

**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, AUGUST 17, 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: 884 9005 6328 and Password: 141886

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
 - * Cameron Adams – WTP Operator Level II – GYO Promotion – July
 - * Jymy Briseno – WRF Operator Level III – GYO Promotion – July
 - * Jymy Briseno – WRF Operator Level III – 5 Years – August
 - * Shane Sullivan – WTP Operator Level III – 5 Years – August
 - * Christian Alvarez – Utility I – New Hire – August
 - * Ernesto Fuentes – Equipment Technician – New Hire – August
 - * Paul Martinez – Engineering Technician I – New Hire – August
9. CONSIDER APPROVAL OF THE MINUTES OF THE JULY 20, 2022, REGULAR BOARD OF DIRECTORS MEETING
10. CONSENT CALENDAR

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

C-a	CONSIDER ADOPTION OF A MOTION APPROVING THE PAYMENT OF LISTED WARRANTS FROM THE DISTRICT’S REVOLVING AND REGULAR ACCOUNTS; LISTED TRANSFERS OF FUNDS; REIMBURSEMENT OF EXPENSES TO BOARD MEMBERS AND STAFF; AND MONTHLY INVESTMENT REPORT
C-b	CONSIDER ADOPTION OF A MOTION APPROVING THE DISTRICT’S CONSOLIDATED STATEMENT OF NET POSITION, CONSOLIDATED STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN NET POSITION, CONSOLIDATED STATEMENT OF CASH FLOWS, CONSOLIDATED ACTUAL VS BUDGET SUMMARY, AND CONSTRUCTION IN PROGRESS REPORT
C-c	CONSIDER UPDATE ON THE COVID-19 EMERGENCY DECLARATION
C-d	CONSIDER A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE COUNTY OF SAN DIEGO COMMUNITY ENHANCEMENT PROGRAM FOR THE ELFIN FOREST RECREATIONAL RESERVE EQUINE INCLINE REHABILITATION PROJECT
C-e	CONSIDER AWARD OF A CONTRACT WITH C.E. WILSON CORPORATION IN THE AMOUNT OF \$448,150 FOR THE VALVE REPLACEMENT PROJECT EXCAVATION AND PAVING SUPPORT SERVICES FOR FISCAL YEAR 2023 AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD

C-f	CONSIDER ADOPTION OF A RESOLUTION MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS TO EXPAND THE OVERFLOW PARKING LOT AT ELFIN FOREST RECREATIONAL RESERVE AND CONSTRUCT A 0.5-MILE LINKAGE TRAIL BETWEEN WAY UP TRAIL AND EQUINE INCLINE TRAIL AT ELFIN FOREST RECREATIONAL RESERVE (IF GRANT FUNDING IS RECEIVED), AND ORDER A NOTICE OF EXEMPTION BE FILED WITH THE COUNTY CLERK, COUNTY OF SAN DIEGO
C-g	CONSIDER APPROPRIATION OF \$176,000 TO FISCAL YEAR 2023 SMALL CAPITAL ITEM BUDGET FOR VEHICLE PURCHASES THAT WERE SCHEDULED TO BE DELIVERED IN FISCAL YEAR 2022 AND WERE DELAYED DUE TO SUPPLY CHAIN CONSTRAINTS
C-h	CONSIDER A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM

11. CONSIDER ADOPTION OF A RESOLUTION HONORING LISA MAXWELL FOR 25 YEARS OF DEDICATED SERVICE
12. CONSIDER INFORMATIONAL PRESENTATION FROM METROPOLITAN WATER DISTRICT ON THE FUTURE OF THE COLORADO RIVER
13. CONSIDER ADOPTING A POSITION ON THE DELTA CONVEYANCE PROJECT
14. CONSIDER SETTING A TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER THE OLIVENHAIN MUNICIPAL WATER DISTRICT'S WATER CAPACITY FEES FOR 2022 (September 14, 2022 – 5:30 P.M.)
15. CONSIDER APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH TETRA TECH IN THE AMOUNT OF \$299,750 FOR PRELIMINARY AND FINAL DESIGN OF THE PROGRAMMABLE LOGIC CONTROLLER REPLACEMENT PROJECT AND CONSIDER AN INCREASED APPROPRIATION BY ACCELERATING THE FUTURE 10 YEAR CIP AND ALLOCATE \$1,360,000 TO FISCAL YEAR 2023 AND 2024 AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD
16. CONSIDER DISCUSSION AND APPROVAL OF PROPOSED ADJUSTMENTS TO THE OLIVENHAIN MUNICIPAL WATER DISTRICT WATER RELATED SERVICE FEES FOR 2022 AND ADOPT AN ORDINANCE AMENDING OLIVENHAIN MUNICIPAL WATER DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (Article 8 – Water Rates & Charges)
17. CONSIDER AND APPROVE A TREATMENT OPTION FOR THE THIRD AND FOURTH PAYMENTS RECEIVED FROM SAN DIEGO COUNTY WATER AUTHORITY (SDCWA) OF APPROXIMATELY \$499,000 FOR REFUNDS ON ATTORNEY FEES IN THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA (MWD) LITIGATION OF APPROXIMATELY \$499,000
18. CONSIDER AMENDMENT TO THE CONFLICT OF INTEREST CODE OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT
19. 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
- 20. CORRESPONDENCE
 - 21. AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS
 - 22. FUTURE AGENDA ITEMS
 - 23. CONSIDER PUBLIC COMMENTS
 - 24. 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.
 - 25. OPEN SESSION
 - 26. ADJOURNMENT

Memo

Date: August 17, 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

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: August 17, 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:

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

Olivenhain Municipal Water District
Proposed Motions for August 17, 2022 Board of Directors Meeting
July 2022 Activities
Consent Calendar Item # C-a

Proposed Motions:

I. That the following warrants and transfers be approved:

Regular Account	Warrants - by check	031476	to	031675	\$	777,071.01
	Warrants - by EFT	EFT000000000125	to	EFT000000000156		315,574.08
						<u>1,092,645.09</u>
	ACH Payments - Payroll					212,284.06
	Wire - SDCWA - Monthly Purchased Water Payment					2,844,449.86
	ACH Payments - Payroll					218,143.02
	Wire - SDCW - Quarterly Capacity Fees					21,908.00
					\$	<u><u>4,389,430.03</u></u>

Major Category of Disbursements

Total warrants from the District's checking account:

\$ 1,092,645.09

Following is a breakdown of this total by major categories:

<u>Category</u>		\$	
Outside services		478,369.70	
Inventory and supplies		292,231.05	
Utilities		124,699.55	
Repairs and maintenance		39,558.58	
Other		5,385.50	
Refunds		4,215.01	
Insurance		147,115.20	
Permit Fees		1,070.50	
	Total	<u>\$ 1,092,645.09</u>	

Sincerely,



Rainy K. Selamat/Finance Manager

Olivenhain Municipal Water District
Proposed Motions for August 17, 2022 Board of Directors Meeting
July 2022 Activities

California Bank and Trust

Regular Account

Warrants - by check	031476	to	031675	\$	777,071.01
Warrants - by EFT	EFT000000000125	to	EFT000000000156		315,574.08
					<hr/>
					1,092,645.09

7/7/2022 ACH Payments - Payroll	212,284.06
7/18/2022 Wire - SDCWA - Monthly Purchased Water Payment	2,844,449.86
7/21/2022 ACH Payments - Payroll	218,143.02
7/27/2022 Wire - SDCW - Quarterly Capacity Fees	21,908.00

Total	\$	<hr/> <hr/>	4,389,430.03	✓
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Approved:

For Board Consideration and Approval

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

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
031476	7/6/2022	Am Tec Total Security Inc	180.00	PARKS SERVICES	
031477	7/6/2022	Bay City Electric Works	1,001.96	OMWD HQ - 25KW GENERATOR SVC	
031478	7/6/2022	California State Disbursement Unit	123.23	ED100514-7/7/2022	
031479	7/6/2022	Cintas Corporation #055	199.57	FIRST AID SUPPLIES	
031480	7/6/2022	DCL Enterprise Inc Db	56.98	KEYS	
031481	7/6/2022	Dexter Wilson Engineering Inc	877.50	Professional Services for OMWD SSMP audit	Yes
031482	7/6/2022	DXP Enterprises, Inc.	2,769.24	Baldor Motor- 2HP, 900, 213T, TEFC	Yes
031483	7/6/2022	Encinitas Ford	117.15	SHOP SUPPLIES	
031484	7/6/2022	ESS	672.00	WWTP ALARM MONITORING	Yes
031485	7/6/2022	Fallbrook Printing Corp	482.36	BIRDWATCHERS GUIDE	
031486	7/6/2022	Ferguson Enterprises Inc. #1083	675.43	3/4 X 1 Brass Bushing	Yes
031487	7/6/2022	Franchise Tax Board	491.30	Garnishment	
031488	7/6/2022	Global Power Group Inc	161.51	GANO RESERVOIR SERVICES	
031489	7/6/2022	Hill Brothers Chemical Company	16,370.46	WTP CHEMICALS	
031490	7/6/2022	Interface Automation Inc.	4,343.75	WWTP SERVICES	Yes
031491	7/6/2022	Mouser Electronics	1,004.98	WTP SUPPLIES	
031492	7/6/2022	Myers & Sons	74.12	PARKS SUPPLIES	
031493	7/6/2022	Pacific Pipeline Supply	3,638.83	1" Copper Pipe (Type K)60ft	Yes
031494	7/6/2022	Patriot Environmental	1,725.00	SERVICES WWTP	Yes
031495	7/6/2022	PWLC I, INC	2,200.00	HQ LANDSCAPE IMPROVEMENTS	
031496	7/6/2022	Samba Holdings Inc	191.91	DRIVER RECORD MONITORING	
031497	7/6/2022	TASC	474.85	6/30 VEB A ADMIN FEES	
031498	7/6/2022	Tekdraulics	567.46	SUPPLIES	
031499	7/6/2022	Underground Service Alert	320.20	DIG ALERT TICKETS	
031500	7/6/2022	Urban Futures Inc	10,277.10	PENSION FUNDING POLICY	
031501	7/6/2022	Water for People	60.00	WTRPL 7/7/2022	
031502	7/6/2022	West Yost & Associates, Inc	209.00	Support for Manchester Recycled Water site connections	Yes
031503	7/13/2022	Adam Schmidt	50.00	5 YEAR SERVICE AWARD	
031504	7/13/2022	Aflac	1,215.80	FS005, 6/26/2022	
031505	7/13/2022	Alexandra Geboff	96.67	REF:1087445_159640	
031506	7/13/2022	Am Tec Total Security Inc	4,187.18	PARKS DEPT - UPGRADE CAMERAS	
031507	7/13/2022	American Messaging	59.59	L1-072035	
031508	7/13/2022	APWA	880.00	MEMBERSHIP DUES	
031509	7/13/2022	Ariana Blakely	10.61	REF:1087454_155665	
031510	7/13/2022	AT & T	22.43	9391056562	
031511	7/13/2022	Bee Rescue LLC	240.00	BEE RMVL SVCS - DEL DIOS HWY	
031512	7/13/2022	Brooke Hajjar	127.72	REF:1087421_214995	
031513	7/13/2022	County Of San Diego	40,458.84	FY2022-23 LAFCO COSTS	
031514	7/13/2022	Dell Computers	24,385.53	Dell PowerEdge R640	Yes
031515	7/13/2022	Edco Waste & Recycling	427.79	25-4A 861816	Yes
031516	7/13/2022	Erica Dei	59.34	REF:1059971_219275	
031517	7/13/2022	Erick Suhonen	84.25	REF:1084800_195555	
031518	7/13/2022	Federal Express Corp	368.84	SHIPPING	
031519	7/13/2022	First Choice Technology	168.07	13001474	Yes
031520	7/13/2022	Home Depot/Gecf	4,010.15	6/22 SUPPLIES	Yes
031521	7/13/2022	Joan Rovegno	48.17	REF:1087182_100055	
031522	7/13/2022	Leucadia Wastewater District	7,817.79	ANNUAL SEWER SERVICE CHARGE	
031523	7/13/2022	Naumann Hobbs - San Diego	1,414.48	WTP SERVICES	
031524	7/13/2022	NBS	9,986.80	QUARTERLY ADMIN FEES	
031525	7/13/2022	Publica Affairs Dept - COWU	55.00	7/19 BREAKFAST MTG - K.THORNER	
031526	7/13/2022	PWLC I, INC	4,900.00	4S OVERFLOW POND ADD'L PLANTS	
031527	7/13/2022	Republic Services	1,086.15	4-4530-0333405	
031528	7/13/2022	Ruth Jorgensen	993.30	REF:1048666_174485	
031529	7/13/2022	Michael Salazar	375.00	EDUCATION INCENTIVE (D5)	
031530	7/13/2022	Samba Holdings Inc	186.91	DRIVER RECORD MONITORING	
031531	7/13/2022	San Diego County	750.00	FLORA VISTA	
031532	7/13/2022	San Diego Gas & Electric	308.00	400000078	Yes
031533	7/13/2022	San Diego Scale Inc	538.10	WWTP SERVICES	
031534	7/13/2022	San Elijo Joint Powers Auth.	58,447.20	6/22 34.3 AF RECYCLED WATER	
031535	7/13/2022	State Water Resources	60.00	T2 RENEWAL - D.BRUNOZZI	
031536	7/13/2022	Steven L. Sherman DBA	390.90	Conservation landscape services-evaluation	Yes
031537	7/13/2022	Tara Carlson	96.54	REF:1089222_161690	
031538	7/13/2022	The Dumbell Man Fitness	330.00	GYM EQUIPMENT MAINT. SERVICES	
031539	7/13/2022	Ugur Eskiocak	29.96	REF:1088922_103030	
031540	7/13/2022	United Parcel Service	28.96	SHIPPING	
031541	7/13/2022	Urban Futures Inc	300.00	PENSION ANALYSIS	
031542	7/13/2022	Verizon Connect Fleet USA, LLC	924.85	100000112726	
031543	7/20/2022	AG Tech Llc	1,614.96	WWTP BIOSOLIDS WASTE DISPOSAL	
031544	7/20/2022	Alisa Harris	71.88	REF:1060801_208055	
031545	7/20/2022	Alpha Mechanical, Inc	1,333.00	Preventative Maintenance HVAC Services DCMWTP	Yes
031546	7/20/2022	American Conservation & Billing Solutions, I	3,251.00	8/22 AQUAHAWK	
031547	7/20/2022	Anneliese Wells	137.44	REF:1060221_190525	
031548	7/20/2022	Anthea Billings	130.41	REF:1061830_197270	
031549	7/20/2022	AT & T	1,028.00	9391056789	Yes
031550	7/20/2022	Barrett Engineered Pumps	3,504.03	WTP SUPPLIES	
031551	7/20/2022	Bee Rescue LLC	720.00	7972 CAMINO GATO	Yes
031552	7/20/2022	Bob Turner's Crane Service Inc	770.40	WWTP SERVICES	
031553	7/20/2022	Brightview Landscape Services	17,295.00	Trim and Remove Multiple Trees/Vegetation at Gaty Resv. Complex\Easement	Yes
031554	7/20/2022	Dominic Brunozi	500.00	EDUCATION INCENTIVE PAY	
031555	7/20/2022	California State Disbursement Unit	123.23	ED100514-7/21/2022	
031556	7/20/2022	Cameron Adams	475.00	EDUCATION INCENTIVE PAY	
031557	7/20/2022	Cash	80.36	PETTY CASH REIMBURSEMENT	

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

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
031558	7/20/2022	City Treasurer	56,685.88	6/22 79.41 AF RECYCLED WATER	
031559	7/20/2022	Corodata	828.82	OFFSITE RECORDS STORAGE	
031560	7/20/2022	Corodata Shredding, Inc	83.87	PAPER DESTRUCTION SERVICES	
031561	7/20/2022	County Of San Diego	1,070.50	16092 SAN DIEGUITO RD	Yes
031562	7/20/2022	County of San Diego, RCS	171.00	6/22 RADIO SERVICES	
031563	7/20/2022	DCL Enterprise Inc Db	207.00	WWTP SERVICES	
031564	7/20/2022	Dudek	4,150.00	Construction Support Services	Yes
031565	7/20/2022	EcosConnect LLC	2,212.00	6/22 BACKFLOW REPORTING	
031566	7/20/2022	Encina Wastewater Authority	10,018.00	WATER SAMPLES	Yes
031567	7/20/2022	Encinitas Ford	324.75	SHOP SUPPLIES	
031568	7/20/2022	Escondido Metal Supply	1,654.38	PARKS SUPPLIES	
031569	7/20/2022	ESS	350.00	3G CELL COMMUNICATOR RPLCMNT	
031570	7/20/2022	Federal Express Corp	733.46	SHIPPING	
031571	7/20/2022	Franchise Tax Board	436.65	For -xxx - 6144	
031572	7/20/2022	Gutermann Inc	1,150.00	LISTENING STICK (QTY 2)	
031573	7/20/2022	Home Energy Systems	8,939.64	PARKS - SOLAR	Yes
031574	7/20/2022	IKG Environmental	10,691.21	Additional Work with IKG for Groundwater Level Monitoring for the San Diequito Valley	Yes
031575	7/20/2022	Infosend	4,493.97	ANNUAL POSTAGE DEPOSIT	
031576	7/20/2022	Infrastructure Engineering Corporation	4,750.00	NBHD #1 SPS REPLACEMENT PJT	Yes
031577	7/20/2022	Ingersoll-Rand Company	5,908.79	4 year Ingersoll Rand Package Care Agreement	Yes
031578	7/20/2022	Integrity Municipal Systems	4,840.00	WWTP SERVICES	Yes
031579	7/20/2022	Ixom Watercare Inc	13,721.11	Mixer for 4S WRF Eq basin	Yes
031580	7/20/2022	Josh Westbrook	475.00	EDUCATION INCENTIVE PAY	
031581	7/20/2022	Kimberly Meier	104.26	REF:1050075_197100	
031582	7/20/2022	Lawnmowers Plus Inc.	227.39	HONDA GENERATOR SERVICE	Yes
031583	7/20/2022	Lawrence Hunter	51.57	REF:1083619_221695	
031584	7/20/2022	Malia Robertson	27.97	REF:1091127_196900	
031585	7/20/2022	MGM Plastics Inc	398.68	WTP SUPPLIES	
031586	7/20/2022	Miranda Shilling	260.61	REF:1061110_231620	
031587	7/20/2022	Morton Salt Inc	9,713.46	WTP CHEMICALS	Yes
031588	7/20/2022	Napa Auto Parts	36.06	06/22 SUPPLIES	
031589	7/20/2022	Natalie Kraski	74.18	REF:1084786_208530	
031590	7/20/2022	Nicole Wayne	28.61	REF:1058523_190815	
031591	7/20/2022	Ninyo & Moore	2,998.50	GARDEN VIEW CT PAVING PJT	Yes
031592	7/20/2022	NV5, Inc	964.29	MANCHESTER PIPELINE OUTREACH	Yes
031593	7/20/2022	Otay Landfill	358.59	4-4531-0018538	
031594	7/20/2022	Pacific Pipeline Supply	3,353.50	WWTP SUPPLIES	Yes
031595	7/20/2022	Parkhouse Tire Inc	914.04	BA09 SUPPLIES	Yes
031596	7/20/2022	Patriot Environmental	1,150.00	WWTP ROLLOFF BIN SERVICES	Yes
031597	7/20/2022	Patten Systems Inc	5,944.80	Influent Filter Flow meter for 4S WRF	Yes
031598	7/20/2022	Peterson Structural Engineers, Inc.	17,531.50	Inspection and Analysis Servcies	Yes
031599	7/20/2022	Piperin Corporation	82,650.00	Construction Contract	Yes
031600	7/20/2022	Precision Striping, Inc	1,700.00	WTP PARKING LOT STRIPING SVCS	
031601	7/20/2022	PWLC I, INC	16,412.00	LANDSCAPE MAINTENANCE	Yes
031602	7/20/2022	Quality Lock & Security Services	10,123.46	Modify (6) Six Existing Doors to Panic Hardware at DCMWTP	Yes
031603	7/20/2022	Rattelis Financial Consultant	7,830.00	WATER/WWV CAP FEE, ON CALL SVCS	Yes
031604	7/20/2022	Rancho Santa Fe Community Svs	42,494.68	6/22 51.48 AF RECYCLED WATER	
031605	7/20/2022	RECON Environmental, Inc.	9,449.00	TREE TRIM NESTING ACTIVITY	Yes
031606	7/20/2022	Rockwell Engineering & Equipment	1,840.12	WTP SUPPLIES	
031607	7/20/2022	Samantha Dribben	24.44	REF:1080987_211220	
031608	7/20/2022	San Diego Gas & Electric	29,968.00	0092081023809	Yes
031609	7/20/2022	San Elijo Joint Powers Auth.	666.67	NORTH SD WATER REUSE	
031610	7/20/2022	Santa Fe Irrigation Dist	79.99	008128-005, 7/1/2022	
031611	7/20/2022	Savannah Young	66.46	REF:1088847_192900	
031612	7/20/2022	SiteOne Landscape Supply, LLC	226.29	SUPPLIES	
031613	7/20/2022	Southern Counties Lubricants, LLC.	6,915.07	FUEL SUPPLIES	
031614	7/20/2022	Steven L. Sherman DBA	3,015.00	Conservation landscape services-evaluation	Yes
031615	7/20/2022	Sean Stevenson	190.00	D3 EXAM & CERT FEE REIMB.	
031616	7/20/2022	Stilson Kent Scott Db	3,304.00	4S-11 RSVR FENCE REPAIRS	Yes
031617	7/20/2022	Sunbelt Rentals, Inc.	350.26	TOWABLE MIXER & CONCRETE	
031618	7/20/2022	Thomas Elrod	56.84	REF:1088682_201870	
031619	7/20/2022	Thomas Logan	122.45	REF:1086524_284560	
031620	7/20/2022	TS Industrial Supply	934.34	SUPPLIES	Yes
031621	7/20/2022	Underground Service Alert	402.70	DIG ALERT TICKETS	
031622	7/20/2022	United Parcel Service	28.28	SHIPPING	
031623	7/20/2022	Vallecitos Water District	48,616.46	RECLAIMED WATER SALES	
031624	7/20/2022	VWR International LLC	176.66	WTP SUPPLIES	Yes
031625	7/20/2022	Water for People	60.00	WTRPL 7/21/2022	
031626	7/20/2022	West Coast Sand & Gravel	903.14	3/4" CROSHED ROCK	
031627	7/20/2022	Whitson CM	4,435.26	WWTP SITE INSPECTIONS	Yes
031628	7/27/2022	Abigail Ackerman	143.20	REF:1089524_237280	
031629	7/27/2022	Advanced Air & Vacuum	345.00	MECHANICS HYDRAULIC LIFT RPRS	
031630	7/27/2022	Allied Electronics	821.01	SUPPLIES	Yes
031631	7/27/2022	American Backflow Specialties	1,270.19	SUPPLIES	
031632	7/27/2022	AT & T	645.83	9391059578	Yes
031633	7/27/2022	Bee Rescue LLC	820.00	LUSARDI 2 PRS	Yes
031634	7/27/2022	BNT Title Company of California	2,200.00	QUAIL GARDEN RD TITLE REPORT	Yes
031635	7/27/2022	Chad Coffman	123.15	REF:1061699_218550	
031636	7/27/2022	Cintas First Aid & Safety	120.98	WWTP FIRST AID SUPPLIES	
031637	7/27/2022	City Treasurer	650.00	TRUCKED WASTE PERMIT (WTP)	
031638	7/27/2022	Corporate Living	86.87	REF:1083703_146650	

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

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
031639	7/27/2022	D&H Water Systems	1,234.30	WTP SUPPLIES	
031640	7/27/2022	David Diehl	107.33	REF:1046638_224475	
031641	7/27/2022	Doggie Walk Bags Company	280.14	PARKS SUPPLIES	
031642	7/27/2022	Federal Express Corp	26.82	SHIPPING	
031643	7/27/2022	Gotuwired, Inc.	6,176.60	CONF CAMERAS & MICROPHONE SYS	
031644	7/27/2022	Guardian	980.22	8/22 DENTAL ADMIN FEES	
031645	7/27/2022	Hoch Consulting	10,897.50	Design Services for FY23 Recycled Water Pipeline Extension Project	Yes
031646	7/27/2022	Stephen Lee Mowry DBA	660.00	WET TAP SERVICES	Yes
031647	7/27/2022	Infrastructure Engineering Corporation	600.00	RECYCLED WTR HYDRAULIC SVCS	Yes
031648	7/27/2022	Jae Park	144.85	REF:1025635_160880	
031649	7/27/2022	Jeremiah Gonzales	91.52	REF:1047637_223815	
031650	7/27/2022	Kristina Kiley	105.29	REF:1084149_225525	
031651	7/27/2022	Liebert Cassidy Whitmore	3,580.00	EMPLOYMENT RELATIONS DUES	
031652	7/27/2022	Longnga Pham	161.81	REF:1089383_235485	
031653	7/27/2022	Matthew Malmquist	4.62	REF:1088861_221670	
031654	7/27/2022	Ninyo & Moore	2,254.00	LONE JACK PRS REPLACEMENT	Yes
031655	7/27/2022	Karen Ogawa	490.73	EXPENSE REIMBURSEMENTS	
031656	7/27/2022	Pacific Pipeline Supply	541.51	SUPPLIES	
031657	7/27/2022	Jarothe Inc., dba	78.00	760-489-9971	
031658	7/27/2022	Palomar Health	455.00	EMPLOYEE SERVICES	
031659	7/27/2022	Paula Verdu	101.74	REF:1090606_229615	
031660	7/27/2022	Robert Reese	59.89	REF:1084623_227785	
031661	7/27/2022	Ryan Herco	153.99	WTP SUPPLIES	
031662	7/27/2022	San Diego Building Maintenance	5,396.00	6/22 JANITORIAL SERVICES	
031663	7/27/2022	San Diego Gas & Electric	25,642.61	0099949341729	Yes
031664	7/27/2022	Sara Fabian	18.35	REF:1090106_169840	
031665	7/27/2022	Sean Siegler	34.01	REF:1062113_231460	
031666	7/27/2022	Sergus Thomas	59.89	REF:1090539_219445	
031667	7/27/2022	Standard Insurance Co.	6,032.32	8/22 LIFE & LTD INSURANCE PREM	
031668	7/27/2022	State Water Resources	60.00	T2 CERT RENEWAL - M.BARARD	
031669	7/27/2022	Sunita Boudreaux	125.05	REF:1089488_241840	
031670	7/27/2022	Tami O'Connell	143.76	REF:1050754_185765	
031671	7/27/2022	Tovar, Jaime	400.00	EDUCATION INCENTIVE	
031672	7/27/2022	TS Industrial Supply	844.33	SUPPLIES	Yes
031673	7/27/2022	UniFirst Aid Corp	298.17	FIRST AID SUPPLIES	
031674	7/27/2022	Uniforms Plus	28.00	PARKS SERVICES	
031675	7/27/2022	Velocity Vehicle Group	4,279.30	D653 SERVICES	Yes
EFT000000000125	7/13/2022	ACWA - JPIA	138,412.01	8/22 GROUP INSURANCE	
EFT000000000126	7/13/2022	Westamerica Communications, Inc.	7,311.85	POSTAGE DEPOSIT	Yes
EFT000000000127	7/13/2022	B. Weber Consulting LLC	2,768.06	CONSULTING SERVICES	Yes
EFT000000000128	7/13/2022	McMaster-Carr Supply Co.	170.38	WWTP SUPPLIES	
EFT000000000129	7/13/2022	Sloan Electric	6,733.62	Motor overhaul labor	Yes
EFT000000000130	7/13/2022	Traffic Safety Solutions	3,590.00	2219 LEVANTE	
EFT000000000131	7/13/2022	Transnet Investigative Group Inc.	495.90	PRE-EMPLOYMENT BACKGROUND	Yes
EFT000000000132	7/13/2022	Martin Marietta Materials Inc	1,262.00	SUPPLIES	Yes
EFT000000000133	7/13/2022	Softchoice	122.82	SURFACE DOCK	Yes
EFT000000000134	7/13/2022	CDW Government Inc	2,133.56	VMWARE ADVANCE SUBSCRIPTION	
EFT000000000135	7/13/2022	Nossaman LLP	13,500.00	LOBBYING SERVICES	Yes
EFT000000000136	7/20/2022	DLM Engineering Inc	8,670.63	ENGINEER CONSULTING SERVICES	Yes
EFT000000000137	7/20/2022	Mesa Products	774.05	SUPPLIES	Yes
EFT000000000138	7/20/2022	Evoqua Water Technologies	7,493.50	WWTP SUPPLIES	Yes
EFT000000000139	7/20/2022	McMaster-Carr Supply Co.	1,271.94	WTP SUPPLIES	Yes
EFT000000000140	7/20/2022	CyberlinkASP Technology	7,781.28	HOSTING SERVICES	
EFT000000000141	7/20/2022	Calif. Surveying & Drafting Supply	111.95	ENGINEERING DEPT SUPPLIES	
EFT000000000142	7/20/2022	Woodard & Curran	191.00	NSDCRRWP GRANT ADMIN	
EFT000000000143	7/20/2022	G. Briest Consulting, Inc.	7,743.91	PSA for Engineering Manager Support Services with GBC	Yes
EFT000000000144	7/20/2022	Martin Marietta Materials Inc	2,739.12	SUPPLIES	Yes
EFT000000000145	7/20/2022	Softchoice	2,616.95	WWTP SUP LAPTOP WARRANTY	Yes
EFT000000000146	7/20/2022	CDW Government Inc	678.84	SUPPLIES	
EFT000000000147	7/20/2022	Polydyne Inc	8,464.71	WWTP CHEMICALS	
EFT000000000148	7/20/2022	TK Elevator Corporation	768.04	HYDRAULIC ANNUAL TEST	
EFT000000000149	7/20/2022	Univar Solutions Usa Inc	2,465.65	WTP SUPPLIES	
EFT000000000150	7/20/2022	Harrington Industrial Plastics Inc	2,232.46	WTP SUPPLIES	Yes
EFT000000000151	7/27/2022	Westamerica Communications, Inc.	482.08	BUSINESS CARDS	
EFT000000000152	7/27/2022	PSI Water Technologies	52,499.59	NOVA 240 PPD Cell	Yes
EFT000000000153	7/27/2022	G. Briest Consulting, Inc.	6,788.18	Construction Management/Consulting Engineer Services	Yes
EFT000000000154	7/27/2022	Transnet Investigative Group Inc.	250.00	PRE-EMPLOYMENT BACKGROUND	Yes
EFT000000000155	7/27/2022	CDW Government Inc	10,135.00	Senior Engineer - Per Hour	Yes
EFT000000000156	7/27/2022	Valley Construction Management	14,915.00	CONSTRUCTION MGMT SERVICES	Yes
			1,092,645.09		

Olivenhain Municipal Water District
Monthly Directors Fee and Reimbursed Expenses for Directors and Staff
July 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	150.00
			0.00	0.00	0.00	0.00	150.00
Director Guerin			0.00	0.00	0.00	0.00	300.00
			0.00	0.00	0.00	0.00	300.00
Director Meyers			0.00	0.00	0.00	0.00	600.00
			0.00	0.00	0.00	0.00	600.00
Director Topolovac			0.00	0.00	0.00	0.00	450.00
			0.00	0.00	0.00	0.00	450.00
Director Watt			0.00	0.00	0.00	0.00	1,200.00
			0.00	0.00	0.00	0.00	1,200.00
General Manager Thorner			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Human Resources Manager Joslin			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Finance Manager Selamat			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Operations Manager Fulks			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Assistant General Manager Randall			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Customer Service Manager Carnegie			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	

*Includes May and June Director fees.

