g) ~~(1) (d)~~ The State bears the burden of proving by a preponderance of the clear and convincing evidence that a levy, charge, or other exaction is an exempt charge and not a tax. The State bears the burden of proving by clear and convincing evidence that the amount of the exempt charge is reasonable and that the amount charged does not exceed the actual cost of providing the service or product to the payor. ~~, that the amount is no more than necessary to cover the reasonable costs of the governmental activity and~~

that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity

(2) The retention of revenue by, or the payment to, a non-governmental entity of a levy, charge, or exaction of any kind imposed by state law, shall not be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(3) The characterization of a levy, charge, or exaction of any kind as being voluntary, or paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be a factor in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(4) The use of revenue derived from the levy, charge or exaction shall be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(h) As used in this section:

(1) "Actual cost" of providing a service or product means: (i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing "actual cost" the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.

(2) "Extend" includes, but is not limited to, doing any of the following with respect to a tax or exempt charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

(3) "Impose" means adopt, enact, reenact, create, establish, collect, increase or extend.

(4) "State law" includes, but is not limited to, any state statute, state regulation, state executive order, state resolution, state ruling, state opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by the legislative or executive branches of state government. "State law" does not include actions taken by the Regents of the University of California, Trustees of the California State University, or the Board of Governors of the California Community Colleges.

Section 5. Section 1 of Article XIII C of the California Constitution is amended, to read:

Sec. 1. Definitions. As used in this article:

(a) "Actual cost" of providing a service or product means: (i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing "actual cost" the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.

(b) "Extend" includes, but is not limited to, doing any of the following with respect to a tax, exempt charge, or Article XIII D assessment, fee, or charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

(c) (a) "General tax" means any tax imposed for general governmental purposes.

(d) "Impose" means adopt, enact, reenact, create, establish, collect, increase, or extend.

(e) (b) "Local government" means any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity, or an elector pursuant to Article II or the initiative power provided by a charter or statute.

(f) "Local law" includes, but is not limited to, any ordinance, resolution, regulation, ruling, opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by a local government.

(g) (c) "Special district" means an agency of the State, formed pursuant to general law or a special act, for the local performance of governmental or proprietary functions with limited geographic boundaries including, but not limited to, school districts and redevelopment agencies.

(h) (d) "Special tax" means any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.

(i) (e) As used in this article, and in Section 9 of Article II, "tax" means every any-levy, charge, or exaction of any kind, imposed by a local government law that is not an exempt charge, except the following:

(i) As used in this section, "exempt charge" means only the following:

(1) A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.

(1) (2) A reasonable charge imposed for a specific local government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the local government of providing the service or product.

(2) (3) A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

(3) (4) A reasonable charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property.

(4) (5) A fine, or penalty, or other monetary charge including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or a local government administrative enforcement agency pursuant to adjudicatory due process, as a result of to punish a violation of law.

(5) (6) A charge imposed as a condition of property development. No levy, charge, or exaction regulating or related to vehicle miles traveled may be imposed as a condition of property development or occupancy.

(6) (7) An Assessments and property related fees assessment, fee, or charge imposed in accordance with the provisions of subject to Article XIII D, or an assessment imposed upon a business in a tourism marketing district, a parking and business improvement area, or a property and business improvement district.

(7) A charge imposed for a specific health care service provided directly to the payor and that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the health care service. As used in this paragraph, a "health care service" means a service licensed or exempt from licensure by the state pursuant to Chapters 1, 1.3, or 2 of Division 2 of the Health and Safety Code.

The local government bears the burden of proving by a preponderance of the evidence that a levy, charge, or other exaction is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity.

Section 6. Section 2 of Article XIII C of the California Constitution is amended to read:

Sec. 2. Local Government Tax Limitation. Notwithstanding any other provision of this Constitution:

(a) Every levy, charge, or exaction of any kind imposed by local law is either a tax or an exempt charge. All taxes imposed by any local government shall be deemed to be either general taxes or special taxes. Special purpose districts or agencies, including school districts, shall have no power to levy general taxes.

(b) No local ~~law government, whether proposed by the governing body or by an elector,~~ may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote. A general tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved. The election required by this subdivision shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.

(c) ~~Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b).~~ (d) No local ~~law government, whether proposed by the governing body or by an elector,~~ may impose, ~~extend, or increase~~ any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote. A special tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.

(d) The title and summary and ballot label or question required for a measure pursuant to the Elections Code shall, for each measure providing for the imposition of a tax, include:

(1) The type and amount or rate of the tax;

(2) the duration of the tax; and

(3) The use of the revenue derived from the tax. If the proposed tax is a general tax, the phrase "for general government use" shall be required, and no advisory measure may appear on the same ballot that would indicate that the revenue from the general tax will, could, or should be used for a specific purpose.

(e) Only the governing body of a local government, other than an elector pursuant to Article II or the initiative power provided by a charter or statute, shall have the authority to impose any exempt charge. The governing body shall impose an exempt charge by an ordinance specifying the type of exempt charge

as provided in Section 1(j) and the amount or rate of the exempt charge to be imposed, and passed by the governing body. This subdivision shall not apply to charges specified in paragraph (7) of subdivision (j) of Section 1.

(f) No amendment to a Charter which provides for the imposition, extension, or increase of a tax or exempt charge shall be submitted to or approved by the electors, nor shall any such amendment to a Charter hereafter submitted to or approved by the electors become effective for any purpose.

(g) Any tax or exempt charge adopted after January 1, 2022, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax or exempt charge is reenacted in compliance with the requirements of this section.

(h)(1) The local government bears the burden of proving by clear and convincing evidence that a levy, charge or exaction is an exempt charge and not a tax. The local government bears the burden of proving by clear and convincing evidence that the amount of the exempt charge is reasonable and that the amount charged does not exceed the actual cost of providing the service or product to the payor.

(2) The retention of revenue by, or the payment to, a non-governmental entity of a levy, charge, or exaction of any kind imposed by a local law, shall not be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(3) The characterization of a levy, charge, or exaction of any kind imposed by a local law as being paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be factors in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(4) The use of revenue derived from the levy, charge or exaction shall be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

Section 7. Section 3 of Article XIII D of the California Constitution is amended, to read:

Sec. 3. Property Taxes, Assessments, Fees and Charges Limited

(a) No tax, assessment, fee, ~~or~~ charge, or surcharge, including a surcharge based on the value of property, shall be assessed ~~by any agency~~ upon any parcel of property or upon any person as an incident of property ownership except:

(1) The ad valorem property tax ~~imposed pursuant to~~ described in Section 1(a) of Article XIII and Section 1(a) of Article XIII A, and described and enacted pursuant to the voter approval requirement in Section 1(b) of Article XIII A.

(2) Any special non-ad valorem tax receiving a two-thirds vote of qualified electors pursuant to Section 4 of Article XIII A, or after receiving a two-thirds vote of those authorized to vote in a community facilities district by the Legislature pursuant to statute as it existed on December 31, 2021.

(3) Assessments as provided by this article.

(4) Fees or charges for property related services as provided by this article.

(b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

Section 8. Sections 1 and 14 of Article XIII are amended to read:

Sec. 1 Unless otherwise provided by this Constitution or the laws of the United States:

(a) All property is taxable and shall be assessed at the same percentage of fair market value. When a value standard other than fair market value is prescribed by this Constitution or by statute authorized by this Constitution, the same percentage shall be applied to determine the assessed value. The value to which the percentage is applied, whether it be the fair market value or not, shall be known for property tax purposes as the full value.

(b) All property so assessed shall be taxed in proportion to its full value.

(c) All proceeds from the taxation of property shall be apportioned according to law to the districts within the counties.

Sec. 14. All property taxed by state or local government shall be assessed in the county, city, and district in which it is situated. Notwithstanding any other provision of law, such state or local property taxes shall be apportioned according to law to the districts within the counties.

Section 9. General Provisions

A. This Act shall be liberally construed in order to effectuate its purposes.

B. (1) In the event that this initiative measure and another initiative measure or measures relating to state or local requirements for the imposition, adoption, creation, or establishment of taxes, charges, and other revenue measures shall appear on the same statewide election ballot, the other initiative measure or measures shall be deemed to be in conflict with this measure. In the event that this initiative measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other initiative measure or measures shall be null and void.

(2) In furtherance of this provision, the voters hereby declare that this measure conflicts with the provisions of the "Housing Affordability and Tax Cut Act of 2022" and "The Tax Cut and Housing Affordability Act," both of which would impose a new state property tax (called a "surcharge") on certain real property, and where the revenue derived from the tax is provided to the State, rather than retained in the county in which the property is situated and for the use of the county and cities and districts within the county, in direct violation of the provisions of this initiative.

(3) If this initiative measure is approved by the voters, but superseded in whole or in part by any other conflicting initiative measure approved by the voters at the same election, and such conflicting initiative is later held invalid, this measure shall be self-executing and given full force and effect.

C. The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not

declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid.

D. If this Act is approved by the voters of the State of California and thereafter subjected to a legal challenge alleging a violation of state or federal law, and both the Governor and Attorney General refuse to defend this Act, then the following actions shall be taken:

(1) Notwithstanding anything to the contrary contained in Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(2) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act. The written affirmation shall be made publicly available upon request.

(3) A continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(4) Nothing in this section shall prohibit the proponents of this Act, or a bona fide taxpayers association, from intervening to defend this Act.



January 19, 2022

Hon. Rob Bonta
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Anabel Renteria
Initiative Coordinator

Dear Attorney General Bonta:

Pursuant to Elections Code Section 9005, we have reviewed the proposed constitutional Taxpayer Protection and Government Accountability Act initiative (A.G. File No. 21-0042, Amendment #1).

Background

State Government

Taxes and Fees. This year's state budget spends over \$255 billion in state funds. Over 90 percent of the state budget is funded with revenues from taxes. These include, for example, sales taxes paid on goods and income taxes paid on wages and other sources of income. Much of the rest of the state budget is funded by fees and other charges. Examples include: (1) charges relating to regulatory activities; (2) charges for specific government services or products, like fees charged to drivers to improve roads; (3) charges for entering state property, such as a state park; and (4) judicial fines, penalties, and other charges. The State Constitution requires the state to set fees at a reasonable level, generally reflecting the costs of the services or benefits provided. The state uses revenue from taxes and fees to fund a variety of programs and services, including education, health care, transportation, and housing and homelessness services.

Current Requirements to Approve Taxes and Fees. Under the State Constitution, state tax increases require approval by two-thirds of each house of the Legislature or a majority vote of the statewide electorate. The Legislature can reduce taxes with a majority vote of each house, provided the change does not result in an increase in taxes paid by any single taxpayer. In many cases, the Legislature has enacted statutes that delegate its authority to adjust fees and other


Legislative Analyst's Office
California Legislature
Gabriel Petek, Legislative Analyst
925 L Street, Suite 1000, Sacramento, CA 95814
(916) 445-4656

charges to administrative entities, like state departments. In these cases, these charges can be increased or changed by the department within certain limits.

Local Government

Taxes and Fees. The largest local government tax is the property tax, which raises roughly \$75 billion annually. Other local taxes include sales taxes, utility taxes, and hotel taxes. In addition to these taxes, local governments levy a variety of fees and other charges. Examples include parking meter fees, building permit fees, regulatory fees, and judicial fines and penalties. In order to be considered a fee, the charge cannot exceed the reasonable costs to the local government of providing the associated product or service. Local governments use revenues from taxes and fees to fund a variety of services, like fire and police, public works, and parks.

Current Requirements to Approve Taxes and Fees. State law requires increases in local taxes to receive approval of the local governing body—for example, a city council or county board of supervisors—as well as approval of voters in that local jurisdiction. Most proposed taxes require a two-thirds vote of the local governing board before being presented to the voters. Special taxes (those used for a specific purpose) require a two-thirds vote of the electorate while other types of taxes require a majority vote of the electorate. The majority-vote general taxes can be used for any purpose. Recent case law suggests that citizen initiative special taxes may be approved by majority vote, rather than a two-thirds vote. Currently, local governing bodies have the ability to delegate their authority to adjust fees and other charges to administrative entities, like city departments. In these cases, these charges can be increased or changed by the department within certain limits.

Proposal

This measure amends the State Constitution to change the rules for how the state and local governments can impose taxes, fees, and other charges.

State and Local Government Taxes

Expands Definition of Tax. The measure amends the State Constitution to expand the definition of taxes to include some charges that state and local governments currently treat as fees and other charges. For example, certain charges imposed for a benefit or privilege granted to a payer but not granted to those not charged would no longer be considered fees. As a result, the measure could increase the number of revenue proposals subject to the higher state and local vote requirements for taxes discussed below.

Requires Voter Approval for State Taxes. The measure increases the vote requirements for increasing state taxes. Specifically, the measure requires that legislatively proposed tax increases receive approval by two-thirds of each house *and* a majority vote of the statewide electorate. Voters would still be able to increase taxes by majority vote of the electorate without legislative action, however. Any state tax approved between January 1, 2022 and the effective date of this measure would be nullified unless it fulfills the requirements of the measure.

Requirements for Approving Local Taxes. Whether sought by the local governing body or the electorate, the measure establishes the same approval requirements for increasing local

special taxes. Any local tax approved between January 1, 2022 and the effective date of this measure would be nullified unless it fulfills the requirements of the measure.

Allowable Uses and Duration of State and Local Tax Revenues Must Be Specified. The measure requires state and local tax measures to identify the type and amount (or rate) of the tax and the duration of the tax. State and local government general tax measures must state that the revenue can be used for general purposes.

State and Local Government Fees

Requires the Legislature and Local Government Bodies to Impose State and Local Fees. Fees would have to be imposed by a majority vote of both houses of the Legislature or local governing bodies. The measure would restrict the ability of state and local governments to delegate fee changes to administrative entities. The extent of these restrictions would depend on future court decisions. Any fee approved between January 1, 2022 and the effective date of this measure would be nullified unless it fulfills the requirements of the measure.

Some New State and Local Fees Could Not Exceed Actual Costs. For some categories of fees, if the Legislature or a local governing body wished to impose a new fee or make changes to an existing fee, the measure generally would require that the charge be both reasonable and reflect the actual costs to the state or local government of providing the service. The measure also specifies that actual cost should not exceed “the minimum amount necessary.” In many cases, existing fees already reflect the government’s actual costs. In other cases, some fees would have to more closely approximate the payer’s actual costs in order to remain fees. If a fee payer challenged the charge, the state or local government would need to provide clear and convincing evidence that the fee meets this threshold. State and local governments also would bear the burden of providing clear and convincing evidence that the levy is a fee—which is not subject to a vote by the electorate—and not a tax under the new definition.

Fiscal Effects

Lower State Tax and Fee Revenue. By expanding the definition of a tax, increasing the vote requirements for approving taxes, and restricting administrative changes to fees, the measure makes it harder for the Legislature to increase nearly all types of state revenues. The extent to which revenues would be lower under the measure would depend on various factors, most notably future decisions made by the Legislature and voters. For example, requirements for legislative approval of fee increases currently set administratively could result in lower fee revenues, depending on future votes of the Legislature. That lower revenue could be particularly notable for some state programs largely funded by fees. Due to the uncertainty of these factors, we cannot estimate the amount of reduced state revenue, but it could be substantial.

Lower Local Government Tax and Fee Revenue. Compared to the state, local governments generally face greater restrictions to raising revenue. By expanding the definition of taxes and restricting administrative changes to fees, the measure would make it somewhat harder for local governments to raise revenue. Consequently, future local tax and fee revenue could be lower than they would be otherwise. The extent to which revenues would be lower is unknown, but

fees could be more impacted. The actual impact on local government revenue would depend on various factors, including future decisions by the courts, local governing bodies, and voters.

Possible Increased State and Local Administrative Costs to Change Some Fee Levels. In some cases, state and local departments would need to develop methods for setting fees to reflect actual costs if the Legislature or local governing bodies wanted to change those fees in the future. Estimating actual costs by program and fee source could involve some added workload for those state and local departments, which likely would be supported by fee revenue. The extent of these administrative costs would depend on (1) whether the state and local governments determine a fee increase is needed in order to maintain their current level of programs and services funded through fee revenue and (2) future court decisions.

Summary of Fiscal Effects. We estimate that this measure would have the following major fiscal effects:

- Lower annual state and local revenues, potentially substantially lower, depending on future actions of the Legislature, local governing bodies, voters, and the courts.

Sincerely,

for Gabriel Petek
Legislative Analyst

for Keely Martin Bosler
Director of Finance

Memo

Date: July 20, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Kimberly A. Thorner, General Manager
Subject: **CONSIDER ADOPTION OF A RESOLUTION HONORING GEORGE BRIEST FROM GB CONSULTING, INC. FOR HIS EXPERTISE, DEDICATION, AND CONTRIBUTIONS TO THE OLIVENHAIN MUNICIPAL WATER DISTRICT**

Purpose

The purpose of this agenda item is to adopt the attached Resolution for presentation to George Briest honoring his 20 years of service to the district as the former Engineering Manager and his 3 years of service to the district as a consultant.

Recommendation

Staff recommends that the Board adopt the Resolution to honor Mr. Briest.

Background

George Briest has been instrumental and influential in his work with the district over the last 23 years. His knowledge, dedication, and commitment have helped make OMWD what it is today. Not only did he retire as OMWD's Engineering Manager after 20 years of dedicated service, but he also provided engineering consultant services to ensure the Engineering Department and district did not skip a beat when it came to the transition in management and supporting OMWD throughout COVID. The attached Resolution honors George Briest with GB Consulting, Inc. for his 23 years of service to OMWD.

Attachments: Resolution 2022-XX

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE OLIVENHAIN MUNICIPAL WATER DISTRICT
HONORING **GEORGE BRIEST** FOR HIS ENGINEERING
EXPERTISE, DEDICATION, AND CONTRIBUTIONS

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

WHEREAS, GEORGE BRIEST has served the District for more than 23 years with dedicated commitment to provide the District with the highest level of engineering management and consulting services; and

WHEREAS, GEORGE BRIEST began his professional engineering career with Boyle Engineering where he consulted for the District prior to being hired by the District, he served as the District's Engineering Manager for over 20 years before starting his own consulting firm, GB Consulting, Inc; and

WHEREAS, GEORGE BRIEST can be counted on for guidance, and expertise in the industry and has helped shape OMWD into what it is today; and

WHEREAS, GEORGE BRIEST has been committed to the success of the District and the engineering department through the transition of Engineering Managers ensuring that the district has a seamless transition in leadership; and

WHEREAS, GEORGE BRIEST is both a respected peer and a sought out leader in the California water industry for over 33 years; and

WHEREAS, PROFESSOR GEORGE BRIEST'S next adventure will be serving as a "Professor of Woodworking" where he will continue to teach and share his knowledge with the students of UCSD; 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 and General Manager, do hereby express their appreciation and honor George Briest for his 23 years of dedicated service, friendship, and commitment to the Olivenhain Municipal Water District.

Section 2: The contributions and dedication of GEORGE BRIEST have contributed greatly to achieving the mission of the Olivenhain Municipal Water District

PASSED, ADOPTED AND APPROVED at a regular meeting of the Board of Directors held on July 20, 2022.

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

ATTEST:

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

Memo

Date: July 20, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Joe Jansen, Administrative Analyst
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER INFORMATIONAL REPORT ON WATER SUPPLY CONDITIONS AND
LONG-TERM WATER USE EFFICIENCY LEGISLATION**

Purpose

The purpose of this agenda item is to provide the board with updates on water supply conditions, OMWD's customer notification and enforcement activities, and water use legislation affecting OMWD customers.

Recommendation

This is an informational item; no action is required.

Alternative(s)

Not applicable; informational item only.

Background

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

Fiscal Impact

There are no costs directly associated with this informational report.

Discussion

Staff will review the attached presentation with the board at the July 20 meeting and further discuss water supply related developments.

Attachments: PowerPoint presentation

WATER SUPPLY AND LONG-TERM WATER USE EFFICIENCY LEGISLATION

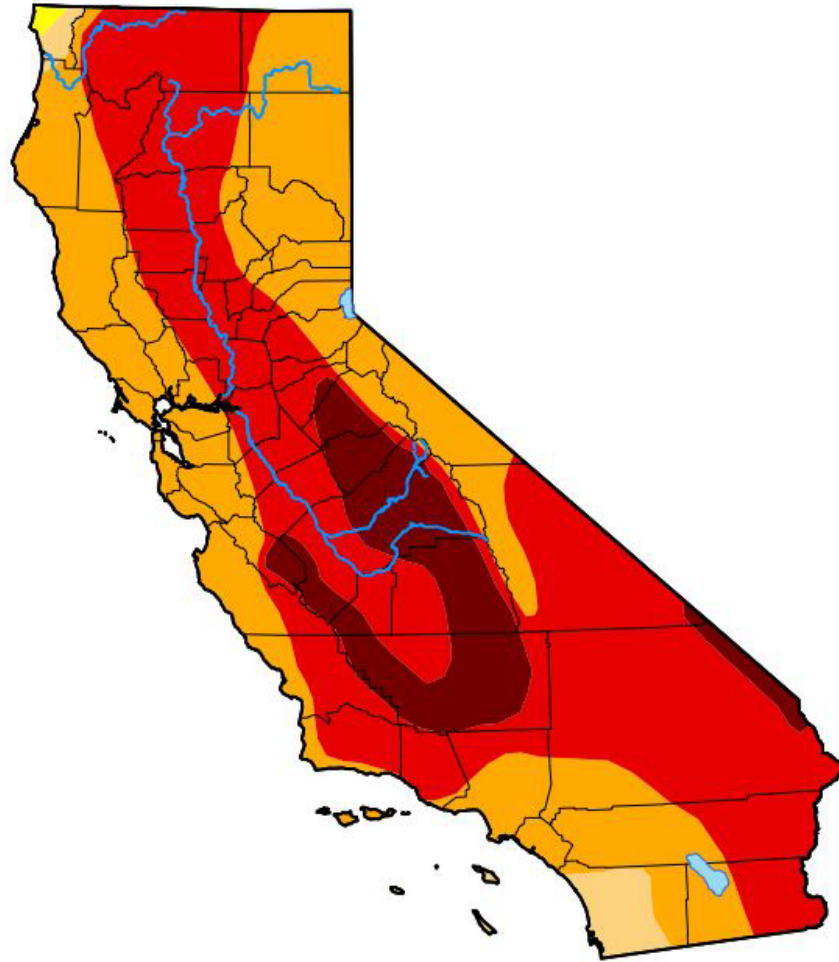
July 20, 2022



Water Supply Conditions

U.S. Drought Monitor California

July 5, 2022
(Released Thursday, Jul. 7, 2022)
Valid 8 a.m. EDT



Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	0.00	100.00	99.80	97.48	59.81	11.59
Last Week 06-28-2022	0.00	100.00	99.79	97.48	59.81	11.59
3 Months Ago 04-05-2022	0.00	100.00	100.00	93.65	40.67	0.00
Start of Calendar Year 01-04-2022	0.00	100.00	99.30	67.62	16.60	0.84
Start of Water Year 09-28-2021	0.00	100.00	100.00	93.93	87.88	45.66
One Year Ago 07-06-2021	0.00	100.00	100.00	94.73	85.44	33.32

Intensity:

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

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

Author:

Brad Pugh
CPC/NOAA



droughtmonitor.unl.edu

National Weather Service Outlook

July 2022 – September 2022



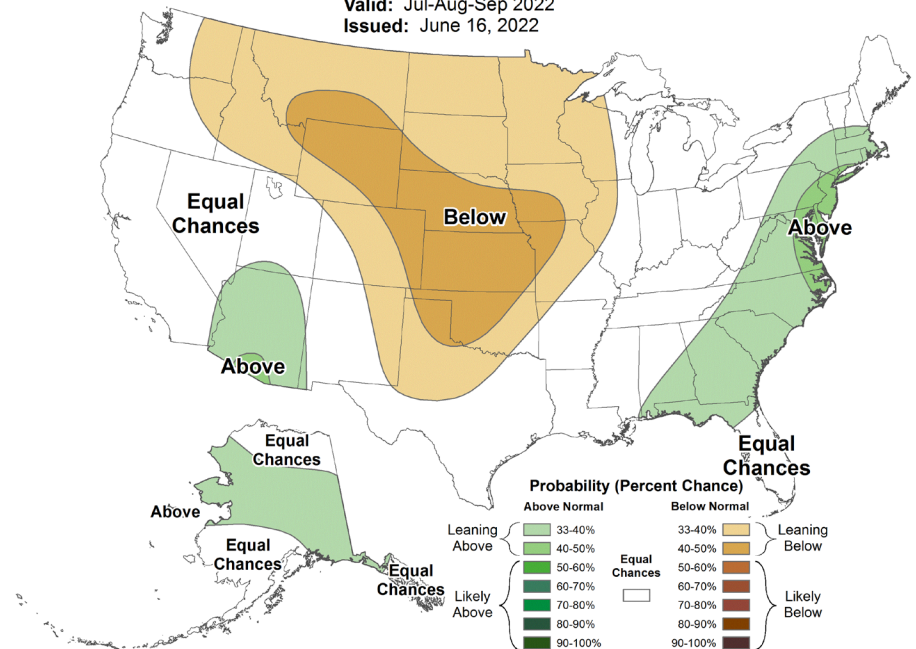
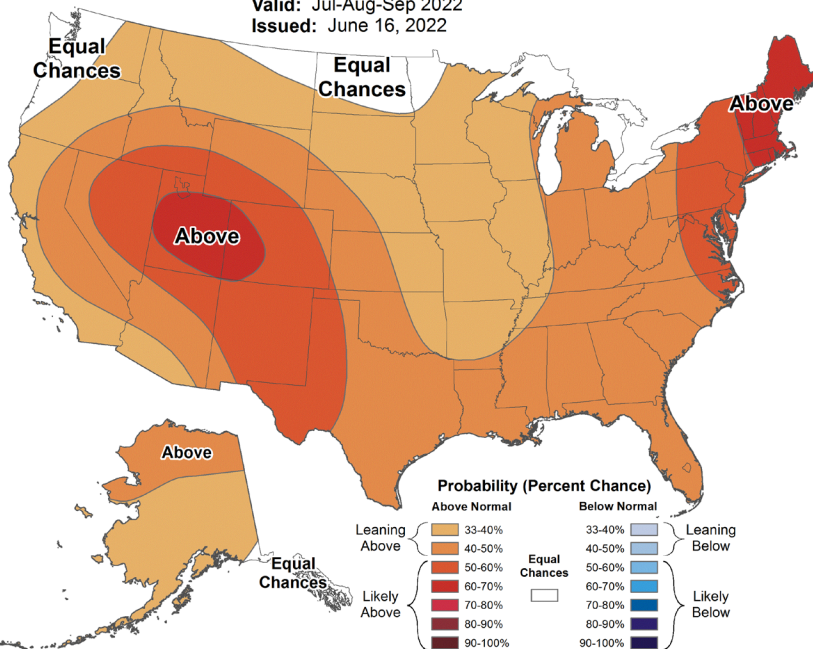
Seasonal Temperature Outlook

