

**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, OCTOBER 18, 2023

TIME: 4:00 P.M.

PLACE: HYBRID REGULAR MEETING VIA ZOOM AND IN-PERSON

The meeting is being held virtually as a convenience to the public. The meeting will not stop or suspend its in-person meeting should a technological interruption occur with respect to the Zoom or call-on options listed on the agenda.

For Zoom Participation:

www.zoom.us/join

Meeting ID: 822 2217 6308

Passcode: 028074

For Zoom Call-in Only:

Call: (669) 900-9128

Meeting ID: 822 2217 6308

Passcode: 028074

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. ADOPTION OF AGENDA
6. PERSONAL APPEARANCES AND PUBLIC COMMENTS

7. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

- * Marcela Novy – Accountant I – 5 Years – October
- * Jared Graffam – Financial Analyst II – 5 Years – October
- * Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting – 28th Year

8. CONSIDER APPROVAL OF THE MINUTES OF THE SEPTEMBER 20, 2023, REGULAR BOARD OF DIRECTORS MEETING

9. 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
C-b	CONSIDER ANNUAL OBJECTIVES AND TIGER TEAM STATUS REPORT
C-c	CONSIDER APPROVAL OF A LEASE AGREEMENT BETWEEN DISH WIRELESS, LLC AND OLIVENHAIN MUNICIPAL WATER DISTRICT TO CONTINUE ALLOWING COMMUNICATIONS FACILITIES AT THE GATY II RESERVOIR SITE, PER A PREVIOUS BOARD APPROVAL ASSIGNING THE EXISTING LEASE TO DISH, AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD
C-d	CONSIDER ACCEPTANCE OF THE 6901 SPYGLASS LANE FIRE DETECTOR CHECK AND FIRE HYDRANT INSTALLATION PROJECT (OAKHURST BUILDERS) INTO OMWD’S SYSTEM AND ORDER A NOTICE OF COMPLETION BE FILED
C-e	CONSIDER APPROVAL OF A CONTRACT WITH KDC, INC., DBA KDC SYSTEMS IN THE AMOUNT OF \$1,927,241 FOR THE CONSTRUCTION OF THE PROGRAMMABLE LOGIC CONTROLLER REPLACEMENT PROJECT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD

10. CONSIDER THE CALENDAR FOR THE 2024 OLIVENHAIN MUNICIPAL WATER DISTRICT’S BOARD MEETINGS

11. CONSIDER INFORMATIONAL REPORT ON WATER SUPPLY CONDITIONS AND LONG-TERM WATER USE EFFICIENCY LEGISLATION

12. CONSIDER DISCUSSION AND APPROVAL OF PROPOSED ADJUSTMENTS TO THE OLIVENHAIN MUNICIPAL WATER DISTRICT FIRE FLOW TEST FEE, METER INSTALLATION FEES, METER TEST FEE, AND ENCROACHMENT PERMIT MINIMUM DEPOSITS FOR 2023 AND ADOPT AN ORDINANCE AMENDING OLIVENHAIN MUNICIPAL WATER DISTRICT’S ADMINISTRATIVE AND ETHICS CODE (Article 8 – Water Rates & Charges, Article 13 – Policy for District Facilities, and Article 10 – Encroachment Permits)

13. CONSIDER AN UPDATE ON THE RATE REIMBURSEMENT CREDIT PROGRAM AND PROVIDE DIRECTION TO STAFF
14. 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
15. CORRESPONDENCE
16. AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS
17. FUTURE AGENDA ITEMS
18. CONSIDER PUBLIC COMMENTS
19. CLOSED SESSION
 - A) CONSIDER POTENTIAL LITIGATION – ONE CASE [PURSUANT TO GOVERNMENT CODE SECTION 54956.9]
 - B) CONFER WITH LEGAL COUNSEL – EXISTING LITIGATION – SIMEK VS. OMWD [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: Litigation served September 25, 2023.
 - C) CONSIDER GENERAL MANAGER PERFORMANCE EVALUATION [PURSUANT TO GOVERNMENT CODE SECTION 54957] • Additional Facts: Receive packet; full review and compensation discussion to be held on November 15, 2023.
20. OPEN SESSION
21. ADJOURNMENT



Memo

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

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

Memo

Date: October 18, 2023
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**

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

- September 2023 Summary of payment of listed warrants from the District's checking account and listed transfer of funds.
- September 2023 Monthly Summary of Reimbursement Expenses to Board Members and Staff.

The District's June and July Financial Statements (typically item C-b) and the Monthly Investment Reports will be available for review and approval by the Board after the fiscal year 2022/23 financial audit is completed in November 2023. As of the writing of this memo, Finance Staff is currently working on closing fiscal year 2022/23.

Olivenhain Municipal Water District
Proposed Motions for October 18, 2023 Board of Directors Meeting
September 2023 Activities
Consent Calendar Item # C-a

Proposed Motions:

I. That the following warrants and transfers be approved:

Regular Account	Warrants - by check	034211 ✓	to	034358	\$ 616,589.60
	Warrants - by EFT	EFT00000000681 ✓	to	EFT00000000724	489,482.41
					1,106,072.01 ✓
	ACH Payments - Payroll				224,776.35
	Wire - SDCWA - Monthly Purchased Water Payment				3,166,179.00
	ACH Payments - Payroll				220,205.73
					\$ 4,717,233.09 ✓

Major Category of Disbursements

Total warrants from the District's checking account:

\$ 1,106,072.01 ✓

Following is a breakdown of this total by major categories:

Category

Outside services	\$	369,544.15
Inventory and supplies		346,707.46
Utilities		216,110.52
Repairs and maintenance		11,646.85
Other		6,638.37
Refunds		7,391.96
Insurance		145,068.70
Permit Fees		2,964.00

Total

\$ 1,106,072.01 ✓

Sincerely,



Rainy K. Selamat/Finance Manager

Olivenhain Municipal Water District
Proposed Motions for October 18, 2023 Board of Directors Meeting
September 2023 Activities

California Bank and Trust

Regular Account

Warrants - by check	034211	to	034358	\$	616,589.60
Warrants - by EFT	EFT000000000681	to	EFT000000000724		489,482.41
					1,106,072.01
	9/14/2023 ACH Payments - Payroll				224,776.35
	9/19/2023 Wire - SDCWA - Monthly Purchased Water Payment				3,166,179.00
	9/28/2023 ACH Payments - Payroll				220,205.73
			Total	\$	4,717,233.09

Approved:

For Board Consideration and Approval

**Olivenhain Municipal Water District
September 2023 Warrant List - Check & EFT**

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
034211	9/6/2023	AT & T	26.17	9391056562	
034212	9/6/2023	Bay City Electric Works	2,849.37	RANCHO LAKES PS #2 MAINT SVCS	Yes
034213	9/6/2023	Boot World Inc	3,990.18	Safety Boots	Yes
034214	9/6/2023	Dominic Brunozzi	500.00	EDUCATION INCENTIVE	
034215	9/6/2023	VOID	-	VOID	
034216	9/6/2023	DCL Enterprise Inc Db	7.00	KEYS	
034217	9/6/2023	EcosConnect LLC	551.00	7/23 BACKFLOW REPORTING	
034218	9/6/2023	Edco Waste & Recycling	632.83	25-4A 861816	Yes
034219	9/6/2023	Encinitas Ford	1,038.75	PU104 SUPPLIES	Yes
034220	9/6/2023	Global Power Group Inc	2,525.74	NBHD #1 REPLACE BATTERIES	Yes
034221	9/6/2023	Infosend	3,482.57	7/23 IVR SERVICES/MAINTENANCE	
034222	9/6/2023	North County Powder Coating	434.09	WWTP SERVICES	Yes
034223	9/6/2023	Pacific Pipeline Supply	1,690.20	2" F.I.P. Straight Curbstop	Yes
034224	9/6/2023	PWLC I, INC	1,700.00	HQ - 20 YARDS MULCH	
034225	9/6/2023	Republic Services #661	728.59	3-0061-1001776 - waste disposal	
034226	9/6/2023	San Diego County Recorder	50.00	EP #423 RECORDING FEES	Yes
034227	9/6/2023	San Diego Gas & Electric	24,817.14	Utilities	Yes
034228	9/6/2023	Traffic Supply Inc	126.84	ASPHALT COVER UP PAINT	
034229	9/6/2023	USA Blue Book	1,830.72	WTP SUPPLIES	
034230	9/6/2023	West Coast Sand & Gravel	1,565.32	YARD MATERIALS	
034231	9/6/2023	Carollo Engineers	45,669.54	DCMWTP Condition Assessment Project	Yes
034232	9/13/2023	Alfa Laval Inc.	2,234.00	Intermediate Kit	Yes
034233	9/13/2023	Alpha Mechanical, Inc	807.56	HQ IT SERVER ROOM AC SERVICE	
034234	9/13/2023	American Backflow Specialities	180.00	CALIBRATION SERVICES	Yes
034235	9/13/2023	American Messaging	60.76	L1-072035	
034236	9/13/2023	Bay City Electric Works	267.08	DENK GENERATOR SOLENOID SHIFT	
034237	9/13/2023	Bonnie Tucker	102.61	REF:1091536_210255 - Customer Refund	
034238	9/13/2023	Boot World Inc	200.00	Safety Boots	Yes
034239	9/13/2023	California State Disbursement Unit	123.23	Garnishment	
034240	9/13/2023	Candice Ridge	92.23	REF:1089870_100530 - Customer Refund	
034241	9/13/2023	City Of Encinitas	2,400.00	FY21/22 OVERLAY PROJECT	
034242	9/13/2023	D&H Water Systems	7,998.89	WTP MAINTENANCE SERVICE	Yes
034243	9/13/2023	D-Max Engineering, Inc.	3,522.00	FOG Inspections for the 4S and Cielo Collection Systems	Yes
034244	9/13/2023	Elizabeth Howell	164.46	REF:1092019_241900 - Customer Refund	
034245	9/13/2023	Encinitas Ford	1,388.16	PU104 SUPPLIES	Yes
034246	9/13/2023	Ferguson Enterprises Inc. #1083	134.69	1" Polyethylene Pip- IPS	Yes
034247	9/13/2023	First Choice Technology	153.44	13001474	Yes
034248	9/13/2023	Franchise Tax Board	593.42	Garnishment	
034249	9/13/2023	Santana, Giovanni	475.00	EDUCATION INCENTIVE	
034250	9/13/2023	Home Depot/Gecf	2,793.19	8/23 SUPPLIES	Yes
034251	9/13/2023	Infrastructure Engineering Corporation	6,094.50	22AGR094 - recycled water hydraulic model development, calibration and master planning	Yes
034252	9/13/2023	Integrity Municipal Systems	3,537.00	ODOR CONTROL SCRUBBER SVC	Yes
034253	9/13/2023	McCall's Meter Sales & Service	520.00	METER FLOW TEST	
034254	9/13/2023	Megan Hazzard	291.82	REF:1048057_205025 - Customer Refund	
034255	9/13/2023	Michael Belmudes	4.13	REF:1090532_125735 - Customer Refund	
034256	9/13/2023	Pacific Pipeline Supply	15,379.30	Couplings (inventory)	Yes
034257	9/13/2023	Paul Zamora	1,248.07	TUITION REIMBURSEMENT	
034258	9/13/2023	Republic Services	2,375.91	4-4530-0333405 - waste disposal	
034259	9/13/2023	Republic Services #661	3,055.62	3-0661-2000037 - waste disposal	Yes
034260	9/13/2023	Russell Radebaugh	47.97	REF:1085413_231380 - Customer Refund	
034261	9/13/2023	S D G & E	264.85	Utilities	
034262	9/13/2023	Safe Hearing America Inc	1,109.70	HEARING TESTING	
034263	9/13/2023	Samba Holdings Inc	406.28	8/23 DRIVER RECORD MONITORING	Yes
034264	9/13/2023	San Diego Gas & Electric	54,050.07	Utilities	Yes
034265	9/13/2023	Sims Grading Inc	2,000.00	REF:1031067_302370 - Customer Refund	
034266	9/13/2023	SiteOne Landscape Supply, LLC	1,089.82	WTP SUPPLIES	Yes
034267	9/13/2023	Tara Cooper	3.00	REF:1056524_198350 - Customer Refund	
034268	9/13/2023	Tovar, Jaime	500.00	EDUCATION INCENTIVE	Yes
034269	9/13/2023	TS Industrial Supply	140.75	WTP SUPPLIES	
034270	9/13/2023	University Communications, Inc.	475.00	EDUCATION AWARENESS CAMPAIGN	
034271	9/13/2023	VWR International LLC	20.31	WTP SUPPLIES	
034272	9/13/2023	West Yost & Associates, Inc	3,648.00	Support for Manchester Recycled Water site connections	Yes
034273	9/20/2023	AG Tech Lic	1,500.96	WWTP BIOSOLIDS DISPOSAL	
034274	9/20/2023	Alfa Laval Inc.	2,287.60	Major Service Kit	Yes
034275	9/20/2023	Alpha Mechanical, Inc	2,700.00	WTP EXHAUST FAN REPLACEMENT	
034276	9/20/2023	American Backflow Specialities	799.57	BACKFLOW SUPPLIES	
034277	9/20/2023	Andrew Simon	81.18	REF:1086975_237260 - Customer Refund	
034278	9/20/2023	Angus Asphalt Inc.	63,295.65	Angus Asphalt - AC Concrete & Paving Maint / SWPPP Drainage Improvement Project (D120101)	Yes
034279	9/20/2023	Austin Wade	92.82	REF:1086241_190865 - Customer Refund	
034280	9/20/2023	Barrett Engineered Pumps	1,339.33	Couplings, screws, seals, etc.	

**Olivenhain Municipal Water District
September 2023 Warrant List - Check & EFT**

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
034281	9/20/2023	Blue-White Industries	1,716.57	WTP SUPPLIES- TUBE ASSEMBLY	
034282	9/20/2023	City Treasurer	18,333.29	8/23 17.17 AF RECYCLED WATER	
034283	9/20/2023	Cogsdale Corporation	2,000.00	MEKORMA CUSTOMIZATION FOR MICROSOFT GP	
034284	9/20/2023	Corodata	332.76	OFFSITE RECORDS STORAGE	
034285	9/20/2023	County of San Diego, RCS	171.00	8/23 RADIO SERVICES	
034286	9/20/2023	Dustin Mccafferty	69.51	REF:1091343_204040 - Customer Refund	
034287	9/20/2023	DXP Enterprises, Inc.	5,428.18	Backup Sandpiper for Settlers at WTP; backup pump kit	Yes
034288	9/20/2023	Encinitas Ford	976.47	PU111 SUPPLIES	Yes
034289	9/20/2023	Evan White	48.11	REF:1058731_158705 - Customer Refund	
034290	9/20/2023	Ferguson Enterprises Inc. #1083	2,357.04	6" Spacer Washers, disc, diaphragm washers	Yes
034291	9/20/2023	HDR Engineering, Inc.	3,550.00	Long Term Budgeting for Pipeline Replacements & CCTV Reviews	Yes
034292	9/20/2023	Industrial Solution Services, Inc.	8,787.56	40% Liquid Ammonium Sulfate Annual Purchase	Yes
034293	9/20/2023	Infrastructure Engineering Corporation	675.00	Final FEMA LOMR Analysis and Application Package for Building D	Yes
034294	9/20/2023	Jeffrey Slusarek	137.83	REF:1063142_103675 - Customer Refund	
034295	9/20/2023	Jennette Company Inc.	2,900.00	SCUM PUMP REPLACEMENT	
034296	9/20/2023	Ken Polk	33.28	REF:1088407_103585 - Customer Refund	
034297	9/20/2023	McCullough Design & Development	710.97	REF:1081467_303175 - Customer Refund	
034298	9/20/2023	Morton Salt Inc	6,124.05	WTP CHEMICALS	
034299	9/20/2023	Ninyo & Moore	4,773.50	45 Ranch Neighborhood 1 Sewer Pump Station Replacement Project	Yes
034300	9/20/2023	Pacific Pipeline Supply	11,843.72	HYDRANT EXTENSION, GASKETS, BRASS NIPPLES, BOLTS, NUTS, WASHER SETS	Yes
034301	9/20/2023	Patriot Environmental	1,150.00	WWTP ROLLOFF BIN SERVICES	Yes
034302	9/20/2023	PBM Supply & Mfg, Inc.	9,334.49	535 gallon water trailer for meter testing Potable	Yes
034303	9/20/2023	PWLC I, INC	14,848.00	LANDSCAPE MAINTENANCE	Yes
034304	9/20/2023	Raftelis Financial Consultant	1,340.00	CONSULTING SERVICES	
034305	9/20/2023	Rancho Santa Fe Community Svs	25,729.59	8/23 31.17 AC/FT RECYCLED WTR	
034306	9/20/2023	RECON Environmental, Inc.	1,949.50	Complete NEPA, Sect 106, PES form	Yes
034307	9/20/2023	Rusty Wallis Inc.	4,290.00	WTP CHEMICALS	
034308	9/20/2023	San Diego Gas & Electric	108,161.52	Utilities	Yes
034309	9/20/2023	San Elijo Joint Powers Auth.	48,917.40	8/23 26.6 AC/FT RECYCLED WATER	
034310	9/20/2023	Sunbelt Rentals, Inc.	269.32	CONCRETE & MIXER	Yes
034311	9/20/2023	Tech Contractors	1,359.01	REF:1091913_303255 - Customer Refund	
034312	9/20/2023	Transene Company, Inc.	308.24	SUPPLIES WTP - BUFFER SOLUTION	
034313	9/20/2023	Trench Shoring	1,287.04	EQUIPMENT RENTAL	Yes
034314	9/20/2023	Underground Service Alert	424.75	DIG ALERT TICKETS	
034315	9/20/2023	Uniforms Plus	389.52	PARK RANGER UNIFORMS	
034316	9/20/2023	Verizon Connect Fleet USA, LLC	197.41	VEHICLE TRACKING	
034317	9/20/2023	Weibo Wang	65.60	REF:1053497_224475 - Customer Refund	
034318	9/27/2023	A.M. Ortega Construction, INC.	1,385.06	REF:1091566_303210 - Customer Refund	
034319	9/27/2023	AB Capital, LLC	215.04	REF:1092754_112450 - Customer Refund	
034320	9/27/2023	AT & T	1,775.63	9391059578	Yes
034321	9/27/2023	Avi Orenstein	102.61	REF:1087474_224495 - Customer Refund	
034322	9/27/2023	Bee Rescue LLC	820.00	BEE REMOVAL SERVICES	Yes
034323	9/27/2023	Bob Turner's Crane Service Inc	902.00	WWTP POND CRANE SERVICES	
034324	9/27/2023	Boot World Inc	589.06	Safety Boots	Yes
034325	9/27/2023	California State Disbursement Unit	123.23	Garnishment	
034326	9/27/2023	Claude Heacox	150.65	REF:1048060_137415 - Customer Refund	
034327	9/27/2023	Corodata Shredding, Inc	133.74	PAPER DESTRUCTION SERVICES	
034328	9/27/2023	County Of San Diego	564.00	7816 CAMINO SIN PUENTE	
034329	9/27/2023	Cyber Marketing Network Inc	218.14	Safety Boots	Yes
034330	9/27/2023	Fallbrook Printing Corp	1,393.34	DPP LETTERS (942)	
034331	9/27/2023	Ferrellgas	69.99	4G RSVR TANK RENTAL	
034332	9/27/2023	Franchise Tax Board	593.42	Garnishment	
034333	9/27/2023	Granetto's Ag. Supply	142.97	MISC TOOLS	
034334	9/27/2023	Guardian	948.60	10/23 DENTAL ADMIN FEES	
034335	9/27/2023	Hi-Line Electric Company, Inc.	243.03	SHOP SUPPLIES	
034336	9/27/2023	Ignacio Tool Supply Inc.	517.20	KNEE PADS (12)	
034337	9/27/2023	Infrastructure Engineering Corporation	665.00	NBHD SPS Rpl Design Support CO#3	Yes
034338	9/27/2023	J.R. Filanc Construction	558.10	WWTP SERVICES	
034339	9/27/2023	Jared Graffam	50.00	5 YEAR SERVICE AWARD	
034340	9/27/2023	Jennette Company Inc.	2,600.00	ADMIN PS PIPE REPLACEMENT	
034341	9/27/2023	Jesus Hernandez	50.00	CONGRATULATIONS FROM THE ERC	
034342	9/27/2023	Leonardo Fitness	720.00	GRANT FUNDED WORKOUT CLASS	
034343	9/27/2023	Lydia Mccormick	87.98	REF:1091830_239700 - Customer Refund	
034344	9/27/2023	Marcela Novy	50.00	5 YEAR SERVICE AWARD	
034345	9/27/2023	John Onkka	150.00	15 YEAR SERVICE AWARD	
034346	9/27/2023	Pacific Pipeline Supply	651.79	Macro 8" Coupling C213 EPOXY 8.60-9.75 ESS	Yes
034347	9/27/2023	Jaroth Inc., dba	78.00	760-489-9971	
034348	9/27/2023	Rachel Flanagan	77.67	REF:1091734_194900 - Customer Refund	
034349	9/27/2023	San Diego Building Maintenance	5,396.00	8/23 JANITORIAL SERVICES	
034350	9/27/2023	San Diego Gas & Electric	1,486.46	Utilities	Yes
034351	9/27/2023	Santa Fe Irrigation Dist	108.22	008128-005, 9/1/2023	
034352	9/27/2023	Steven L. Sherman DBA	3,447.50	Conservation landscape services-evaluation	Yes
034353	9/27/2023	Tara Zorbas	40.00	REF:1093030_237110 - Customer Refund	
034354	9/27/2023	Tetra Tech Inc	3,776.98	PLC Replacement WW Design	Yes
034355	9/27/2023	Thomas Morton	28.42	REF:1038027_241395 - Customer Refund	
034356	9/27/2023	U.S. Bank	3,889.60	96-1 TRUSTEE FEE	Yes
034357	9/27/2023	US Bank	2,190.51	Printers lease	
034358	9/27/2023	West Coast Sand & Gravel	2,343.45	YARD MATERIALS- CRUSHED ROCK, FILL SAND, ETC.	
EFT00000000681	9/6/2023	Radwell International, Inc.	559.95	SUPPLIES	

Olivenhain Municipal Water District
September 2023 Warrant List - Check & EFT

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
EFT000000000682	9/6/2023	Woodard & Curran	3,153.75	Environmental and Grant Admin Services for Title XVI	Yes
EFT000000000683	9/6/2023	Martin Marietta Materials Inc	2,035.88	YARD MATERIALS	Yes
EFT000000000684	9/6/2023	Aqua Metric	8,462.91	1 1/2" Omni R2 Meter	Yes
EFT000000000685	9/6/2023	Gallade Chemical	6,290.36	WTP CHEMICALS	
EFT000000000686	9/6/2023	CDW Government Inc	46.16	USB ADAPTERS	
EFT000000000687	9/6/2023	Dell Computers	575.02	COMPUTER MONITORS (2)	
EFT000000000688	9/6/2023	Harrington Industrial Plastics Inc	641.33	WTP SUPPLIES	
EFT000000000689	9/6/2023	Vallecitos Water District	40,468.69	RECLAIMED WATER SALES	
EFT000000000690	9/13/2023	Dudek	20,656.62	Design Services 4SWRF Headworks	Yes
EFT000000000691	9/13/2023	Southern Counties Lubricants, LLC.	4,896.88	FUEL SUPPLIES	
EFT000000000692	9/13/2023	B. Weber Consulting LLC	5,528.25	CONSULTING SERVICES - July/Aug	Yes
EFT000000000693	9/13/2023	Mouser Electronics	546.32	WTP SUPPLIES	
EFT000000000694	9/13/2023	McMaster-Carr Supply Co.	112.32	SUPPLIES	
EFT000000000695	9/13/2023	Rutan & Tucker, LLP	1,400.00	Special counsel and strategic assistance for SDVGW Project	Yes
EFT000000000696	9/13/2023	Parsons	413.04	Preliminary and Final Design Services	Yes
EFT000000000697	9/13/2023	Aqua Metric	39,393.91	Meters, MXUs, Sensus R100 Flexnet Outdoor Collector	Yes
EFT000000000698	9/13/2023	Global Power Group Inc	614.58	WWTP PREVENT MAINTENANCE SVC	
EFT000000000699	9/13/2023	CDW Government Inc	43,896.15	Arctic Wolf Subscription Renewal Year 2 (PPD)	Yes
EFT000000000700	9/13/2023	Harrington Industrial Plastics Inc	2,237.83	WTP SUPPLIES	Yes
EFT000000000701	9/13/2023	Water for People	66.00	WTRPL 9/14/2023	
EFT000000000702	9/20/2023	Vallecitos Water District	40,468.69	RECLAIMED WATER SALES	
EFT000000000703	9/20/2023	Hasa	7,584.72	WWTP CHEMICALS	
EFT000000000704	9/20/2023	Evoqua Water Technologies	535.36	9/23 WWTP PREVENT MAINT SVCS	Yes
EFT000000000705	9/20/2023	Sparling Instruments, LLC	410.00	MAGNETIC FLOW METER REPAIR	
EFT000000000706	9/20/2023	Calif. Surveying & Drafting Supply	70.25	PAINT - BLUE (12 CANS)	
EFT000000000707	9/20/2023	Martin Marietta Materials Inc	3,983.35	YARD MATERIALS	Yes
EFT000000000708	9/20/2023	eCivis, Inc.	3,685.00	COST ALLOC SOFTWARE RENEWAL	
EFT000000000709	9/20/2023	Gallade Chemical	6,290.36	WTP CHEMICALS	
EFT000000000710	9/20/2023	Nossaman LLP	6,750.00	8/23 LOBBYING SERVICES	
EFT000000000711	9/20/2023	Univar Solutions Usa Inc	3,164.40	WWTP CHEMICALS	
EFT000000000712	9/20/2023	Harrington Industrial Plastics Inc	2,802.95	WWTP SUPPLIES	Yes
EFT000000000713	9/27/2023	ACWA - JPIA	144,120.10	10/23 GROUP INSURANCE PREM	
EFT000000000714	9/27/2023	Wateruse Association	2,000.00	ANNUAL SPONSORSHIP	
EFT000000000715	9/27/2023	DLM Engineering Inc	24,575.17	ENGINEER CONSULTING SERVICES FOR DISTRICT PROJECTS	Yes
EFT000000000716	9/27/2023	Hasa	9,419.03	WWTP CHEMICALS	
EFT000000000717	9/27/2023	Woodard & Curran	1,871.25	Consulting for San Dieguito Valley Desal Project	Yes
EFT000000000718	9/27/2023	NexusTek Phoenix	5,196.99	CLOUD STORAGE/SUPPORT	
EFT000000000719	9/27/2023	WREGIS	126.21	ENERGY GENERATING REPORT	
EFT000000000720	9/27/2023	Whitson CM	150.00	8/23 SITE INSPECTIONS	
EFT000000000721	9/27/2023	Nossaman LLP	24,190.83	7/23 LEGAL SERVICES	Yes
EFT000000000722	9/27/2023	Insight Public Sector, Inc.	4,366.80	ADOBE ACROBAT SUBSCRIPTION	
EFT000000000723	9/27/2023	Valley Construction Management	15,659.00	Construction Management and Inspection Services for District projects	Yes
EFT000000000724	9/27/2023	Water for People	66.00	WTRPL 9/28/2023	
			<u>1,106,072.01</u>		



Olivenhain Municipal Water District
 Monthly Directors Fee and Reimbursed Expenses for Directors and Staff
 September 2023

<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 Guerin			0.00	0.00	0.00	0.00	1,050.00
			0.00	0.00	0.00	0.00	1,050.00
Director Hahn			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	1,050.00
			0.00	0.00	0.00	0.00	1,050.00
Director San Antonio			0.00	0.00	0.00	0.00	300.00
			0.00	0.00	0.00	0.00	300.00
Director Watt			0.00	0.00	0.00	0.00	1,050.00
			0.00	0.00	0.00	0.00	1,050.00
General Manager Thorner			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Human Resources Manager Joslin			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Finance Manager Selamat			0.00	0.00	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	
Engineering Manager Stephenson			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	

*August and September Per Diems.

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.



Memo

Date: October 18, 2023
To: Olivenhain Municipal Water District Board of Directors
From: Teresa L. Chase, Administrative Analyst
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER ANNUAL OBJECTIVES AND TIGER TEAM STATUS REPORT**

Purpose

The purpose of this agenda item is to provide the Board of Directors with a status update on the 2023 annual objectives, stretch objectives, and the Tiger Team program for the calendar year beginning January 1, 2023.

Recommendation

This is an informational item; no action is required.

Alternative(s)

Not applicable.

Background

The annual objectives for 2023 were approved at the February 15, 2023 board meeting. Full status updates on the 2023 annual objectives, stretch objectives, and Tiger Team program were presented to the board at the April 19 and July 19 board meetings.

Fiscal Impact

There are no costs associated with this item.

Discussion

This item is presented to the Board of Directors to provide an update on staff's progress toward completion of the 2023 annual objectives and stretch objectives. The status of the Tiger Team program is also included to update the board on funds saved or produced through grant funding, cost savings, and alternative revenue generation.

The objectives featured herein are to be completed by December 31, 2023. Staff will be available at the board meeting to answer any questions.

Annual objective highlights over the course of the year include:

- Implemented SWRCB-approved plan to complete Customer Side Lead Service Line Inventory to classify 30 percent of service connections in 2023
- Completed design of two pressure-reducing station replacements, the Unit A North Rancho Santa Fe Road Potable Water Pipeline Replacement Project, and an additional fourth-stage centrifuge at David C. McCollom Water Treatment Plant
- Performed a DCMWTP condition assessment and completed refurbishment of an energy recovery turbine at DCMWTP to ensure continuous energy savings
- Completed four new recycled water connections in The Lakes community and one connection to Rancho Paseana in Rancho Santa Fe
- Completed construction of the Manchester Avenue Recycled Water Pipeline Project and commenced construction on Calle Barcelona, Village Park, and Summerhill recycled water pipelines
- Won several awards:
 - California Water Environment Association's 2023 Plant of the Year award for the 4S WRF
 - American Public Works Association's Project of the Year for the Manchester Potable Pipeline Project
 - Industrial Environmental Association's Environmental Excellence Award for Recycled Water Pipeline Extension 153A
 - California Society of Municipal Finance Officers' Operating Budget Excellence Award
 - Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting
- Received notice of award for several grants:

- \$2,820,548 from USBR's WaterSMART Title XVI Water Reclamation and Reuse program for recycled water expansion projects
- \$850,000 from Department of Parks & Recreation's Recreational Trails Program for EFRR Visitor Access Expansion Project
- \$500,000 from USBR's WaterSMART program for the AMI Expansion Project (phases 9-10)
- \$90,000 from MWD's Leak Detection and Repair Grant Program for pipeline leak detection
- \$471,148 from DWR's Proposition 1, Round 2 Integrated Regional Water Management program for recycled water expansion projects
- \$25,000 from San Diego County Community Enhancement Program for EFRR Equine Incline Trail Rehabilitation Project
- \$15,000 in MWD's Member Agency Administered Program grant funding for MyWaterUse dashboard outreach
- \$2,000 from MWD's Community Partnering Program for informational signage at 4S WRF
- \$2,000 from ACWA JPIA for OMWD's Safety and Wellness Program
- Submitted to California Department of Water Resources the Annual Water Loss Audit utilizing DWR's updated data validity criteria and piloted new acoustic leak monitoring devices in the distribution system
- Conducted third round of Golden Spotted Oak Borer monitoring at EFRR and treated approximately 200 trees for GSOB
- Enrolled over 1,000 new subscribers into the MyWaterUse customer dashboard
- Implemented campaigns to raise customer awareness on the value/cost of water, rebates on water-saving devices, and the benefits of hydroponics
- Maintained annual revenue adjustment below prior-year inflation adjustment and conducted request for proposal process for auditing services
- Initiated construction of the Bob Topolovac Memorial Courtyard

The following objective may not be complete by year end:

- **14. Commence start-up on Neighborhood 1 Sewer Pump Station Replacement Project**

Neighborhood 1 construction has continued to progress but has experienced delays related to excessive groundwater challenges experienced on site. In addition, staff and the project's construction manager are tracking potential delays on large electrical equipment that may postpone startup into early 2024. Staff will continue to monitor both situations.

Staff anticipates that this is the final status update presented to the board in calendar year 2023. However, should there be significant changes to this status update impacting the completion of any objective, a final status report on each annual objective as of December 31, 2023 will be included on the consent calendar of the January 2024 board meeting.

Attachment:

- *Annual Objectives and Tiger Team Program PowerPoint Presentation*

2023 Annual Objectives

October 18, 2023

Board of Directors Meeting



2023 Annual Objectives

- A total of 70 objectives and eight stretch objectives were adopted for calendar year 2023

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

Objective

1. Complete Train 4 membrane replacement at David C. McCollom Water Treatment Plant (DCMWTP)
2. Commence Second Stage Membrane Hardware Refurbishment Project at DCMWTP
3. Develop plan to complete Customer Side Lead Service Line Inventory (LSLI); classify 30 percent of service connections

Progress Toward Completion

1. 100% - Train 4 membrane cassettes have been replaced
2. 100% - Work commenced on the project in March and is ongoing
3. 100% - SWRCB's Division of Drinking Water approved LSLI plan and classification of 53% of service connections; in addition, 2,672 pre-1986 service connections were identified as requiring inspections and staff is on track to classify more than 30% by year end

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

Objective

Progress Toward Completion

- 4. Commence replacement of programmable logic controllers at DCMWTP
- 5. Complete design of additional fourth stage centrifuge at DCMWTP
- 6. Complete design for the Unit A North Rancho Santa Fe Road Potable Water Pipeline Replacement Project

- 4. 100% - Anticipate awarding contract at October board meeting with replacements beginning in December
- 5. 100% - Final design on track for completion by December 1
- 6. 100% - Design to be completed by October 31

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

Objective

Progress Toward Completion

7. Complete design of two pressure reducing station replacements

7. 100% - Design of the Village Park and Gardendale pressure reducing stations will be completed in December

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

8. 100% - Maintenance of five impacted easements on track for completion in early December

Stretch

Complete maintenance of three additional impacted easements beyond Objective 8

100% - Maintenance of three additional easements to be completed by December 31

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

Objective

Progress Toward Completion

- 9. Complete installation of flow meters at two Rancho Cielo sewer pump stations
- 10. Make five new connections to the recycled water distribution system
- 11. Complete installation of recycled water flow meter on Extension 153

- 9. 100% - Installation of two flow meters is complete
- 10. 100% - Completed four new connections in The Lakes community and one connection to Rancho Paseana
- 11. 100% - Installed pipeline and valve; meter and solar equipment for SCADA will be installed in October

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

Objective	Progress Toward Completion
12. Complete construction of the Manchester Avenue Recycled Water Pipeline Project	12. 100% - Notice of Completion approved at the March 15 board meeting
13. Commence construction on Calle Barcelona, Village Park, and Summerhill recycled water pipelines	13. 100% - Contract awarded at September board meeting; construction to commence in November
14. Commence start-up on Neighborhood 1 Sewer Pump Station Replacement Project	14. 80% - Anticipating start-up in late 2023 or early 2024, pending potential electrical equipment delays and groundwater intrusion issue resolution

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

Objective

15. Sign on as an Advocacy Agency for the Encina Wastewater Potable Reuse Project

Stretch

Complete installation of flow meter at one additional sewer pump station beyond Objective 9

Progress Toward Completion

15. 100% - Board approved signing on as an Advocacy Agency at its January 18 board meeting; conducted two board tours of Encina Wastewater Authority

100% - An additional Rancho Cielo sewer pump station flow meter will be installed in October

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

Objective	Progress Toward Completion
<p>16. Continue education program for elementary schools in partnership with the Escondido Creek Conservancy as COVID restrictions allow, providing at least 2,000 students with in-person field trips to EFRR</p>	<p>16. 100% - Over 2,000 students visited EFRR for in-person field trips in 2023</p>
<p>17. Utilize volunteer groups such as San Diego Mountain Biking Association and EFRR trail patrol for two trail maintenance/repair projects</p>	<p>17. 100% - EFRR docents and trail patrol volunteers performed creek cleanups on February 1 and 8</p>
<p>18. Participate in I Love a Clean San Diego Creek to Bay Cleanup event</p>	<p>18. 100% - Creek to Bay Cleanup was held on April 22</p>

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

Objective

Progress Toward Completion

19. Launch 17th annual photo contest

19. 100% - Annual photo contest will launch on November 18

20. Conduct third round of Golden Spotted Oak Borer (GSOB) monitoring at EFRR; report findings to EFRR Executive Committee

20. 100% - GSOB monitoring complete; 449 trees surveyed; results presented to EFRR Executive Committee on August 31

21. Utilize past GSOB monitoring data to identify and treat problem areas for GSOB, focusing on "high value" trees for spraying (e.g., 12"+ diameter, in aesthetically valuable area, etc.)