Notes:

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

Olivenhain Municipal Water District
MONTHLY CASH AND INVESTMENT SUMMARY
As of May 31, 2022

Active Deposits

	<u>Book Value</u>
Checking Accounts	\$ 8,802,303
Cash Restricted for Specific Use	5,790,842
Petty Cash/Disaster Preparedness	1,476
Total Active Deposits	<u>\$ 14,594,622</u>

Deposits Not Covered by Investment Policy

Cash with Fiscal Agents	5,002,766
-------------------------	-----------

<u>Investments</u>	<u>Face Value</u>	<u>Market Value</u>	<u>Current Yield</u>	
LAIF	\$ 23,220,882	22,959,730	0.68%	\$ 23,220,882
CAMP - US Bank	10,546,803	10,546,803	0.82%	10,546,803
Money Market Funds	2,044,195	2,044,195	0.62%	2,044,195
Medium Term Notes	500,000	499,360	2.30%	497,940
Commercial Paper	2,000,000	1,993,910	1.01%	1,991,848
Municipal Bonds	1,000,000	1,062,550	4.71%	1,216,760
U.S. Treasury Securities	7,000,000	6,882,390	1.17%	7,020,310
U.S. Agency Securities	33,426,111	31,595,362	0.70%	33,422,931
Total Investments	<u>\$ 79,737,992</u>	<u>\$ 77,584,300</u>	<u>0.83%</u>	<u>\$ 79,961,670</u>

Total - All Deposits/Investments

\$ 99,559,059

Maturity Analysis of Investments

	<u>Percent</u>	<u>Balance</u>
Demand Deposits	44.8%	\$ 35,811,881
Maturity within the next two months	1.2%	997,288
Maturity within three months and one year	11.3%	9,014,691
Maturity beyond one year	42.7%	34,137,811
Total Investments	<u>100.0%</u>	<u>\$ 79,961,670</u>

Weighted Average Days to Maturity

524

Other Required Disclosures:

Accrued interest receivable as of 05/31/2022 \$ 98,765

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

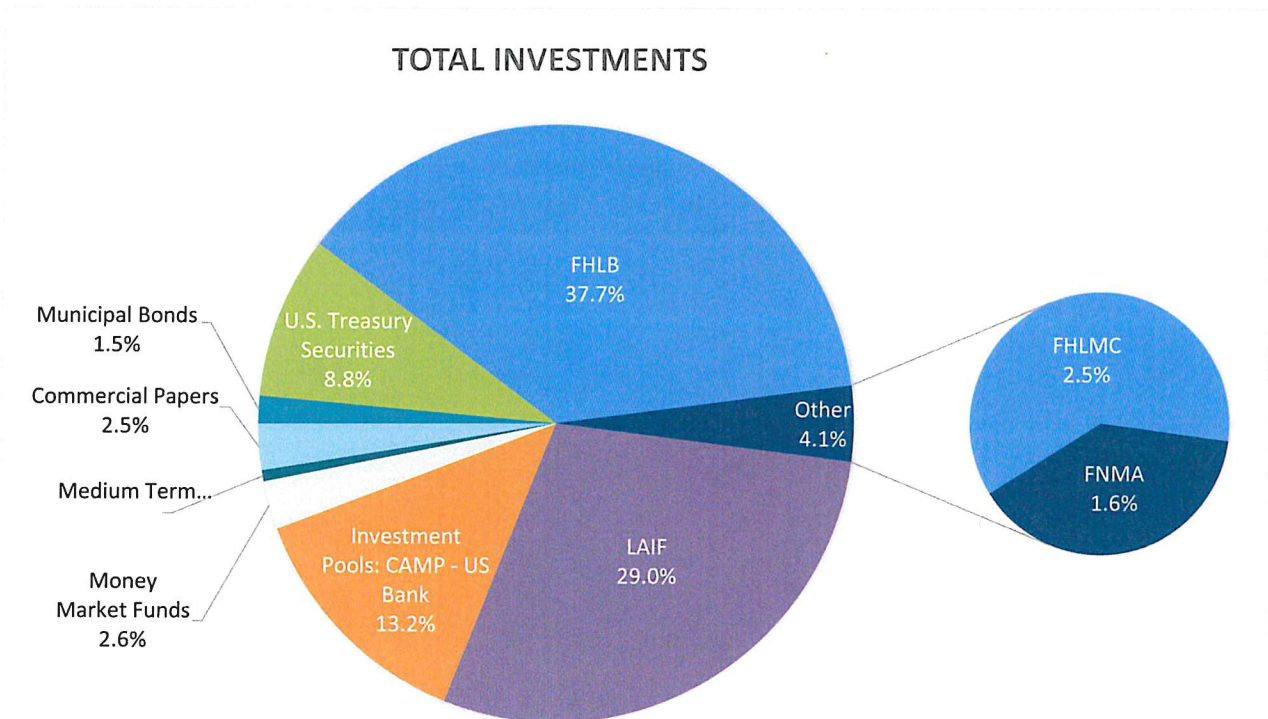
The District has sufficient funds on hand to meet the next 30 days' obligations.

Olivenhain Municipal Water District
PORTFOLIO LIMITATIONS ANALYSIS PER INVESTMENT POLICY
May 31, 2022

	<u>Book Value</u>	<u>Percent</u>	<u>Permitted Percent</u>		<u>In Compliance?</u>
LAIF	\$ 23,220,882	29.0%	50.0%	(1)	Yes
Investment Pools: CAMP - US Bank	10,546,803	13.2%	30.0%		Yes
Money Market Funds	2,044,195	2.6%	20.0%	(2)	Yes
Medium Term Notes	497,940	0.6%	30.0%	(3)	Yes
Commercial Papers	1,991,848	2.5%	20.0%	(3)	Yes
Municipal Bonds	1,216,760	1.5%	30.0%		Yes
U.S. Treasury Securities	7,020,310	8.8%	100.0%	(4)	Yes
U.S. Agency Securities	33,422,931	41.8%	50.0%		Yes
<i>FHLB</i> <i>Federal Home Loan Bank</i>	<i>30,173,111</i>	<i>37.7%</i>			
<i>FNMA</i> <i>Fannie Mae</i>	<i>1,250,000</i>	<i>1.6%</i>			
<i>FHLMC</i> <i>Freddie Mac</i>	<i>1,999,820</i>	<i>2.5%</i>			
<i>FFCB</i> <i>Federal Farm Credit Bank</i>	<i>-</i>	<i>0.0%</i>			
Total Investments	\$ 79,961,670	100%			

Note:

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



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

**Olivenhain Municipal Water District
MONTHLY INVESTMENTS DETAIL
May 31, 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
8,802,303
783,329
5,007,513
1,476
14,594,622

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 WW Revenue Bond
Union Bank - 2021B Refunding Bond

551,633
2,080,585
856,357
756,100
312,519
445,572

Total Deposits Not Covered by Investment Policy

5,002,766

	RATING		DATE				Weighted Average Days to Maturity		Stated Coupon	Current Yield	Market Value	Face Value	Book Value
	Moody's	S&P	Purchase	Maturity	Next Call	Next S-U							
INVESTMENTS													
Invest. Pools: US Bank Calif. Asset Mgmt Prgrn (CAMP)				Demand			1			0.82%	\$ 10,546,803	\$ 10,546,803	\$ 10,546,803
State Local Agency Investment Fund (LAIF)				Demand			1			0.68%	22,959,730	23,220,882	23,220,882
First American Government 31846V567				Demand			1			0.62%	2,044,195	2,044,195	2,044,195

U.S. Treasury Notes/Bills

912828YH7	U.S. Treasury Notes	Aaa	-	03/09/21	02/28/26		1,370		1.50%	1.54%	974,840	1,000,000	1,036,684
91282CBQ3	U.S. Treasury Notes	Aaa	-	03/09/21	09/30/24		854		0.50%	0.54%	918,050	1,000,000	984,478
912828YW4	U.S. Treasury Notes	Aaa	-	02/09/22	12/15/22		199		1.63%	1.62%	1,000,310	1,000,000	1,007,330
912828TJ9	U.S. Treasury Notes	Aaa	-	02/09/22	08/15/22		77		1.63%	1.62%	1,001,080	1,000,000	1,005,763
912796M71	U.S. Treasury Bills	Aaa	-	03/15/22	09/08/22		101		0.72%	0.72%	996,900	1,000,000	996,520
912796U64	U.S. Treasury Bills	Aaa	-	03/31/22	09/29/22		122		1.03%	1.03%	995,720	1,000,000	994,894
912796M89	U.S. Treasury Bills	Aaa	-	04/07/22	10/06/22		129		1.08%	1.08%	995,490	1,000,000	994,641
							86		1.15%	1.17%	\$ 6,882,390	\$ 7,000,000	\$ 7,020,310

U.S. Agency Securities

3134GXXH6	FHLMC Callable	Aaa	AA+	01/27/21	01/27/23	07/27/22	242	58	0.13%	0.13%	989,370	1,000,000	999,820
3130AJZJ1	FHLMC Callable	Aaa	AA+	09/02/20	08/25/23	Anytime	452	1	0.32%	0.33%	1,120,906	1,151,111	1,151,111
3136G4P56	FNMA Callable	Aaa	AA+	08/26/20	02/26/24	08/26/22	637	88	0.40%	0.41%	1,206,213	1,250,000	1,250,000
3130ALHM9	FHLMC Callable	Aaa	AA+	03/10/21	06/10/24	06/10/22	742	11	0.30%	0.31%	959,280	1,000,000	999,000
3130AKEV2	FHLMC Callable	Aaa	AA+	11/04/20	11/04/24	Anytime	889	1	0.43%	0.45%	1,897,240	2,000,000	2,000,000
3134GWAQ9	FHLMC Callable	Aaa	AA+	07/28/20	07/28/25	07/28/22	1,155	59	0.65%	0.69%	937,250	1,000,000	1,000,000
3130AKGX8	FHLMC Step-up Callable	Aaa	AA+	12/15/20	12/15/25	06/15/22	1,295	16	0.30%	0.32%	1,884,900	2,000,000	2,000,000
3130AKMD5	FHLMC Callable	Aaa	AA+	01/26/21	01/26/26	07/26/22	1,337	57	0.50%	0.54%	917,490	1,000,000	999,500
3130AKU53	FHLMC Callable	Aaa	AA+	01/28/21	01/28/26	07/28/22	1,339	59	0.52%	0.56%	926,520	1,000,000	1,000,000
3130AKN69	FHLMC Callable	Aaa	AA+	01/28/21	01/28/26	01/28/23	1,339	243	0.50%	0.54%	925,920	1,000,000	1,000,000
3130AKVN3	FHLMC Callable	Aaa	AA+	01/29/21	01/29/26	07/29/22	1,340	60	0.52%	0.56%	926,460	1,000,000	1,000,000
3130AKWK8	FHLMC Callable	Aaa	AA+	02/12/21	02/12/26	09/12/22	1,354	105	0.51%	0.55%	925,260	1,000,000	1,000,000
3130AKX43	FHLMC Step-up Callable	Aaa	AA+	02/24/21	02/24/26	09/24/22	1,366	117	0.70%	0.75%	1,862,340	2,000,000	2,000,000
3130AL7M0	FHLMC Callable	Aaa	AA+	02/24/21	02/24/26	09/24/22	1,366	117	0.63%	0.67%	928,510	1,000,000	1,000,000
3130AKYR1	FHLMC Callable	Aaa	AA+	02/25/21	02/25/26	02/25/23	1,367	271	0.55%	0.60%	914,620	1,000,000	1,000,000
3130AL6K5	FHLMC Callable	Aaa	AA+	02/25/21	02/25/26	02/25/23	1,367	271	0.58%	0.63%	927,000	1,000,000	1,000,000
3130ALD76	FHLMC Callable	Aaa	AA+	02/25/21	02/25/26	09/25/22	1,367	118	0.70%	0.75%	931,040	1,000,000	1,000,000
3130ALCW2	FHLMC Callable	Aaa	AA+	02/25/21	02/25/26	02/25/23	1,367	271	0.63%	0.67%	928,570	1,000,000	998,500
3130AL6Q2	FHLMC Callable	Aaa	AA+	02/26/21	02/26/24	Anytime	637	1	0.22%	0.23%	961,520	1,000,000	1,000,000
3130ALGJ7	FHLMC Callable	Aaa	AA+	03/23/21	03/23/26	06/23/22	1,393	24	1.00%	1.08%	904,205	975,000	975,000
3130ALPQ1	FHLMC Step-up Callable	Aaa	AA+	03/30/21	03/30/26	06/30/22	1,400	31	0.75%	0.79%	948,350	1,000,000	1,000,000
3130ALVC5	FHLMC Step-up Callable	Aaa	AA+	04/14/21	04/14/26	07/14/22	1,415	45	0.75%	0.79%	946,240	1,000,000	1,000,000
3130AMMV1	FHLMC Callable	Aaa	AA+	06/03/21	06/03/24	06/03/22	735	4	0.40%	0.42%	480,870	500,000	500,000
3130AMKE1	FHLMC Callable	Aaa	AA+	05/27/21	02/27/25	09/27/22	1,004	120	0.66%	0.70%	946,010	1,000,000	1,000,000
3130ANGN4	FHLMC Step-up Callable	Aaa	AA+	08/18/21	02/18/25	09/18/22	995	111	0.35%	0.37%	955,620	1,000,000	1,000,000
3130ANSP6	FHLMC Callable	Aaa	AA+	09/17/21	10/17/24	09/17/22	871	110	0.50%	0.53%	951,850	1,000,000	1,000,000
3130ANTP5	FHLMC Callable	Aaa	AA+	09/16/21	09/16/24	06/16/22	840	17	0.50%	0.52%	956,070	1,000,000	1,000,000
3130APAY1	FHLMC Callable	Aaa	AA+	10/21/21	10/21/26	07/21/22	1,605	52	1.10%	1.17%	936,880	1,000,000	1,000,000
3130APL78	FHLMC Callable	Aaa	AA+	10/28/21	10/28/26	07/28/22	1,612	59	1.38%	1.45%	945,500	1,000,000	1,000,000
3130ARYU9	FHLMC Callable	Aaa	AA+	05/23/22	02/23/24	08/23/22	634	85	3.00%	2.99%	1,003,210	1,000,000	1,000,000
3130AS3J6	FHLMC Callable	Aaa	AA+	05/24/22	11/24/23	05/24/23	543	359	2.50%	2.50%	550,149	550,000	550,000
							1,111	2,933	0.66%	0.70%	\$ 31,595,362	\$ 33,426,111	\$ 33,422,931

Medium Term Notes

740816AJ2	Pres & Fellows of Harvard	Aaa	AAA	05/06/22	10/01/23	10/01/22	489	124	2.30%	2.30%	499,360	500,000	497,940
							489	62	2.30%	2.30%	\$ 499,360	\$ 500,000	\$ 497,940

Commercial Paper

46640QJ85	JP MORGAN SEC LLC	P-1	A-1	03/09/22	09/08/22		101		1.08%	1.08%	995,380	1,000,000	994,561
48306BGE9	Kaiser Foundation	F1+	A-1+	03/31/22	07/14/22		45		0.94%	0.94%	998,530	1,000,000	997,288
							73		1.01%	1.01%	\$ 1,993,910	\$ 2,000,000	\$ 1,991,848

Municipal Bonds

882724RA7	TEXAS ST PUB FIN AUTH	Aaa	AAA	10/30/20	10/01/25		1,220		5.00%	4.71%	1,062,550	1,000,000	1,216,760
							1,220		5.00%	4.71%	\$ 1,062,550	\$ 1,000,000	\$ 1,216,760
							524		0.79%	0.81%	\$ 77,584,300	\$ 79,737,992	\$ 79,961,670

Total Investments

TOTAL - ALL DEPOSITS AND INVESTMENTS

\$ 99,559,069

**Olivenhain Municipal Water District
INVESTMENTS TRANSACTION
May 31, 2022**

PURCHASED

DATE					<i>Stated</i>	<i>Current</i>		
<u>Purchase</u>	<u>Maturity</u>	<u>Call</u>	<u>Step-Up</u>	<u>Investment Description</u>	<u>Coupon</u>	<u>Yield</u>	<u>Face Value</u>	<u>Book Value</u>
05/23/22	02/23/24	08/23/22		FHLB Callable	3.000%	2.990%	1,000,000	1,000,000
05/24/22	11/24/23	05/24/23		FHLB Callable	2.500%	2.499%	550,000	550,000
05/06/22	10/01/23	10/01/22		Pres & Fellows of Harvard	2.300%	2.303%	500,000	497,940

MATURED / REDEEMED / CALLED

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

Olivenhain Municipal Water District
UNAUDITED CASH POSITION BY FUNDING SOURCES
As of May 31, 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	40,043,372
10010-100	Cash - Operating Fund	15,094,130
10060-100	Cash - Deposit Work for Other	60,428
10040-100	Cash - Rate Stabilization	12,150,923
14000-500	Restricted Cash - Capacity Fee Fund	5,102,287
Total Water Funds (Potable & Recycled)		<u>72,452,615</u>
<u>Wastewater Funds</u>		
10010-110	Wastewater - Operating Fund	4,526,025
10030-110	Wastewater - Capital Replacement Fund	9,177,310
10040-110	Wastewater - Rate Stabilization Fund	2,609,499
Total Wastewater Funds		<u>16,312,834</u>
<u>Non Fiscal Agent Debt Service Cash</u>		
14020-570	Cash non-agent - RAD 96-1	772,129
10070-561	Cash non-agent - Bond 2015A	621
10070-581	Cash non-agent - Bond 2016A	10,580
14020-521	Cash non-agent - Bond 2021A	5,007,513
Total Non Fiscal Agent Debt Service Cash		<u>5,790,842</u>
<u>Debt Service Funds</u>		
14030-510	SRF Loan - Fiscal Agent	856,357
14105-570	Redemption fund - RAD 96-1	485,508
14110-570	Reserve fund - RAD 96-1	66,125
14100-561	Redemption fund - Bond 2015A	2,080,585
14100-581	Redemption fund - Bond 2016A	756,100
14100-521	Redemption fund - CB&T 2021A	312,519
14100-522	Redemption fund - CB&T 2021B	445,572
Total Debt Service Funds		<u>5,002,766</u>
TOTAL FUND BALANCES		<u><u>99,559,059</u></u>

Memo

Date: August 17, 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:

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

OLIVENHAIN MUNICIPAL WATER DISTRICT
Statement of Net Position (Unaudited)
All Funds
5/31/2022

Assets

Current assets:

Unrestricted assets:

Cash and cash equivalents	\$83,529,190
Accounts receivable - water and sewer, net	8,575,064
Interest Receivable	98,765
Taxes receivable	154,318
Other receivables	211,605
Inventories	1,584,213
Prepaid expenses and deposits	616,723
Total unrestricted assets	<u>94,769,878</u>

Restricted assets:

Cash and cash equivalents	15,744,561
Assesments receivable	44,007
Grants receivable	166,135
Total restricted assets	<u>15,954,704</u>
Total current assets	<u>110,724,582</u>

Noncurrent assets:

Capital assets, nondepreciable	49,731,992
Capital assets, depreciable/amortizable, net	<u>330,481,739</u>
Capital assets, net	380,213,731
Prepaid bond insurance	21,013
Other long-term receivables	18,849
Total noncurrent assets	<u>380,253,593</u>
Total assets	<u>490,978,174</u>

Deferred Outflows of Resources

Deferred amount on refunding	(1,030,800)
Deferred amount from pension	<u>(3,585,712)</u>
Total deferred outflows of resources	<u>(4,616,512)</u>

Liabilities

Current Liabilities

Liabilities payable from unrestricted assets:

Accounts payable	6,417,381
Accrued payroll	348,430
Customer deposits	359,193
Payable related to work in progress	51,281
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>12,563,435</u>

Liabilities payable from restricted assets:

Accounts payable	29,319
Interest payable	776,843
Total liabilities payable from restricted assets	<u>806,162</u>
Total current liabilities	<u>13,369,597</u>

Noncurrent liabilities

Compensated absences	980,959
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	13,697,393
Water Revenue Refunding Bonds 2015A	13,638,454
Special Assessment Debt with Government Commi...	4,594,691
Notes Payable	10,756,474
Total noncurrent liabilities	<u>66,587,116</u>
Total liabilities	<u>79,956,713</u>

OLIVENHAIN MUNICIPAL WATER DISTRICT
Statement of Net Position (Unaudited)
All Funds
5/31/2022

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	330,638,582
Restricted Net Position	10,141,029
Unrestricted Net Position	<u>74,433,119</u>
Total Net Position	<u><u>415,212,730</u></u> ✓

OLIVENHAIN MUNICIPAL WATER DISTRICT
Statement of Revenues, Expenses and Changes in Net Position (Unaudited)
All Funds
For the Eleven Months Ending 5/31/2022

	<u>2022</u>
Operating Revenues:	
Water Sales	\$51,741,076
Sewer Charges	5,460,023
Other Water Operating revenues	<u>1,611,882</u>
Total Operating Revenues	58,812,981
Operating Expenses	
Cost of Purchased Water Sold	28,014,261
Pumping and Water Treatment	3,628,617
Transmission and Distribution	3,914,878
Sewer Collection and Treatment	1,732,315
Elfin Forest Recreation Operations	364,256
Facilities Maintenance	1,187,204
Customer Service	1,810,368
General and Administrative	6,471,096
Depreciation and Amortization	<u>9,983,270</u>
Total Operating Expenses	57,106,265
Operating Income (Loss)	1,706,716
Nonoperating Revenues (Expenses)	
Investment income	290,058
Property taxes	4,179,202
Capacity charges	1,530,925
Benefit assessments	1,052,580
Other nonoperating revenues	665,540
Interest expense, net	(1,226,503)
Other nonoperating expenses	<u>(247,217)</u>
Total nonoperating revenues (expenses)	6,244,585
Income before capital contributions	<u>7,951,301</u>
Capital contributions	<u>15,276</u>
Change in net position	7,966,577
Net Position, Beginning of year	<u>407,246,154</u>
Net Position, End of year	<u><u>415,212,730</u></u> ✓

OLIVENHAIN MUNICIPAL WATER DISTRICT
CONSOLIDATED STATEMENT OF CASH FLOWS (UNAUDITED)
AS OF MAY 31, 2022

CASH FLOWS FROM OPERATING ACTIVITIES:

Receipts from water and sewer customers	\$ 62,664,980
Payments for water	(28,091,686)
Payments for services and supplies	(8,393,983)
Payments for employee wages, benefits and related costs	(12,793,977)
Net cash provided by operating activities	<u>13,385,334</u>

CASH FLOWS FROM NONCAPITAL AND RELATED FINANCING ACTIVITIES:

Property taxes and benefit assessments received	5,227,756
Net cash provided by noncapital and related financing activities	<u>5,227,756</u>

CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES:

Acquisition and construction of capital assets	(8,194,469)
Proceeds from Grants	223,185
Principal paid on long-term debt	(5,684,031)
Proceeds from debt issuance	8,975,110
Interest paid on long-term debt	(595,718)
Capacity charges received	1,530,926
Other capital financing receipts (expenses)	581,828
Net cash used by capital and related financing activities	<u>(3,163,169)</u>

CASH FLOWS FROM INVESTING ACTIVITIES:

Investment income received	273,374
Net cash provided (used) by investing activities	<u>273,374</u>

Net increase (decrease) in cash and cash equivalents	15,723,295
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Cash and cash equivalents, beginning of year	<u>49,689,236</u>
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Cash and cash equivalents, end of period	<u><u>\$ 65,412,531</u></u>
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FINANCIAL STATEMENT PRESENTATION:

Cash and cash equivalents - current assets	51,930,919
Cash and cash equivalents - restricted assets	13,481,612
Total cash and cash equivalents	<u><u>\$ 65,412,531</u></u>

CASH AND CASH EQUIVALENTS RECONCILIATION

		Balance Includes	Without Mkt
		Mkt Securities	Securities
Unrestricted cash	5/31/2022	83,529,190	51,930,919
Restricted cash	5/31/2022	15,744,561	13,481,612
Total cash and cash equivalents			<u>65,412,531</u>

OLIVENHAIN MUNICIPAL WATER DISTRICT
Consolidated Actual vs Budget Summary
For the Eleven Months Ending 5/31/2022

	Approved Budget	Actual YTD	Budget YTD	Variance Amt	Variance %	Notes
Operating Revenues						
Commodity Water Sales	\$41,465,000.00	\$37,534,497.09	\$37,394,800.00	\$139,697.09	0.4%	
Water Fees and Services	17,917,000.00	15,818,460.68	16,427,620.00	(609,159.32)	(3.7%)	1
Sewer Revenue	5,435,000.00	5,460,023.10	5,389,000.00	71,023.10	1.3%	
Total Operating Revenues	64,817,000.00	58,812,980.87	59,211,420.00	(398,439.13)	(0.7%)	
Operating Expenses						
Purchased Water - Variable	22,350,000.00	20,402,472.49	20,233,130.00	(169,342.49)	(0.8%)	
Purchased Water - Fixed	8,316,000.00	7,611,788.30	7,611,789.00	0.70	0.0%	
General Manager Dept	1,922,000.00	1,651,877.47	1,762,530.00	110,652.53	6.3%	2
Engineering Dept	2,196,000.00	1,708,942.73	2,013,770.00	304,827.27	15.1%	2
Finance Dept	1,556,000.00	1,303,243.97	1,426,150.00	122,906.03	8.6%	2
Customer Service Dept	2,628,800.00	2,155,649.52	2,412,146.00	256,496.48	10.6%	2
Human Resources Dept	713,600.00	651,217.31	654,500.00	3,282.69	0.5%	2
Water Operations and Maintenance Dept	10,995,000.00	9,209,624.95	10,084,129.00	874,504.05	8.7%	2
Parks Dept	442,300.00	396,831.96	406,296.00	9,464.04	2.3%	2
Sewer Operations and Maintenance Dept	2,774,000.00	2,556,502.22	2,543,783.00	(12,719.22)	(0.5%)	2
Recycled Water Operations Dept	1,222,500.00	922,124.91	1,121,780.00	199,655.09	17.8%	2
Paygo Transfers						
Water Operations	7,900,000.00	7,238,000.00	7,238,000.00		0.0%	
Recycled Operations	2,200,000.00	2,013,000.00	2,013,000.00		0.0%	
Capitalized Operations Expenditures	(1,531,470.00)	(715,010.91)	(1,404,590.00)	(689,579.09)	49.1%	3
Total Operating Expenses	63,684,730.00	57,106,264.92	58,116,413.00	1,010,148.08	1.7%	
Net Operating Income (Loss)	1,132,270.00	1,706,715.95	1,095,007.00	611,708.95		
Nonoperating Revenues						
Water Funds	5,875,000.00	5,020,156.97	4,002,100.00	1,018,056.97	25.4%	4
Debt Service Funds	1,049,000.00	1,060,650.97	1,037,220.00	23,430.97	2.3%	
Sewer Funds	39,000.00	19,036.92	36,300.00	(17,263.08)	(47.6%)	4
Recycled Water Funds	60,000.00	25,436.28	54,780.00	(29,343.72)	(53.6%)	5
Total Nonoperating Revenue	7,023,000.00	6,125,281.14	5,130,400.00	994,881.14	19.4%	
Nonoperating Expense						
Capacity Fee Funds	30,000.00	22,627.40	27,280.00	4,652.60	17.1%	
Debt Service Funds	1,393,620.00	1,351,294.45	1,284,580.00	(66,714.45)	(5.2%)	6
Potable Water Funds	10,000.00	99,797.79	8,800.00	(90,997.79)	(1034.1%)	7
Total Nonoperating Expense	1,433,620.00	1,473,719.64	1,320,660.00	(153,059.64)	(11.6%)	
Inc before Cap Fees and Capital Contributions	6,721,650.00	6,358,277.45	4,904,747.00	1,453,530.45		
Capacity Fee Funds	745,000.00	1,593,023.28				8
Capital contributions	1,655,000.00	15,275.91				9
Change in Net Position		7,966,576.64				