Valid: Jul-Aug-Sep 2022
Issued: June 16, 2022

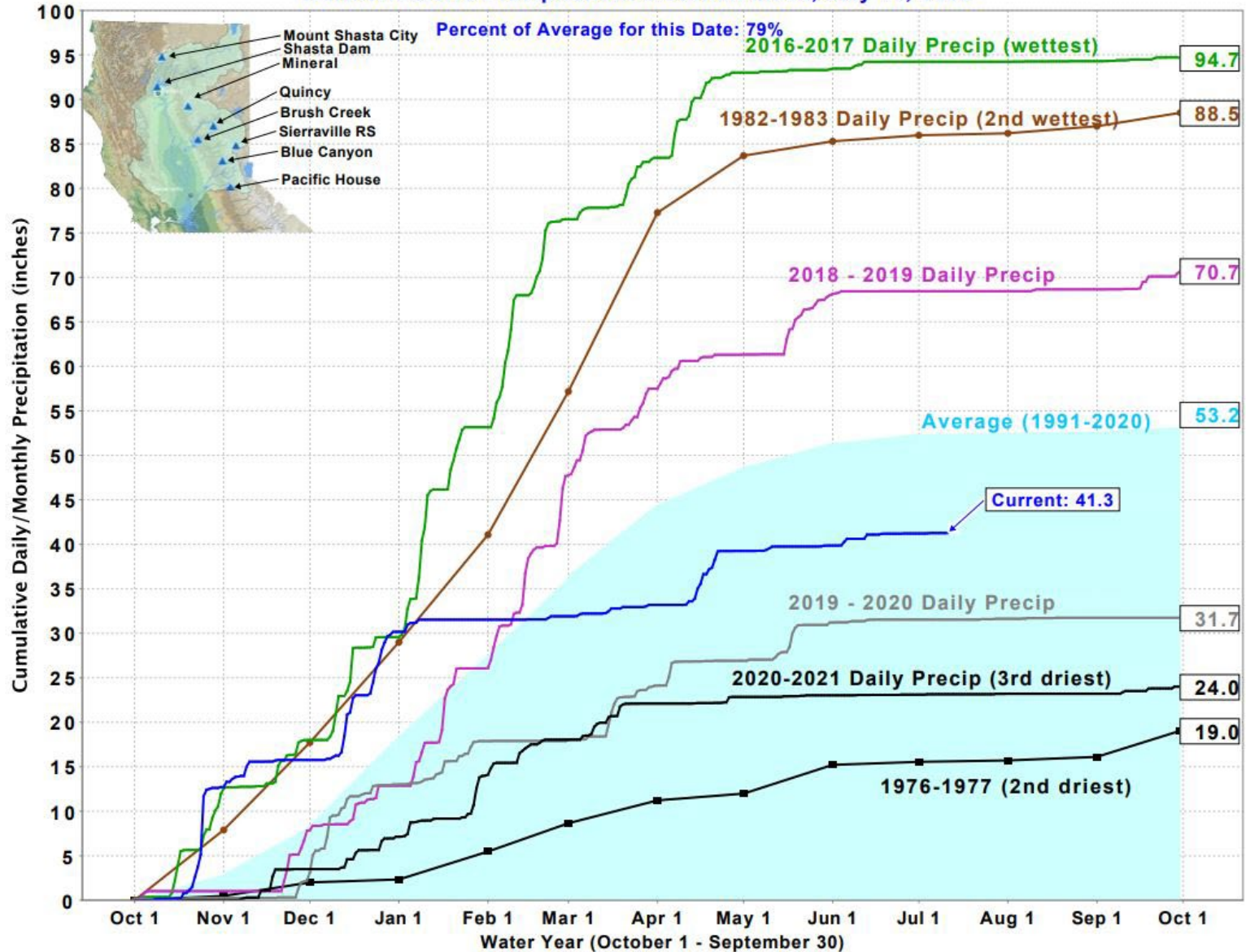


Seasonal Precipitation Outlook

Valid: Jul-Aug-Sep 2022
Issued: June 16, 2022



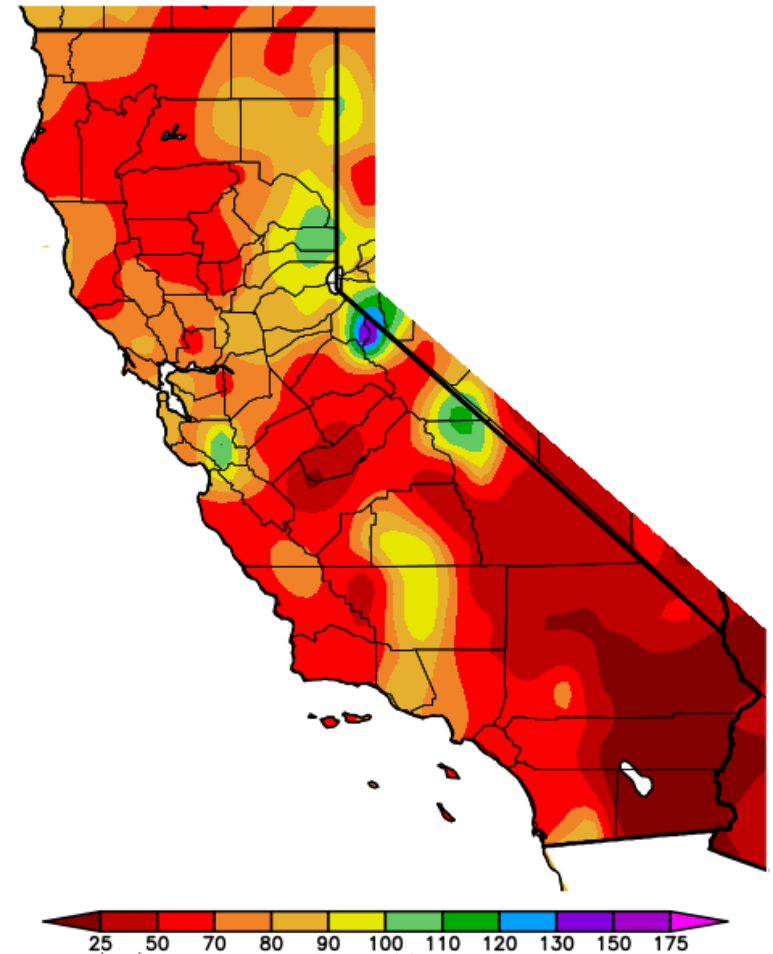
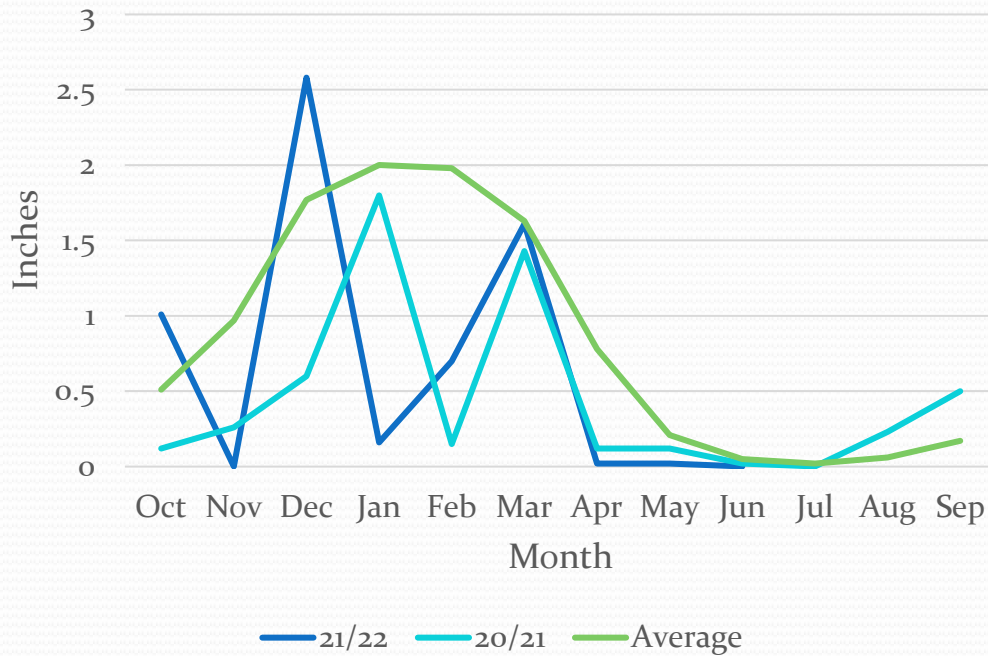
Northern Sierra Precipitation: 8-Station Index, July 11, 2022



Total Water Year Precipitation

Percent of Average Precipitation (%) 10/1/2021 – 7/10/2022

San Diego Rainfall

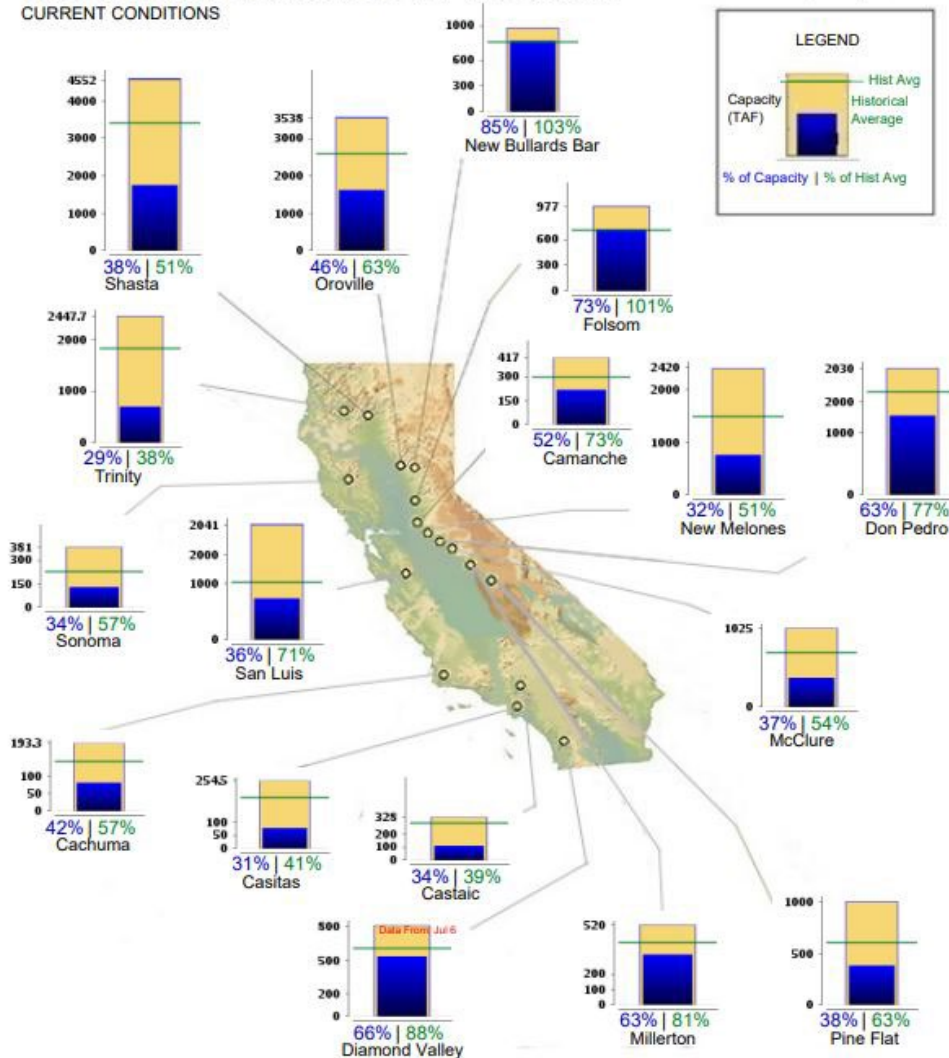




CURRENT RESERVOIR CONDITIONS

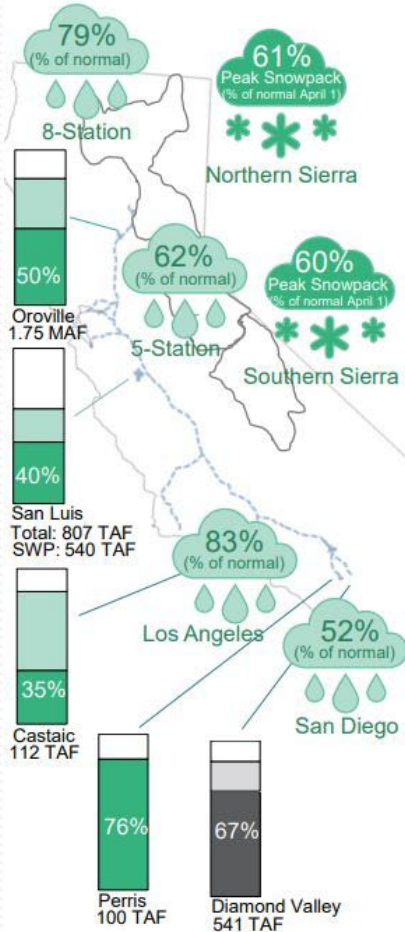
CALIFORNIA MAJOR WATER SUPPLY RESERVOIRS CURRENT CONDITIONS

Midnight - July 10, 2022



State Water Project Resources

SWP Table A – 5% - 95,575 AF



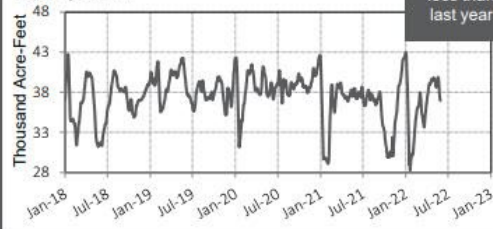
WATER SUPPLY CONDITIONS REPORT

Water Year
2021-2022
As of: June 27, 2022

Metropolitan Resources

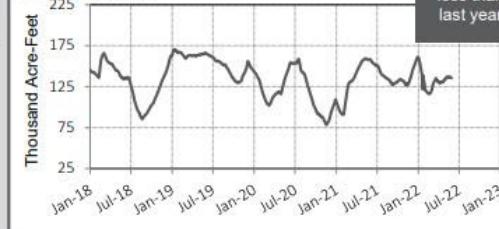
Lake Skinner Storage

Capacity: 44 TAF



Lake Mathews Storage

Capacity: 182 TAF



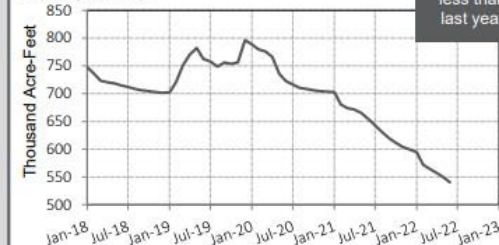
MWD WSDM Storage

Calendar Year 2022

	Take Capacity
Colorado River Aqueduct Delivery System	340 TAF
State Water Project System	184 TAF
In-Region Supplies and WSDM Actions	426 TAF
Other Programs	10 TAF
Total WSDM Storage Take Capacity	960 TAF

Diamond Valley Lake Storage

Capacity: 810 TAF



Highlights

- For more information on the current drought:
- <https://www.mwdh2o.com/planning-for-tomorrow/how-we-plan/drought/>



This report is produced by the Water Resource Management Group and contains information from various federal, state, and local agencies. The Metropolitan Water District of Southern California cannot guarantee the accuracy or completeness of this information. Readers should refer to the relevant state, federal, and local agencies for additional or for the most up to date water supply information. Reservoirs, lakes, aqueducts, maps, watersheds, and all other visual representations on this report are not drawn to scale. Questions? Email mferreira@mwdh2o.com

<http://www.mwdh2o.com/WSCR>

Colorado River Resources

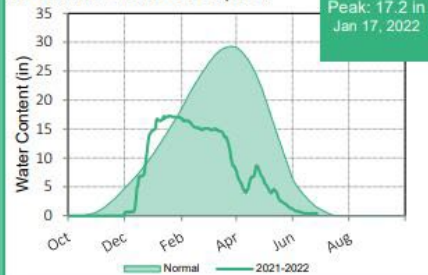
Projected CRA Diversions – 1,135,000 AF



State Water Project Resources

As of: 06/27/2022

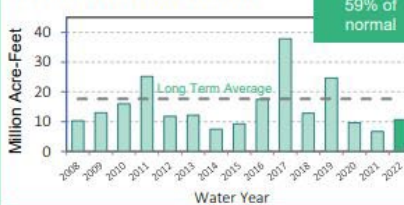
Northern Sierra Snowpack



8 Station Index Precipitation



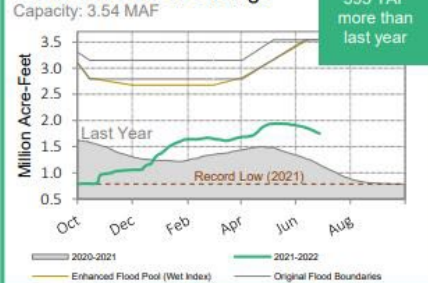
Sacramento River Runoff



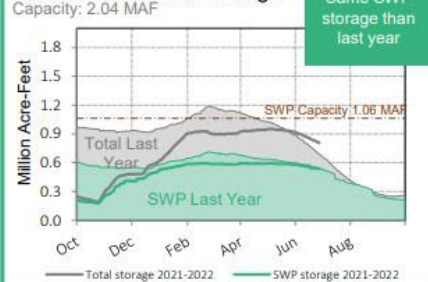
Other SWP Supplies Calendar Year 2022

Carryover 38,000 AF (Est.)

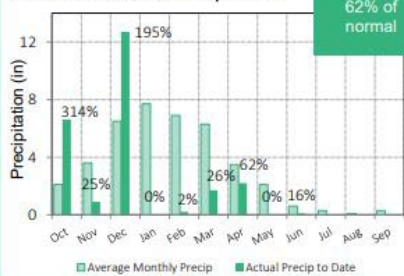
Oroville Reservoir Storage



San Luis Reservoir Storage



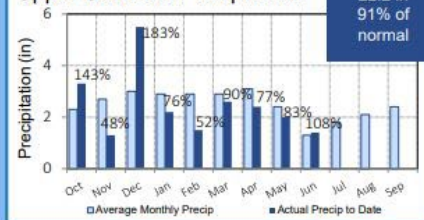
5 Station Index Precipitation



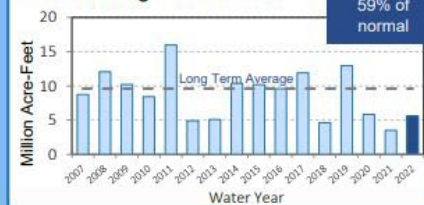
Colorado River Resources

As of: 06/27/2022

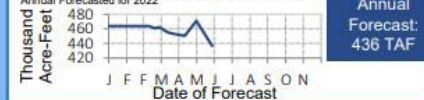
Upper Colorado Precipitation



Powell Unregulated Inflow



PVID/Yuma Agricultural Use



Projected Lake Mead ICS

Calendar Year 2022 Put (+) / Take (-)
-270,000 AF

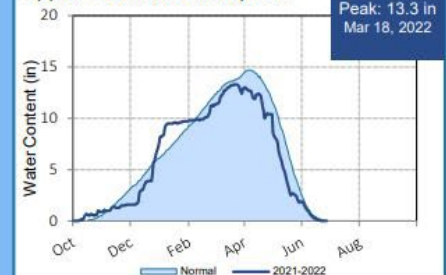
Lake Mead Surplus/Shortage Outlook

	2022	2023	2024	2025	2026
Surplus	0%	0%	0%	0%	0%
Shortage	100%	100%	93%	100%	87%
Metropolitan DCP*	3%	70%	272 TAF	290 TAF	299 TAF

Likelihood based on results from the May 2022 CRMS in Ensemble Mode/CRSS model run. Includes DCP Contributions. Only includes 500+ Plan Items implemented to date.

* Chance of required DCP contribution by Metropolitan. Volume is average contribution when needed.

Upper Colorado Snowpack



Lake Powell Storage



Lake Mead Storage



<http://www.mwdh2o.com/WSCR>

<http://www.mwdh2o.com/WSCR>

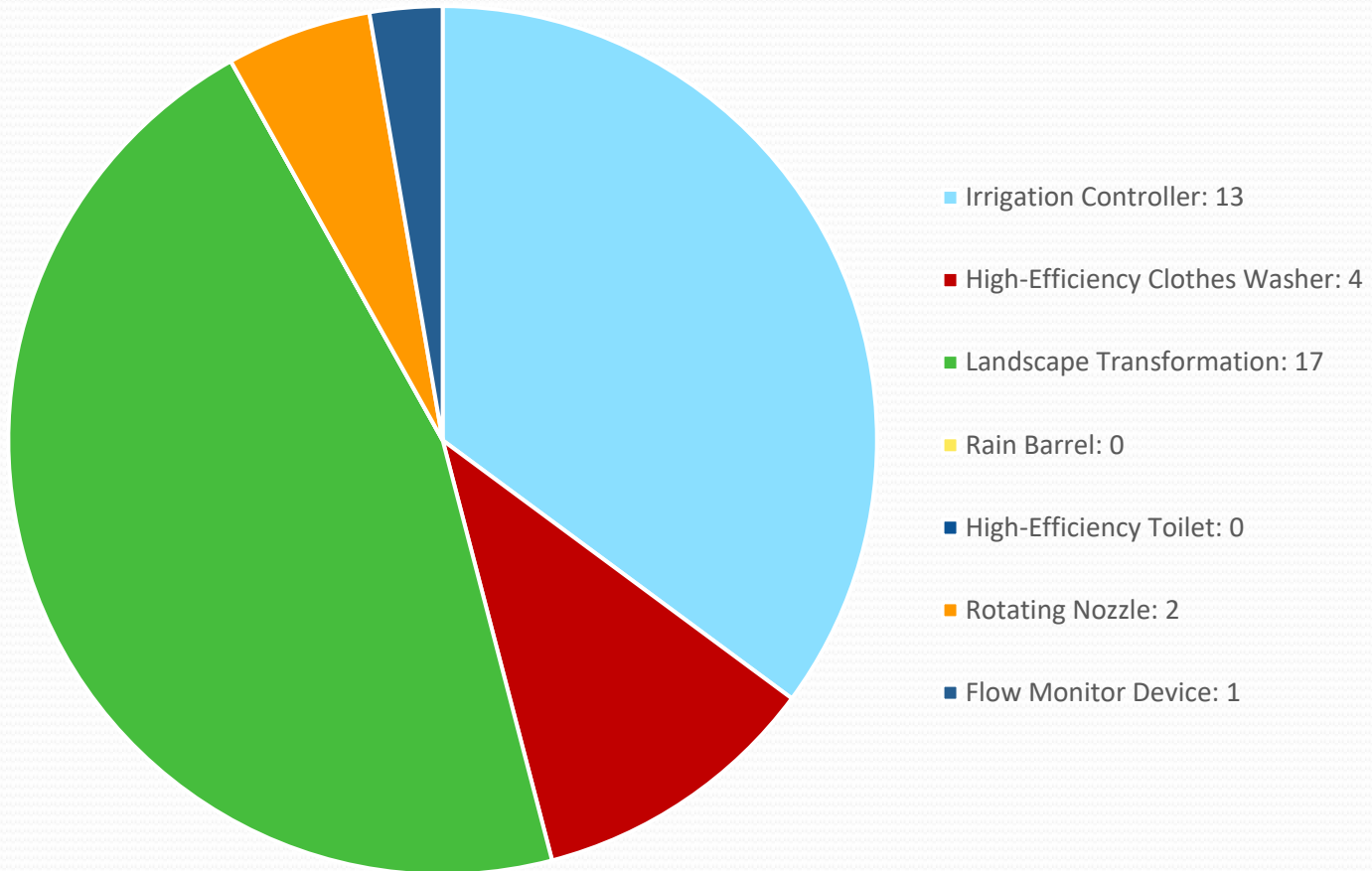
OMWD Activity

Restrictions Enforcement

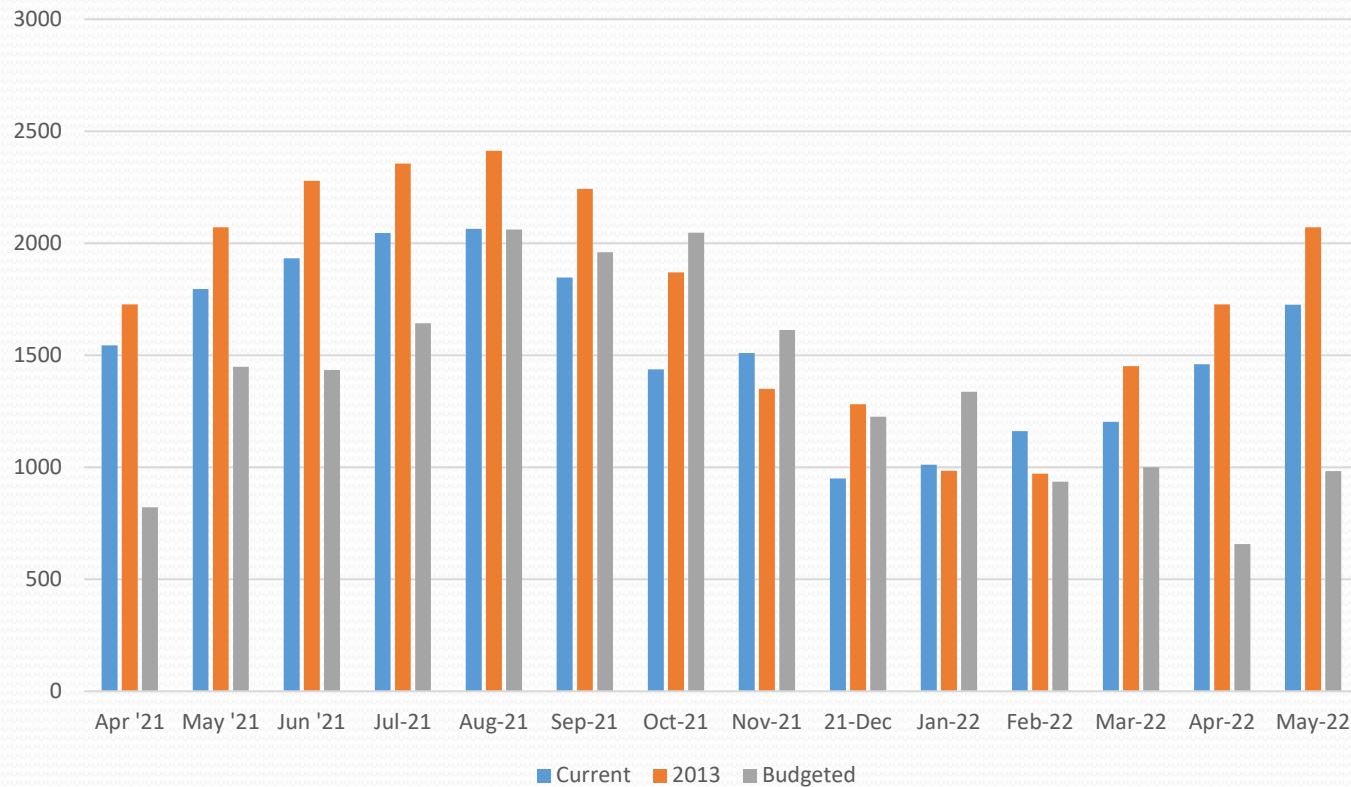
	Reports	Actions	Fines
October '20	2	2	0
November '20	3	3	0
December '20	6	6	0
January '21	7	7	0
February '21	7	7	0
March '21	1	1	0
April '21	0	0	0
May '21	3	3	0
June '21	2	1	0
July '21	18	18	0
August '21	14	14	0
September '21	6	6	0
October '21	3	3	0
November '21	12	12	0
December '21	0	0	0
January '22	4	4	0
February '22	8	8	0
March '22	0	0	0
April '22	5	5	0
May '22	0	0	0
June '22	5	5	0
Totals	106	106	0