21. 100% - Approximately 200 trees were treated for GSOB on May 17

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

Objective

Progress Toward Completion

22. Host water conservation workshop at Elfin Forest Interpretive Center Honoring Susan J. Varty

22. 100% - Hydroponics workshop held at EFRR on August 24

23. Investigate legal obligations for providing access for disabled persons at EFRR; report findings to EFRR Executive Committee

23. 100% - Findings reported to EFRR Executive Committee on August 31

Stretch

Work with volunteer groups on two additional trail maintenance events beyond Objective 17

100% - Volunteer groups worked on vegetation trimming projects on the Way Up Trail and Equine Incline Trail on July 14, July 21, and August 4

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

Objective

- 24. Initiate feasibility and conceptual plan on OMWD's strategy to address California Air Resources Board zero-emission vehicle requirements, including timeline, compliance, phasing, budgets, and financing options
- 25. Continue partnerships with energy providers and third-party consultants to optimize energy costs
- 26. Complete refurbishment of one DCMWTP energy recovery turbine to ensure continuous energy savings

Progress Toward Completion

- 24. 100% - RFP for feasibility and concept plan to be issued prior to end of year
- 25. 100% - Continued working with Utility Cost Management, completing an SDG&E rate audit
- 26. 100% - Refurbished Energy Recovery Turbine No. 124 installed in June

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

Objective	Progress Toward Completion
27. Conduct departmental briefings with new board directors prior to the end of March	27. 100% - Completed all department briefings with new board members
28. Conduct a lunch-and-learn for staff explaining the performance review process, merit system, and merit matrix	28. 100% - Lunch-and-learn on the performance review process and merit system was conducted in May
29. As COVID restrictions previously limited in-person training, hold onsite supervisory skills training; Microsoft Excel computer skills training; and at least two safety-related joint trainings with other local water agencies	29. 100% - Conducted both onsite supervisory and Microsoft Excel training classes in March; two joint CPR/automated external defibrillator training sessions with San Elijo Joint Powers Authority were held in June

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

Objective

Progress Toward Completion

- 30. Conduct departmental teambuilding exercises for staff to promote cooperation
- 31. Prepare staffing analysis succession planning document; present to Personnel Committee and full board
- 32. Conduct mandated sexual harassment prevention training for supervisors as well as non-supervisors

- 30. 100% - Supervisors and managers hosted a teambuilding event for staff in September.
- 31. 100% - Staffing analysis succession planning document presented to Personnel Committee on March 30 and full board on April 19
- 32. 100% - Completed sexual harassment prevention training for supervisors in February and for non-supervisors in June

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

Objective

Progress Toward Completion

- 33. Enhance employee health and wellness by hosting a voluntary wellness challenge for all staff
- 34. Initiate construction of the Bob Topolovac Memorial Courtyard
- 35. Reassess the email record retention policy, including a survey of other public agencies, and report findings to the board

- 33. 100% - Voluntary summer wellness challenge for all staff conducted in June
- 34. 100% - Construction underway; anticipate completion in December
- 35. 100% - Presented policy and survey findings to the board at its May meeting

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

Objective	Progress Toward Completion
36. Complete and submit to California Department of Water Resources the Annual Water Loss Audit utilizing DWR's updated data validity criteria	36. 100% - Water loss report underway; selected auditing service; on track for submission before the end of the year
37. Implement appropriate stage of Water Shortage Contingency Plan as necessary	37. 100% - OMWD remains at Level 1 (voluntary), which is appropriate for current supply/demand conditions
38. Register with the US Environmental Protection Agency to perform Unregulated Contaminant Monitoring Rule 5 requirements in 2024 and select a water quality laboratory	38. 100% - OMWD is registered to perform requirements in March 2024; selected water quality laboratory

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

Objective	Progress Toward Completion
39. Complete the replacement of 50 valves in support of the annual Valve Replacement Project	39. 100% - Staff has replaced 57 valves
40. Implement improvements at headquarters to enhance Stormwater Pollution Prevention Plan, ensure regulatory compliance, and reduce potential violation exposure	40. 100% - Construction underway; on track for completion in November
41. Continue to develop messaging to protect customers' interests and ensure customer awareness of SWRCB water use efficiency regulations and new legislative requirements	41. 100% - Featured in February, April, and June newsletters; in January, March, and April eblasts; in social media; and on OMWD's drought webpage

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

Objective

Progress Toward Completion

Stretch

Continue interdepartmental Stormwater Pollution Prevention Plan committee to provide greater oversight for stormwater issues at headquarters and 4S Ranch Water Reclamation Facility; conduct four quarterly meetings

100% - Held three quarterly meetings; fourth meeting to be held in December

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

Objective

Progress Toward Completion

- 42. Continue to pursue local, state, federal, and private grant funding to offset costs
- 43. Implement campaign to increase customer use of online billing services, targeting 500 accounts newly enrolled in online payments

- 42. 100% - Nearly \$1 million for the San Dieguito Groundwater Project was included in the Appropriations bill by Representative Peters and is pending approval by the Senate and President Biden; pursuing \$3,000 in Hans Doe Charitable Trust funding for informational signage at DCMWTP
- 43. 100% - Featured in March and September bill messages; mailed postcard in June; mailed letters to Direct Payment Program participants in June and August; 2,265 customers have newly enrolled in online autopay as of September 7

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

Objective	Progress Toward Completion
44. Complete Phase 8 of the Advanced Metering Infrastructure Expansion Project, upgrading over 2,000 meters to AMI technology	44. 100% - Completed upgrade of 2,264 meters to AMI
45. Conduct audit of agricultural customers to confirm eligibility for agricultural programs	45. 100% - Completed agricultural audit and removed ineligible customers from the agricultural water rate program
46. Partner with Asterra on satellite leak detection program and present cost-benefit analysis to Ad Hoc Facilities Committee	46. 100% - Completed satellite scans and "boots on the ground" investigation; presented cost-benefit analysis to Facilities Committee on September 12

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

Objective

Progress Toward Completion

- 47. Pilot new acoustic leak monitoring devices in the distribution system and present findings to Ad Hoc Facilities Committee
- 48. Transition customers on the legacy Direct Payment Program to online autopayment to improve data security and customer self-service

- 47. 100% - Piloted two separate platforms; presented findings to Facilities Committee on September 12
- 48. 100% - Over 850 DPP customers have converted to online autopay; notification letters sent in June and August; less than 100 customers remain enrolled in DPP as of October 1 and will transition by year end

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

Objective

Progress Toward Completion

Stretch

Achieve one or more new grant awards

100% - Received notice of award of \$2,820,548 from USBR’s WaterSMART Title XVI Water Reclamation and Reuse Projects funding program for recycled water expansion projects; \$850,000 from Department of Parks & Recreation’s Recreational Trails Program for EFRR Visitor Access Expansion Project; \$500,000 from USBR's WaterSMART Grant for the AMI expansion Project (phases 9-10); \$90,000 from MWD’s Leak Detection and Repair Grant Program for pipeline leak detection; \$471,148 from DWR’s Proposition 1, Round 2 Integrated Regional Water Management grant funding for recycled water expansion projects; \$25,000 from San Diego County Community Enhancement Program for EFRR Equine Incline Trail Rehabilitation Project; (continued on slide 23)

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

Objective	Progress Toward Completion
Stretch Achieve one or more new grant awards	(continued from slide 22) \$15,000 in MWD’s Member Agency Administered Program grant funding for OMWD's customer MyWaterUse dashboard outreach; \$2,000 from MWD's Community Partnering Program for informational signage at 4S WRF; and \$2,000 from ACWA JPIA for OMWD’s Safety and Wellness Program
Add 500 new subscribers to the MyWaterUse by AquaHawk digital dashboard	100% - Added 975 new subscribers as of September 7

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

Objective

Progress Toward Completion

49. Implement campaign to raise customer awareness on the value/cost of water; report efforts to Ad Hoc Customer Outreach and Conservation Committee

49. 100% - Efforts reported to Customer Outreach and Conservation Committee on September 14; messaging featured in January and August newsletters, January and April eblasts, social media, a slide on lobby TV, handout at events, and news release on AAA rating and budget award; highlighted during public tours

50. Implement campaign to raise customer awareness of rebates on water-saving devices; report efforts to Ad Hoc Customer Outreach and Conservation Committee

50. 100% - Efforts reported to Customer Outreach and Conservation Committee on September 14; messaging featured in February, April, June, and August newsletters, January and April eblasts, social media, and bill messages

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

Objective

51. Partner with local businesses, vendors, and community organizations on a public service announcement and/or event about water use efficiency

Progress Toward Completion

51. 100% - Partnered with SDCWA, CMWD, and Agua Hedionda Lagoon Foundation for World Water Day event; partnered with Olivenhain Fire Safe Council on Community Wildfire Protection Plan; participated in Carlsbad Chamber of Commerce's Green Business Expo event; partnered with BCK Programs on hydroponic school and local scout troop programs; partnered with SDWD and SFID on April 3, August 1, and November 6 workshops; (continued on slide 26)

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

Objective

51. Partner with local businesses, vendors, and community organizations on a public service announcement and/or event about water use efficiency

Progress Toward Completion

51. (continued from slide 25) partnered with SDCWA and California Landscape Contractors Association on April 19 meeting and tour of DCMWTP

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

Objective

52. Calculate OMWD's water use objective prior to the January 1, 2024 deadline once methodology has been adopted by State Water Resources Control Board

Progress Toward Completion

52. 100% - SWRCB has announced that they plan to adopt methodology in 2024, providing water suppliers with a form to complete to meet reporting requirement; as of October 1, the form has not been released; staff is closely monitoring and will submit the form before the end of the year or when made available by SWRCB; provided update to Customer Outreach and Conservation Committee on September 14

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

Objective

Progress Toward Completion

53. Analyze impacts to customers of Metropolitan Water District of Southern California moving to water supply allocations and communicate results to customers

53. 100% - MWD board determined in March that allocations will not be implemented in 2023

54. Commemorate 4S Ranch Water Reclamation Facility's 20th anniversary

54. 100% - Commemorative event held in conjunction with National Public Works Week luncheon; anniversary logo featured on polos and letterhead

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

Objective

55. Increase customer/agricultural awareness of hydroponics; report efforts to Ad Hoc Customer Outreach and Conservation Committee

Progress Toward Completion

55. 100% - Efforts reported to Customer Outreach and Conservation Committee on September 14; installed hydroponics tower unit and informational signage in OMWD's demonstration garden; additional unit donated to BCK Programs for use in local school program; workshop held at interpretive center; featured in SDCWA's Water News Network news release, April newsletter, April eblast, social media, and event handout

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

Objective

56. Investigate cost, feasibility, and potential viewer engagement of live public streaming of OMWD public meetings

Progress Toward Completion

56. 100% - Presented findings at August 16 board meeting; board voted to utilize existing Zoom capabilities to allow teleconference or video viewing with the option for public comment and to continue to archive audio and video recordings per the records retention schedule

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

Objective

Progress Toward Completion

Stretch

Win award from California Special Districts Association, Association of California Water Agencies, California Water Environment Association, or other industry group

100% - 4S WRF won CWEA's 2023 Plant of the Year award at both the local and state levels; won APWA's Project of the Year for Manchester Potable Pipeline Project; won Industrial Environmental Association's Environmental Excellence Award for Recycled Water Pipeline Extension 153A Project; won California Society of Municipal Finance Officers' Operating Budget Excellence Award; won Government Finance Officers Association of the United States and Canada's Certificate of Achievement for Excellence in Financial Reporting

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

Objective

Progress Toward Completion

57. Conduct annual review of water and wastewater rates and charges

57. 100% - Completed annual review of water rates and charges in February; completed annual review of wastewater rates and charges in May

58. Complete water capacity fee study update

58. 100% - Results of capacity fee study were presented to Finance Committee and full board in May; a public hearing on proposed water capacity fees was held in July; board approved 2023 capacity fees on August 16

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

Objective

Progress Toward Completion

59. Conduct request for proposal (RFP) process for auditing services

59. 100% - Two proposals were received; interviewed both auditing firms in August; board selected audit firm at its September 20 meeting

60. Complete audit and Fiscal Year 2023 Annual Comprehensive Financial Report

60. 100% - Completed year-end reconciliations and schedules requested by auditors; audit fieldwork will be completed by October 31; final draft of FY 2023 Annual Comprehensive Financial Report will be reviewed by Finance Committee in November and the full board in December

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

Objective

Progress Toward Completion

61. Complete midterm budget adjustment in June

61. 100% - Final midterm budget adjustments approved by the board on June 21

Stretch

Maintain annual revenue adjustment at or below prior-year inflation adjustment

100% - San Diego/Carlsbad CPI for 2022 was 7.7%; proposed revenue adjustment to pass through purchased water wholesale cost increases and to pass through inflation adjustment based on SDCPI to water rates and charges for 2024 were discussed with Finance Committee in September; on September 20, board approved proposed annual revenue adjustment of 7.4% be considered in 2024, even though SDCWA increased rates by 11.8%

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

Objective	Progress Toward Completion
62. Present to Ad Hoc Facilities Committee the results and recommendations from DCMWTP condition assessment and plan for moving forward	62. 100% - Completed condition assessment; on track to present to Facilities Committee in December
63. Complete hydraulic model calibrations in support of Potable Water and Recycled Water Master Plan updates	63. 100% - On track for completion by December 31
64. Commence update to Wastewater Master and Capital Improvement Plan	64. 100% - Commenced update in August

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

Objective

Progress Toward Completion

65. Continue water rights and facility planning investigation for the San Dieguito Valley Groundwater Project and present update to board

65. 100% - Held special board meeting on May 31 and community meeting at Solana Santa Fe Elementary on September 7

66. Coordinate tours for board members of existing brackish groundwater desalination facilities similar in size to proposed OMWD facility

66. 100% - Facilities identified and tour dates are being vetted for November-December timeframe

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

Objective

67. Engage and influence SWRCB regulations and water use efficiency legislation utilizing OMWD’s advocate in Sacramento

Progress Toward Completion

67. 100% - Provided input on AB 1572 and AB 1573, relating to the ban on irrigating non-functional turf; provided input on new SWRCB monthly drought and conservation reporting; provided comment letter to SWRCB on Proposed Regulatory Framework for Making Conservation a California Way of Life and participated in its October 4 public hearing; provided input on AB 30, relating to atmospheric river research; and provided input on AB 838, AB 1072, and AB 755, relating to water affordability, financial incentives, and cost of service studies, respectively

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

Objective

Progress Toward Completion

68. Conduct emergency training at EFRR with Rancho Santa Fe Fire Protection District

68. 100% - Park Ranger training with Rancho Santa Fe Fire Protection District on track to be completed by November 30

69. Continue efforts with Solve the Water Crisis coalition, focusing on educating legislators and conducting media events

69. 100% - Worked with coalition to generate awareness and educate policymakers; support is now focused on collaborating on SB 366 and “CA Water for All” with California Municipal Utilities Association, which is now a two-year bill

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

Objective

Progress Toward Completion

70. Conduct series of educational presentations to board with speakers from external agencies

70. 100% - Encina Wastewater Authority presented on its Encina Wastewater Potable Reuse Project at the January 18 board meeting; PFM Asset Management presented on OMWD’s investment in the California Asset Management Program at the February 15 board meeting; California Bank & Trust presented on its strength and stability in light of recent financial institution failures at the April 19 board meeting; Chris Cate on behalf of SDLAFCO presented on SDCWA Municipal Service Review at the September 20 board meeting



Tiger Team Report

Grants and Alternative Funding

Awarded

- \$90,000—Awarded funding for pipeline leak detection from MWD's Leak Detection and Repair Grant Program
- \$15,000—Awarded MWD's Member Agency Administered Program funding for MyWaterUse customer dashboard outreach
- \$2,000—Awarded ACWA JPIA Wellness Grant for OMWD's Safety and Wellness Program

Total Awarded Since July Report
\$107,000

Cost Savings

- Savings of \$700—Shared expenses on WaterSmart Landscape Design workshop with San Dieguito Water District and Santa Fe Irrigation District

Total Cost Savings Since July Report
\$700

Tiger Team Report



Grants and Alternative Funding

Currently Under Pursuit

- *\$50,850—Pursuing Federal Emergency Management Agency COVID funding*
- *\$TBD—Pursuing American Rescue Plan Act's Coronavirus Local Fiscal Recovery Fund (requested funds toward \$2,984,370 in unmet needs)*
- *\$3,000—Pursuing funding for DCMWTP educational signage through MWD's Community Partnering Program*
- *\$3,000—Pursuing Hans Doe Charitable Trust funding for educational signage at DCMWTP*
- *\$959,752—Pursuing Community Project Funding from Representative Peters' office for San Dieguito Groundwater Project*

Total Pursued
\$1,016,602

Tiger Team Report

Alternative Revenue



**OLIVENHAIN MUNICIPAL WATER DISTRICT
SCHEDULE OF OTHER BUSINESS (NON-WATER RELATED) REVENUES
FOR THE THREE MONTHS ENDED JUNE 30, 2023 (UNAUDITED)**

	ACTUAL	SIX MONTH BUDGET
REVENUES:		
CELL SITE LEASES + RENTAL	171,717	203,750
MISCELLANEOUS INCOME	3,692	
ROGER MILLER HYDROELECTRIC REVENUES	16,618	25,000
CB&T VISA CASH INCENTIVE*	4,190	N/A
ESTIMATED DCMWTP ENERGY OFFSETS**	117,325	N/A
	313,541	228,750
 TOTAL REVENUE FOR THE THREE MONTHS ENDED JUNE 30, 2023	 313,541	

Notes:

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

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

Total alternative revenue in fourth quarter of FY 2023: \$313,541

Tiger Team Report



Summary

Total grant and alternative funding, alternative revenue, and cost savings (less first quarter FY 2024 alternative revenue): \$421,241

Total grant funding and potential alternative funding sources under pursuit: \$1,016,602

Since Inception of the Program (2005)

Total grant funding and cost savings to date: \$49,711,101

Total alternative revenue generated to date: \$18,456,896

Memo

Date: October 18, 2023

To: Olivenhain Municipal Water District Board of Directors

From: Lindsey Stephenson, Engineering Manager

Via: Kimberly A. Thorner, General Manager

Subject: **CONSIDER APPROVAL OF A LEASE AGREEMENT BETWEEN DISH WIRELESS, LLC AND OLIVENHAIN MUNICIPAL WATER DISTRICT TO CONTINUE ALLOWING COMMUNICATIONS FACILITIES AT THE GATY II RESERVOIR SITE, PER A PREVIOUS BOARD APPROVAL ASSIGNING AN EXISTING LEASE TO DISH, AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD**

Purpose

The purpose of this agenda item is to consider approval of a lease agreement between Dish Wireless, LLC (Dish) and OMWD to continue operation of a wireless communication facility at the Gaty II Reservoir site. This item is a continuation from a previous Board approval in December 2022 to assign an existing agreement at that site from T-Mobile West, LLC (T-Mobile) to Dish, which is now set to expire. The item also authorizes the General Manager to sign the lease agreement on behalf of OMWD.

Recommendation

Staff recommends approval of the proposed lease agreement.

Alternative

The Board of Directors could elect not to approve the proposed lease agreement or to recommend changes to the lease agreement. Also, the Board could decide not to allow Dish to continue operating wireless communication facility at the site.

Background

T-Mobile West, LLC (T-Mobile) and OMWD entered into a lease agreement in 1998 for cellular communications facilities at the Gaty II Reservoir located in Director Division 1 (San Antonio). OMWD and T-Mobile entered into a First Amendment to the original lease in 2004 and a Second Amendment to the original lease in 2013, with an expiration of November 30, 2023.

After the merger of T-Mobile and Sprint in April 2020, T-Mobile was required to divest a portion of their existing portfolios to another cellular carrier. This ruling allowed Dish to enter the cellular communications market, and T-Mobile and Sprint have since been optioning several existing cell sites to Dish, including T-Mobile's existing facilities at Gaty II Reservoir.

In December 2022, the OMWD Board of Directors approved a Landlord Consent and Release Agreement with T-Mobile and Dish for assignment of the existing T-Mobile wireless communication facilities at the Gaty II Reservoir to Dish for the duration of the current lease, which expires on November 30, 2023. As a term of the Landlord Consent and Release Agreement, Dish is required to enter into a new lease agreement with OMWD when the current lease expires.

Dish is currently in the process of submitting plans to the County of San Diego for a Minor Use Permit modification to replace T-Mobile's existing antennas and equipment with Dish proprietary antennas and equipment. The Dish plans call for installation of one antenna per sector down from two per sector when T-Mobile occupied the site.

Fiscal Impact

The proposed lease agreement will commence and be effective as of December 1, 2023, for an initial term of five (5) years. After the initial term, the lease allows for four (4) additional 5-year extensions. At the time of execution of the Landlord Consent and Release Agreement, Dish assumed the monthly rental payments of \$4,424.38. The current agreement maintains the same rent as the agreement set to expire and incorporates a yearly escalation of 4%. On the effective date, Dish will therefore

continue payments at same rental rate as the existing agreement plus the 4% rental escalation, for a monthly payment of \$4,601.36. The monthly rental amount is in the upper end of OMWD's range for communication site rentals. Staff also reviewed other local water agencies that lease similar sites, and the monthly payment is above the rental rate for those agencies. On full execution of the lease agreement, OMWD will also be paid a non-refundable signing bonus of \$3,500 within 45-days of said execution.

Discussion

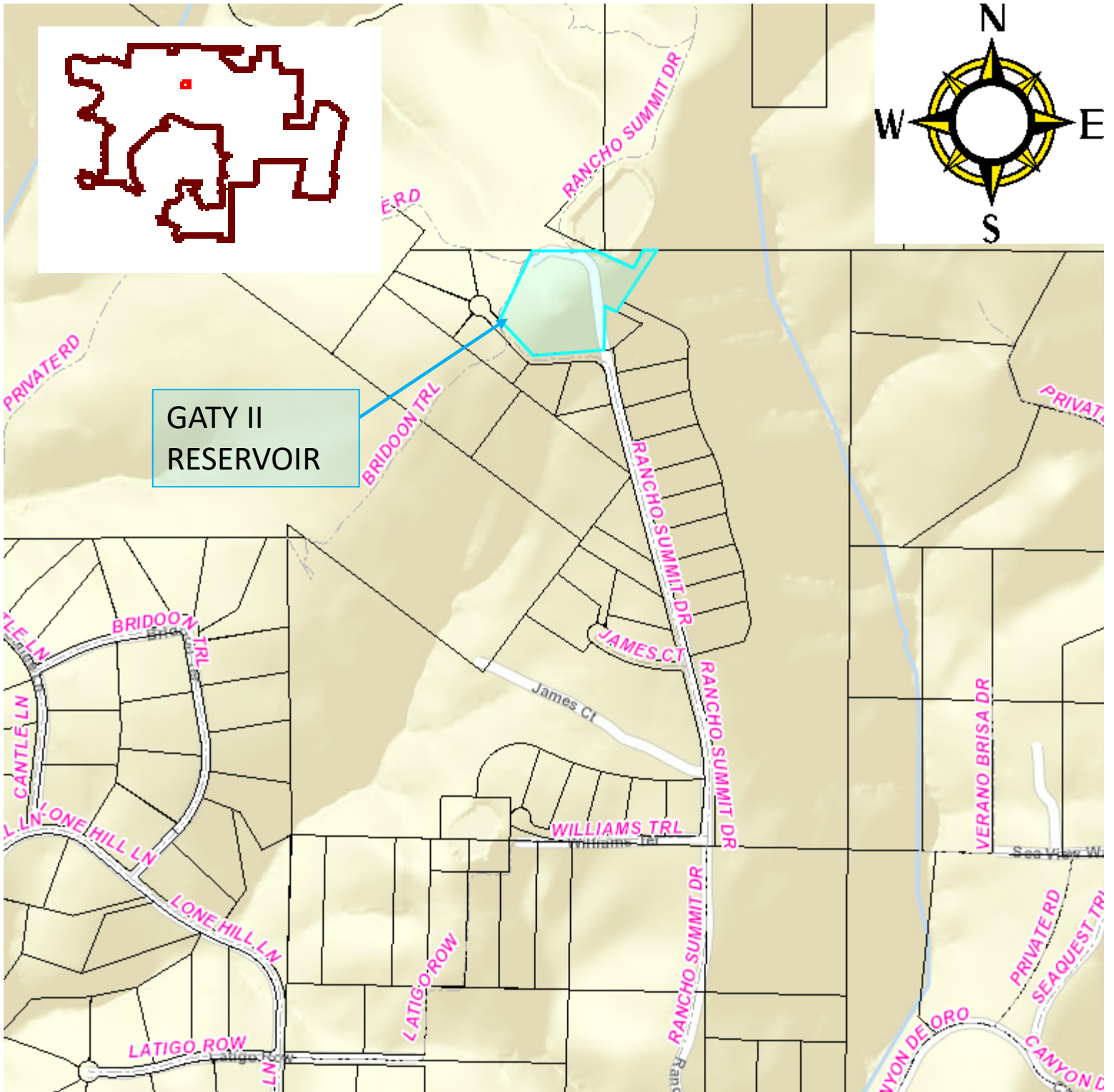
The terms of the proposed lease agreement have been agreed to by Dish. A copy of the proposed lease agreement is attached for review, including all related exhibits. Also included is a copy of the executed Landlord Consent and Release Agreement and Dish Antenna Upgrades Plan. Staff is available to answer questions.

Attachment(s):

Location Map

Lease Agreement

Landlord Consent and Release Agreement



LOCATION MAP

GATY II RESERVOIR SITE

A LEASE BETWEEN
THE OLIVENHAIN MUNICIPAL WATER DISTRICT AND DISH WIRELESS
L.L.C.
TO ALLOW COMMUNICATIONS FACILITIES
AT THE GATY II RESERVOIR SITE
23AGR046

This Lease (this “Lease”) is entered into by and between the Olivenhain Municipal Water District, a Municipal Water District organized and existing under the Municipal Water District Act of 1911, as amended, a public agency organized and operating pursuant to California Water Code Sections 71000 *et seq.* (hereinafter “OMWD”), and Dish Wireless L.L.C., a Colorado limited liability company (hereinafter “DISH”).

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

1. OMWD owns a parcel of land located at 1790 Rancho Summit Drive, in the City of Encinitas, County of San Diego. The parcel is more particularly described in Exhibit “A”, attached hereto, and incorporated herein by reference (hereinafter “Site”).

2. OMWD and Pacific Bell Mobile Services, now T-Mobile West, LLC, a Delaware limited liability company, entered into a lease agreement (98AGR013) to allow Communications Facilities at the Gaty II Reservoir Site dated September 1, 1998, and as amended by that First Amendment dated April 27, 2004, and further amended by that Second Amendment dated December 24, 2013 (collectively the “Original Lease”).

3. By a Landlord Consent and Release Agreement executed February 16, 2023, by and between OMWD, T-Mobile West, LLC, and Dish Network, OMWD consented to the assignment of the Site from T-Mobile West, LLC to DISH.

4. As a condition of said Landlord Consent and Release Agreement, DISH is required to enter into a New Lease Agreement (hereinafter “Lease”) with OMWD prior to the expiration of the existing Second Amendment on November 30, 2023 for continued use of the Site.

5. As of the effective date of the New Lease Agreement, the Original Lease is hereby terminated and of no further force and effect, and this New Lease Agreement supersedes and replaces the Original Lease entered into by OMWD and T-Mobile West, LLC.

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

1. Permission to Install Transmitter/Receiver/Antenna. OMWD hereby grants DISH permission to operate and maintain at the Site, within the Leased Area, the mobile/wireless communications facilities and related equipment, shown on Exhibit “B”, attached hereto and incorporated herein by reference (hereinafter collectively referred to as the “Communications Facilities”).

2. Responsibility for Non-Interference. DISH understands that OMWD may transmit and receive radio signals from the Site at 450 MHz, 900 MHz, 2.4 GHz, 3.65 GHz, 5.8 GHz, and 24 GHz for telemetry links to other locations within OMWD and a short wave repeater station at 47.90 and 48.38 MHz (“Signals”). In addition, OMWD leases space at the Site outside of the Leased Area for other wireless carriers. It shall be the sole responsibility of DISH to use commercially reasonable efforts to ensure DISH does not create any measurable interference of any kind with OMWD’s Signals or the signals transmitted for the other leased spaces at the site existing prior to the Effective Date at any time during the term of this Lease, and DISH shall within forty-eight (48) hours take action to correct any such interference that may result from its Communications Facilities at its sole cost and expense or cease operations of the equipment that is the source of the interference. Operations of the interfering equipment may not resume until DISH has resolved such interference to avoid any interference with OMWD transmissions. In the event DISH fails to cease any such interference with OMWD’s signals and fails to correct the interference within ten (10) consecutive days after written notice from OMWD, OMWD shall be entitled to declare DISH in default of this Lease by written notice to DISH in addition to all other remedies provided by this Lease or California law.

So long as this Lease has not been terminated due to default of DISH or the expiration of its term without extension by renewal as permitted under Section 9, OMWD shall not allow any other use of the Site, other than the existing uses, as of the execution of this Lease, which interferes with signal transmission or reception by DISH from the Site. OMWD shall be entitled to lease other portions of the Site to other wireless businesses, whether or not such businesses compete with DISH, as long as such lessees do not interfere with the transmission and reception of wireless signals by DISH from the Site. This shall not apply to transmissions by OMWD.

If OMWD receives any request to locate any communications transmitting equipment on OMWD’s property from any third party (“Carrier”), OMWD shall include in the

lease, license or other agreement with the Carrier a provision prohibiting the Carrier from interfering with the communications operations of DISH's facility when designing, locating, operating, and maintaining its transmitting equipment and in reconfiguring or changing the frequency or operation of such equipment.

3. Permits and Approvals. DISH shall be solely liable and responsible for securing all permits, approvals and consents necessary to operate, maintain, repair, and replace the Communications Facilities at its sole cost and expense. OMWD shall have no obligation to secure any permits, approvals, or consents necessary to operate, repair, or replace the Communications Facilities. OMWD agrees, at no expense to OMWD, to cooperate with DISH, in making application for and obtaining all licenses, permits and any and all other necessary approvals that may be required for DISH's intended use of the Premises.

4. Fees and Costs. DISH shall be solely responsible for all fees, costs, and expenses, of whatever type or nature associated with the operation, maintenance, repair, or replacement of its Communications Facilities at the Site.

5. Improvement; Access.

(a) OMWD shall have no obligation to approve any improvements that OMWD determines, in its sole reasonable discretion, will interfere with the use, operation, maintenance or repair of the Site by OMWD. Minor improvements (those inside the leased area) may be installed, removed, modified and maintained at DISH's discretion without OMWD's approval so long as they do not measurably interfere with any OMWD facilities, any OMWD transmissions, or any transmissions from the existing repeater site(s) already leased.

(b) Once the Plans are approved subject to Paragraph 5(a) above, DISH has the right to do all work necessary to maintain and alter the Site for DISH's Communications Facilities. All of DISH's construction and installation work shall be performed at DISH's sole cost and expense by licensed and bondable contractors in a good and workmanlike manner.

- (c) OMWD hereby grants to DISH such rights of ingress and egress over the Site from the public right-of-way to the Leased Area as may be necessary and consistent with the authorized use of the Leased Area. As a material term of this Lease, DISH agrees not to use the access rights at any time in a manner which materially impedes or interferes with any OMWD use, operation, maintenance or repair of the Site. Upon mutual execution of this Lease, DISH shall have the right to install on the outside of the fencing on the Site, any locks or lock boxes for key storage, at a location approved by OMWD, for access to the Leased Area. DISH shall pay for the cost of any lock boxes and remove all locks and lock boxes upon expiration or earlier termination of this Lease.
- (d) Subject to OMWD's reasonable rules, OMWD shall permit DISH's employees, agents, contractors, subcontractors and invitees to park vehicles on the Site as necessary and consistent with the authorized use of the Leased Area. OMWD shall, at its expense, maintain all access roadways or driveways from the nearest public roadway to the Leased Area in a manner sufficient to provide access to DISH. Except as provided in this Section 5(c), nothing contained in this Lease shall obligate OMWD to repair or improve access to the Site beyond its present condition.
- (e) DISH shall have the right to improve the present utilities on or near the Leased Area subject to OMWD's approval of the location, which shall not be unreasonably withheld, conditioned or delayed, DISH shall have the right to place utilities on (or to bring utilities across) the Site in order to service DISH's Communications Facilities.
- (f) DISH's rights of access and to install utilities under this Section 5 include, but are not limited to, the right to install, maintain and service telephone lines connecting the base station of DISH's Communications Facilities and the minimum point of entry (MPOE) or other point of presence of the telephone service provider at OMWD's Site.

Except as shown in Exhibit “B”, DISH shall not install any utilities or any other major improvements without first submitting plans of improvements to OMWD for review and approval. Minor improvements (those inside the enclosed equipment shelter building) may be installed, removed, modified and maintained at DISH’s discretion without OMWD’s approval; however, DISH shall notify the OMWD in writing when such minor improvements are scheduled to be made.

6. Lease Rights. OMWD hereby Leases to DISH approximately two hundred (200) square feet of Tax Assessor’s Parcel No. 264-591-13-00 as shown on Exhibit “B”, attached hereto and incorporated herein by reference, together with the non-exclusive right for ingress and egress, seven (7) days a week, twenty-four (24) hours a day, on foot or motor vehicle, including trucks, as more particularly described in Section 5 above. OMWD hereby grants to DISH the right to obtain a survey of the Leased Area, and this survey shall then become Exhibit “C” which upon review and approval by OMWD shall be attached hereto and made a part hereof. Such survey shall be paid for solely by DISH.