OLIVENHAIN MUNICIPAL WATER DISTRICT
Actual vs Budget Variance
For the Eleven Months Ending 05/31/2022

1. 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.
2. Actual departmental expenses varied from the Budget YTD amounts due to the timing of actual operating expenses. The Budget YTD amounts assume expenditures are incurred evenly throughout the year.
3. Actual Capitalized Operating Expenses were lower than the Budget YTD due to the timing of capitalized labor spent on District projects, such as the Manchester Recycled Pipeline Replacement project and the Neighborhood 1 Sewer Pump Station Replacement project. Actual Capitalized Operating Expenses will be lower than Budget YTD for the current fiscal year. Capitalized labor costs for the projects noted above have been accounted for in the Fiscal Year 2023 budget.
4. Actual Non-operating Revenues – Water Funds were more than Budget YTD for a favorable variance due to the sale of Peay Parcel for \$595 thousand, and due to the timing of property tax revenues received from the County.
5. Actual Non-operating Revenues – Sewer Funds and Recycled Water Funds were less than Budget YTD for an unfavorable variance due to lower-than-expected return on investments.
6. Actual Non-Operating Expenses – Debt Service Funds were greater than Budget YTD for an unfavorable variance from the 2021A and 2021B bonds costs of issuance and interest expense not anticipated in Budget YTD.
7. 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, which currently total \$91,450.
8. 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.
9. 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 5/31/2022

Project Name	Budget	Appropriation to Date	Expenditures & Encumbrance	(Over) / Under
Replace Neighborhood 1 SPS	\$7,732,000	\$7,732,000	\$7,063,134	\$668,866
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	\$1,084,453	\$3,549,547
San Dieguito Desalination	\$42,837,000	\$4,262,000	\$4,027,164	\$234,836
Manchester Potable Pipeline	\$4,198,000	\$4,198,000	\$3,369,035	\$828,965
Replace Valves	\$9,121,000	\$1,044,000	\$688,924	\$355,076
DCMWTP PH Control System	\$737,000	\$737,000	\$614,386	\$122,614
Replace DCMWTP Membranes	\$8,336,000	\$725,000	\$747,271	(\$22,271) ^
Fixed Base AMI	\$3,278,000	\$627,000	\$600,777	\$26,223
Pipeline Replace. Assessment	\$590,000	\$590,000	\$587,707	\$2,293
Replace Headworks Manual Sys	\$3,160,000	\$503,000	\$357,160	\$145,840
Residuals Handling Bldg Canopy	\$482,000	\$482,000	\$89,560	\$392,440
Hydropower Turbine Refurb	\$600,000	\$480,000	\$461,976	\$18,024
PRS Replacements	\$3,451,000	\$453,000	-	\$453,000
Lone Jack PRS	\$340,000	\$340,000	\$319,111	\$20,889
DCMWTP 4th Stage Centrifuge	\$1,040,000	\$339,000	\$248,624	\$90,376
HOA Pipeline Ext - CB, VP, SH	\$2,415,000	\$315,000	\$2,963	\$312,037
DCMWTP Analyzer Replace.	\$727,000	\$305,000	\$276,429	\$28,571
Rehab Concrete Tanks	\$727,000	\$283,000	\$262,217	\$20,783
Steel Mains Protection	\$3,120,000	\$270,000	\$80,113	\$189,887
Replace Potable Meters	\$4,042,000	\$270,000	\$179,813	\$90,187
RSFe Rd Unit A North PL	\$1,748,000	\$253,250	\$214,205	\$39,045
Pot & Recycled Master Plan	\$524,000	\$228,000	\$20,769	\$207,231
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	\$183,147	\$16,854
Replace Pipelines	\$7,674,950	\$196,000	\$170,230	\$25,770
Parking & Access Improvements	\$265,000	\$191,000	\$48,065	\$142,935
District-Wide PLC replacements	\$1,618,000	\$166,000	\$11,942	\$154,058
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
Replace Meter Anodes	\$1,496,000	\$100,000	\$8,913	\$91,087
The Lakes Sewer Main Leak	\$99,000	\$99,000	\$55,667	\$43,333 #
Retrofit Pot. Service to Recyc	\$1,267,000	\$97,000	\$33,636	\$63,364
Rancho Cielo Manhole Lining	\$539,000	\$92,000	\$80,008	\$11,992
Network Security	\$1,126,000	\$84,000	\$44,062	\$39,938
Bing Crosby Sewer Main Leak	\$82,000	\$82,000	\$47,665	\$34,335 #
Replace Pot. Pumps and Motors	\$1,026,000	\$81,000	\$68,898	\$12,102
Village Park PRS	\$80,000	\$80,000	\$1,617	\$78,383
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	\$49,257	\$23,243
District-Wide Facility Securit	\$70,000	\$70,000	\$24,500	\$45,500
Train 9 Control Wiring	\$64,000	\$64,000	\$36,139	\$27,861
Gardenview Crt Pipln Repair	\$57,500	\$57,500	\$379	\$57,121
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	\$15,798	\$16,452
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:	\$121,480,637	\$29,279,762	\$20,593,736	\$8,686,026

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: August 17, 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, fifty-two 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: August 17, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Jeff Anderson, Park Supervisor
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE COUNTY OF SAN DIEGO COMMUNITY ENHANCEMENT PROGRAM FOR THE ELFIN FOREST RECREATIONAL RESERVE EQUINE INCLINE REHABILITATION PROJECT**

Purpose

The purpose of this agenda item is to authorize staff to submit by resolution an application to the County of San Diego for funding from the Community Enhancement Program for the Elfin Forest Recreational Reserve Equine Incline Rehabilitation Project. In order to submit this grant application, the County of San Diego requires an adopted resolution.

Recommendation

Staff recommends approval of the resolution.

Alternative(s)

- The board may choose against adoption of the resolution; however, this alternative would preclude the achievement of grant funds tentatively projected at \$29,999.
- The board may direct staff as otherwise deemed appropriate.

Background

The Community Enhancement Program funding comes from a set percent of Transient Occupancy Tax (TOT) revenues. Eligible entities and activities may include: cultural activities, museums, visitor and convention bureaus, economic development councils, and other similar institutions/organizations, including County programs and projects. Final award recommendations are made by individual Board of Supervisors district offices based on the availability of funds, program guidelines, and the submission of all required information and supporting documentation.

Elfin Forest Recreational Reserve is enjoyed by over 129,000 San Diego County residents each year. Over the past 30 years, EFRR has provided free recreational services to millions of San Diego County residents. EFRR's Equine Incline Trail is remote, rugged, long, and incorporates significant elevation gain and loss. For these reasons, this trail is a favorite for many EFRR visitors.

Fiscal Impact

There are no costs associated with adoption of this resolution.

The cost estimate for this project is \$29,999. If OMWD is successful in obtaining funding for this trail rehabilitation project at EFRR, up to \$29,999 in expenditures may be offset. OMWD will not contribute funds above \$29,999 to this project.

Discussion

Due to its remoteness and ruggedness, mechanized equipment has not been utilized to perform maintenance on this trail in the past. After 30 years of operation and regular maintenance, sections of this trail will benefit from the use of mechanized equipment to efficiently rehabilitate this trail to support increased public use and mitigate impacts of overuse.

The San Diego Mountain Bike Association now offers professional trail maintenance and trail building services using specialized trail-specific equipment. Staff has inspected

examples of SDMBA's past trail work using this equipment and were impressed with the final product. If awarded funds from this grant, SDMBA's trail maintenance crew will be utilized to complete this work. Staff does not have access to this specialized trail maintenance equipment, nor does staff have the experience and skill to operate this equipment within the rugged terrain of the Equine Incline Trail.

Staff has conducted studies to determine the scope of a 1.2-mile trail rehabilitation project of the Equine Incline Trail, which is eligible for County of San Diego Community Enhancement Program funding. The proposed project includes a plan for professional trail building and maintenance services using trail-specific equipment, and skilled equipment operators and trail builders.

In order to submit a complete application, a resolution authorized by the applicant's governing body must be included.

With the board's approval, staff seeks to submit an application for grant funding from the County of San Diego Community Enhancement Program Program.

Attachments:

- *County of San Diego Community Enhancement Program Resolution*

RESOLUTION NO. 2022-XX

RESOLUTION OF OLIVENHAIN MUNICIPAL WATER DISTRICT'S
BOARD OF DIRECTORS APPROVING THE APPLICATION FOR GRANT
FUNDS FROM THE COMMUNITY ENHANCEMENT PROGRAM

WHEREAS, the County of San Diego Community Enhancement Program provides funding for non-profit corporations and public agencies for certain specified purposes; and

WHEREAS, the Olivenhain Municipal Water District wants to file an application with the County of San Diego for Community Enhancement Program funding.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Olivenhain Municipal Water District that Olivenhain Municipal Water District is a public agency under the laws of the State of California; and

BE IT FURTHER RESOLVED that the Board of Directors of Olivenhain Municipal Water District approves the filing of an application with the County of San Diego for Community Enhancement Program funding during the County's current fiscal year; and

BE IT FURTHER RESOLVED that the Board of Directors of Olivenhain Municipal Water District authorizes the General Manager to sign a grant agreement with the County of San Diego for Community Enhancement funds for the current fiscal year.

PASSED, ADOPTED AND APPROVED at a regular meeting of the Board of Directors of Olivenhain Municipal Water District held on August 17, 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: August 17, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Mark Wilson, Operations Supervisor
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER AWARD OF A CONTRACT WITH C.E. WILSON CORPORATION IN THE AMOUNT OF \$448,150 FOR THE VALVE REPLACEMENT PROJECT EXCAVATION AND PAVING SUPPORT SERVICES FOR FISCAL YEAR 2023 AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD**

Purpose

The purpose of this agenda item is to consider award of a contract with C.E. Wilson Corporation (C.E. Wilson) in the amount of \$448,150 for the Fiscal Year 2023 (FY 23) Valve Replacement Project Excavation and Paving Support Services (VRP 23) and authorize the General Manager to sign on behalf of the Olivenhain Municipal Water District (OMWD).

Recommendation

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

Alternatives

The Board could reject the bid and direct staff to re-bid the project. The Board could choose to delay repairs and replacement of broken and non-functioning infrastructure. The Board could direct staff as otherwise deemed appropriate.

Background

When functional, valves throughout the water distribution system allow for isolation of sections of pipeline in the event of leaks, hit hydrants, or other damage. Older valves may not work properly in these situations, potentially requiring costly, unplanned replacements during which customers receive little or no advance notice of a service interruption. The planned replacement of these valves dramatically reduces replacement costs and the inconvenience to customers. The Valve Replacement Project (VRP) has been identified as an OMWD Annual Objective to keep pace with the anticipated valve failure rate, and to reduce the broken valve backlog.

Through detailed study, staff has determined that the use of contractors to perform excavation, backfill, and paving while leaving the complex shutdowns, mechanical work and customer interactions to staff has been the most cost effective and efficient approach to valve replacements.

A public pre-qualification process was conducted in April 2021. Four contractors submitted pre-qualification applications:

- CE Wilson Corporation
- L.B. Civil Construction
- Piperin Corporation
- Paul Hansen Equipment

Of the four, only three contractors met the qualifications required, which includes the development of detailed specifications and rigorous standards which must be met by the contractors before they bid on the project. Using this process has minimized the risk of poor-quality work which may have ultimately manifested itself in negative impacts to customers and increased costs to OMWD.

Fiscal Impact

This contract supports the VRP Excavation and Paving Support Services program for FY 2023.

Is this a Multi Fiscal Year Project? Yes

In which Fiscal Year did this project begin? 2013

Total Project Budget: \$8,856,000

Current Fiscal Year Appropriation: \$1,085,000

To Date Approved Appropriations: \$1,085,000

Target Project Completion Date: 6/30/2023

Expenditures and Encumbrances as of August 8,2022: \$11,593

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

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

Discussion

Staff developed a project with a scope of 48 valves located throughout the Rancho Santa Fe area. The Notice Inviting Bids for the VRP FY 23 was sent via email to the three pre-qualified contractors on July 12, 2022. A mandatory pre-bid was held on Tuesday July 26, 2022, L.B. Civil Construction failed to attend the meeting. Per the Notice Inviting Bids, failure to attend the mandatory meeting resulted in the contractor being deemed unresponsive and excluded from submitting a bid. Notification of the contractor's unresponsive status was emailed to L.B. Civil Construction on July 27, 2022.

Bids were received from the remaining two pre-qualified contractors, Piperin Corporation and C.E. Wilson on August 8, 2022. The most responsive and responsible bidder for VRP FY 23 was C.E. Wilson, had an average cost of \$9,336 per valve as shown below:

FY 2022-2023 Valve Replacement Project Bids			
Contractor	Bid Amount	# Valves	Average Cost Per Valve as Bid*
C.E. Wilson Corporation	\$448,150	48	\$9,336

* Based on bid amount only; not inclusive of materials, outside services, and force account labor.

Detailed bid results are attached and staff is available to respond to questions. Staff is available for any questions.

Attachment(s):

July 27, 2022 Letter to L.B. Civil Construction

FY 2023 Valve Replacement Project Excavation and Paving Support Services Bid Results

Board of Directors

Lawrence A. Watt, President
Kristie Bruce-Lane, Vice President
Christy Guerin, Treasurer
Robert F. Topolovac, Director
Neal Meyers, Director



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

July 27, 2022

L.B. Civil Construction, Inc.
Attn: Geoff Bohne, Vice President
324 East Valley Parkway
Escondido, CA 92025

Re: Olivenhain Municipal Water District (OMWD) Valve Replacement Excavation and Paving Support Services 2022-2023

Dear Mr. Bohne,

L.B. Civil Construction, Inc. (L.B. Civil) has been determined to be an unresponsive bidder and excluded from submitting a bid for the Valve Replacement Excavation and Paving Services 2022-2023 for failure to attend the mandatory pre-bid meeting on July 26, 2022. Per the Notice Inviting Sealed Proposals:

"The District will conduct a mandatory pre-bid meeting at Olivenhain Municipal Water District, 1966 Olivenhain Road Encinitas, CA 92024 at **10:00 a.m. on July 26, 2022. It is mandatory that bidders attend the pre-bid meeting.** If a bidder does not attend the pre-bid meeting the bidder will be deemed unresponsive and their bid will be rejected."

In addition to the Notice Inviting Sealed Proposals, L.B. Civil was notified on July 12, 2022 via email regarding the project and mandatory pre-bid meeting. L.B. Civil confirmed receipt of the email on July 13, 2022.

While L.B. Civil is excluded as noted above from bidding on OMWD's Valve Replacement Excavation and Paving Support Services 2022-2022 project, we encourage submitting bids on future projects.

OLIVENHAIN MUNICIPAL WATER DISTRICT

Geoff Fulks
Operations Manager

Attachment(s):

Notice Inviting Sealed Proposals;

July 12, 2022 email to L.B. Civil Construction, Inc.;

July 13, 2022 email confirmation from L.B. Civil Construction, Inc.



Valve Replacement Project #D120075
Excavation and Paving Support Services FY2022-2023
August 8, 2022 2PM

	Bidder:	1	2
Bid Item No.	Bid Item	C.E. Wilson Corporation	Piperin Corporation
A	All work required to complete the excavation and paving support services for valves identified as A1-A33	\$308,900.00	\$369,600.00
B	All work required to complete the excavation and paving support services for valves identified as B1-B15	\$124,750.00	\$168,000.00
C	Mobilization, Demobilization, Bonds, Permits, Insurance, & Cleanup for all work required under this Project	\$14,500.00	\$85,000.00
	Total Amount of Bid Schedule A, B, AND C:	\$448,150.00	\$622,600.00
	Addendum No. 1 Acknowledgement	Yes	Yes
	Attended Mandatory Pre-Bid Meeting	Yes	Yes

Memo

Date: August 17, 2022

To: Olivenhain Municipal Water District Board of Directors

From: Jeff Anderson, Park Supervisor
John Carnegie, Customer Services Manager

Via: Kimberly A. Thorner, General Manager

Subject: **CONSIDER ADOPTION OF A RESOLUTION MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS TO EXPAND THE OVERFLOW PARKING LOT AT ELFIN FOREST RECREATIONAL RESERVE AND CONSTRUCT A 0.5-MILE LINKAGE TRAIL BETWEEN WAY UP TRAIL AND EQUINE INCLINE TRAIL AT ELFIN FOREST RECREATIONAL RESERVE (IF GRANT FUNDING IS RECEIVED), AND ORDER A NOTICE OF EXEMPTION BE FILED WITH THE COUNTY CLERK, COUNTY OF SAN DIEGO**

Purpose

The purpose of this agenda item is to consider adoption of the proposed resolution and California Environmental Quality Act findings and to authorize staff to file a Notice of Exemption for the Elfin Forest Recreational Reserve Overflow Parking Lot Expansion and Trail Expansion Project with the San Diego County Clerk. Completion of CEQA is a requirement for the grant application that was submitted to the California Department of Parks and Recreation in early 2022 for this project. The addition of a trail component to the Overflow Parking Lot Expansion Project was included to make OMWD's grant application as competitive as possible. Currently, there are no plans to begin this project unless grant funding is received.

Recommendation

Staff recommends adoption of the proposed resolution which makes CEQA findings for declaration of the Elfin Forest Recreational Reserve Overflow Parking Lot Expansion and Trail Expansion Project as an exempt project under the following CEQA Guidelines:

- Section 15301(a) Existing Facilities, allows for a Class 1 exemption for operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use;
- Section 15303(a) New Construction or Conversion of Small Structures allows for a Class 3 exemption for construction and location of limited numbers of new, small facilities or structures, installation of small new equipment and facilities in small structures, and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Examples of this exemption include, but are not limited to a store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area;
- Section 15304(a) Minor Alterations to Land allows for a Class 5 exemption for minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

Additionally, staff recommends approval of filing the Notice of Exemption for this project with the County Clerk for posting per CEQA Guidelines.

Alternative(s)

The board could adopt the Notice of Exemption but direct staff to not file it with the County Clerk. This would extend the Statute of Limitations for filing protests against the project from 35 days to 180 days.

Background

Staff began seeking grant funding for the expansion of EFRR's Overflow Parking Lot in 2015. EFRR's popularity has exceeded its parking capacity, and outside funding has been identified as the preferable method to fund this project. In recent years, most roadside parking adjacent to EFRR has been prohibited by the County of San Diego for safety

reasons which further exacerbates EFRR's lack of parking capacity. A status report about the pursuit of grant funding by which to fund the project was presented to the board at its January 19, 2022 meeting.

On January 19, 2022, the OMWD Board of Directors adopted Resolution numbers 2022-02 and 2022-03. These resolutions allowed staff to apply for two grants that would fund expansion of the EFRR Overflow Parking Lot. In February 2022, staff submitted a grant application to the Land and Water Conservation Fund to expand the Overflow Parking Lot. The LWCF grant application required CEQA to be completed for the project or in progress at the time of grant submission. Staff provided monthly CEQA progress since submitting the grant application to the LWCF grant coordinator. On July 14, 2022, OMWD was informed that the LWCF grant application was not selected.

In April 2022, staff submitted a grant application to the Recreational Trails Program to expand the Overflow Parking Lot and construct a 0.5-mile connection trail between the Way Up Trail and the Equine Incline Trail at EFRR. The trail project component of the Recreational Trails Program grant application was added to make this project as competitive as possible and maximize the chances of being awarded funding. The Recreational Trails Program grant application also requires CEQA to be completed for the project or in progress at the time of grant submission. Staff has been updating the RTP grant coordinator on CEQA progress monthly since submitting the grant application.

Staff engaged the services of RECON Environmental, who has advised that a Notice of Exemption is both necessary and adequate to meet CEQA requirements.

Fiscal Impact

There is no fiscal impact directly associated with adoption of the resolution, other than the \$50 fee to file the Notice of Exemption with the County Clerk.

Approval of the resolution will allow for the ongoing consideration of the RTP grant application by the California Department of Parks and Recreation. If successful, OMWD could achieve up to \$849,216 in grant funding for construction of the project.

Discussion

The proposed project is composed of two components. One portion of the project is to connect the Cielo Azul property to the rest of the EFRR trail network, through the construction of a new 0.5-mile multi-use trail, and the second component is to improve visitor access through an expanded overflow parking lot to address increased

recreational demand. The expanded parking lot will result in EFRR nearly doubling its parking capacity. The trail expansion component of the project involves converting a historic construction access road (which is abandoned and off limits to the public), into a multi-use hiking trail using US Forest Service trail standards. Specifically, the new trail will link the EFRR Way Up Trail directly to EFRR's Equine Incline Trail. This trail linkage will help reduce trail traffic on the two most heavily traveled trails in the network, and it will create an additional loop within EFRR's trail system providing new recreation routes for EFRR visitors and reducing back and forth traffic on the upper portion of the Way Up Trail. The EFRR expanded parking lot component of the project proposes to increase the overflow parking lot capacity to accommodate the public's growing recreation demand due to population increases and development.

The project consists of new improvements and replacement of existing components of the parking lot which will require minor grading during construction. The new parking lot will include new facilities such as fences and gates, new walkways, and associated striping, signage, and landscaping. In addition, the Cielo Azul Trail would be upgraded to include a 0.5-mile segment/connector. No expansion of existing park capacity or changes in facility use would occur; therefore, the project is exempt from CEQA under CEQA Guidelines Section 15301 Existing Facilities, Section 15303 New Construction or Conversion of Small Structures, and Section 15304 Minor Alterations to Land.

Filing a Notice of Exemption with the County of San Diego County Clerk will meet the requirements of CEQA and begin the 35-day Statute of Limitations to receive public comment or to file a protest against the project.

Adoption of this resolution will also allow for final review and consideration by the California Department of Parks and Recreation of the pending grant application. Further, adopting this resolution may qualify OMWD to submit applications for future grant opportunities, if necessary, as CEQA will be required for this project regardless of what funding source is used to complete the EFRR Overflow Parking Lot Expansion project.

Attachment(s): Resolution, NOE

RESOLUTION NO. 2022 -

RESOLUTION OF THE BOARD OF DIRECTORS OF OLIVENHAIN MUNICIPAL WATER DISTRICT MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS TO EXPAND THE OVERFLOW PARKING LOT AT ELFIN FOREST RECREATIONAL RESERVE AND CONSTRUCT A 0.5-MILE LINKAGE TRAIL BETWEEN WAY UP TRAIL AND EQUINE INCLINE TRAIL AT ELFIN FOREST RECREATIONAL RESERVE (IF GRANT FUNDING IS RECEIVED), AND ORDERING A NOTICE OF EXEMPTION FILED WITH THE COUNTY CLERK, COUNTY OF SAN DIEGO

WHEREAS, Olivenhain Municipal Water District, is a water agency organized and operating pursuant to California Water Code Sections 71000 et seq; and

WHEREAS, Olivenhain Municipal Water District manages and operates Elfin Forest Recreational Reserve located at 8833 Harmony Grove Road, Escondido, State of California, which is a 784-acre regional reserve offering 11 miles of hiking, biking, and equestrian trails, picnic areas, and scenic viewing points.

WHEREAS, EFRR parking capacity remains unchanged since it opened to the public in 1992; and annual visitation to EFRR has increased 108% since EFRR attendance tracking began in 2000; and

WHEREAS, this project involves the creation of additional parking capacity for EFRR visitors in line with visitor demand; and

WHEREAS, the project's construction is contingent upon grant funding which staff is seeking for the Elfin Forest Recreational Reserve Overflow Parking Lot Expansion and Trail Expansion Project; and

WHEREAS, both the Land and Water Conservation Fund and the Recreational Trails Program grant applications required OMWD to satisfy requirements of the California Environmental Quality Act for the project to be eligible for grant funding; and

WHEREAS, this project is exempt from CEQA in accordance with CEQA Guidelines Section 15301(a) Existing Facilities, Section 15303(a) New Construction or Conversion of Small Structures, and Section 15304(a) Minor Alterations to Land which provides categorical CEQA exemption; and

WHEREAS, pursuant to the CEQA Guidelines, the Olivenhain Municipal Water District Board of Directors has caused to be prepared a Notice of Exemption according to CEQA Guidelines Section 15301(a), Section 15303(a) and Section 15304(a), stating that the project is exempt according to CEQA Guidelines; and

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

County of San Diego.

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

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

SECTION 2: In accordance with the California Environmental Quality Act Guidelines Section 15061, the Board of Directors hereby finds and determines that the Elfin Forest Recreational Reserve Overflow Parking Lot Expansion and Trail Expansion Project is exempt from CEQA for the following reasons:

- 1) CEQA Guidelines Section 15301(a), Existing Facilities, allows for a Class 1 exemption for operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.
- 2) CEQA Guidelines Section 15303(a), New Construction or Conversion of Small Structures, allows for a Class 3 exemption for construction and location of limited numbers of new, small facilities or structures, installation of small new equipment and facilitates in small structures, and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Examples of this exemption include, but are not limited to a store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area.
- 3) CEQA Guidelines Section 15304(a), Minor Alterations to Land, allows for a Class 5 exemption for minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

SECTION 3: The Board of Directors of Olivenhain Municipal Water District hereby directs staff to promptly file a Notice of Exemption with the County Clerk of the County of San Diego stating that the Elfin Forest Recreational Reserve Overflow Parking Lot Expansion and Trail Expansion Project is exempt from CEQA in accordance with CEQA Guidelines Section 15301(a), Section 15303(a), and Section 15304(a).

RESOLUTION NO. 2022 - *continued*

PASSED, ADOPTED AND APPROVED at a regular meeting of the Board of Directors of the Olivenhain Municipal Water District held on Wednesday, August 17, 2022.

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

ATTEST:

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

Notice of Exemption**Appendix E**

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: _____

From: (Public Agency): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific:

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

The proposed project consists of renovations to the existing parking lot at the Elfin Forest Recreational Reserve to improve circulation and accessibility and improvements to the Cielo Azul trail. The new parking lot will include approximately 60 parking spaces, a bathroom and kiosk building, walkways, asphaltic paving, fencing and gates, striping, signage, and landscaping. The Cielo Azul Trail would be upgraded and maintained to include a 0.5-mile segment/connector.

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c)); 15301 - Existing Facilities, 15303 - New Construction or
- ☐ Categorical Exemption. State type and section number: Conversion of Small Structures, 15304 - Minor Alterations to Land
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The project consists of new improvements and replacement of existing components of the parking lot which will require minor grading during construction. The new parking lot will include new facilities such as fences and gates, a bathroom and kiosk building (not exceeding 2,500 square feet in floor area), new walkways, and associated striping, signage, and landscaping. In addition, the Cielo Azul Trail would be upgraded and maintained to include a 0.5-mile segment/connector. No expansion of existing park capacity or changes in facility use would occur; therefore, the project is exempt from CEQA under Section 15301, 15304, and 15303.

Lead Agency

Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Memo

Date: August 17, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Geoff Fulks, Operations Manager
Mark Wilson, Operations Supervisor
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER APPROPRIATION OF \$176,000 TO FISCAL YEAR 2023 SMALL CAPITAL ITEM BUDGET FOR VEHICLE PURCHASES THAT WERE SCHEDULED TO BE DELIVERED IN FISCAL YEAR 2022 AND DELAYED DUE TO SUPPLY CHAIN CONSTRAINTS**

Purpose

The purpose of this agenda item is to consider a \$176,000 appropriation of Small Capital Item funds to Fiscal Year 23 (FY 23) for vehicle purchases that were unable to be executed in Fiscal Year 22 (FY 22) due to supply chain constraints.

Recommendation

Staff recommends approval of the appropriation to purchase replacement vehicles in the Board approved FY 23 Small Capital Item budget.

Alternative(s)

The Board could choose to not appropriate funds and defer the purchase of replacement vehicles.

Background

OMWD's fleet management procedure requires replacing vehicles after 10 years of service or when maintenance repairs become extensive and warrant an early replacement. Following the procurement of replacement vehicles, the old vehicles are auctioned off per OMWD's Administrative and Ethics Code Section 6.6 A Surplus Sales.