April - June Rebate Activity



No Conservation Requirement



Water Consumption Compared to 2013

Feb-21	5%
Mar-21	-22%
Apr-21	-11%
May-21	-13%
Jun-21	-15%
Jul- 21	-13%
Aug- 21	-14%
Sep- 21	-14%
Oct- 21	-24%
Nov- 21	12%
Dec-21	-27%
Jan-22	2%
Feb-22	20%
Mar- 22	-17%
Apr- 22	-16%
May- 22	-17%

Legislation & Regulations

Legislative and Regulatory Update

- AB 1668-SB 606 (2018 long-term water conservation targets)
 - DWR's original deadline of October 1, 2021, to provide standards recommendations to SWRCB is still pending the adoption of the outdoor water use standard and CII performance measures.
- SB 1157 (urban water use objectives)
 - 47 GPCD in 2025, 42 GPCD in 2030
 - Amended to include investigative study on impacts to water, wastewater and recycled water systems by 2027.
- Meetings attended:
 - SDCWA JPIC Meeting
 - DWR Annual Water Supply and Demand Assessment Meeting
 - USBR Water and Energy Efficiency Grants Webinar
 - SDCWA JPIC Special Drought Outreach Meeting
- Comment letters submitted
 - Emergency Conservation Regulation

Legislative and Regulatory Update

Drought Updates

- Emergency Water Conservation Regulation
 - Additional *voluntary* conservation measures
 - Restrict outdoor irrigation to no more than three days per week under a suggested schedule.
 - Restrict outdoor irrigation to no more than 10 minutes per watering station for systems not using water-efficient devices.
 - Repair all water leaks within three (3) days of notification by Olivenhain Municipal Water District unless other arrangements are made with the General Manager.
 - Discontinue use of ornamental fountains or water features that use potable water.
 - Discontinue irrigation of non-functional turf on non-residential property.

August 2022 Presentation

- At its August Board Meeting, an MWD representative will present to the Board on the Colorado River and the status of current negotiations.

Recent Updates



Water Boards

STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

Save
Our
Water



Memo

Date: July 20, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Joey Randall, Assistant General Manager
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT'S
ADMINISTRATIVE AND ETHICS CODE (Article 2 – Organization of Board of
Directors)**

Purpose

The purpose of this agenda item is to consider adoption of the attached ordinance amending Article 2 of the Administrative and Ethics Code to prohibit political activity during Board Meetings.

Recommendation

Staff recommendation is to adopt the proposed language to modify the Administrative and Ethics Code. This was a Board requested item.

Alternative(s)

The Board may decide not to approve the proposed changes and instruct staff to come back with further changes or leave Article 2 of the Administrative and Ethics Code “as is.”

Background

During a regular meeting of the Board of Directors on June 22, 2022, Director Bruce-Lane requested (seconded by Director Guerin) that staff draft a change to the Administrative and Ethics Code which would prohibit political campaigning during board meetings. The Administrative and Ethics Code is currently silent on restrictions on campaigning or electioneering in Board Meetings.

Fiscal Impact

There is no fiscal impact associated with approval of the proposed ordinance.

Discussion

In response to Director Bruce-Lane’s June 22, 2022 request, General Counsel has proposed the addition of Section 2.19 of the Administrative and Ethics Code as shown in the attachment. Activity to be prohibited during OMWD Board Meetings includes the distribution or display of campaign materials, apparel, signage, or statements, regardless of whether the meeting is conducted in-person, by videoconference, or any other manner. Further prohibited campaign activity is not allowed while engaged in District business or on District premises. General Counsel and staff are available to answer additional questions and provide further information regarding this ordinance as needed.

Attachment: Ordinance 5xx

ORDINANCE NO. 5XX

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

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

SECTION 1: Article 2, Organization of Board of Directors, Section 2.19 of OMWD's Administrative and Ethics Code, Organization of Board of Directors, 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 20th day of July 2022.

AYES:

NOES:

ABSTAIN:

ABSENT:

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

ATTEST:

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

Olivenhain Municipal Water District ADMINISTRATIVE AND ETHICS CODE	Article No. 2	Page 1 of 9
	Title : ORGANIZATION OF BOARD OF DIRECTORS	
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ARTICLE 2. ORGANIZATION OF BOARD OF DIRECTORS

Sec. 2.1 revised by Ordinance No. 488 / June 16, 2021

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

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

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

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

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

Sec. 2.1. revised by Ordinance 413 / February 12, 2014

Sec. 2.1. revised by Ordinance 404 / January 16, 2013

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

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

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

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

Sec. 2.1. revised by Ordinance 331 / June 9, 2006

Sec. 2.1. revised by Ordinance 320 / July 27, 2005

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

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

Sec. 2.1 Executive Officers. All powers, privileges, and duties vested in or imposed upon the District by law and the Municipal Water District Act shall be exercised and performed by the Board of Directors except such powers as the Board may delegate to others by ordinance, resolution or motion.

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

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

<u>DIVISION</u>	<u>CURRENT TERM</u>	<u>DIRECTOR</u>
1	12/05/18 to 12/02/22	Topolovac
2	12/04/20 to 12/06/24	Watt
3	12/04/20 to 12/06/24	Guerin
4	12/04/20 to 12/02/22	Bruce-Lane
5	05/19/21to 12/02/22	Meyers

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

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ARTICLE 2. ORGANIZATION OF BOARD OF DIRECTORS

At the Board's first meeting in January of each odd-numbered year, in accordance with Section 71273 of the Municipal Water Code as amended, election of officers shall be rotated sequentially by Director Divisions, commencing with the Office of President, except that the District's Representative serving on the San Diego County Water Authority Board shall not hold the office of President on the Olivenhain Municipal Water District Board. Any Board Director not wishing to hold a particular office may pass on filling that position.

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

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

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

- D. Treasurer. The Treasurer shall be appointed by the Board of Directors and a Deputy Treasurer may also be appointed by the Board of Directors.

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The Treasurer shall be custodian of all monies deposited in the treasury. Such monies shall be paid out upon the presentation of warrants or demands legally drawn, and without such warrant or demand, shall pay out no money, except the principal and interest of bonds payable by the District when due. The Treasurer shall make payments by warrants drawn against the funds deposited in the commercial accounts of the District. Such warrants, when approved by the General Manager as to authorization of expenditure and availability of appropriated funds, shall be signed by the Treasurer or Deputy Treasurer.

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

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

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

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

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

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

Sec. 2.2 revised by Ordinance 451 / July 19, 2017

Sec. 2. 2. revised by Ordinance 375 / March 24, 2010

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

Each committee shall have a chairperson and vice chairperson, to be appointed by the President of the Board. Each committee shall meet at stated times to be agreed upon by the committee chairperson, and shall

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ARTICLE 2. ORGANIZATION OF BOARD OF DIRECTORS

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

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

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

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

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

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

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

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

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

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

Sec. 2.4. Time and Place of Regular Board Meetings. There shall generally be one regular Board Meeting per month scheduled by annual calendar to be presented to the Board for consideration on or before November of each calendar year. The regular Board Meeting shall usually be held with notice on the second or third Wednesday of every month at 4:00 P.M. In the event a second regular Board Meeting is scheduled for a particular month, it shall usually be held with notice on the fourth Wednesday of that month, also at 4:00 P.M. The annual calendar is considered in compliance with the standing policy of the Board of Directors that when a regular Board Meeting conflicts with holidays or conferences for the Association of

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California Water Agencies (ACWA) or California Special District Association (CSDA), the regular Board Meeting shall be scheduled so as not to conflict with the aforementioned conferences or holidays. Rescheduled Board meetings shall comply with Section 2.7 of the Administrative and Ethics Code for adjourned and continued meetings. One or both regular Board Meetings shall be held prior to the monthly San Diego County Water Authority Board Meeting.

The meetings are held in the room designated as the Boardroom at the offices and principal place of business of the District located at 1966 Olivenhain Road, Encinitas, California.

Sec. 2.4.1. DELETED by Ordinance No. 321 / Sept. 20, 2005

Sec. 2.4.1. revised by Ordinance No. 310 / May 14,, 2004

Sec. 2.4.1. revised by Ordinance No. 305 / October 22, 2003

Sec. 2.4.1. revised by Ordinance No. 295 / July 24, 2002

Sec. 2.5. Call for Special Meeting. A special meeting may be ordered at any time by the President of the Board of Directors, or by members of the Board of Directors constituting a majority of the Board by delivering personally or by mail, written notice to each Board Director and to each local newspaper of general circulation, radio or television station requesting notice in writing. The call and notice shall be posted at least 24 hours prior to a special meeting in a location that is freely accessible to members of the public.

Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The order shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Board of Directors.

Written notice need not be given to any Board Director who files a written waiver of notice at or before the meeting or for any Board member actually present at the meeting.

Sec. 2.6. Emergency Meetings. The Board may hold an emergency meeting without complying with the 24-hour notice and posting requirements if an emergency exists as defined in Government Code Section 54956.5. The President of the Board, or his/her designee, shall telephone any local newspaper of general circulation, radio, or television station, which has requested notice of special meetings one hour prior to the emergency meeting.

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If telephone services are not functioning, local newspapers of general circulation, radio, or television stations requesting notice of special meetings shall be contacted as soon after the emergency meeting as possible and advised of the purpose and actions taken at this meeting. The Board shall not meet in closed session during any emergency meeting.

All special meeting requirements, other than the 24-hour notice and posting requirements, shall be followed at the emergency meeting. Minutes of the emergency meeting, a list of persons the District notified or attempted to notify, a copy of the roll call vote, and any action taken shall be posted for a minimum of ten (10) days, in a public place, as soon after the emergency meeting as possible.

Sec. 2.7. Adjourned and Continued Meetings. The Board may adjourn or continue any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment or continuance. Less than a quorum of the Board may adjourn from time to time. The Clerk or Secretary of the District may adjourn a meeting if all Board members are absent as provided in the Brown Act.

A copy of any order of adjournment shall be posted on the door of the meeting room within twenty-four (24) hours after the time of adjournment continuance to a subsequent date. Notice of continued meetings held within twenty-four (24) hours of the meeting shall be posted on the door of the meeting room immediately after the meeting setting the continuance date. If an order of adjournment or continuance does not state a meeting time, the Board's normal meeting time for regular meetings shall be the designated time.

Sec. 2.8. Quorum. A quorum necessary for the transaction of business at any meeting of the Board shall be declared to exist whenever there are present at least three Board Directors. However, any regular or special meeting of the Board of Directors at which a quorum is not present may be continued from time to time until a quorum is present to transact the business of the Board.

Section 2.9. revised by Ordinance 385 / January 26, 2011

Sec. 2.9. Voting. Except as otherwise provided by law or ordinance, the decision of the Board of Directors shall be expressed and determined by motions duly made and adopted by a majority vote of the Board Directors who are present provided a quorum exists. A roll call vote shall be had if requested by any Board Director. When not requested or ordered by the President, a

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roll call vote shall be deemed dispensed with. A roll call vote shall be taken on all Ordinances.

Sec. 2.10. Order of Procedure at Meetings. Except as otherwise provided by law or Ordinance, the business of the meetings of the Board of Directors and the order of procedure shall be as provided by "Robert's Rules of Order, revised." The President shall preside at all meetings of the Board, and in his/her absence, the Vice-President. In the absence of both the President and Vice-President, the presiding officer shall be selected by a majority vote of the members of the Board attending such meeting.

Section 2.11. revised by Ordinance 486 / April 14, 2021

Sec. 2.11. Agenda Posting and Public Comment. The Agenda for regular meetings shall be posted in a location accessible to the public at least seventy-two (72) hours in advance of the meeting date. The Agenda shall specify the time and location of the meeting and a brief general description of each item listed. No action shall be taken on any item not appearing on the Agenda except as provided by Government Code Section 54954.2 or any successor statute. The Agenda shall provide an opportunity for members of the public to address the Board. The Board may adopt reasonable regulations from time to time limiting the amount of time for public input and individual speakers on Agenda items.

Sec. 2.12. Minutes of the Board Meetings. The Minutes of the Meetings of the Board of Directors shall be recorded and kept permanently by the Secretary in a book maintained for that purpose entitled "Book of Minutes of the Meetings of the Board of Directors, Olivenhain Municipal Water District." Unless otherwise expressly directed by the Board at the time of their adoption, the Ordinances and Resolutions adopted by the Board may be referred to in the Minutes by number and title only, but the same shall be recorded in full in books kept for that purpose entitled "Book of Ordinances" and shall authenticate the Minutes, Ordinances and Resolutions after they have been transcribed and approved by the Board of Directors and placed into the appropriate books and when so authenticated shall constitute the official Minutes, Ordinances and Resolutions of the Board of Directors of the Olivenhain Municipal Water District.

Sec. 2.13. Official Seal of the District. The following design is hereby determined to be and it is hereby adopted as and for the official seal of the Olivenhain Municipal Water District:

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A CIRCLE WITH THE WORDS: "OLIVENHAIN MUNICIPAL WATER DISTRICT," INSCRIBED AROUND. THE PERIMETER THEREOF WITH THE WORDS: "ORGANIZED APRIL 6, 1959" AND "CALIFORNIA" IN THE CENTER THEREOF.

Section 2.14. revised by Ordinance 486 / April 14, 2021
Section 2.14. revised by Ordinance 320 / July 27, 2005

Sec. 2.14. Agenda Creation. The General Manager shall prepare the Agenda for all meetings of the Board of Directors so that the Agenda can be posted in a location accessible to the public at least seventy-two (72) hours in advance of the meeting date. The General Manager shall place on the Agenda all matters reasonable to be brought before the Board within his/her knowledge, and any matters requested to be placed on the Agenda by any two Board Directors. The General Manager shall place on the Consent Calendar all items, which appear to be routine or which he/she believes will require no discussion by the Board.

Items may be removed from the Consent Calendar by request of a Board Director or the General Manager. No reason must be given for the request. The President will call all items on the Consent Calendar by Agenda number item. The request to remove from the calendar any item must be made prior to or at the end of the time of the call. All items not removed may then be voted upon at the conclusion of the Consent Calendar Call by one (1) motion and by one (1) vote. A Board Director may have his/her vote recorded differently on the various items on the Consent Calendar. A Consent Calendar item will be identified by a "C" in front of the Agenda item number.

Sec. 2.15. Closed Sessions. The Board may hold closed sessions on Agenda items as provided in the Brown Act.

Sec. 2.16. Directors Fees, Expenses. Effective April 17, 2000, each Board Director shall receive compensation in an amount not to exceed one hundred fifty dollars (\$150.00) per day for each day's attendance at meetings of the Board or for each day's service rendered as a Board Director by request of the Board, not to exceed a total of ten (10) days in any calendar month, together with expenses incurred in the performance of his/her duties requested or authorized by the Board.

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Sec. 2.17. Director Absence. Any Board Director who will be absent from the State for a period of sixty (60) days or more must receive permission from the Board of Directors prior to the expiration of the 60-day period. Failure to receive permission shall constitute abandonment of the position and shall create a vacancy on the Board of Directors.

Section 2.18. added by Ordinance 483 / January 13, 2021

Sec. 2.18. San Diego County Water Authority Representative. The Board shall select a representative by majority vote to fill its seat on the San Diego County Water Authority Board. If OMWD acquires a second seat on the San Diego County Water Authority Board in the future, the same process for selection shall be followed. Only a member of the Board or the General Manager may be selected to serve as the San Diego County Water Authority representative for OMWD. The term of appointment shall comply with the County Water Authority Act stated term of office of six years, and until their successors are appointed and qualified. The OMWD representative to the San Diego County Water Authority Board may be removed by a majority vote of the OMWD Board at any time without cause and serves at the will of the OMWD Board.

Sec. 2.19. Prohibited Political Activity. District resources shall not be used to campaign for or against any candidate or ballot measure. Directors shall not engage in prohibited campaign activity during Board meetings, while engaged in District business, or on District premises. This prohibition includes, but is not limited to, campaign apparel, signage, and statements made during Board meetings, regardless of whether the meeting is conducted in-person, by videoconference, or any other manner.

Memo

Date: July 20, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Geoff Fulks, Operations Manager
Tom Arellano, Water Treatment Plant Supervisor
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER APPROVAL OF OLIVENHAIN MUNICIPAL WATER DISTRICT'S
PUBLIC HEALTH GOAL REPORT AND HOLD PUBLIC HEARING (JULY 20, 2022 –
5:30 P.M.)**

Purpose

The purpose of this agenda item is to consider approval of OMWD's Public Health Goal report for the period 2019-2021 and hold a public hearing.

Recommendation

Staff recommends approval of the Public Health Goal Report. Staff will record comments received by the public regarding the report. This public hearing was noticed in the San Diego Union Tribune on July 7, 2022.

Alternative

None. The public hearing date and time was approved by the Board at the June 22, 2022 meeting and Public Health Goal reporting is a regulatory requirement.

Background

OMWD staff has prepared a report comparing its drinking water quality with public health goals (PHGs) adopted by California EPA's Office of Environmental Health Hazard Assessment and with maximum contaminant level goals (MCLGs) adopted by the USEPA. PHGs and MCLGs are not enforceable standards and no action to meet them is mandated. OMWD's water system complies with all of the health-based drinking water standards and maximum contaminant levels (MCLs) required by the California State Water Resources Control Board Division of Drinking Water and the USEPA. No additional actions are required.

Reporting on public health goals is mandated to be conducted triennially in compliance with provisions of the California Health and Safety Code. OMWD's last report was presented during a public hearing at its July 24, 2019 Board meeting. No comments were received by the public, and no action was taken by the Board.

Fiscal Impact

There is no fiscal impact at this time.

Discussion

The 2019-2021 Public Health Goal Report is attached along with associated background materials.

As indicated in the report, the drinking water quality supplied by OMWD meets all CA State Water Resources Control Board and USEPA drinking water standards set to protect public health. To further reduce the levels of constituents identified in this report that are already significantly below the health-based maximum contaminant levels would require additional costly treatment processes would be required. The effectiveness of the treatment processes to provide any significant reductions in constituent levels at these already low values is uncertain. The health protection benefits of these further hypothetical reductions are not clear and may not be quantifiable. Therefore, no action is proposed.

Staff is available to answer questions.

*Attachment:
PHG Report 2019-2021*

PUBLIC HEALTH GOAL REPORT AND TRANSMITTAL
MEMORANDUM

TO: Board of Directors, Olivenhain Municipal Water District
FROM: Kimberly A. Thorner, General Manager
SUBJECT: Required Report on Public Health Goals

Attached for your approval is the final draft report comparing Olivenhain Municipal Water District's (OMWD's) drinking water quality with public health goals (PHGs) adopted by California EPA's Office of Environmental Health Hazard Assessment (OEHHA) and with maximum contaminant level goals (MCLGs) adopted by the US EPA. PHGs and MCLGs are not enforceable standards and no action to meet them is mandated.

SB 1307 (Calderone-Sher; effective 1-1-97) added new provisions to the California Health and Safety Code which mandate that a report be prepared by July 1, 1998, and every three years thereafter. The attached report is intended to provide information to the public in addition to the annual Consumer Confidence Report (CCR) mailed to each customer.

Our water system complies with all of the health-based drinking water standards and maximum contaminant levels (MCLs) required by the California Division of Drinking Water and the USEPA. No additional actions are recommended.

The new law requires that a public hearing be held for the purpose of accepting and responding to public comment on the report. This public hearing will be scheduled as part of our regular board meeting scheduled for July 20, 2022 and has been noticed as required for public hearings.

Kimberly A. Thorner
General Manager

**OLIVENHAIN MUNICIPAL WATER DISTRICT
REPORT ON WATER QUALITY
RELATIVE TO PUBLIC HEALTH GOALS**

Background:

Provisions of the California Health and Safety Code Section 116470 (Attachment No. 1) specify that larger (>10,000 service connections) water utilities prepare a special report by July 1, 2022 if their water quality measurements have exceeded any Public Health Goals (PHGs). PHG's are non-enforceable goals established by the Cal-EPA's Office of Environmental Health Hazard Assessment (OEHHA). The law also requires that where OEHHA has not adopted a PHG for a constituent, the water suppliers are to use the MCLGs adopted by USEPA. Only constituents which have a California primary drinking water standard and for which a PHG or MCLG has been set are to be addressed. (Attachment 2 is a list of all regulated constituents with the MCLs and PHGs or MCLGs.)

The law specifies what information is to be provided in the report (see Attachment No. 1).

If a constituent was detected in OMWD's water supply between 2019 and 2021 at a level exceeding an applicable PHG or MCLG, this report provides the information required by the law. Included is the numerical public health risk associated with the MCL and the PHG or MCLG, and the category or type of risk to health that could be associated with each constituent (Attachment No. 3). Also included is information regarding the best treatment technology available that could be used to reduce the constituent level, and an estimate of the cost to install that treatment, if it is appropriate and feasible.

What Are PHGs?:

PHGs are set by the California Office of Environmental Health Hazard Assessment (OEHHA) which is part of California EPA and are based solely on public health risk considerations. None of the practical risk management factors that are considered by the USEPA or the California Division of Drinking Water in setting drinking water standards (MCLs) are considered in setting the PHGs. These factors include analytical detection capability, treatment technology available, benefits and costs. The PHGs are not enforceable and are not required to be met by any public water system. MCLGs are the federal equivalent to PHGs.

Water Quality Data Considered:

All the water quality data collected between 2019 to 2021 was considered to determine the compliance with the drinking water standards. This data was summarized in OMWD's Consumer Confidence Reports (CCR) each year from 2019 through 2021 and provided to our customers annually.

Guidelines Followed:

The Association of California Water Agencies (ACWA) formed a workgroup which prepared guidelines for water utilities to use in preparing these reports. The updated April 2022 ACWA guidelines were used in the preparation of OMWD's report. No guidance was available from state regulatory agencies.

Best Available Treatment Technology and Cost Estimates:

Both the USEPA and State Water Resources Control Board Division of Drinking Water (DDW) adopt what are known as Best Available Technologies (BATs) which are the best-known methods of reducing contaminant levels to a level below the MCL. Costs can be estimated for such technologies. However, since many PHGs and all MCLGs are set much lower than the MCL, it is not always possible nor feasible to determine what treatment is needed to further reduce a constituent downward to or near the PHG or MCLG, many of which are set at zero. Estimating the costs to reduce a constituent to zero is difficult, if not impossible, because it is not possible to verify by analytical means that the level has been lowered to zero. In some cases, installing treatment to try and further reduce very low levels of one constituent may have adverse effects on other aspects of water quality. Attachment 3 of the April 2022 ACWA guidelines were used to provide general cost estimates.

Constituents Detected that Exceed a PHG or MCLG:

The following is a discussion of constituents that were detected in water delivered to OMWD's customers from one or more drinking water sources at levels above their respective PHG or if no PHG, above the MCLG during the reporting period 2019 through 2021.

Arsenic: The PHG for arsenic has been set by OEHHA at 0.004 parts per billion (ppb). The MCL or drinking water standard for Arsenic is 10 ppb. Arsenic was detected in water delivered to OMWD's customers in 2020 and 2021 at 2.1 ppb and 2.8 ppb, respectively. These levels were well below the MCL. The category of health risk associated with arsenic, and the reason that a drinking water standard was adopted for it, is that some people who drink water containing arsenic above the MCL over many years may experience skin damage or circulatory system problems and may have an increased risk of getting cancer. The numerical health risk for the arsenic MCL at 10 ppb is 2.5 per thousand. The BATs for arsenic to lower the level below the MCL are Activated Alumina, Coagulation/Filtration, Ion Exchange, Lime Softening, Reverse Osmosis, Electrodialysis, or Oxidation/Filtration.