7. Compliance with Applicable Laws. DISH shall ensure that all work performed on the Site is performed in a manner which complies with all applicable federal, state, county, and local governmental rules and regulations, including all environmental laws of the State of California and the federal government. DISH shall be solely responsible for obtaining and paying for all permits, licenses, and approvals necessary to operate the Communications Facilities and DISH shall provide verification that permits, licenses, and approvals have been obtained promptly upon written request from OMWD. This Section shall include all land use permits or approvals necessary to operate the Communications Facilities and any utilities or other improvements requested by DISH.

8. Termination by DISH. DISH’s ability to use the Leased Area is contingent upon its obtaining, after the execution date of this Agreement, all certificates, permits, and approvals necessary to operate the Communications Facilities. In the event any of these permits or approvals are rejected or any certificate, permit, license, or approval issued to DISH is canceled, expires, lapses, or is otherwise withdrawn or terminated by governmental action, or in the event DISH determines that the site is no longer appropriate or suitable for its use or operations for economic,

environmental or technological reasons, DISH shall have the right to terminate this Lease by giving OMWD one hundred eighty (180) days advance written notice. This Lease shall remain valid and effective for the one hundred eighty (180) day period and DISH shall be obligated to pay OMWD rent due during the one hundred eighty (180) day period. The termination notice shall not be effective if DISH is in default of any provision of this lease during the 180-day period. All amounts paid by DISH to the termination date shall be retained by OMWD in full without proration or offsets of any kind.

DISH and OMWD shall each have the right to unilaterally terminate this Lease at any time during the lease term or any extension without cause by giving one (1) year advanced written notice. This Lease shall remain valid and effective for the one (1) year period and DISH shall be obligated to pay OMWD rent due during the one-year period, regardless of the initiator of the termination. All amounts paid by DISH to the termination date shall be retained by OMWD in full without prorations or offsets of any kind.

9. Term. This Lease shall commence upon full execution by the parties and be effective as of December 1, 2023. The Lease shall extend for an initial term of five (5) years (the "Initial Term"). In addition to the Initial Term, DISH shall have the option to extend the lease for each of four (4) additional five (5) year renewal terms (each a "New Renewal Term"). Notwithstanding anything to the contrary contained in the Lease, all New Renewal Terms shall renew upon DISH's written notification to OMWD at least six (6) months prior to the commencement date of the next Renewal Term (as defined herein). References in this Lease to "Renewal Term" shall refer, collectively to the Initial Term and the New Renewal Term(s).

10. Rental Payments and Signing Bonus. Starting on the Effective Date of December 1, 2023, also the yearly escalation date, DISH agrees to continue paying OMWD the current rent of Four Thousand Four Hundred Twenty Four Dollars and 38/100 (\$4,424.38) plus the 4% yearly escalation rate, One Hundred Seventy Six Dollars and 98/100, for a total monthly rent of Four Thousand Six Hundred One Dollars and 36/100 (\$4,601.36) on the first day of each month thereafter. The monthly rent shall be increased four (4) percent on each anniversary of the Effective Date. DISH shall pay a late fee of ten percent (10%) of the unpaid rental amount for each month's payment not received by the fifteenth (15th) day of any month. The parties acknowledge and agree that this additional sum shall be treated as rent and not as a penalty or liquidated damages in any subsequent proceeding between the parties. The failure of DISH to deliver any rental payment to

OMWD within twenty (20) business days after written notice of default for the amount due shall be deemed a material breach of this Agreement, entitling the OMWD to unilaterally terminate this Agreement and to order DISH to remove the Communications Facilities and restore the Site to its former condition in addition to other remedies afforded OMWD by applicable law and this Lease.

DISH agrees to pay OMWD a nonrefundable signing bonus payable within forty five (45) days of full execution hereof by both parties in the amount of Three Thousand Five Hundred and 00/100 Dollars (\$3,500). The failure of DISH to do so shall constitute a material breach of this Lease upon receipt of written notice from OMWD.

11. Utilities and Taxes. DISH shall be solely responsible for all utilities necessary for use and operation of the Leased Area and shall contract for all utilities in its own name. The failure of DISH to pay all electric service bills when due to the service provider shall constitute a material breach of this Lease.

DISH has been advised and understands that the Leased Area may be subject to a possessory interest tax. DISH shall be solely responsible for the payment of all taxes, assessments, and fees associated with DISH's use of the Leased Area and any buildings, structures, improvements, or facilities installed by DISH on the Site. As a material term of this Lease, DISH agrees not to allow any taxes, assessments, or fees associated with DISH's use to become a lien or judgment against the Site or any other property of OMWD.

12. Tenant Improvements. All improvements, other than minor modifications within the enclosed equipment shelter building desired by DISH, shall be submitted with detailed plans to OMWD for OMWD's review and written consent prior to the commencement of any work. OMWD's written consent will not be unreasonably withheld, conditioned or delayed. However, OMWD shall have no obligation to consent to any improvements which OMWD finds will damage or materially interfere with any present or future OMWD facilities or uses at the Site. All construction work shall be performed solely by contractors licensed in the State of California. DISH shall be solely liable and responsible for securing and complying with all permits, approvals, laws, regulations, and ordinances, which apply to DISH's improvements at its sole cost and expense subject to the provisions of Section 7 above. Prior to commencing any work, DISH shall provide OMWD with written verification that the plans and specifications for the improvements have been

approved by all applicable regulatory agencies and with a copy of the approved plans. DISH shall also provide OMWD with verification that DISH has posted all bonds as required by the applicable regulatory agencies to complete the work and has met all other terms and conditions imposed by applicable regulatory agencies for the improvements desired by DISH at its sole cost and expense.

13. No Lien Claims or Judgment. It is understood by the parties that OMWD shall have no responsibility whatsoever for the payment of any materials, labor, or work performed on the Leased Area by DISH or at its request. DISH shall promptly pay all amounts necessary to remove any mechanic's lien claim, lis pendens, judgment, or any other debt or obligation which becomes a lien against the Leased Area as a result of any work, labor, or materials furnished to the Leased Area by or at the request of DISH.

14. Use. DISH shall have the right to use the Leased Area solely for operation, maintenance, upgrade, removal, and management of the Communications Facilities, including, without limitation, equipment designed to transmit and receive radio frequency signals), which shall include the right, subject to Sections 2, 5 and 12, to replace, repair, add, or otherwise modify the Communications Facilities or any portion thereof ("Permitted Use") and for no other purposes without the prior written consent of OMWD. OMWD shall have no obligation to give its consent to any other uses.

DISH shall be solely responsible for ensuring that all uses comply with all applicable land use laws pertaining to the Leased Area. DISH agrees not to use the Leased Area for any immoral or unlawful purpose. DISH shall not commit any acts on the Leased Area in violation of any federal, state, or local law, rule, regulation, permit, approval, or consent. DISH shall not commit any waste or any public or private nuisance on all or any part of the Site. DISH shall not take any steps or actions which cause damage or injury to any person or damage or injury to any real or personal property owned by OMWD or any other person or entity.

DISH shall comply with all permits, approvals, laws, rules, and orders of all federal, state, and local governments and agencies that may be applicable to the use of the Site and/or the Leased Area, at DISH's sole cost and expense. DISH shall be solely responsible for any loss or claim arising out of DISH's failure to obtain or comply with any permit, approval, law, rule, or order of federal, state, or local government applicable to the use of the Leased Area, except to the extent any

such failure is caused by OMWD's gross negligence or willful misconduct.

15. As Is Lease. DISH has been advised and understands, except as expressly provided in this Lease, that OMWD has not made any warranties, representations, or promises of any kind or character concerning the quality or condition of the Leased Area, the easement, the quality or condition of any improvements, equipment, furniture, or fixtures on the Leased Area, or the quality or condition of the real property itself or any surface or subsurface conditions on the Leased Area, all as relate to the suitability for DISH's permitted use granted herein. Prior to entering into this Lease, DISH has made its own independent investigation of the condition, quality, and character of the Leased Area, the easement, all improvements on the Leased Area, all equipment, furniture, and fixtures, and the condition of the real property itself, and has utilized such experts as have been desired by DISH in evaluating the quality and condition of the real property, and all improvements, equipment, furniture, and fixtures on the Leased Area. As a material part of this Lease, the parties expressly agree that DISH is acquiring the property "as is" without any warranties, representations, or promises by OMWD or any of its directors, officers, agents, or employees concerning the quality, condition, or character of the Leased Area, the easement, any improvements on the Leased Area, any equipment, furniture, or fixtures included as part of the Leased Area, or any surface or subsurface conditions.

BY INITIALING BELOW, THE PARTIES ACKNOWLEDGE THAT THERE HAVE BEEN NO WARRANTIES, REPRESENTATIONS OR PROMISES MADE BY OMWD, OR ITS DIRECTORS, OFFICERS, AGENTS, OR EMPLOYEES CONCERNING THE QUALITY, CONDITION, OR CHARACTER OF THE LEASED AREA, THE EASEMENT, ANY IMPROVEMENTS ON THE LEASED AREA, ANY EQUIPMENT, FURNITURE, OR FIXTURES INCLUDED AS PART OF THE LEASED AREA, OR ANY SURFACE OR SUBSURFACE CONDITIONS AND THAT DISH IS ACQUIRING THE PROPERTY "AS IS"

BASED UPON ITS OWN INVESTIGATION AND INSPECTION AND WITH THE ASSISTANCE OF SUCH EXPERTS AS HAVE BEEN DESIRED BY DISH.

OMWD: _____

DISH: _____

16. Repair and Maintenance. DISH agrees that all improvements, equipment, furniture, fixtures, real and personal property included as part of the Leased Area is in working order and in good condition upon commencement of this Lease. DISH shall be solely liable and responsible for maintenance, repair, and replacement of all portions of the Leased Area during the term of this Lease.

At all times during the term of this Lease, and any extensions under this Lease, DISH agrees, at its sole cost and expense, to keep the Leased Area and all improvements, equipment, fixtures, real and personal property, included as part of the Leased Area in good condition and repair, reasonable wear and tear excepted. OMWD shall have no obligation whatsoever to maintain or repair any equipment, furniture, fixtures, improvements, personal property, or real property included as part of the Leased Area at any time during the term of the Lease. The proper repair and maintenance of all personal and real property included as part of the Leased Area shall be the sole liability and obligation of DISH during the entire lease term and any extension. The failure of DISH at any time to properly maintain and repair any personal or real property included as part of the Leased Area at any time during this Lease or any extension shall constitute a material breach of this Lease.

17. OMWD's Right to Make Repairs. If at any time during the term of this Lease, or any extension, DISH fails to maintain any of the Leased Area or any improvements on the Leased Area in a good condition, OMWD shall give written notice of these defects to DISH at the address shown in Paragraph 32 herein. DISH shall have thirty (30) consecutive days from the receipt of such notice to commence repairs and shall diligently prosecute the work to completion. In the event DISH fails to commence the repairs within this thirty (30) day period, or fails to diligently complete the repair work, OMWD shall have the express right, but not the obligation, to enter the Leased Area and to make the repairs for the account of DISH. Any sums expended by OMWD in so doing shall be deemed additional rent and shall be due from DISH within thirty (30) days following invoice from OMWD together with documentation evidencing the expended sums.

18. Waiver of Civil Code Sections 1941 and 1942. As a material part of this lease, DISH hereby expressly waives the provisions of Civil Code Sections 1941 and 1942 and any other law that would require OMWD to maintain the Leased Area in a tenantable condition or which would provide DISH with the right to make repairs and deduct the cost of those repairs from the rent.

DISH acknowledges that Civil Code Section 1941 obligates OMWD to make a dwelling house fit for its purpose and that Civil Code Section 1942 allows DISH, under certain circumstances, to repair premises that have been rendered un-tenantable and to deduct the expense of the repair from the rent due. DISH acknowledges that DISH fully understands these rights and expressly waives them with full knowledge of the consequences of this waiver.

19. Entry by OMWD. DISH shall permit OMWD and its agents, representatives, or employees to enter the Leased Area at all reasonable times and upon seventy two (72) hours advance written notice and accompanied by an authorized DISH representative to inspect the Leased Area and all improvements, equipment, fixtures, personal or real property included as part of the Leased Area to determine whether DISH has complied with the terms of this Lease or to perform maintenance or repair of the Leased Area. In the event of an emergency, as determined by the OMWD in its sole discretion, the OMWD and its agents, representatives, or employees shall have the rights to access the Leased Area to perform maintenance or repair in the Leased Area, without prior notification to DISH. DISH will be notified of emergency entry by the OMWD to the Leased Area within twenty-four (24) hours of initial entry together with the (i) the date and time of such emergency and (ii) the nature of the emergency.

20. Surrender of Premises and Holding Over. Within thirty (30) days after the termination of this Lease for any reason, DISH shall promptly surrender and deliver the Leased Area and all equipment, furniture, fixtures, grounds, improvements, and all personal and real property owned by OMWD and included as part of the Leased Area, to OMWD in a good and working condition, reasonable wear and tear excepted. DISH shall promptly repair any damage to the Leased Area, or any improvements, real or personal property owned by OMWD, caused by removal of any DISH improvements at the sole cost and expense of DISH. At the end of the thirty (30) day removal period, or any extension, if DISH holds over for any reason, it is agreed that in the absence of a written agreement to the contrary, the tenancy shall be from month-to-month only and not a renewal of this Lease nor a further extension of the term. During the holdover period, DISH shall pay monthly rent at the amount in effect at the end of the lease term or any extension and the month-to-month tenancy shall be subject to all other terms, covenants, and conditions of this Lease.

21. Indemnity. DISH agrees to hold harmless, indemnify, and defend OMWD and its directors, officers, agents, employees, successors, and assigns from any and all claims, demands,

causes of action, damages, losses, fees, costs, expenses, fines and penalties of whatever type or nature, including all reasonable attorney's fees and court costs, arising out of or connected with DISH 's use or occupation of the Leased Area, arising from any improvements installed by or at the request of DISH or arising from DISH's business except those caused by the gross negligence or willful misconduct of OMWD or its directors, officers, agents, employees, successors, or assigns except to the extent covered by the indemnity of DISH by OMWD.

OMWD agrees to hold harmless and indemnify DISH and its officers, employees, and agents from any and all claims or liability for loss of personal injury and/or property damage to the extent such claims result solely from or arise solely out of the use of occupancy of the Property by OMWD. Notwithstanding the preceding, OMWD shall not indemnify DISH against any claim to the extent that it arises in whole or in part from, or in connection with, any negligent or intentional conduct of DISH or any officer, agent, servant, employee, or contractor of DISH.

In the event any of the indemnified parties are named as a party in any arbitration or litigation covered by this indemnity, they shall be entitled to appoint their own attorneys and the indemnifying party agrees to pay all reasonable attorney's fees, costs, expert fees and costs, and all other fees and costs incurred by the indemnified parties in the proceeding within thirty (30) days of receipt of the bill. The failure of the indemnifying party to pay any of these fees or costs within thirty (30) days of receipt of the bill shall constitute a material breach of this Lease.

22. Liability Insurance. At all times during this Lease, DISH agrees to procure and maintain liability insurance – general and auto, including products and completed operations insurance, from an insurance company authorized to do business in the State of California. The insurance company shall have an A.M. Best Financial Strength rating of at least “A minus,” an A.M. Best Financial Size rating of not less than “VI” and have a combined single limit of not less than \$5,000,000 per occurrence, for which any combination of general liability and excess liability can be used. Also, OMWD's Engineer/Architect, OMWD's representatives, consultants, and each of the OMWDs directors, officers, agents, and employees must be named as additional insured. The failure of DISH to maintain this liability insurance in full force and effect during the entire term of this Lease, and any extension, shall constitute a material breach of this Lease. The foregoing coverage may be achieved by umbrella policy.

23. Workers' Compensation Insurance. At all times during this Lease, DISH shall maintain workers' compensation insurance coverage at least equal to the statutory limits required by California law for all workers employed by DISH or in any business conducted by DISH on the Leased Area. The failure of DISH to keep this workers' compensation insurance in full force and effect during the entire term of this Lease shall constitute a material breach of this Lease.

24. Insurance Policy Provisions. A certificate of insurance for all insurance required by this Lease shall be provided to OMWD within thirty (30) business days of the Execution Date of this Lease and shall be maintained in full force and effect during the entire lease term and any extensions. The policy of insurance shall be primary and non-contributory with any policies carried by OMWD and, to the extent obtainable, any loss shall be payable notwithstanding any act or negligence of OMWD that might otherwise result in forfeiture of insurance. Any insurance coverage required under this Section may be carried by DISH under a blanket policy insuring other locations of DISH's business, provided that the Leased Area and all improvements on the Leased Area are specifically identified as included under that policy.

25. Condemnation. If at any time during the term of this Lease, or any extension, all of the Leased Area is taken in any eminent domain proceeding, the lease shall terminate as of 12:01 a.m. of the date actual physical possession of the Leased Area is taken. If during the term of this Lease or any extension, only a part of the Leased Area is taken as a result of an eminent domain action all terms of this Lease shall remain in full force and effect unless the partial taking has resulted in a material impairment of the business of DISH. For these purposes, the term "material impairment" means the partial taking will prevent DISH from using the Leased Area for the Permitted Use. If a partial taking occurs which causes a material impairment, DISH shall have the right to terminate this Lease by giving ten (10) days written notice to OMWD and the rent shall be paid to the time when DISH actually surrenders possession of the Leased Area as used prior to the taking. If the whole or any part of the Leased Area is taken pursuant to any eminent domain proceeding, OMWD shall be entitled to all amounts paid or payable as part of any condemnation settlement or award except that portion expressly allocable to unsalvageable trade fixtures of DISH, the Communications Facilities or other personal property of DISH.

26. Assignment and Subletting. DISH shall not be entitled to assign or transfer all or any part of the Leased Area without OMWD's prior written consent, which consent shall not be

unreasonably withheld, conditioned or delayed. However, OMWD shall have no obligation to consent to any assignment or transfer unless the assignee or transferee has demonstrated the ability to pay all amounts required by this Lease to the reasonable satisfaction of OMWD. Prior to consenting to any transfer or assignment, DISH shall provide OMWD with financial information demonstrating the assets and liabilities and income and expenses of the assignee or transferee for the prior two years for OMWD's review and approval. Notwithstanding the transfer or assignment, DISH shall remain liable to OMWD for all remaining rent due under this Lease and for full compliance with all other terms of this Lease after the transfer or assignment and OMWD shall be entitled to enforce the lease against DISH, the transferee, or both.

DISH may from time to time do any of the following, without the OMWD's consent:

- (a) grant to any person or entity a security interest in some or all of DISH's Communications Facilities and/or other property of DISH used or to be used in connection with the Site;
- (b) assign or pledge DISH's interest in the lease and Leased Area to any person or entity to finance DISH's equipment or operate DISH's business.

and:

- (c) assign the lease or sublet the Leased Area; (i) to any Affiliate; (ii) to any entity with which DISH and/or any Affiliate may merge or consolidate; (iii) to a buyer of substantially all of the outstanding ownership units or assets of DISH or any Affiliate; or (iv) to the holder or transferee of the Federal Communications Commission ("FCC") license under which DISH's Communications Facilities are operated, upon FCC approval of any such transfer. Any such assignment shall not be effective until OMWD receives notice of such assignment together with documentation supporting that the assignee assumes responsibility for all of DISH's obligations under this Lease arising from and after the effective date of assignment.

For purposes of this Section, "Affiliate(s)" means, with respect to DISH, any person or entity, directly or indirectly, controlling, controlled by, or under common control with DISH, in each case for so long as such control continues. For purposes of this definition, "control" shall mean

(i) the ownership, directly or indirectly, or at least fifty percent (50%) of either: (a) the voting rights attached to issued voting shares; or (b) the power to elect fifty percent (50%) of the directors of such entity, or (ii) the ability to direct the actions of the entity. No assignment or subletting by DISH under subparagraphs (a) – (c) shall relieve DISH of any obligations or breaches under this Lease prior to the date of a valid assignment or sublet.

27. Default. Any of the following events or occurrences shall constitute a material breach of this Lease by DISH and shall constitute an event of default (“Default”):

- (a) The failure of DISH to pay any amount due under this Lease in full within twenty (20) business days following written notice from OMWD;
- (b) The failure of DISH to perform any other term, covenant, or condition of this Lease within thirty (30) days following written notice from OMWD; provided that if the nature of the cure requires more than thirty (30) days, DISH shall not be in default if DISH commences the cure within thirty (30) days and diligently and continuously pursues the cure to completion.
- (c) Any of the following: (1) a general assignment by DISH for the benefit of its creditors; (2) any voluntary filing, petition, or application by DISH under any law or relating to insolvency or bankruptcy, whether for a declaration of bankruptcy, a reorganization, an arrangement, or otherwise
- (d) The appointment of a trustee or receiver to take possession of all or substantially all of assets of DISH; or the attachment, execution or other judicial seizure of all or substantially all of assets of DISH located at the Leased Area or the Site or DISH’s interest in this Lease, unless the appointment or attachment, execution or seizure is discharged within thirty (30) days; or the involuntary filing of any bankruptcy action against DISH;

28. Remedies. In the event DISH is in default of any provision in Section 27 of this Lease beyond the applicable cure periods, OMWD shall have the right to terminate this Lease immediately upon written notice to the other party without prejudice to any other remedies DISH may have at law or in equity.

29. No Representations. Except as provided in this Section, and except for the warranty that OMWD has no actual knowledge of hazardous waste as set forth in Section 30, DISH acknowledges that no representations or promises have been made by anyone connected with OMWD concerning the condition or quality of the Leased Area or the ability of DISH to use any part of the Leased Area or the easement for its intended purpose or any other purpose.

DISH agrees it has entered into this Lease based solely upon its own independent investigation of the Leased Area and the easement and all conditions, improvements, restrictions and limitations which exist on or under the Leased Area and on the Site and not as a result of any oral representations or promises by anyone connected with OMWD. DISH understands it should make its own independent investigation to determine if any hazardous or toxic waste exists on the Site.

OMWD warrants that (i) it owns good and sufficient title to and interest in the Site to enable it to enter into this Lease and perform its obligations hereunder; (ii) there are no liens, encumbrances, covenants, restrictions or judgments affecting the Site which impede or adversely affect DISH's intended use of the Leased Area; (iii) OMWD has full right, power and authority to execute, deliver and perform this Lease; and (iv) so long as DISH is not in default under this Lease beyond any applicable cure periods, DISH shall have undisturbed, quiet and peaceful use and enjoyment of the Leased Area throughout the term and any extension thereof.

30. Hazardous and Toxic Waste. Without any duty to inquire or investigate, OMWD warrants that it has no actual knowledge that there is contamination, hazardous waste, or toxic substances in existence on or below the surface of the Leased Area which constitute a violation of any law, rule, or regulation of any governmental entity having jurisdiction. DISH shall not deliver, store, or use any hazardous, toxic, or contaminated waste of any kind within the Leased Area or at the Site without the prior written consent of OMWD. If the Leased Area contains toxic, hazardous, or contaminated waste material delivered, brought to or used on the Site by DISH or any of its agents, servants, employees or contractors, DISH shall be solely responsible for, and pay all fees and costs, of whatever type or nature, for the removal and disposal of, all such materials as required by law and for clean-up and remediation of all real and personal property contaminated by the hazardous waste. Notwithstanding the foregoing, DISH may bring onto the Site the lead acid

batteries that it uses for backup power, fuel that may be used in temporary backup generators and properly stored, reasonable quantities of common materials used in telecommunications operations such as cleaning solvents, provided that all such hazardous materials shall be handled, stored and disposed of in accordance with all federal, state and local laws and regulations applicable thereto.

31. Miscellaneous Provisions.

31.1. California Law. This Lease shall be construed and interpreted in accordance with California law.

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

31.3. Modification. This Lease may not be altered in whole or in part except by a modification, in writing, executed by all the parties to this Lease.

31.4. Attorney's Fees. In the event of any legal or equitable proceeding to enforce or interpret the terms of this Lease, the prevailing party shall be entitled to all attorneys' fees and court costs in addition to any other relief granted by law. This provision shall apply to this entire Lease.

31.5. Entire Agreement. This Lease, together with all the exhibits attached to this Lease, contains all representations and the entire understanding between the parties with respect to the subject matter of this Lease. Any prior correspondence, memoranda, or agreements, whether or not such correspondence, memoranda, or agreements are in conflict with this Lease, are intended to be replaced in total by this Lease and its exhibits which represents the final and complete agreement of the parties.

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

31.7. Unenforceable Provisions. The terms, conditions, and covenants of this Lease shall be construed whenever possible as consistent with all applicable laws and

regulations. To the extent that any provision of this Lease, as so interpreted, is held to violate any applicable law or regulation, the remaining provisions shall nevertheless be carried into full force and effect and remain enforceable.

31.8. Representation of Capacity to Contract. Each party to this Lease represents and warrants that he or she has the authority to execute this Lease on behalf of the entity represented by that individual.

31.9. No Waiver. The failure of either party to enforce any term, covenant, or condition of this Lease on the date it is to be performed shall not be construed as a waiver of that party's right to enforce this Lease, or any other, term, covenant, or condition of this Lease at any later date or as a waiver of any term, covenant, or condition of this Lease. No waiver shall occur against either party unless the right or breach being waived is expressly stated in writing and signed by the waiving party, and by the general manager of OMWD.

32. Notices. All letters, statements, or notices required pursuant to this Lease shall be deemed effective upon receipt when personally served or sent by certified U.S. mail with return receipt requested or by courier service to the following addresses:

TO: "DISH"

DISH Wireless L.L.C.
Attn: Lease Administration
5701 South Santa Fe Blvd.
Littleton, Colorado 80120

TO: "OMWD"

For All Legal Notices:

Olivenhain Municipal Water District
Attn: Kimberly A. Thorner, General Manager
1966 Olivenhain Road
Encinitas, California 92024-9761
Tel No. (760) 753-6466

WITH A COPY TO:

Alfred E. Smith
Nossaman LLP
777 South Figueroa Street, 34th Floor
Los Angeles, CA 90017
Tel No. (213) 612-7831
ASmith@Nossaman.com

For All Other Notices & Requests for Site Upgrades:

Olivenhain Municipal Water District
Attn: Facilities Coordinator
1966 Olivenhain Road
Encinitas, California 92024-9761
Tel No. (760) 753-6466
Email: Engineer@olivenhain.com

33. No Joint Venture. Nothing in this Lease is intended to create a joint venture, partnership, or common enterprise relationship of any kind between the OMWD and DISH.

34. Time of Essence. The parties agree that time is of the essence as to all matters specified in this Lease.

35. Memorandum of Lease. OMWD and DISH agree to execute a Memorandum of Lease, as shown on Exhibit "D", attached hereto and incorporated herein by reference, that DISH may record at DISH's sole cost and expense. In the event DISH records such Memorandum of Lease, and upon the expiration or earlier termination of the Lease, DISH shall promptly execute and record, at DISH's sole cost and expense, a notice of lease termination or similar agreement evidencing the termination or release of DISH's leasehold interest in the Premises. Should DISH fail to remove such recording within six (6) months of expiration or termination of the leasehold interest, OMWD may remove the recording of the Memorandum of Lease and DISH will reimburse OMWD for any reasonable fees incurred within thirty (30) days receipt of OMWD's invoice and supporting documentation.

36. Effective Date. The "Effective Date" of this Lease is the date the last party executes this Lease below.

“OMWD”:

OLIVENHAIN MUNICIPAL WATER DISTRICT, a Municipal Water District organized and existing under the Municipal Water District Act of 1911, as amended,
a public agency organized and operating pursuant to California Water Code Sections 71000 et seq.

By _____
Kimberly A Thorner, Esq.,
General Manager

Date: _____

“DISH”:

DISH WIRELESS, L.L.C., a Colorado limited liability company

By _____

Name _____

Its _____

Date: _____

EXHIBIT "A"

LEGAL DESCRIPTION

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID SECTION 4, DISTANT THEREON SOUTH 89° 0' 28" EAST (RECORD SOUTH 89° 40' 10" EAST) 1150.25 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 4; THENCE ALONG SAID NORTHERLY LINE, SOUTH 89° 20' 28" EAST 259.70 FEET TO THE MOST WESTERLY CORNER OF LAND FIRST DESCRIBED IN DEED TO THE OLIVENHAIN MUNICIPAL WATER DISTRICT, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY MAY 22, 1961, AS FILE/PAGE NO. 87649 OF OFFICIAL RECORDS; THENCE ALONG THE SOUTHWESTERLY BOUNDARY OF SAID LAND, SOUTH 63° 59' 18" EAST (RECORD SOUTH 64° 19' 00" EAST) 240.00 FEET TO THE MOST SOUTHERLY CORNER OF SAID LAND; THENCE ALONG THE SOUTHEASTERLY BOUNDARY OF SAID LAND, NORTH 26° 00' 42" EAST (RECORD NORTH 25° 41' 00" EAST) 113.72 FEET TO THE MOST EASTERLY CORNER OF SAID LAND, BEING A POINT ON SAID NORTHERLY LINE OF SECTION 4; THENCE ALONG SAID NORTHERLY LINE, SOUTH 89° 20' 28" EAST 45 FEET; THENCE SOUTH 34° 09' 08" WEST 336.38 FEET TO A POINT ON THE NORTHEASTERLY LINE OF LAND DESCRIBED SECOND IN THE AFOREMENTIONED DEED TO THE OLIVENHAIN MUNICIPAL WATER DISTRICT; THENCE ALONG SAID NORTHEASTERLY LINE NORTH 63° 59' 18" WEST (RECORD NORTH 64° 19' 00" WEST) 27.16 FEET TO AN ANGLE POINT THEREIN; THENCE CONTINUING ALONG THE BOUNDARY OF SAID LAND, NORTH 86° 42' 32" WEST (RECORD 87° 02' 14" WEST) 20.00 FEET TO THE NORTHWEST CORNER OF SAID LAND; BEING A POINT ON THE ARC OF A 1510.00 FOOT RADIUS CURVE, CONCAVE EASTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 86° 42' 32" WEST (RECORD 87° 02' 14" WEST); THENCE ALONG THE WESTERLY BOUNDARY OF SAID LAND, SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 7° 08' 28" A DISTANCE OF 188.20 FEET TO THE SOUTHWEST CORNER OF SAID LAND; THENCE ALONG THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LAND, BEING ALONG THE WESTERLY PROLONGATION OF A RADIAL LINE OF SAID CURVE, SOUTH 86° 09' 00" WEST (RECORD SOUTH 85° 49' 18" WEST) 340.49 FEET; THENCE NORTH 42° 37' 45" WEST 225.64 FEET; THENCE NORTH 26° 00' 42" EAST 352.49 FEET TO THE POINT OF BEGINNING CONTAINING 5.07 ACRES PARCEL ID: 264-591-13-00

EXHIBIT "B"
PROPOSED COMMUNICATIONS FACILITIES

NOTES

1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED GPS UNIT, TRANSMITTING ANTENNAS AND EXISTING GPS UNITS.