Three vehicles were planned to be purchased in FY 22:

Department	Vehicle make/model/year	Current Mileage
Engineering	Ford F-150 2006	111,000
System Operators	Ford F-250 2012	105,000
Wastewater Duty Operator	Ford F-150 2013	113,000

Fiscal Impact

Staff is requesting that \$176,000 be allocated from the Capital Reserve Fund to the FY 23 Small Capital Item budget to take advantage of the opportunity to purchase available vehicles. These funds were allocated in FY 22 and staff issued purchase orders, however the funds were never spent due to the vendors inability to deliver before the end of the Fiscal Year.

Discussion

Due to ongoing supply chain issues and material shortages, staff was unable to procure new fleet vehicles in FY 22. Many of the dealerships throughout California, Arizona, and Nevada that were contacted by staff would not issue quotes for fleet vehicles due to supply chain shortages.

As the supply chain issues and materials shortages began to ease in early 2022, staff was able obtain competitive quotes and Penske Ford was issued purchase orders for the purchase of two Ford F-150s and one Ford F-250. Staff recommends moving forward with procurement of three fleet replacement vehicles and allocating funds to the FY 23 Small Capital Item budget from the Capital Reserve Fund. Staff is available for questions.

Memo

Date: August 17, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Jeff Anderson, Park Supervisor
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM**

Purpose

The purpose of this agenda item is to authorize staff to submit a revised authorizing resolution for the application to the California Department of Parks and Recreation for grant funding from the Recreational Trails Program for the Elfin Forest Recreational Reserve Visitor Access Improvement and Trail Expansion Project. Though the board passed Resolution 2022-02 for this purpose on January 19, 2022, the Department of Parks and Recreation requests and requires that the funding source in the authorizing resolution be revised to “Fixing America’s Surface Transportation Act” and to include a summary of Ayes/Noes.

Recommendation

Staff recommends approval of the resolution.

Alternative(s)

- The board may choose against adoption of the resolution; however, this alternative would preclude the achievement of grant funds tentatively projected at \$849,216.
- The board may direct staff as otherwise deemed appropriate.

Background

The Recreational Trails Program is a state-administered local assistance program of the US Department of Transportation's Federal Highway Administration. The California Department of Parks and Recreation administers the program, and the RTP provides funds to the states to develop and maintain recreational trails and trail-related facilities for both non-motorized and motorized uses.

Elfin Forest Recreational Reserve has grown steadily in popularity over the past 20 years, and parking, especially on weekends, holidays, and mild weather months has exceeded the capacity of the primary staging area parking and overflow parking lots. Physical and biological constraints preclude expansion of the primary parking lot; therefore, staff has evaluated options for additional parking by expanding the current overflow parking lot.

Staff and consultants have conducted studies to determine the scope of a project expanding the overflow parking lot at EFRR, which is a project eligible for Recreational Trails Program funding. The proposed project includes a plan to grade and develop parking spaces for up to 65 vehicles.

Staff has sought outside funding since 2015 by which to construct the project. At the August 19, 2015 board meeting, the board approved Resolution 2015-18 authorizing staff to seek funds from the Recreational Trails Program. Though competitive, the application was not selected for funding. Staff has since applied for grants through several other programs, but has not yet been successful in securing funding.

Most recently, at the January 19, 2022 board meeting, the board approved Resolution 2022-02 for funding from the Recreational Trails Program for the Elfin Forest Recreational Reserve Overflow Parking Lot Expansion Project.

In April 2022, staff submitted the grant application to the Recreational Trails Program to expand the Overflow Parking Lot and construct a 0.5-mile connection trail between the

Way Up Trail and the Equine Incline Trail at EFRR. The trail project component of the Recreational Trails Program grant application was added to make this project as competitive as possible and maximize the chances of being awarded funding.

Fiscal Impact

There are no costs associated with adoption of this resolution.

The cost estimate for this project is \$964,943. The program requires only a 12 percent local match. Therefore, if OMWD is successful in obtaining funding for this visitor access improvement and trail expansion project at EFRR, up to \$849,216 in expenditures may be offset.

Discussion

On August 3, 2022, the California Department of Parks and Recreation advised staff that the April 2022 application for funding remains under consideration, but that additional information and documentation must be submitted by September 2, 2022. Among other items, the California Department of Parks and Recreation requested a revised resolution reflecting “Fixing America’s Surface Transportation Act” as the funding source in the authorizing resolution and requested the inclusion of the Ayes/Noes.

Adoption of this resolution will allow for final review and consideration by the California Department of Parks and Recreation of the pending grant application.

Attachments:

- *Recreational Trails Program Resolution*

RESOLUTION NO. 2022-XX

RESOLUTION OF OLIVENHAIN MUNICIPAL WATER DISTRICT'S
BOARD OF DIRECTORS APPROVING THE APPLICATION FOR GRANT
FUNDS FROM THE RECREATIONAL TRAILS PROGRAM

WHEREAS, the "Fixing America's Surface Transportation Act" provides funds to the State of California for grants to federal, state, local and non-profit organizations to acquire, develop and/or maintain motorized and non-motorized trail projects; and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the program within the state, setting up necessary procedures governing project application under the program; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of application(s) before submission of said application(s) to the state; and

WHEREAS, the applicant will enter into a contract with the State of California to complete the project(s).

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Olivenhain Municipal Water District that Olivenhain Municipal Water District is a public agency under the laws of the State of California; and

BE IT FURTHER RESOLVED that the Board of Directors of Olivenhain Municipal Water District approves the filing of an application for the Recreational Trails Program; and

BE IT FURTHER RESOLVED that the Board of Directors of Olivenhain Municipal Water District Certifies that the project is consistent with Olivenhain Municipal Water District's general plan or the equivalent planning document; and

BE IT FURTHER RESOLVED that the Board of Directors of Olivenhain Municipal Water District certifies that it has or will have available prior to commencement of any work on the project included in this application, sufficient funds to operate and maintain the project; and

BE IT FURTHER RESOLVED that the Board of Directors of Olivenhain Municipal Water District certifies that it has reviewed, understands, and agrees to the general provisions contained in the contract shown in the procedural guide; and

BE IT FURTHER RESOLVED that the Board of Directors of Olivenhain Municipal Water District appoints the General Manager as agent to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the project.

RESOLUTION NO. 2022-xx *continued*

BE IT FURTHER RESOLVED that the Board of Directors of Olivenhain Municipal Water District agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

PASSED, ADOPTED AND APPROVED at a regular meeting of the Board of Directors of Olivenhain Municipal Water District held on August 17, 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

Memo

Date: August 17, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Kimberly A. Thorner, General Manager
Subject: **CONSIDER ADOPTION OF A RESOLUTION OF THE BOARD OF DIRECTORS OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT HONORING LISA MAXWELL FOR 25 YEARS OF DEDICATED SERVICE**

Purpose

The purpose of this item is to consider the attached Resolution for presentation to Accountant I, Lisa Maxwell for her 25 years of service.

Recommendation

Staff recommends that the Board approve the attached Resolution.

Background

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

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
OLIVENHAIN MUNICIPAL WATER DISTRICT HONORING
LISA MAXWELL FOR 25 YEARS OF DEDICATED SERVICE

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

WHEREAS, LISA MAXWELL has served the Olivenhain Municipal Water District (District) for 25 years through exceptional support of the entire district; and

WHEREAS, LISA MAXWELL began serving the District on August 4, 1997 as an Accountant I; and

WHEREAS, LISA MAXWELL'S commitment to excellence has resulted in countless clean audits ensuring the utmost transparency for the ratepayers and district; and

WHEREAS, LISA MAXWELL has remained dedicated to serving the ratepayers and employees with the highest integrity; and

WHEREAS, LISA MAXWELL over the last twenty-five years has managed to be the most feared person at the district if you fail to submit your timecard on time; and

WHEREAS, LISA MAXWELL has continually processed and paid the District's bills from thousands of vendors timely; and

WHEREAS LISA MAXWELL wins the award for most packages delivered to the district; and

WHEREAS, LISA MAXWELL has completed and led the Finance Team in countless inventories, all with excellent results; and

WHEREAS, LISA MAXWELL'S commitment and loyalty to the district is greatly appreciated; and

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

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

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

PASSED, ADOPTED AND APPROVED at a regular meeting of the Board of Directors on the 17th day of August 2022.

ATTEST:

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

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

Memo

Date: August 17, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Kimberly A. Thorner, General Manager
Subject: **CONSIDER AN INFORMATIONAL PRESENTATION FROM METROPOLITAN WATER DISTRICT ON THE FUTURE OF THE COLORADO RIVER**

Purpose

The purpose of this agenda item is to provide an update from the Metropolitan Water District on the future of the Colorado River. A copy of the presentation is attached.

Recommendation

This is an informational report. No board action is required. The board requested presentations from presenters throughout the region for calendar year 2022, and this is a timely topic.

Alternative(s)

N/A.

Attachment: MWD Colorado River Presentation



Managing through Drought on the Colorado River

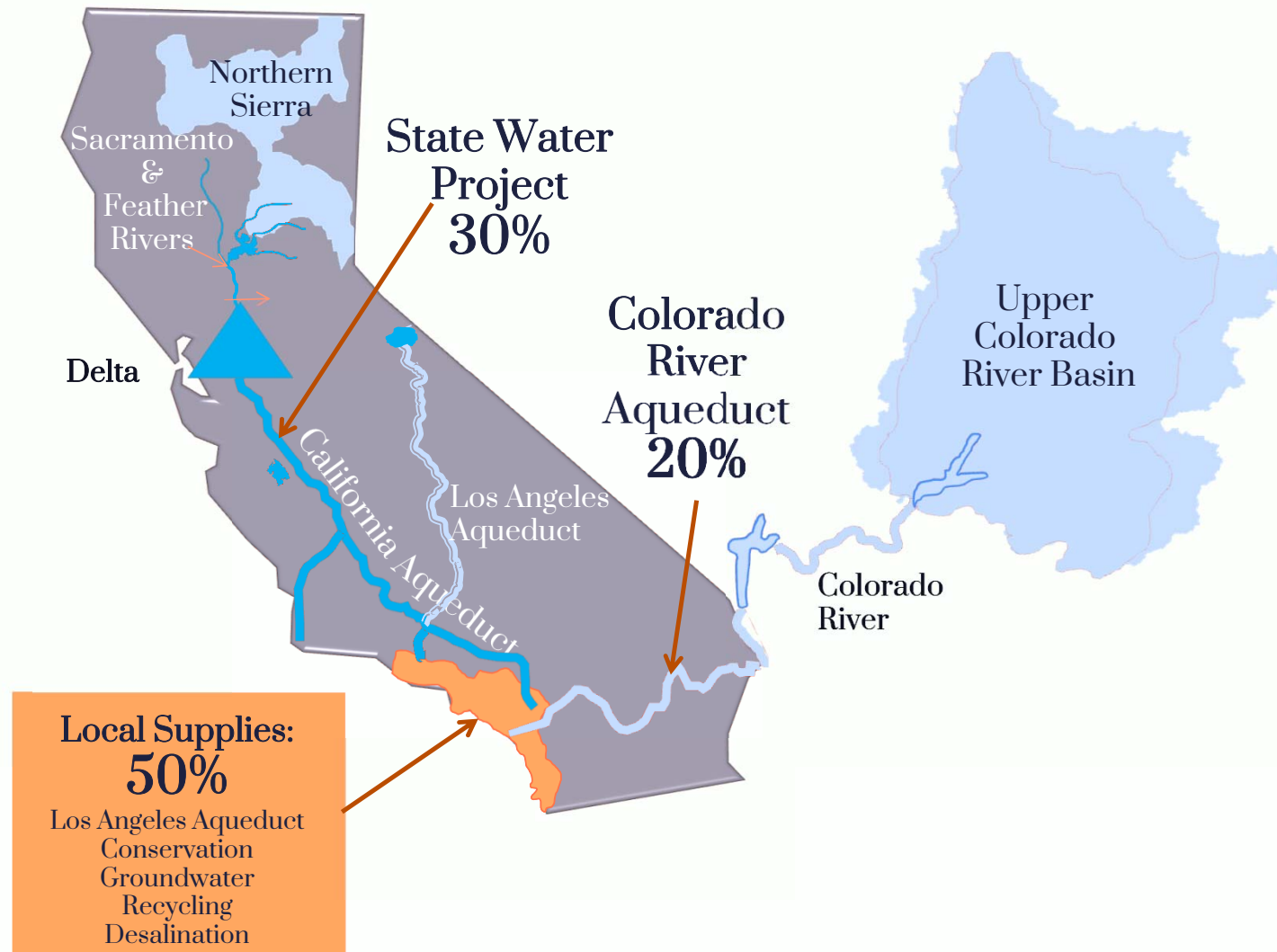
Olivenhain Municipal Water District
August 17, 2022

Metropolitan Water District

Regional water wholesaler

19 million people
26 member agencies

Six counties
5,200 square miles



Colorado River is Highly Regulated

Upper and Lower Basin

40 million people
7 western states, plus the
Republic of Mexico

5.5 million acres of farmland
4,200 megawatts of
hydroelectric capacity



Key Agreements

Colorado River Compact (1922)

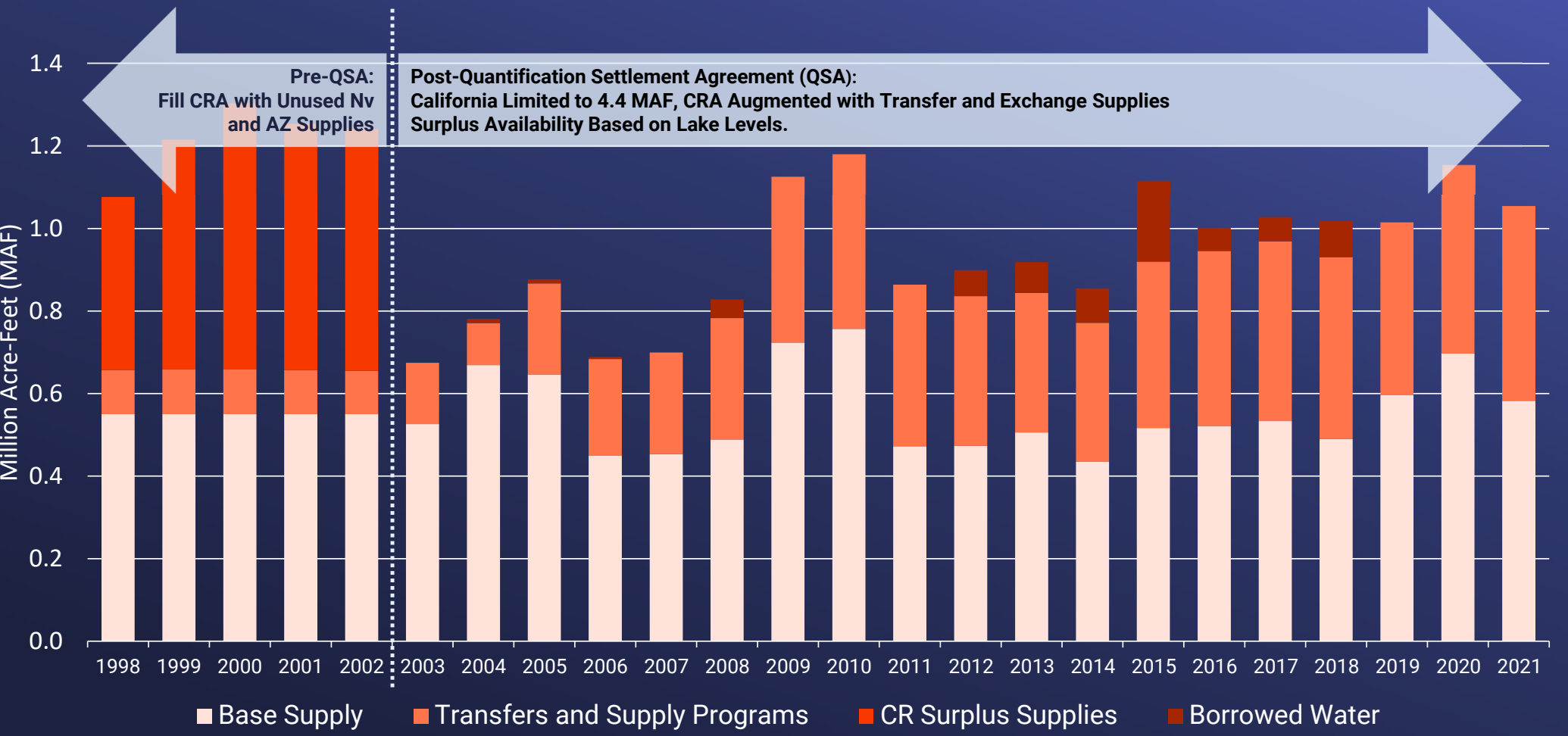
Divides right to use Colorado River water between the Upper and Lower Basins in perpetuity

Apportions 7.5 million acre-feet (maf) of annual use to both the Lower Basin and Upper Basin

Recognizes the Lower Basin's right to develop an additional 1 maf annually


Anticipated the treaty with Mexico (1944)

Metropolitan Colorado River Supply



2007 Interim Guidelines

- Effective through 2026
- Key Guidelines Provisions
 - Established Lower Basin Surplus and Shortage Triggers
 - Coordinated Reservoir Operations
 - Developed Intentionally Created Surplus (ICS)



THE SECRETARY OF THE INTERIOR
WASHINGTON

Record of Decision

Colorado River Interim Guidelines for Lower Basin Shortages and the
Coordinated Operations for Lake Powell and Lake Mead

December 2007

Recommending Official:

Robert Johnson *December 13, 2007*
ROBERT JOHNSON Date
Commissioner, Bureau of Reclamation

Approved:

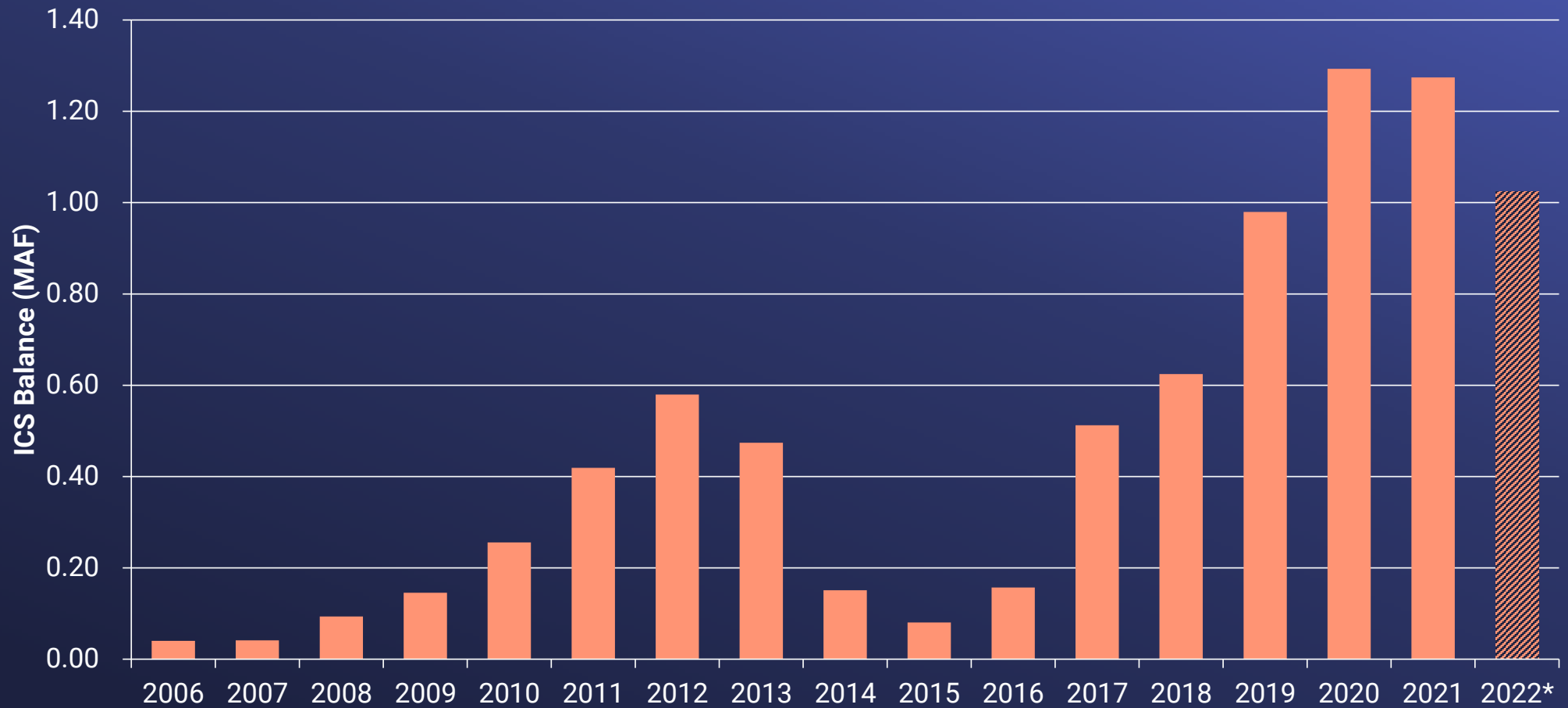
Dirk Kempthorne *December 13, 2007*
DIRK KEMPTHORNE Date
Secretary of the Department of the Interior

2019 Colorado River Drought Contingency Plan

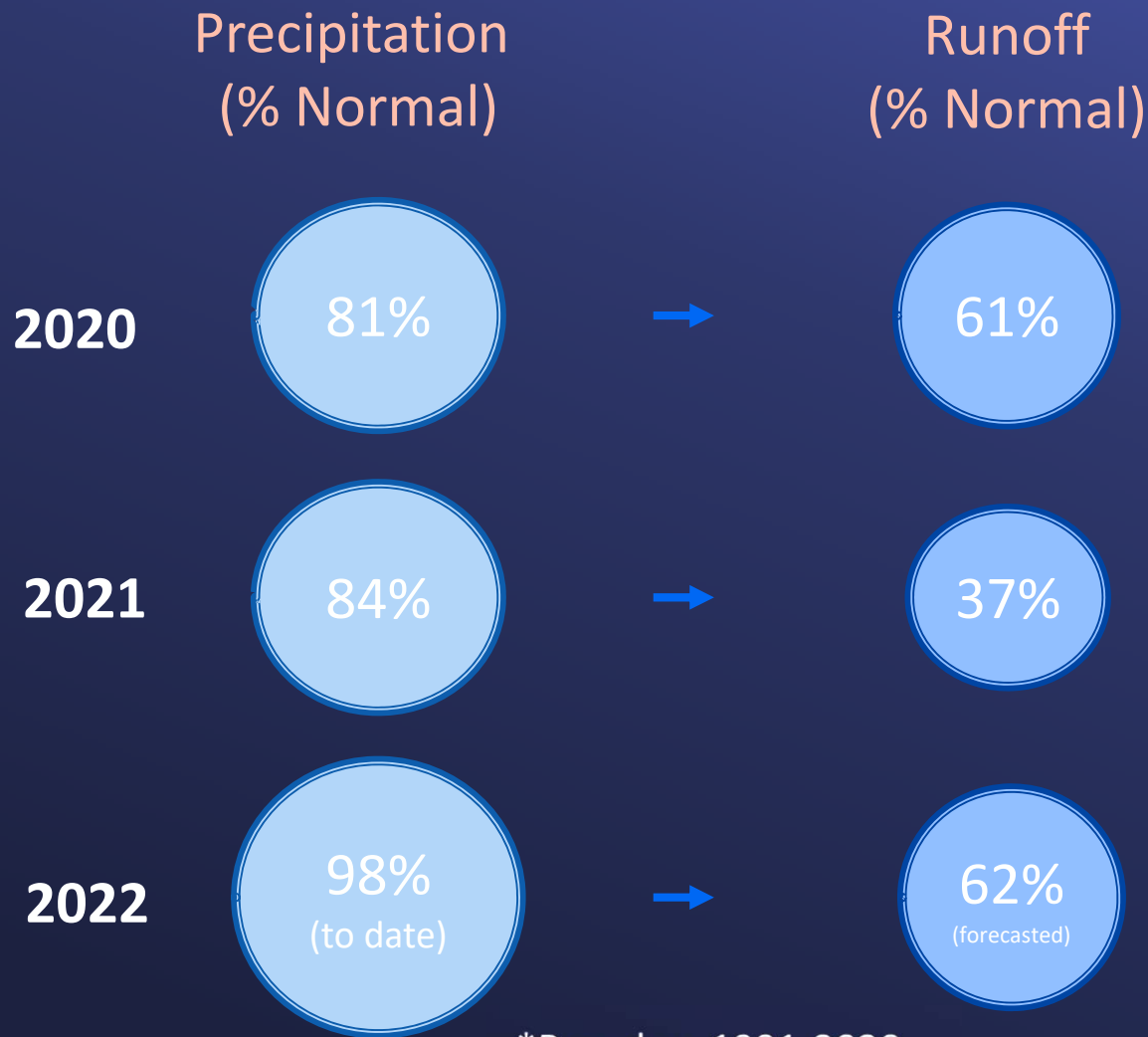
- Key DCP Provisions
 - Established triggers for Lower Basin Lake Mead Contributions
 - Incentivized Storage
 - Provided flexibility for recovering storage, implementing exchanges



Lake Mead End-of-Year Storage Balance



*Metropolitan's Estimated End-of-Year Storage in Lake Mead

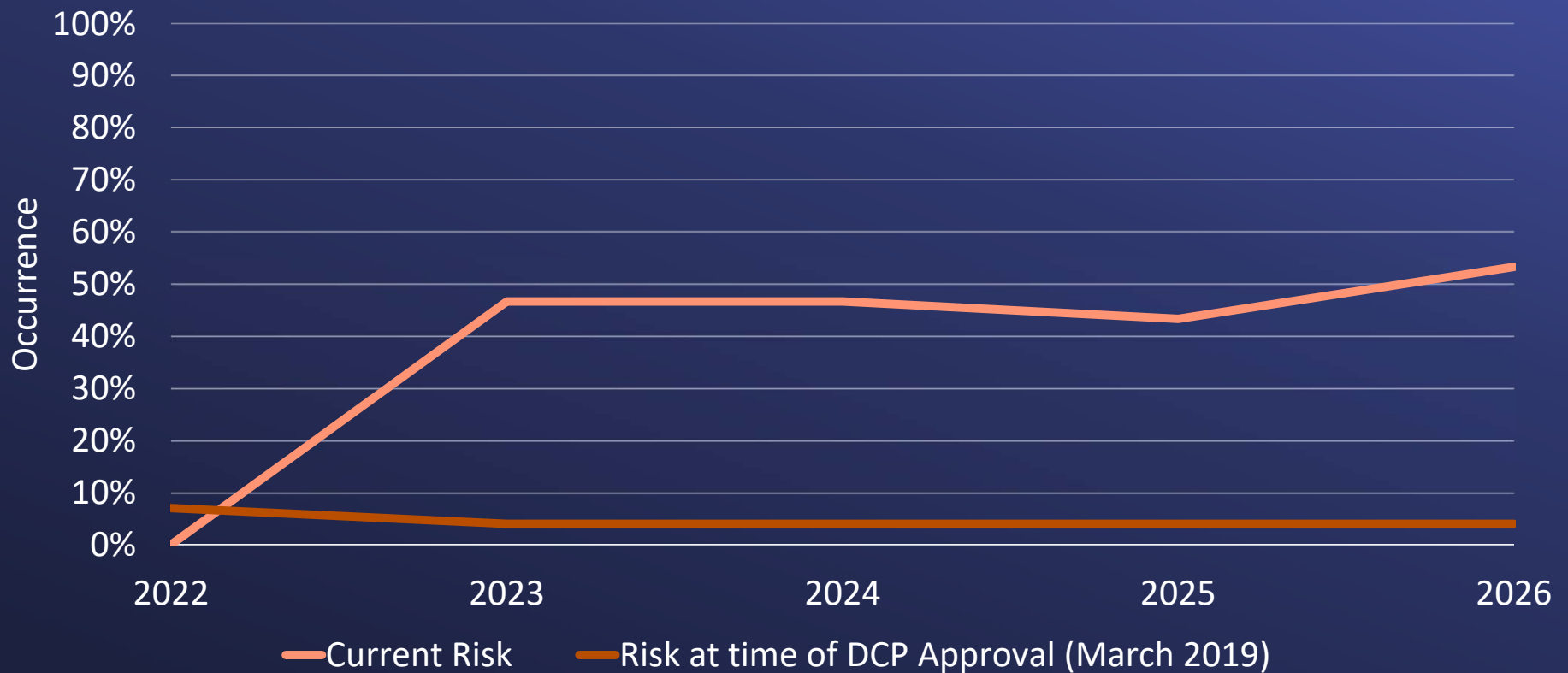


*Based on 1991-2020

Recent Drought Severity

Decreased
Runoff
Efficiency
Since the
Drought
Contingency
Plan

Probability of Lake Mead Elevation Less than 1,020' in any month



Assessing Risks to Colorado Reservoirs



Declining Snowpack

Current 30 year avg is 11% lower

Reduced Run-off Efficiency

2021 snowpack 89%, runoff 32%

Lower Reservoir Elevations

Both Lake Powell and Mead at lowest
levels since filled

Potential for Reduced Water Delivery

Reduced water deliveries, including ICS
from Lake Mead

Feds Take Action to Protect Glen Canyon Dam

Releasing water from Glen Canyon Dam



- Power generation
 - 8 penstocks / turbines / generators
 - Center line elevation: 3,470 ft
 - Up to ~33,000 cfs
- River Outlet Works (Bypass Tubes)
 - 4 outlets / valves
 - Center line elevation: 3,374 ft
 - Up to 15,000 cfs
- Spillway
 - 2 spillways
 - Crest elevation: 3,648 ft
 - Up to 276,000 cfs