Copper: The PHG for Copper has been set by OEHHA at 0.3 ppm. There is no MCL for copper. Instead, the 90th percentile value of all samples from household taps in the distribution system cannot exceed an Action Level of 1.3 ppm for copper. The category of health risk for copper is gastrointestinal irritation. Numerical health risk data on copper has not yet been provided by OEHHA, the State agency responsible for providing that information. Based on extensive sampling of our distribution system in 2019, our 90th percentile value for copper was 0.284 ppm, which when following ACWA guidance, is rounded to the nearest significant figure of 0.3 ppm. Our water system is in full compliance with the Federal and State Lead and Copper Rule. Since

the 90th percentile value of 0.3 ppm is below the Action Level of 1.3 ppm, we are deemed by DDW to be meeting the “optimized corrosion control” requirements. Therefore, it is not prudent to initiate corrosion control treatment as it involves the addition of other chemicals and there could be additional water quality issues raised. As such, no estimate of cost has been included.

Gross Alpha Particle Activity: There is no PHG for Gross Alpha Particle Activity, but the MCLG set by the USEPA is zero. The MCL or drinking water standard for Gross Alpha Particle Activity is 15 pCi/L. The Gross Alpha Particle Activity was detected in water delivered to OMWD’s customers during 2021 at 4.7 pCi/L, which was well below the MCL, however it exceeds the USEPA MCLG which is set at zero. The category of health risk associated with Gross Alpha Particle Activity, and the reason that a drinking water standard was adopted for it, is that some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer. The BAT for Gross Alpha Particle Activity to lower the level below the MCLG is Reverse Osmosis.

Uranium: The PHG for Uranium has been set by OEHHA at 0.43 picocuries per liter (pCi/L). The MCL or drinking water standard for Uranium is 20 pCi/L. Uranium was detected in water delivered to OMWD’s customers in 2020 and 2021 at 1.9 pCi/L and 2.3 pCi/L, respectively. These levels were well below the MCL. The category of health risk associated with uranium, and the reason that a drinking water standard was adopted for it, is that some people who drink water containing uranium in excess of the MCL over many years may have kidney problems or an increased risk of getting cancer. The BATs for uranium to lower the level below the MCL is Coagulation/Filtration, Ion Exchange, Lime Softening, or Reverse Osmosis.

BAT Summary:

Arsenic, gross alpha particle activity, and uranium were detected at levels above their respective PHGs and MCLG during the years 2019 through 2021. The BAT that could be employed to reduce the concentrations of arsenic, gross alpha particle activity, and uranium in our drinking water is Reverse Osmosis. As mentioned earlier, Reverse Osmosis is the only identified BAT for gross alpha particle activity, therefore it is the limiting factor. Gross alpha particle activity does not have a PHG, but a MCLG of zero. It is understood by all that zero is an unattainable goal and cannot be measured by the practically available analytical methods. The estimated cost to install and operate a Reverse Osmosis treatment system that would reliably reduce arsenic, gross alpha particle activity, and uranium levels to below the PHG/MCLG would range from approximately \$30 million to \$44 million in annualized capital and operation and maintenance costs. These estimated annualized costs are very preliminary cost estimating with very high level of uncertainty and unknowns.

Recommendations for Further Action:

The drinking water quality of the Olivenhain Municipal Water District meets all DDW and USEPA drinking water standards set to protect public health. To further reduce the levels of the constituents identified in this report that are already significantly below the health-based Maximum Contaminant Levels established to provide "safe drinking water," an additional costly treatment process would be required. The effectiveness of the treatment process to provide any significant reductions in constituent levels at these already low values is uncertain due to limitations in the analytical methods used. The health protection benefits of these further hypothetical reductions are not at all clear and may not be quantifiable. Therefore, no action is proposed.

Attachments:

- No. 1: Excerpt from the California Health and Safety Code: Section 116470
- No. 2: Table of Regulated Constituents with MCLs, PHGs or MCLGs
- No. 3: 2022 OEHHA Health and Risk Information for Public Health Goal Exceedance Reports

References:

- ACWA 2022 Suggested Guidelines for Preparation of Required Reports on PUBLIC HEALTH Goals (PHGs) to satisfy requirements of California Health and Safety Code Section 116470(b)
- OMWD CCRs from 2019 through 2021

State of California**HEALTH AND SAFETY CODE****Section 116470**

§ 116470. (a) As a condition of its operating permit, every public water system shall annually prepare a consumer confidence report and mail or deliver a copy of that report to each customer, other than an occupant, as defined in Section 799.28 of the Civil Code, of a recreational vehicle park. A public water system in a recreational vehicle park with occupants as defined in Section 799.28 of the Civil Code shall prominently display on a bulletin board at the entrance to or in the office of the park, and make available upon request, a copy of the report.

The report shall include all of the following information:

- (1) The source of the water purveyed by the public water system.
- (2) A brief and plainly worded definition of the terms “maximum contaminant level,” “primary drinking water standard,” and “public health goal.”
- (3) If any regulated contaminant is detected in public drinking water supplied by the system during the past year, the report shall include all of the following information:
 - (A) The level of the contaminant found in the drinking water, and the corresponding public health goal and primary drinking water standard for that contaminant.
 - (B) Any violations of the primary drinking water standard that have occurred as a result of the presence of the contaminant in the drinking water and a brief and plainly worded statement of health concerns that resulted in the regulation of that contaminant.
 - (C) The public water system’s address and phone number to enable customers to obtain further information concerning contaminants and potential health effects.
 - (4) Information on the levels of unregulated contaminants, if any, for which monitoring is required pursuant to state or federal law or regulation.
 - (5) Disclosure of any variances or exemptions from primary drinking water standards granted to the system and the basis therefor.
- (b) On or before July 1, 1998, and every three years thereafter, public water systems serving more than 10,000 service connections that detect one or more contaminants in drinking water that exceed the applicable public health goal, shall prepare a brief written report in plain language that does all of the following:
 - (1) Identifies each contaminant detected in drinking water that exceeds the applicable public health goal.
 - (2) Discloses the numerical public health risk, determined by the office, associated with the maximum contaminant level for each contaminant identified in paragraph (1) and the numerical public health risk determined by the office associated with the public health goal for that contaminant.

(3) Identifies the category of risk to public health, including, but not limited to, carcinogenic, mutagenic, teratogenic, and acute toxicity, associated with exposure to the contaminant in drinking water, and includes a brief plainly worded description of these terms.

(4) Describes the best available technology, if any is then available on a commercial basis, to remove the contaminant or reduce the concentration of the contaminant. The public water system may, solely at its own discretion, briefly describe actions that have been taken on its own, or by other entities, to prevent the introduction of the contaminant into drinking water supplies.

(5) Estimates the aggregate cost and the cost per customer of utilizing the technology described in paragraph (4), if any, to reduce the concentration of that contaminant in drinking water to a level at or below the public health goal.

(6) Briefly describes what action, if any, the local water purveyor intends to take to reduce the concentration of the contaminant in public drinking water supplies and the basis for that decision.

(c) Public water systems required to prepare a report pursuant to subdivision (b) shall hold a public hearing for the purpose of accepting and responding to public comment on the report. Public water systems may hold the public hearing as part of any regularly scheduled meeting.

(d) The department shall not require a public water system to take any action to reduce or eliminate any exceedance of a public health goal.

(e) Enforcement of this section does not require the department to amend a public water system's operating permit.

(f) Pending adoption of a public health goal by the Office of Environmental Health Hazard Assessment pursuant to subdivision (c) of Section 116365, and in lieu thereof, public water systems shall use the national maximum contaminant level goal adopted by the United States Environmental Protection Agency for the corresponding contaminant for purposes of complying with the notice and hearing requirements of this section.

(g) This section is intended to provide an alternative form for the federally required consumer confidence report as authorized by 42 U.S.C. Section 300g3(c).

(Repealed and added by Stats. 1996, Ch. 755, Sec. 12. Effective January 1, 1997.)

<https://codes.findlaw.com/ca/health-and-safety-code/hsc-sect-116470.html>

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MCLs, DLRs, and PHGs for Regulated Drinking Water Contaminants (Units are in milligrams per liter (mg/L), unless otherwise noted.) Last Update: S e p t e m b e r 1 4 , 2 0 2 1				
This table includes: California's maximum contaminant levels (MCLs) Detection limits for purposes of reporting (DLRs) Public health goals (PHGs) from the Office of Environmental Health Hazard Assessment (OEHHA) Also, the PHG for NDMA (which is not yet regulated) is included at the bottom of this table.				
Regulated Contaminant	MCL	DLR	PHG	Date of PHG
Chemicals with MCLs in 22 CCR §64431—Inorganic Chemicals				
Aluminum	1	0.05	0.6	2001
Antimony	0.006	0.006	0.001	2016
Arsenic	0.010	0.002	0.000004	2004
Asbestos (MFL = million fibers per liter; for fibers >10 microns long)	7 MFL	0.2 MFL	7 MFL	2003
Barium	1	0.1	2	2003
Beryllium	0.004	0.001	0.001	2003
Cadmium	0.005	0.001	0.00004	2006
Chromium, Total - OEHHA withdrew the 0.0025-mg/L PHG	0.05	0.01	withdrawn Nov. 2001	1999
Chromium, Hexavalent - 0.01-mg/L MCL & 0.001-mg/L DLR repealed September 2017	--	--	0.00002	2011
Cyanide	0.15	0.1	0.15	1997
Fluoride	2	0.1	1	1997
Mercury (inorganic)	0.002	0.001	0.0012	1999 (rev2005)*
Nickel	0.1	0.01	0.012	2001
Nitrate (as nitrogen, N)	10 as N	0.4	45 as NO ₃ (=10 as N)	2018
Nitrite (as N)	1 as N	0.4	1 as N	2018
Nitrate + Nitrite (as N)	10 as N	--	10 as N	2018
Perchlorate	0.006	0.004	0.001	2015
Selenium	0.05	0.005	0.03	2010
Thallium	0.002	0.001	0.0001	1999 (rev2004)
Copper and Lead, 22 CCR §64672.3				
<i>Values referred to as MCLs for lead and copper are not actually MCLs; instead, they are called "Action Levels" under the lead and copper rule</i>				
Copper	1.3	0.05	0.3	2008

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Lead	0.015	0.005	0.0002	2009
Radionuclides with MCLs in 22 CCR §64441 and §64443—Radioactivity				
[units are picocuries per liter (pCi/L), unless otherwise stated; n/a = not applicable]				
Gross alpha particle activity - OEHHA concluded in 2003 that a PHG was not practical	15	3	none	n/a
Gross beta particle activity - OEHHA concluded in 2003 that a PHG was not practical	4 mrem/yr	4	none	n/a
Radium-226	--	1	0.05	2006
Radium-228	--	1	0.019	2006
Radium-226 + Radium-228	5	--	--	--
Strontium-90	8	2	0.35	2006
Tritium	20,000	1,000	400	2006
Uranium	20	1	0.43	2001
Chemicals with MCLs in 22 CCR §64444—Organic Chemicals				
(a) Volatile Organic Chemicals (VOCs)				
Benzene	0.001	0.0005	0.00015	2001
Carbon tetrachloride	0.0005	0.0005	0.0001	2000
1,2-Dichlorobenzene	0.6	0.0005	0.6	1997 (rev2009)
1,4-Dichlorobenzene (p-DCB)	0.005	0.0005	0.006	1997
1,1-Dichloroethane (1,1-DCA)	0.005	0.0005	0.003	2003
1,2-Dichloroethane (1,2-DCA)	0.0005	0.0005	0.0004	1999 (rev2005)
1,1-Dichloroethylene (1,1-DCE)	0.006	0.0005	0.01	1999
cis-1,2-Dichloroethylene	0.006	0.0005	0.013	2018
trans-1,2-Dichloroethylene	0.01	0.0005	0.05	2018
Dichloromethane (Methylene chloride)	0.005	0.0005	0.004	2000
1,2-Dichloropropane	0.005	0.0005	0.0005	1999
1,3-Dichloropropene	0.0005	0.0005	0.0002	1999 (rev2006)
Ethylbenzene	0.3	0.0005	0.3	1997
Methyl tertiary butyl ether (MTBE)	0.013	0.003	0.013	1999
Monochlorobenzene	0.07	0.0005	0.07	2014
Styrene	0.1	0.0005	0.0005	2010
1,1,2,2-Tetrachloroethane	0.001	0.0005	0.0001	2003
Tetrachloroethylene (PCE)	0.005	0.0005	0.00006	2001
Toluene	0.15	0.0005	0.15	1999
1,2,4-Trichlorobenzene	0.005	0.0005	0.005	1999
1,1,1-Trichloroethane (1,1,1-TCA)	0.2	0.0005	1	2006
1,1,2-Trichloroethane (1,1,2-TCA)	0.005	0.0005	0.0003	2006
Trichloroethylene (TCE)	0.005	0.0005	0.0017	2009
Trichlorofluoromethane (Freon 11)	0.15	0.005	1.3	2014

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1,1,2-Trichloro-1,2,2-Trifluoroethane (Freon 113)	1.2	0.01	4	1997 (rev2011)
Vinyl chloride	0.0005	0.0005	0.00005	2000
Xylenes	1.75	0.0005	1.8	1997
(b) Non-Volatile Synthetic Organic Chemicals (SOCs)				
Alachlor	0.002	0.001	0.004	1997
Atrazine	0.001	0.0005	0.00015	1999
Bentazon	0.018	0.002	0.2	1999 (rev2009)
Benzo(a)pyrene	0.0002	0.0001	0.000007	2010
Carbofuran	0.018	0.005	0.0007	2016
Chlordane	0.0001	0.0001	0.00003	1997 (rev2006)
Dalapon	0.2	0.01	0.79	1997 (rev2009)
1,2-Dibromo-3-chloropropane (DBCP)	0.0002	0.00001	0.000003	2020
2,4-Dichlorophenoxyacetic acid (2,4-D)	0.07	0.01	0.02	2009
Di(2-ethylhexyl)adipate	0.4	0.005	0.2	2003
Di(2-ethylhexyl)phthalate (DEHP)	0.004	0.003	0.012	1997
Dinoseb	0.007	0.002	0.014	1997 (rev2010)
Diquat	0.02	0.004	0.006	2016
Endothal	0.1	0.045	0.094	2014
Endrin	0.002	0.0001	0.0003	2016
Ethylene dibromide (EDB)	0.00005	0.00002	0.00001	2003
Glyphosate	0.7	0.025	0.9	2007
Heptachlor	0.00001	0.00001	0.000008	1999
Heptachlor epoxide	0.00001	0.00001	0.000006	1999
Hexachlorobenzene	0.001	0.0005	0.00003	2003
Hexachlorocyclopentadiene	0.05	0.001	0.002	2014
Lindane	0.0002	0.0002	0.000032	1999 (rev2005)
Methoxychlor	0.03	0.01	0.00009	2010
Molinate	0.02	0.002	0.001	2008
Oxamyl	0.05	0.02	0.026	2009
Pentachlorophenol	0.001	0.0002	0.0003	2009
Picloram	0.5	0.001	0.166	2016
Polychlorinated biphenyls (PCBs)	0.0005	0.0005	0.00009	2007
Simazine	0.004	0.001	0.004	2001
Thiobencarb	0.07	0.001	0.042	2016
Toxaphene	0.003	0.001	0.00003	2003
1,2,3-Trichloropropane	0.000005	0.000005	0.0000007	2009
2,3,7,8-TCDD (dioxin)	3x10 ⁻⁸	5x10 ⁻⁹	5x10 ⁻¹¹	2010
2,4,5-TP (Silvex)	0.05	0.001	0.003	2014
Chemicals with MCLs in 22 CCR §64533—Disinfection Byproducts				
Total Trihalomethanes	0.080	--	--	--
Bromodichloromethane	--	0.0010	0.00006	2020

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Bromoform	--	0.0010	0.0005	2020
Chloroform	--	0.0010	0.0004	2020
Dibromochloromethane	--	0.0010	0.0001	2020
Haloacetic Acids (five) (HAA5)	0.060	--	--	--
Monochloroacetic Acid	--	0.0020	--	--
Dichloroacetic Acid	--	0.0010	--	--
Trichloroacetic Acid	--	0.0010	--	--
Monobromoacetic Acid	--	0.0010	--	--
Dibromoacetic Acid	--	0.0010	--	--
Bromate	0.010	0.0050**	0.0001	2009
Chlorite	1.0	0.020	0.05	2009
<i>Chemicals with PHGs established in response to DDW requests. These are not currently regulated drinking water contaminants.</i>				
N-Nitrosodimethylamine (NDMA)	--	--	0.000003	2006
*OEHHA's review of this chemical during the year indicated (rev20XX) resulted in no change in the PHG.				
**The DLR for Bromate is 0.0010 mg/L for analysis performed using EPA Method 317.0 Revision 2.0, 321.8, or 326.0.				

Public Health Goals

Health Risk Information for Public Health Goal Exceedance Reports

February 2022



Pesticide and Environmental Toxicology Branch
Office of Environmental Health Hazard Assessment
California Environmental Protection Agency

Health Risk Information for Public Health Goal Exceedance Reports

Prepared by

Office of Environmental Health Hazard Assessment
California Environmental Protection Agency

February 2022

NEW for the 2022 Report: New in this document are an updated Public Health Goal(PHG) for 1,2-dibromo-3-chloropropane (DBCP) and newly established PHGs for the trihalomethanes bromodichloromethane, bromoform, chloroform, and dibromochloromethane.

Background: Under the Calderon-Sher Safe Drinking Water Act of 1996 (the Act), public water systems with more than 10,000 service connections are required to prepare a report every three years for contaminants that exceed their respective PHGs.¹This document contains health risk information on regulated drinking water contaminants to assist public water systems in preparing these reports. A PHG is the concentration of a contaminant in drinking water that poses no significant health risk if consumed for a lifetime. PHGs are developed and published by the Office of Environmental Health Hazard Assessment (OEHHA) using current risk assessment principles, practices and methods.²

The water system's report is required to identify the health risk category (e.g., carcinogenicity or neurotoxicity) associated with exposure to each regulated contaminant in drinking water and to include a brief, plainly worded description of these risks. The report is also required to disclose the numerical public health risk, if available, associated with the California Maximum Contaminant Level (MCL) and with the PHG for each contaminant. This health risk information document is prepared by OEHHA every three years to assist the water systems in providing the required information in their reports.

¹ Health and Safety Code Section 116470(b)

² Health and Safety Code Section 116365

Numerical health risks: Table 1 presents health risk categories and cancer risk values for chemical contaminants in drinking water that have PHGs.

The Act requires that OEHHA publish PHGs based on health risk assessments using the most current scientific methods. As defined in statute, PHGs for non-carcinogenic chemicals in drinking water are set at a concentration “at which no known or anticipated adverse health effects will occur, with an adequate margin of safety.” For carcinogens, PHGs are set at a concentration that “does not pose any significant risk to health.” PHGs provide one basis for revising MCLs, along with cost and technological feasibility. OEHHA has been publishing PHGs since 1997 and the entire list published to date is shown in Table 1.

Table 2 presents health risk information for contaminants that do not have PHGs but have state or federal regulatory standards. The Act requires that, for chemical contaminants with California MCLs that do not yet have PHGs, water utilities use the federal Maximum Contaminant Level Goal (MCLG) for the purpose of complying with the requirement of public notification. MCLGs, like PHGs, are strictly health based and include a margin of safety. One difference, however, is that the MCLGs for carcinogens are set at zero because the US Environmental Protection Agency (US EPA) assumes there is no absolutely safe level of exposure to such chemicals. PHGs, on the other hand, are set at a level considered to pose no *significant* risk of cancer; this is usually no more than a one-in-one-million excess cancer risk (1×10^{-6}) level for a lifetime of exposure. In Table 2, the cancer risks shown are based on the US EPA’s evaluations.

For more information on health risks: The adverse health effects for each chemical with a PHG are summarized in a PHG technical support document. These documents are available on the OEHHA website (<https://oehha.ca.gov/water/public-health-goals-phgs>).

Table 1: Health Risk Categories and Cancer Risk Values for Chemicals with California Public Health Goals (PHGs)

Chemical	Health Risk Category ¹	California PHG (mg/L) ²	Cancer Risk ³ at the PHG	California MCL ⁴ (mg/L)	Cancer Risk at the California MCL
Alachlor	carcinogenicity (causes cancer)	0.004	NA ^{5,6}	0.002	NA
Aluminum	neurotoxicity and immunotoxicity (harms the nervous and immune systems)	0.6	NA	1	NA
Antimony	hepatotoxicity (harms the liver)	0.001	NA	0.006	NA
Arsenic	carcinogenicity (causes cancer)	0.000004 (4×10 ⁻⁶)	1×10 ⁻⁶ (one per million)	0.01	2.5×10 ⁻³ (2.5 per thousand)
Asbestos	carcinogenicity (causes cancer)	7 MFL ⁷ (fibers >10 microns in length)	1×10 ⁻⁶	7 MFL (fibers >10 microns in length)	1×10 ⁻⁶ (one per million)
Atrazine	carcinogenicity (causes cancer)	0.00015	1×10 ⁻⁶	0.001	7×10 ⁻⁶ (seven per million)

¹ Based on the OEHHA PHG technical support document unless otherwise specified. The categories are the hazard traits defined by OEHHA for California's Toxics Information Clearinghouse (online at: <https://oehha.ca.gov/media/downloads/risk-assessment/gcregtext011912.pdf>).

² mg/L = milligrams per liter of water or parts per million (ppm)

³ Cancer Risk = Upper bound estimate of excess cancer risk from lifetime exposure. Actual cancer risk may be lower or zero. 1×10⁻⁶ means one excess cancer case per million people exposed.

⁴ MCL = maximum contaminant level.

⁵ NA = not applicable. Cancer risk cannot be calculated.

⁶ The PHG for alachlor is based on a threshold model of carcinogenesis and is set at a level that is believed to be without any significant cancer risk to individuals exposed to the chemical over a lifetime.

⁷ MFL = million fibers per liter of water.

Table 1: Health Risk Categories and Cancer Risk Values for Chemicals with California Public Health Goals (PHGs)

Chemical	Health Risk Category ¹	California PHG (mg/L) ²	Cancer Risk ³ at the PHG	California MCL ⁴ (mg/L)	Cancer Risk at the California MCL
Barium	cardiovascular toxicity (causes high blood pressure)	2	NA	1	NA
Bentazon	hepatotoxicity and digestive system toxicity (harms the liver, intestine, and causes body weight effects ⁸)	0.2	NA	0.018	NA
Benzene	carcinogenicity (causes leukemia)	0.00015	1×10^{-6}	0.001	7×10^{-6} (seven per million)
Benzo[a]pyrene	carcinogenicity (causes cancer)	0.000007 (7×10^{-6})	1×10^{-6}	0.0002	3×10^{-5} (three per hundred thousand)
Beryllium	digestive system toxicity (harms the stomach or intestine)	0.001	NA	0.004	NA
Bromate	carcinogenicity (causes cancer)	0.0001	1×10^{-6}	0.01	1×10^{-4} (one per ten thousand)
Cadmium	nephrotoxicity (harms the kidney)	0.00004	NA	0.005	NA
Carbofuran	reproductive toxicity (harms the testis)	0.0007	NA	0.018	NA

⁸ Body weight effects are an indicator of general toxicity in animal studies.

Table 1: Health Risk Categories and Cancer Risk Values for Chemicals with California Public Health Goals (PHGs)

Chemical	Health Risk Category ¹	California PHG (mg/L) ²	Cancer Risk ³ at the PHG	California MCL ⁴ (mg/L)	Cancer Risk at the California MCL
Carbon tetrachloride	carcinogenicity (causes cancer)	0.0001	1×10^{-6}	0.0005	5×10^{-6} (five per million)
Chlordane	carcinogenicity (causes cancer)	0.00003	1×10^{-6}	0.0001	3×10^{-6} (three per million)
Chlorite	hematotoxicity (causes anemia) neurotoxicity (causes neurobehavioral effects)	0.05	NA	1	NA
Chromium, hexavalent	carcinogenicity (causes cancer)	0.00002	1×10^{-6}	none	NA
Copper	digestive system toxicity (causes nausea, vomiting, diarrhea)	0.3	NA	1.3 (AL ⁹)	NA
Cyanide	neurotoxicity (damages nerves) endocrine toxicity (affects the thyroid)	0.15	NA	0.15	NA
Dalapon	nephrotoxicity (harms the kidney)	0.79	NA	0.2	NA
Di(2-ethylhexyl) adipate (DEHA)	developmental toxicity (disrupts development)	0.2	NA	0.4	NA

⁹ AL = action level. The action levels for copper and lead refer to a concentration measured at the tap. Much of the copper and lead in drinking water is derived from household plumbing (The Lead and Copper Rule, Title 22, California Code of Regulations [CCR] section 64672.3).