5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120



23 MAUCHLY, SUITE 110
IRVINE, CALIFORNIA 92618

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

DRAWN BY: CHECKED BY: APPROVED BY:

JJ AP ---

RFDS REV #:0 04/19/2023

ZONING DOCUMENTS

SUBMITTALS

REV	DATE	DESCRIPTION
A	05/09/2023	90% ZD FOR REVIEW
0	05/31/2023	100% ZD'S

J5 PROJECT NUMBER

P-092891

DISH Wireless L.L.C.
PROJECT INFORMATION

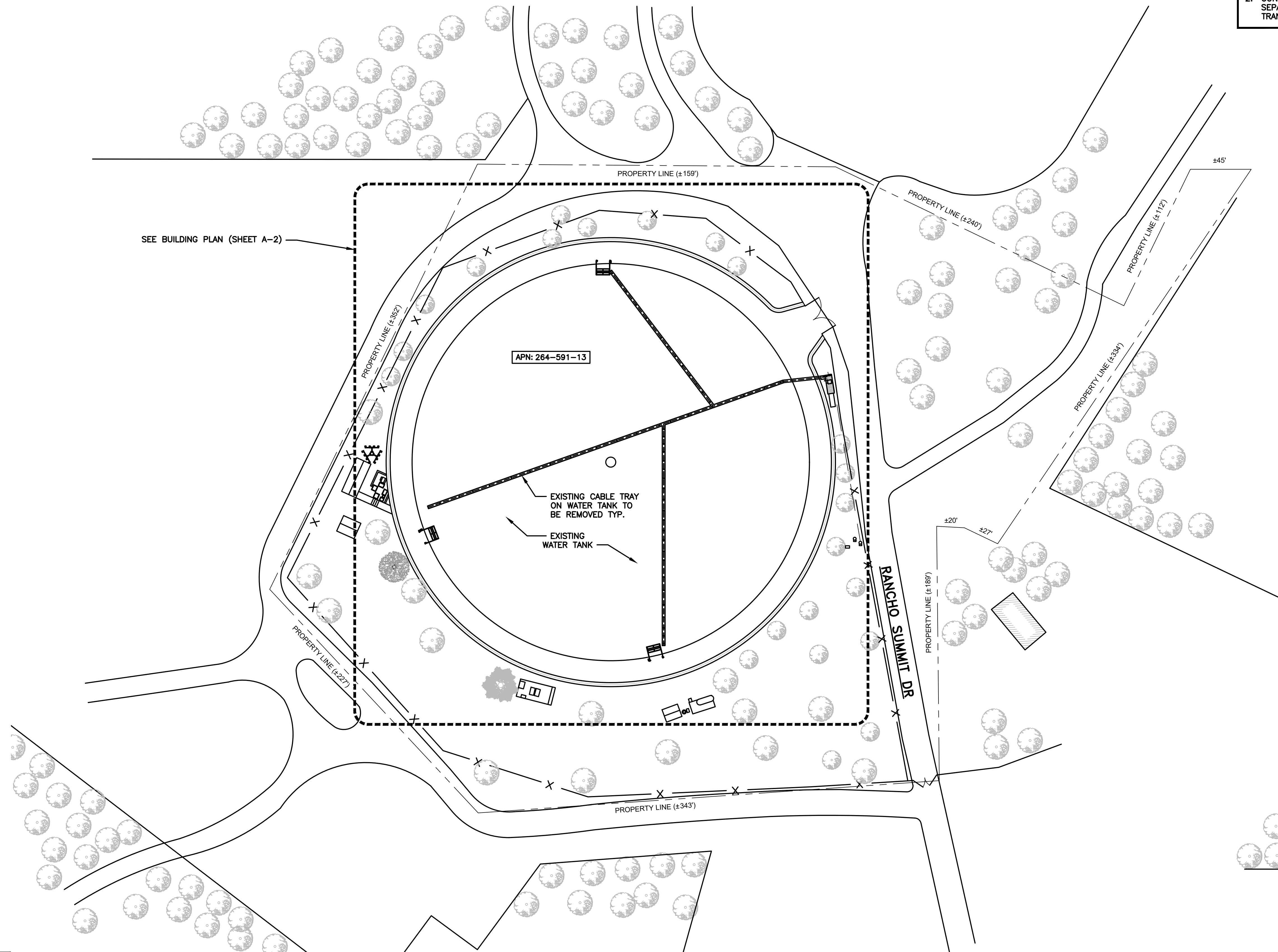
SDSAN00267B
1790 RANCHO SUMMIT DR
ENCINITAS, CA 92024

SHEET TITLE

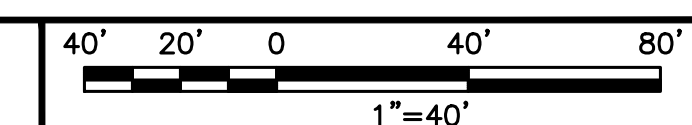
OVERALL
SITE PLAN

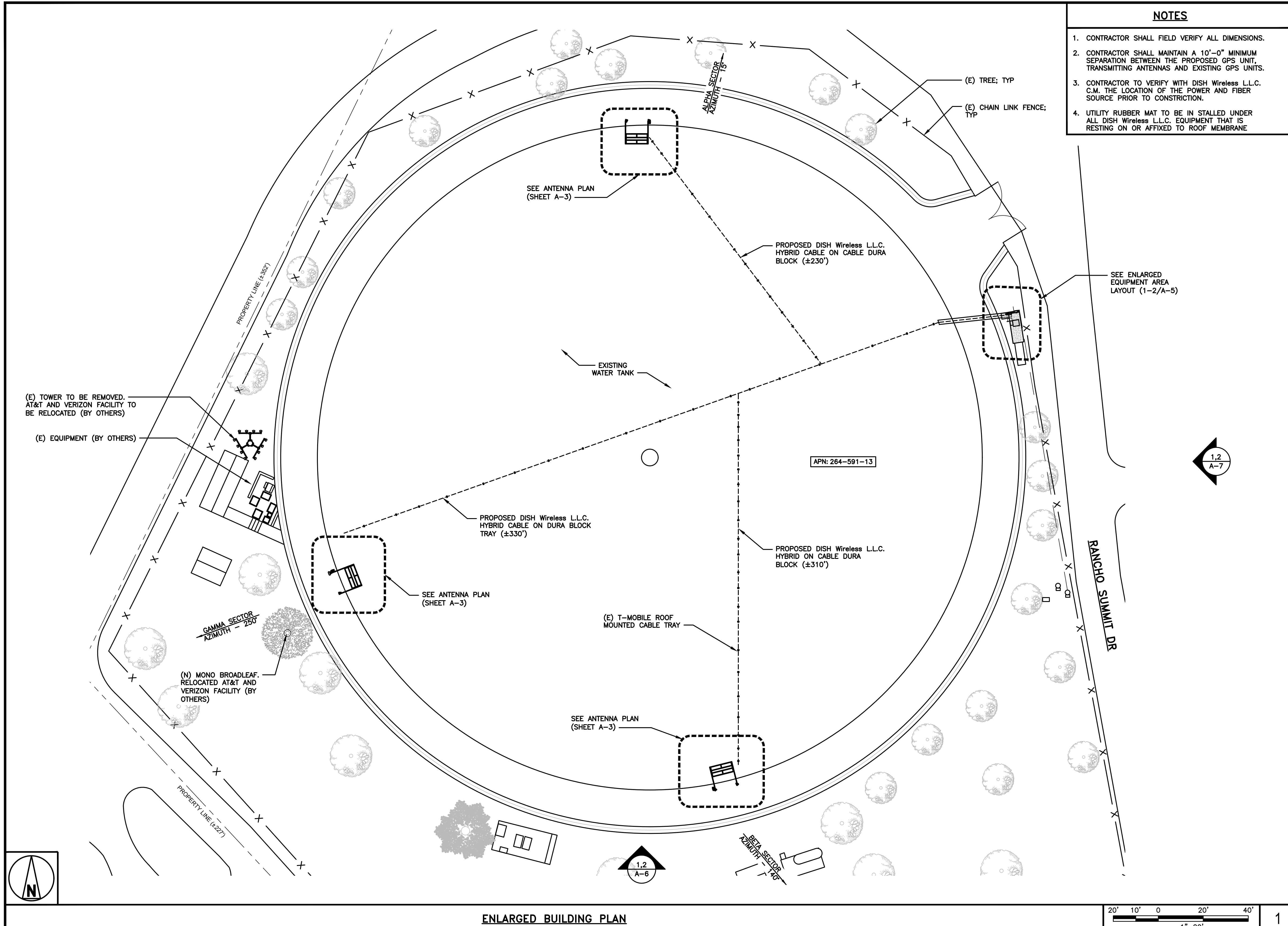
SHEET NUMBER

A-1



OVERALL SITE PLAN





- NOTES**
1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
 2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED GPS UNIT, TRANSMITTING ANTENNAS AND EXISTING GPS UNITS.
 3. CONTRACTOR TO VERIFY WITH DISH Wireless L.L.C. C.M. THE LOCATION OF THE POWER AND FIBER SOURCE PRIOR TO CONSTRUCTION.
 4. UTILITY RUBBER MAT TO BE INSTALLED UNDER ALL DISH Wireless L.L.C. EQUIPMENT THAT IS RESTING ON OR AFFIXED TO ROOF MEMBRANE

dish wireless.

5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120

J5 INFRASTRUCTURE PARTNERS

23 MAUCHLY, SUITE 110
IRVINE, CALIFORNIA 92618

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DRAWN BY: JJ CHECKED BY: AP APPROVED BY: ---

RFDS REV #:0 04/19/2023

ZONING DOCUMENTS

SUBMITTALS

REV	DATE	DESCRIPTION
A	05/09/2023	90% ZD FOR REVIEW
0	05/31/2023	100% ZD'S

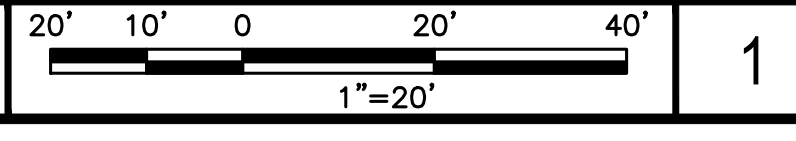
J5 PROJECT NUMBER
P-092891

DISH Wireless L.L.C. PROJECT INFORMATION
SDSAN00267B
1790 RANCHO SUMMIT DR
ENCINITAS, CA 92024

SHEET TITLE
ENLARGED BUILDING PLAN

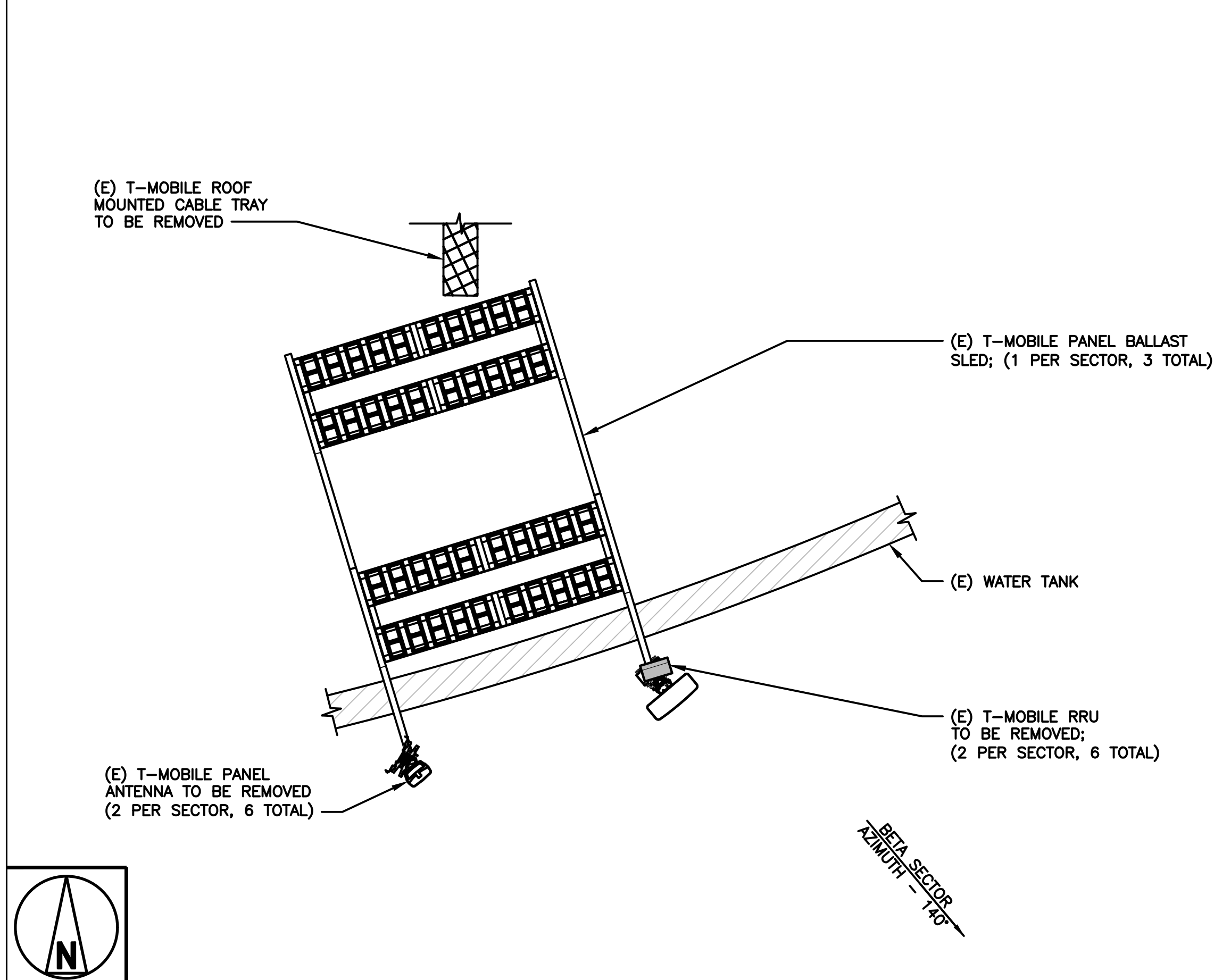
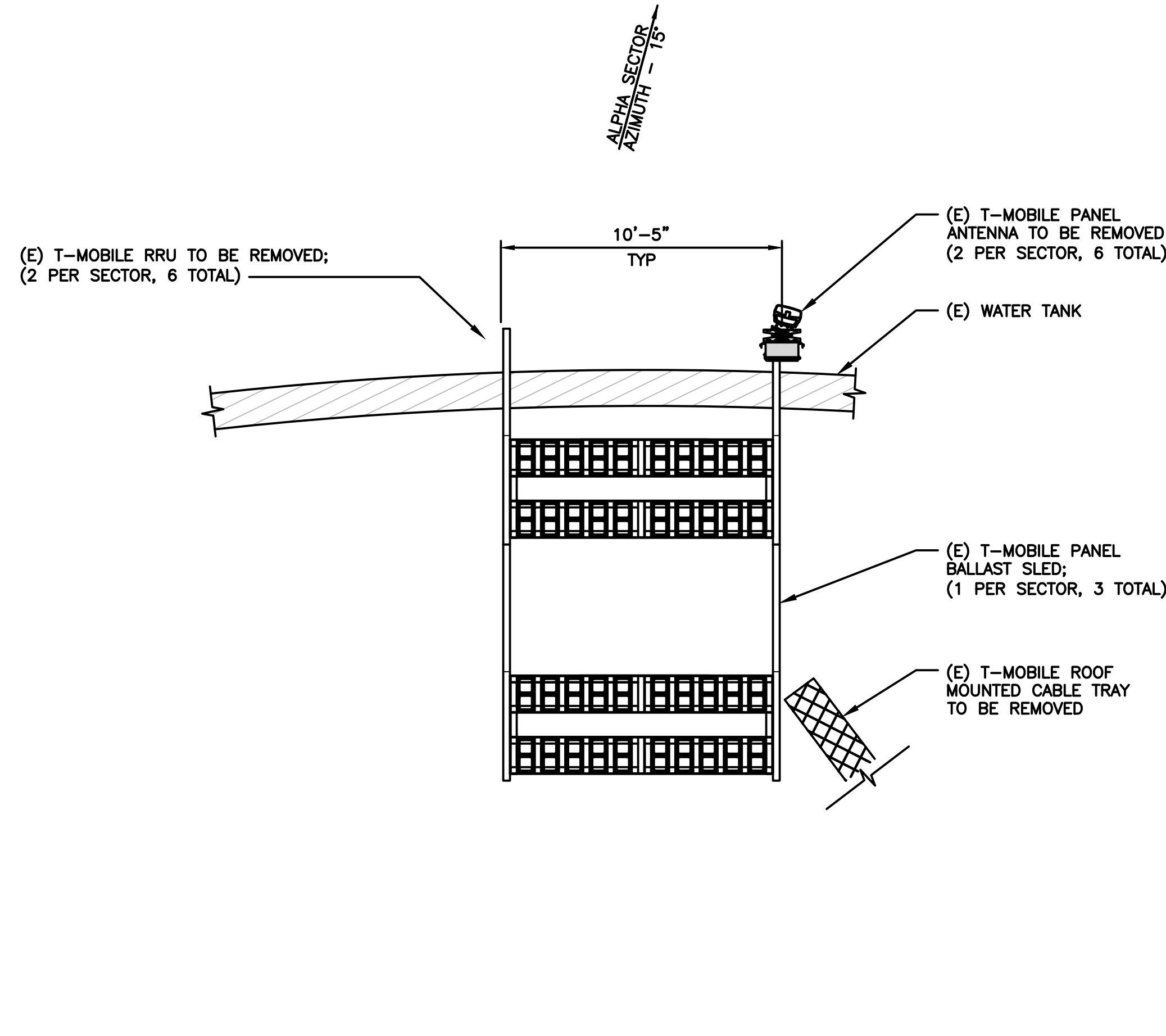
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A-2

ENLARGED BUILDING PLAN



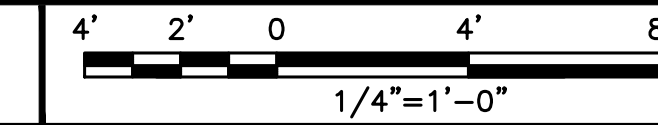
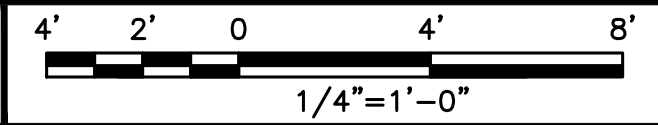
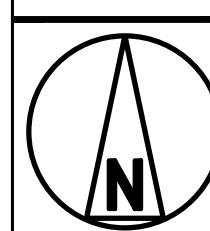
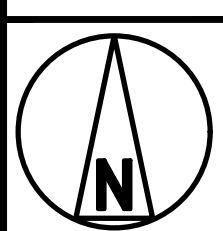
NOTES

1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
2. ANTENNA AND MW DISH SPECIFICATIONS REFER TO ANTENNA SCHEDULE AND TO FINAL CONSTRUCTION RFDS FOR ALL RF DETAILS
3. EXISTING EQUIPMENT AND FENCE OMITTED FOR CLARITY.
4. ALPHA SECTOR SHOWN TYPICAL FOR BETA AND GAMMA SECTORS.



ANTENNA PLAN - ALPHA SECTOR

ANTENNA PLAN - BETA SECTOR



1

2

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

DRAWN BY: CHECKED BY: APPROVED BY:
 JJ AP ---

RFDS REV #:0 04/19/2023

ZONING DOCUMENTS

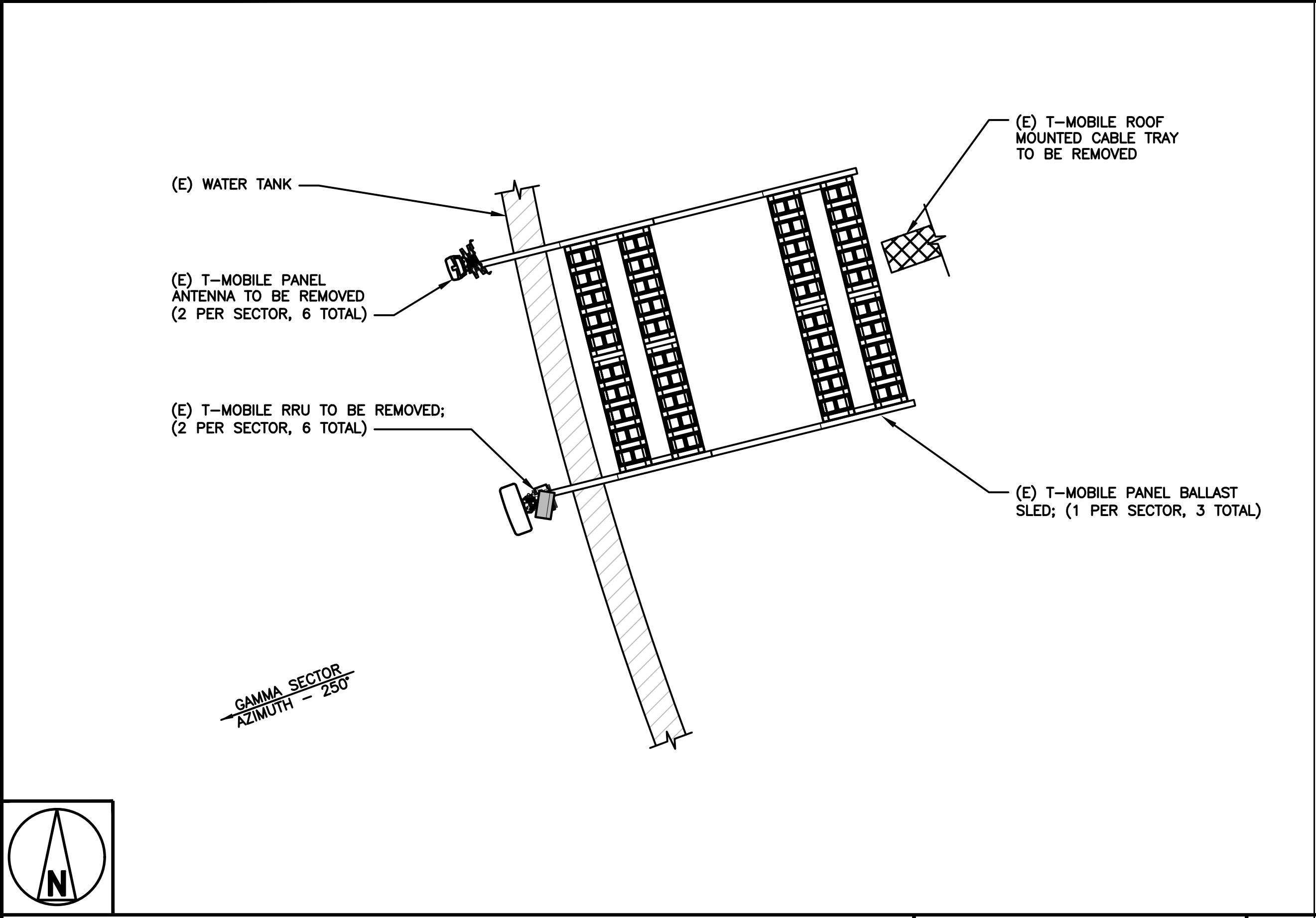
SUBMITTALS		
REV	DATE	DESCRIPTION
A	05/09/2023	90% ZD FOR REVIEW
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J5 PROJECT NUMBER
P-092891

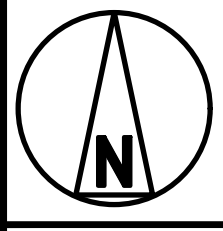
DISH Wireless L.L.C.
 PROJECT INFORMATION
SDSAN00267B
 1790 RANCHO SUMMIT DR
 ENCINITAS, CA 92024

SHEET TITLE
EXISTING ANTENNA PLAN AND SCHEDULE

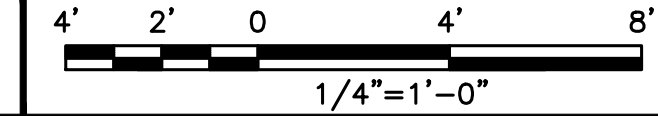
SHEET NUMBER
A-3



GAMMA SECTOR
 AZIMUTH = 250°



ANTENNA PLAN - GAMMA SECTOR



3

SECTOR POS.	ANTENNA					TRANSMISSION CABLE	RRH			OVP
	EXISTING OR PROPOSED	MANUFACTURER - MODEL NUMBER	TECH	AZIMUTH	RAD CENTER		FEED LINE TYPE AND LENGTH	MANUFACTURER - MODEL NUMBER	TECH	
A1	EXISTING	RFS APXVAARR24_43-U-NA20	L700, L600, N600 1900, U1900	15°	26'-0"	(1) HIGH-CAPACITY HYBRID CABLE (250' LONG)	ERICSSON - RRUS 4449	---	A2	---
A2	EXISTING	ERRICSSON AIR 32 B66A_B2A	L1900, L2100, G1900	15°	27'-8"		ERICSSON. - RRU 4415 B25	---	A2	---
A3	---	---	---	---	---		---	---	---	---
B1	EXISTING	RFS APXVAARR24_43-U-NA20	L700, L600, N600 1900, U1900	140°	26'-0"	(1) HIGH-CAPACITY HYBRID CABLE (340' LONG)	ERICSSON - RRUS 4449	---	B2	---
B2	EXISTING	ERRICSSON AIR 32 B66A_B2A	L1900, L2100, G1900	140°	27'-8"		ERICSSON. - RRU 4415 B25	---	B2	---
B3	---	---	---	---	---		---	---	---	---
C1	EXISTING	RFS APXVAARR24_43-U-NA20	L700, L600, N600 1900, U1900	250°	26'-0"	(1) HIGH-CAPACITY HYBRID CABLE (365' LONG)	ERICSSON - RRUS 4449	---	C2	---
C2	EXISTING	ERRICSSON AIR 32 B66A_B2A	L1900, L2100, G1900	250°	27'-8"		ERICSSON. - RRU 4415 B25	---	C2	---
C3	---	---	---	---	---		---	---	---	---

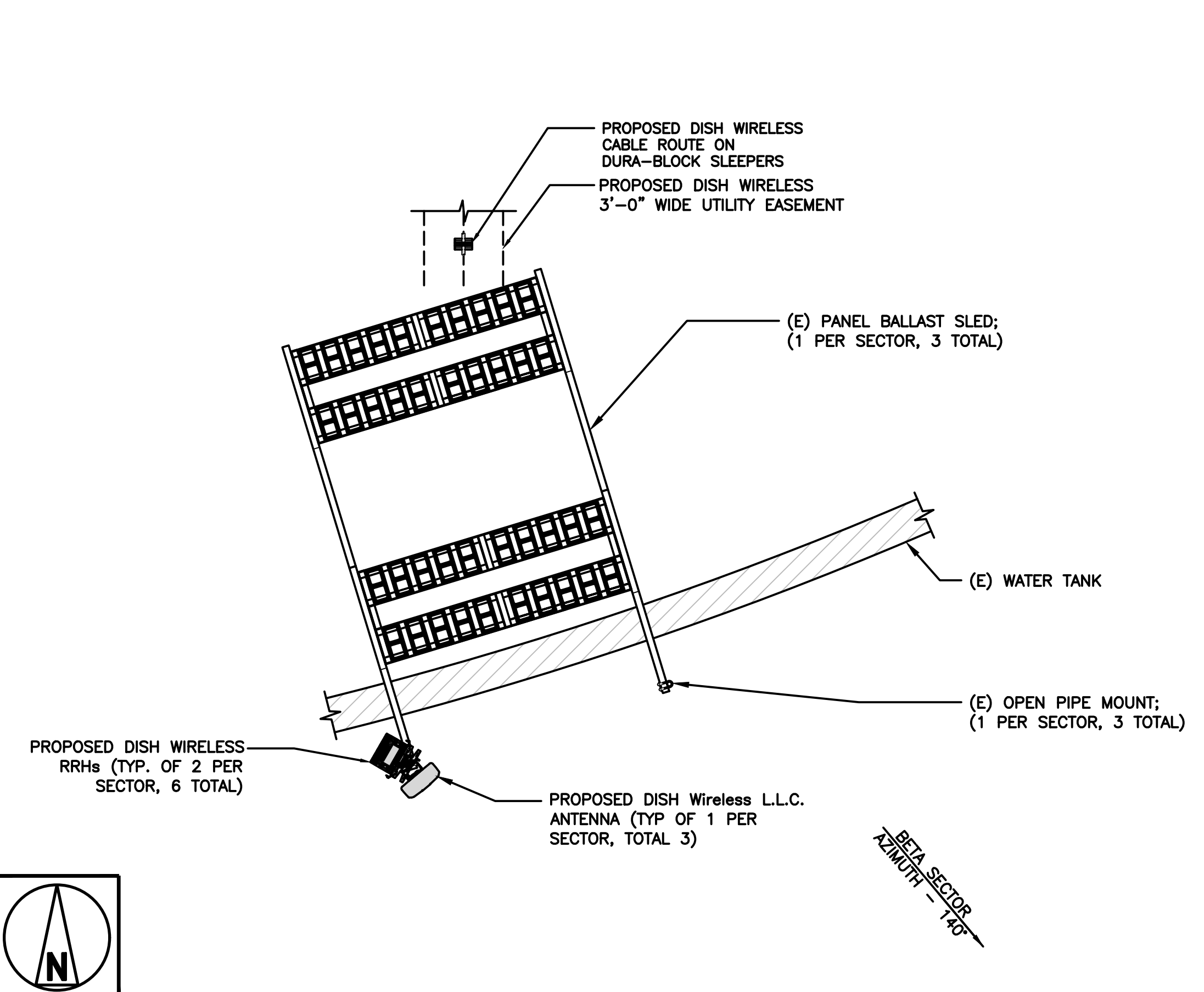
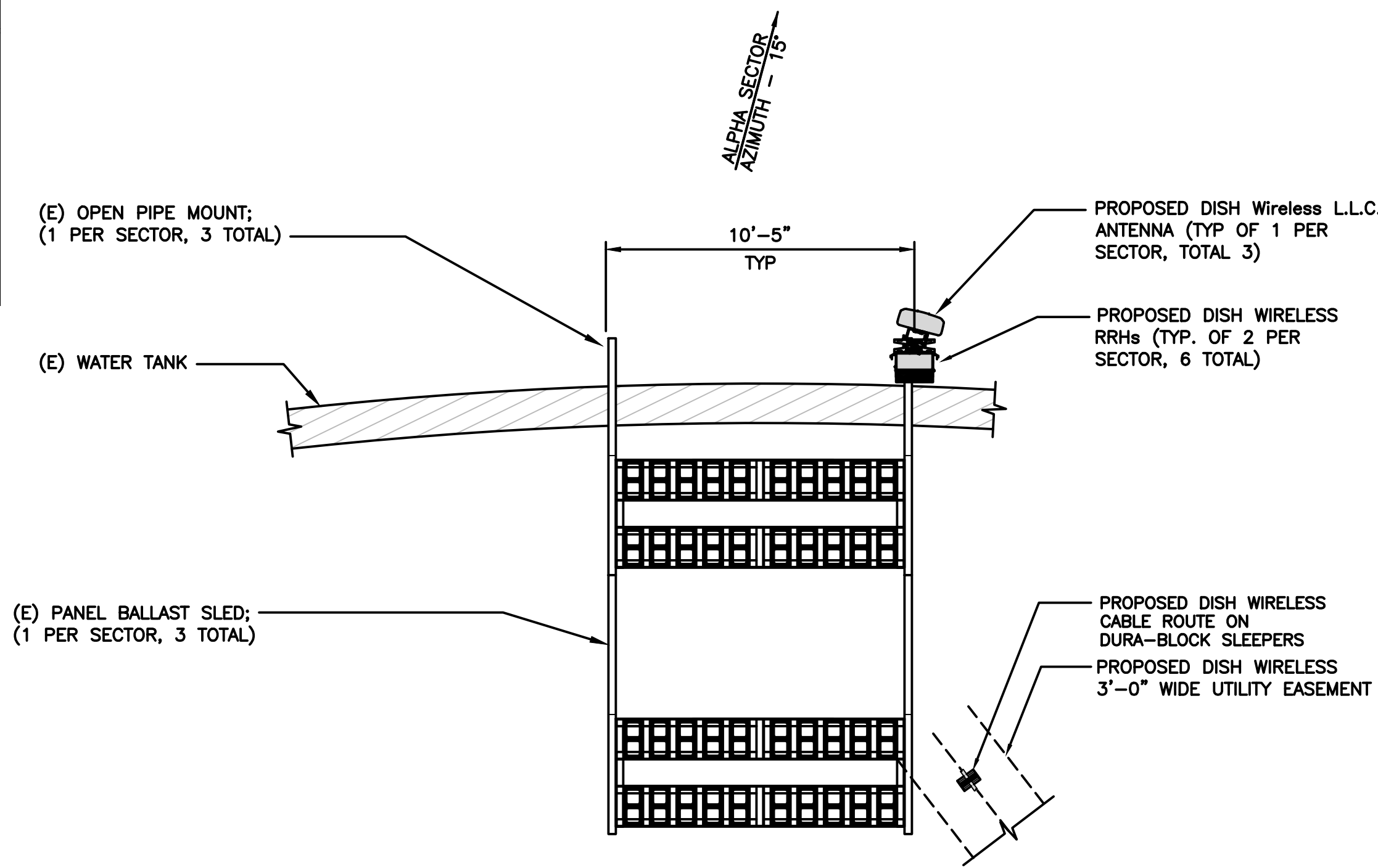
- NOTES**
1. CONTRACTOR TO REFER TO FINAL CONSTRUCTION RFDS FOR ALL RF DETAILS.
 2. ANTENNA AND RRH MODELS MAY CHANGE DUE TO EQUIPMENT AVAILABILITY. ALL EQUIPMENT CHANGES MUST BE APPROVED AND REMAIN IN COMPLIANCE WITH THE PROPOSED DESIGN AND STRUCTURAL ANALYSES.

ANTENNA SCHEDULE

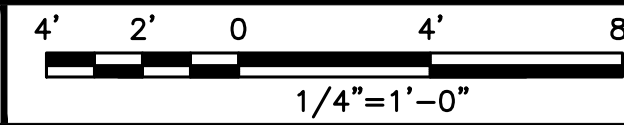
NO SCALE 4

NOTES

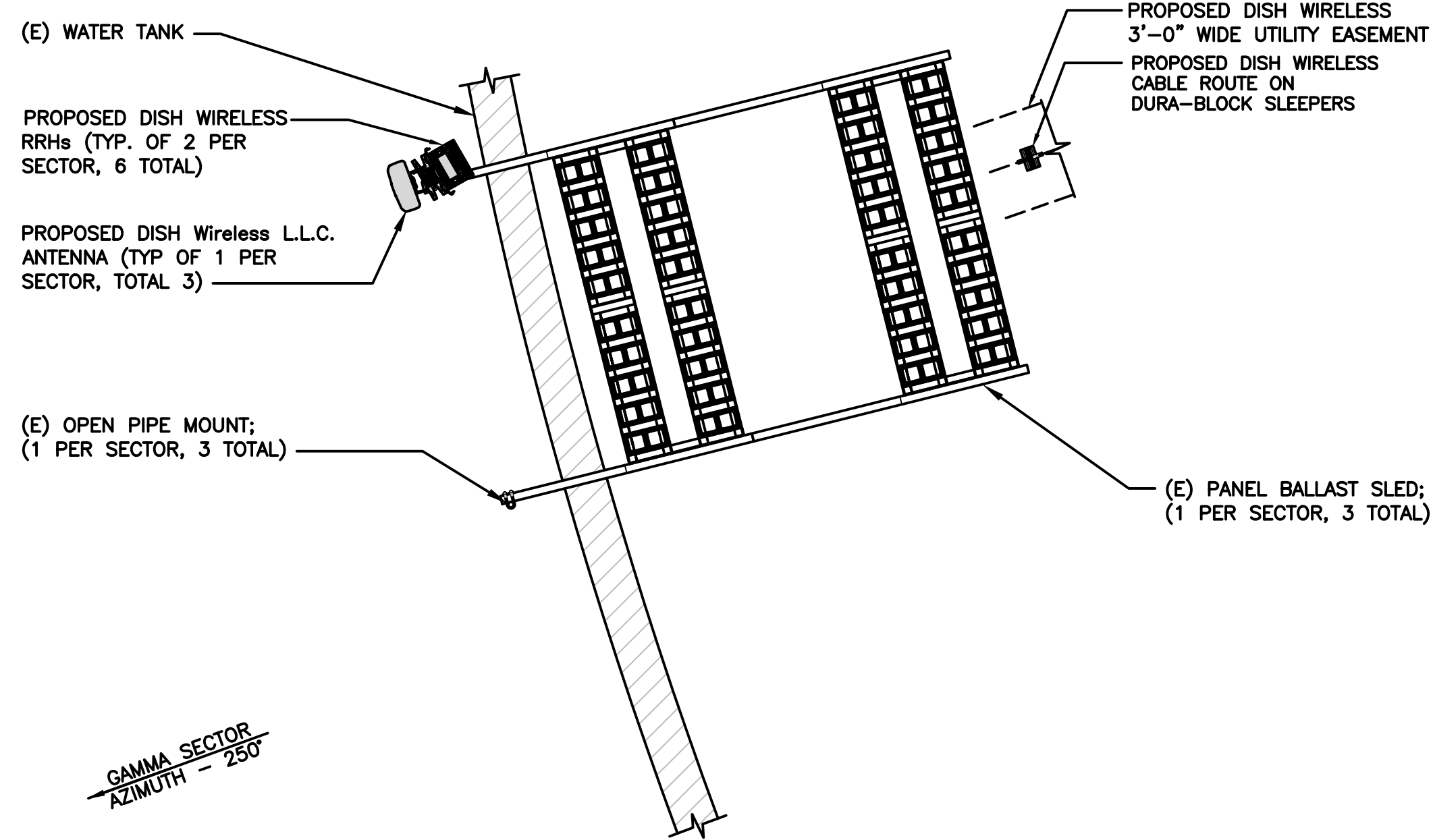
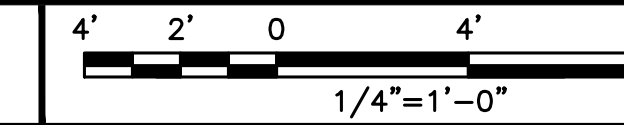
1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
2. ANTENNA AND MW DISH SPECIFICATIONS REFER TO ANTENNA SCHEDULE AND TO FINAL CONSTRUCTION RFDS FOR ALL RF DETAILS
3. EXISTING EQUIPMENT AND FENCE OMITTED FOR CLARITY.
4. ALPHA SECTOR SHOWN TYPICAL FOR BETA AND GAMMA SECTORS.