June 14, 2022: Commissioner Touton Calls for 2 – 4 MAF of Water Reductions in 2023

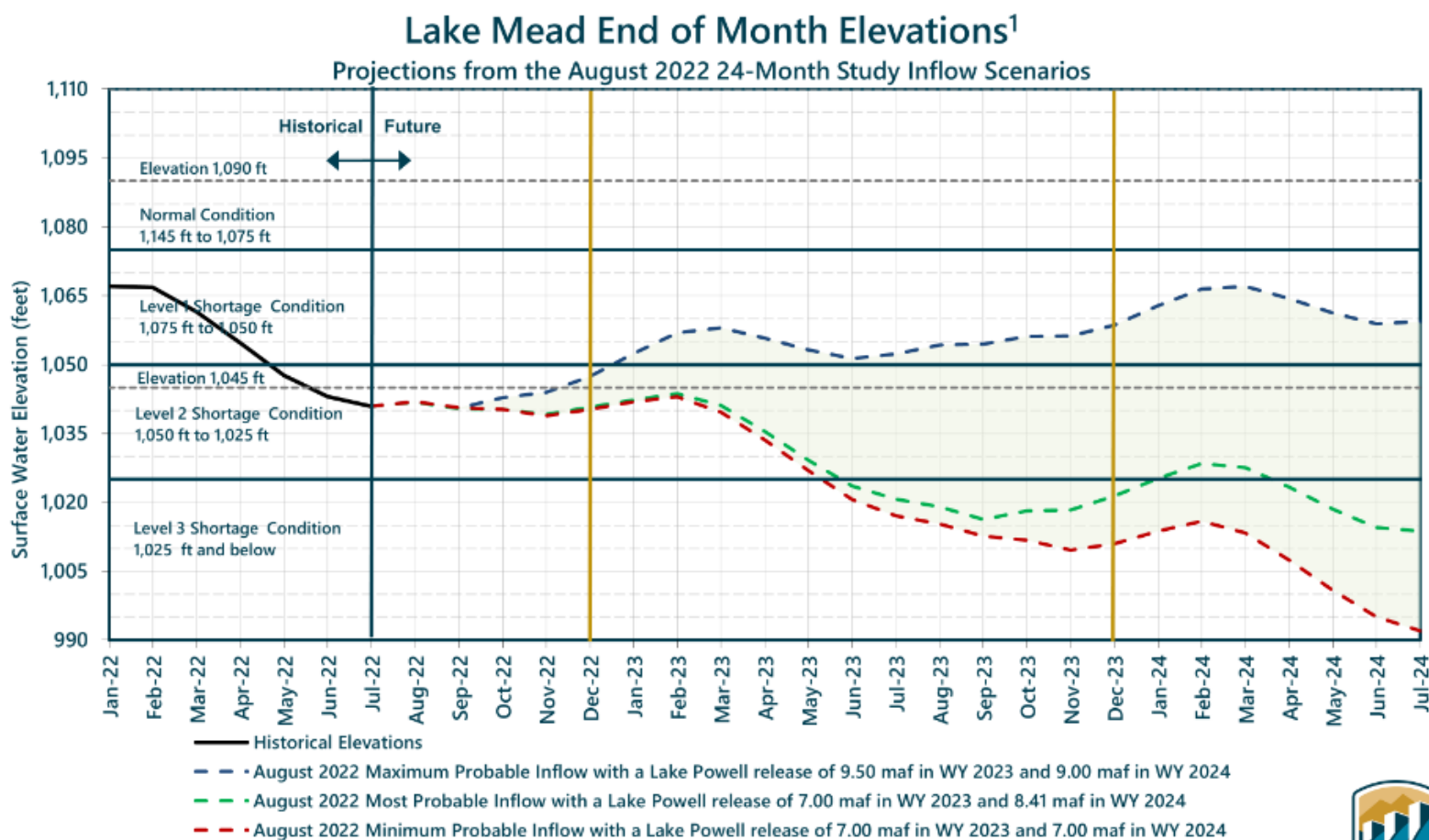


Colorado River Basin August 2022 24-Month Study

Upper and Lower Basin
Hydrology and Projected
Operations



U.S. Bureau of Reclamation's August 24 Month Study Results



¹ Projected Lake Mead end of month physical elevations from the latest 24-Month Study inflow scenarios.
The Drought Response Operations Agreement (DROA) is available online at: <https://www.usbr.gov/dcp/finaldocs.html>.



U.S. Bureau of Reclamation's August 24 Month Study Results

2007 Interim Guidelines, Minute 323, Lower Basin Drought Contingency Plan, and Binational Water Scarcity Contingency Plan Total Volumes (kaf)

Lake Mead Elevation (feet msl)	2007 Interim Guidelines Shortages		Minute 323 Delivery Reductions	Total Combined Reductions	DCP Water Savings Contributions			Binational Water Scarcity Contingency Plan Savings	Combined Volumes by Country <i>US: (2007 Interim Guidelines Shortages + DCP Contributions)</i> <i>Mexico: (Minute 323 Delivery Reductions + Binational Water Scarcity Contingency Plan Savings)</i>					Total Combined Volumes
	AZ	NV	Mexico	<i>Lower Basin States + Mexico</i>	AZ	NV	CA	Mexico	AZ Total	NV Total	CA Total	<i>Lower Basin States Total</i>	<i>Mexico Total</i>	<i>Lower Basin States + Mexico</i>
1,090 - 1,075	0	0	0	0	192	8	0	41	192	8	0	200	41	241
1,075 - 1,050	320	13	50	383	192	8	0	30	512	21	0	533	80	613
1,050 - 1,045	400	17	70	487	192	8	0	34	592	25	0	617	104	721
1,045 - 1,040	400	17	70	487	240	10	200	76	640	27	200	867	146	1,013
1,040 - 1,035	400	17	70	487	240	10	250	84	640	27	250	917	154	1,071
1,035 - 1,030	400	17	70	487	240	10	300	92	640	27	300	967	162	1,129
1,030 - 1,025	400	17	70	487	240	10	350	101	640	27	350	1,017	171	1,188
<1,025	480	20	125	625	240	10	350	150	720	30	350	1,100	275	1,375

2022 Reductions +
Contributions

2022 Reductions +
Contributions

The Secretary of the Interior will take affirmative actions to implement programs designed to create or conserve 100,000 acre-ft per annum or more of Colorado River System water to contribute to conservation of water supplies in Lake Mead and other Colorado River reservoirs in the lower basin. All actions taken by the United States shall be subject to applicable law, including availability of appropriations.





Department of Interior (DOI) conducts NEPA process:

- Draft and Final EIS
- Record of Decision

**A Pre-Scoping Notice
published in the Federal
Register**

**DOI has tentatively discussed
initiating formal NEPA process
early 2023**



A photograph of a large concrete dam with multiple spillways, situated in a desert canyon. A large arch bridge spans the river in the background. The sky is overcast, and the water is a deep blue-green color. The dam's structure is massive, with several tall, narrow spillways. The surrounding landscape is arid, with reddish-brown rock formations and sparse vegetation. In the distance, several power transmission towers are visible on the horizon.

Meena Westford
Executive Policy Advisor,
Colorado River
mwestford@mwdh2o.com

Memo

Date: August 17, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Kimberly Thorner, General Manager
Subject: **CONSIDER ADOPTING A POSITION ON THE DELTA CONVEYANCE PROJECT**

Purpose

The purpose of this agenda item is to review Olivenhain Municipal Water District's position on the Delta Conveyance Project. Once a position is agreed to by the board, OMWD will communicate these position points to various government agencies and the public. This is Annual Objective 76, which was requested to be discussed by the board upon release of the Environmental Impact Report by the California Department of Water Resources, which occurred last month.

Recommendation

Staff recommends that the board adopt a position of support for the Delta Conveyance Project, as proposed.

Alternative(s)

- The board could choose any alternative recommendations if they so desire.

Background

OMWD has comprehensive legislative guidelines that establish the framework for issues it will support and/or oppose. The General Manager uses these guidelines to advocate

on behalf of OMWD throughout the year. The Sacramento-San Joaquin Bay-Delta remains an important source of water for the San Diego region and for OMWD. In Calendar Year 2020, for example, 34% of the potable water delivered to OMWD customers originated in the Bay-Delta.

In April 2013, President Watt appointed an Ad Hoc Bay-Delta Conservation Plan Committee, comprised of Directors Guerin and Topolovac, which was directed to discuss OMWD's stance on the BDCP and the state water bond under consideration at the time. OMWD's board did not adopt an official position on the BDCP in 2013, opting to postpone any such adoption until provided an adequate opportunity to review the plan's Public Review Draft. However, the board did express support of a fix for the Sacramento-San Joaquin Bay-Delta to protect its ecological health and to ensure its ongoing viability as a water source as prescribed by the BDCP process.

Public Review Drafts of the BDCP itself and of its Environmental Impact Report/Environmental Impact Statement (EIR/EIS) were released in December 2013. In response, the board issued a formal comment letter in May 2014 (to the National Marine Fisheries Service) supporting the BDCP process, endorsing the preferred alternative (Alternative 4 featuring 9,000 CFS water conveyance facilities), advising that progress on the plan should not wait until the plan is 100% financed, and advocating for a seat at the table for SDCWA.

In April 2015, Governor Brown divided the BDCP's coequal goals into two separate projects dubbed California WaterFix and California Eco Restore to facilitate permitting. The revised approach was intended to improve tunnel operations and maintenance, reduce power needs, and reduce impacts to Delta communities. Additionally, the revised preferred alternative, Alternative 4A, would offer additional water supplies in wet years and average years than those contemplated in Alternative 4.

The OMWD board reaffirmed its support position in October 2015 and a letter was transmitted to the BDCP Reviewing Committee that contained the following key points:

- OMWD appreciates the efforts of the state to move the pumping station to the south Delta and reduce the impacts to the Delta community, to develop a northern intake that can produce significant supplies from large individual storms, and to significantly reduce total dissolved solids in the water supply.
- OMWD supports BDCP and Alternative 4A, a well-founded, viable solution.
- The Bay-Delta is critically important to California and San Diego County, especially given ongoing drought conditions.

- While acknowledging that they are not a part of the EIR/EIS, OMWD anxiously awaits the financing plan and cost-sharing arrangements.

In September 2016, OMWD stated its continued support of the California WaterFix by submitting a letter of support to Governor Brown.

In June 2017, the California Department of Water Resources, the United States Bureau of Reclamation, the National Marine Fisheries Service, and the United States Fish and Wildlife Service issued the Biological Opinion for the California WaterFix.

In July 2017, the DWR certified the Environmental Impact Report for the Project and the California Department of Fish and Game subsequently released its Incidental Take Permit.

In February 2019, Governor Gavin Newsom directed state agencies to develop a “portfolio approach” to make California’s water supplies climate resilient. This strategy changed the approach to Delta conveyance to a single-tunnel, smaller-capacity project. The state formally withdrew its pursuit of the proposed twin-tunnel WaterFix project and withdrew all approvals made in compliance with the California Environmental Quality Act, the federal National Environmental Policy Act, and California Endangered Species Acts, as well as the water rights petition in front of the State Water Resources Control Board.

In September 2019, OMWD signed on to a coalition letter of support to the Director of the Governor’s Water Portfolio Program suggesting the following actions:

- Construct new Delta conveyance facilities to improve the efficiency, quality, and reliability of water deliveries through the Delta, reduce demands on upstream reservoirs, and improve environmental conditions in the Delta, while creating no redirected financial or water supply impacts on upstream water users
- Ensure Delta conveyance facility improvements result in a system that is fully protected from sea level rise and seismic threats
- Renovate the portions of the California Aqueduct and the Friant-Kern Canal that have experienced reduced capacity due to subsidence
- Construct new conveyance systems to expand the ability to capture flood flows and stormwater runoff and deliver these supplies to groundwater recharge systems and surface storage reservoir

Fiscal Impact

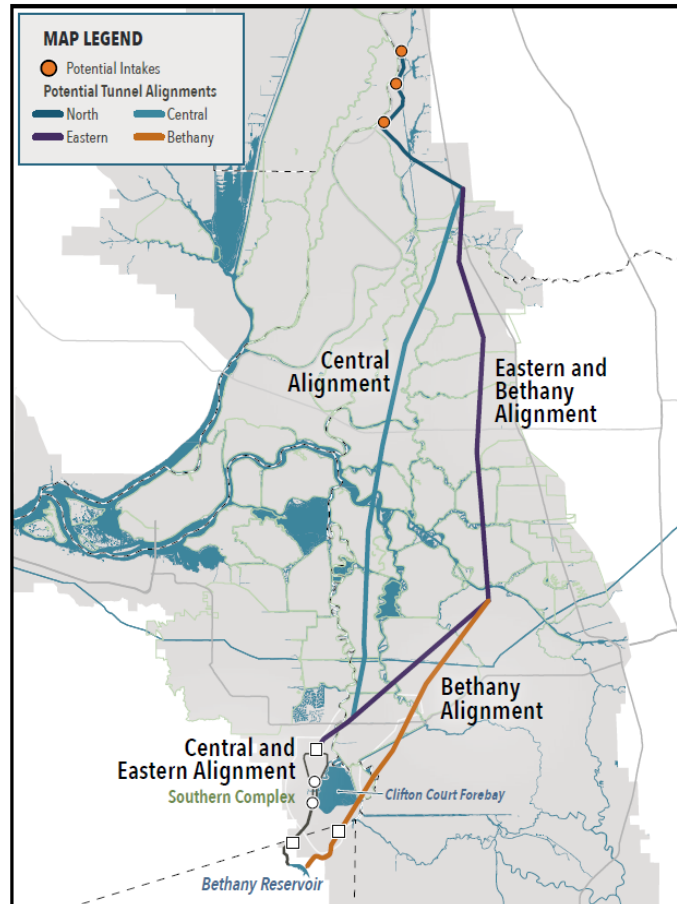
This position has a direct fiscal impact on OMWD and its ratepayers. As the size and costs of the project are still to be determined, the true impact cannot be calculated at this time.

Discussion

Currently, DWR is still working on the financing for the revised smaller, single tunnel project, for which costs are preliminarily expected to total \$16 billion. The Draft Environmental Impact Report in compliance with the California Environmental Quality Act was released for public review and comment on July 27, 2022. DWR will also work to obtain all additional required state and federal approvals, including but not limited to Endangered Species Act, California Endangered Species Act, and National Environmental Policy Act compliance, adding points of diversion to existing water rights and Delta Plan consistency. There will be several other opportunities for public participation throughout the course of the environmental review and planning process.

The Draft EIR evaluates and discloses the potential environmental impacts of the proposed project and eight alternatives in addition to the proposed project and a no-project alternative. The no project alternative describes likely conditions if the Delta Conveyance Project is not implemented. The proposed project and all action alternatives would result in a dual-conveyance system in the Delta with the addition of new intakes in the north and continued use of the existing intakes in the southern Delta, providing greater operational flexibility. The proposed project objectives are to address the effects of sea level rise and climate change, minimize water supply disruption caused by an earthquake, protect the ability of the SWP to reliably deliver water, and to provide operational flexibility to improve aquatic conditions in the Delta.

The Draft EIR for the Delta Conveyance Project evaluates the proposed project and various alternatives as outlined below.



**All proposed project details are subject to refinement. No final decisions will be made until the conclusion of the environmental review process.*

The Proposed Project: Also referred to as the “Bethany Reservoir Alternative” which includes constructing:

- Two new 3,000 cubic feet per second intake facilities in the north Delta to divert water, for a total capacity of 6,000 cfs
- One below-ground tunnel to convey that water from the new intakes following the Eastern Alignment, ending at the existing Bethany Reservoir on the California Aqueduct
- A new pumping plant that connects the tunnel directly to the Bethany Reservoir

Action Alternatives: Eight conveyance alternatives that include constructing:

- One, two, or three new intakes in the north Delta
- Four capacity options ranging from 3,000 cfs – 7,500 cfs
- One new tunnel following the Central or Eastern Alignment
- New facilities in the south Delta at the Southern Complex near Clifton Court Forebay

The No Project Alternative (as required by CEQA)

- Likely conditions if the project is not implemented, including reasonably foreseeable changes in existing conditions and potential alternate actions that may be taken absent a project, such as increased conservation, recycling, and desalination

The need for a fix to the Bay-Delta has remained unchanged. Rain and snowmelt from the Sierra Nevada through the Bay-Delta supplies drinking water to 27 million people in California and supports 750,000 acres of irrigated farmland. Water infrastructure in the Delta is highly vulnerable to earthquake and sea level rise. According to the United States Geological Survey, there is a 72% chance of a 6.7 or greater magnitude earthquake occurring in the Bay Area by 2043 that could cause levees in the Delta to fail, crippling the state's ability to deliver clean water. As sea levels continue to rise, the Delta will be faced with increasing saltwater intrusion into the inner Delta, which threatens freshwater supplies that flow through the Delta.

While the forward-thinking actions of SDCWA over the past two decades to create independent water supplies are commendable and have provided for drought resilience to the benefit of all residents and businesses in the County, there is no future scenario where San Diego is not reliant on some portion of its water from the Bay-Delta. The current state of the Colorado River reminds agencies that all of our current supplies are important and need to be invested in to maintain reliability along with the creation of new supplies. According to DWR's latest release, "Two out of three Californians rely on the State Water Project for all or part of their water supply. Modernizing this infrastructure is essential to adapt to a future that includes more frequent extremes of drought and flood, and great water instability. If the project had been operational during the big storms in October and December of 2021, DWR could have captured and moved about 236,000 acre-feet of water. That is enough for about 2.5 million people for a year, or nearly 850,000 households, for a full year."

Governor Newsom's administration has acknowledged that the project will take as much as 20 years to complete and could begin in 2028 at the earliest. "Without the tunnel, the Delta as a water-delivery hub will become increasingly hostage to the impact from climate change, making it harder to ship water to urban Southern California and other regions that rely on the existing pumps," said California Natural Resources Secretary, Wade Crowfoot. The Delta Conveyance Project aims to help ensure that the State Water Project is able to capture, move, and store water taking full advantage of the extreme storms that are becoming more frequent with California's changing climate. Decisions on project approval will not be made until the conclusion of the

environmental review process, after consideration of public comments submitted on the Draft EIR and the issuance of a Final EIR. At that time, DWR will determine whether to approve the proposed project as an alternative or no project.

As OMWD is still reliant on the Bay-Delta supplies via SDCWA and MWD throughout the year, staff recommends adopting a position of support for the proposed project.

Memo

Date: August 17, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Rainy Selamat, Finance Manager
Via: Kimberly Thorner, General Manager
Subject: **CONSIDER SETTING A TIME AND PLACE FOR A PUBLIC HEARING TO
CONSIDER THE OLIVENHAIN MUNICIPAL WATER DISTRICT'S WATER
CAPACITY FEES FOR 2022 (September 14, 2022 – 5:30 P.M.)**

Purpose

Staff is requesting the Board consider setting a time and place for a public hearing to consider potable water capacity fees for 2022.

Recommendation

Staff recommends the Board consider the proposed capacity fee adjustments for 2022 as presented below. The staff-proposed capacity fee adjustments represent an increase of 3.8% using the Engineering News Record Construction Cost Index for Los Angeles (ENR CCI-LA) from May 2021 to June 2022. Staff also recommends setting a time and place for the public hearing to be September 14, 2022 at 5:30 p.m. at the District's office. Notification of the public hearing will be posted in the Union Tribune newspaper a minimum of 10 days prior to the meeting.

The existing and proposed fees for a $\frac{3}{4}$ " meter are as follows:

Zone of Benefit	2021 Existing Fees (¾" meter)	2022 Proposed Fees (¾" meter)
Zone A	\$ 15,536	\$ 16,126
Zone B	\$ 11,147	\$ 11,570
Zone C	\$ 11,354	\$ 11,785
Zone D	\$ 23,527	\$ 24,421
Zone E	\$ 11,514	\$ 11,951

Alternatives

The purpose of this item is to set a public hearing. Following the public hearing in September, the Board may choose to (1) not increase the District's water capacity fees by 3.8%, or (2) delay the public hearing and instruct Staff to do otherwise.

Background

A 2012 Water Capacity Fee Study is the basis for calculating the District's water capacity fee. The 2012 Water Capacity Fee Study used a Combined Fee Methodology to calculate water capacity fees. The Combined Fee Methodology calculates water capacity fees by dividing existing assets and future water capital improvement projects by total equivalent dwelling units (EDUs) at build-out. The 2012 Water Capacity fee used replacement costs of District assets and capital improvement project cost estimates and divided these costs into five zones of benefit. The District's water capacity fees are collected by Zone of Benefit. Staff is of the opinion that collection of the District's capacity fees from future users by zone of benefit continues to be the fairest and most equitable methodology to reimburse existing users for capital contributions invested to date by zone of benefit.

On or before October 31st of each year, the District reviews and evaluates the need for replacement and betterment of its water capital infrastructure. As a result of the annual update, the District's water capacity fees are adjusted, if necessary, for anticipated cost increases to the District's project costs using a commonly used construction cost index.

The District has historically used the Engineering News Record Construction Cost Index in Los Angeles (ENR CCI-LA) to keep up with annual inflationary adjustments to the District's capital improvement program. This practice is consistent with the District's Administrative and Ethics Code (Article 13- Policy for District Facilities.)

Fiscal Impact

The District's water capacity fees are used to pay for the District's water capital improvement program included in the District's ten-year planned capital expenditures. Water capacity fee revenue collected in fiscal year 2021-22 was \$361 thousand. Projected capacity fee revenue over the next ten fiscal years is \$4.8 million.

Delaying an adjustment to the existing water capacity fee by ENR would result in an estimated revenue loss from water capacity fees of about \$182 thousand for the District in fiscal year 2023.

Discussion

Water capacity fees were last increased in August 2021. Delaying water capacity fee increases will increase the burden on existing rate payers for the construction of the District's water infrastructure. This burden rightly belongs to new construction developments.

Staff is working on the 2022 Water and Wastewater Capacity Fee Study with the District's rate consultants, Raftelis Financial Consultants, and the District's Engineering Consultant, Mr. Don MacFarlane. The 2022 Water Capacity Fee study is expected to be completed by the end of 2022. The 2022 Wastewater Capacity Fee study will be completed in early 2023 and will inform the Board for any changes it wants to make to capacity fees for the future. Staff will bring a draft report of the study to the Board for review upon completion.

Memo

Date: August 17, 2022

To: Olivenhain Municipal Water District Board of Directors

From: Geoff Fulks, Operations Manager

Via: Kimberly A. Thorner, General Manager

Subject: **CONSIDER APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH TETRA TECH IN THE AMOUNT OF \$299,750 FOR PRELIMINARY AND FINAL DESIGN OF THE PROGRAMMABLE LOGIC CONTROLLER REPLACEMENT PROJECT AND CONSIDER AN INCREASED APPROPRIATION BY ACCELERATING THE FUTURE 10 YEAR CIP AND ALLOCATE \$1,360,000 TO FISCAL YEAR 2023 AND 2024 AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD**

Purpose

The purpose of this agenda item is to consider approval of a professional services agreement (PSA) with Tetra Tech in the amount of \$299,750 for design services as part of the Programmable Logic Controller Replacement project (PLC Replacement), an appropriation adjustment to the Board approved project budget of \$1,360,000 to Fiscal Year 2023 (FY 23) and 2024 (FY 24) and authorize the General Manager to sign on behalf of the Olivenhain Municipal Water District (OMWD). There is no increase to the comprehensive project budget. Staff is requesting that funding be accelerated from future years.

Recommendation

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

Alternatives

- The Board may direct staff to keep the project on the current schedule.
- The Board could direct staff as it otherwise deems appropriate.

Background

Programmable Logic Controllers (PLC's) are programmable devices that control the inputs and outputs of industrial control systems. PLC's are a critical component of the Water Treatment Plant, Water Reclamation Facility, and various pump stations and telemetry sites across OMWD boundaries. There are approximately 45 PLC's that have reached "end of life" status and the manufacturer has discontinued or will be discontinuing parts, sales and support. Many of these devices are over 20 years old and as they fail, replacement parts are extremely expensive and difficult to procure. Following a staff assessment of the existing potable water, recycled water, and wastewater PLCs, it was determined that a plan to phase out and replace the legacy PLC's was needed.

Fiscal Impact

This project is being funded by two different Capital Improvement Project budgets, District-wide PLC Replacement Potable & Recycled Water (D120096) and District-wide PLC Replacements Wastewater (D700036). Both project budgets are combined below for simplification and ease of use. The project was originally planned to be constructed in FY 25 and FY 26, but due to the rising costs of microchips and uncertainty of the market, staff is requesting that construction be accelerated and brought forward to FY 24 and FY 25 to lock in prices and avoid further price volatility and materials availability. Design work will occur in FY 23. The proposed project budget would cover design, construction, materials, and staff time.

Current Fiscal Year amounts from the CIP 10 Year Plan

FY 2023	FY 2024	FY 2025	FY 2026
\$236,000	\$181,000	\$772,000	\$772,000

Proposed Fiscal Year Appropriations and amounts from the CIP 10 Year Plan

FY 2023	FY 2024	FY 2025	FY 2026
\$360,000	\$1,000,000	\$601,000	\$0

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

In which Fiscal Year did this project begin? **2020**

Total Project Budget: **\$1,967,000**

Current Fiscal Year Appropriation: **\$242,000**

Target Project Completion Date: **6/30/25**

Expenditures and encumbrances as of July 27, 2022: **\$501**

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

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

Discussion

Staff planned for the District-wide PLC Replacement project in the Board-approved 10 Year Capital Improvement Program. The first phase of the project will develop detailed design plans and technical specifications. In June 2022, a Request for Proposals (RFP) was sent out to three consultants for professional design of the PLC Replacement project as the design work was anticipated to be under \$200,000 per OMWD's Administrative and Ethics Code Section 6.9 A- Professional Service Contracts Selection Policy:

"For professional service contracts that are anticipated to be less than \$200,000, staff shall provide written or oral Requests for Proposals (RFPs) to at least two firms. A short form RFP is acceptable. No rating/interview panel is required. Approval criteria shall

include, but not be limited to, experience, expertise, availability and qualifications of consultant's staff, completeness and responsiveness of proposal, and cost."

After the initial three consultants were contacted, the RFP was shared with additional consulting firms. A total of four proposals were received:

- ATSI \$877,800
- Eramosa \$308,056
- Tetra Tech \$299,750
- Carollo Engineers \$259,759

Since the proposals came in over \$200,000, staff prepared an in-house panel rating the proposals which consisted of at least one person from a different department conducting the process in accordance with the Administrative and Ethics Code. The proposal review panel consisted of the Operations Manager, IT & Telemetry Supervisor, and consulting engineer, George Briest. Approval criteria included the following factors, but was not limited to:

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

Results of the Consultant scoring matrix:

Proposal submitted from:	ATSI	Carollo	Eramosa	Tetra Tech
Approach to Work - 30%				
<ul style="list-style-type: none"> • Understanding of project and objectives • Responsiveness to issues identified in RFP • Level of detail discussed • Creative, efficient, and cost-effective ideas and methods for the design and construction of the project • Other issues not addressed in RFP but deemed essential to the effective conduct of the project • Tasks clearly defined • Activities well-coordinated • Flexibility to changes in scope and schedule • Provisions for technical and quality control • Completeness of the fee estimate considering the proposed scope of work 	6	10.5	8.5	14.5
Project Management & Team Qualification -35%				
<ul style="list-style-type: none"> • Specialized Qualifications and geographic location of the Team • Involvement and commitment of key personnel • Ability to perform within schedule with assigned staff • Current depth of technical expertise in the Consultant and its subconsultants 	7	10	7.5	14
Project Experience - 35%				
<ul style="list-style-type: none"> • Experience and Performance on similar projects • Proven specialization of the Consultant on similar projects • Complexity and geographic location of the project experience 	8	12.5	8.5	13.5
Notes				
Total Score	7.1	11.0	8.15	13.975

The Tetra Tech proposal was extremely comprehensive and has a seven month schedule which gives OMWD the ability to accelerate the project. Tetra Tech has in-depth experience with PLC upgrade projects. In addition, members of their team have hands-on knowledge of OMWD's PLC infrastructure. Tetra Tech was selected to provide the design services for the project based on their experience and expertise, team qualifications and the detailed project analysis provided in their proposal.

Staff followed up with Carollo, the lowest priced proposer, to inquire about their understanding of the project and if they could potentially accelerate their schedule. Carollo's proposal has a 22 month schedule and they acknowledged that their schedule for design could be accelerated to 18 months, which is still 11 months longer than Tetra Tech. Staff also followed up with Tetra Tech to confirm that their seven month schedule is still achievable and they confirmed as such. Given the current situation of chip

shortages and market volatility of these critical parts (15-30% annual hardware increases) staff recommends moving forward with Tetra Tech to take advantage of their strong team, expertise and schedule. Tetra Tech will execute the standard Professional Services Agreement. Staff is available to answer any questions.