Table 1: Health Risk Categories and Cancer Risk Values for Chemicals with California Public Health Goals (PHGs)

Chemical	Health Risk Category ¹	California PHG (mg/L) ²	Cancer Risk ³ at the PHG	California MCL ⁴ (mg/L)	Cancer Risk at the California MCL
Di(2-ethylhexyl) phthalate (DEHP)	carcinogenicity (causes cancer)	0.012	1×10^{-6}	0.004	3×10^{-7} (three per ten million)
1,2-Dibromo-3-chloropropane (DBCP)	carcinogenicity (causes cancer)	0.000003 (3×10^{-6})	1×10^{-6}	0.0002	7×10^{-5} (seven per hundred thousand)
1,2-Dichloro-benzene (o-DCB)	hepatotoxicity (harms the liver)	0.6	NA	0.6	NA
1,4-Dichloro-benzene (p-DCB)	carcinogenicity (causes cancer)	0.006	1×10^{-6}	0.005	8×10^{-7} (eight per ten million)
1,1-Dichloro-ethane (1,1-DCA)	carcinogenicity (causes cancer)	0.003	1×10^{-6}	0.005	2×10^{-6} (two per million)
1,2-Dichloro-ethane (1,2-DCA)	carcinogenicity (causes cancer)	0.0004	1×10^{-6}	0.0005	1×10^{-6} (one per million)
1,1-Dichloro-ethylene (1,1-DCE)	hepatotoxicity (harms the liver)	0.01	NA	0.006	NA
1,2-Dichloro-ethylene, cis	nephrotoxicity (harms the kidney)	0.013	NA	0.006	NA
1,2-Dichloro-ethylene, trans	immunotoxicity (harms the immune system)	0.05	NA	0.01	NA

Table 1: Health Risk Categories and Cancer Risk Values for Chemicals with California Public Health Goals (PHGs)

Chemical	Health Risk Category ¹	California PHG (mg/L) ²	Cancer Risk ³ at the PHG	California MCL ⁴ (mg/L)	Cancer Risk at the California MCL
Dichloromethane (methylene chloride)	carcinogenicity (causes cancer)	0.004	1×10^{-6}	0.005	1×10^{-6} (one per million)
2,4-Dichlorophenoxyacetic acid (2,4-D)	hepatotoxicity and nephrotoxicity (harms the liver and kidney)	0.02	NA	0.07	NA
1,2-Dichloropropane (propylene dichloride)	carcinogenicity (causes cancer)	0.0005	1×10^{-6}	0.005	1×10^{-5} (one per hundred thousand)
1,3-Dichloropropene (Telone II®)	carcinogenicity (causes cancer)	0.0002	1×10^{-6}	0.0005	2×10^{-6} (two per million)
Dinoseb	reproductive toxicity (harms the uterus and testis)	0.014	NA	0.007	NA
Diquat	ocular toxicity (harms the eye) developmental toxicity (causes malformation)	0.006	NA	0.02	NA
Endothall	digestive system toxicity (harms the stomach or intestine)	0.094	NA	0.1	NA
Endrin	neurotoxicity (causes convulsions) hepatotoxicity (harms the liver)	0.0003	NA	0.002	NA
Ethylbenzene (phenylethane)	hepatotoxicity (harms the liver)	0.3	NA	0.3	NA

Table 1: Health Risk Categories and Cancer Risk Values for Chemicals with California Public Health Goals (PHGs)

Chemical	Health Risk Category ¹	California PHG (mg/L) ²	Cancer Risk ³ at the PHG	California MCL ⁴ (mg/L)	Cancer Risk at the California MCL
Ethylene dibromide (1,2-Dibromoethane)	carcinogenicity (causes cancer)	0.00001	1×10^{-6}	0.00005	5×10^{-6} (five per million)
Fluoride	musculoskeletal toxicity (causes tooth mottling)	1	NA	2	NA
Glyphosate	nephrotoxicity (harms the kidney)	0.9	NA	0.7	NA
Heptachlor	carcinogenicity (causes cancer)	0.000008 (8×10^{-6})	1×10^{-6}	0.00001	1×10^{-6} (one per million)
Heptachlor epoxide	carcinogenicity (causes cancer)	0.000006 (6×10^{-6})	1×10^{-6}	0.00001	2×10^{-6} (two per million)
Hexachlorobenzene	carcinogenicity (causes cancer)	0.00003	1×10^{-6}	0.001	3×10^{-5} (three per hundred thousand)
Hexachlorocyclopentadiene (HCCPD)	digestive system toxicity (causes stomach lesions)	0.002	NA	0.05	NA
Lead	developmental neurotoxicity (causes neurobehavioral effects in children) cardiovascular toxicity (causes high blood pressure) carcinogenicity (causes cancer)	0.0002	$<1 \times 10^{-6}$ (PHG is not based on this effect)	0.015 (AL ⁹)	2×10^{-6} (two per million)

Table 1: Health Risk Categories and Cancer Risk Values for Chemicals with California Public Health Goals (PHGs)

Chemical	Health Risk Category ¹	California PHG (mg/L) ²	Cancer Risk ³ at the PHG	California MCL ⁴ (mg/L)	Cancer Risk at the California MCL
Lindane (γ-BHC)	carcinogenicity (causes cancer)	0.000032	1×10^{-6}	0.0002	6×10^{-6} (six per million)
Mercury (inorganic)	nephrotoxicity (harms the kidney)	0.0012	NA	0.002	NA
Methoxychlor	endocrine toxicity (causes hormone effects)	0.00009	NA	0.03	NA
Methyl tertiary-butyl ether (MTBE)	carcinogenicity (causes cancer)	0.013	1×10^{-6}	0.013	1×10^{-6} (one per million)
Molinate	carcinogenicity (causes cancer)	0.001	1×10^{-6}	0.02	2×10^{-5} (two per hundred thousand)
Monochlorobenzene (chlorobenzene)	nephrotoxicity (harms the kidney)	0.07	NA	0.07	NA
Nickel	developmental toxicity (causes increased neonatal deaths)	0.012	NA	0.1	NA
Nitrate	hematotoxicity (causes methemoglobinemia)	45 as nitrate	NA	10 as nitrogen (=45 as nitrate)	NA
Nitrite	hematotoxicity (causes methemoglobinemia)	3 as nitrite	NA	1 as nitrogen (=3 as nitrite)	NA

Table 1: Health Risk Categories and Cancer Risk Values for Chemicals with California Public Health Goals (PHGs)

Chemical	Health Risk Category ¹	California PHG (mg/L) ²	Cancer Risk ³ at the PHG	California MCL ⁴ (mg/L)	Cancer Risk at the California MCL
Nitrate and Nitrite	hematotoxicity (causes methemoglobinemia)	10 as nitrogen ¹⁰	NA	10 as nitrogen	NA
N-nitroso-dimethyl-amine (NDMA)	carcinogenicity (causes cancer)	0.000003 (3×10 ⁻⁶)	1×10 ⁻⁶	none	NA
Oxamyl	general toxicity (causes body weight effects)	0.026	NA	0.05	NA
Pentachloro-phenol (PCP)	carcinogenicity (causes cancer)	0.0003	1×10 ⁻⁶	0.001	3×10 ⁻⁶ (three per million)
Perchlorate	endocrine toxicity (affects the thyroid) developmental toxicity (causes neurodevelopmental deficits)	0.001	NA	0.006	NA
Picloram	hepatotoxicity (harms the liver)	0.166	NA	0.5	NA
Polychlorinated biphenyls (PCBs)	carcinogenicity (causes cancer)	0.00009	1×10 ⁻⁶	0.0005	6×10 ⁻⁶ (six per million)
Radium-226	carcinogenicity (causes cancer)	0.05 pCi/L	1×10 ⁻⁶	5 pCi/L (combined Ra ²²⁶⁺²²⁸)	1×10 ⁻⁴ (one per ten thousand)

¹⁰ The joint nitrate/nitrite PHG of 10 mg/L (10 ppm, expressed as nitrogen) does not replace the individual values, and the maximum contribution from nitrite should not exceed 1 mg/L nitrite-nitrogen.

Table 1: Health Risk Categories and Cancer Risk Values for Chemicals with California Public Health Goals (PHGs)

Chemical	Health Risk Category ¹	California PHG (mg/L) ²	Cancer Risk ³ at the PHG	California MCL ⁴ (mg/L)	Cancer Risk at the California MCL
Radium-228	carcinogenicity (causes cancer)	0.019 pCi/L	1×10^{-6}	5 pCi/L (combined Ra ²²⁶⁺²²⁸)	3×10^{-4} (three per ten thousand)
Selenium	integumentary toxicity (causes hair loss and nail damage)	0.03	NA	0.05	NA
Silvex (2,4,5-TP)	hepatotoxicity (harms the liver)	0.003	NA	0.05	NA
Simazine	general toxicity (causes body weight effects)	0.004	NA	0.004	NA
Strontium-90	carcinogenicity (causes cancer)	0.35 pCi/L	1×10^{-6}	8 pCi/L	2×10^{-5} (two per hundred thousand)
Styrene (vinylbenzene)	carcinogenicity (causes cancer)	0.0005	1×10^{-6}	0.1	2×10^{-4} (two per ten thousand)
1,1,2,2-Tetrachloroethane	carcinogenicity (causes cancer)	0.0001	1×10^{-6}	0.001	1×10^{-5} (one per hundred thousand)
2,3,7,8-Tetrachlorodibenzo-<i>p</i>-dioxin (TCDD, or dioxin)	carcinogenicity (causes cancer)	5×10^{-11}	1×10^{-6}	3×10^{-8}	6×10^{-4} (six per ten thousand)

Table 1: Health Risk Categories and Cancer Risk Values for Chemicals with California Public Health Goals (PHGs)

Chemical	Health Risk Category ¹	California PHG (mg/L) ²	Cancer Risk ³ at the PHG	California MCL ⁴ (mg/L)	Cancer Risk at the California MCL
Tetrachloroethylene (perchloroethylene, or PCE)	carcinogenicity (causes cancer)	0.00006	1×10^{-6}	0.005	8×10^{-5} (eight per hundred thousand)
Thallium	integumentary toxicity (causes hair loss)	0.0001	NA	0.002	NA
Thiobencarb	general toxicity (causes body weight effects) hematotoxicity (affects red blood cells)	0.042	NA	0.07	NA
Toluene (methylbenzene)	hepatotoxicity (harms the liver) endocrine toxicity (harms the thymus)	0.15	NA	0.15	NA
Toxaphene	carcinogenicity (causes cancer)	0.00003	1×10^{-6}	0.003	1×10^{-4} (one per ten thousand)
1,2,4-Trichlorobenzene	endocrine toxicity (harms adrenal glands)	0.005	NA	0.005	NA
1,1,1-Trichloroethane	neurotoxicity (harms the nervous system), reproductive toxicity (causes fewer offspring) hepatotoxicity (harms the liver) hematotoxicity (causes blood effects)	1	NA	0.2	NA

Table 1: Health Risk Categories and Cancer Risk Values for Chemicals with California Public Health Goals (PHGs)

Chemical	Health Risk Category ¹	California PHG (mg/L) ²	Cancer Risk ³ at the PHG	California MCL ⁴ (mg/L)	Cancer Risk at the California MCL
1,1,2-Trichloroethane	carcinogenicity (causes cancer)	0.0003	1×10^{-6}	0.005	2×10^{-5} (two per hundred thousand)
Trichloroethylene (TCE)	carcinogenicity (causes cancer)	0.0017	1×10^{-6}	0.005	3×10^{-6} (three per million)
Trichlorofluoromethane (Freon 11)	accelerated mortality (increase in early death)	1.3	NA	0.15	NA
1,2,3-Trichloropropane (1,2,3-TCP)	carcinogenicity (causes cancer)	0.0000007 (7×10^{-7})	1×10^{-6}	0.000005 (5×10^{-6})	7×10^{-6} (seven per million)
1,1,2-Trichloro-1,2,2-trifluoroethane (Freon 113)	hepatotoxicity (harms the liver)	4	NA	1.2	NA
Trihalomethanes: Bromodichloromethane	carcinogenicity (causes cancer)	0.00006	1×10^{-6}	0.080*	1.3×10^{-3} (1.3 per thousand) ¹¹
Trihalomethanes: Bromoform	carcinogenicity (causes cancer)	0.0005	1×10^{-6}	0.080*	2×10^{-4} (two per ten thousand) ¹²

* For total trihalomethanes (the sum of bromodichloromethane, bromoform, chloroform, and dibromochloromethane). There are no MCLs for individual trihalomethanes.

¹¹ Based on 0.080 mg/L bromodichloromethane; the risk will vary with different combinations and ratios of the other trihalomethanes in a particular sample.

¹² Based on 0.080 mg/L bromoform; the risk will vary with different combinations and ratios of the other trihalomethanes in a particular sample.

Table 1: Health Risk Categories and Cancer Risk Values for Chemicals with California Public Health Goals (PHGs)

Chemical	Health Risk Category ¹	California PHG (mg/L) ²	Cancer Risk ³ at the PHG	California MCL ⁴ (mg/L)	Cancer Risk at the California MCL
Trihalomethanes: Chloroform	carcinogenicity (causes cancer)	0.0004	1×10^{-6}	0.080*	2×10^{-4} (two per ten thousand) ¹³
Trihalomethanes: Dibromochloromethane	carcinogenicity (causes cancer)	0.0001	1×10^{-6}	0.080*	8×10^{-4} (eight per ten thousand) ¹⁴
Tritium	carcinogenicity (causes cancer)	400 pCi/L	1×10^{-6}	20,000 pCi/L	5×10^{-5} (five per hundred thousand)
Uranium	carcinogenicity (causes cancer)	0.43 pCi/L	1×10^{-6}	20 pCi/L	5×10^{-5} (five per hundred thousand)
Vinyl chloride	carcinogenicity (causes cancer)	0.00005	1×10^{-6}	0.0005	1×10^{-5} (one per hundred thousand)
Xylene	neurotoxicity (affects the senses, mood, and motor control)	1.8 (single isomer or sum of isomers)	NA	1.75 (single isomer or sum of isomers)	NA

* For total trihalomethanes (the sum of bromodichloromethane, bromoform, chloroform, and dibromochloromethane). There are no MCLs for individual trihalomethanes.

¹³ Based on 0.080 mg/L chloroform; the risk will vary with different combinations and ratios of the other trihalomethanes in a particular sample.

¹⁴ Based on 0.080 mg/L dibromochloromethane; the risk will vary with different combinations and ratios of the other trihalomethanes in a particular sample.

Table 2: Health Risk Categories and Cancer Risk Values for Chemicals without California Public Health Goals

Chemical	Health Risk Category ¹	US EPA MCLG ² (mg/L)	Cancer Risk ³ at the MCLG	California MCL ⁴ (mg/L)	Cancer Risk at the California MCL
Disinfection byproducts (DBPs)					
Chloramines	acute toxicity (causes irritation) digestive system toxicity (harms the stomach) hematotoxicity (causes anemia)	4 ^{5,6}	NA ⁷	none	NA
Chlorine	acute toxicity (causes irritation) digestive system toxicity (harms the stomach)	4 ^{5,6}	NA	none	NA
Chlorine dioxide	hematotoxicity (causes anemia) neurotoxicity (harms the nervous system)	0.8 ^{5,6}	NA	none	NA
Disinfection byproducts: haloacetic acids (HAA5)					
Monochloroacetic acid (MCA)	general toxicity (causes body and organ weight changes ⁸)	0.07	NA	none	NA

¹ Health risk category based on the US EPA MCLG document or California MCL document unless otherwise specified.

² MCLG = maximum contaminant level goal established by US EPA.

³ Cancer Risk = Upper estimate of excess cancer risk from lifetime exposure. Actual cancer risk may be lower or zero. 1×10^{-6} means one excess cancer case per million people exposed.

⁴ California MCL = maximum contaminant level established by California.

⁵ Maximum Residual Disinfectant Level Goal, or MRDLG.

⁶ The federal Maximum Residual Disinfectant Level (MRDL), or highest level of disinfectant allowed in drinking water, is the same value for this chemical.

⁷ NA = not available.

⁸ Body weight effects are an indicator of general toxicity in animal studies.

Table 2: Health Risk Categories and Cancer Risk Values for Chemicals without California Public Health Goals

Chemical	Health Risk Category¹	US EPA MCLG² (mg/L)	Cancer Risk³ at the MCLG	California MCL⁴ (mg/L)	Cancer Risk at the California MCL
Dichloroacetic acid (DCA)	Carcinogenicity (causes cancer)	0	0	none	NA
Trichloroacetic acid (TCA)	hepatotoxicity (harms the liver)	0.02	NA	none	NA
Monobromoacetic acid (MBA)	NA	none	NA	none	NA
Dibromoacetic acid (DBA)	NA	none	NA	none	NA
Total haloacetic acids (sum of MCA, DCA, TCA, MBA, and DBA)	general toxicity, hepatotoxicity and carcinogenicity (causes body and organ weight changes, harms the liver and causes cancer)	none	NA	0.06	NA
Radionuclides					
Gross alpha particles ⁹	carcinogenicity (causes cancer)	0 (²¹⁰ Po included)	0	15 pCi/L ¹⁰ (includes radium but not radon and uranium)	up to 1x10 ⁻³ (for ²¹⁰ Po, the most potent alpha emitter)

⁹ MCLs for gross alpha and beta particles are screening standards for a group of radionuclides. Corresponding PHGs were not developed for gross alpha and beta particles. See the OEHHA memoranda discussing the cancer risks at these MCLs at <http://www.oehha.ca.gov/water/reports/grossab.html>.

¹⁰ pCi/L = picocuries per liter of water.

Chemical	Health Risk Category ¹	US EPA MCLG ² (mg/L)	Cancer Risk ³ at the MCLG	California MCL ⁴ (mg/L)	Cancer Risk at the California MCL
Beta particles and photon emitters ⁹	carcinogenicity (causes cancer)	0 (²¹⁰ Pb included)	0	50 pCi/L (judged equiv. to 4 mrem/yr)	up to 2×10^{-3} (for ²¹⁰ Pb, the most potent beta-emitter)

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.

July 20, 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
June 2022:

Operations & Maintenance	Current Month	Last Month
DCMWTP Total Production	587.4 million gallons	578.9 million gallons
DCMWTP Average Daily Production	19.6 million gallons	18.7 million gallons
DCMWTP Peak Day Production	23.5 million gallons	23.3 million gallons
Source Water Blend (% State Project Water)	0%	7%
Total Deliveries to VWD	No Deliveries	No Deliveries
4S and Rancho Cielo Sewer Systems Total Inflow	38.13 million gallons	38.33 million gallons
4S and Rancho Cielo Sewer Systems Average Daily Inflow	1,271,332 gallons	1,236,652 gallons
4S and Rancho Cielo Sewer Systems Peak Day Inflow	1,734,011 gallons	1,313,107 gallons
4S and Rancho Cielo Sewer Systems Low Day Inflow	1,153,821 gallons	1,173,312 gallons
4SWRF Average Daily Production	1,119,817 gallons	1,034,038 gallons
4SWRF Peak Day Production	1,444,693 gallons	1,230,266 gallons
4SWRF Total to Recycled Water Distribution System	33.59 gallons	32.05 million gallons
4S Recycled Water Storage Pond Volume	0 acre feet	40 acre feet
Repaired Potable Water Main Leak(s)	0	1
Repaired Potable Water Service Lateral Assembly Leak(s)	4	3
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	0
Replaced Valve(s) Monthly Total	4	3
Replaced Valve(s) Calendar Year To Date	11	7
Recycled Water Use Site Inspections & Visits	24	21
Recycled Water Use Site Cross Connection Tests	9	1
Cross Connection Site Surveys	17	4
Backflow Inspections & Testing (New)	5	2
IT Help Requests	20	34
Customer Services	Current Month	Last Month
Customer Calls and Inquiries	1,259	1,271
Total Monthly Bills Issued	22,935	22,951
Service Orders	444	411
New Potable Meters	1	0
New Fire Meters	0	0
New Recycled Water Meters	0	0
AMI Troubleshooting Investigations	26	25

Customer Services - Continued	Current Month	Last Month
AMR Troubleshooting Investigations	33	37
Stopped/Underperforming Meters Replaced	40	42
MXUs Upgraded to AMI	0	3
Meter Accuracy Tests Performed	0	0
Water Use Evaluations	5	7
Water Use Violation Reports	5	0
Workshops, Events, and Tours	1	2
High-Efficiency Clothes Washer Rebates	2	0
Weather-Based Irrigation Controller Rebates	0	1
Hose Irrigation Controller Rebates	0	0
High-Efficiency Rotating Nozzle Rebates	1	0
High-Efficiency Toilet Rebates	0	0
Rain Barrel Rebates	0	0
Flow Monitor Device Rebates	0	0
Turf Removal Project Rebates	11	4
Social Media Posts	18	26
News Releases/Media Advisories	3	2
EFRR	Current Month	Last Month
Special Use/Event Permits	3	5
Parking Notices	82	154
Incident Reports	2	2
Vehicle Count	3,498	5,809
Trail Use Count	6,871	10,117
Days Closed Due to Rain/Red Flag/COVID-19	0	0
Days IC Open	16	18
Number of IC Visitors	351	492
Volunteer Trail Patrol Shifts	0	4
Volunteer Docent Hours	79	100
Total Number of Docents	64	64
Finance	Current Month	Last Month
Infosend Payments	10,564	10,530
OMWD Auto Debit Payments	2,210	2,238
CB&T Lockbox Payments	2,822	3,055
Over the Counter Payments	332	440
Check-free, Metavante and Chase	4,925	4,673
Paymentus (Credit Card) Payments	1,052	1,433
Finance Calls and walk-ins	62	94
Service Orders Processed	12	12
Service Orders Closed Out	1	3
Purchase Orders	15	18
Inventory Items Received	568	1,323
Invoices Processed	599	542
Payroll Direct Deposits Processed	232	228
Accounts Payable Checks and Electronic Fund Transfers	288	311

ENGINEERING DEPARTMENT

Engineering Highlights for June 2022:

4S Ranch Neighborhood 1 Sewer Pump Station Replacement Project continued progress through processing submittals and contractor has begun mobilization activities at the site. The contract for the Manchester Avenue and South El Camino Real Recycled Water Pipelines Project is fully executed, with a pre-construction meeting scheduled for July. Coordination with Caltrans and their contractor for work occurring at I-5 and Manchester Avenue continued during the month of June. Staff received proposals for the Preliminary and Final Design of the Gardendale and Village Park West PRS Replacement Projects and a selection panel is reviewing. Staff held a kick-off meeting for the design of the FY 2023 Recycled Water Pipeline Extension Project. Staff continues to handle developer and other minor projects including fire hydrants, detector checks, water service laterals, etc., continues to assist other departments with engineering-related work, and managing OMWD's right of ways.

HUMAN RESOURCES DEPARTMENT

Human Resources Manager Jennifer Joslin Highlights for June 2022:

Human Resources staff conducted new hire orientations and safety training for the new Engineering Manager and Customer Service Representative I. Conducted interviews for the vacant Equipment Technician and Engineering Technician I, II, and III positions. Finalized the annual performance review process, calculated merit increases, prepared personnel recommendation forms, and updated pay rates in the payroll system for all eligible employees. Records staff processed multiple public records requests. Participated in Liebert Cassidy Whitmore's Managing Employee Injuries training and Fair Labor Standards Act (FLSA) training sessions. Hosted a virtual Nutrition Navigator wellness training for all interested staff via the Employee Assistance Program (EAP). Safety staff coordinated First Aid/CPR/AED training sessions for employees. Completed the California Department of Industrial Relations, Elevator Division, elevator inspection at the DCMWTP. Hosted the June Safety Committee meeting.

OPERATIONS & MAINTENANCE

Operations Manager Geoff Fulks Highlights for June 2022:

At DCMWTP, the design phase of the Fourth Stage Centrifuge addition kicked off with Hazen & Sawyer. Following delays in obtaining materials, the pH Control System Replacement project construction commenced on June 14th. At WRF, a new filter influent pump was installed by the Pumps and Motor Technicians as part of the ultraviolet dosing permit requirements. Telemetry staff continued physical security upgrades at remote OMWD sites. IT staff continued with server and domain updates. System Operators worked with Department of Transportation on the Manchester Avenue Pressure Reducing Relocation project and kicked off the triennial Lead and Copper Sampling for the State Water Resources Control Board. Construction staff continued work on the Rancho Paseana Recycled Water Extension project by installing a 3" meter. Staff along with Pipher Corporation replaced the remaining four valves for the Valve Replacement Project and Paving Support Services FY 2021-2022.

CUSTOMER SERVICES DEPARTMENT

Customer Services Manager John Carnegie Highlights for June 2022:

Published June issue of Watching Water newsletter; participated in North County Water Agencies meeting on annual fourth-grade poster contest and emergency water conservation regulation; provided WaterSmart landscape presentation to De Anza Chapter of the National Society Daughters of the American Revolution; released video on OMWD construction mitigation efforts; submitted to WaterReuse California an award application for recycled water outreach; submitted to DWR the Annual Water Supply Demand Assessment; and hosted Public Outreach Committee meeting with consultant True North to launch customer satisfaction survey.

At EFRR, hosted two Escondido Creek Conservancy summer camps; held new docent training; attended animal tracking training at Escondido Creek Conservancy's Sardina Preserve; coordinated tour of San Dieguito River Park for volunteers; completed 2022 Golden Spotted Oak Borer monitoring; and installed new solar panels and upgraded security cameras at interpretive center.

FINANCE DEPARTMENT

Finance Manager Rainy Selamat Highlights for June 2022:

Completed the General Manager's Recommended Biennial Budget book for fiscal years 2023 and 2024; completed the District's Pension Funding Policy; worked with Raftelis Financial Consultants to update the District's 2022 water capacity fees; staff completed the District's interim audit of internal controls; staff completed inventory count and audit for fiscal year 2022; staff completed the District's Capital Asset Procedures; and staff assisted other departments with various tasks, such as grant applications, annual water quality report.

ASSISTANT GENERAL MANAGER:

The Assistant General Manager reports the following:

Participated in a NSDWRC meeting; attended multiple IRWM Interview Presentation Preparation Meetings; participated in the SDNEDC Board Meeting; attended the Safety Committee Meeting; partook in Public Outreach Committee Meeting; presented to IRWM Prop 1, Round 2 grant funding to Project Selection Committee; hosted meetings with HOAs relating to RW and current water supply conditions; served on multiple interview panels; dedicated significant time to personnel matters, employee recruitment, employee performance reviews and claims management.

GENERAL MANAGER:

The General Manager reports the following:

General Manager Thorner participated in the SDCWA Board Meeting, the NSDWRC Meeting, attended the groundbreaking of the East County Advanced Water Purification Program, met with the SFID General Manager, hosted a New Hire Tour, hosted the 20 Year Anniversary of the DCMWTP luncheon, participated in the SDCWA Special Board Meeting, attended the SDCWA Administrative & Finance Committee Pre-Brief, held a Safety Committee Meeting and a Public

Outreach Committee Meeting, attended the MAM/MAFO Rate Workgroup Meeting, dedicated significant time to personnel matters, annual reviews, 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: July 12, 2022

This is a report on the Water Planning and Stewardship, and Engineering and Operations Committee meetings, held on July 12, 2022. The Finance and Insurance Committee did not hold a meeting. The report is based on the Board reports and memorandums. Note that there were no Committee meetings on Monday, July 11, 2022 and all meetings were held on Tuesday, July 12, 2022. The meetings will return to two days in August 2022. I was travelling on July 12 and unable to attend the webcast of the meetings.

Delta Outflow – For the month of June 2022, the flow averaged 4,900 cubic feet per second (cfs). Over a 24-hour period, 4,900 cfs is approximately equal to 9,800 acre-feet.

Finance and Insurance Committee –

1. Water Transactions, Deliveries – Through June 2022

2. Variation	Budget Month	Budget YTD	Prior Year YTD
Transactions (TAF)	Not Available	Not Available	Not Available
Transactions \$MM	Not Available	Not Available	Not Available
	Actual Month		Prior Year
June Delivery (TAF)	142		154

Water Planning and Stewardship Committee

1. Water Surplus Drought Management Notes-

- The gap between CY 2022 demands and supplies has been updated to 629 TAF, most of which will come from dry-year storage.
- The Emergency Water Conservation Program has been adopted to address supply shortages in the SWP Dependent Areas (SWDA). These areas are in the

MEMORANDUM

Metropolitan Water District of Southern California

July 12, 2022 Committee Meetings

Page 2

7/11/2022

northwestern portion of the MWD service area and are unable to be fully served with Colorado River supplies.