ANTENNA PLAN – ALPHA SECTOR

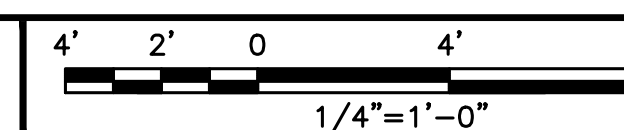


ANTENNA PLAN – BETA SECTOR



GAMMA SECTOR
AZIMUTH = 250°

ANTENNA PLAN – GAMMA SECTOR



SECTOR POS.	ANTENNA					TRANSMISSION CABLE	RRH			OVP
	EXISTING OR PROPOSED	MANUFACTURER – MODEL NUMBER	TECH	AZIMUTH	RAD CENTER		FEED LINE TYPE AND LENGTH	MANUFACTURER – MODEL NUMBER	TECH	
A1	PROPOSED	KMW KE654L4H6-D	5G	15°	25'-0"	(1) HIGH-CAPACITY HYBRID CABLE (230' LONG)	SAMSUNG RF4450T-71A	5G	A1	---
A2	---	---	---	---	---		SAMSUNG RF4451D-70A	5G	---	
A3	---	---	---	---	---		---	---	---	
B1	PROPOSED	KMW KE654L4H6-D	5G	140°	25'-0"	(1) HIGH-CAPACITY HYBRID CABLE (310' LONG)	SAMSUNG RF4450T-71A	5G	B1	---
B2	---	---	---	---	---		SAMSUNG RF4451D-70A	5G	---	
B3	---	---	---	---	---		---	---	---	
C1	PROPOSED	KMW KE654L4H6-D	5G	250°	25'-0"	(1) HIGH-CAPACITY HYBRID CABLE (330' LONG)	SAMSUNG RF4450T-71A	5G	C1	---
C2	---	---	---	---	---		SAMSUNG RF4451D-70A	5G	---	
C3	---	---	---	---	---		---	---	---	

- NOTES**
1. CONTRACTOR TO REFER TO FINAL CONSTRUCTION RFDS FOR ALL RF DETAILS.
 2. ANTENNA AND RRH MODELS MAY CHANGE DUE TO EQUIPMENT AVAILABILITY. ALL EQUIPMENT CHANGES MUST BE APPROVED AND REMAIN IN COMPLIANCE WITH THE PROPOSED DESIGN AND STRUCTURAL ANALYSES.

ANTENNA SCHEDULE

NO SCALE 4



5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120



23 MAUCHLY, SUITE 110
IRVINE, CALIFORNIA 92618

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

DRAWN BY: CHECKED BY: APPROVED BY:
JJ AP ---
RFDS REV #:0 04/19/2023

ZONING DOCUMENTS

SUBMITTALS		
REV	DATE	DESCRIPTION
A	05/09/2023	90% ZD FOR REVIEW
0	05/31/2023	100% ZD'S

J5 PROJECT NUMBER
P-092891

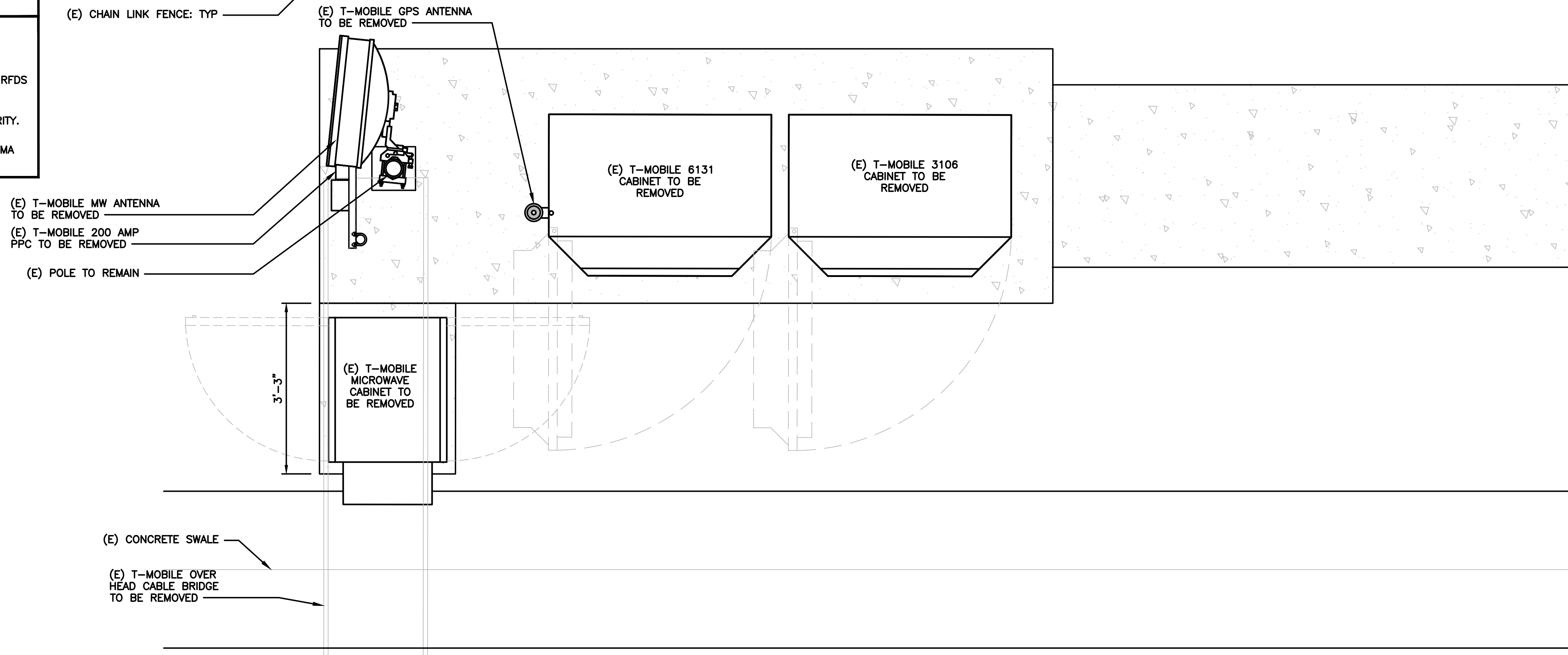
DISH Wireless L.L.C.
PROJECT INFORMATION
SDSAN00267B
1790 RANCHO SUMMIT DR
ENCINITAS, CA 92024

SHEET TITLE
PROPOSED ANTENNA PLAN
AND SCHEDULE

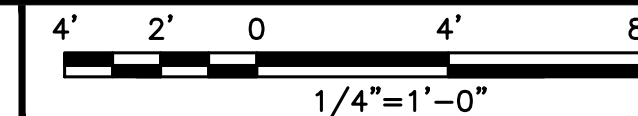
SHEET NUMBER
A-4

NOTES

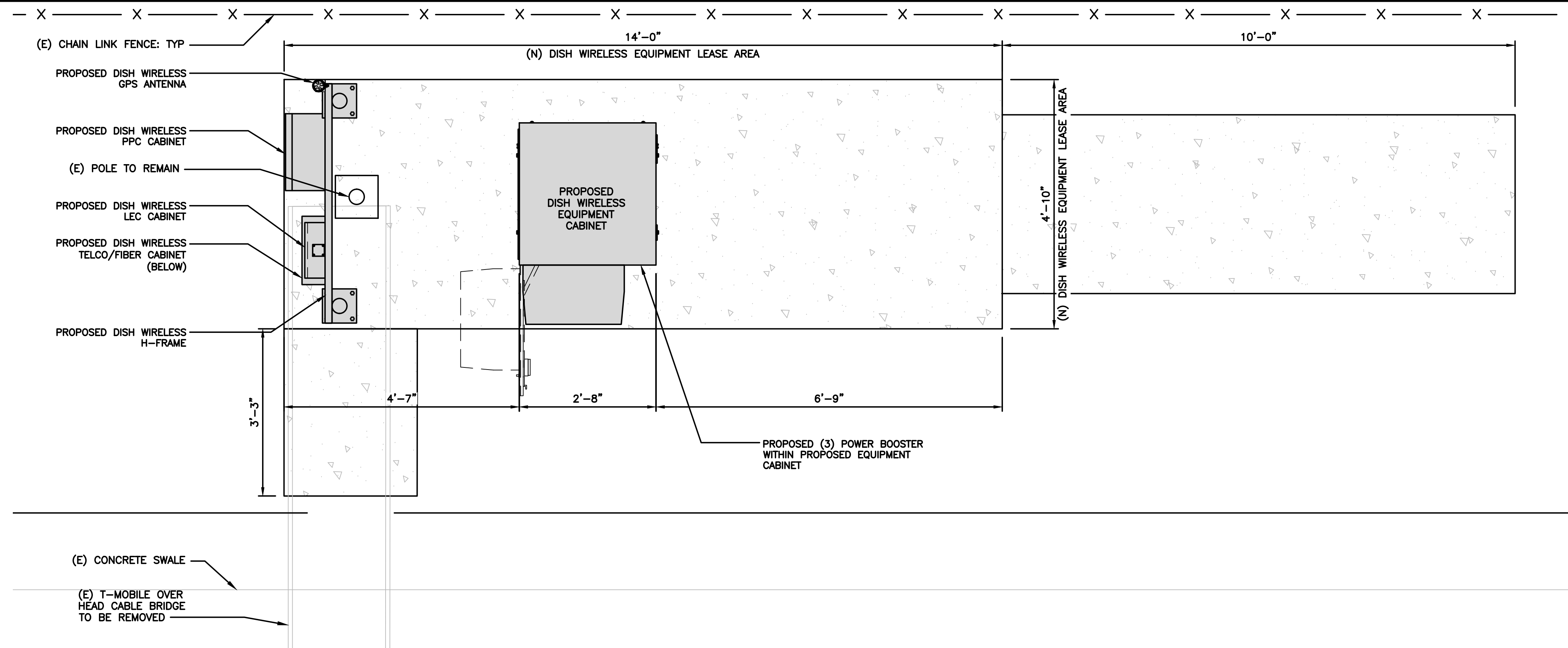
1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
2. ANTENNA AND MW DISH SPECIFICATIONS REFER TO ANTENNA SCHEDULE AND TO FINAL CONSTRUCTION RFDS FOR ALL RF DETAILS
3. EXISTING EQUIPMENT AND FENCE OMITTED FOR CLARITY.
4. ALPHA SECTOR SHOWN TYPICAL FOR BETA AND GAMMA SECTORS.



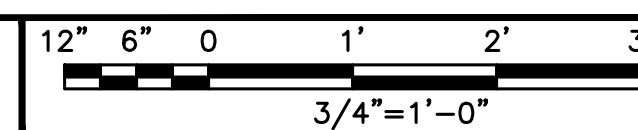
EXISTING EQUIPMENT PLAN



1



PROPOSED EQUIPMENT PLAN



2



5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120



23 MAUCHLY, SUITE 110
IRVINE, CALIFORNIA 92618

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DRAWN BY: CHECKED BY: APPROVED BY:
JJ AP ---

RFDS REV #:0 04/19/2023

ZONING DOCUMENTS

SUBMITTALS

REV	DATE	DESCRIPTION
A	05/09/2023	90% ZD FOR REVIEW
0	05/31/2023	100% ZD'S

J5 PROJECT NUMBER
P-092891

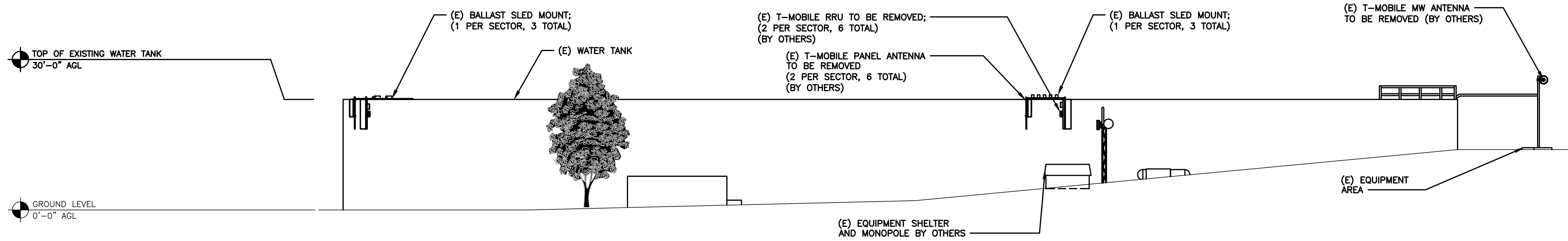
DISH Wireless L.L.C.
PROJECT INFORMATION
SDSAN00267B
1790 RANCHO SUMMIT DR
ENCINITAS, CA 92024

SHEET TITLE
PROPOSED EQUIPMENT
PLAN

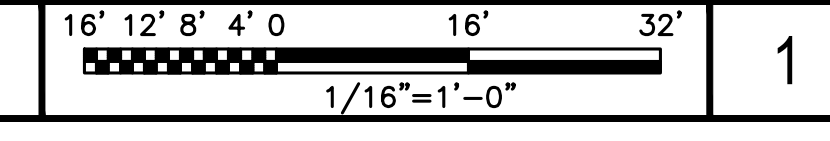
SHEET NUMBER

A-5

- NOTES**
1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
 2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED GPS UNIT, TRANSMITTING ANTENNAS AND EXISTING GPS UNITS.

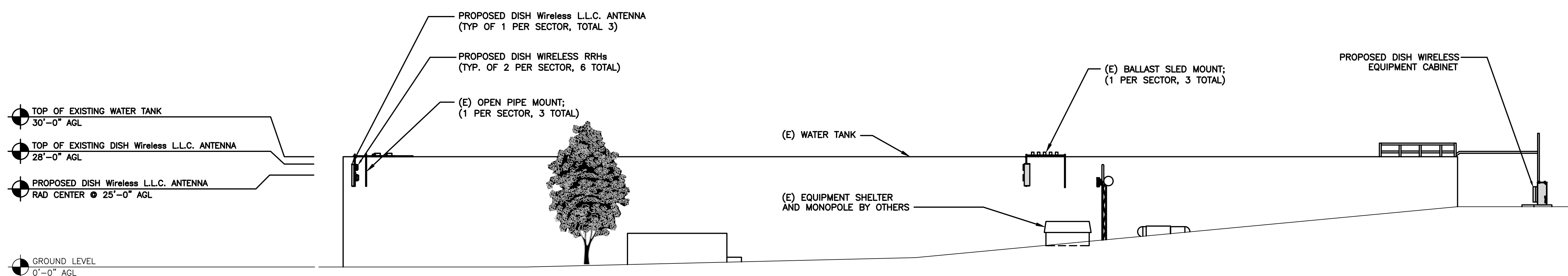


EXISTING SOUTH ELEVATION

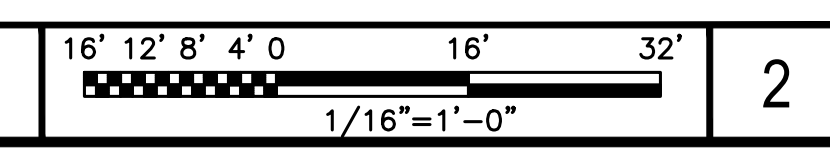


1

- NOTES**
1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
 2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED GPS UNIT, TRANSMITTING ANTENNAS AND EXISTING GPS UNITS.



NEW SOUTH ELEVATION



2



5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120



23 MAUCHLY, SUITE 110
IRVINE, CALIFORNIA 92618

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

DRAWN BY: JJ CHECKED BY: AP APPROVED BY: ---

RFDS REV #:0 04/19/2023

ZONING DOCUMENTS

SUBMITTALS		
REV	DATE	DESCRIPTION
A	05/09/2023	90% ZD FOR REVIEW
0	05/31/2023	100% ZD'S

J5 PROJECT NUMBER
P-092891

DISH Wireless L.L.C.
PROJECT INFORMATION
SDSAN00267B
1790 RANCHO SUMMIT DR
ENCINITAS, CA 92024

SHEET TITLE
SOUTH ELEVATIONS

SHEET NUMBER
A-6

NOTES

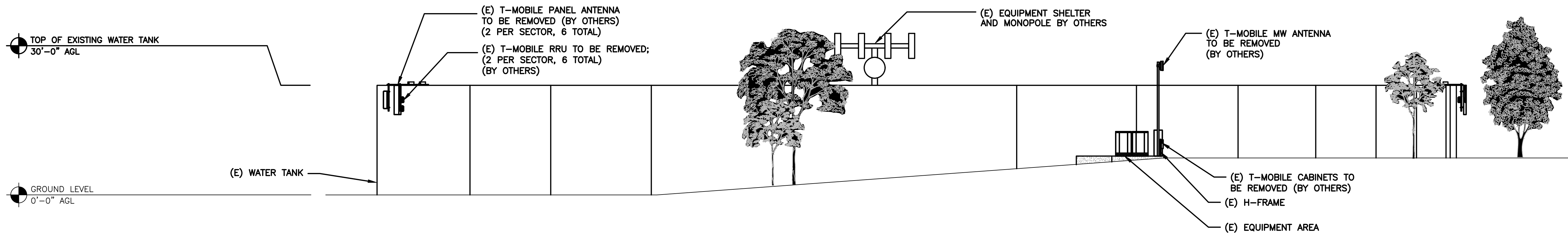
1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED GPS UNIT, TRANSMITTING ANTENNAS AND EXISTING GPS UNITS.



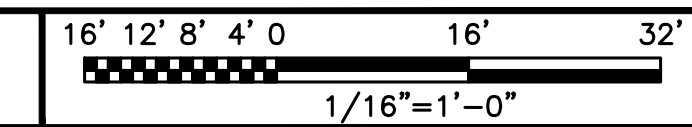
5701 SOUTH SANTA FE DRIVE
LITTLETON, CO 80120



23 MAUCHLY, SUITE 110
IRVINE, CALIFORNIA 92618



EXISTING EAST ELEVATION



1

NOTES

1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED GPS UNIT, TRANSMITTING ANTENNAS AND EXISTING GPS UNITS.

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

DRAWN BY: JJ CHECKED BY: AP APPROVED BY: ---

RFDS REV #:0 04/19/2023

ZONING DOCUMENTS

SUBMITTALS

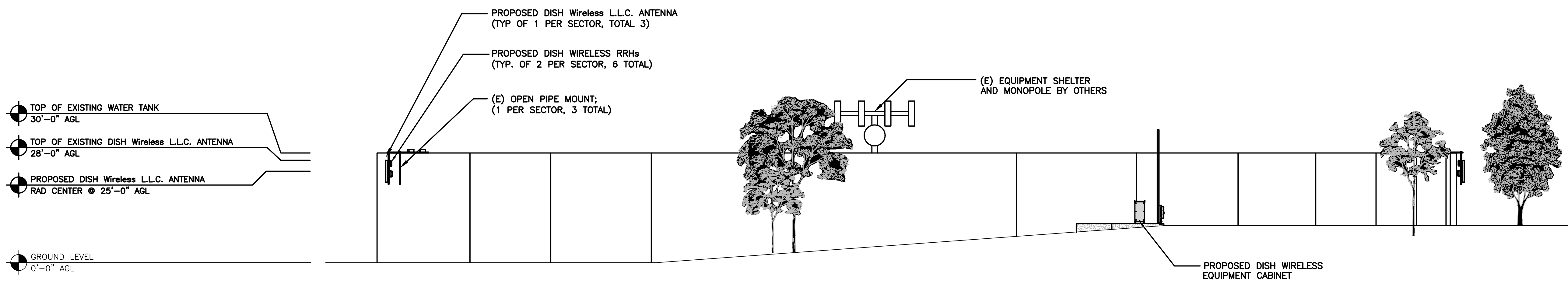
REV	DATE	DESCRIPTION
A	05/09/2023	90% ZD FOR REVIEW
0	05/31/2023	100% ZD'S

J5 PROJECT NUMBER
P-092891

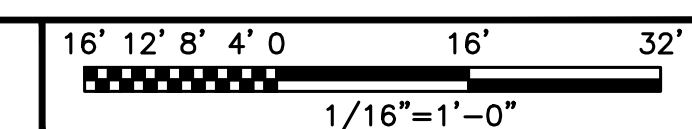
DISH Wireless L.L.C.
PROJECT INFORMATION
SDSAN00267B
1790 RANCHO SUMMIT DR
ENCINITAS, CA 92024

SHEET TITLE
EAST ELEVATIONS

SHEET NUMBER
A-7



NEW WEST ELEVATION



2

EXHIBIT "C"
SITE SURVEY

NOT APPLICABLE FOR THIS SITE

EXHIBIT "D"
MEMORANDUM OF LEASE

Upon Recording, Return to:

DISH Wireless L.L.C.
Attention: Lease Administration
5701 S. Santa Fe Blvd.
Littleton, CO 80120
Re: SDSAN00373A

(Space above for Recorder's Office)

MEMORANDUM OF SITE LEASE AGREEMENT

This Memorandum of Site Lease Agreement made this _____ day of _____, 20__, by and between Olivenhain Municipal Water District, a Municipal Corporation ("**Landlord**"), having a place of business at 1790 Rancho Summit Drive, Encinitas, CA 92024, and DISH Wireless L.L.C., a Colorado limited liability company ("**Tenant**"), having a place of business at 9601 South Meridian Boulevard, Englewood, Colorado 80112. Tenant and Landlord are at times collectively referred to hereinafter as the "**Parties**" or individually as the "**Party**". This Memorandum is summarized as follows:

1. Tenant and Landlord entered into a Site Lease Agreement ("**Agreement**") with an effective date of _____, 20__, for the purpose of operation, maintenance, and management of a wireless communications facility. All the foregoing, in addition to the provisions set forth in the Agreement between the Parties, are incorporated by reference and made a part herein.
2. Landlord is the owner of certain real property located at 1790 Rancho Summit Drive, Encinitas, CA 92024 being more particularly described in **Exhibit A** attached hereto and made a part herein (the "**Property**").
3. Landlord has leased to Tenant and Tenant has leased from Landlord, space for Tenant's equipment installation on the Property, as described or depicted in **Exhibit B**, attached hereto and made a part hereof (the "**Premises**"), that includes certain right of way grants of easements for access and utilities as provided in the Agreement (which may or may not be described or depicted in Exhibit B) which easements are in effect, or may be acquired, or granted, throughout the term of the Agreement as renewed or extended

subject to the terms and conditions as set forth in the Agreement.

4. The Agreement has an initial term of Five (5) years effective December 1, 2023 (the “**Effective Date**”). Tenant shall have the right, at its election, to extend the term of the Agreement, by Four (4) terms of Five (5) years each or in any other such manner as prescribed in the Agreement. If all options to renew are exercised, the Agreement will have a term of Twenty-Five (25) years from the Commencement Date.
5. Duplicate copies of the originals of the Agreement are in the possession of the Landlord and Tenant at the addresses set forth above and reference should be made thereto for a more detailed description thereof and for resolution of any questions pertaining thereto.
6. It is expressly understood and agreed by all Parties that the sole purpose of this Memorandum of Site Lease Agreement is to give record notice of the Agreement, it being distinctly understood and agreed that said Agreement constitutes the entire agreement between Landlord and Tenant with respect to the Premises and is hereby incorporated by reference. The Agreement contains and sets forth additional rights, terms, conditions, and obligations not enumerated within this Memorandum which govern the Agreement. This Memorandum is for information purposes only and nothing contained herein may be deemed in any way to modify or vary any of the terms or conditions of the Agreement. In the event of any inconsistency between the terms of the Agreement and this Memorandum, the terms of the Agreement shall control. The rights and obligations set forth in the Agreement shall be binding upon and inure to the benefit of the Parties and their respective heirs, representatives, successors, and assigns.

[Reminder of page intentionally left blank. Signature page follows.]

IN WITNESS WHEREOFF, the Parties have executed this Memorandum of Site Lease Agreement as of the day and year first written above.

LANDLORD:

Olivenhain Municipal Water District,
a Municipal Water District organized
and existing under the Municipal Water
District Act of 1911, asamended,
a public agency organized and operating
pursuant to California Water Code Sections
71000 et seq.

By: _____

Name: _____

Title: _____

TENANT:

DISH Wireless L.L.C.,
a Colorado limited liability company

By: _____

Name: _____

Title: _____

LANDLORD'S ACKNOWLEDGMENT

STATE OF _____)
) SS:
COUNTY OF _____)

On this _____ day of _____, 20____, before me, the undersigned a Notary Public in and for the county and state aforesaid, personally appeared _____(person/company), to me known to be the identical person who executed the within and foregoing instrument as its _____(title), and acknowledged to me that (s)he executed the same as his/her free and voluntary act and deed, and as the free and voluntary act and deed of said _____(company), for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

Notary Public

My Commission Expires: _____
Commission No: _____

DISH'S ACKNOWLEDGMENT

STATE OF _____)
) SS:
COUNTY OF _____)

On this _____ day of _____, 20____, before me, the undersigned a Notary Public in and for the county and state aforesaid, personally appeared _____ of DISH Wireless L.L.C., to me known to be the identical person who executed the within and foregoing instrument as its _____(title), and acknowledged to me that (s)he executed the same as his/her free and voluntary act and deed, and as the free and voluntary act and deed of said DISH Wireless L.L.C., for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

Notary Public

My Commission Expires: _____
Commission No: _____

EXHIBIT A

Legal Description of the Property

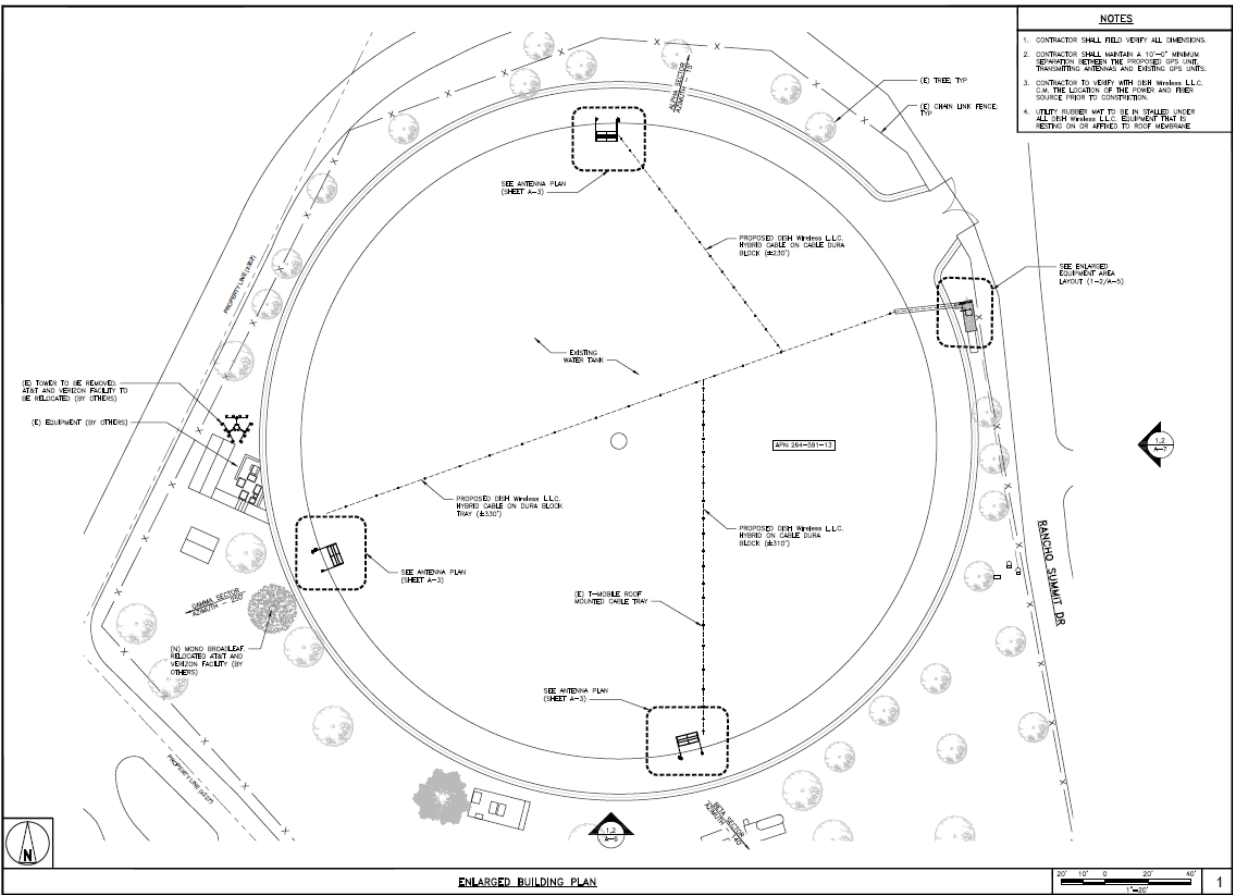
BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID SECTION 4, DISTANT THEREON SOUTH 89° 0' 28" EAST (RECORD SOUTH 89° 40' 10" EAST) 1150.25 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 4; THENCE ALONG SAID NORTHERLY LINE, SOUTH 89° 20' 28" EAST 259.70 FEET TO THE MOST WESTERLY CORNER OF LAND FIRST DESCRIBED IN DEED TO THE OLIVENHAIN MUNICIPAL WATER DISTRICT, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY MAY 22, 1961, AS FILE/PAGE NO. 87649 OF OFFICIAL RECORDS; THENCE ALONG THE SOUTHWESTERLY BOUNDARY OF SAID LAND, SOUTH 63° 59' 18" EAST (RECORD SOUTH 64° 19' 00" EAST) 240.00 FEET TO THE MOST SOUTHERLY CORNER OF SAID LAND; THENCE ALONG THE SOUTHEASTERLY BOUNDARY OF SAID LAND, NORTH 26° 00' 42" EAST (RECORD NORTH 25° 41' 00" EAST) 113.72 FEET TO THE MOST EASTERLY CORNER OF SAID LAND, BEING A POINT ON SAID NORTHERLY LINE OF SECTION 4; THENCE ALONG SAID NORTHERLY LINE, SOUTH 89° 20' 28" EAST 45 FEET; THENCE SOUTH 34° 09' 08" WEST 336.38 FEET TO A POINT ON THE NORTHEASTERLY LINE OF LAND DESCRIBED SECOND IN THE AFOREMENTIONED DEED TO THE OLIVENHAIN MUNICIPAL WATER DISTRICT; THENCE ALONG SAID NORTHEASTERLY LINE NORTH 63° 59' 18" WEST (RECORD NORTH 64° 19' 00" WEST) 27.16 FEET TO AN ANGLE POINT THEREIN; THENCE CONTINUING ALONG THE BOUNDARY OF SAID LAND, NORTH 86° 42' 32" WEST (RECORD 87° 02' 14" WEST) 20.00 FEET TO THE NORTHWEST CORNER OF SAID LAND; BEING A POINT ON THE ARC OF A 1510.00 FOOT RADIUS CURVE, CONCAVE EASTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 86° 42' 32" WEST (RECORD 87° 02' 14" WEST); THENCE ALONG THE WESTERLY BOUNDARY OF SAID LAND, SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 7° 08' 28" A DISTANCE OF 188.20 FEET TO THE SOUTHWEST CORNER OF SAID LAND; THENCE ALONG THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LAND, BEING ALONG THE WESTERLY PROLONGATION OF A RADIAL LINE OF SAID CURVE, SOUTH 86° 09' 00" WEST (RECORD SOUTH 85° 49' 18" WEST) 340.49 FEET; THENCE NORTH 42° 37' 45" WEST 225.64 FEET; THENCE NORTH 26° 00' 42" EAST 352.49 FEET TO THE POINT OF BEGINNING

CONTAINING 5.07 ACRES

PARCEL ID: 264-591-13-00

EXHIBIT B

The Premises



LANDLORD CONSENT AND RELEASE AGREEMENT

This **LANDLORD CONSENT AND RELEASE AGREEMENT** (this "Agreement") is entered into as of ^{2/16/2023}_____, 20___, by and between Olivenhain Municipal Water District, a Municipal Water District organized and existing under the Municipal Water District Act of 1911, as amended, a public agency organized and operating pursuant to California Water Code Sections 7100 et seq. ("Landlord") and T-Mobile West, LLC, a Delaware Limited Liability Company ("Tenant").

RECITALS

- A. Landlord is the owner of certain real property located at 1790 Rancho Summit Drive, Encinitas, California, 92024, which is more particularly described in the Lease (as defined below).
- B. Tenant is the tenant under that Lease Between the Olivenhain Municipal Water District and Pacific Bell Mobile Services to Allow Communications Facilities at the Gaty Reservoir Site dated September 1, 1998 (the "Original Lease Agreement"), and as amended by that First Amendment dated April 27, 2004, and further amended by that Second Amendment dated December 24, 2013 (collectively the "**Lease Commencement Dates**") by and between T-Mobile West, LLC, a Delaware Limited Liability Company, as tenant, and Landlord for the location defined as the "Gaty Site" in the Lease (the "**Site**").
- C. Tenant, per the terms of Section 28 of the original lease Agreement, shall be entitled to assign the Lease upon written consent from Landlord after Assignee has demonstrated the ability, to the satisfaction of Landlord, to pay all amounts required by the Lease.
- D. Tenant, per the terms of the Second Amendment, Schedule I, Item 3, shall have the right to assign or transfer the Lease to the holder or transferee of the Federal Communications Commission ("FCC") license under which Tenant operates the site, upon FCC approval of such transfer. Assignment shall not be effective until Assignee signs and delivers to Landlord a document stating Assignee assumes responsibility for all Tenant's obligations under the Lease arising from and after the effective date of assignment.
- E. Tenant and Assignee are aware the termination date of the current Second Amendment to the Original Lease Agreement will expire on November 30, 2023. On execution of this agreement, Assignee will deliver written notification to Landlord stating they will negotiate and fully execute a new lease agreement with Landlord prior to the lease termination date of November 30, 2023.
- F. Tenant desires to assign the Lease to Dish Wireless L.L.C. ("**Dish**"), and Landlord desires to consent to such assignment upon the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

1. Landlord's Consent. Tenant has requested that the Landlord consent to the assignment of all of Tenant's rights and obligations under the Lease to Dish, effective as of the effective

date of that certain Assignment and Assumption Agreement between Tenant and Assignee (such date, the “**Assignment Date**”). Subject to the terms of this Agreement, Landlord does hereby consent to such assignment and assumption of the Lease to Dish as of the Assignment Date.

2. Notification of Effective Date. Promptly following the Assignment Date, Assignee shall notify Landlord of the occurrence of the Assignment and deliver such document to Landlord stating Assignee assumes responsibility for all Tenant’s obligations under the Lease Agreement. Such document shall also include language stating Dish is required to enter into and fully execute a new lease agreement with OMWD prior to the existing 2nd Amendment lease termination date of November 30, 2023. If Dish does not execute such lease, Dish will be in breach of this agreement and the terms of the original lease agreement and all amendments thereof.

3. Release. Effective as of the Assignment Date, Landlord, for itself and its affiliates, successors and assigns, does hereby forever release and discharge Tenant and its affiliates, partners, employees, agents, successors and assigns of any and all liabilities and obligations arising from or relating to the Lease from and after the Assignment Date.

4. Rental Payments. As of the Assignment Date of this Agreement, Assignee agrees to pay Landlord the current monthly rental amount of \$4,254.21 (“Four Thousand Two Hundred Fifty-Four Dollars and Twenty-One Cents”) or the current monthly rent at the time of the Assignment Date. This monthly rent shall be increased by four (4) percent on each anniversary of the original Lease Commencement Date.

5. Modification. Except as specifically modified by this Agreement, the terms and conditions of the Lease shall maintain in full force and effect and nothing in this Agreement shall modify or alter the rights and obligations of the parties under the Lease.

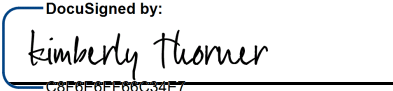
6. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, and all of which constitute one and the same instrument.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK;
SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

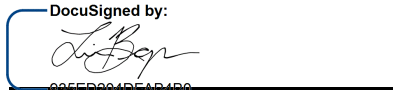
LANDLORD:

Olivenhain Municipal Water District,
a Municipal Water District organized an existing
under the Municipal Water District Act of 1911, as
amended, a public agency organized and operating
pursuant to California Water Code Sections 7100 *et*
seq.