Memo

Date: August 17, 2022

To: Olivenhain Municipal Water District Board of Directors

From: Leo Mendez, Accounting Supervisor
Rainy Selamat, Finance Manager

Via: Kimberly Thorner, General Manager

Subject: **CONSIDER DISCUSSION AND APPROVAL OF PROPOSED ADJUSTMENTS TO THE OLIVENHAIN MUNICIPAL WATER DISTRICT WATER RELATED SERVICE FEES FOR 2022 AND ADOPT AN ORDINANCE AMENDING OLIVENHAIN MUNICIPAL WATER DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (Article 8 – Water Rates & Charges)**

Purpose

The purpose of this item is to amend Article 8 of the District's Administrative and Ethics Code and update the amount of some of the District's 2022 water related service fees to cover the current costs of providing these services. A public hearing is not required for water related service fee adjustments because the fees are collected from customers requesting the service and are therefore voluntary service charges not subject to Proposition 218.

The recommended adjustments were discussed with the Finance Committee (Director Watt) at the August 9, 2022 meeting.

Recommendation

Staff recommends approval of the ordinance to adjust the water related service fees for 2022 to cover the costs of providing these services.

Alternatives

The Board may direct Staff to do otherwise or keep the fees as is.

Background

On an annual basis, Staff conducts a review of OMWD's water related service fees to ensure that the District is recovering its costs. Based on this review, Staff discovered the current water related service fees (below) do not cover the costs of providing the service. Therefore, Staff is proposing water related service fee adjustments as outlined below.

Fire Flow Test:

Per Section 8.6 of the Administrative and Ethics Code, upon request by customer, OMWD will perform fire flow pressure testing to determine residual fire flow pressure data. A fire flow test requested by public agencies of the Insurance Services Office (ISO) shall be performed by OMWD at no charge.

Current Fee: A non-refundable fee of \$435 per test

Proposed Fee: A non-refundable fee of \$470 per test

Last Adjustment: November 18, 2020

Reason: Proposing to update the fire flow test fee based on the current cost to OMWD of providing this service. Costs include staff time and water loss that results from the test. Fire flow tests require two (2) District employees to perform, since two adjacent hydrants are tested simultaneously. The District performed 22 fire flow pressure tests in fiscal year 2022.

Shutoff notices:

Per Section 8.10 of the Administrative and Ethics Code, customers will incur a fee of \$25.00 whenever the District is required to deliver a shut-off notice to discontinue water service due to non-payment of a water bill.

Current Fee: A \$25 charge per shut-off notice

Proposed Fee : A \$35 charge per shut-off notice

Last Adjustment: March 18, 2015

Reason: The proposed fee covers OMWD Staff's administrative costs in preparing notices for FedEx delivery and responding to customer inquiries and an increase in FedEx delivery charge to OMWD for delivering shut-off notices to affected customers. The District currently sends an estimated 100 shut-off notices per month.

Re-establishment of service:

Per Section 8.11 of the Administrative and Ethics Code, re-establishment of service fees shall be charged each time service has to be re-established following discontinuation of water service for any reason. The fees are as follows:

Current Fees: **For District customers:**
During normal working hours - \$75
Outside normal working hours - \$120
Sunday or Holiday - \$150

For District customers with demonstrated income below 200 percent of the federal poverty line:
During normal working hours - \$50
Outside normal working hours - \$120
Sunday or Holiday - \$150

Proposed Fees: **For District Customers:**
During normal working hours - \$140
Outside normal working hours - \$250

For District customers with demonstrated income below 200 percent of the federal poverty line:

During normal working hours - \$54

Outside normal working hours - \$129

Last Adjustment: November 4, 2015

Reason: Proposing to adjust the re-establishment of service fees based on an increase in the District's cost of providing turn-off and turn-on service for non-payment accounts. The costs include staff time processing the re-establishment and driving to/from the customer's address to unlock the meter. Costs of re-establishment of service outside of normal working hours include overtime and duty pay. The District processes about 5 re-establishments of service a month, and most are requested and completed during normal working hours.

For District customers with demonstrated income below the 200 percent of the federal poverty line, staff is proposing an increase based on the San Diego Consumer Price Index change of 8.22% from January 2021 through January 2022, rather than the full cost of providing this service to these customers. This increase is in compliance with SB 998, the Water Protection Shutoff Act.

This District is also proposing that the "Sunday or Holiday" rate be eliminated to simplify the fee. Having two fees, "During normal working hours" and "Outside normal working hours" would also provide some efficiencies in processing these transactions in the District's utility billing system.

Meter Test:

Per Section 8.16, a fee of \$150.00 shall be charged to a customer's account when a customer requests the District perform a meter test to determine if a meter is accurate. If the meter is tested and found to be inaccurate, the District refunds the meter testing fee to the customer and a new meter is installed at no cost to the customer.

Current Fee: \$150 per meter test

Proposed Fee: \$200 per meter test

Last Adjustment: July 20, 2016

Reason: The proposed adjustment to the meter test was calculated based on additional costs incurred by the District in providing this service upon customer's request. Costs include staff time, shipping of meter to 3rd party for testing, and cost for testing the meter. The District performed 2 meter tests in fiscal year 2022.

Fiscal Impact

If the recommended changes are approved by the board, the District will collect approximately \$16,700 in additional annual revenue that will be used to cover the costs involved in providing the above services.

Discussion

These proposed adjustments were discussed with the Finance Committee at its regular meeting on August 9, 2022. In light of a big spike in inflation, these fee adjustments are needed to pay for the cost of providing the above services.

Attachments:

Attachment 1 – Ordinance

Exhibit A – Article 8 – Rates and Charges

Attachment 2 – Rate Survey – Water Related Fees

ORDINANCE NO. 5xx

AN ORDINANCE OF THE BOARD OF DIRECTORS OF
THE OLIVENHAIN MUNICIPAL WATER DISTRICT
AMENDING THE DISTRICT'S ADMINISTRATIVE AND ETHICS CODE
(Article 8 – Water Rates and Charges)

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

SECTION 1: Article 8 of the Administrative Code 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 17th day of August 2022.

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. 8	Page 1 of 2
	Title WATER RATES & CHARGES	
	Latest Revision Date February 16, 2022	Ordinance No. 499

ARTICLE 8 WATER RATES & CHARGES

Sec. 8.6 revised via Ordinance 478 / November 18, 2020

Sec. 8.6 revised via Ordinance 442 / July 20, 2016

Sec. 8.6 revised via Ordinance 381 / August 11, 2010

Sec. 8.6 revised via Ordinance 371-A / June 24, 2009

Sec. 8.6 revised via Ordinance 331 / June 9, 2006

Sec. 8.6 deleted by Ordinance No. 304 / June 25, 2003 (Renumbered accordingly)

Sec. 8.6. Fire Flow Tests. A non-refundable fee of \$~~470~~ 435.00 shall be charged and collected when a customer requests the District to perform fire flow pressure testing to determine residual fire flow pressure data. Fire flow testing requested by other public agencies or the Insurance Services Office (ISO) shall be performed by the District at no charge.

Sec. 8.10. revised via Ordinance No. 468 / October 16, 2019

Sec. 8.10. revised via Ordinance No. 425 / March 18, 2015

Sec. 8.10. Shut-off Notice Fee. Customers will incur a fee of \$~~35~~ 25.00 whenever the District is required to deliver a shut-off notice to discontinue water service due to non-payment of a water bill.

Sec. 8.11. revised via Ordinance No. 468 / October 16, 2019

Sec. 8.11. revised via Ordinance No. 432 / November 4, 2015

Sec. 8.11. revised via Ordinance No. 425 / March 18, 2015

Sec. 8.11. revised via Ordinance No. 334 / August 11, 2006

Sec. 8.11. revised via Ordinance No. 331 / June 9, 2006

Sec. 8.11. Fees for Re-establishment of Service. For customers that have not demonstrated to the District that household income is below 200 percent of the federal poverty line, the following fees shall be charged each time service has to be re-established following discontinuation of water service for any reason:

During normal work hours	\$ 140 <u>75</u> .00
Outside normal work hours	\$ 250 <u>120</u> .00
Sunday or Holiday	\$150.00

OLIVENHAIN MUNICIPAL WATER DISTRICT ADMINISTRATIVE AND ETHICS CODE	Article No. 8	Page 2 of 2
	Title WATER RATES & CHARGES	
	Latest Revision Date February 16, 2022	Ordinance No. 499

ARTICLE 8 WATER RATES & CHARGES

For customers that have demonstrated to the District prior to reconnection that household income is below 200 percent of the federal poverty line, the following fees shall be charged each time service has to be re-established following discontinuation of water service for any reason:

During normal work hours	\$54 50.00
Outside normal work hours	\$129 420.00
Sunday or Holiday	\$150.00

These fees are required to be paid at the time the water service is re-established. If water service has been disconnected due to non-payment and service is not re-established prior to closure of the account, a ~~\$140~~ 75 fee will be assessed on the final bill.

(Normal work hours, for the purposes of this section, are defined as 7:00 A.M. to 3:30 P.M., Monday through Friday).

Sec. 8.16. revised by Ordinance No. 468 / October 16, 2019

Sec. 8.16. added by Ordinance No. 371-A / June 24, 2009

Sec. 8.16. Meter Test Fee. A fee of ~~\$200~~ 450.00 shall be charged to customer's account when a customer requests the District to perform a meter test to determine if a meter is accurate. The fee shall be charged to the customer account prior to the actual testing being performed. If the meter is tested and the test result shows that the meter register is within the accuracy requirements as specified in the American Water Works Association Test Requirements, a ~~\$200~~ 450.00 meter testing fee per meter will be paid by the customer requesting the meter testing. If the meter is tested and found to be inaccurate, the District will refund the meter testing fee to the customer and a new meter will be installed at no cost to the customer.

Olivenhain Municipal Water District
Rate Survey - Water Related Fees - Eff. July 2022

Fee	Fee last updated by OMWD on:	OMWD - Current	OMWD - Proposed	Avg of 22 Agencies (including OMWD)	Comment	Carlsbad MWD	City of Del Mar	City of Escondido	Fallbrook PUD	Helix WD	City of Oceanside	Otay WD	City of Poway	Rainbow MWD	Ramona MWD	Rincon del Diablo	City of San Diego	San Dieguito WD	Santa Fe ID	Sweetwater Authority	Vallecitos WD	Valley Center MWD	Vista ID	Yuima MWD	Lakeside WD	Padre Dam MWD
Fireflow test fee	November 18, 2020	\$ 435.00	\$ 470.00	\$ 300.36	Proposing higher than average. Proposed fee reflects cost of providing service.	N/A	N/A	N/A	\$ 534.00	\$ 242.00	\$ 189.00	N/A	\$ 303.00	\$ 350.00	N/A	\$ 123.00	N/A	N/A	\$ 758.00	\$ 300.00	\$ 250.00	\$ 300.00	\$ 246.00	N/A	\$ 125.00	\$ 50.00
Shutoff notice fee	March 18, 2015	\$ 25.00	\$ 35.00	\$ 67.81	Some agencies don't charge a shutoff notice fee (for FedEx notifications to alert customers of shut off), but do charge a fee to shutoff customers. That's why the average is higher than proposed. We don't charge to shutoff customers, but we do charge them for the shut-off notice (\$25 currently) and to re-establish service.	\$ 44.00	\$ 58.00	\$ 45.00	\$ 50.00	\$ 56.00	\$ 22.95	\$ 50.00	\$ 86.00	\$ 40.00	\$ 50.00	\$ 44.00	\$ 30.00	\$ 180.00	\$ 72.00	N/A	\$ 150.00	\$ 100.00	\$ 161.00	\$ 50.00	\$ 50.00	\$ 60.00
Re-establishment of service fee, business hours	November 4, 2015	\$ 75.00	\$ 140.00	\$ 76.75	Proposing higher than average. Proposed increase reflects cost of providing service. Survey found that some agencies charge a fee to shutoff customers and to re-establish service. OMWD only charges customers to re-establish service.	\$ 72.00	\$ 114.00	\$ 45.00	\$ 50.00	\$ 51	\$ 50	\$ 50.00	\$ 86	\$ 50	\$ 50.00	\$ 44.00	\$ 25.00	\$ 180.00	\$ 72	N/A	\$ 150.00	\$ 100.00	\$ 161.00	\$ 50.00	N/A	\$ 60.00
Re-establishment of service, Outside normal business hours	November 4, 2015	\$ 120.00	\$ 250.00	\$ 122.73	Proposing higher than average. Proposed increase reflects cost of providing service. Survey found that some agencies charge a fee to shutoff customers and to re-establish service. OMWD only charges customers to re-establish service.	\$ 196.00	\$ 172.00	\$ 75.00	\$ 50.00	\$ 149.00	\$ 236.00	\$ 50.00	\$ 132.00	\$ 75.00	\$ 50.00	\$ 44.00	\$ 25.00	\$ 180.00	\$ 150	\$ 150.00	\$ 250.00	\$ 100.00	\$ 311.00	\$ 50.00	\$ 75.00	\$ 60.00
Meter test fee	October 16, 2019	\$ 150.00	\$ 200.00	\$ 130.94	Proposing higher than average. Proposed fee reflects cost of providing service.	N/A	\$ 150.00	\$ 125.00	\$ 123.00	\$ 237.00	N/A	\$ 60.00	\$ 70.00	\$ 50.00	\$ 50.00	\$ 200.00	\$ 66.00	N/A	\$ 150.00	\$ 149.00	\$ 100.00	N/A	\$ 447.00	\$ 60.00	\$ 20.00	\$ 150.00

Note: Agencies with "N/A" indicated either did not respond to this survey or do not charge a fee for the listed service.

Memo

Date: August 17, 2022

To: Olivenhain Municipal Water District Board of Directors

From: Rainy K. Selamat, Finance Manager

Via: Kimberly A. Thorner, General Manager

Subject: **CONSIDER AND APPROVE A TREATMENT OPTION FOR THE THIRD AND FOURTH PAYMENTS RECEIVED FROM SAN DIEGO COUNTY WATER AUTHORITY (SDCWA) OF APPROXIMATELY \$499,000 FOR REFUNDS ON ATTORNEY FEES IN THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA (MWD) LITIGATION OF APPROXIMATELY \$499,000**

Purpose

The purpose of this item is to discuss and obtain the Board's approved option on the treatment of payments received from SDCWA for attorney refund fees in the MWD litigation.

Recommendation

This item was discussed with the District's Finance Committee (Director Watt) at its regular meeting on August 9, 2022. The Finance Committee agreed with Staff's recommendation and directed Staff to bring this item forward for discussion with the Board. Staff recommended that the attorney fee refunds received from SDCWA of approximately \$499,000 be placed in the District's Water Revenue Fund (Operating Reserves) which will be used to pay for day-to-day water operating and maintenance expenditures and any unexpected expenses or emergencies due to the timing difference between cash being collected and spent. Staff anticipates a higher water operating and maintenance cost increases than contemplated in the budget due to the unexpected

current high inflation rate (8.31%.) These refund payments can then be used to offset the unexpected water cost of service increases and would reduce the burden on water rates and charges.

Alternatives

One alternative for the Board's consideration is to place the \$499,000 in the Rate Stabilization Fund to extend the Rate Reimbursement Program for another year. More information on each alternative is included in the discussion section below. The Board may also instruct staff to do otherwise.

Background

SDCWA filed lawsuits between 2010 and 2018 challenging MWD's water rates and charges to SDCWA. SDCWA won the litigation and received damages with interest from MWD. SDCWA's Board of Directors voted to distribute the rebate payments received from MWD totaling \$80.3 million to all SDCWA member agencies as a result of overpayments on purchased water wholesale costs.

The judgment payments by MWD were for contract damages amounts for principal and interest for Water Stewardship Rate charges that had been unlawfully assessed by MWD against SDCWA's Exchange Agreement for rate payment years 2011-2017. MWD Water Stewardship Rate was included in SDCWA's purchased water wholesale costs to all of its member agencies, including Olivenhain, from 2011 to 2017.

The first rebate check from MWD litigation to SDCWA's member agencies was received on March 5, 2021, in the amount of \$2,039,332.40 for rate payment years 2011-2014. The second rebate check received on November 5, 2021, in the amount of \$1,622,584.51 was based on the District's percentage of SDCWA purchases from 2015-2017.

The first and second rebate payments for overcharges on MWD's Stewardship Rate were placed in the Rate Stabilization Fund to fund Board's approved Rate Reimbursement Credit Program for up to 6 years. District customers have received a Rate Reimbursement Credit of 6.9 cents per unit of water on their monthly water bills since March 2022.

The third and fourth payments were OMWD's portion of attorney fee refunds (paid by SDCWA member agencies) from SDCWA in the MWD litigation mentioned above.

Fiscal Impact

OMWD's portion of attorney fee refunds received from SDCWA in the MWD litigation is approximately \$499,219. As of the writing of this memo, OMWD has not received the fourth payment of approximately \$19,000. SDCWA used the same methodology as the first two rebate payments for allocating the attorney refunds to its member agencies.

The Board implemented the Rate Reimbursement Credit program to return the first and second rate rebate payments to customers. Since implemented (March 2022), the Rate Reimbursement Credit program has already given credits of approximately \$139,795 to potable water customers. An average residential water customer, with 23 units of water, would see a reduction on their monthly water bill from the Rate Reimbursement Credit Program of approximately \$1.59.

Discussion

The Board adopted an ordinance that would allow the District to pass-through increases to the District's Cost of Operations and Maintenance and Capital Facility based on over-the-year percent change in the San Diego County Consumer Price Index for All Urban Consumers (CPI-U) (Inflation Pass-Through.)

To be consistent with the methodology used in the 2019 Water Cost of Service Study, the District used a second half to second half increase in SDCPI-U for its Inflation Pass-Through calculation. For 2023 inflation pass-through, the District will use the increase in second half of 2021 from second half of 2020, or 6.35%. For 2024 inflation pass-through, the District will use the increase from second half of 2022 to second half of 2021, currently estimated at 8.31% based on May 2022 increase over May 2021. An 8.31% increase would have a significant impact on future water rates and charges.

Options for consideration:

1. Place the attorney fee refunds (of approximately \$499,000) received from SDCWA in the District's Water Revenue Fund (Operating Reserves) to offset significant increases in uncontrollable expenses in a high-inflation environment. The goal is to keep OMWD's planned 2023 rate increase reasonable and within planned projections when inflation pass-through for 2023 is expected to be at 8.31%. (Recommended)
2. Place the attorney fee refunds (of approximately \$499,000) received from SDCWA in Water Rate Stabilization Fund and use this fund to extend OMWD Rate

Reimbursement Credit Program for another year, up to 7 years, @ 6.9 cents per unit of water on customer's water bill. With this option, the District is (a) consistent with SDCWA overcharge period of approximately 7 years (between 2011 and 2017), (b) more customers are going to get the credit, and (c) consistent with the Board's Revenue Policy for treatment of one-time revenue, such as wholesaler rebates/refunds.

The District's Finance Committee discussed treatment of the rebate payment at its August 9 meeting. Following the discussion, the Finance Committee directed staff to bring the Committee's recommendation to the full Board for consideration and approval at the August meeting.

Memo

Date: August 17, 2022
To: Olivenhain Municipal Water District Board of Directors
From: Jennifer Joslin, Human Resources Manager
Via: Kimberly Thorner, General Manager
Subject: **CONSIDER AN AMENDMENT TO OLIVENHAIN MUNICIPAL WATER DISTRICT'S CONFLICT OF INTEREST CODE**

Purpose

The purpose of this item is to consider an amendment to OMWD's Conflict of Interest Code (COI). The COI is reviewed bi-annually for accuracy (per Government Code Section 87306.5) and reported to the County of San Diego Board of Supervisors.

Recommendation

Staff recommends that the Board adopt the updated COI.

Alternative(s)

The Board could decide to not approve the proposed amendment as recommended.

Background

The District is adding one new position, Engineering Technician III, to the COI which was approved by the Board of Directors for fiscal year 2022/2023 as part of the Staffing Analysis at the April 20, 2022 Board meeting. After discussion with the General Manager, the Form 700 reporting categories disclosed were assigned to the position.

Fiscal Impact

No costs or savings will be realized with this update.

Discussion

Should the Board of Directors approve the updated COI at the Board meeting, it will be sent to the San Diego Board of Supervisors for their approval.

Staff will be available to answer any questions.

Attachment: Conflict of Interest Code

CONFLICT OF INTEREST CODE
OF
OLIVENHAIN MUNICIPAL WATER DISTRICT



CONFLICT OF INTEREST CODE OF OLIVENHAIN MUNICIPAL WATER DISTRICT

1. Standard Code of FPPC

The Political Reform Act of 1974 (Government Code Sections 81000, et seq.) requires each state and local government agency to adopt and promulgate a conflict of interest code. The Olivenhain Municipal Water District has adopted heretofore such a code which should be revised and updated. The Fair Political Practices commission (FPPC) has adopted a regulation (2 Cal. Code of Regs., Section 18730) which contains the terms of a standard conflict of interest code, which can be incorporated by reference as a district's code. After public notice and hearing, the regulation may be amended by the FPPC to conform to amendments in the Political Reform Act.

2. Adoption of Standard Code of FPPC

The provisions of Title 2 California Code of Regulations Section 18730 and any future amendments to it duly adopted by the FPPC are hereby incorporated by reference. This regulation and the Appendix attached hereto in which members of the Board of Directors and employees are designated and in which disclosure categories are set forth, shall constitute the Conflict of Interest Code of the Olivenhain Municipal Water District. This Code shall take effect when approved by the San Diego County Board of Supervisors and shall thereupon supersede all prior codes adopted by the Olivenhain Municipal Water District.

3. Filing of Statements of Economic Interests

Pursuant to Section 4 of the standard code, designated employees set forth in the Appendix shall file statements of economic interests with the Human Resources Manager of the Olivenhain Municipal Water District. ~~Upon receipt of the statements of the members of the~~ Board of Directors, Consultants, and the General Manager, ~~the Human Resources Manager~~ shall ~~make and retain copies and forward the originals of file~~ these statements ~~with~~ the Clerk of the San Diego County Board of Supervisors. The Olivenhain Municipal Water District shall retain copies of these statements. Statements for all other designated employees shall be retained by the Olivenhain Municipal Water District. The Olivenhain Municipal Water District will make the statements available for public inspection and reproduction (Government Code Section 81008).

4. Effective Date

This Code shall be effective upon adoption by resolution of the appropriate code reviewing body.

APPENDIX TO CONFLICT OF INTEREST CODE OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT

General Provisions

1. Designated employees listed in Column I must disclose investments in business entities and sources of income which manufacture, distribute, sell or supply the goods or services listed in Column II.

2. Investments in any business entity or sources of income which are entities or persons engaged in farming or real estate development or which are private water companies, and interests in real property, are disclosable if held, regardless of any contractual relationship with the District at any time.

I. Designated Positions

II. Categories Disclosed -Form 700

Board of Directors	All
Candidates Running for the Office of Board of Directors	All
General Counsel	All
General Manager	All
Assistant General Manager	All
Engineering Manager	All
Finance Manager	All
Operations Manager	All
Human Resources Manager	All
Customer Services Manager	All
Water Treatment Facilities Supervisor	2-12, 16, 22, 24, 26
Information Technology Supervisor	3, 5, 11, 12, 17, 19, 20, 24, 28
Customer Service & Public Affairs Supervisor	3, 11, 13, 15, 17, 18, 20, 21, 25
Safety/Risk Compliance Administrator	3, 11, 12, 16-20, 24, 25, 28
Accounting Supervisor	1-16, 22
Engineering Services Supervisor	1-13, 15, 16, 21, 22, 24, 26
Operations Supervisors (Construction & Systems)	1-12, 16, 22, 24, 26, 28
Field Services Supervisor	1-12, 16, 22, 24, 26, 28
Engineering Project Administrator	1-13, 15-17, 19, 21, 22, 24, 26
Water Reclamation Facilities Supervisor	1-12, 16, 22, 24, 26, 28
Senior Systems Administrator	3, 5, 11, 12, 17, 19, 20, 24, 28
Systems Administrator	3, 5, 11, 12, 17, 19, 20, 24, 28
Park Supervisor	1-7, 11, 12, 20, 22, 24
Facilities Coordinator	1-3, 5-7, 11-13, 15, 21, 24, 28
Backflow and Cross Connection Coordinator I & II	4, 6, 8, 9, 11, 12
Records and Contracts Coordinator	3, 17-19
Cathodic Protection Technician	4-6, 8, 9, 11, 12, 22
Purchasing/Warehouse Clerk	1-12, 26
<u>Engineering Technician III</u>	<u>1-13, 15-17, 19, 21, 22, 24, 26</u>

Consultants*

Engineering	1-16, 21, 22, 24
Financial	13-15, 23, 27
Legal	All

*Consultants shall disclose all sources of income, interests in real property and investments and business position in business entities. The General Manager of the District may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. Such determination shall be a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

CATEGORIES

1. Motor ~~v~~ehicles and specialty vehicles and parts thereof
2. Construction and building materials
3. Office equipment and supplies
4. Water system materials, parts, equipment, or chemicals
5. Electrical or electrical generating equipment and supplies
6. Irrigation equipment and supplies -- pipes, valves, fittings, tanks, pumps, meters, etc.
7. Agricultural equipment and supplies
8. Servicing water system materials, parts, equipment or chemicals
9. Water quality testing equipment, supplies and services
10. Petroleum, ~~c~~Chlorine and treatment products
11. Equipment rental
12. Safety equipment, facilities, and instructional material
13. Real Property
14. Farming
15. Real estate firms, title insurance companies, and appraisals
16. Engineering, surveying, and architectural services
17. Printing or reproduction services, publications, and distribution
18. Travel agencies-
19. Computer equipment, hardware and software and computer services
20. Educational and medical services and materials
21. Preparation of actions leading to taking ~~in~~ eminent domain
22. Soil test, compaction and other services related to grading requirements-
23. Banks and savings and loans
24. Environmental services
25. Insurance companies, brokers and agencies
26. Public utilities
27. Audit and accounting companies
28. Personnel and employment companies and services

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.

August 17, 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 **July 2022:**

Operations & Maintenance	Current Month	Last Month
DCMWTP Total Production	650.3 million gallons	587.4 million gallons
DCMWTP Average Daily Production	21 million gallons	19.6 million gallons
DCMWTP Peak Day Production	24.8 million gallons	23.5 million gallons
Source Water Blend (% State Project Water)	0%	0%
Total Deliveries to VWD	No Deliveries	No Deliveries
4S and Rancho Cielo Sewer Systems Total Inflow	38.65 million gallons	38.13 million gallons
4S and Rancho Cielo Sewer Systems Average Daily Inflow	1,247,080 gallons	1,271,332 gallons
4S and Rancho Cielo Sewer Systems Peak Day Inflow	1,470,983 gallons	1,734,011 gallons
4S and Rancho Cielo Sewer Systems Low Day Inflow	1,138,499 gallons	1,153,821 gallons
4SWRF Average Daily Production	1,175,326 gallons	1,119,817 gallons
4SWRF Peak Day Production	1,238,751 gallons	1,444,693 gallons
4SWRF Total to Recycled Water Distribution System	35.35 gallons	33.59 gallons
4S Recycled Water Storage Pond Volume	0 acre feet	0 acre feet
Repaired Potable Water Main Leak(s)	0	0
Repaired Potable Water Service Lateral Assembly Leak(s)	4	4
Repaired Recycled Water Main Leak(s)	0	0
Repaired Recycled Water Service Lateral Leak(s)	0	0
Repaired Hit Fire Hydrant Lateral Assembly Leak(s)	1	0
Replaced Valve(s) Monthly Total	0	4
Replaced Valve(s) Calendar Year To Date	0	11
Recycled Water Use Site Inspections & Visits	28	24
Recycled Water Use Site Cross Connection Tests	8	9
Cross Connection Site Surveys	3	17
Backflow Inspections & Testing (New)	3	5
IT Help Requests	18	20
Customer Services	Current Month	Last Month
Customer Calls and Inquiries	1084	1,259
Total Monthly Bills Issued	22,948	22,935
Service Orders	472	444
New Potable Meters	0	1
New Fire Meters	0	0
New Recycled Water Meters	1	0
AMI Troubleshooting Investigations	28	26

Customer Services - Continued	Current Month	Last Month
AMR Troubleshooting Investigations	33	33
Stopped/Underperforming Meters Replaced	58	40
MXUs Upgraded to AMI	91	0
Meter Accuracy Tests Performed	0	0
Water Use Evaluations	19	5
Water Use Violation Reports	13	5
Workshops, Events, and Tours	0	1
High-Efficiency Clothes Washer Rebates	1	2
Weather-Based Irrigation Controller Rebates	0	0
Hose Irrigation Controller Rebates	0	0
High-Efficiency Rotating Nozzle Rebates	0	1
High-Efficiency Toilet Rebates	0	0
Rain Barrel Rebates	0	0
Flow Monitor Device Rebates	0	0
Turf Removal Project Rebates	3	11
Social Media Posts	22	18
News Releases/Media Advisories	0	3
EFRR	Current Month	Last Month
Special Use/Event Permits	1	3
Parking Notices	52	82
Incident Reports	5	2
Vehicle Count	3,589	3,498
Trail Use Count	7,099	6,871
Days Closed Due to Rain/Red Flag/COVID-19	0	0
Days IC Open	13	16
Number of IC Visitors	264	351
Volunteer Trail Patrol Shifts	5	5
Volunteer Docent Hours	66	79
Total Number of Docents	64	64
Finance	Current Month	Last Month
Infosend Payments	10,510	10,564
OMWD Auto Debit Payments	2,214	2,210
CB&T Lockbox Payments	2,945	2,822
Over the Counter Payments	597	332
Check-free, Metavante and Chase	4,547	4,925
Paymentus (Credit Card) Payments	765	1,052
Finance Calls and walk-ins	47	62
Service Orders Processed	8	12
Service Orders Closed Out	1	1
Purchase Orders	12	15
Inventory Items Received	303	568
Invoices Processed	424	599
Payroll Direct Deposits Processed	241	232
Accounts Payable Checks and Electronic Fund Transfers	333	288

ENGINEERING DEPARTMENT

Engineering Highlights for June 2022:

4S Ranch Neighborhood 1 Sewer Pump Station Replacement Project continued progress through processing submittals and contractor has continued mobilization activities at the site. The contract for the Manchester Avenue and South El Camino Real Recycled Water Pipelines Project is fully executed, pre-construction meeting held in July, and tentative start in August. Coordination with Caltrans and their contractor for work occurring at I-5 and Manchester Avenue continued during the month of July. 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 July 2022:

Human Resources staff conducted interviews for the internal Grow Your Own (GYO) Water Treatment Plant Operator Level II and Water Reclamation Operator Level III as well as the vacant Utility I position. Applied for an Association of California Water Agencies (ACWA) 2022 Wellness Grant and was awarded \$1,700 in funding that will be used for on-site yoga classes for staff. Participated in the 457/401a plan review meeting with Lincoln Financial advisors. Safety staff held a meeting with personnel from the Carlsbad Fire Department to discuss the potential AlertWILDFIRE system at Denk reservoir. Safety staff facilitated backhoe training for two employees and forklift training for five employees.