- c. As of June 30, 2022, water use was four (4) percent below the total volumetric limit.
 - d. At the August Board Meeting, staff will make a recommendation on the need for zero (0) outdoor watering, to start in September.
2. Colorado River – The Commissioner of the USBR stated that users will need to reduce demands between 2 and 4 MAF in 2023 to address critical reservoir elevations in Lake Powell and Mead.

Engineering and Operations Committee

1. Percent State Water Project Water at Lake Skinner – 0 percent.
2. Drought Initiatives for the State Water Dependent Area – Staff provided a briefing on short- and long-term solutions, and the schedule for implementation. Potential solutions include surface and groundwater storage, infrastructure, agreements, exchanges, flexible programs, and conservation. Infrastructure improvements are mostly related to relieving hydraulic constraints, and delivering more Colorado River Water to the SWDA.

CIP – Capital Improvement Program CRA – Colorado River Aqueduct
CWA – San Diego County Water Authority MGD – Million Gallons per Day
MAF – Million acre-feet
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: July 20, 2022

RE: Attorney Report: Water Quality
150152-0005

I. INTRODUCTION.

This attorney report provides an update on my November 17, 2021 report on the Ninth Circuit's troubling decision in *California River Watch v. City of Vacaville* ("Vacaville"). The *Vacaville* case held that distributing drinking water containing hexavalent chromium -- in full compliance with state drinking water standards -- may nonetheless give rise to liability under the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.* ("RCRA").

The *Vacaville* decision broadly expanded the scope of liability under RCRA. Even though the City of Vacaville merely distributed drinking water, and was not otherwise involved in the generation or storage of a "solid waste," the Ninth Circuit nonetheless found that RCRA liability may apply for "contributing to the transportation of a solid waste, which may present an imminent and substantial endangerment to health or the environment."

In a decision providing major relief to water providers throughout the country, on July 1, 2022, the Ninth Circuit took the extraordinary step of reversing its prior decision in *Vacaville*. The Ninth Circuit ruled that "transportation" under the citizen suit provision of RCRA requires "active participation" in the waste disposal process. In its initial opinion, a three-judge panel ruled in a 2-1 decision that a water utility could be liable for contributing to the transportation of a hazardous waste that a third party improperly discarded into the utility's water treatment system, even where the water complied with all applicable drinking water standards.

The *Vacaville* initial ruling would have posed significant difficulties not only for water systems throughout the country, but also for any parties who play any role in delivering or withdrawing water, as it would have exposed such parties to RCRA citizen suit liability for contamination over which they had no control.

In reversing its initial opinion from last year, the Ninth Circuit chose to interpret the term "transportation" within the specific context of RCRA rather than giving the

term its ordinary, broader meaning. The court explained that this approach allowed the court to better interpret RCRA as “a harmonious whole,” and that reversing the prior holding was justified because it is “never too late to surrender former views to a better considered position.”

II. BACKGROUND.

A. RCRA Citizen Suits.

The *City of Vacaville* case involves application of RCRA’s citizen suit provision. RCRA sets up an extensive regulatory framework that gives the U.S. Environmental Protection Agency (“EPA”) the authority to control and regulate hazardous waste from “cradle-to-grave.” Specifically, Subtitle C of RCRA imposes detailed requirements on the hazardous waste disposal process, tracking hazardous waste from generation to transportation to disposal, and requiring permits for various categories of hazardous waste management facilities.

In addition to the Subtitle C regulatory program, RCRA’s citizen suit provision gives broad authority to any person to file a citizen suit against, among other parties, any past or present generators, transporters, and owners or operators of treatment, storage, or disposal facilities who have “*contributed or who [are] contributing to* the past or present handling, storage, treatment, *transportation*, or disposal of any solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment.”

There is no statutory definition of “transport,” “transportation,” or “contributing to” in RCRA. However, under RCRA’s Subtitle C regulatory program, a “transporter” is part of the “cradle-to-grave” process as an entity or person who engages with the generator of the waste and undertakes to transport the waste to a licensed waste disposal facility.

B. Factual Background and Legal Arguments.

In *Vacaville*, plaintiff California River Watch argued that the City of Vacaville “contributed to” the “transportation” of a solid waste by supplying water contaminated with hexavalent chromium to its customers -- even though the City had no involvement with the disposal of the hexavalent chromium. California River Watch conceded that the alleged source of the hexavalent chromium was a former wood treatment plant located a mile or more from the City’s wells. Further, the City was in compliance with all drinking water standards.

California River Watch argued that the City’s RCRA citizen suit liability was based on its movement of hexavalent chromium by pumping it through the City’s water supply system, which, it contended, fits the ordinary meaning of the term “transportation.” The City countered that the term “transportation” under the Ninth

Circuit's RCRA case law, and in the context of RCRA's citizen suit provision, requires a "direct connection" to the waste disposal process, similar to the subtitle C regulatory program -- not just incidental movement of the waste that had been disposed of by an unrelated party through the City's water supply system.

III. The Ninth Circuit's Original Opinion.

In its initial 2-1 decision, a three-judge panel sided with California River Watch holding that a water utility could be liable for "contributing to ... the transportation" of hexavalent chromium that a third party improperly discarded into the utility's water treatment system. Absent a statutory definition of the term "transportation" in RCRA, the court turned to the term's ordinary meaning—as defined in the Oxford English Dictionary—to hold that "transportation" means the "action or process of transporting; conveyance (of things or persons) from one place to another." Based on this definition, the panel majority reasoned that "nothing in RCRA's text suggests that the 'transporter' of the solid waste must also play some role in 'discarding' the waste."

In reaching this conclusion, the panel majority distinguished what the City argued was clear, analogous Ninth Circuit precedent: *Hinds Investments, L.P. v. Angioli*, 654 F.3d 846, 851 (9th Cir. 2011). In *Hinds*, the court held in the context of RCRA citizen suit generator liability that, because RCRA does not define the term "contribution," a defendant must be "actively involved" in or have "some degree of control" over the waste disposal process to be liable under RCRA for "contributing to" to the handling, storage, treatment, transportation, or disposal of hazardous waste.

The *City of Vacaville* panel majority accordingly found that the meaning for the term "contribution" in the generator context did not extend to the non-generator context at issue in the *Hinds* decision. Judge Tashima dissented on this basis, agreeing with the City that *Hinds* required that all types of RCRA citizen suit defendants—not just generators—"be actively involved in or have some degree of control over the waste disposal process" to be liable. Judge Tashima further highlighted the absurdity of the panel majority's decision in his dissent:

"If the City is transporting solid waste, then so too is the Vacaville homeowner watering plants with a garden hose or handing a glass of tap water to a friend. And so too is a motorist who picks up a few grains of soil while driving on a dirt road near the ... site ... If the City is transporting solid waste, then so too is every homeowner, farmer, rancher, municipal water authority, or agricultural irrigation district drawing groundwater or water from a contaminated aquifer."

The panel majority brushed aside the City's argument that this interpretation of the term "transportation" would lead to absurd results, finding that other legal concepts such as Article III standing place sufficient limitations on RCRA liability.

IV. The Ninth Circuit's Reversal.

In reversing its prior decision, the Ninth Circuit panel majority did not rely on *Hinds* or the absurdity highlighted in Judge Tashima's original dissent, but instead on its revised interpretation of the meaning of the term "transportation." In its new decision, the panel majority—comprised of the same two judges as the initial panel majority, with Judge Tashima writing separately to concur only in the judgment—reinterpreted the term "transportation" within the context of RCRA, informed by its Subtitle C definition, instead of simply giving the term its dictionary meaning.

The panel majority explained that the City's briefing had persuaded it that RCRA "repeatedly uses the term 'transportation' to describe movement *in direct connection with the waste disposal process*." Consequently, if the court were to interpret the term "transportation" in the citizen suit provision to have a different, broader meaning—as it did in its prior decision—the court would give the term inconsistent meanings across different parts of the statute. Given this context, the panel majority held that it must look beyond the dictionary meaning of "transportation," and that "mere conveyance of hazardous waste cannot constitute 'transportation'" under RCRA's citizen suit provision.

The panel majority acknowledged that this new interpretation conflicted with its prior interpretation, but explained that there is "no reason why we should be consciously wrong today, because we were unconsciously wrong yesterday." By interpreting the term "transportation" within the context of RCRA and avoiding giving the term inconsistent meanings across the statute, the panel majority reasoned that it was taking "a better considered position" and interpreting RCRA as "a harmonious whole."

Meanwhile, Judge Tashima wrote a separate, concurring opinion that retained his original position. He concurred with the panel majority's judgment that the City could not be liable under RCRA, but based his reasoning on *Hinds* and absurdity rather than on the meaning of "transportation."

V. CONCLUSION.

The original decision in the *Vacaville* case generated significant statewide concern among public water suppliers. Under the Ninth Circuit's original decision, water districts throughout the country would have been exposed to RCRA citizen suit liability for contamination over which they had no control -- including water systems in compliance with drinking water standards and farmers, ranchers, and homeowners who move or withdraw water.

The Ninth Circuit's new panel decision, holding instead that "transportation" under RCRA's citizen suit provision requires active participation in the waste disposal process, heads off the costly compliance and litigation risk associated with the

original decision. Indeed, the Ninth's Circuit's new decision is consistent with the *amicus curiae* brief supported by the ACWA Legal Affairs Committee. When seeking support from ACWA, the City of Vacaville stated:

“Operators of water utilities often have little control over pollutants from third parties that may be found in their source water. While water utilities have long recognized the need to comply with regulations under state and federal Safe Drinking Water Acts for contaminants in public water supply systems, until now they did not have to worry about liability under the Resource Conservation and Recovery Act (“RCRA”). On September 29, 2021, a divided panel of the United States Court of Appeal for the Ninth Circuit issued a published opinion in *California River Watch v. City of Vacaville* finding that a drinking water utility may be subject to RCRA if its source water is contaminated by a third party's RCRA waste disposal. The City of Vacaville contends the majority opinion was incorrect, and that the dissenting opinion correctly determined the City cannot be liable under RCRA because it ‘had no involvement whatsoever in the waste disposal process,’ as noted by the dissent.

The City seeks support in urging the Ninth Circuit to grant a rehearing in the case. The potential ramifications of this opinion, if it is allowed to stand, are serious for all water utilities. Any time a contaminant, including an emerging contaminant with no drinking water Maximum Contaminant Level, is present in a utility's source water and not completely removed, environmental groups like River Watch may allege RCRA liability and attempt to have a federal judge determine that the concentration of the contaminant presents an imminent and substantial endangerment to human health. Safety of public water supply systems should be effectuated through Safe Drinking Water Act compliance, not by application of solid waste management laws.”

AES

Memo

E

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

SAN DIEGO COUNTY WATER AUTHORITY REPRESENTATIVE

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

**SUMMARY OF FORMAL BOARD OF DIRECTORS' MEETING
JUNE 23, 2022**

1. Monthly Treasurer's Report on Investments and Cash Flow.
The Board noted and filed the Treasurer's report.
2. Contract Amendment for SageView Advisory Group, LLC, for investment consulting services for the Water Authority's deferred compensation plans.
The Board authorized the General Manager to amend the SageView Advisory Group, LLC, professional services contract to extend the agreement term for an additional sixteen (16) months, in the amount of \$51,418, for continued investment consulting services for deferred compensation plans, increasing the authorized contract amount from \$147,126 to \$198,544.
3. Financial Strategy Work Group Recommendations.
The Board approved the Member Agency Rate Workgroup (MARW) Recommendations: a) extend the Rate Redesign Timeline from CY 2024 to "no sooner than for CY 2025 rates"; b) approved \$200,000 for consultants to be utilized in MARW rate design efforts; and, allow Member Agencies consultants to listen in on Rate Workgroup meetings. However, each agency's GM or Finance Officer will be the main point of contact for one voice at the meeting.
4. Adopt the Water Authority's Rates and Charges for Calendar Year 2023.
The Board conducted the Public Hearing; adopted Ordinance No. 2022-03 setting rates and charges for the delivery and supply of water, use of facilities, and provision of services; adopted Resolution No. 2022-12 continuing the Standby Availability Charge; adopted Ordinance No. 2022-04 amending and restating the System Capacity and Water Treatment Capacity Charges imposed by the Water Authority pursuant to Section 5.9 of the County Water Authority Act; and found the actions exempt from CEQA pursuant to Public Resources Code § 21080(b)(8) and authorized the General Manager to file a notice of exemption.
5. Consideration of the Fiscal Years 2022 and 2023 Mid-Term Budget Update.
The Board adopted Resolution No. 2022-13 amending the bi-annual budget for fiscal years 2022 and 2023, with a report on RCS funds to be provided next month.
6. Purchase of Water Authority Business Insurance for Fiscal Year 2023.
The Board authorized the General Manager to purchase property insurance from Swiss Reinsurance Company, Ltd. in the amount of \$250,293, liability insurance from Allied World Assurance Company – CalMutuals JPRIMA in the amount of \$410,741, and workers' compensation insurance from Zenith Insurance Company – CalMutuals JPRIMA in the amount of \$420,148, for a total amount of \$1,081,182.
7. Carlsbad Desalination Plant Intake Modifications Project: Poseidon Interim Financing.
The Board approved the execution by Poseidon Resources (Channelside) LP (Poseidon) of an amendment to the existing note purchase agreement with Bank of America, N.A. to increase the amount of the existing loan by \$12,980,000 from \$45,000,000 to \$57,980,000 to support development of the final phase of the intake and discharge system modifications.



8. Professional services contracts with HDR Engineering, Inc. and V&A Consulting Engineers, Inc., for as-needed corrosion control services.
The Board authorized the General Manager to award a professional services contract to HDR Engineering, Inc., for a not-to-exceed amount of \$400,000, to provide as-needed corrosion control services for a period of two years with an option to renew for an additional two years; and, to award a professional services contract to V&A Consulting Engineers, Inc., for a not-to-exceed amount of \$150,000, to provide as needed corrosion control services for a period of two years with an option to renew for an additional two years.
9. Adopt positions on various state bills.
The Board adopted the following positions: support on AB 2247 (Bloom), relating to perfluoroalkyl and polyfluoroalkyl substances (PFAS) products: disclosure: publicly accessible reporting platform; support on AB 2638 (Bloom), relating to water bottle filling stations; oppose unless amended on AB 2895 (Arambula), relating to water: permits and licenses: temporary changes: water or water rights transfers; oppose on SB 1124 (Archuleta), relating to public health goal: primary drinking water standard: manganese; and support on SB 1188 (Laird), relating to Safe Drinking Water State Revolving Fund: financial assistance.
10. Resolution Supporting Water Conservation for the San Diego Region.
Staff adopted Resolution No. 2022-14 to reaffirm the Water Authority's shared responsibility and long-standing support for water conservation efforts to sustain our most precious natural resource, protect the human right to water, and support the State of California through a combination of local, regional, and state efforts.
11. Assembly Bill 361 Continued Determination Acknowledging the Governor of the State of California's Proclamation of a State of Emergency and of Remote Teleconference Meetings of the Legislative Bodies of San Diego County Water Authority due to the Emergency Pursuant to Brown Act Provisions.
The Board approved the Governor's proclaimed State of Emergency, and approve continued remote teleconference meetings of the legislative bodies of San Diego County Water Authority due to the emergency pursuant to Brown Act after reconsidering the circumstances and finding that state or local officials continue to impose or recommend measures to promote social distancing.
12. Approval of Minutes.
The Board approved the minutes of the Formal Board of Directors' meeting of May 26, 2022.
13. Reappointment of Director.
The Board acknowledged the reappointment of Jack Bebee, representing the Fallbrook Public Utility District. Term ending July 14, 2028.

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.



NOSSAMAN LLP | Memorandum

TO: Olivenhain Municipal Water District

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

DATE: July 13, 2022

RE: July 2022 Public Policy Report

State Legislative Update:

Status of the Legislature: The deadline for policy committees to meet and hear bills was July 1. The Legislature is currently on summer recess, and will return on August 1. Fiscal committees will have until August 12 to hear and pass bills, and the final day of the legislative session will be on August 31. The Governor has 30 days to take action on bills that are passed by the Legislature.

FY 2022-23 State Budget: The Legislature announced an agreement of their proposed FY 2022-23 State Budget, and passed their budget bill to the Governor on June 14. The Governor still had concerns with the Legislature's budget and ultimately came to an agreement on a \$308 billion spending plan for the FY 2022-23 on June 26. Some of the highlights that are relevant to the water industry include:

- A water and drought resilience package, including \$3.475 billion for various programs that will still be determined.
- An investment of \$1 billion in water arrearage debt relief as a result of the COVID-19 pandemic.
- An investment of \$1 billion for various programs aimed at wildfire prevention and resilience.

Governor's Actions and Executive Orders: The following actions have been taken by the Governor since the last legislative report. This list is compiled from CalOES, California Health and Human Services, California Department of Public Health, and FEMA. We are happy to provide the details of any item listed below, should OMWD desire.

- June 27 - Governor Newsom, Senate President pro Tempore Atkins and Assembly Speaker Rendon Announce Budget Agreement
- June 19 - Western States Scientific Safety Review Workgroup Finds Pfizer-BioNTech and Moderna Vaccines Safe and Effective for Children as Young as 6 Months Old
- June 17 - Governor Newsom Continues to Roll Back COVID-19 Executive Orders

Legislation: Nossaman suggests the following positions on legislation, and has provided an update on current positions OMWD has taken.

- **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.**
- **SB 222 (Dodd): Water Rate Assistance Program.** Requires the State Water Resources Control Board (State Water Board) to develop and administer the Water Rate Assistance Program (Program) to provide rate assistance to low-income residential ratepayers of a community water system or sewer system and to a tribal water system that chooses to participate in the Program. **Recommended position: Oppose unless amended, supporting ACWA's proposed amendments.**
- **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 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. SB 1157 (Hertzberg) was heard this week in the Assembly Water, Parks and Wildlife Committee. This bill as currently written limits indoor water usage, and we have an “oppose unless amended” position on the bill. The Committee suggested amendments that were accepted by Senator Hertzberg. CMUA and WaterReuse and others are moving to a neutral and position with those amendments. ACWA is still concerned about the bill and going to bring it back to the State Legislative Committee to reevaluate with the amendments. We have provided OMWD with the amendments to review. **Current position: Oppose, and reviewing most recent amendments.**
- **SB 1205 (Allen): Water rights: appropriation.** Requires the State Water Resources Control Board (State Water Board) to adopt regulations that specify methodology for, and incorporate consideration of climate change effects into, water availability analyses (WAA) required for the issuance and administration of water right permits. **Recommended position: Watch.**

Water Quality Update:

Drinking Water Capacity Development Strategy: The Capacity Development program was established as a key component of the 1996 Federal Safe Drinking Water Act (SDWA) Amendments. The Capacity Development program provides a framework for states and water systems to work together to protect public health. The Amendments have provided incentives (including funding) for each state to develop a Capacity Development program to assist public water systems in building technical, managerial, and financial (TMF) capacity. The SDWA allows the states the flexibility to develop their own strategy to meet the individual needs of the state. However, the SDWA requires that the strategy be developed with adequate input from identified stakeholders including

the public. California's initial Capacity Development Strategy was adopted in 2000. The Capacity Development Strategy has developed and evolved over time since then.

On July 7, 2022, the State Water Board held a meeting to discuss the updated Drinking Water Capacity Development Strategy (Strategy). The updated Strategy is being prepared pursuant to requirements of the U.S. EPA. The updated Strategy is envisioned to build on the previous version of the Strategy which was last revised in 2020. The State Water Board's updated Capacity Development Strategy is intended to incorporate the new SAFER program as a key element of the Strategy. Federal SDWA Section 1420(c)(2) requires that States, in preparing their Capacity Development Strategies, solicit and consider public comment on, and include as appropriate the following:

1. The methods or criteria that the State will use to identify and prioritize the public water systems most in need of improving TMF capacity.
2. A description of the institutional, regulatory, financial, tax, or legal factors at the Federal, State, or local level that encourage or impair capacity development.
3. A description of how the State will use the authorities and resources of this title or other means to assist public water systems in complying with regulations, encourage the development of partnerships between public water systems to enhance the TMF capacity of the systems, and assist public water systems in the training and certification of operators.
4. A description of how the State will establish a baseline and measure improvements in capacity with respect to federal regulations and State drinking water law.
5. An identification of the persons that have an interest in and are involved in the development and implementation of the capacity development strategy (including all appropriate agencies of Federal, State, and local governments, private and nonprofit public water systems and public water system customers). In addition, America's Water infrastructure Act of 2018 amended this section of the SDWA to include:
6. A description of how the state will, as appropriate—(i) encourage development by public water systems of asset management plans that include best practices for asset management; and (ii) assist, including through the provision of technical assistance, public water systems in training operators or other relevant and appropriate persons in implementing such asset management plans.

Nossaman will track this process, including coordination with ACWA.

Conservation/Water Use Efficiency Committee Updates:

Drought Update: The June 30 U.S. Drought Monitor report remains unchanged from last month, with 99.79 percent of the state still in Moderate (D1) to Exceptional (D4) Drought, including 48 percent of the state in Extreme Drought and almost 12 percent in Exceptional Drought.

On June 28 the State Water Resources Control Board (State Water Board) issued a [press release](#) that indicated that preliminary data show a water savings increase for May 2022 compared to May 2020. Chairman Esquivel is quoted as follows:

"I am hopeful that recent state actions, including regulations passed by the State Water Board to curb water waste and ban non-essential watering, will have an impact. Last month, the Governor directed water suppliers to report their water usage data more frequently to enable us to track water usage closer to real time. Since then, water agencies covering more than half the state's population have provided us with preliminary or final data two weeks earlier than required. So far, we are seeing a statewide increase in water savings for May 2022 in comparison to May 2020. There is room for improvement, but also optimism based on these early numbers."

Although the water savings indicated by these preliminary data are not specified in the press release, the State Water Board is expected at its July 19 meeting to report on both the status of the drought and final May water production and conservation reporting (the July 6 meeting was cancelled).

State Water Board:

Water Loss Standards Rulemaking: Water Board staff is now advising that release of the anticipated revisions to the proposed regulation can be expected in August. The revisions are expected to trigger an additional 15-day comment period (focused only on the proposed revisions). The Water Board may be expected to schedule an approval hearing in late September or early October.

Department Of Water Resources:

Water Use Standards Recommendations: DWR staff has indicated that the Governor's office is scheduled to review revised recommendations for water use standards in the first week of July. These recommendations include water use standards associated with outdoor residential water use, Commercial, Industrial, and Institutional (CII) outdoor irrigation with dedicated irrigation meters (DIMs), CII best practices reporting procedures, residential outdoor landscape standards, and variance recommendations. The final recommendations are to be sent to the State Water Board and will be the subject of a comprehensive rulemaking process.

Commercial, Industrial, and Institutional Water Conservation Workshop: On July 19 DWR has scheduled a workshop to address a planned turf replacement program and water conservation strategies targeted to the commercial, industrial, and institutional sector. DWR is seeking input on how to encourage and fund functional conventional turf conversion to climate-appropriate, efficient turf or drought tolerant landscaping, and indoor CII fixture replacement.



**Olivenhain Legislative Report 2021-22
Report as of 7/13/2022**

Support

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

Last Amend: 4/6/2022

Status: 6/27/2022-In committee: Referred to suspense file.

Location: 6/27/2022-S. APPR. SUSPENSE FILE

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: 5/19/2022

Status: 6/22/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 2.) (June 22). Re-referred to Com. on APPR.

Location: 6/22/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, 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, 2025, a publicly accessible reporting platform to collect information about perfluoroalkyl and polyfluoroalkyl substances (PFAS) and products or product components containing intentionally added 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, 2025, and annually thereafter, a manufacturer, as defined, of PFAS or a product or a product component containing intentionally added 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 intentionally added PFAS, and specified other information, on the publicly accessible reporting platform.

Position

Support

Oppose

SB 1157 (Hertzberg D) Urban water use objectives.

Last Amend: 6/16/2022

Status: 6/16/2022-Read second time and amended. Re-referred to Com. on APPR.

Location: 6/14/2022-A. APPR.

Calendar: 8/3/2022 9 a.m. - 1021 O Street, Room
1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: Current law, until January 1, 2025, establishes 55 gallons per capita daily as the standard for indoor residential water use. Current law establishes, beginning January 1, 2025, the greater of 52.5 gallons per capita daily or a standard recommended by the Department of Water Resources and the State Water Resources Control 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. Current law requires the board, in coordination with the department, to adopt by regulation variances recommended by the department and guidelines and methodologies pertaining to the calculation of an urban retail water supplier's urban water use objective recommended by the department. 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. The bill would instead require that from January 1, 2025, to January 1, 2030, the standard for indoor residential water use be 47 gallons per capita daily and beginning January 1, 2030, the standard be 42 gallons per capita daily.

Position

Oppose

Oppose Unless Amended

SB 222 (Dodd D) Water Rate Assistance Program.

Last Amend: 6/23/2022

Status: 6/23/2022-Read third time and amended. Ordered to third reading.

Location: 6/21/2022-A. THIRD READING

Summary: Current law requires the State Water Resources Control Board, by January 1, 2018, to develop a plan for the funding and implementation of the Low-Income Water Rate Assistance Program, as prescribed. Current law requires the state board, by February 1, 2018, to report to the Legislature on its findings regarding the feasibility, financial stability, and desired structure of the program, including any recommendations for legislative action that may need to be taken. This bill would establish the Water Rate Assistance Fund in the State Treasury to help provide water affordability assistance, for both drinking water and wastewater services, to low-income residential ratepayers. The bill would make moneys in the fund available upon appropriation by the Legislature to the state board to provide, in consultation with relevant agencies, direct water bill assistance, water bill assistance to residential ratepayers served by eligible systems, as defined, and by tribal water systems that choose to participate and would require 80% of total funds to be directly applied to customer assistance. The bill would authorize the state board to identify and contract with a third-party fund administrator. The bill would impose requirements on the state board in connection with the program, including, among others, within 270 days of the effective date, as defined, adopting guidelines in consultation with relevant agencies and an advisory group for implementation of the program and preparing a

report to be posted on state board's internet website identifying how the fund has performed.