By: 
Name: Kimberly Thorner
Title: General Manager

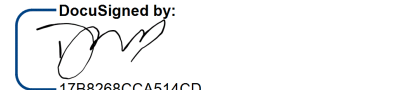
TENANT:

T-Mobile West, LLC,
a Delaware Limited Liability Company

By: 
Name: Lisa Boyer
Title: Sr. Manager, Technology Sourcing

ASSIGNEE:

Dish Wireless, LLC,
a Colorado Limited Liability Company

By: 
Name: Dave Mayo
Title: EVP

Memo

Date: October 18, 2023
To: Olivenhain Municipal Water District Board of Directors
From: Paul Martinez, Engineering Technician I
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER ACCEPTANCE OF THE 6901 SPYGLASS LANE FIRE DETECTOR CHECK AND FIRE HYDRANT INSTALLATION PROJECT (OAKHURST BUILDERS) INTO OMWD'S SYSTEM AND ORDER A NOTICE OF COMPLETION BE FILED**

Purpose

The purpose of this agenda item is to consider acceptance of the transfer of the facilities constructed by Oakhurst Builders (Developer) into OMWD's system and authorize the filing of a Notice of Completion with the San Diego County Recorder.

Recommendation

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

Alternative(s)

None; the Project is complete, and facilities were constructed according to the approved plans and to OMWD's Standard Specifications and Drawings per the Development Construction Agreement.

Background

The 6901 Spyglass Lane Fire Detector Check (FDC) and Fire Hydrant (FH) Installation Project (Project) is located on Spyglass Lane, east of St. Andrews Road in Director Division 1 (Director San Antonio). The Project consisted of the installation of a FDC and FH .

OMWD entered into an agreement with the Developer in October of 2022 to construct the facilities and dedicate said facilities to OMWD. The facilities are now complete and have been built in accordance with the approved plans and OMWD Standard Specifications and Drawings. The warranty period will terminate one (1) year following the acceptance of the facilities by OMWD's Board.

Fiscal Impact

There is no fiscal impact to accepting the facilities into OMWD's system. The new assets will be reported to Finance for capitalization.

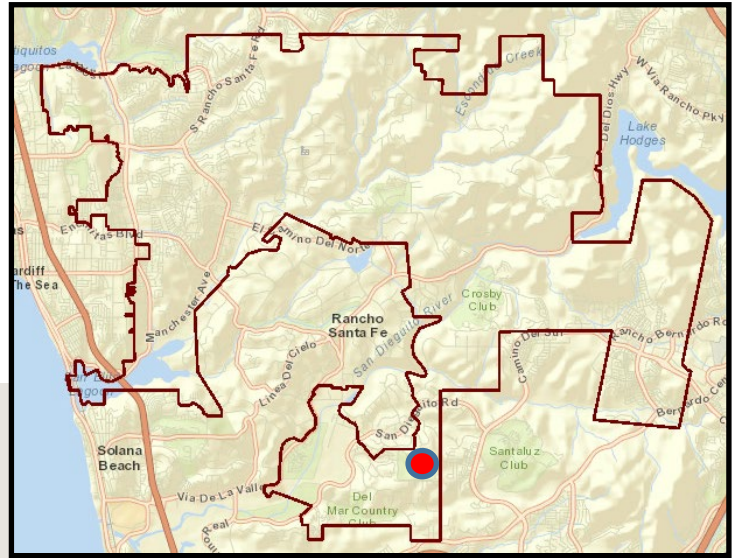
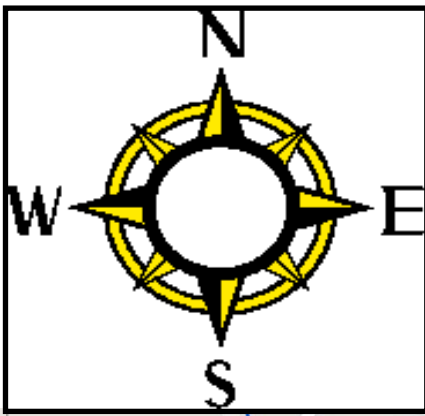
Discussion

Staff is available to answer questions.

Attachments:

Location Map

Notice of Completion



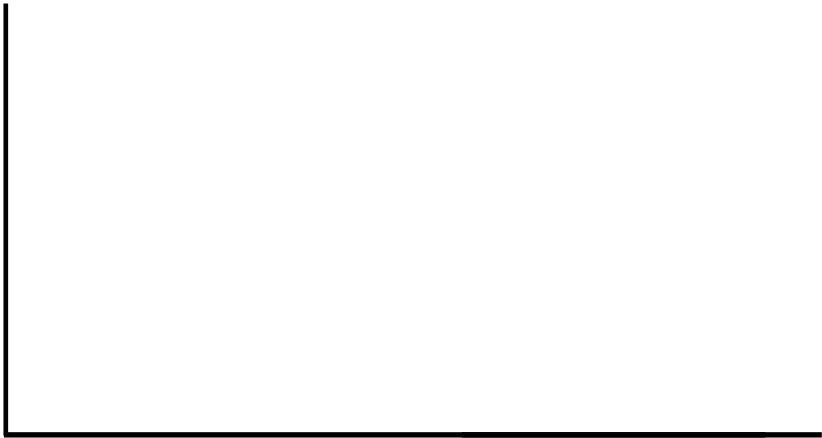
LOCATION MAP

6901 SPYGLASS LN

DISTRICT PROJECT NO. W590287

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

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



(This space for recorder's use)

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that the facilities shown on improvement plans for Parcel 303-060-44-00 of Map No. 16577, recorded on August 9th, 1991. Recording located in the County of San Diego, State of California for which Oakhurst Builders, (“Developer”) contracted with the OLIVENHAIN MUNICIPAL WATER DISTRICT (“Owner,” in fee, of the facilities), headquartered at 1966 Olivenhain Road, Encinitas, CA 92024, have been completed in accordance with the approved plans and Standard Specifications as of August 23rd, 2023. The facilities have been accepted by the Board of Directors of the OLIVENHAIN MUNICIPAL WATER DISTRICT on this 18th day of October 2023.

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

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

OLIVENHAIN MUNICIPAL WATER DISTRICT

Date: _____, 2023

By: _____
Kimberly A. Thorner
General Manager

Memo

Date: October 18, 2023
To: Olivenhain Municipal Water District Board of Directors
From: Erik Harp, IT Supervisor
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER APPROVAL OF A CONTRACT WITH KDC, INC., DBA KDC SYSTEMS IN THE AMOUNT OF \$1,927,241 FOR THE CONSTRUCTION OF THE PROGRAMMABLE LOGIC CONTROLLER REPLACEMENT PROJECT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD**

Purpose

The purpose of this agenda item is to consider approval of a contract with KDC, Inc., dba KDC Systems (KDC Systems) in the amount of \$1,927,241 for the construction of the Programmable Logic Controller Replacement Project (PLC Replacement) and authorize the General Manager to sign on behalf of the Olivenhain Municipal Water District (OMWD).

Recommendation

Staff recommends awarding a contract to KDC Systems in the amount of \$1,927,241 for construction of the PLC Replacement and authorization for the General Manager to sign on behalf of OMWD.

Alternatives

The Board could:

- Reject all bids and direct staff to re-bid a portion or the entire Project;
- Elect to delay the Project until a future date; or
- Proceed in a manner otherwise directed by the Board.

Background

At its February 15, 2023 regular meeting, the Board unanimously approved the 2023 Annual Objectives including Annual Objective #4: “commence replacement of programmable logic controllers at DCMWTP.”

Programmable Logic Controllers (PLCs) are programmable devices that control the inputs and outputs of industrial control systems. PLCs 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 PLCs 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 PLCs was needed.

Staff planned for the District-wide PLC Replacement Project in the Board-approved 10 Year Capital Improvement Program. To complete the design of the Project, a Request for Proposals (RFP) was advertised in June 2022 per OMWD’s Administrative and Ethics Code Section 6. Four proposals were received, and Tetra Tech was selected to complete the design. Once the design was completed, the contract documents for the Project were prepared to advertise for bid.

Fiscal Impact

This project is being funded by two different Capital Improvement Project budgets, District-wide PLC Replacement Potable & Recycled Water (D120091) and District-wide PLC Replacements Wastewater (D700036). Both project budgets are presented in the fiscal table below.

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

In which Fiscal Year did this project begin? **2021**

Total Project Budget: **\$2,560,000**

Current Fiscal Year Appropriation: **\$2,225,000**

Target Project Completion Date: **Late 2025**

Expenditures and encumbrances as of October 3, 2023: **\$388,365**

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

In accordance with Administrative and Ethics Code Section 6, staff publicly issued a Request for Bids for the Project on August 22, 2023. Following the bid posting, a mandatory pre-bid meeting was held. Two addenda were issued during the bidding process to respond to questions received by contractors. Four (4) bids were publicly received on September 28, 2023, and a summary of the bids are presented in the following table.

Contractor	Total Base Bid
Control Technology, Inc.	\$3,568,419.08
KDC, Inc., dba KDC Systems	\$1,927,241.00
LEED Electric	\$2,549,698.00
Soffa Electric	\$2,390,901.00

The apparent lowest responsive and responsible bid was received from KDC Systems in the amount of \$1,927,241. Staff has reviewed the apparent low bid and their qualifications and recommends KDC Systems as the lowest responsive and responsible bidder, and therefore recommends awarding a contract to KDC Systems in the amount of \$1,927,241.

A Request for Proposals for construction management and inspection services for the project was advertised in August 2023, and staff is currently reviewing construction management services options and will return to the Board for consideration at a future date.

Staff is available to answer any questions.

*Attachment(s):
Bid Results*



Programmable Logic Controller (PLC) Replacement Project Bid Opening 09.28.2023 at 10:00 A.M.						
Contractor	Mandatory Pre-Bid Meeting Attendee (Y/N)	Total Base Bid Schedule A	Bid Form Checklist (Y/N)	Addendum No. 1 (Y/N)	Addendum No. 2 (Y/N)	Bid Bond (Y/N)
Control Technology, Inc.	Y	\$3,568,419.08	Y	Y	Y	Unclear
KDC, Inc., dba KDC Systems	Y	\$1,927,241.00	Y	Y	Y	Y
LEED Electric	Y	\$2,549,698.00	Y	Y	Y	Y
Soffa Electric	Y	\$2,390,901.00	Y	Y	Y	Y

Memo

Date: October 18, 2023
To: Olivenhain Municipal Water District Board of Directors
From: Kimberly Thorner, General Manager
Subject: **CONSIDER THE CALENDAR FOR THE 2024 OLIVENHAIN MUNICIPAL WATER DISTRICT'S BOARD MEETINGS**

Purpose

The purpose of this item is to consider the board meeting dates for the 2024 calendar year. The proposed calendar complies with the District's Administrative and Ethics Code and takes into consideration various annual conferences as well as the San Diego County Water Authority's board meetings.

Recommendation

Staff recommends approving the attached calendar of dates. A total of 12 board meetings are being proposed for 2024. Staff does not advise having fewer than 12 board meetings per calendar year at this time, although several agencies so choose to go "dark" in either one summer month or December. The proposed Board Meeting dates have been scheduled around conferences and the San Diego County Water Authority Board Meetings per the Administrative and Ethics Code requirement.

Alternative(s)

- The Board may wish to change the day of the week on which Board Meetings are held; however, the Administrative and Ethics Code would need to be changed via

notice and an ordinance.

- The Board may wish to change the scheduled times of the District's Board Meetings; however, the Administrative and Ethics Code would need to be changed via notice and an ordinance.

Staff is available to answer any questions.

Attachment: Proposed 2024 Board Meeting Calendar



2024 Board Meeting Calendar

(All meetings are at 4:00 p.m.)

January 2024						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February 2024						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27 28 29				

March 2024						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11 12 13 14				15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April 2024						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May 2024						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7 8 9			10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June 2024						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July 2024						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August 2024						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September 2024						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9 10 11 12				13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October 2024						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November 2024						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December 2024						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3 4 5			6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

2024 Conferences

- | | |
|----------------|--|
| February 27-29 | ACWA DC Conference, Washington, DC |
| March 11-14 | WaterReuse Symposium, Denver, CO |
| May 7-9 | ACWA Spring Conference, Sacramento, CA |
| September 9-12 | CSDA Annual Conference, Indian Wells, CA |
| November TBD | WaterReuse Annual Conference, TBD |
| December 3-5 | ACWA Fall Conference, Palm Desert, CA |

The annual calendar is considered in compliance with the standing policy of the Board of Directors that the regular Board Meetings shall be scheduled so as not to conflict with ACWA/CSDA conferences or holidays. One regular monthly Board meeting shall be held prior to the monthly San Diego County Water Authority Board Meeting. All District-observed holidays (offices closed) are shown in red.

Memo

Date: October 18, 2023
To: Olivenhain Municipal Water District Board of Directors
From: Joe Jansen, Administrative Analyst
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER INFORMATIONAL REPORT ON WATER SUPPLY CONDITIONS AND LONG-TERM WATER USE EFFICIENCY LEGISLATION**

Purpose

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

Recommendation

This is an informational item; no action is required.

Alternative(s)

Not applicable; informational item only.

Background

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

Fiscal Impact

There are no costs directly associated with this informational report.

Discussion

Staff will review the attached presentation with the board at the October 18 meeting and further discuss water supply related developments.

Attachments: PowerPoint presentation

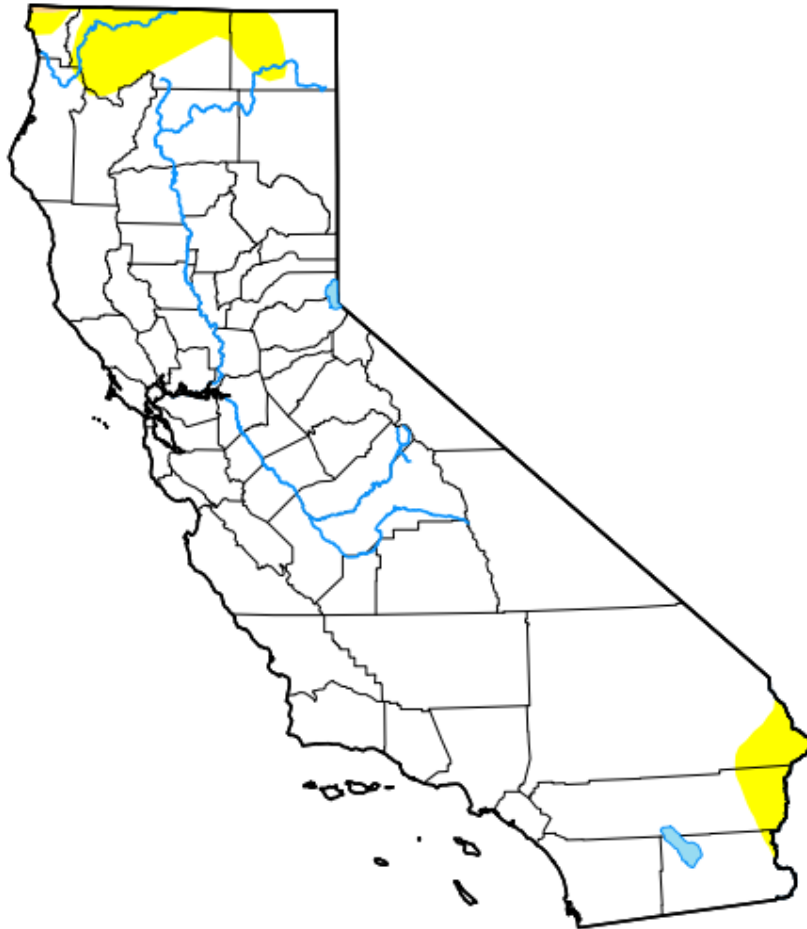
WATER SUPPLY AND LONG-TERM WATER USE EFFICIENCY LEGISLATION

October 18, 2023



Water Supply Conditions

U.S. Drought Monitor California



September 26, 2023

(Released Thursday, Sep. 28, 2023)

Valid 8 a.m. EDT

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	94.01	5.99	0.07	0.00	0.00	0.00
Last Week <i>09-19-2023</i>	93.53	6.47	0.24	0.00	0.00	0.00
3 Months Ago <i>06-27-2023</i>	71.88	28.12	4.63	0.00	0.00	0.00
Start of Calendar Year <i>01-03-2023</i>	0.00	100.00	97.93	71.14	27.10	0.00
Start of Water Year <i>09-27-2022</i>	0.00	100.00	99.76	94.01	40.91	16.57
One Year Ago <i>09-27-2022</i>	0.00	100.00	99.76	94.01	40.91	16.57

Intensity:

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

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

Author:

Richard Heim
NCEI/NOAA



droughtmonitor.unl.edu

National Weather Service Outlook

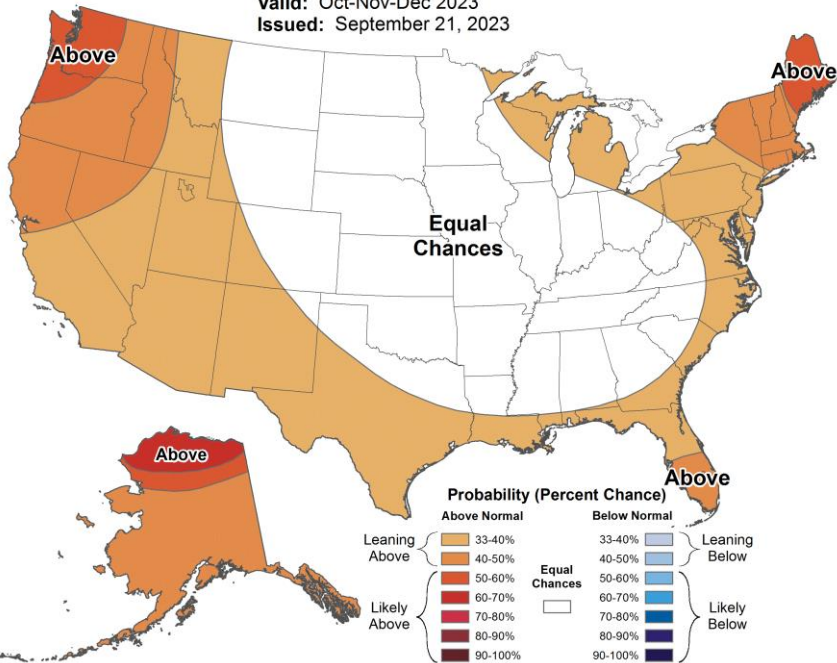
October 2023 – December 2023



Seasonal Temperature Outlook



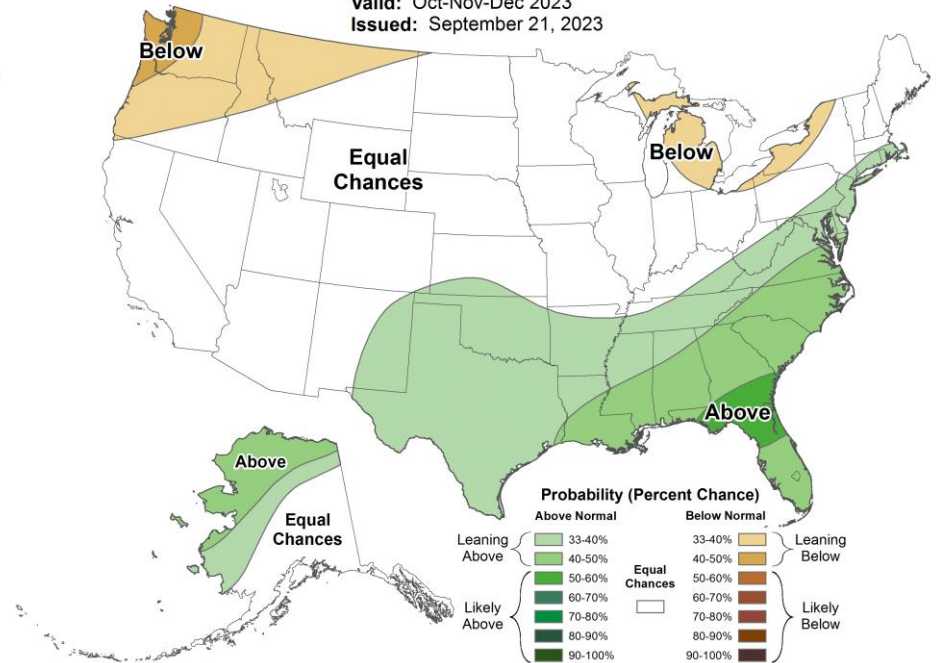
Valid: Oct-Nov-Dec 2023
 Issued: September 21, 2023



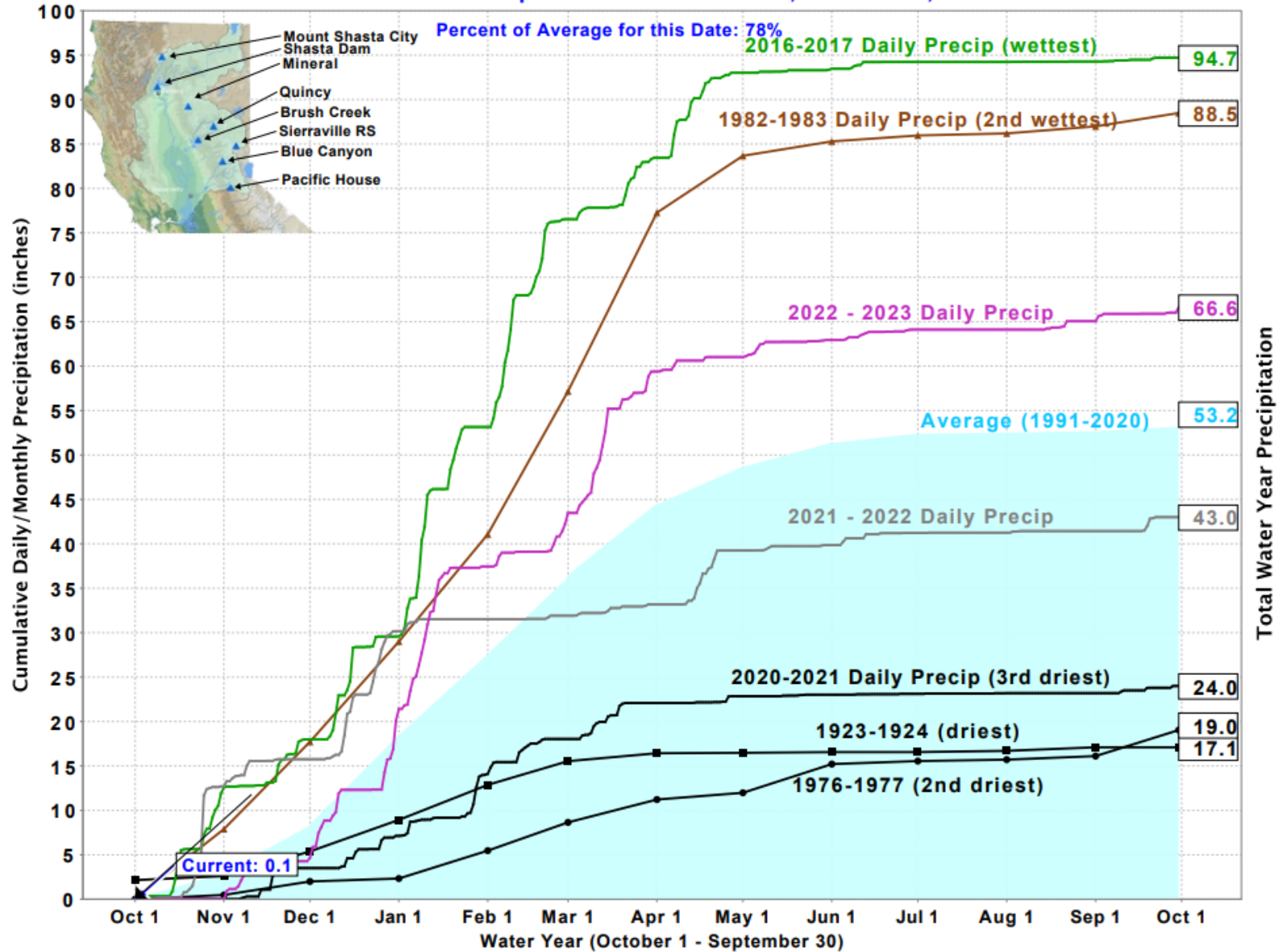
Seasonal Precipitation Outlook



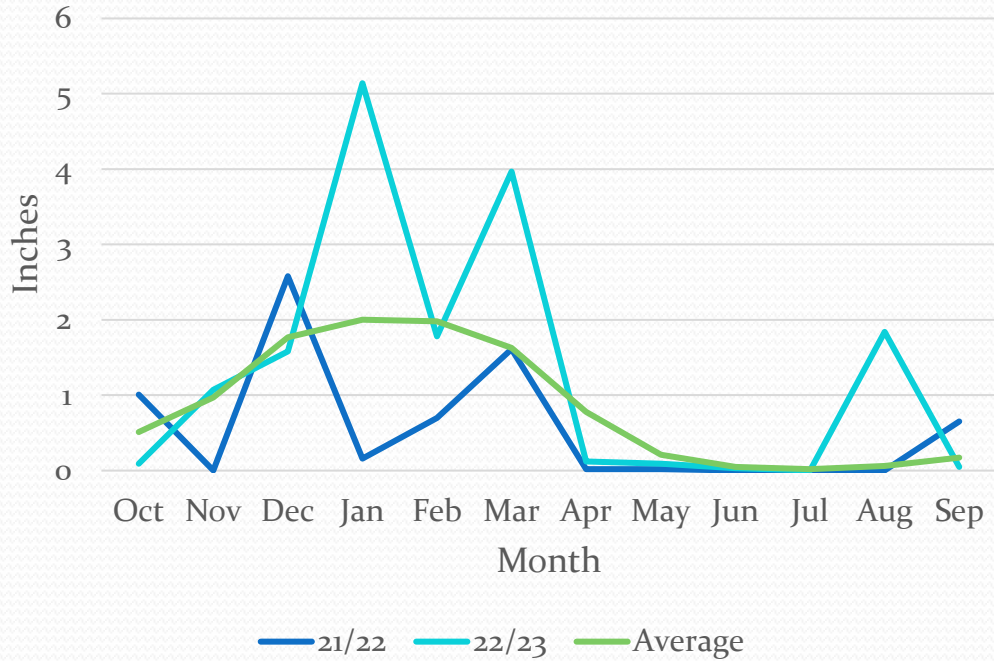
Valid: Oct-Nov-Dec 2023
 Issued: September 21, 2023



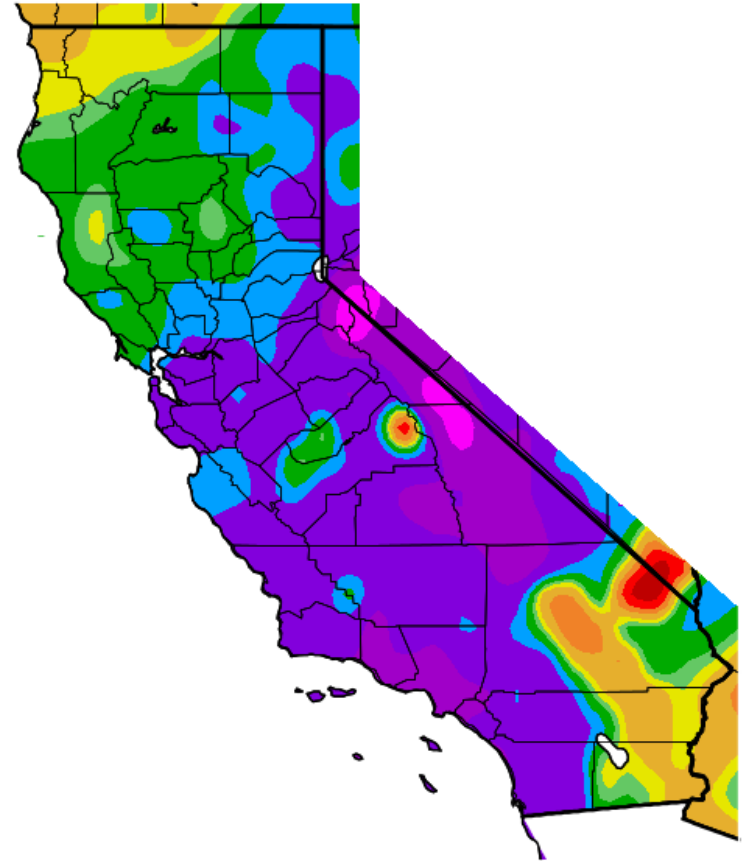
Northern Sierra Precipitation: 8-Station Index, October 02, 2023



San Diego Rainfall



Percent of Average Precipitation (%) 10/1/2022 - 9/20/2023



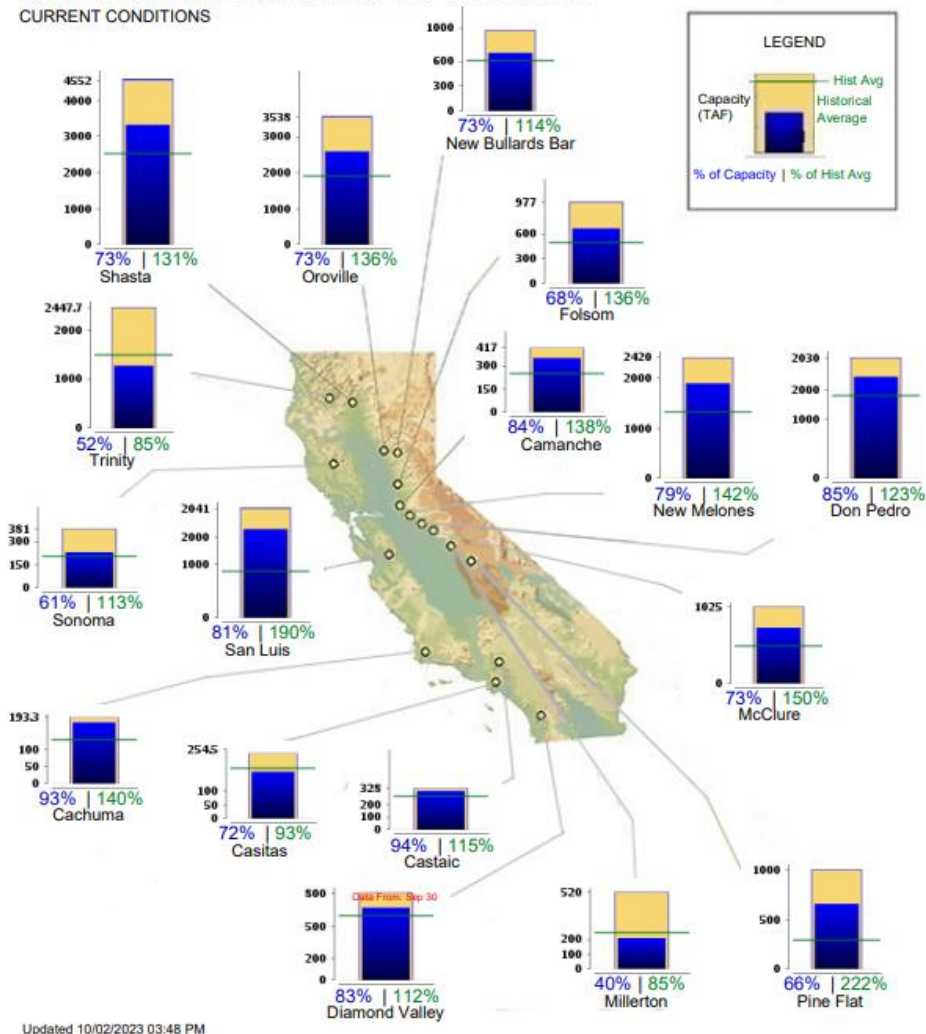
Generated 9/21/2023 at WRCC using provisional data.
NOAA Regional Climate Centers



CALIFORNIA MAJOR WATER SUPPLY RESERVOIRS

Midnight - October 1, 2023

CURRENT CONDITIONS

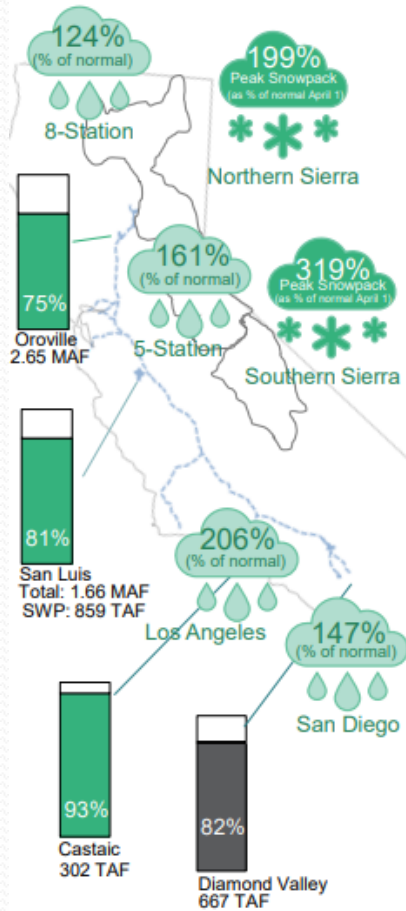


Updated 10/02/2023 03:48 PM

**Shasta down from 91% in July and Oroville down from 98%*

State Water Project Resources

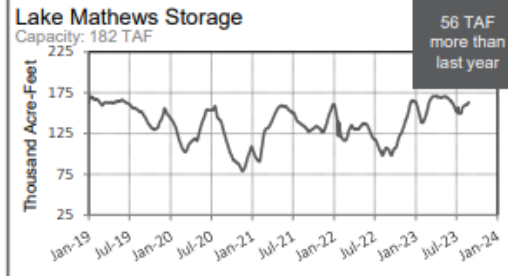
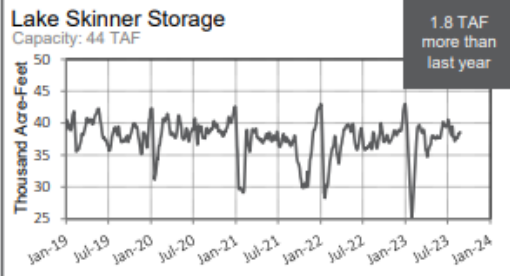
SWP Table A – 100% - 1,911,500 AF



WATER SUPPLY CONDITIONS REPORT

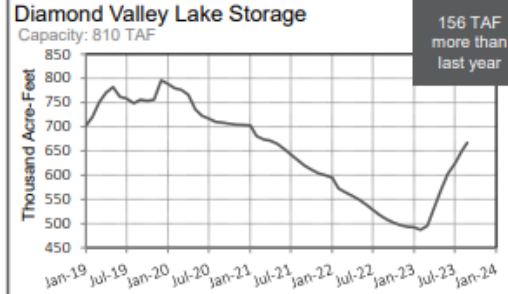
Water Year 2022-2023
As of: September 24, 2023