OPERATIONS & MAINTENANCE

Operations Manager Geoff Fulks Highlights for July 2022:

System Operators conducted the tri-annual regulatory Lead and Copper Sampling. Denk reservoir rehabilitation and coating work was completed and the reservoir was placed into service. The newly refurbished Energy Recovery Turbine 123 (ERT-123) was returned to the plant. Recommissioning of ERT-123 will take place in early August. Membrane cassette frames were shipped out to Hungary for refurbishment and population of new membranes with an estimated return in November. The pH Control project is still under construction and slated to be finished in early September. Staff continues to support current construction at the plant and is also working with Hazen & Sawyer and Engineering staff on the design of the Fourth Stage Centrifuge Addition project. DCMWTP and Pump and Motor staff are addressing the ongoing issue of Source Water algae fouling in the inlet strainers. The algae is being removed daily until conditions improve. The 4S WRF storage pond was drained and cleaned in July. Liner repairs are slated to be performed in early August. ICT staff continued controls work at the Rancho Paseana Recycled Water Extension project. Construction placed the Valve Replacement Project FY 23/24 out for bid to prequalified contractors and hosted a mandatory pre-bid meeting. Bids are due on August 8, 2022. System Operators and Operations Administration commenced design planning of the Ext.

153 Flow Meter project with Engineering and Field Services.

CUSTOMER SERVICES DEPARTMENT

Customer Services Manager John Carnegie Highlights for July 2022:

Sent e-newsletter subscribers a drought update and information on the My Water Use dashboard; achieved Platinum Level District of Distinction and Certificate of Transparency reaccreditation from CSDA's Special District Leadership Foundation; received notification that OMWD's 2021 recycled water outreach and education campaign was selected by WaterReuse California as an Award for Excellence winner; mailed 86 postcards notifying customers affected by the next AMI Expansion Project phase of upcoming work and the My Water Use dashboard; and submitted to US Bureau of Reclamation a WaterSMART Water and Energy Efficiency grant application for phases 9 and 10 of the AMI Expansion Project.

At EFRR, hosted two weeks of the Conservancy's Adventure Camp; coordinated with San Diego Habitat Conservancy and Center for Natural Lands Management to install "No Stopping Anytime" signs on properties along Suerte Del Este in a coordinated effort to reduce unwanted behavior in the area; met with local Goldspotted Oak Borer expert to discuss treatment options at EFRR; and held appreciation BBQ for volunteers.

FINANCE DEPARTMENT

Finance Manager Rainy Selamat Highlights for July 2022:

Continued working on 2022 water capacity fee study with Raftelis Financial Consultants and Engineering department; participated in CSDA audit review committee; met with District Engineering Consultant MacFarland and Engineering Manager Stephenson to discuss proposed changes to Article 13 of the District's Administrative and Ethics Code (water capacity fees); staff updated operating and capital budget numbers in the District's Financial Management System (Microsoft Dynamics GP) for fiscal year 2023 to keep track actual expenses against the Board's approved budget; staff worked on Fiscal Year 2022/23 sewer billing files for the County's Tax Assessor Roll; finalized Capital Asset Procedures; staff assisted in water loss audit information; and staff is working on Fiscal Year 2021/22 year-end closing procedures and account reconciliations in preparation for an audit by the Pun Group, the District's auditors.

ASSISTANT GENERAL MANAGER:

The Assistant General Manager reports the following:

Participated in a NSDWRC meeting; presented to Santa Fe Irrigation District Board on San Dieguito Groundwater Project; participated in multiple meetings on San Dieguito Groundwater Project; performed project management coordination; partook in planning and coordinating for ACWA event; participated in a GYO Interview for internal candidates; served on multiple interview panels; dedicated significant time to personnel matters, employee recruitment, and claims management.

GENERAL MANAGER:

The General Manager reports the following:

General Manager Thorner participated in the SDCWA Board Meeting and SDCWA Special Meeting, the Member Agency Managers Meeting, met with LAFCO consultant on the Fallbrook Rainbow Detachment, participated in the SD Union Tribune Editorial Board Meeting, presented at the SFID Board Meeting, participated in the WRCA meetings, and dedicated significant time to personnel matters, preparing for the ACWA Region 10 panel, 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.

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: August 17, 2022

RE: Attorney Report: Government Claims Act
150152-0005

I. INTRODUCTION.

This attorney report provides an update on a recent California Court of Appeal decision reaffirming that litigation threat letters should be treated as claims under the Government Claims Act. On June 28, 2022, California's Fourth District Court of Appeal issued its decision in *Simms v. Bear Valley Community Healthcare District* (2022) 2022 WL 2313164 ("*Simms*"), holding that a claimant petitioning for relief from California's Government Claims Act presentation requirement may assert actual and timely claim presentment, and is not required to simultaneously file suit alleging compliance with claim requirements to preserve the issue.

In evaluating Simms' allegation of actual compliance, the Court determined that the letter Simms sent to Bear Valley threatening litigation, despite being deficient in certain respects, constituted a timely claim, triggering Bear Valley's statutory duty to notify Simms of the defects, or risk waiving its defenses as to the claim's sufficiency. Because Simms' letter constituted a timely claim, Simms did not need to seek relief from the claim presentation requirement and was permitted to file his complaint.

The Court of Appeal's decision is an important reminder of the District's need to correctly identify and timely respond to litigation threats/claims (even when defective), or risk suffering consequences, including the waiver of key defenses.

II. BACKGROUND.

Plaintiff Simms suffered injuries from a fall and sought treatment at a hospital operated by the Bear Valley Community Healthcare District ("Bear Valley"). Simms was dissatisfied with the care provided during his follow-up treatments and sent a letter to Bear Valley in May of 2018 threatening to "fil[e] a lawsuit for restitution" if, among other things, the hospital continued to provide inadequate care. He did not receive a response to his May 2018 letter and sent another letter in July of 2019 titled "90-Day Notice of Intent to Sue as required by California Code of Civil Procedure section 364."

Bear Valley treated the July 2019 letter as a claim under the Government Claims Act and notified Simms that his claim was not timely presented, thereby rejecting the claim. Simms sought late claim relief from Bear Valley, which was denied, and then petitioned the Superior Court for relief from the claim presentation requirement. In his petition, Simms alternatively argued that he had actually timely complied with the claim presentation requirement when he sent Bear Valley his initial letter in May of 2018.

The Superior Court denied Simms' petition as untimely. Separately, the court found that Simms' earlier May 2018 letter did not qualify as a claim because it lacked the necessary information required by the Government Claims Act.

III. COURT'S ANALYSIS.

On appeal, the Fourth District Court of Appeal considered two issues:

- (1) whether a petitioner seeking relief from the claim presentment requirement may alternatively argue timely claim presentment, or whether the claimant must concurrently file a civil action to allege timely compliance; and
- (2) whether a letter threatening litigation that does not substantially comply with requirements for a government claim nonetheless constitutes a claim, thereby triggering a public entity's obligation to notify the claimant of any insufficiencies, or risk waiving its defenses as to the claim's sufficiency.

First, wading into a split in authority among the California Courts of Appeal, the *Simms* Court held that a claimant may assert actual compliance with claim requirements when seeking judicial relief from those requirements without concurrently filing suit alleging compliance.

For decades, California's District Courts of Appeal have remained split on the issue of whether a claimant must file a complaint concurrently with a petition for relief from the claim presentment requirement in order to preserve the issue of whether they presented a timely claim. The Sixth District Court of Appeal determined that filing a complaint was not necessary to preserve the issue, and that a claimant could raise the issue for the first time in a petition for relief from the claim presentation requirement. (*Santee v. Santa Clara County Office of Education* (1990) 220 Cal.App.3d 702).

On the other hand, the Second District Court of Appeal held that a claimant must always file a complaint alleging compliance with the claim presentation requirement, and simultaneously file a petition for relief from the requirement in order to preserve the issue. (*Ngo v. County of Los Angeles* (1989) 207 Cal.App.3d 946 (*Ngo*)).

Because this split in authority had not been addressed by the Fourth District, the *Simms* case provided the court with an opportunity to take sides. In rejecting

the *Ngo* approach requiring the pursuit of both a civil lawsuit and petition for relief, the *Simms* Court reasoned that requiring the simultaneous filing of a petition and a complaint unnecessarily multiplies the proceedings, particularly where the facts are undisputed. The *Simms* Court stated: “[W]here the analysis does not rest on disputed issues of fact better postponed for determination by a jury, ‘the issue of timely filing of a claim may be determined in a claim-relief proceeding.’” The *Simms* Court accordingly concluded:

“In so ruling, we take sides in a split of California appellate authority that has remained unresolved for decades. This split concerns whether petitioners seeking judicial relief from claim requirements under section 946.6 may assert that they did present the public entity with a timely claim, or whether that argument may be raised only by filing suit and alleging compliance with claim requirements. We see no sound reason why a petitioner should not be able to raise actual compliance in a section 946.6 petition, or why the adjudicating court should be precluded from deciding that a submitted claim was compliant if there are no disputed issues of fact that need to be left for a jury’s determination.”

Second, the *Simms* Court also concluded that where a claimant presents an insufficient claim, the claim should be treated as a “trigger-claim” requiring a public entity to notify the claimant of the insufficiencies, or risk waiving its defenses as to sufficiency of the claim.

The *Simms* Court ultimately determined that Simms’ initial letter in May 2018 to Bear Valley constituted a claim—albeit a defective one. The *Simms* Court stated: “A claim has been presented to the public entity when the public entity receives a document which contains the information required by Government Code section 910 and is signed by the claimant.” The information required by section 910 includes details of the occurrence, the amount of damages sought, and must also be addressed and delivered to the appropriate party.

The *Simms* Court found that Simms’ May 2018 letter complied in some respects with section 910, but did not substantially comply with all requirements. Nevertheless, because Simms’ letter detailed at some length what Simms perceived as inadequate medical treatment, defamatory statements by Bear Valley providers, and resulting injuries (even though unspecified), and definitively stated that litigation would ensue if Bear Valley did not address Simms’s complaints satisfactorily, the *Simms* Court held that the letter constituted a claim.

In reaching this conclusion, the court reasoned that the information provided “was more than enough to afford Bear Valley the opportunity to investigate and, if it desired, to settle the matter with Simms.” To the extent the claim was arguably defective, the court opined that it triggered Bear Valley’s statutory duty to notify Simms of its insufficiencies, and Bear Valley’s failure to timely do so resulted in a waiver of

defenses based on those insufficiencies. As a result, the Court held that Simms' May 2018 letter satisfied the Government Claims Act's presentment requirement, and Simms was allowed to proceed with filing a complaint against Bear Valley. The court concluded:

"We reverse the judgment, finding that Simms does not require relief from the claim presentation requirement because he in fact submitted a timely claim, and the trial court erred by ruling he had not done so. Although Simms's claim was deficient in certain respects, its submission triggered a statutory duty for Bear Valley to notify Simms of the defects, and the failure to notify him waived any defense as to the claim's sufficiency. As such, Simms should be permitted to file a complaint."

V. CONCLUSION.

The Court of Appeal decision is a cautionary tale. The *Simms* Court conclusion is a reminder that the District must carefully review correspondence to determine whether it may constitute a claim—even a defective one—so that the District can take the necessary actions to preserve available defenses. The *Simms* decision is a stark reminder of the steep price to pay, including the waiver of important defenses, for failing to correctly identify and timely respond to claims. The *Simms* Court conclusion states:

"In sum, the trial court erred by finding that Simms's May 2018 letter to Bear Valley did not constitute either a claim or a defective claim. We find that it was in fact a defective claim, triggering Bear Valley's duty to notify Simms of its insufficiencies. (§ 910.8.) By failing to do so, Bear Valley waived any defenses based on the claim's insufficiencies (§ 911), and the claim was deemed denied by statute (§ 912.4, subd. (a)). Simms has two years from the date his causes of action accrued to bring suit by filing a complaint, but that limitations period is tolled from January 10, 2020 (the date of the trial court's erroneous ruling) through the issuance of our remittitur in this appeal."

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
JULY 28, 2022**

1. Boulder Canyon Project Scheduling Coordinator Services with the Western Area Power Administration.
The Board approved staff payments in the amount of \$165,230 and authorized the General Manager, or designee, to continue using Western Area Power Administration for Boulder Canyon Project Scheduling Coordinator Services in a not-to-exceed amount of \$200,000 for a period of five years.
2. Construction Contract with J.F. Shea Construction, Inc. for the Pipeline 5 Relining North Twin Oaks Valley Road to Crossover Pipeline Turnout Project.
The Board authorized the General Manager, or designee, to award a construction contract to J.F. Shea Construction, Inc., in the amount of \$16,850,000 for the Pipeline 5 Relining North Twin Oaks Valley Road to Crossover Pipeline Turnout project.
3. Monthly Treasurer's Report on Investments and Cash Flow.
The Board noted and filed the Treasurer's report.
4. A Resolution setting the time and date for a Public Hearing to consider amendments to the San Diego County Water Authority Local Conflict of Interest Code.
The Board adopted Resolution No. 2022-15 setting the August regular meeting of the Administrative and Finance Committee as the time and date of a public hearing to consider amendments to the San Diego County Water Authority Local Conflict of Interest Code.
5. Approve City of Oceanside Waiver Request for Late Fee on January, February and March 2022 Capacity Fee Charges.
The Board authorized the General Manager to waive City of Oceanside late fee for the January, February and March 2022 capacity fees amounting to \$4,753.92.
6. Resolution for Integrated Regional Water Management Proposition 1 Round 2 Implementation Grant.
The Board adopted Resolution No. 2022-16 authorizing the General Manager to apply for the Proposition 1, Round 2 Integrated Regional Water Management Implementation Grant for \$16,084,697, accept the grant funds that are awarded, and enter into contracts to distribute the funds to the project sponsors.
7. Closed Session: SDCWA v. MWD
The Board approved disbursement to the member agencies the \$411,888.36 payment of our attorney's fees and costs MWD paid for losing its appeal, all via the pro rata method used in prior MWD payments, as shown on the chart below and included with the Minutes.



Disbursement of MWD Litigation Proceeds (#4)

Member Agency	% Share (CY'11-CY'14)	Distribution
Carlsbad M.W.D.	3.81%	\$15,707.73
Del Mar, City of	0.24%	\$1,002.72
Escondido, City of	3.95%	\$16,281.24
Fallbrook P.U.D.	2.05%	\$8,441.37
Helix W.D.	6.42%	\$26,430.11
Lakeside W.D.	0.78%	\$3,230.26
Oceanside, City of	5.30%	\$21,826.36
Olivenhain M.W.D.	4.60%	\$18,929.55
Otay W.D.	7.13%	\$29,359.12
Padre Dam M.W.D.	2.61%	\$10,744.66
Pendleton Military Reserve	0.01%	\$46.02
Poway, City of	2.63%	\$10,840.85
Rainbow M.W.D.	3.03%	\$12,469.58
Ramona M.W.D.	1.34%	\$5,538.37
Rincon Del Diablo M.W.D.	1.42%	\$5,855.05
San Diego, City of	39.84%	\$164,077.49
San Dieguito W.D.	0.83%	\$3,415.88
Santa Fe I.D.	1.69%	\$6,949.60
Sweetwater Authority	1.97%	\$8,116.08
Vallecitos W.D.	3.58%	\$14,764.53
Valley Center M.W.D.	3.00%	\$12,368.30
Vista I.D.	3.54%	\$14,582.44
Yuima M.W.D.	0.22%	\$911.05
Total		\$411,888.36



8. 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.
9. Closed Session: Public Employee Performance Evaluation
 The Board approved a salary increase of 3% for the General Manager effective immediately and a 3% cost of living increase that other employees are receiving effective immediately.
10. Approval of Minutes.
 The Board approved the minutes of the Special Board of Directors' meeting of June 9, 2022, and the Formal Board of Directors' meeting of June 23, 2022.

Memo

F

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS
LEGISLATIVE REPORT

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

TO: Olivenhain Municipal Water District
FROM: Ashley Walker, Senior Policy Advisor, Nossaman LLP
Jennifer Capitolo, Jennifer M. Capitolo and Associates LLC
DATE: August 10, 2022
RE: August 2022 Public Policy Report

State Legislative Update:

Status of the Legislature: The Legislature reconvened from summer recess on August 1. Fiscal Committee deadline is August 12, with the Suspense File being taken on August 11. Floor session will take place from August 15-31 in order to pass all bills to the Governor. The Governor has 30 days to take action on legislation presented to him.

FY 2022-23 State Budget: We are anxiously anticipating the several state budget trailer bills we have heard will be released in the final month of the legislative session. We know this will include implementation details of the climate funding package.

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.

- July 29: Governor Newsom convened water leaders to continue to call for action on water usage.
- August 1: Governor Newsom proclaims a State of Emergency to support the State's response to Monkeypox.

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. Current status: On the Senate Suspense File.**
- **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. Current status: On the Senate Suspense File.**
- **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. **Current position: Oppose unless amended, supporting ACWA's proposed amendments. Current status: On the Assembly Floor.**

- **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. Current status: On the Assembly Suspense File.**
- **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 unless amended. Current status: On the Assembly Suspense File.**
- **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. Current status: On the Assembly Suspense File.**

Water Quality Update:

CWSRF and DWSRF 2022/23 Intended Use Plans: The State Water Board continues to delay the release of the 2022 Intended Use Plans for the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund. The new expected release date is late August 2022. Workshops are scheduled for September 7, 2022 with adoption by the board in early October 2022.

PFHxS Notification Level: On August 17, the State Water Board is expected to adopt a notification level of 2 ng/L (ppt) for PFHxS, which is a member of a large class of chemicals known as per- and polyfluoroalkyl substances (PFAS).

State Auditor Report – Drinking Water Assistance Efforts: On July 26, the State Auditor released a report on the State Water Board's efforts to help provide Californians with clean drinking water. The report from the State Auditor suggested that the State Water Board lacks urgency in delivering needed assistance, citing long process times, and the State Auditor included a number of recommendations to improve processes/procedures. The State Water Board issued a response disagreeing with the report's framing that the board lacks urgency in

providing assistance to communities and agrees to continue to build upon opportunities to improve how it delivers assistance to communities most in need. We will likely see legislation on this issue in 2023.

Conservation/Water Use Efficiency Committee Updates:

Governor Meeting on Drought: On July 29, the Governor hosted a meeting with the statewide water associations and the largest water agencies in the State to discuss drought. Press release [here](#). The Governor opened the meeting by stating that there will not be a call for mandatory conservation as the numbers are trending in the right direction. The Governor acknowledged that although the numbers are better, we are still not where we need to be. The Governor asked everyone to reply to the request for early reporting of production numbers for each month. His staff (Joaquin Esquivel, Wade Crowfoot, Karla Nemeth) said that these numbers are only for internal use related to drought planning and that the verified numbers can be submitted on the regularly scheduled end of month date. He privately shared that the June numbers looks very good, and that progress is being made. He and his staff asked us to help amplify the message and highlight the good work being done by our water agencies and customers. Many water agencies in the State chimed in on the good work they are doing. The Governor's office will release a report shortly updating the Water Resiliency Portfolio, which is a list of projects to combat climate change. The report will commit budget funds to these projects and will ease some regulatory burden to getting projects done in a timely manner. The report will also focus on the 7 water storage projects and a plan to complete those projects.

The meeting ended with three calls to action:

1. Continue early reporting.
2. Reduce consumption, if we don't, the state will move to mandatory.
3. Work with the media to tell your water utility (and your customers') conservation stories. The Governor feels he is the only one talking to the media. Use the water board meetings as an opportunity to engage. We need to counter the media narrative that California is failing to address drought.

Drought Update: On August 2, the State Water Board issued a [press release](#) that indicated that preliminary data show a water savings increase for June 2022 compared to June 2020. Statewide water use in June was 7.6% lower than in June 2020, and more than double the statewide savings in May (3.1%), putting California solidly back on track toward saving water.

State Water Board:

Water Loss Standards Rulemaking Water: On August 8, the State Water Board released its update of the proposed Water Loss regulation. They have scheduled a workshop on August 17 at 9:30 AM to present the report and their responses to comments. The official 15-day comment period has not yet started but may do so after the 17th.



**Olivenhain Legislative Report 2021-22
Report as of 8/10/2022**

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

Calendar: 8/11/2022 Upon adjournment of Session - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

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: 8/2/2022-In committee: Referred to suspense file.

Location: 8/2/2022-S. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/3/2022-August 3 set for first hearing. Placed on suspense file.

Location: 8/3/2022-A. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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

Calendar: 8/11/2022 #56 ASSEMBLY THIRD READING FILE - SENATE BILLS

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

No Position

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

Calendar: 8/11/2022 Upon adjournment of Session - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

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

Calendar: 8/11/2022 #106 SENATE ASSEMBLY BILLS - THIRD READING FILE

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: 8/2/2022-In committee: Referred to suspense file.

Location: 8/2/2022-S. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/2/2022-Read second time. Ordered to third reading.

Location: 8/2/2022-S. THIRD READING

Calendar: 8/11/2022 #122 SENATE ASSEMBLY BILLS - THIRD READING FILE

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: 8/2/2022-In committee: Referred to suspense file.

Location: 8/2/2022-S. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/2/2022-Read second time. Ordered to third reading.

Location: 8/2/2022-S. THIRD READING

Calendar: 8/11/2022 #128 SENATE ASSEMBLY BILLS - THIRD READING FILE

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: 8/2/2022-Read second time. Ordered to third reading.

Location: 8/2/2022-S. THIRD READING

Calendar: 8/11/2022 #129 SENATE ASSEMBLY BILLS - THIRD READING FILE

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

Calendar: 8/11/2022 #39 SENATE ASSEMBLY BILLS - THIRD READING FILE

Summary: Current law requires the Natural Resources Agency to release a draft of the state's climate adaptation strategy, known as the Safeguarding California Plan, by January 1, 2017, and every 3 years thereafter, to update the plan by July 1, 2017, and every 3 years thereafter, and to coordinate with other state agencies to identify vulnerabilities to climate change by sectors and priority actions needed to reduce the risks in those sectors. Existing law requires, to address the vulnerabilities identified in the plan, state agencies to maximize specified objectives. This bill would instead require the agency to release the draft plan by January 1, 2024, and every 3 years thereafter, and to update the plan by July 1, 2024, and every 3 years thereafter.

Position

AB 1624 (Ting D) Budget Act of 2022.

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

Location: 1/10/2022-A. BUDGET

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

Position

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

Last Amend: 5/19/2022

Status: 8/2/2022-In committee: Referred to suspense file.

Location: 8/2/2022-S. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/2/2022-Read second time. Ordered to third reading.

Location: 8/2/2022-S. THIRD READING

Calendar: 8/11/2022 #132 SENATE ASSEMBLY BILLS - THIRD READING FILE

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: 8/8/2022-Read third time. Passed. Ordered to the Assembly. (Ayes 36. Noes 0.). In Assembly. Concurrence in Senate amendments pending. May be considered on or after August 10 pursuant to Assembly Rule 77.

Location: 8/8/2022-A. CONCURRENCE

Calendar: 8/11/2022 #11 ASSEMBLY CONCURRENCE IN SENATE AMENDMENTS

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

Calendar: 8/11/2022 Upon adjournment of Session - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

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

Last Amend: 8/1/2022

Status: 8/8/2022-In committee: Referred to suspense file.

Location: 8/8/2022-S. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Current law creates a disputable presumption that specified injuries sustained in the course of employment of a specified member of law enforcement or a specified first responder arose out of and in the course of the employment. Current law governs the procedures for filing a claim for workers' compensation, including filing a claim form, and provides that an injury is presumed compensable if liability is not rejected within 90 days after the claim form is filed, as specified. Current case law provides for how certain presumptions may be rebutted. Existing 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. Current 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

Calendar: 8/11/2022 #112 SENATE ASSEMBLY BILLS - THIRD READING FILE

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: 8/2/2022-Read second time. Ordered to third reading.

Location: 8/2/2022-S. THIRD READING

Calendar: 8/11/2022 #138 SENATE ASSEMBLY BILLS - THIRD READING FILE

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: 8/2/2022-In committee: Referred to suspense file.

Location: 8/2/2022-S. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/2/2022-In committee: Referred to suspense file.

Location: 8/2/2022-S. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/2/2022-Read second time. Ordered to third reading.

Location: 8/2/2022-S. THIRD READING

Calendar: 8/11/2022 #140 SENATE ASSEMBLY BILLS - THIRD READING FILE

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

Calendar: 8/11/2022 Upon adjournment of Session - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Current law requires a qualifying state agency, as defined, that funds a project to restore fish and wildlife habitats to indemnify and hold harmless a real property owner who voluntarily allows their real property to be used for the project from civil liability for property damage or personal injury resulting from the project if the project qualifies for a specified exemption and meets specified requirements. Current law authorizes a qualifying state agency to indemnify and hold harmless a real property owner who voluntarily allows their real property to be used for that project from civil liability for property damage or personal injury resulting from the project in the case the project does not meet the specified exemption. Current law requires the costs of any civil liability incurred by a qualifying state agency to be promptly paid from the General Fund, and requires those costs to be submitted as a claim by the real property owner to the Department of General Services pursuant to specified provisions. 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: 8/2/2022-In committee: Referred to suspense file.

Location: 8/2/2022-S. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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

Calendar: 8/11/2022 #60 SENATE ASSEMBLY BILLS - THIRD READING FILE

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: 8/2/2022-In committee: Referred to suspense file.

Location: 8/2/2022-S. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/2/2022-In committee: Referred to suspense file.

Location: 8/2/2022-S. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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

Calendar: 8/11/2022 #61 SENATE ASSEMBLY BILLS - THIRD READING FILE

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 2313 (Bloom D) Water: judges and adjudications.

Last Amend: 6/30/2022

Status: 8/2/2022-In committee: Referred to suspense file.

Location: 8/2/2022-S. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/2/2022-In committee: Referred to suspense file.

Location: 8/2/2022-S. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/2/2022-In committee: Referred to suspense file.

Location: 8/2/2022-S. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/8/2022

Status: 8/9/2022-Read second time. Ordered to third reading.

Location: 8/9/2022-S. THIRD READING

Calendar: 8/11/2022 #252 SENATE ASSEMBLY BILLS - THIRD READING FILE

Summary: The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act generally requires posting an agenda at least 72 hours before a regular meeting that contains a brief general description of each item of business to be transacted or discussed at the meeting, and prohibits any action or discussion from being

undertaken on any item not appearing on the posted agenda. The act authorizes a legislative body to take action on items of business not appearing on the posted agenda under specified conditions. The act contains specified provisions regarding 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. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. 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. Under this exception, the bill would authorize a member to participate remotely under specified circumstances, including participating remotely for just cause or due to emergency circumstances.

Position

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

Last Amend: 8/1/2022

Status: 8/8/2022-In committee: Referred to suspense file.

Location: 8/8/2022-S. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: (1)Current law establishes within the Natural Resources Agency the State Water Resources Control Board and the California regional water quality control boards. Current law requires the work of the state board to be divided into at least 2 divisions, known as the Division of Water Rights and the Division of Water Quality. Current law requires the state 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: 8/2/2022-In committee: Referred to suspense file.

Location: 8/2/2022-S. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/1/2022

Status: 8/9/2022-Read second time. Ordered to third reading.