Position

Oppose Unless
Amended

Other

[AB 30](#) (Kalra D) Equitable Outdoor Access Act.

Last Amend: 6/2/2022

Status: 6/20/2022-In committee: Referred to suspense file.

Location: 6/20/2022-S. APPR. SUSPENSE FILE

Summary: Would establish the Equitable Outdoor Access Act, which sets forth the state's commitment to ensuring all Californians can benefit from, and have meaningful access to, the state's rich cultural and natural resources. The bill would declare that it is state policy, among other things, to ensure that all Californians have equitable opportunities to safe and affordable access to nature and access to the benefits of nature, and to prevent and minimize the intentional and unwarranted limitation of sustainable public access to public lands, where appropriate, including, but not limited to, local, regional, state, and federal parks, rivers, lakes, beaches, forests, mountain ranges, deserts, and other natural landscapes. The bill would require specified state agencies to consider and incorporate, as appropriate, the state policy when revising, adopting, or establishing policies, regulations, or grant criteria, or making expenditures, as specified. The bill would require all state agencies implementing the above-described state policy to do so in a manner consistent with the mission of their agency and that protects the health and safety of the public and conserves natural and cultural resources. The bill would require the Natural Resources Agency to prepare and submit a report to the Legislature with information related to the implementation of these provisions on or before January 1, 2024.

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 252 (Bonta, Mia D) Floating home marinas: rent caps.

Last Amend: 6/30/2022

Status: 6/30/2022-Read second time and amended. Ordered to third reading.

Location: 6/30/2022-S. THIRD READING

Summary: Current law, the Floating Home Residency Law, prescribes various terms and conditions on tenancies in floating home marinas, as defined. Current law defines "floating home marina" for these purposes as an area where 5 or more floating home berths are rented, or held out for rent, to accommodate floating homes, but does not include, among other things, a marina where 10% or fewer of the berths are leased or held out to lease to floating homes. This bill would revise the definition of "floating home marina" by deleting the provision that excludes a marina where 10% or fewer of the berths are leased or held out to lease to floating homes.

Position

AB 267 (Valladares R) California Environmental Quality Act: exemption: prescribed fire, thinning, and fuel reduction projects.

Last Amend: 6/30/2022

Status: 6/30/2022-Read second time and amended. Re-referred to Com. on APPR.

Location: 6/29/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Current law, until January 1, 2023, exempts from the requirements of CEQA prescribed fire, thinning, or fuel reduction projects undertaken on federal lands to reduce the risk of high-severity wildfire that have been reviewed under the federal National Environmental Policy Act of 1969, as provided. Current law requires the Department of Forestry and Fire Protection, beginning December 31, 2019, and annually thereafter until January 1, 2023, to report to the relevant policy committees of the Legislature the number of times the exemption was used. This bill would extend the exemption from CEQA to January 1, 2026. The bill would additionally require that a project's significant impacts identified in an environmental impact statement prepared pursuant to the federal National Environmental Policy Act of 1969 are avoided or mitigated in order for the exemption to apply. The bill would require the lead agency, if it determines that the exemption applies and determines to approve or carry the project, to file a notice of exemption with the Office of Planning and Research and the county clerk of the county in which the project is located. If the lead agency is not the department, the bill would require the lead agency to file a notice with the department containing specified information about the project. If the lead agency is the department, the bill would require the department to maintain records containing that specified information.

Position

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

Last Amend: 1/12/2022

Status: 6/28/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 0.) (June 28). Re-referred to Com. on APPR.

Location: 6/28/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

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

Last Amend: 6/16/2022

Status: 6/23/2022-In committee: Hearing postponed by committee.

Location: 6/1/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Would, until January 1, 2029, exempt from the California Environmental Quality Act (CEQA) egress route projects undertaken by a public agency to improve emergency access to and evacuation from a subdivision without a secondary egress route 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 1164 (Flora R) Dams and reservoirs: exclusions: publicly owned or operated regulating basins.

Last Amend: 5/23/2022

Status: 6/28/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 0.) (June 28). Re-referred to Com. on APPR.

Location: 6/28/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Current law requires the Department of Water Resources to adopt, by regulation, a schedule of fees to cover the department's costs in carrying out the supervision of dam safety. Current law excludes certain obstructions from being considered a dam, including a barrier that is not across a stream channel, watercourse, or natural drainage area and that has the principal purpose of impounding water for agricultural use. This bill would additionally exclude from being considered a dam a regulating basin, as defined, owned or operated by a public entity that is not across a stream channel, watercourse, or natural drainage if certain criteria are met, including, among other criteria, that the owner or operator of the regulating basin, before the construction of the regulating basin, submit to the department an inundation map, stamped by a licensed civil engineer, identifying the flow and depth of water from the regulating basin in the event of a failure of a barrier constructed to form the regulating basin, and that the owner or operator, immediately upon the identification of a failure or the risk of failure of a barrier or works critical to the safe operation of the regulating basin, notify the county sheriff and local emergency managers of all properties likely to be impacted by a failure.

Position

AB 1195 (Garcia, Cristina D) Limited Eligibility and Appointment Program: lists.

Last Amend: 5/18/2022

Status: 6/29/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 0.) (June 29). Re-referred to Com. on APPR.

Location: 6/29/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Current law specifically grants the Department of Human Resources the powers, duties, and authority necessary to operate the state civil service system in accordance with Article VII of the California Constitution, the Government Code, the merit principle, and applicable rules duly adopted by the State Personnel Board. Current law creates the Limited Examination and Appointment Program (LEAP), which the Department of Human Resources administers, to provide an alternative to the

traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities. Current law requires the Department of Human Resources, when an appointing power seeks to fill a vacant position by using an employment list, to provide the appointing power with a certified list of the names and addresses of all eligible candidates, as specified. Current law requires the department to provide a single certified list of eligible candidates if more than one employment list or LEAP referral list exists, and the department is required to combine the names and addresses of all eligible candidates. This bill would, notwithstanding those provisions, require the department to, upon request of the appointing power, provide the appointing power a LEAP referral list without combining that list with a parallel list and would authorize the appointing power to select and hire any individual from that a referral list to fill any vacancy.

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

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: 5/19/2022

Status: 6/28/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (June 28). Re-referred to Com. on APPR.

Location: 6/28/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the Office of Planning and Research 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. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.

Position

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

Last Amend: 6/30/2022

Status: 6/30/2022-Read second time and amended. Re-referred to Com. on APPR.

Location: 6/29/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would, until January 1, 2028, exempt from 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 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. Because the bill would increase the responsibilities of a lead agency related to the applicability of this exemption, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position

AB 1644 (Flora R) Greenhouse Gas Reduction Fund: California Jobs Plan Act of 2021.

Last Amend: 6/21/2022

Status: 6/21/2022-In committee: Hearing postponed by committee. From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on APPR.

Location: 6/8/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

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 (the act) 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. Existing 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. The bill would also provide that the act is not intended to weaken preexisting legal protections for workers by excusing compliance with any requirements that would apply in the absence of the act.

Position

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

Last Amend: 5/19/2022

Status: 6/27/2022-In committee: Referred to suspense file.

Location: 6/27/2022-S. 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 done under contract and paid for in whole or in part out of public funds performed as part of a fire mitigation project, as specified.

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: 6/29/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 4. Noes 1.) (June 29). Re-referred to Com. on APPR.

Location: 6/29/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

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: 6/30/2022

Status: 6/30/2022-Read second time and amended. Ordered to third reading.

Location: 6/30/2022-S. THIRD READING

Summary: Existing law prohibits, beginning January 1, 2023, any person from distributing, selling, or offering for sale in the state any food packaging that contains regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS, as defined, and requires a manufacturer to use the least toxic alternative when replacing regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS in food packaging to comply with this requirement. Existing law similarly prohibits, beginning July 1, 2023, a person from selling or distributing in commerce in this state any new, not previously owned, juvenile product, as defined, that contains regulated PFAS chemicals. This bill would prohibit, beginning January 1, 2025, any person from manufacturing, distributing, selling, or offering for sale in the state any new, not previously owned, textile articles that contain regulated PFAS, except as specified, 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 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: 6/16/2022

Status: 6/30/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 0.) (June 29). Re-referred to Com. on APPR.

Location: 6/30/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Would authorize the Metropolitan Water District of Southern California to use the design-build procurement process for certain regional recycled water projects or other water infrastructure projects. The bill would define "design-build" to mean a project delivery process in which both the design and construction of a project are procured from a single entity. The bill would require the district 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.

Last Amend: 6/23/2022

Status: 6/23/2022-Read second time and amended. Re-referred to Com. on APPR.

Location: 6/22/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. The act requires a city, county, or city and county, or regional agency formed under the act, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. The act requires those jurisdictions to divert 50% of the solid waste subject to the element, except as specified, through source reduction, recycling, and composting activities. The act allows the 50% diversion requirement to include not more than 10% through transformation, as defined, if specified conditions are met. This bill would repeal the provision authorizing the inclusion of not more than 10% of the diversion through transformation.

Position

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

Last Amend: 3/16/2022

Status: 6/15/2022-From committee: Do pass and re-refer to Com. on APPR with recommendation: To Consent Calendar. (Ayes 11. Noes 0.) (June 14). Re-referred to Com. on APPR.

Location: 6/15/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, 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: 6/30/2022

Status: 6/30/2022-Read second time and amended. Re-referred to Com. on APPR.

Location: 6/29/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Under existing law, the State Water Resources Control Board and the California regional water quality control boards implement the Federal Water Pollution Control Act and the Porter-Cologne Water Quality Control Act by prescribing waste discharge requirements for discharges to the waters of the state, as specified. Existing law authorizes the state 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 or frivolous complaints.

Position

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

Last Amend: 6/14/2022

Status: 6/20/2022-In committee: Referred to suspense file.

Location: 6/20/2022-S. APPR. SUSPENSE FILE

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. Current law requires costs incurred by a qualifying state agency in investigating and defending against a claim by a real property owner to be paid from the General Fund. This bill would require costs incurred by a qualifying state agency in settling, in addition to investigating and defending against, a claim by a real property owner to be paid from the General Fund.

Position

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

Last Amend: 6/23/2022

Status: 6/23/2022-Read second time and amended. Re-referred to Com. on APPR.

Location: 6/20/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

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

Last Amend: 5/12/2022

Status: 6/21/2022-Read second time. Ordered to third reading.

Location: 6/21/2022-S. THIRD READING

Summary: The Municipal Water District Law of 1911 provides for the formation of municipal water districts and grants to those districts specified powers. Current law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district. Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe's lands that are not within a district, as prescribed. Current law also authorizes a district, until January 1, 2023, under specified circumstances, to apply to the applicable local agency formation commission to provide this service of water to Indian lands, as defined, that are not within the district and requires the local agency formation commission to approve such an application. This bill, among other things, would extend the above provisions regarding the application to the applicable local agency formation commission to January 1, 2027.

Position

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

Last Amend: 6/30/2022

Status: 6/30/2022-Read second time and amended. Re-referred to Com. on APPR.

Location: 6/29/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Under existing law, 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. Existing 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 data collection systems through specified actions. This bill contains other related provisions and other existing laws.

Position

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

Last Amend: 6/16/2022

Status: 6/28/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 2.) (June 28). Re-referred to Com. on APPR.

Location: 6/28/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Would require that one of the persons appointed by the Governor to the State Water Resources Control 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 relating to disadvantaged or tribal communities, except as provided. The bill would prohibit, in

making those appointments, preference to be given on the basis of ethnicity or national origin.

Position

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

Status: 6/21/2022-Read second time. Ordered to third reading.

Location: 6/21/2022-S. THIRD READING

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: 7/11/2022-Enrolled and presented to the Governor at 11:30 a.m.

Location: 7/11/2022-A. ENROLLED

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: 6/30/2022

Status: 6/30/2022-Read second time and amended. Re-referred to Com. on APPR.

Location: 6/29/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Existing 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 authorize 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. The bill would require a court to prioritize assigning a judge with training or education under the program for actions relating to water, if certain conditions are met. This bill contains other related provisions and other existing laws.

Position

AB 2377 (Muratsuchi D) Fire prevention: Secretary of the Natural Resources Agency: responsibilities.

Last Amend: 6/29/2022

Status: 6/29/2022-Read second time and amended. Re-referred to Com. on APPR.

Location: 6/28/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Current law provides that the Department of Forestry and Fire Protection is responsible for the fire protection, fire prevention, maintenance, and enhancement of the state's forest, range, and brushland resources, contract fire protection, associated emergency services, and assistance in civil disasters and other nonfire emergencies. This bill would require the Secretary of the Natural Resources Agency to be responsible for specified actions as provided, including, in consultation with the State Water Resources Control Board, the Department of Fish and Wildlife, the Department of Forestry and Fire Protection, and the State Board of Forestry and Fire Protection, coordinating and synchronizing all necessary permits and agreements for forest management, wildfire prevention, and fuel reduction.

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: 5/19/2022-In committee: Held under submission.

Location: 5/11/2022-A. APPR. SUSPENSE FILE

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

Last Amend: 6/9/2022

Status: 6/29/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 3.) (June 28). Re-referred to Com. on APPR.

Location: 6/28/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, 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 disadvantaged unincorporated communities and, except as specified, 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 2449 (Rubio, Blanca D) Open meetings: local agencies: teleconferences.

Last Amend: 6/30/2022

Status: 6/30/2022-Read second time and amended. Re-referred to Com. on APPR.

Location: 6/29/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The 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. This bill would revise and recast those teleconferencing provisions and, until January 1, 2026, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. This bill contains other related provisions and other existing laws.

Position

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

Last Amend: 6/23/2022

Status: 6/23/2022-Read second time and amended. Re-referred to Com. on APPR.

Location: 6/20/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Existing law requires the State Water Resources Control Board to formulate and adopt state policy for water quality control. This bill would create a Drought Section within the state board, 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, as specified, during times of water shortage for drought preparedness and climate resiliency. The bill would require that the principles and guidelines provide 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, among other things. The bill also would require the state board, prior to adopting those principles and guidelines, to allow for public comment and hearing, as provided. The bill would require the state board to adopt those principles and guidelines no later than March 31, 2024.

Position

AB 2477 (Rodriguez D) Emergency alert and warning service providers: minimum operating standards.

Last Amend: 5/19/2022

Status: 6/29/2022-From committee: Do pass and re-refer to Com. on APPR with recommendation: To Consent Calendar. (Ayes 13. Noes 0.) (June 28). Re-referred to Com. on APPR.

Location: 6/28/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Current law, on or before July 1, 2022, requires the Office of Emergency Services (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. Current law authorizes the OES to impose conditions upon application for voluntary grant funding that it administers requiring operation of alert and warning activities consistent with the guidelines. Current law also requires the OES, within 6 months of making the statewide guidelines available and at least annually thereafter and through its California Specialized Training Institute, to develop an alert and warning training, as specified. This bill, on or before July 1, 2024, would require the OES, by regulation, to adopt minimum operating standards for private sector companies that provide alert and warning services to local entities.

Position

AB 2503 (Garcia, Cristina D) Landlords and tenants: California Law Revision Commission: study.

Last Amend: 5/4/2022

Status: 6/22/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 1.) (June 21). Re-referred to Com. on APPR.

Location: 6/22/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

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 2536 (Grayson D) Development fees: impact fee nexus studies: connection fees and capacity charges.

Last Amend: 4/26/2022

Status: 7/11/2022-Enrolled and presented to the Governor at 11:30 a.m.

Location: 7/11/2022-A. ENROLLED

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 2647 (Levine D) Local government: open meetings.

Last Amend: 4/19/2022

Status: 6/30/2022-From committee: Amend, and do pass as amended. (Ayes 5. Noes 0.) (June 29).

Location: 5/25/2022-S. GOV. & F.

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: 6/20/2022

Status: 6/29/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 0.) (June 28). Re-referred to Com. on APPR.

Location: 6/29/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

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. This bill would additionally prohibit a person or entity described above that is issued a license to establish a hospice, from transferring the license to another person, political subdivision of the state, or other governmental agency within 5 years of issuance. The bill would provide an exception to that prohibition for extenuating circumstances upon a finding that a transfer is necessary to ensure continuity of care for existing patients. Because a violation of this requirement would be a misdemeanor, the bill would impose a state-mandated local program.

Position

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

Last Amend: 4/20/2022

Status: 6/28/2022-VOTE: [First] hearing set for [06-29-2022]: Failed passage in Committee. Reconsideration granted (PASS)

Location: 6/20/2022-S. JUD.

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

Last Amend: 6/29/2022

Status: 6/29/2022-Read second time and amended. Re-referred to Com. on APPR.

Location: 6/28/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Would eliminate a restriction on the Department of Fish and Wildlife that authorizes the department to approve a regional conservation investment strategy only if one or more state agencies request approval through a letter sent to the Director of Fish and Wildlife and a requirement that a regional conservation investment strategy include an explanation of the extent that the strategy is consistent with any previously approved or amended strategy. The bill would require a regional conservation assessment to, among other things, be consistent with and complement any regional federal habitat conservation plan that overlaps with the ecoregion or subecoregion included in the assessment. The bill would make various changes to provisions requiring the department or public agency, as specified, to provide notice, hold public meetings, and provide for, receive, and respond to public comment during the public comment period before approving a regional conservation investment strategy or amended strategy.

Position

AB 2877 (Garcia, Eduardo D) Safe and Affordable Drinking Water Fund: tribes.

Last Amend: 6/30/2022

Status: 6/30/2022-Read second time and amended. Re-referred to Com. on APPR.

Location: 6/29/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room
2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: This bill would specify that any waiver of tribal sovereignty that is required by the State Water Resources Control Board for a tribe that is an eligible recipient to access funding from the fund shall be narrowly drafted to serve both the individual needs of the tribe and make the funding agreement enforceable. The bill would require the state board to include its designated tribal advisor in all discussions with eligible recipients, except as specified. The bill would require the state board to consider the extent that funds for safe drinking water projects from the programs administered by the state board are distributed to eligible recipients that are federally

recognized California Native American tribes or specified nonfederally recognized Native American tribes and make diligent efforts to ensure the distribution of funds to those eligible recipients. The bill would require the state board to expend those funds, upon appropriation by the Legislature, for grants, loans, contracts, or services to assist those eligible recipients. The bill would require the state board to post on its internet website, and update annually, the number of inquiries for funding received from tribes, the number of applications for funding received from tribes, and the total amount of funding granted to tribes each year.

Position

AB 2895 (Arambula D) Water: permits and licenses: temporary changes: water or water rights transfers.

Last Amend: 6/23/2022

Status: 6/23/2022-Read second time and amended. Re-referred to Com. on APPR.

Location: 6/20/2022-S. APPR.

Calendar: 8/1/2022 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Current law prescribes the process for a permittee or licensee to petition the State Water Resources Control Board for a temporary change due to a transfer or exchange of water rights, and imposes on the board related notice, decision, and hearing requirements. 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. The bill would eliminate the requirement that a petitioner publish notice of a petition in a newspaper.

Position

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

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

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

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

Position

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

Last Amend: 1/3/2022

Status: 6/29/2022-June 29 set for first hearing. Placed on suspense file.

Location: 6/29/2022-A. APPR. SUSPENSE FILE

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 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: 6/22/2022

Status: 6/28/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (June 28). Re-referred to Com. on APPR.

Location: 6/28/2022-A. APPR.

Calendar: 8/3/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: The State Water Resources Control Board's duties include, but are not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable and safe supply of drinking water, enforcing the federal Safe Drinking Water Act, and adopting and enforcing regulations. This bill would require the state board to build upon its existing work dealing with, and work to improve its knowledge of, constituents of emerging concern (CEC) in water and, as part of this work, to improve its knowledge of CECs in drinking water by assessing the state of information, as specified. The bill would authorize the state board to establish, maintain, and direct a dedicated program called the Constituents of Emerging Concern in Drinking Water Program. The bill would authorize the state board to convene a Science Advisory Panel 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 report to the Legislature 3 years after the panel is convened on the work conducted by the panel.

Position

SB 260 (Wiener D) Climate Corporate Accountability Act.

Last Amend: 6/22/2022

Status: 6/22/2022-Read second time and amended. Re-referred to Com. on APPR.

Location: 6/21/2022-A. APPR.

Calendar: 8/3/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of statewide greenhouse gas emissions and to monitor and enforce compliance with the act. The act requires the state board to make available, and update at least annually, on its internet website the emissions of greenhouse gases, criteria pollutants, and toxic air contaminants for each facility that reports to the state board, as provided. This bill would require the state board, on or before January 1, 2024, to develop and adopt regulations requiring United States 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 the state board, on or before January 1, 2029, to review, and update as necessary, these deadlines to evaluate trends in scope 3 emissions reporting and to consider changes to the deadlines, as provided.

Position

SB 396 **(Bradford D) Forestry: electrical transmission or distribution lines: clearances: notice and opportunity to be heard.**

Last Amend: 6/30/2022

Status: 6/30/2022-Read third time and amended. Ordered to third reading.

Location: 6/15/2022-A. THIRD READING

Summary: Existing law authorizes any person who owns, controls, operates, or maintains any electrical transmission or distribution line to traverse land as necessary, regardless of land ownership or express permission to traverse land from the landowner, after providing notice and an opportunity to be heard to the landowner, to prune trees to maintain clearances, as provided, and to abate, by pruning or removal, any hazardous, dead, rotten, diseased, or structurally defective live trees. This bill would subject property access by an electrical corporation for felling, cutting, or trimming trees to provisions similar to those applicable to pruning trees, maintaining clearances, and abating trees around electrical transmission or distribution lines, including provisions requiring notice to the landowner and an opportunity to be heard. The bill would explicitly require tree felling, cutting, and trimming activities to comply with certain commission vegetation management rules, if applicable, and with the California Coastal Act of 1976 and the forest practice rules and regulations adopted by the State Board of Forestry and Fire Protection. This bill contains other related provisions and other existing laws.

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: 6/28/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (June 27). Re-referred to Com. on APPR.

Location: 6/27/2022-A. APPR.

Calendar: 8/3/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

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: 6/28/2022-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 14. Noes 0.) (June 28). Re-referred to Com. on APPR.

Location: 6/28/2022-A. APPR.

Calendar: 8/3/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

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: 6/16/2022

Status: 6/28/2022-Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 0.) (June 27). Re-referred to Com. on APPR.

Location: 6/27/2022-A. APPR.

Calendar: 8/3/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: Current law requires the California Cybersecurity Integration Center (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. Existing 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 the Office of Emergency Services (Cal OES) 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. The bill would require a report of cyberattack or cyber threat submitted pursuant to guidelines developed pursuant to these provisions to be confidential and would prohibit disclosure as a public record. The bill would require Cal OES to direct Cal-CSIC to prepare, and Cal OES to submit to the Legislature on or before January 1, 2024, a strategic, multiyear outreach plan to assist the food and agriculture sector and the water and wastewater sector in their efforts to improve cybersecurity and an evaluation of options for providing grants or alternative forms of funding to, and potential voluntary actions that do not require funding and that assist, those sectors in their efforts to improve cybersecurity preparedness.

Position

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

Last Amend: 5/5/2022

Status: 6/14/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (June 13). Re-referred to Com. on APPR.

Location: 6/13/2022-A. APPR.

Calendar: 8/3/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

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: 6/28/2022-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 14. Noes 0.) (June 28). Re-referred to Com. on APPR.

Location: 6/28/2022-A. APPR.

Calendar: 8/3/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

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: 6/23/2022

Status: 6/28/2022-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 7. Noes 0.) (June 28). Re-referred to Com. on APPR.

Location: 6/28/2022-A. APPR.

Calendar: 8/3/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: Current law establishes the California Conservation Corps in the Natural Resources Agency and requires the corps to implement and administer the conservation corps program. 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. The bill would require the training center to include counseling, mentorship, supportive housing, health care, and educational services and authorize the training center to provide training modules on specified activities.

Position

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

Last Amend: 3/29/2022

Status: 6/28/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 14. Noes 0.) (June 28). Re-referred to Com. on APPR.

Location: 6/28/2022-A. APPR.

Calendar: 8/3/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

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: 6/20/2022

Status: 6/20/2022-Read second time and amended. Re-referred to Com. on APPR.

Location: 6/16/2022-A. APPR.

Calendar: 8/3/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

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 up to 15 public works projects in excess of \$5,000,000 for each project, 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. By expanding the crime of perjury, the bill would impose a state-mandated local program.

Position

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

Last Amend: 6/6/2022

Status: 6/22/2022-Read second time. Ordered to third reading.

Location: 6/22/2022-A. THIRD READING

Summary: 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: 6/23/2022

Status: 6/28/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 2.) (June 28). Re-referred to Com. on APPR.

Location: 6/28/2022-A. APPR.

Calendar: 8/3/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: Would require, on or before July 1, 2025, the Office of Environmental Health Hazard Assessment (OEHHA) to prepare a public health goal for manganese, as provided. The bill would require the State Water Resources Control Board, after OEHHA publishes a public health goal for manganese, to adopt a primary drinking water standard, as defined, for manganese and to establish for that standard, and for the period before adoption of that standard, monitoring requirements for manganese, as specified. The bill would require, on or before January 31, 2024, the state board to consider establishing a notification and response level for manganese that would remain in place until the state board adopts a primary drinking water standard for manganese. The bill would authorize the state board, before adopting a primary drinking water standard for manganese, to continue to provide funding for treatment, source protection, and alternative water supplies and to continue to require community water systems to monitor manganese in their source water and within their distribution systems, as provided.

Position

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

Last Amend: 3/15/2022

Status: 6/28/2022-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 8. Noes 0.) (June 28). Re-referred to Com. on APPR.

Location: 6/28/2022-A. APPR.

Calendar: 8/3/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

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 1205 (Allen D) Water rights: appropriation.

Last Amend: 6/30/2022

Status: 6/30/2022-Read second time and amended. Re-referred to Com. on APPR.

Location: 6/28/2022-A. APPR.

Calendar: 8/3/2022 9 a.m. - 1021 O Street, Room
1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: The State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. As a prerequisite to the issuance of a permit to appropriate water, current law requires certain facts to exist, including that there is unappropriated water available to supply the applicant. This bill would require the board to develop and adopt regulations to govern consideration of climate change in water availability analyses used in the board's review of applications for water rights permits, 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 1253 (Melendez R) Infrastructure plan: flood control: delta levees.