Metropolitan Resources



MWD WSDM Storage Calendar Year 2023

	Projected Storage Balance (end of 2023)
SWP Carryover and Flexible Storage	400 TAF
In-Region Storage	621 TAF
Out-of-Region Storage	392 TAF
Desert Water & Coachella Valley	171 TAF
Lake Mead ICS and Other Actions	1,584 TAF



Highlights

- Learn more about imported supplies:
- State Water Project - <https://www.mwdh2o.com/state-water-project-map/>
 - Colorado River Aqueduct - <https://www.mwdh2o.com/colorado-river-aqueduct-map/>



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

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

Colorado River Resources

Projected CRA Diversions – 644,000 AF

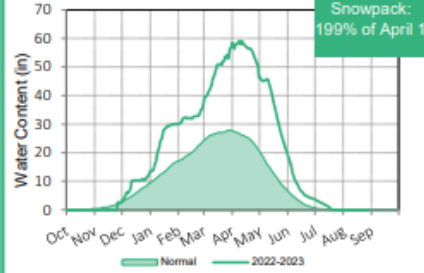


**Mead up from 31%, Powell down from 38%*

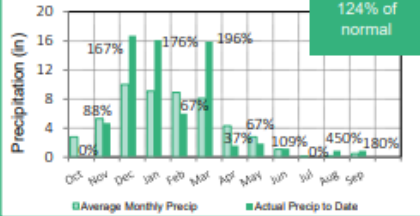
State Water Project Resources

As of: 09/24/2023

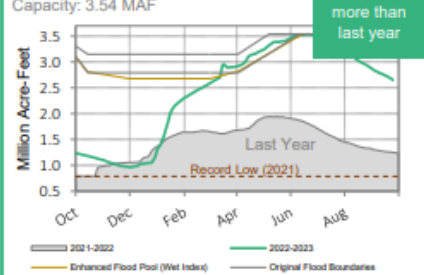
Northern Sierra Snowpack



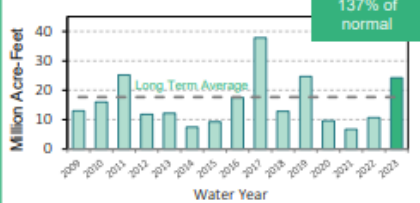
8 Station Index Precipitation



Oroville Reservoir Storage



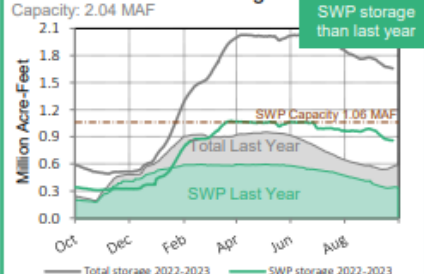
Sacramento River Runoff



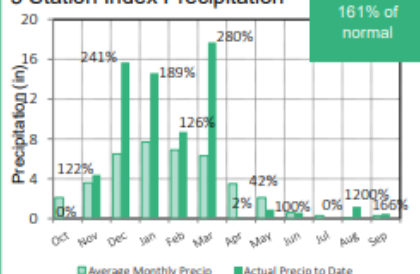
Other SWP Supplies

Calendar Year 2023
Carryover 39,000 acre-feet
Article 21 134,000 acre-feet

San Luis Reservoir Storage



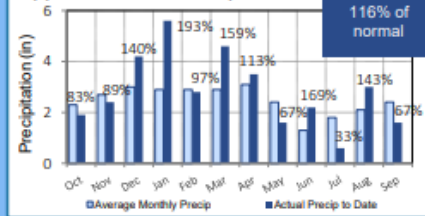
5 Station Index Precipitation



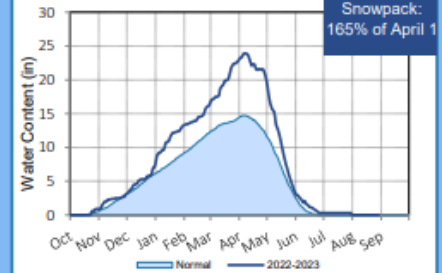
Colorado River Resources

As of: 09/24/2023

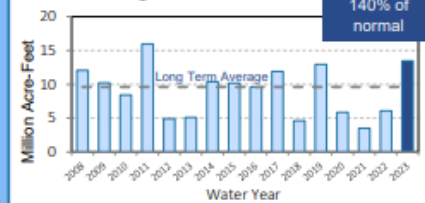
Upper Colorado Precipitation



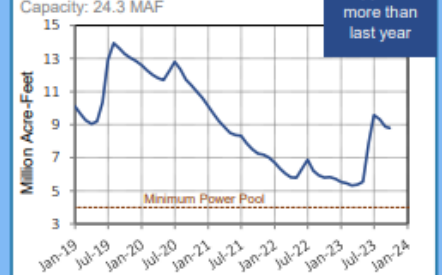
Upper Colorado Snowpack



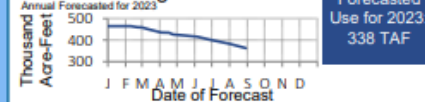
Powell Unregulated Inflow



Lake Powell Storage



PVID/Yuma Agricultural Use



Projected Lake Mead ICS

Calendar Year 2023
Put (+) / Take (-)
TBD

Lake Mead Surplus/Shortage Outlook

	2024	2025	2026
Surplus	0%	0%	0%
Shortage	100%	93%	77%
Metropolitan DCP*			20%
			195 TAF

Likelihood based on results from the August 2023 CRMMs in Ensemble Model/CRSS model run. Includes DCP Contributions.
* Chance of required DCP contribution by Metropolitan. Volume is average contribution when needed.

Lake Mead Storage



<https://www.medi2o.com/WSCR>

<https://www.medi2o.com/WSCR>

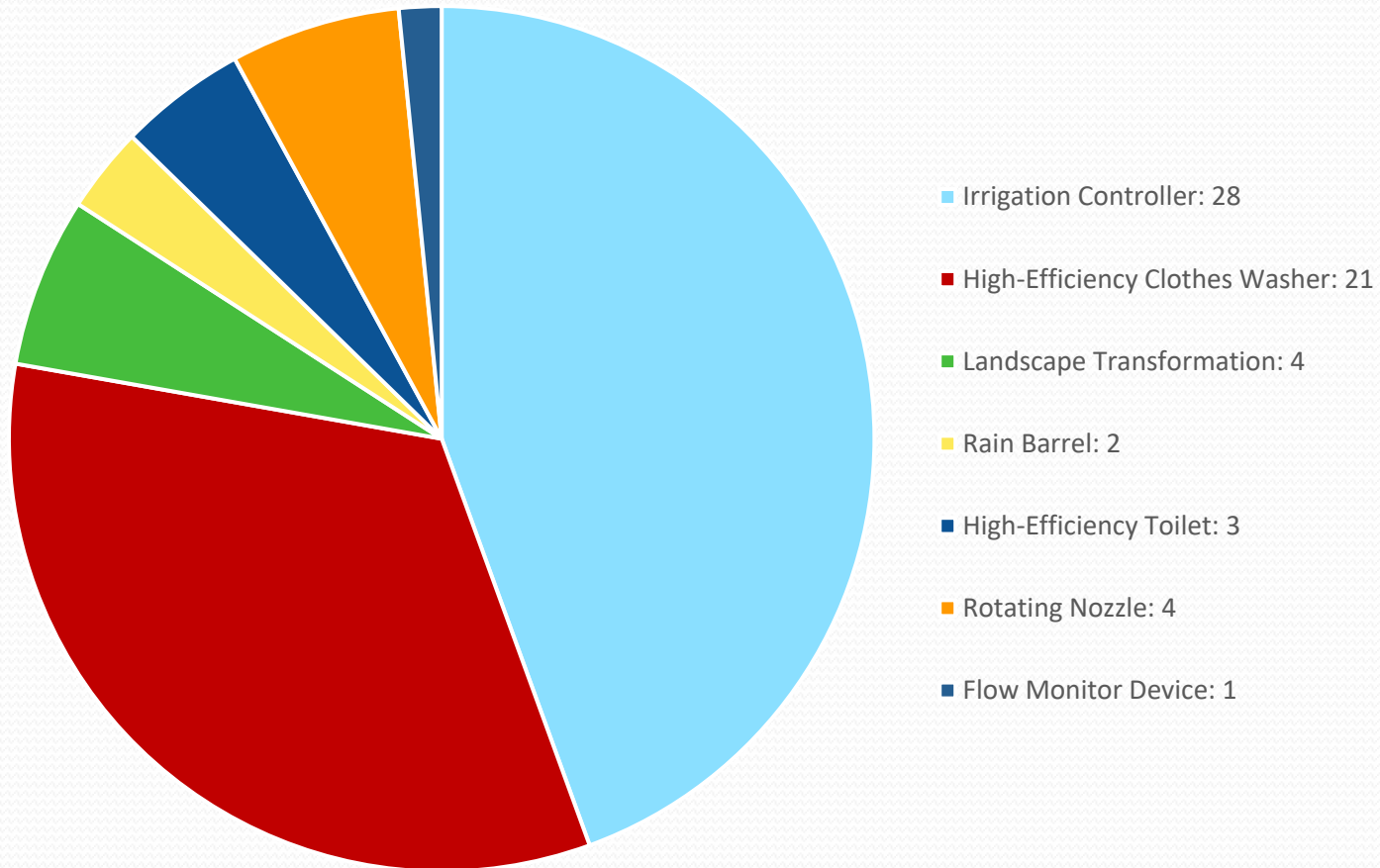
OMWD Activity

Restrictions Enforcement

	Reports	Actions	Fines
March '22	0	0	0
April '22	5	5	0
May '22	0	0	0
June '22	5	5	0
July '22	13	13	0
August '22	7	7	0
September '22	2	2	0
October '22	4	4	0
November '22	0	0	0
December '22	1	1	0
January '23	0	0	0
February '23	1	1	0
March '23	0	0	0
April '23	0	0	0
May '23	2	2	0
June '23	0	0	0
July '23	1	1	0
August '23	5	5	0
September '23	5	5	0
Totals	51	51	0

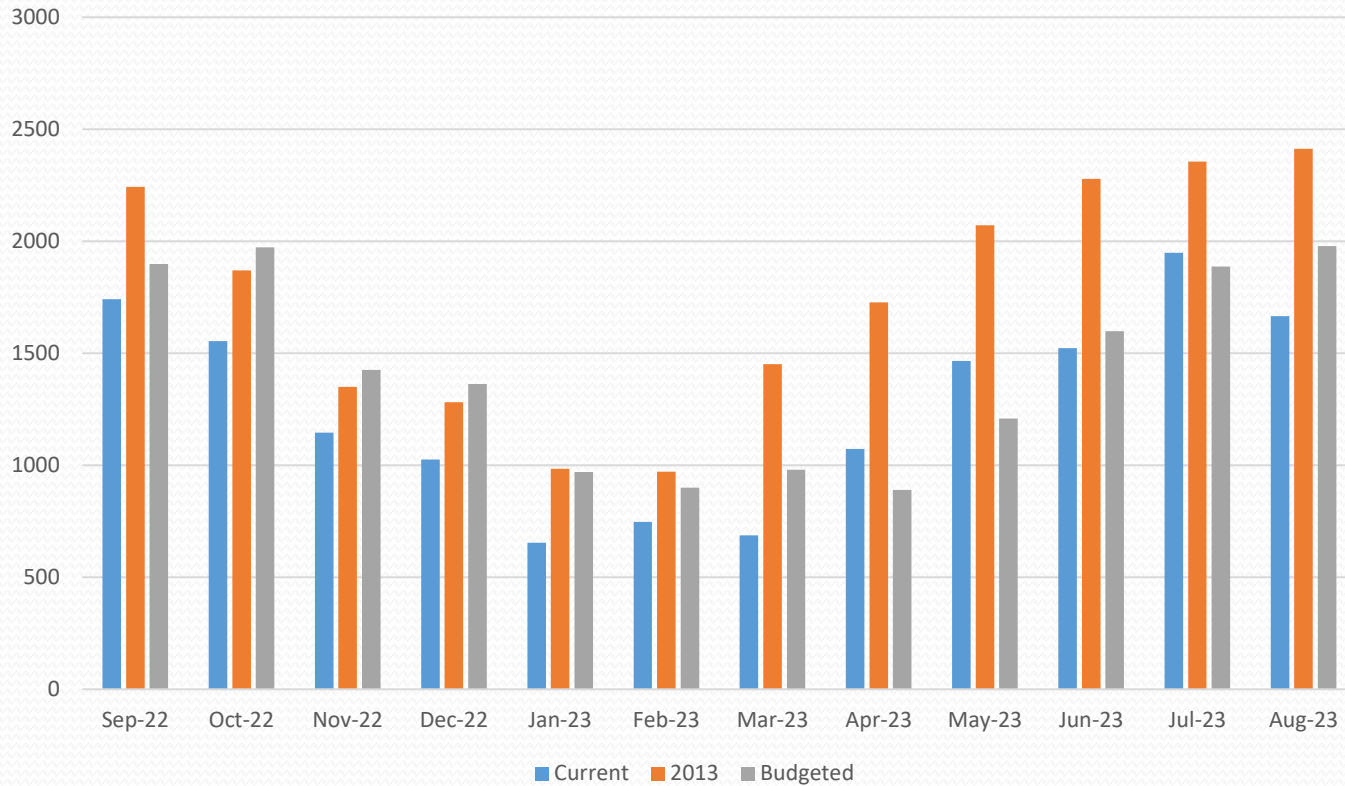


July - September Rebate Application Activity



Figures are based on applications received

Potable Monthly Demand



Water Consumption Compared to 2013

May-22	-17%
Jun-22	-19%
Jul-22	-15%
Aug-22	-17%
Sep-22	-20%
Oct-22	-14%
Nov-22	-12%
Dec-22	-17%
Jan-23	-32%
Feb-23	-24%
Mar-23	-55%
Apr-23	-38%
May-23	-30%
Jun-23	-35%
Jul-23	-18%
Aug-23	-32%

Legislation & Regulations

Legislative and Regulatory Update

- Staff engaging Sacramento; new bills sent to the Governor's desk:
 - SB 411 (Open meetings: teleconferences: neighborhood councils)
 - support
 - AB 1594 (Medium- and heavy-duty zero-emission vehicles: public agency utilities)
 - support
 - AB 1572 (Potable water: nonfunctional turf)
 - watch
 - AB 399 (Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion of territory: procedure)
 - concerns/amend
 - AB 755 (Water: public entity: water usage demand analysis)
 - oppose

Legislative and Regulatory Update

Drought Updates

- August 18- SWRCB released Draft Making Conservation a California Way of Life Regulations
 - Includes additional recommended objectives yet to be adopted; Outdoor Water Use Standard, CII, and Variances
 - Expected to be adopted by SWRCB in 2024
 - Annual reporting still required as of January 1, 2024
 - Comment letter submitted and staff participated in October 4 workshop
- Staff will present to Board on this item in a detailed presentation in December.

Recent Updates



CALIFORNIA
Water Boards
STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS



Memo

Date: October 18, 2023

To: Olivenhain Municipal Water District Board of Directors

From: Leo Mendez, Accounting Supervisor
Rainy Selamat, Finance Manager
Lindsey Stephenson, Engineering Manager

Via: Kimberly Thorner, General Manager

Subject: **CONSIDER DISCUSSION AND APPROVAL OF PROPOSED ADJUSTMENTS TO THE OLIVENHAIN MUNICIPAL WATER DISTRICT FIRE FLOW TEST FEE, METER INSTALLATION FEES, METER TEST FEE, AND ENCROACHMENT PERMIT MINIMUM DEPOSITS FOR 2023 AND ADOPT AN ORDINANCE AMENDING OLIVENHAIN MUNICIPAL WATER DISTRICT’S ADMINISTRATIVE AND ETHICS CODE (ARTICLE 8 – WATER RATES & CHARGES, ARTICLE 13 – POLICY FOR DISTRICT FACILITIES, AND ARTICLE 10 – ENCROACHMENT PERMITS)**

Purpose

The purpose of this item is to review and discuss the District’s 2023 fire flow test fee, meter installation fees, and minimum deposits for encroachment permits, along with staff-recommended increases to cover the current costs of providing these services. A public hearing is not required for these fee adjustments because these fees are not subject to proposition 218. Proposed adjustments to these fees do not exceed the cost of providing service. General Counsel has reviewed the proposed changes.

Recommendation

Staff is recommending the Board consider and approve the proposed 2023 fire flow test fee, meter installation fees, meter test fee, and encroachment permit minimum deposit.

Alternatives

The Board may direct Staff to do otherwise.

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 fees below do not currently cover the costs of providing the service. These water related service fees are not mandatory, but rather are additional services that may be requested by individual customers. Therefore, Staff is proposing fee adjustments as outlined below.

Fire Flow Test:

Per Section 8.6 of the Administrative and Ethics Code, upon request by a 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 \$470 per test

Proposed Fee: A non-refundable fee of \$500 per test

Last Adjustment: August 17, 2022

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 29 fire flow pressure tests in fiscal year 2023.

Partial Meter Installation Fees:

Per Section 13.11, a fixed fee is charged for a partial meter installation, which is a meter installation where a service lateral currently exists. The fee varies by meter size. Partial

meter installations that are 2" or greater are charged based on time and materials (T&M). Full meter installations, or meter installations where a completely new service lateral is required, are also charged based on time and materials (T&M).

Current Fees:

Meter Size	Partial Install Fee
5/8"	\$600
3/4"	\$650
3/4" with 1" fire meter	\$1,200
3/4" fire meter only	\$960
1"	\$725
1" with 1" fire meter	\$1,275
1" fire meter only	\$970
1-1/2"	\$1,175

Proposed Fees:

Meter Size	Partial Install Fee
5/8"	\$675

3/4"	\$725
3/4" with 1" fire meter	\$1,450
3/4" fire meter only	\$1,100
1"	\$825
1" with 1" fire meter	\$1,525
1" fire meter only	\$1,125
1-1/2"	\$1,225

Last Adjustment: July 25, 2018

Reason: The proposed adjustments to the meter installation fees were calculated based on costs incurred by the District in completing partial meter installations. Costs include staff time, costs for the meter, and other materials. The District completed 15 partial meter installations during fiscal year 2023. Full meter installations require more staff time and can be challenging. Staff is recommending that full meter installations continue to be based on time and materials (T&M).

Meter Test Fee:

Per Section 8.16, a fee of \$200.00 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: \$200 per meter test

Proposed Fee: \$230 per meter test

Last Adjustment: August 17, 2022

Reason: The proposed adjustment to the meter test was calculated based on additional costs incurred by the District in providing this service upon a customer's request. Costs include staff time, shipping, and a fee charged by a 3rd party for testing the meter. The District did not perform any meter tests in fiscal year 2023, and performed 2 meter tests in fiscal year 2022.

Encroachment Permit Deposit:

Per Section 10.5 of the Administrative and Ethics Code, upon request by a customer, the District will collect a deposit to review an encroachment permit application.

Current Deposit: A refundable deposit of \$600 per encroachment permit application, with option to collect additional deposits for actual costs to process.

Proposed: A minimum deposit of \$1,200 per encroachment permit application. The District may request for additional deposit to be made when applying for encroachment permit depending on circumstance and complexity of each application. The District will refund overpayment of encroachment permit deposit (greater than \$2.00).

Last Adjustment: October 31, 2021

Reason: Proposing to update the current minimum deposit to recover minimum costs of processing an encroachment permit. Encroachment permit process can be time consuming. It is a lengthy process and includes Engineering Staff to review and complete a plan check, conduct site visit(s), prepare the application for Board consideration, record the document with the County (including Recorder's fees), and incorporate the final documentation into Geoviewer. A complex encroachment permit process will require a deposit greater than the proposed minimum of \$1,200. The District will refund for overpayment on deposit collected from the permittee. The General Manager retains the authority to waive the deposits in certain situations. The District completed 8 encroachment permits in FY 23. The District incurred more staff and administrative time to process encroachment

permits than the current deposit amount. Although the Engineering Manager can recover costs over the current deposit amount, the level of effort required to recover additional costs from the permittee often exceed the amount owed, which is another reason supporting the increase of the initial deposit amount.

Fiscal Impact

If the recommended changes are brought to the Board and approved, the District will collect approximately \$7,000 in additional annual revenue that will be used to cover the costs involved in providing the above services.

Discussion

District staff recommend the above increases to ensure the District continues to cover its costs of providing the above services, especially in light of rising costs. The recommended fee increases will allow the District to collect additional revenues for customers who request these services in order to cover the costs of providing the services. Not increasing these fees would increase the burden on the District's rate payers via water rates and charges.

Attachments:

Attachment 1 – Ordinance

Exhibit A – Article 8 – Rates and Charges

Exhibit B – Article 13- Policy for District Facilities

Exhibit C – Article 10 – Encroachment Permits

Attachment 2 – Fee Survey

ATTACHMENT 1

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, Article 13 – Policy for District Facilities, and Article 10 –
Encroachment Permits)

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

SECTION 1: Article 8, 13, and 10 of the Administrative Code are hereby amended to read as shown on Exhibit A, B, and C (attached).

PASSED, APPROVED AND ADOPTED at a regular meeting of Olivenhain Municipal Water District's Board of Directors held this 18th day of October 2023.

Christy Guerin, President
Board of Directors
Olivenhain Municipal Water District

ATTEST:

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

OLIVENHAIN MUNICIPAL WATER DISTRICT	Article No. 8	Page 1 of 1
	Title WATER RATES & CHARGES	
	Latest Revision Date February 15, 2023	Ordinance No. 507

ADMINISTRATIVE AND ETHICS CODE

ARTICLE 8 WATER RATES & CHARGES

Sec. 8.6 revised via Ordinance No. 503 / August 17, 2022

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 ~~\$500.00~~ ~~\$470.00~~ 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. 8.16. revised via Ordinance No. 503 / August 17, 2022

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 ~~\$230.00~~ ~~\$200.00~~ 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 ~~\$230.00~~ ~~\$200.00~~ 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 ADMINISTRATIVE AND ETHICS CODE	Article No. 13	Page 1 of 2
	TITLE: POLICY FOR DISTRICT FACILITIES	
	Latest Revision Date August 16, 2023	Ordinance No. 510

ARTICLE 13. POLICY FOR DISTRICT FACILITIES*Sec. 13.11 (B) revised by Ordinance No. 468 / Oct. 16, 2019**Sec. 13.11 (B) revised by Ordinance No. 458 / July 25, 2018**Sec. 13.11 (B) revised by Ordinance No. 442 / July 20, 2016**Sec. 13.11 (B) revised by Ordinance No. 389 / July 27, 2011**Sec. 13.11 (B) revised by Ordinance No. 381 / August 11, 2010**Sec. 13.11 (B) revised by Ordinance No. 349/ June 27, 2007**Sec. 13.11 (B) revised by Ordinance No. 331 / June 9, 2006**Sec. 13.11 (B) revised by Ordinance No. 324 / Nov. 16, 2005**Sec. 13.11 (B) revised by Ordinance No. 320 / July 27, 2005**Sec. 13.11(B) revised by Ordinance No. 319 / June 22, 2005**Sec. 13.11,(B) revised by Ordinance No. 304 / June 25, 2003***Sec 13.11. Capacity Fee and Installation Charges.****B. Meter Installation Charges.**

Meter Size	Partial ⁽¹⁾	Full ⁽²⁾
5/8"	\$675 \$600	T&M
3/4"	\$725 \$650	T&M
3/4" with 1" fire meter	\$1,450 \$1,200	T&M
3/4" fire meter only	\$1,100 \$960	T&M
1"	\$825 \$725	T&M
1" with 1" fire meter	\$1,525 \$1,275	T&M
1" fire meter only	\$1,125 \$970	T&M
1-1/2"	\$1,225 \$1,175	T&M
2"	T&M	T&M
3"	T&M	T&M
4"	T&M	T&M
6"	T&M	T&M
8"	T&M	T&M

OLIVENHAIN MUNICIPAL WATER DISTRICT ADMINISTRATIVE AND ETHICS CODE	Article No. 10	Page 1 of 1
	Title ENCROACHMENT PERMITS	
	Latest Revision Date October 13, 2021	Ordinance No. 495

ARTICLE 10. ENCROACHMENT PERMITS

Sec. 10.5, revised via Ordinance No. XXX/ October 18, 2023

Sec. 10.5, revised via Ordinance No. 495/ October 13, 2021

Sec. 10.5 was added via Ordinance No. 318 / May 25, 2005

Sec. 10.5. Encroachment Permit Deposit. All persons or parties desiring an encroachment permit from the District must deposit a minimum of \$1,2600 with the District. Complex encroachments may require an additional deposit. Upon receipt of the Encroachment Permit application, the District's Engineering Manager will review the level of effort anticipated to process that Encroachment Permit and will request the deposit. The District will charge all actual costs to process the encroachment permit against the ~~\$600~~ deposit, including but not limited to staff time, surveying costs, design costs, plan checking, administrative costs, recorder's fees, and overhead rates. The District's Engineering Manager is authorized by the Board of Directors to charge and recover the actual costs to process the encroachment permit above and beyond the initial ~~\$600~~ deposit from the permittee. If the cost of processing the encroachment permit is less than ~~\$600~~the deposit, the District will refund the balance (if more than \$24.00) to the permittee no later than 45 days ~~and after~~ recordation at the County Recorder's Office and addition of the permit into the District's GIS mapping system. The General Manager has the authority to waive the ~~\$600~~ deposit in good judgment where circumstances dictate waiver of the deposit is beneficial for the operation of District facilities or ~~from a public relations standpoint~~in the best interest of District customers.

ATTACHMENT 2

Olivenhain Municipal Water District Fee Survey - Eff. October 2023

Fee	Fire Flow Tests	Partial meter installation charge - 3/4"	Partial meter installation charge - 3/4" + Fire Meter	Meter Test	Encroachment Permits
Admin Code Section	8.6	13.11	13.11	8.16	10.5
Fee last increased by OMWD on:	August 17, 2022	July 25, 2018	July 25, 2018	August 17, 2022	October 31, 2021
OMWD - Current	470	650	1,200	200	600
OMWD - Proposed	500	725	1,450	230	1,200
Average of member agencies (including OMWD)	304	882	1,170	135	973
Carlsbad MWD	N/A	429	858	N/A	2,078
City of Del Mar	N/A	\$3,000 Deposit for T&M	\$6,000 Deposit for T&M	150	785
City of Escondido	N/A	415	415	125	100
Fallbrook PUD	534	531	531	123	N/A
Helix WD	242	333	333	237	\$1,601 + recording
City of Oceanside	189	618	618	N/A	159
Otay WD	N/A	141	141	60	N/A
City of Poway	303	N/A	N/A	70	308
Rainbow MWD	350	1,367	1,367	50	500
Ramona MWD	N/A	841	841	50	500
Rincon del Diablo	123	320	320	200	N/A
City of San Diego	N/A	111	111	66	Range from \$3,100-\$6,200
San Dieguito WD	T&M	525	525 + T&M for Fire Meter	N/A	256
Santa Fe ID	758	437	874	150	1,662
Sweetwater Authority	300	T&M	T&M	149	N/A
Vallecitos WD	250	N/A - Contractor Installs	N/A - Contractor Installs	100	300
Valley Center MWD	N/A	1,083	1,855	N/A	N/A
Vista ID	259	706	706	470	849
Yuima MWD	N/A	3,900	3,900	60	N/A
Lakeside WD	125	T&M	T&M	20	N/A
Padre Dam MWD	50	468	468	150	250

Memo

Date: October 18, 2023
To: Olivenhain Municipal Water District Board of Directors
From: Rainy Selamat, Finance Manager
Via: Kimberly A. Thorner, General Manager
Subject: **CONSIDER AN UPDATE ON RATE REIMBURSEMENT CREDIT PROGRAM AND PROVIDE DIRECTION TO STAFF**

Purpose

The purpose of this item is to provide an update on the Rate Reimbursement Credit (RRC) program adopted by the Board in February 2022 and to discuss accelerating the RRC program in calendar year 2024 in order to reduce the impact of purchased water wholesale cost pass-through increases on customer water bills.

Recommendation

This is a follow-up item requested by the Board at the September 2023 meeting. Staff is recommending accelerate the RRC program by increasing the current credit of 6.9 cents to 11 cents for each unit of water billed from March 2024 to December 2024 to help offset the impact of higher costs of water from San Diego County Water Authority on OMWD customer water bills. The RRC program will be reviewed with the Board next year as part of 2024 Water Cost of Service Study.

Alternative

The Board may instruct staff to do otherwise. More information about the RRC program and the accelerated option is discussed below.

Background

SDCWA filed lawsuits between 2010 and 2018 challenging the Metropolitan Water District's (MWD) rates and charges to SDCWA. After a favorable ruling, a judgment payment was made by MWD for damages and interest as a result of the Water Stewardship Rate charges that had been unlawfully assessed by MWD against SDCWA's Exchange Agreement for rate payment years 2011-2017. The MWD Water Stewardship Rate was included in SDCWA's purchased water wholesale costs that were passed on to all its member agencies, including OMWD, from 2011-2017.

In April 2021, the Board directed staff to place the first water rate refund payment of \$2,039,332.40 into the District's Rate Stabilization Fund-Water to minimize the impact of increased costs in OMWD's water operations on rates and charges. On November 5, 2021, the District received the second water rate refund payment in the amount of \$1,622,584.51. Consistent with the first refund payment received, the second refund payment was also placed into the Rate Stabilization Fund-Water. The total refund payments received from MWD/SDCWA for overcharging OMWD customers between 2011-2017 was \$3,661,916.91.

The treatment of these payments was discussed with the Board and the District's rate consultant (Raftelis) to ensure consistency with the District's Revenue Policy for revenue diversification and stabilization for treatment of one-time revenue, such as wholesaler rebates/refunds.

At the February 2022 meeting, the Board adopted an ordinance to pass-through rate refund payments from MWD/SDCWA to customers through a RRC program at 6.9 cents per unit of water billed over a period for up to 6 years, to line up with the SDCWA overcharge period (between 2011 and 2017). The RRC program was implemented on March 1, 2022. Customers have received the RRC of 6.9 cents per unit of potable water billed since then.

Fiscal Impact

From March 2022 to August 2023, the District refunded \$683,957 of the rate refund payments to customers. Staff estimates that the total amount refunded to customers will be approximately \$907,000 by February 2023, rather than the \$1.2 million that was initially calculated and anticipated. The 6.9 cents credit was calculated based on fiscal year 2022 projected water sales, which resulted in an estimated \$600,000 credit each year for the next six years until the total refund payments of approximately \$3.661 million are exhausted (2027).

Due to actual water consumption being lower than projected in 2022 and 2023, it is estimated that there will be approximately \$293,000 additional refunds available to pass on to customers at an additional 4.2 cents per unit, or 11 cents in total credit per unit billed, from March 2024 to December 2024.

Discussion

At the September 2023 meeting, the Board instructed staff to bring back the Rate Reimbursement Credit program for discussion at Director Hahn's request, with Board concurrence. The Board desires to give more credits to customers from the MWD/SDCWA rate refund payments considering the 11.8% increase in all-in untreated purchased water wholesale costs from SDCWA which will take effect January 1, 2024, and the proposed 7.4% revenue adjustment for 2024 water rates and charges to pass through increases in purchased water wholesale costs and annual inflation adjustment based on San Diego Consumer Price Index (SDCPI.)

Staff's recommendation is to utilize the rate refund payments amount available in the Rate Stabilization Fund-Water from March 2022 until February 2023 (approximately \$293,000) and accelerate the existing credit to 11 cents per unit of water billed from 6.9 cents per unit of water billed effective March 1, 2024. The RRC program as well as the remaining amount of rate refund payments available for 2025 and thereafter will be reviewed and discussed with the Board as part of 2024 water cost of service study.

The proposed changes to the RRC will be brought back to the Board for adoption in January 2024 to be effective on March 1, 2024, simultaneously going into effect at the same time as any increase so as to immediately mitigate the effect of the increase.

The notice of proposed changes to water rates and charges for 2024 (based on Option 4 recommended by the Board at the September 20, 2023 meeting) and the proposed

change to the RRC will be published in the District's Watching Water newsletter that will be sent to customers with their monthly water bill in November/December 2023.

Staff will be available for discussion with the Board during the meeting.