Location: 8/9/2022-S. THIRD READING

Calendar: 8/11/2022 #237 SENATE ASSEMBLY BILLS - THIRD READING FILE

Summary: Current law generally regulates the relationship between parties to a lease of real property. Existing law refers to the lessor of real property variously as, among other terms, "landlord" or "lessor" and refers to the lessee of real property variously as, among other terms, "tenant" or "lessee." Current law creates the California Law Revision Commission and requires the commission to, among other things, examine the common law and statutes of the state and judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms. This bill would require the 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 2647 (Levine D) Local government: open meetings.

Last Amend: 8/4/2022

Status: 8/8/2022-Read second time. Ordered to third reading.

Location: 8/8/2022-S. THIRD READING

Calendar: 8/11/2022 #208 SENATE ASSEMBLY BILLS - THIRD READING FILE

Summary: The Ralph M. Brown Act requires the meetings of the legislative body of a local agency to be conducted openly and publicly, with specified exceptions. Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board 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. Current law requires a local agency to post the agenda for a special meeting at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public. 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: 8/2/2022-In committee: Referred to suspense file.

Location: 8/2/2022-S. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/2/2022-In committee: Referred to suspense file.

Location: 8/2/2022-S. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/2/2022-In committee: Referred to suspense file.

Location: 8/2/2022-S. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/2/2022-Read second time. Ordered to third reading.

Location: 8/2/2022-S. THIRD READING

Calendar: 8/11/2022 #172 SENATE ASSEMBLY BILLS - THIRD READING FILE

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 (Aguiar-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

Calendar: 8/11/2022 Upon adjournment of Session - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

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: 8/3/2022-August 3 set for first hearing. Placed on suspense file.

Location: 8/3/2022-A. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/3/2022-August 3 set for first hearing. Placed on suspense file.

Location: 8/3/2022-A. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/4/2022-Re-referred to Com. on RLS pursuant to Senate Rule 29.10(d). From committee: Be re-referred to Com. on E., U. & C. pursuant to Senate Rule 29.10(d). (Ayes 4. Noes 0.) Re-referred to Com. on E., U. & C.

Location: 8/4/2022-S. E. U., & C.

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: 8/3/2022-August 3 set for first hearing. Placed on suspense file.

Location: 8/3/2022-A. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/4/2022-Read second time. Ordered to consent calendar.

Location: 8/3/2022-A. CONSENT CALENDAR

Calendar: 8/11/2022 #149 ASSEMBLY CONSENT CALENDAR 2ND DAY-SENATE BILLS

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: 8/3/2022-August 3 set for first hearing. Placed on suspense file.

Location: 8/3/2022-A. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/4/2022-Read second time. Ordered to consent calendar.

Location: 8/3/2022-A. CONSENT CALENDAR

Calendar: 8/11/2022 #150 ASSEMBLY CONSENT CALENDAR 2ND DAY-SENATE BILLS

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: 8/3/2022-August 3 set for first hearing. Placed on suspense file.

Location: 8/3/2022-A. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/3/2022-August 3 set for first hearing. Placed on suspense file.

Location: 8/3/2022-A. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/3/2022-August 3 set for first hearing. Placed on suspense file.

Location: 8/3/2022-A. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/8/2022-From consent calendar on motion of Assembly Member Reyes. Ordered to third reading.

Location: 8/8/2022-A. THIRD READING

Calendar: 8/11/2022 #128 ASSEMBLY THIRD READING FILE - SENATE BILLS

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: 8/4/2022-Assembly amendments concurred in. (Ayes 28. Noes 9.) Ordered to engrossing and enrolling.

Location: 8/4/2022-S. ENROLLMENT

Summary: The Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Current law 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 or their designee to remove, or cause the removal of, an individual for disrupting the meeting. The bill, except as provided, would require removal to be preceded by a warning to the individual by the presiding member of the legislative body or their designee that the individual's behavior is disrupting the meeting and that the individual's failure to cease their behavior may result in their removal. The bill would authorize the presiding member or their designee to then remove the individual if the individual does not promptly cease their disruptive behavior. The bill would define "disrupting" for this purpose.

Position

SB 1124 (Archuleta D) Public health goal: primary drinking water standard: manganese.

Last Amend: 6/23/2022

Status: 8/3/2022-August 3 set for first hearing. Placed on suspense file.

Location: 8/3/2022-A. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/3/2022-August 3 set for first hearing. Placed on suspense file.

Location: 8/3/2022-A. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/3/2022-August 3 set for first hearing. Placed on suspense file.

Location: 8/3/2022-A. APPR. SUSPENSE FILE

Calendar: 8/11/2022 Upon adjournment of Session - 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: 8/4/2022-Read second time. Ordered to consent calendar.

Location: 8/3/2022-A. CONSENT CALENDAR

Calendar: 8/11/2022 #164 ASSEMBLY CONSENT CALENDAR 2ND DAY-SENATE BILLS

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: 8/4/2022-Read second time. Ordered to consent calendar.

Location: 8/3/2022-A. CONSENT CALENDAR

Calendar: 8/11/2022 #165 ASSEMBLY CONSENT CALENDAR 2ND DAY-SENATE BILLS

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 8/10/22)

Date(s)	Event	Time	Location	Attending Board Member(s)	Additional Information (Speakers' Topic, Cohosts, etc.)
<u>JULY 2022</u>					
21-Jul	EFRR Docent Appreciation BBQ	4:00 PM	EFRR	Bruce-Lane, Mevers, Watt	
22-Jul	Board Meeting Debrief	9:30 AM	OMWD	Watt	
25-Jul	Conference call with the General Manager			Meyers	
<u>AUGUST 2022</u>					
2-Aug	ACWA Region 10 Event	9:00 AM - 1:30 PM	OMWD Boardroom	Meyers, Watt	
8-Aug	Document Signing with the Executive secretary			Watt	
9-Aug	Finance Committee Meeting	2:00 PM	OMWD Boardroom	Watt	
10-Aug	New Employee Tour Intro.			Watt	

Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

CORRESPONDENCE

Any correspondence is attached.



July 25, 2022 Submitted/July 27, 2022 Signatories Updated

The Honorable Bill Dodd
California State Senate
1021 O St., Suite 6620
Sacramento, CA 95814

RE: SB 222 (Dodd) – Water Rate Assistance Program
Position: OPPOSE UNLESS AMENDED

Dear Senator Dodd:

The undersigned organizations (the Coalition) believe that there can be a workable and efficient State water and wastewater low-income rate assistance program in California. In 2021, the Association of California Water Agencies (ACWA) worked extensively with you, your staff, the bill sponsors, four policy committees, and both the Senate and Assembly Appropriations Committees to address the Coalition's concerns with SB 222. We greatly appreciated the amendments that you made in 2021 that allowed the Coalition in August of 2021 to move from an "Oppose-Unless-Amended" position to a "Watch" position. Unfortunately, the June 23, 2022 amendments to SB 222 raise significant concerns, and the Coalition now has an "Oppose-Unless-Amended" position on SB 222. **Attached is a mockup of amendments that, if incorporated, would allow the Coalition to remove its opposition.** Following is an overview of the concerns.

- 1) **System Role / Proposition 218 - SB 222 would require each Community Water System and Sewer System to create and implement its own water rate assistance program – as opposed to playing an administrative (pass through) role in implementing a State Water Rate Assistance Program. The bill's approach would now run afoul of Proposition 218.**

The new version of SB 222 would require each eligible system to offer water rate assistance. [See Page 11, Line 36.] Water systems are prohibited under the State Constitution (Proposition 218) from providing low-income rate assistance using rate revenues from other customers. SB 222 needs to propose a **State assistance program**:
a) funded with funding from the proposed State Water Rate Assistance Fund (Fund); and
b) in which eligible systems play an administrative (pass through) role by receiving funding from the Fund and applying it to the accounts of low income households that the State has enrolled in the program and administrative costs.

- 2) **Efficiency / Implementing Agency / Key Program Components – Building administrative efficiency into this State program will allow for more assistance to go to low-income households. The State should handle enrollment and utilize a third-party fund administrator.**

The introduced (January 14, 2021) version of SB 222 proposed the State Water Resources Control Board (State Water Board) as the implementing agency. The Coalition and other organizations urged that the California Department of Community Services and Development (CSD) be the implementing agency. You made that change in the April 5, 2021 version. The June 23, 2022 version proposes to go back to the initial proposal to have the State Water Board implement the program.

Efficiency in the State's administration of the State's water rate assistance program will allow for more assistance to go to low-income households. ACWA and others suggested that CSD implement the program because this is what CSD does – CSD implements low-income assistance programs. CSD already contracts with a third-party fund disbursement entity and works with local service providers around the State to

enroll low-income households. State management of enrollment is important because most public water agencies do not have income information for their customers since they cannot use rate revenue to subsidize low-income rates under Proposition 218.

The Coalition urges you and the Newsom Administration to take a hard look at the issue of does it make sense to reinvent the wheel at the State Water Board and end up spending more money for administration than is needed. The Coalition's strong preference is for this program to be placed at CSD. If the program is placed at the State Water Board, **it is critical that State handle customer enrollment – as CSD does, and that the State contracts with a third party fund administrator – as CSD does.**

3) System Administrative Costs - The proposed funding for system administrative costs is not adequate. [Page 4, Line 13 and Page 5, Line 18]

The new version of the bill would add a new proposed requirement that the State Water Board “provide funds to eligible systems for administration of the program, not to exceed the greater of **3 percent** of the total subsidy or two thousand dollars.” While this is a positive addition in the sense that it would be required, the 3 percent number would not cover reasonable administrative expenses. The Coalition suggests increasing this number to 5 percent.

4) Frequency of Funding Distribution – The bill does not address the timing of distribution of the funding.

The attached mockup suggests that systems, after the State adopts emergency regulations and enrolls participants, need to receive the funding from the Fund annually in advance, and then the systems should be required to apply funding within two months to each enrolled customer's bill installment thereafter for the annual period.

5) Additional Action Authority – This proposed authority is overly broad. [Page 4, Line 30]

The bill would now authorize the State Water Board to “take additional action as may be appropriate for adequate administration and operation of the fund and provision of direct water bill assistance.” This overly broad proposal should be deleted.

6) Audit of Systems Receiving Program Funding – This proposal should be clarified. [Page 7, Line 1]

Under the new version of the bill, the State Water Board would be required to include in guidelines a provision regarding the audit of eligible systems receiving funds under the chapter. The scope of this audit should instead be limited to the system's local administrative role in the State's water rate assistance program (i.e., not just anything to do with the system).

7) Affordability Evaluation - This proposal is overly broad. [Page 7, Line 25]

The affordability evaluation language should be narrowed to propose evaluation of remaining **water** affordability issues and relevant (as opposed to available) information.

8) Administrative Procedure Act (APA) – The rules of the road for this program should be developed through emergency regulations. [Page 10, Lines 4 and 10]

The prior version of the bill proposed the development of guidelines but also would have authorized the adoption of emergency regulations. The new version would exempt this program from the APA altogether and delete the proposed emergency regulation authority. It would rely solely on the adoption of guidelines by the State Water Board. This is a major program with little public process proposed for its development. The Coalition suggests that the implementing agency be required to develop and approve emergency regulations.

9) Affordability Pilot Projects – This bill should not propose to use water rate assistance funding for pilot projects. [Page 10, Line 28]

The affordability pilot projects proposal should be deleted. This bill should be focused on water rate assistance. Assistance for water use efficiency projects can be funded with climate/drought resilience state budget funding separate from this program.

10) Discontinuation of Service – Part of this proposal is workable. [Page 12, Line 1]

The enactment of SB 998 (Dodd) in 2018 set requirements on the discontinuation of service by public water systems that supply water to **more than 200 connections**. For example:

(a)(1)(A) An urban and community water system shall not discontinue residential service for nonpayment until a payment by a customer has been delinquent for at least 60 days. No less than **seven business days** before discontinuation of residential service for nonpayment, an urban and community water system shall **contact** the customer named (...) on the account by telephone or written notice. (...) [Ca. Health and Safety Code Section 116909, emphasis added.]

Under existing law, that contact must include an offer to discuss options, including an alternative payment schedule. SB 222 now proposes for **all sizes of systems** that a **30-day** notice of the ability to enroll in a payment plan would be required before disconnection could occur. Expanding the SB 998 requirements to cover systems of 200 or fewer connections is not an issue. However, the timing on the notice provision should remain at seven business days consistent with SB 998.

11) Enforcement – The brand new proposed enforcement provisions at Page 12 do not fit with a low-income assistance program and should be deleted and replaced.

The June 23 version adds proposed enforcement provisions to SB 222 for the first time – even though the bill went through four policy committees in 2021.

A) Attorney General - The first proposal is that the Attorney General be authorized to take an action. The Coalition suggests that enforcement by the implementing state agency should be sufficient for a financial assistance program.

- B) At-Risk Systems** – The bill proposes to have a system that did not establish or maintain a compliant water rate assistance program be deemed an at-risk system for purposes of the mandatory consolidation authority in existing law. As noted above in the discussion about Proposition 218 and the need for a State program, the system should be helping to administer the State’s program – not creating a local water rate assistance program. Further, consolidation of a sustainable system that is providing safe drinking water is not an appropriate remedy for noncompliance with a State water rate assistance program.
- C) Qualified Finance** – The bill proposes to have the State agency qualify awards of financial assistance on the establishment of a low-income assistance program. This language is unclear and ties again to the problematic proposed creation of assistance programs at the local level – instead of on a program at the State level with a local pass through of money from the Fund.

ACWA will suggest an amendment on this new issue.

For these reasons, the Coalition has an Oppose-Unless-Amended position on SB 222. We appreciate your consideration of these concerns. If you would like to discuss the suggestions, please contact ACWA Deputy Executive Director for Government Relations at CindyT@acwa.com.

Sincerely,

Cindy Tuck
Deputy Executive Director for
Government Relations
Association of California Water Agencies

David Coxey
General Manager
Bella Vista Water District

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General Manager
Calleguas Municipal Water District

Tony Stafford
General Manager
Camrosa Water District

Krista Bernasconi
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Jessaca Lugo
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City of Shasta Lake

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Cucamonga Valley Water District

Mark Krause
General Manager
Desert Water Agency

Greg Thomas
General Manager
Elsinore Valley Municipal Water District

Hannah Davidson
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Hidden Valley Lake Community Services
District

John Friedenbach
General Manager
Humboldt Bay Municipal Water District

Kimberly A. Thorner
General Manager
Olivenhain Municipal Water District

Paul Cook
General Manager
Irvine Ranch Water District

Kyle Swanson
CEO/General Manager
Padre Dam Municipal Water District

Joe McDermott, P.E.
Director of Engineering and External
Affairs
Las Virgenes Municipal Water District

Dennis D. LaMoreaux
General Manager
Palmdale Water District

Paul E. Shoenberger, P.E.
General Manager
Mesa Water District

Ara Azhderian
General Manager
Panoche Water District

Patrick Kaspari, P.E.
General Manager
McKinleyville Community Services
District

Anthony Firenzi
Director of Strategic Affairs
Placer County Water Agency

Allison Febbo
General Manager
Mojave Water Agency

Robert S. Grantham
General Manager
Rancho California Water District

Justin Scott-Coe
General Manager
Monte Vista Water District

James Peifer
Executive Director
Regional Water Authority

David J. Stoldt
General Manager
Monterey Peninsula Water
Management District

Steve A. Perez, CSDM
General Manager
Rosamond Community Services District

Tammy Rudock
General Manager
Mid-Peninsula Water District

James Prior
General Manager
San Gabriel County Water District

Robert J. Hunter
General Manager
Municipal Water District of Orange
County

Paul Helliker
General Manager
San Juan Water District

Daniel R. Ferons
General Manager
Santa Margarita Water District

Piret Harmon
General Manager
Scotts Valley Water District

Gary Arant
General Manager
Valley Center Municipal Water District

Charles Wilson
President & CEO
Southern California Water Coalition

Brett Hodgkiss
General Manager
Vista Irrigation District

Sean Barclay
General Manager
Tahoe City Public Utility District

Erik Hitchman
General Manager
Walnut Valley Water District

Matthew Litchfield
General Manager
Three Valleys Municipal Water District

Anjanette Shadley
Assistant General Manager
Western Canal Water District

Edwin R. Pattison
General Manager
Tuolumne Utilities District

Attachment

cc: Mr. Les Spahn, Legislative Director, Office of Senator Bill Dodd

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.

Elfin Forest Recreational Reserve Celebrates 30th Anniversary

waternewsnetwork.com/elfin-forest-recreational-reserve-celebrates-30th-anniversary

July 19, 2022



Since its opening in 1992, the Elfin Forest Recreational Reserve has evolved into one of San Diego County's most precious natural resources.

Celebrating its milestone 30th anniversary, the reserve, or EFRR, was originally developed when the Olivenhain Municipal Water District partnered with the San Diego County Water Authority and the Bureau of Land Management as part of the regional Emergency Storage Project. Over the past 30 years, OMWD has managed the safe operations of EFRR to provide visitors with recreational, educational, and environmental experiences.

The 784-acre reserve in the heart of San Diego County offers 11 miles of hiking, biking, equestrian trails, picnic areas, and scenic viewing points. It is the central hub of more than 20,000 acres of contiguous open space with fully protected wildlife in perpetuity. Its facilities provide educational experiences for visitors of all ages.

“We look forward to joining with our partners and the public to celebrate the 30-year anniversary of this unique recreational reserve that continues to provide for the conservation of habitats and native species and opportunities to connect with nature,” says Kimberly A. Thorner, General Manager of Olivenhain Municipal Water District.

Creating partnerships to protect open space



The 784-acre Elfin Forest Recreational Reserve offers 11 miles of hiking, biking, and equestrian trails.
Photo: Olivenhain Municipal Water District

The nonprofit Escondido Creek Conservancy is dedicated to the preservation, restoration, and protection of the natural open space within the Escondido Creek watershed where EFRR is located.

In March 2008, the Conservancy and OMWD partnered to create the Elfin Forest Interpretive Center Honoring Susan J. Varty. Located at the reserve, it is a one-of-a-kind facility designed by local artist James Hubbell, known for his nature-inspired art and architecture. The center features green design elements, including recycled building materials, solar panels powered by photovoltaic cells, and a green roof.



The new Elfin Forest Recreational Reserve Interpretive Center Honoring Susan J. Varty features green design elements such as recycled building materials, solar panels powered by photovoltaic cells, and a green roof. Photo: Olivenhain Municipal Water District

The Conservancy has formed alliances with landowners, government agencies, and education and community groups to increase awareness of the invaluable resources intrinsic to the Escondido Creek watershed.

“From the very beginning in 1991, the Escondido Creek Conservancy had the intent to set natural lands set aside for the benefit of native plants and animals,” said Leonard Wittwer, Conservancy board president. “For the first few years of our existence, we focused on advocating for wise land-use decisions and physically cleaning up the creek so it could be perceived as worthy of protection.”

Educational experiences encourage outdoor exploration



Elfin Forest Recreational Reserve Park Rangers, Conservancy staff, and volunteers conduct guided group tours and student exploration programs to help promote environmental awareness and preservation of local watersheds. Photo: Olivenhain Municipal Water District

For three decades, the reserve has been designed to unify the interests of domestic water supply development, natural resources management, and recreational opportunities. EFRR offers a variety of educational experiences from guided interpretive walks, hands-on learning in collaboration with local scout troops, publishing EFRR Birdwatching Guides for public use, and a free Junior Ranger program. The Junior Ranger program encourages children to explore the outdoors and helps instill an appreciation for our natural surroundings. Elfin Forest Recreational Reserve Park Rangers, Conservancy staff, and volunteers conduct guided group tours and student exploration programs to help promote environmental awareness and preservation of local watersheds.

Access to the natural world

Conservancy board president Wittwer says education and access remain priorities.

“We will continue to set aside natural open space, continue to provide high-quality outdoor educational experiences, and continue to operate the Conservancy to the highest business standards,” said Wittwer. “We are looking into ways to provide more access to our preserves, recognizing the many benefits to humans of interacting with the natural world.”

“These experiences don’t just happen,” said OMWD General Manager Kim Thorner. “They are the result of creative people trying to find ways to share the incredible natural gem that is Elfin Forest Recreational Reserve. OMWD looks forward to continuing to be the responsible steward of EFRR’s diverse natural resources and collaborating with the Conservancy and other organizations in providing the public outstanding educational experiences and access to nature through EFRR for many years to come.”

(Editor’s note: The Olivenhain Municipal Water District is one of the San Diego County Water Authority’s 24 member agencies that deliver water across the metropolitan San Diego region.)

Who's News: 7/29/22

 thecoastnews.com/whos-news-7-29-22

staff

July 25, 2022

LOW COST PET CARE

With a \$100,000 grant from PetSmart Charities San Diego Humane Society will offer pets and pet parents in need Low-cost vaccine services and Low-cost spay/neuter service through its Community Veterinary Services program. visit sdhumane.org/supportservices.

NEW RESTAURANT

Historic La Colonia de Eden Gardens in Solana Beach announced the opening in May of Dolche Cafe Latin Fussion, 650 Valley Ave. Solana Beach in La Colonia, owned by Elena and Eliseo Haro.

NAMED TO BOARD

Local American Association of University Women member Karen Vanderwerken was recently elected to the AAUW California Board of Directors for a 2-year term as fund director. She also will serve as Chair of the regional Interbranch Council. Vanderwerken is a dual member of the Del Mar-Leucadia and the Carlsbad-Oceanside-Vista Branches.

KUDOS FOR OMWD

Hydroelectric generators at Olivenhain Municipal Water District's David C. McCollom Water Treatment Plant have qualified for the California Energy Commission's Renewables Portfolio Standard Program and will now generate Renewable Energy Certificates that contribute to the state goal of achieving 60% of its electricity from renewable sources by 2030.

A HAND TO ANIMALS

Frontwave Credit Union stepped up in July by making a donation for every animal adopted at San Diego Humane Society's Escondido and Oceanside campuses. 50 pets were adopted at Oceanside and Escondido campuses, resulting in \$4,000 dollars donated to San Diego Humane Society.

CONGRATS, GRADS

- Naveen Adulla of San Marcos completed her Master of Science in information technology at University of the Cumberlands in Kentucky.

- The University of Utah 2022 graduates included Olivia Ford, Chloe Laverson, Lissande Tokorcheck, Nina Okawa, Colleen Haggerty, Andrew Green Madeline Bowman and Larry Butler of Carlsbad; Ciro Valdez Garcia and Nicholas Gomez of Encinitas; Ritu Shah and Guadalupe Gonzalez of San Marcos; and Ariana McClure, Siera Gants, Tahra Nakhai and Gabriella Abramson of San Diego.

- Tommy Merritt was awarded a Bachelor of Science degree from Miami University.

- Class of 2022 graduates from The Citadel in South Carolina included Grant Collier of Rancho Santa Fe and Christopher Morden of Vista.

- Sydney Washburn of San Marcos was awarded a degree in health science from American International College in Massachusetts.

STAR STUDENTS

- Faith Fitzsimmons of San Marcos was named to the dean's list for the spring 2022 semester at Millikin University in Illinois.

- Willa Morrow Thomas of Encinitas was named to the spring 2022 dean's list at Wofford College in South Carolina.

- Lindsey Page of San Marcos earned a place on the Spokane Community College honor roll for spring 2022.

- Matthew Anderson of San Diego has been named to the dean's list for the spring 2022 semester at Hamilton College in New York.

- San Diego's Kelsi Mikayla Otto was named to the spring 2022 dean's list at Linfield University in Oregon.

- Adrien Cao and Courtney Wolpov, of San Marcos, were named to the dean's list at the Georgia Institute of Technology for spring 2022.

- Steffanie Yeung of San Marcos, Andy Yu of Encinitas and Dennis Li and Angela Lam of San Diego were named to the dean's list at Rochester Institute of Technology in New York for the spring 2022 semester.

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EVENTS CALENDAR

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Olivenhain Municipal Water District began construction the first week of August on a new recycled water pipeline in Encinitas along Manchester Avenue and South El Camino Real from Via Peco to Tennis Club Drive.



AARON
BOONJINDASUP,
MD, MPH
Urologist

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EVENTS CALENDAR

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Recycled water addition for Encinitas

by staff · August 2, 2004 · 0 comments

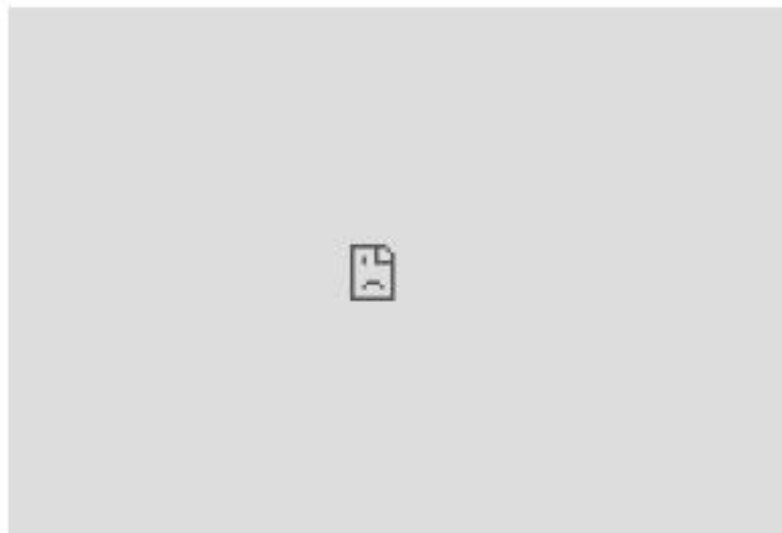
ENCINITAS — [Olivenhain Municipal Water District](#) began construction the first week of August on a new recycled water pipeline in Encinitas along Manchester Avenue and South El Camino Real from Via Poco to Tennis Club Drive.

BOOK NOW

Cormorant Boutique Hotel


Once complete, customers connecting to this new pipeline will irrigate with recycled water, which will reduce demand for imported potable water by more than 10 million gallons every year.

Recycled water is a [sustainable water source](#) that reduces the region's dependence on imported water. [OMWD](#) is currently meeting approximately 14% of its total water demands using locally supplied recycled water for irrigation.



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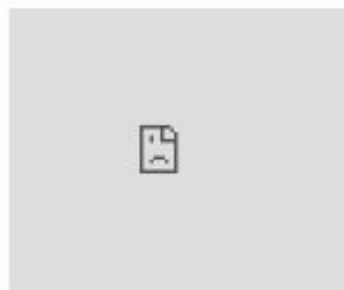


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"Recycled water is a critical tool in our effort to diversify our water supply and reduce the impacts of drought," explained OMWD Board President Larry Watt. "By converting from potable to recycled water for irrigation, this project has become yet another example of how we can significantly reduce our potable water consumption."

This new pipeline is an element of the larger North San Diego County Regional Recycled Water Project—a collaborative effort among nine North County agencies that coordinate across jurisdictional boundaries. The water that OMWD will deliver through the new pipeline is produced at San Elijo Joint Powers Authority's water reclamation facility in Cardiff.

OMWD has aggressively sought grant funding for this project to make it cost-effective for ratepayers. The efforts have been successful, with OMWD achieving \$1,350,000 from California's Department of Water Resources for two separate segments of the pipeline, and approximately \$400,000 from the US Bureau of Reclamation's Title XVI Water Reclamation and Reuse Program.



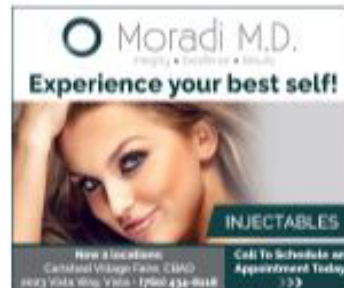
The project is expected to be completed in 2023 and progress updates can be found at olivenhain.com/projects and by following OMWD on Facebook and Twitter.



Related Posts:

- [Election 2020: North County's School Board Candidates](#) October 23, 2020
- [Election 2020: North County's City Council and County Board...](#) October 16, 2020
- [OMWD adds to recycled water use](#) November 27, 2019
- [Election 2020: Latest results for San Diego County](#) November 6, 2020
- [Water districts ask resident to conserve water](#) June 21, 2022
- [OMWD completes new Encinitas pipeline](#) April 21, 2022

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Daily Business Report: Thursday, Aug. 4, 2022

 sandiegometro.com/2022/08/daily-business-report-thursday-aug-4-2022

SD Metro Magazine

August 4, 2022

Encinitas agencies cooperating to refurbish reservoir for recycled water

Olivenhain Municipal Water District is partnering with the San Elijo Joint Powers Authority and the San Dieguito Water District for a \$2.2 million rehabilitation of the Wanket Reservoir in Encinitas, providing needed storage for recycled water for irrigation and industrial uses. The 3-million-gallon reservoir was built by the San Dieguito and Olivenhain water districts in 1974 and was last used to store potable water in 2008 when water conservation efforts and efficient indoor plumbing rendered the tank unnecessary at the time.

Olivenhain Municipal Water District is also beginning construction this week on a new recycled water pipeline in Encinitas along Manchester Avenue and South El Camino Real. Customers connecting to this new pipeline will irrigate with recycled water, reducing demand for imported potable water by more than 10 million gallons every year. [Read more about the pipeline project.](#)