Last Amend: 3/8/2022

Status: 6/28/2022-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 14. Noes 0.) (June 28). Re-referred to Com. on APPR.

Location: 6/28/2022-A. APPR.

Calendar: 8/3/2022 9 a.m. - 1021 O Street, Room
1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

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: 6/15/2022

Status: 6/21/2022-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 10. Noes 0.) (June 21). Re-referred to Com. on APPR.

Location: 6/21/2022-A. APPR.

Calendar: 8/3/2022 9 a.m. - 1021 O Street, Room
1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board various responsibilities and duties. The 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, revise 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: 5/19/2022-May 19 hearing: Held in committee and under submission.

Location: 5/16/2022-S. APPR. SUSPENSE FILE

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, H

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 7/12/22)

Date(s)	Event	Time	Location	Attending Board Member(s)	Additional Information (Speakers' Topic, Cohosts, etc.)
<u>JUNE 2022</u>					
24-Jun	Board Meeting Debrief with the General Manager	9:00 AM	Conference Call	Watt	
27-Jun	Meeting with the General Manager RE: Board Issues			Guerin	
28-Jun	Meeting the General Manager and Inspectors RE: Markout Program			Meyers	
29-Jun	Safety Committee Meeting	2:30 PM		Meyers, Topolovac	
30-Jun	Public Outreach Committee Meeting	10:00 AM		Bruce-Lane, Guerin	
<u>JULY 2022</u>					
14-Jul	APWA Luncheon		Hilton Mission Valley		
19-Jul	COWU Meeting	8:00 - 9:15 AM	Virtual		

Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

CORRESPONDENCE

Any correspondence is attached.



June 21, 2022

The Honorable Anthony Portantino
Chair, Senate Appropriations Committee
State Capitol, Room 412
Sacramento, CA 95814

RE: AB 2142 (Gabriel) – Income taxes: exclusion: turf replacement water conservation program – Support

Dear Chair Portantino:

The undersigned organizations are pleased to support AB 2142 (Gabriel). This bill will reinstate an important exemption for turf replacement rebates from gross income in California, aligning it with certain other permanently exempt water efficiency rebates.

California is in its second drought within a decade, and it is critical for the state to continue to invest in both immediate conservation and ongoing water efficiency as we adapt to climate change. Water efficiency incentive programs are an effective tool in this effort. For example, since 1990, The Metropolitan Water District of Southern California (MET) has invested more than \$840 million in rebates and other conservation incentives, resulting in an estimated water savings of nearly 3.5 million acre feet, which is enough to provide water for more than 10 million households.

Further, even when the state is not facing drought conditions, California has made a commitment to “Conservation as a California Way of Life” through the enactment of SB 606 (Hertzberg, 2018) and AB 1668 (Friedman, 2018). As part of that commitment, the Administration is in the process of establishing a water use objective for urban water agencies that will create numeric goals that each agency must meet, and incentive programs will be key to its success.

The Franchise Tax Board has projected minimal General Fund revenue impacts with losses in 2022-23 being \$150,000 and \$100,000 in future years. The significant financial and environmental benefits of these turf replacement programs far outweighs the minimal fiscal impact. Further, low to middle-income households benefit most from these programs. In a 2019 study utilizing census tract data, MET found that 68 percent of their turf replacement rebates went to low and medium-income households; San Diego County Water Authority did a similar study, and found that 55 percent went to low and medium-income families.

The State has permanently exempted other water efficiency rebates, recognizing their effectiveness in advancing efficiency objectives. Rebates for water efficient toilets and clothes washers, certain plumbing for recycled water, and energy conservation are all permanently exempt from both personal and corporate taxes in California. (Cal. Rev. & Tax Code §§ 17138, 17138.1, 24308.1.) Turf replacement programs, like these other rebates, play an important role in continued water efficiency and conservation efforts.

Taxing water efficiency rebates is a disincentive for households to participate in these critical programs. Even with incentives, most households will need to invest a significant amount of their own income to replace lawns with drought-tolerant landscaping. And taxing these rebates is an especially significant barrier for low-income households who participate in these programs.

California Law previously exempted turf rebates from taxable income, but those provisions were allowed to sunset in December 2019. Part of the rationale at that time was that California was not in a drought, but the environment is changing rapidly due to the impacts of climate change, and it is important that the State’s public policy reflects this changing reality.

For these reasons, the undersigned organizations respectfully request your “Aye” vote when the bill is heard in the Senate Committee on Appropriations.

Sincerely,

Jennifer M. Capitolo
Executive Director
California Water Association

Justin Skarb
Director of Community Affairs & Government Relations
California Water Service

Danielle Blacet
Deputy Executive Director
California Municipal Utilities Association

Sue Mosberg
Executive Director
American Water Works Association, California-
Nevada Section

Derek Dolfie
Legislative Affairs, Lobbyist
League of California Cities

Jessica Gauger
Director of Legislative Advocacy & Public Affairs
California Association of Sanitation Agencies

Rosario Cortes Kapeller
Senior Legislative Representative
California Special Districts Association

Gary Link
Legislative Affairs Director
Northern California Water Association

Sean Bothwell
Executive Director
California Coastkeeper Alliance

Garry Brown
Founding Director
Orange County Coastkeeper
Inland Empire Waterkeeper
Coachella Valley Waterkeeper

Ben Pitterle
Science and Policy Director
Santa Barbara Channelkeeper

Charles Wilson
Executive Director
Southern California Water Coalition

Nicole Sasaki
Staff Attorney
San Francisco Baykeeper

James Peifer
Executive Director
Regional Water Authority

Deanna Jackson
Executive Director
Tri-County Water Authority

Mary Ann Dickinson
CEO
Dickinson Associates

Adel Hagekhalil
General Manager
The Metropolitan Water District of Southern California

Gary Arant
General Manager
Valley Center Municipal Water District

Donald M. Zdeba
General Manager
Indian Wells Valley Water District

Paul Helliker
General Manager
San Juan Water District

Greg Thomas
General Manager
Elsinore Valley Municipal Water District

John Bosler
General Manager/CEO
Cucamonga Valley Water District

John Mura
General Manager/CEO
East Valley Water District

Peter Sanchez
General Manager-Secretary
Fresno Metropolitan Flood Control District

Jessaca Lugo
City Manager
City of Shasta Lake

Chris Rogers
Mayor
City of Santa Rosa

Krista Bernasconi
Mayor
City of Roseville

Joshua Haggmark
Water Resources Manager
City of Santa Barbara

William Busath
Director
City of Sacramento, Department of Utilities

Nina Jazmadarian
General Manager
Foothill Municipal Water District

Robert Grantham
General Manager
Rancho California Water District

Stephen L. Cole
Assistant General Manager
Santa Clarita Valley Water Agency

Paul A. Cook, P.E.
General Manager
Irvine Ranch Water District

Jim Barrett
General Manager
Coachella Valley Water District

Steven J. Elie
Board President
Inland Empire Utilities Agency

Lisa M. Borba
President
Contra Costa Water District

Anthony Goff
General Manager
Calleguas Municipal Water District

Mark S. Krause
General Manager
Desert Water Agency

Dan Muelrath
General Manager
Diablo Water District

David Pedersen
General Manager
Las Virgenes Municipal Water District

Matthew Litchfield
General Manager
Three Valleys Municipal Water District

Ben Horenstein
General Manager
Marin Municipal Water District

Thomas A. Love
General Manager
Upper San Gabriel Valley Municipal Water District

Robert J. Hunter
General Manager
Municipal Water District of Orange County

Paul E. Shoenberger, P.E.
General Manager
Mesa Water District

Allen Carlisle
General Manager/CEO
Padre Dam Municipal Water District

Grant Davis
General Manager
Sonoma County Water Agency

Brett Hodgkiss
General Manager
Vista Irrigation District

Erik Hitchman
General Manager
Walnut Valley Water District

Gregory R. Reed
General Manager
West Basin Municipal Water District

Ed Stevenson
General Manager
Alameda County Water District

J. Wayne Miller
President
Yorba Linda Water District

Angela Ramirez Holmes
President of the Board of Directors
Zone 7 Water Agency

Matt Young
Manager
Santa Barbara County Water Agency

Joe Mouawad, P.E.
General Manager
Eastern Municipal Water District

Craig Miller
General Manager
Western Municipal Water District

Mike Alvarado
General Manager
La Cumbre Water Company

Antonio Alfaro
Government Relations Manager
Santa Clara Valley Water District

Michael R. Markus, P.E., D.WRE.
General Manager
Orange County Water District

Jeffrey Kightlinger
Interim General Manager
Pasadena Water and Power

Robert McDonald, P.E., MPA
General Manager
Carpinteria Valley Water District

Kimberly Thorner
General Manager
Olivenhain Municipal Water District

Carlos Lugo
General Manager
Helix Water District

Daniel R. Ferons
General Manager
Santa Margarita Water District

Ron Duncan
General Manager
Soquel Creek Water District

Marlaine Dumaine
Manager of Legislative Affairs
East Bay Municipal Utility District

CC: The Honorable Jesse Gabriel
Members, Senate Appropriations Committee



June 1, 2022

To the Board of Directors
of the Olivenhain Municipal Water District
Rancho Santa Fe, California

We are engaged to audit the financial statements of the Olivenhain Municipal Water District, California (the “District”) as of and for the year ended June 30, 2022. Professional standards require that we provide you with the following information related to our audit. We would also appreciate the opportunity to meet with you to discuss this information further since a two-way dialogue can provide valuable information for the audit process.

Our Responsibilities under U.S. Generally Accepted Auditing Standards and *Government Auditing Standards*

As stated in our engagement letter dated June 1, 2022, our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

As part of our audit, we will consider the internal control of the District. Such considerations are solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will also perform tests of the District's compliance with certain provisions of laws, regulations, contracts, and grants. However, providing an opinion on compliance with those provisions is not an objective of our audit.

Generally accepted accounting principles provide for certain required supplementary information (“RSI”) to supplement the basic financial statements. Our responsibility with respect to the Management’s Discussion and Analysis (“MD&A”), the Modified Approach for Steel Water Storage Tanks Infrastructure Capital Assets, the Schedule of Contributions – Defined Benefit Pension Plans, and the Schedule of Proportionate Share of the Net Pension Liability, which supplement the basic financial statements, is to apply certain limited procedures in accordance with generally accepted auditing standards. However, the RSI was not audited and, because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance, we do not express an opinion or provide any assurance on the RSI.

We have not been engaged to report on the Introductory and Statistical Sections, which accompany the financial statements but are not RSI. Our responsibility with respect to this other information in documents containing the audited financial statements and auditor’s report does not extend beyond the financial information identified in this report. We have no responsibilities for determining whether this other information is properly stated. This other information is not audited and we do not express an opinion or provide any assurance on it.

Olivenhain Municipal Water District

June 1, 2022

Page 2

Planned Scope, Timing of the Audit, and Other

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested.

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Material misstatements may result from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse. We will generally communicate our significant findings at the conclusion of the audit. However, some matters could be communicated sooner, particularly if significant difficulties are encountered during the audit where assistance is needed to overcome the difficulties or if the difficulties may lead to a modified opinion. We will also communicate any internal control related matters that are required to be communicated under professional standards.

We have identified management override of controls as a significant risk of material misstatement.

We expect to begin our audit on approximately June 1, 2022 and issue our report no later than November 30, 2022. Coley S. Delaney is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

This information is intended solely for the use of the Board of Directors and management of the District and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

A handwritten signature in black ink that reads "The PwC Group, LLP". The signature is written in a cursive, flowing style.

San Diego, California

A handwritten signature in blue ink that reads "Coley Delaney". The signature is written in a cursive, flowing style.

Coley Delaney, CPA
CPA Number: 115598



July 5, 2022

Kimberly Thorner, CSDM
1966 Olivenhain Road
Encinitas, CA 92024-5699

RE: District of Distinction – Platinum

Dear Kimberly Thorner:

Congratulations! Olivenhain Municipal Water District has successfully completed the District of Distinction accreditation through the Special District Leadership Foundation (SDLF).

On behalf of the SDLF Board of Directors, I would like to congratulate your district on achieving this important accreditation. By completing this program, Olivenhain Municipal Water District has proven its dedication to being fully transparent as well as open and accessible to the public and other stakeholders.

Congratulations and thank you for your dedication to excellence in local government.

Most sincerely,

Sandy Seifert Raffelson
SDLF Board President



July 7, 2022

Jennifer Joslin - jjoslin@olivenhain.com
Olivenhain Municipal Water District

RE: ACWA JPIA 2022 Wellness Grant

Dear Jennifer,

Congratulations! The 2022 Wellness Grant Application for Olivenhain Municipal Water District has been approved in the amount of \$1700. Due to an overwhelming response this year, it was necessary for us to reduce the 2022 amounts awarded to 85% of the amount requested. We will send a check directly to your agency within 30 days of this letter.

Please follow the guidelines below to ensure proper use and documentation of wellness grant funds.

- Please save your receipts for your purchases. Once you have used the funds, submit them to the JPIA at jrech@acwajpia.com. All funds must be used by **June 23, 2023**.
- Safety equipment, services, and training are not considered eligible wellness grant expenses. However, wellness grant funds may be used to purchase face coverings for employees to help stop the spread of COVID-19. This does not include masks and respirators required by field employees as part of their job duties.
- Teambuilding events, while worthwhile, are not considered eligible wellness grant expenses, unless there is a fitness, nutrition or similar health component. If nutrition, please see food guidelines below and on the next page.
- Luncheons or food for staff will only be considered a reimbursable wellness grant expense if food or luncheon is composed of healthy food choices, **and** has a wellness component (e.g. a wellness speaker or wellness activity). Please see the attached for a list of sample food items eligible for Wellness Grant funds. We hope this will help generate some ideas for promoting healthy eating.

If you have any questions regarding your grant, please contact me at (916) 474-1773. Thank you for your participation.

A handwritten signature in black ink, appearing to read "JR" or "Jackie", written in a cursive style.

Jackie Rech
Employee Benefits Specialist

SAMPLE FOOD ITEMS *ELIGIBLE* FOR WELLNESS GRANT FUNDS

Focus should be on lean/healthy proteins, vegetables, fruits, nuts, whole grains, low fat cheese and items low in saturated fat and processed sugar.

Breakfast items:

- Whole fruit juices, such as orange, apple, grapefruit, pineapple, mango, coconut water, or fruit blend juices.
- Eggs
- Whole grain breads, English muffins, tortillas
- Veggie or Turkey Bacon/Sausage
- Whole grain cereals without sugar coating
- Fruit
- Oatmeal
- Reduced fat cottage cheese

Lunch items:

- Green or veggie salad
- Grilled chicken or fish
- Baked potato
- Sandwiches with whole grain bread, encouraging sensible condiments and plenty of veggies
- Vegetables
- Healthy Soups

Snacks: fruit, vegetables, whole grains, nuts, low fat cheese, pretzels.

You may provide healthy snacks with wellness grant funds without tying it to a wellness activity.

SAMPLE FOOD ITEMS *INELIGIBLE* FOR WELLNESS GRANT FUNDS

- Pizza
- Hamburgers
- Mexican food, unless an effort has been made to modify as a healthy option
- BBQ red meat

Below are some websites with information on healthy food options:

- [Weight Watchers Recipe page](#)
- [Fooducate](#)
- [Nutrition.gov](#)

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.



Water districts ask resident to conserve water

by staff © June 21, 2022 83

ENCINITAS — As California enters its third consecutive dry year and following the driest first three months of a year in the state's recorded history, Gov. Gavin Newsom and the [State Water Resources Control Board](#) took steps to drive water conservation at the local level, calling on local water suppliers to take actions that will [conserve water](#) across all sectors.

In response, the [Olivenhain Municipal Water District](#) and [San Dieguito Water District](#) are asking Encinitas residents to step-up and assist Californians across the state in dealing with the drought. The water districts strongly encourage their customers to follow the conservation actions listed below to conserve water Landscape:

- Stop using potable water to irrigate non-functional turf on Commercial, Industrial, and Institutional sites
- “Non-functional turf” is turf that is not regularly used for human recreational purposes, community events, or sports.
- Limit landscape irrigation to no more than three assigned days per week on an established schedule
- Odd-numbered addresses can irrigate on Sundays, Tuesdays, and Thursdays
- Even-numbered addresses can irrigate on Saturdays, Mondays, and Wednesdays
- Limit landscape irrigation using sprinklers to no more than 10 minutes per water station per assigned day
- Only irrigate landscape areas before 10 a.m. and after 6 p.m. to limit effects of evaporation
- Stop water waste resulting from inefficient landscape irrigation, such as runoff, overspray, etc.
- Stop irrigating landscapes within 48 hours of measurable rainfall
- Use a bucket, watering can, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation to water landscaped areas or wash cars

Other:



- Stop washing down paved and hard surfaces, such as sidewalks, driveways, and parking lots with potable water, except when necessary to alleviate safety or sanitation hazards
- Repair all water leaks within 72 hours of detection or notification
- Stop operation of decorative or ornamental fountains unless re-circulated or recycled water is used
- Serve and refill water in restaurants and food service establishments only upon request
- Offer guests in lodging establishments the option of not laundering towels and linens daily
- Use recycled or non-potable water for construction purposes when feasible

Since the punishing drought of the early 1990s, the San Diego region has made investments in conservation programs and a diverse portfolio of drought-resilient water supplies to conserve water. As a result, the region has conserved substantial amounts of water and has sufficient water supplies for 2022 and the foreseeable future.

If you are interested in water-saving rebates and incentives for your home or business, please visit watersmartsd.org.

If you are interested in complimentary site-specific recommendations to conserve water from a certified irrigation professional, Olivenhain customers can visit www.olivenhain.com/evaluation, and San Dieguito customers can visit watersmartcheckup.org. The Olivenhain Municipal Water District provides services to portions of Encinitas, Carlsbad, San Diego, Solana Beach, and neighboring communities. The San Dieguito Water District serves the communities of Leucadia, Old Encinitas, Cardiff, and portions of New Encinitas. Customers with questions are encouraged to contact Olivenhain Municipal Water District at watersaver@olivenhain.com or San Dieguito Water District at drought@sdwd.org.



Encinitas water agencies agree to repurpose tank for recycled water

by Jacqueline Covey · June 22, 2022 · 65

ENCINITAS — The city is taking off its books an unused potable water tank and turning it over to recycled water experts to lessen municipal dependency on imported water.

The San Dieguito and Olivenhain Municipal water districts entered into an [agreement](#) on June 15 allowing the San Elijo Joint Powers Authority license and right of entry to the J.C Wanket Reservoir, a 3-million-gallon concrete water tank constructed in 1975.

The tank, adjacent to the Encinitas Ranch Golf Course, is no longer in service due to property ratepayers reduced water use. San Elijo water officials intend to restore the reservoir, re-equipping the concrete receptacle to take on recycled water.

“It’s not needed anymore, it’s offline,” said Michael Thornton, general manager of San Elijo Joint Powers Authority. “We’re like, ‘Hey, let’s repurpose that tank and we will use it for recycled water,’ which is really critical in this drought time, but we’ll also be able to save the ratepayers money.”

Under the latest agreement — which maintains land ownership for San Dieguito and Olivenhain — San Elijo Joint Powers Authority, a wastewater and recycled water agency with strong ties to both districts, gets the depreciated water tank.

Thornton said the effort to refurbish the J.C. Wanket tank for recycled water storage will expand water availability for both districts, lessening each’s dependency on imported water.



A new agreement between local water agencies gives San Elijo Joint Powers Authority the unused concrete tank for recycled water storage. Photo by Jordan P. Ingram

“It’ll give us more storage for recycled water,” Thornton said, adding that “having the storage helps us treat the water, store it and then be able to reuse it back in our communities.”

The J.C. Wanket recycled water will generally be used for irrigation and other uses from industrial clients in the area.

“It helps us expand our recycled water service to the northern area of Encinitas,” Thornton said.

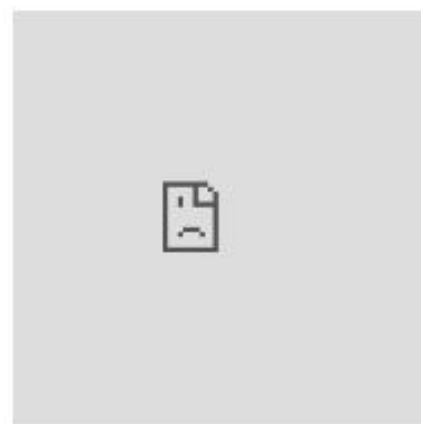
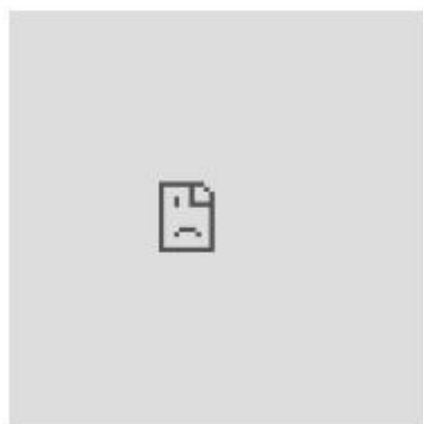
Thornton praised the collaborative mindset of Olivenhain and San Dieguito water districts for creating a “win-win solution” in building local sustainability.

Once the project is put out for bid, construction time is anticipated for 18 months. Thornton said that because funds are coming from San Elijo's sale of recycled water accounts, ratepayers will not feel the fiscal impact of this new build.

In fact, San Elijo has also received preliminary approval for state and federal grants totaling about \$750,000.

"The anticipated project cost is \$2.2 million, which is substantially less than building a new tank, further providing benefits to the water district ratepayers," Thornton said.

For several decades, Olivenhain and San Dieguito water districts used the jointly-owned reservoir to hold treated potable water. San Dieguito was entitled to one-third of the tank's capacity and expected to pay the same portion for maintenance costs, regardless of use.



San Dieguito has never used its capacity at the J.C. Wanket tank, according to city staff. Olivenhain utilized the tank from 1975 to 2008.

The agreement made last week also waives a \$134,796.40 debt San Dieguito owes to the original contract agreement for annual minimum recycled water purchases from the fiscal year 2019-2020.

Daily Business Report: Thursday, June 23, 2022

[SD sandiegometro.com/2022/06/daily-business-report-thursday-june-23-2022](https://sandiegometro.com/2022/06/daily-business-report-thursday-june-23-2022)

SD Metro Magazine

June 23, 2022



Genesis San Diego lands its first life science tenant

Former home of a law school transformed

into state-of-the-art life science property

Genesis San Diego, a life science building in Downtown San Diego that was the former home of the Thomas Jefferson School of Law, has received its first life science tenant. The announcement was made by the building's owner, a joint venture by Barings, real estate investment manager, along with Phase 3 Real Estate Partners and Bain Capital Real Estate.

The new tenant requested that their name not be disclosed. They are relocating from Torrey Pines.

The 203,000-square-foot, eight-story office building at 1155 Island Ave. has been transformed into a state-of-the-art life science property. Modifications and improvements include upgraded HVAC and plumbing infrastructure (including VRF heating and cooling systems, new exhaust fans, 100 percent outside air for lab areas, and needlepoint bipolar ionization) along with a new 5,000-pound service elevator and upgraded lab floor loads. Additional enhancements include a new lab services facility with a glass wash, autoclave and

America's SBDC California

Asian Business Association, San Diego

Nonprofits have also been encouraged to apply.

Hydroelectric generators qualify for California Energy Commission's Renewables Portfolio Standard Program

Hydroelectric generators at Olivenhain Municipal Water District's (OMWD) David C. McCollom Water Treatment Plant have qualified for the California Energy Commission's Renewables Portfolio Standard Program. They will now generate Renewable Energy Certificates that contribute to the state goal of achieving 60 percent of its electricity from renewable sources by 2030.

The hydroelectric generators at OMWD's water treatment plant have been in place since its startup in 2002, offsetting roughly half of the plant's power demands and saving as much as \$60,000 per month in energy costs.

"This program is a win for everyone," said Christy Guerin, OMWD board director. "In addition to helping reduce greenhouse gas emissions, operating these turbines also makes financial sense for our customers by offsetting the plant's electricity costs. And the renewable energy produced at the plant will now contribute to the state's long-term sustainable energy goals."

Carlsbad Chamber of Commerce receives 2022 President's Circle Award

The California Chamber of Commerce has named Carlsbad Chamber of Commerce, along with 13 other chambers, as recipients of the 2022 President's Circle Award. Bret Schanzenbach is president/CEO of the chamber.

The award, first presented in 2009, recognizes chambers for excellence in business advocacy and helping their members comply with California employment laws.

The award-winning chambers were announced during the CalChamber Capitol Summit on June 1, 2022.

[Click here to see the full list of chambers awarded.](#)

Green Transpo Expo highlighted trends in alternative energy transportation

Hosted by the Greater Escondido Chamber of Commerce at the Westfield North County Mall in Escondido, the inaugural Green Transpo Expo in April highlighted trends in alternative energy transportation and home energy resources.

WaterSmart Landscape makeover winners

 thecoastnews.com/watersmart-landscape

staff

June 23, 2022

ENCINITAS —Olivenhain Municipal Water District's Board of Directors honored at its June 22 meeting Mike and Cathy Godfrey as OMWD's winner of the 2022 WaterSmart Landscape Contest.

“Maximizing water efficiency outdoors is especially important as drought conditions remain in effect across the state,” said OMWD Board Director Neal Meyers. “Showcasing the diversity and beauty of California-friendly landscaping can encourage others to swap their grass for climate-appropriate designs and bring awareness to the benefits of sustainable landscaping.”



The Godfreys' water-efficient landscape design displays a variety of drought-tolerant plants and succulents that were selected to reduce yard maintenance and watering needs. The Godfreys installed a drip irrigation system that provides a low volume of water that is healthy for plants and trees while resulting in little to no evaporation. A dry creek bed captures and directs rainfall, minimizing water runoff into the streets that can carry pollutants down the storm drain and into the ocean.

The WaterSmart Landscape Contest is held annually by water agencies throughout San Diego County to highlight attractive landscapes that use less water than conventional turf-heavy landscapes. Winning entries exhibit excellence in curb appeal, design, appropriate plant selection, and water-efficient irrigation.

Photos of the Godfreys' landscape, as well as winners from throughout the county, are available at landscapecontest.com.

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