Attachment: Presentation

Proposed Rate Reimbursement Credit (RRC) and Proposed Water Rates and Charges for 2024

Board Meeting
October 18, 2023



Background

- OMWD Board voted to create a Rate Reimbursement Credit(RRC) Program in November 2021 to refund customers the \$3.6 million rate refund payments from SDCWA/MWD rate litigation
- RRC is a 6.9 cents credit per unit of water billed, adopted by the Board in February 2022, and implemented on March 1, 2022
- RRC is a separate credit on OMWD water bills that:
 - reduces the total amount due from customers each month
 - will be discontinued when the \$3.6 million is fully exhausted (6 years or less)
 - was calculated based on FY 2022 projected volume of water sales at \$600K each year over 6 years, consistent with MWD overcharged period
 - is not applied to Recycled and Construction

Sample Water Bill

Illustrating Water Rebate Credit to Customer



Municipal Water District
1966 Olivenhain Road • Encinitas CA 92024
760-753-6466 • www.olivenhain.com

ACCOUNT SUMMARY

Name:	Peter Smith
Customer-Account Number:	1035000-185000
Service Address:	800 Sunshine Ln Encinitas CA 92024-5640
Statement Date:	08/31/2021
Balance Forward - Pay Immediately:	\$0.00
Total Current Charges- Due 9/25/2021:	\$155.92
Total Amount Due:	\$155.92

	Meter #	Meter Size	Previous Date	Previous Read	Current Date	Current Read	Usage	Days
Potable Water	61000000	3/4"	07/02/21	1402	08/03/21	1425	23	32

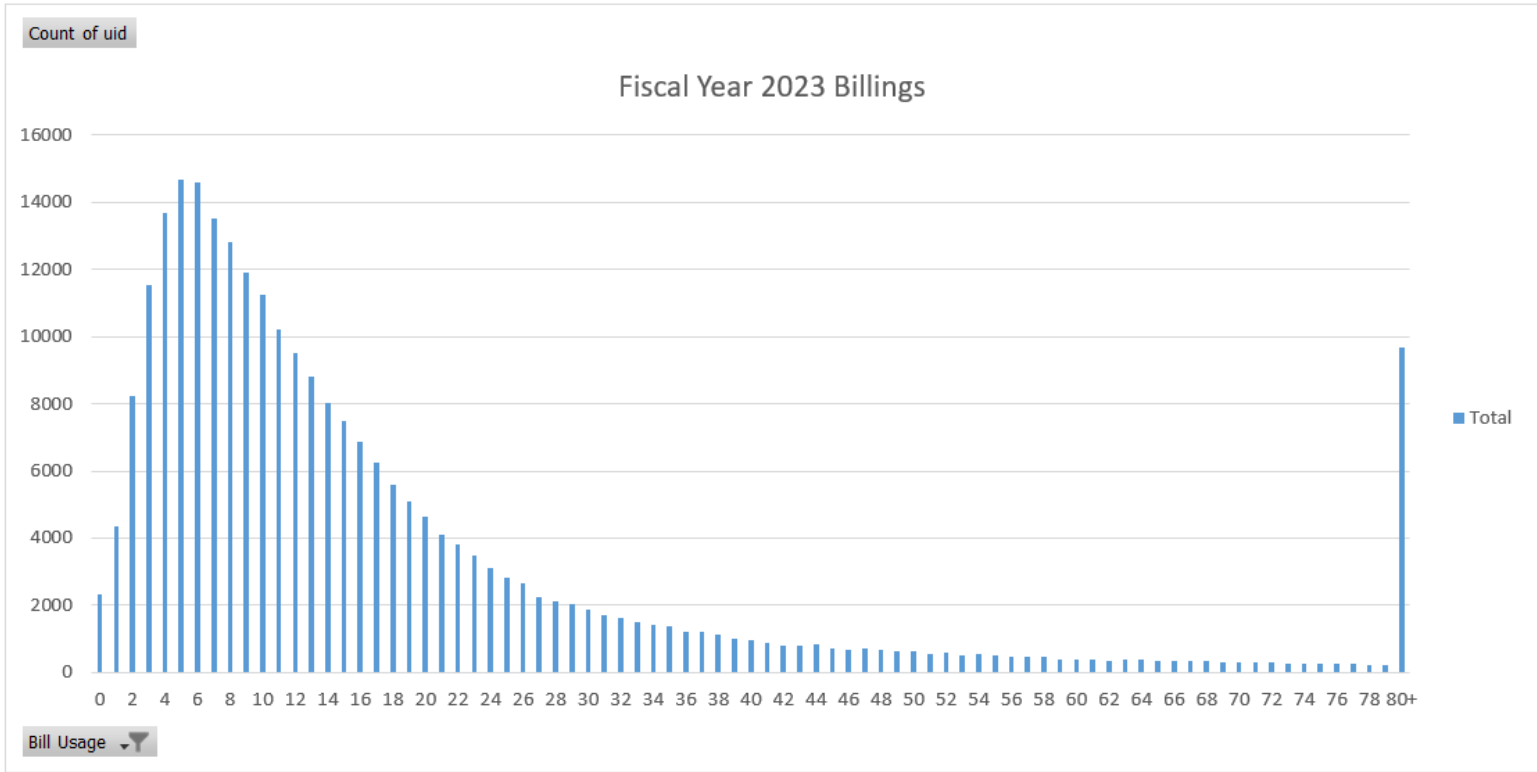
BILLING DETAILS

Previous Balance	\$73.80
Payment – CheckFree	-\$73.80
Balance Forward - Pay Immediately	\$0.00
Potable Water - Domestic	
Water Consumption	Usage Rate Charges
Tier 1: 0-6 units	6 \$3.68 \$22.08
Tier 2: 7-23 units	17 \$5.34 \$90.78
Other Charges	Charges
Water Rebate Credit	(\$1.59)
Service Charges	
SDCWA Infrastructure Access Charge	\$4.24
System Access Charge	\$40.41
Total Current Charges due 9/25/2021	\$155.92
TOTAL AMOUNT DUE:	\$155.92

Proposed Increase to Rate Reimbursement Credit

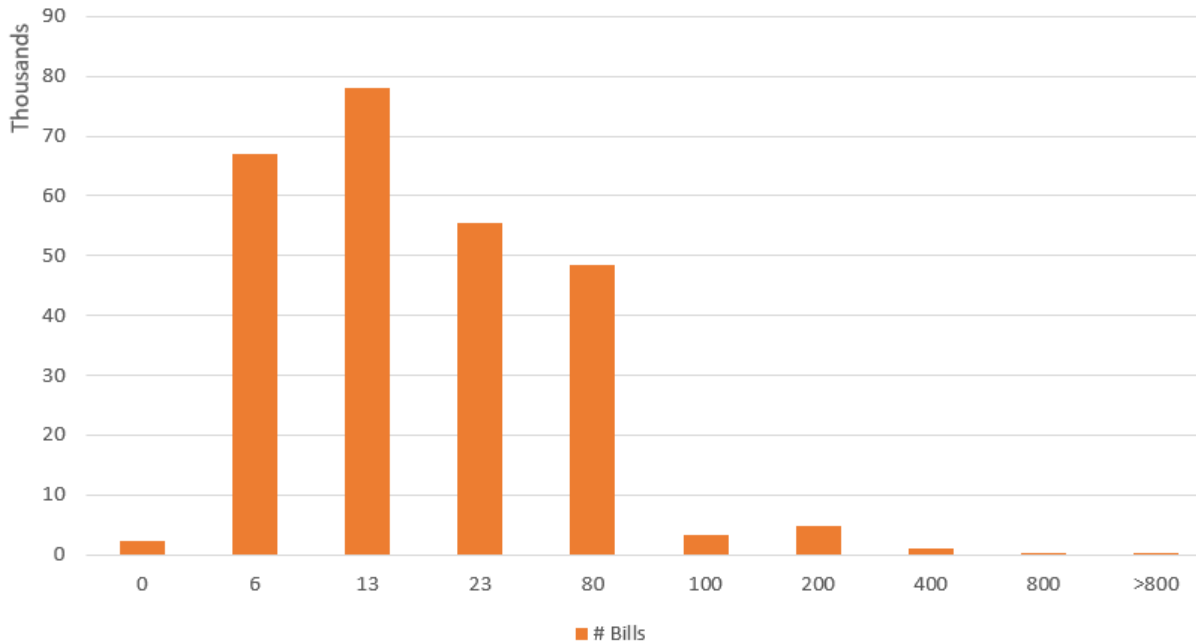
- Staff recommends increasing the Rate Reimbursement Credit from 6.9 cents per unit of water used to 11 cents for consumption beginning 3/1/2024 through 12/31/2024
- The credit increase would result in additional savings for customers to help offset the impact of higher costs of water from San Diego County Water Authority on OMWD customer water bills

Histogram of FY 2023 Billings



Number of Bills by Usage based on FY 2023 Billings

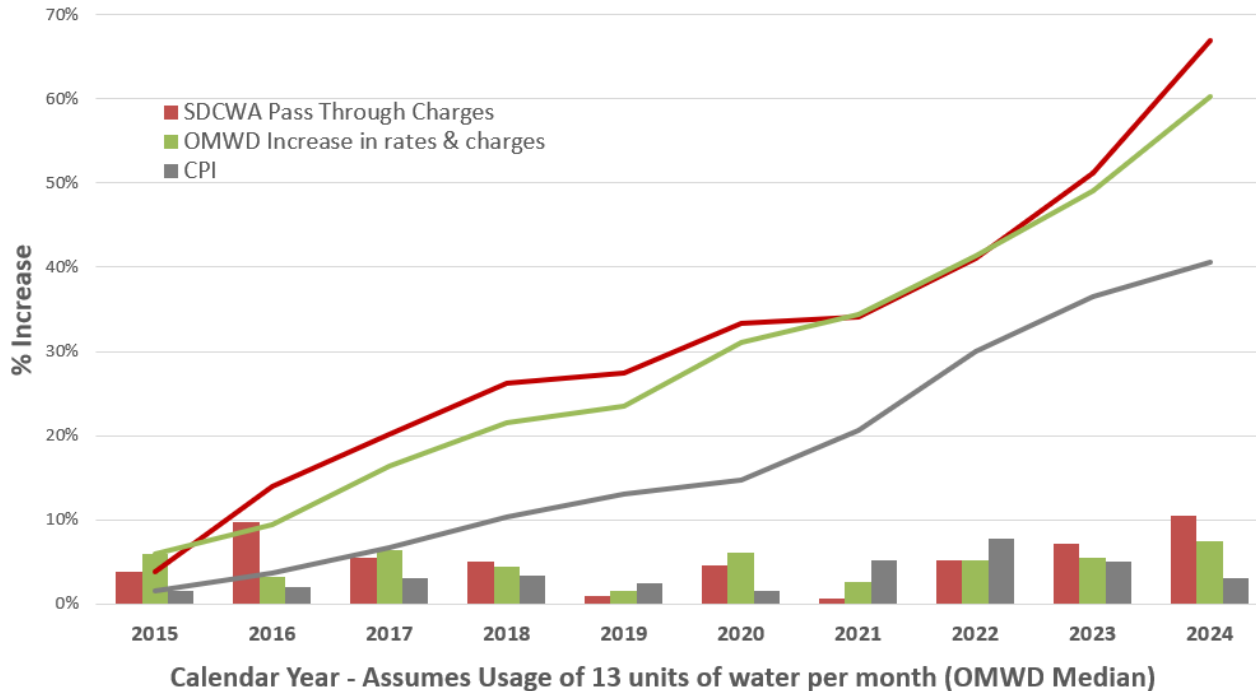
Fiscal Year 2023
Potable Water Domestic Usage
of Bills in Each Tier/Group



0 = 0 units 23 = 14-23 units 200 = 101 - 200 units
6 = 1 - 6 units 80 = 24-80 units 400 = 201 - 400 units
13 = 7-13 units 100 = 81-100 units 800 = 401 - 800 units

OMWD Rate Increases vs. SDCWA Rate Increases and SDCPI Inflation

OMWD Increases in Rates & Charges vs. SDCWA Increases



Source: Bureau of Labor Statistics (BLS), SDCWA and OMWD.
CPI not yet available for 2023 or 2024 so estimate used of 5% and 3% respectively

Current and Proposed Commodity Rates

WE ARE
HERE



Current Commodity Charge Effective March 1, 2023 (1 unit=748 gallons)				
Customer Type	NON-SHORTAGE	WATER SUPPLY SHORTAGE RATES		
	(Base) Rates	10% Demand Reduction Rates	20% Demand Reduction Rates	30% Demand Reduction Rates
Domestic				
0-6 Units	\$3.92	\$4.15	\$4.42	\$4.77
7-23 Units	\$5.69	\$5.92	\$6.19	\$6.54
24-80 Units	\$6.35	\$6.58	\$6.85	\$7.20
80+ Units	\$7.55	\$7.78	\$8.05	\$8.40
Agricultural	\$6.26	\$6.49	\$6.76	\$7.11
Combined Agricultural/ Domestic	First 23 units per month: Follow Domestic Rate Structure. Over 23 units per month: Follow Agricultural Rate Structure.			
Commercial	\$5.35	\$5.58	\$5.85	\$6.20
Irrigation				
Tier 1	\$6.02	\$6.25	\$6.52	\$6.87
Tier 2	\$6.43	\$6.66	\$6.93	\$7.28
Construction	\$7.62	\$7.85	\$8.12	\$8.47
Recycled	\$4.04	Shortage rates do not apply		

WE ARE
HERE



Proposed Commodity Charge Effective March 1, 2024 (1 unit=748 gallons)				
Customer Type	NON-SHORTAGE	WATER SUPPLY SHORTAGE RATES		
	(Base) Rates	10% Demand Reduction Rates	20% Demand Reduction Rates	30% Demand Reduction Rates
Domestic				
0-6 Units	\$4.24	\$4.47	\$4.74	\$5.09
7-23 Units	\$6.14	\$6.37	\$6.64	\$6.99
24-80 Units	\$6.85	\$7.08	\$7.35	\$7.70
80+ Units	\$8.14	\$8.37	\$8.64	\$8.99
Agricultural	\$6.75	\$6.98	\$7.25	\$7.60
Combined Agricultural/ Domestic	First 23 units per month: Follow Domestic Rate Structure. Over 23 units per month: Follow Agricultural Rate Structure.			
Commercial	\$5.78	\$6.01	\$6.28	\$6.63
Irrigation				
Tier 1	\$6.50	\$6.73	\$7.00	\$7.35
Tier 2	\$6.94	\$7.17	\$7.44	\$7.79
Construction	\$8.21	\$8.44	\$8.71	\$9.06
Recycled	\$4.29	Shortage rates do not apply		

Current and Proposed Irrigation Unit Allotments

Tier 1 Allotment / Based upon water use by meter size


Current Irrigation Unit Allotments		
Tier 1 Allotment / Based upon water use by meter size		
Meter Size	Winter (Dec-May)	Summer (Jun-Nov)
5/8"	10	15
3/4"	20	30
1"	35	50
1-1/2"	50	110
2"	100	200
3"	200	500
4"	600	3,500
6"	3,100	11,800
8"	5,600	21,300

Proposed Irrigation Unit Allotments (No Changes are Proposed)		
Tier 1 Allotment: Based upon water use by meter size		
Meter Size	Winter (Dec-May)	Summer (Jun-Nov)
5/8"	10	15
3/4"	20	30
1"	35	50
1-1/2"	50	110
2"	100	200
3"	200	500
4"	600	3,500
6"	3,100	11,800
8"	5,600	21,300

Current and Proposed System Access Charge Compared to Prop 2018

OMWD System Access Charge (\$/Meter Size)						
Meter Size	Current (1)	Proposed 3/1/2020 (4)	Proposed 3/1/2021	Proposed 3/1/2022	Proposed 3/1/2023	Proposed 3/1/2024
5/8"	\$28.43	\$29.41	\$30.89	\$32.44	\$34.07	\$35.78
3/4" (*)	\$37.70	\$38.46	\$40.39	\$42.41	\$44.54	\$46.77
1"	\$65.55	\$65.60	\$68.88	\$72.33	\$75.95	\$79.75
1-1/2"	\$102.68	\$101.79	\$106.88	\$112.23	\$117.85	\$123.75
2"	\$161.47	\$159.10	\$167.06	\$175.42	\$184.20	\$193.41
2-1/2"	\$294.50	\$288.78	\$303.22	\$318.39	\$334.31	\$351.03
3"	\$322.34	\$315.93	\$331.73	\$348.32	\$365.74	\$384.03
4"	\$535.82	\$524.03	\$550.24	\$577.76	\$606.65	\$636.99
6"	\$1,120.55	\$1,094.04	\$1,148.75	\$1,206.19	\$1,266.50	\$1,329.83
8"	\$2,017.75	\$1,968.66	\$2,067.10	\$2,170.46	\$2,278.99	\$2,392.94

Prop 218 Notice



Current and Proposed OMWD System Access Charge (SAC)				
Meter Size	Current	Pass-Through Increases & Adjustments		Proposed Effective March 1, 2024
		\$	%	
5/8"	\$32.07	\$2.18	6.8%	\$34.25
3/4"	\$41.94	\$2.85	6.8%	\$44.79
1"	\$71.55	\$4.86	6.8%	\$76.41
1-1/2"	\$111.00	\$7.54	6.8%	\$118.54
2"	\$173.51	\$11.79	6.8%	\$185.30
2-1/2"	\$314.94	\$21.39	6.8%	\$336.33
3"	\$344.54	\$23.40	6.8%	\$367.94
4"	\$571.49	\$38.81	6.8%	\$610.30
6"	\$1,193.13	\$81.01	6.8%	\$1,274.14
8"	\$2,146.96	\$145.77	6.8%	\$2,292.73

Current and Proposed SDCWA Infrastructure Access Charge (IAC)

Current and Proposed SDCWA Infrastructure Access Charge (IAC)				
Meter Size	Current	Pass-Through Increases & Adjustments		Proposed Effective March 1, 2024
		\$	%	
5/8"	\$4.24	\$0.17	4.0%	\$4.41
3/4"	\$4.24	\$0.17	4.0%	\$4.41
1"	\$8.07	\$0.32	4.0%	\$8.39
1-1/2"	\$13.17	\$0.53	4.0%	\$13.70
2"	\$21.24	\$0.85	4.0%	\$22.09
2-1/2"	\$39.52	\$1.58	4.0%	\$41.10
3"	\$43.35	\$1.73	4.0%	\$45.08
4"	\$72.67	\$2.91	4.0%	\$75.58
6"	\$152.98	\$6.12	4.0%	\$159.10
8"	\$276.24	\$11.05	4.0%	\$287.29

Current and Proposed Fire Meter Charges

OMWD Fire Meter Charge (\$/Meter Size)

Meter Size	Current (1)	Proposed 3/1/2020 (4)	Proposed 3/1/2021	Proposed 3/1/2022	Proposed 3/1/2023	Proposed 3/1/2024
5/8"	\$3.82	\$4.82	\$5.07	\$5.33	\$5.60	\$5.88
3/4" (*)	\$3.82	\$4.82	\$5.07	\$5.33	\$5.60	\$5.88
1"	\$4.50	\$5.42	\$5.70	\$5.99	\$6.29	\$6.61
1-1/2"	\$5.42	\$6.21	\$6.53	\$6.86	\$7.21	\$7.58
2"	\$6.88	\$7.48	\$7.86	\$8.26	\$8.68	\$9.12
2-1/2"	\$10.15	\$10.34	\$10.86	\$11.41	\$11.99	\$12.59
3"	\$10.84	\$10.93	\$11.48	\$12.06	\$12.67	\$13.31
4"	\$16.10	\$15.52	\$16.30	\$17.12	\$17.98	\$18.88
6"	\$30.51	\$28.09	\$29.50	\$30.98	\$32.53	\$34.16
8"	\$52.64	\$47.37	\$49.74	\$52.23	\$54.85	\$57.60

Prop 218 Notice



Current and Proposed OMWD Fire Meter Charge Rates (\$/Meter Size)

Meter Size	Current	Change	% Change	Proposed Effective March 1, 2024
5/8"	\$5.57	\$0.28	5.0%	\$5.85
3/4"(*)	\$5.57	\$0.28	5.0%	\$5.85
1"	\$6.26	\$0.31	5.0%	\$6.57
1-1/2"	\$7.18	\$0.36	5.0%	\$7.54
2"	\$8.65	\$0.43	5.0%	\$9.08
2-1/2"	\$11.95	\$0.60	5.0%	\$12.55
3"	\$12.64	\$0.63	5.0%	\$13.27
4"	\$17.95	\$0.90	5.0%	\$18.85
6"	\$32.50	\$1.63	5.0%	\$34.13
8"	\$54.82	\$2.74	5.0%	\$57.56

Monthly Water Bills for Single Family Residential (5 units)

**Survey of CWA Member Agency Monthly Water Bills
3/4" Meter and 5 HCF Monthly**



Survey of posted rates as of August 2023, using FY 2023 or CY 2023 rates unless otherwise noted.

Does not include all 24 SDCWA member agencies for comparative purpose.

* City of SD showing Proposed December 2023 rates, City of Poway showing January 2024 rates.

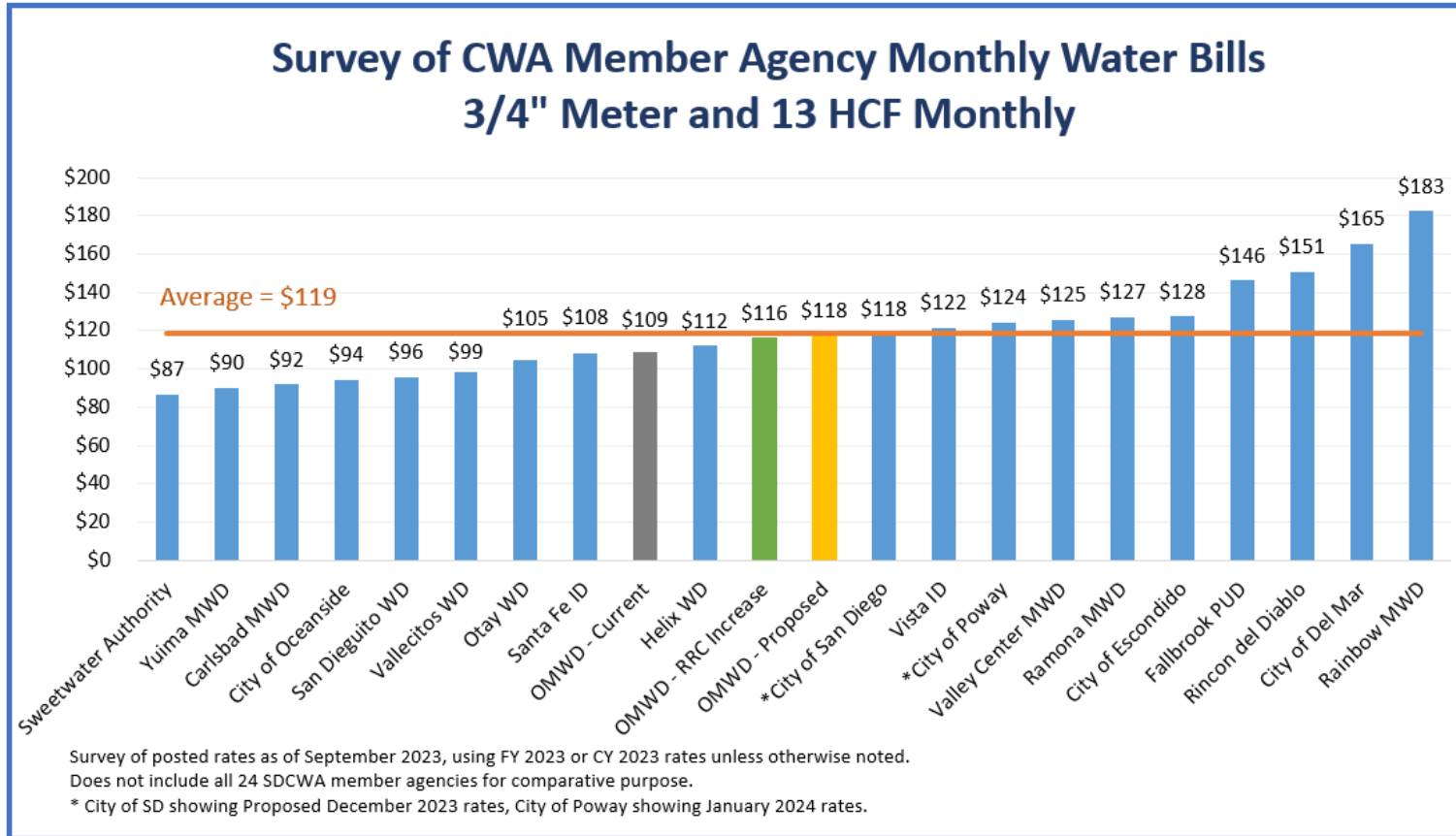
Estimated Increase per Month:

OMWD Current (with RRC of 6.9 cents per unit)

OMWD Proposed (Option 4 - excludes RRC) = \$4.96 increase

OMWD RRC Increase (with RRC of 11 cents per unit) = \$4.41 increase

Monthly Water Bills for Single Family Residential (13 units)



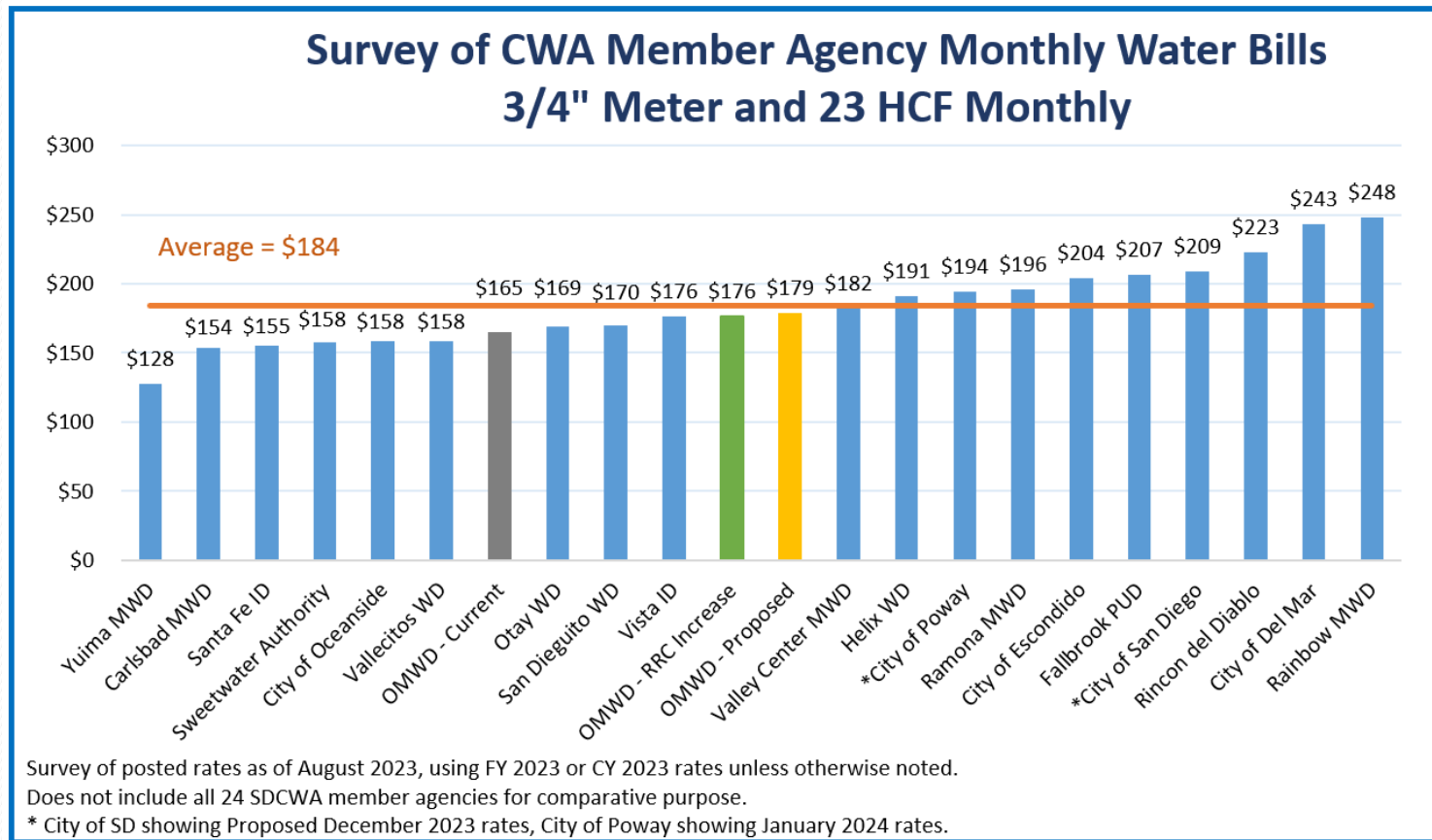
Estimated Increase per Month:

OMWD Current (with RRC of 6.9 cents per unit)

OMWD Proposed (Option 4 - excludes RRC) = \$8.99 increase

OMWD RRC Increase (with RRC of 11 cents per unit) = \$7.56 increase

Monthly Water Bills for Single Family Residential (23 units)



Estimated Increase per Month:

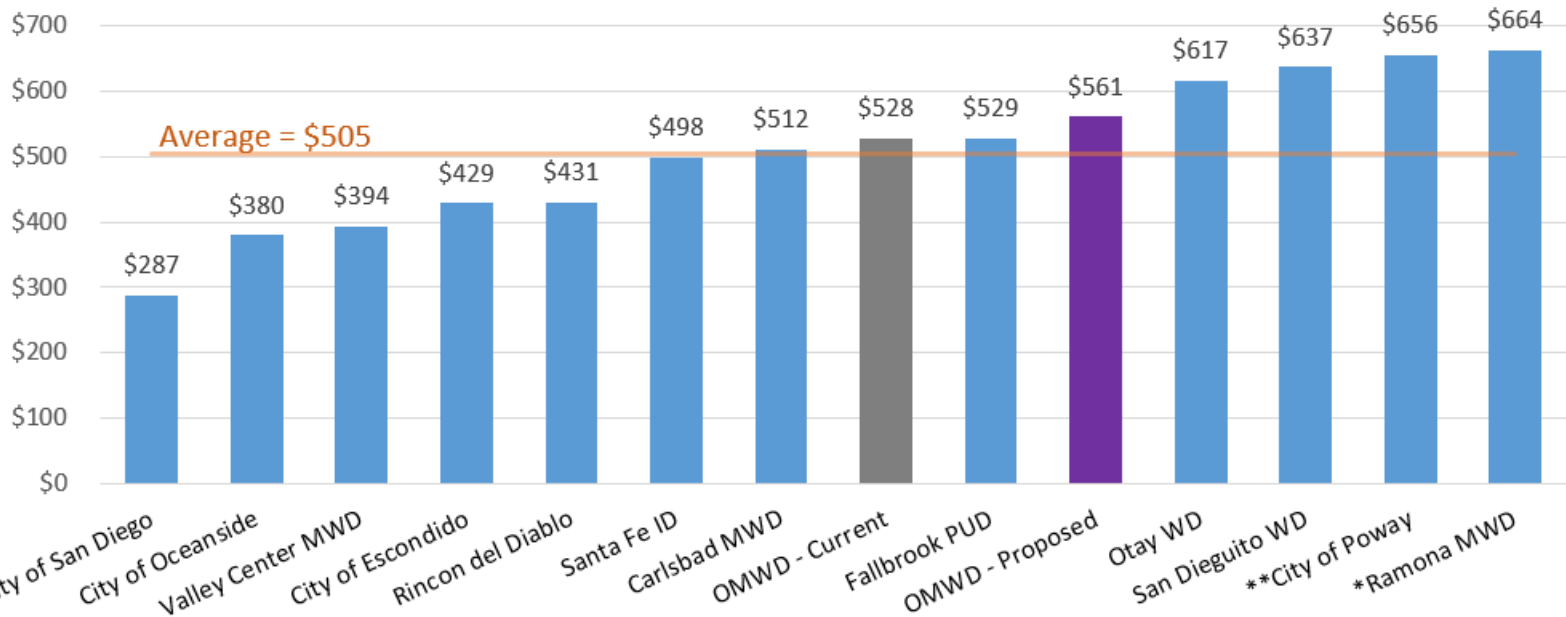
OMWD Current (with RRC of 6.9 cents per unit)

OMWD Proposed (Option 4 - excludes RRC) = \$14.18 increase

OMWD RRC Increase (with RRC of 11 cents per unit) = \$11.65 increase

Monthly Water Bills for Recycled Water Customers (100 units)

Survey of CWA Member Agency Monthly Water Bills Recycled Water Survey - 1 1/2" - 100 HCF Monthly



Survey of posted rates as of August 2023, using FY 2023 or CY 2023 rates unless otherwise noted.
Does not include all 24 SDCWA member agencies for comparative purpose.

* Ramona provides an untreated melded supply of water to its agricultural customers.

** City of Poway shows January 2024 rates.

Next Steps:

- Receive input and direction from the Board on increasing the RRC from March 2024 to December 2024
- Customer notification on the proposed RRC and water rates and charges for 2024 will be mailed in November/December with monthly water bill to save mailing costs
- 2024 water rates and charges and RRC will be considered by the Board for adoption at the January 2024 meeting
- 2024 rates and charges and RRC will be implemented on March 1, 2024
- Future water rates and charges and RRC will be discussed and reviewed with the Board (2024 water cost of service study)

Questions?

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.

October 18, 2023

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 **September 2023**:

Operations & Maintenance	September 2023	August 2023
David C. McCollom Water Treatment Plant (DCMWTP) Total Production	606.8 million gallons	551 million gallons
DCMWTP Average Daily Production	20.2 million gallons	17.8 million gallons
DCMWTP Peak Day Production	23 million gallons	24.3 million gallons
Source Water Blend (% State Project Water)	62	54
Total Deliveries to Vallecitos Water District	257.79 acre feet 84 million gallons	33.68 acre feet 10.97 million gallons
4S and Rancho Cielo Sewer Systems Total Inflow	37.36 million gallons	40.31 million gallons
4S and Rancho Cielo Sewer Systems Average Daily Inflow	1,245,309 gallons	1,300,465 gallons
4S and Rancho Cielo Sewer Systems Peak Day Inflow	1,336,447 gallons	1,702,470 gallons
4S and Rancho Cielo Sewer Systems Low Day Inflow	1,188,904 gallons	1,192,379 gallons
4S Water Reclamation Facility (4SWRF) Average Daily Production	918,214 gallons	958,874 gallons
4SWRF Peak Day Production	1,297,896 gallons	1,402,710 gallons
4SWRF Total to Recycled Water Distribution System	27.54 million gallons	29.73 million gallons
4S Recycled Water Storage Pond Volume	104 acre feet	129 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)	3	2
Replaced Valve(s) Monthly Total	0	5
Replaced Valve(s) Calendar Year to Date	57	57
Recycled Water Use Site Inspections & Visits	4	27
Recycled Water Use Site Cross Connection Tests	1	5
Cross Connection Site Surveys	1	3
Backflow Inspections & Testing (New)	4	12
IT Help Requests	31	24
Customer Services	September 2023	August 2023
Customer Calls and Inquiries	2,058	2,355
Total Monthly Bills Issued	22,970	22,977
Service Orders	549	677
New Potable Meters	0	3
New Fire Meters	0	2
New Recycled Water Meters	0	1

Advanced Metering Infrastructure (AMI) Troubleshooting Investigations	114	119
Customer Services - Continued	September 2023	August 2023
Automated Meter Reading (AMR) Troubleshooting	23	29
Stopped/Underperforming Meters Replaced	83	66
Meter Transceiver Units (MXU) Upgraded to AMI	107	148
Meter Accuracy Tests Performed	8	0
Water Use Evaluations	13	14
Water Use Violation Reports	5	5
Workshops, Events, and Tours	2	1
High-Efficiency Clothes Washer Rebate Applications	6	11
Weather-Based Irrigation Controller Rebate Applications	8	8
Hose Irrigation Controller Rebate Applications	0	0
High-Efficiency Rotating Nozzle Rebate Applications	1	3
High-Efficiency Toilet Rebate Applications	0	0
Rain Barrel Rebate Applications	0	2
Flow Monitor Device Rebate Applications	0	0
Turf Removal Project Rebate Applications	0	2
Social Media Posts	12	17
News Releases/Media Advisories	1	2
EFRR	September 2023	August 2023
Special Use/Event Permits	2	3
Parking Notices	22	32
Incident Reports	7	6
Vehicle Count	3,758	2,689
Trail Use Count	6,287	4,577
Days Closed Due to Rain/Red Flag	0	2
Days Interpretive Center (IC) Open	13	16
Number of IC Visitors	253	177
Volunteer Trail Patrol Shifts	5	4
Volunteer Docent Hours	74	79
Total Number of Docents	61	61
Finance	September 2023	August 2023
Infosend Payments (ACH and Credit Card)	11,579	13,293
OMWD Auto Debit Payments	1,164	1,439
California Bank & Trust Lockbox Payments	2,625	3,173
Over the Counter Payments	497	544
Check-free, Metavante and Chase	4,048	4,664
Finance Calls and Walk-ins	34	64
Service Orders Processed	6	17
Service Orders Closed Out	2	1
Purchase Orders	16	15
Inventory Items Received	620	546
Invoices Processed	464	597
Payroll Direct Deposits Processed	240	245
Accounts Payable Checks and Electronic Fund Transfers	355	447

ENGINEERING DEPARTMENT

Engineering Manager Lindsey Stephenson Highlights for September 2023:

4S Ranch Neighborhood 1 Sewer Pump Station Replacement Project continued to progress through construction. The Asphalt and Concrete Maintenance Project construction continued at OMWD Headquarters and is nearing completion. Work is continuing on the Bob Topolovac Memorial Courtyard. The Notice to Proceed was issued for the Lusardi Phase III Cathodic Protection Replacement Project. The Recycled Water Pipeline Extensions Project was awarded, and staff is working on contracting. Staff continued planning and design efforts on multiple CIP projects. Staff continued to handle developer requests, continued to assist other departments with engineering-related work, and continued to manage OMWD's right of ways and cell sites.

HUMAN RESOURCES DEPARTMENT

Human Resources Manager Jennifer Joslin Highlights for September 2023:

Human Resources staff coordinated the team building activity in conjunction with the Supervisor/Manager hosted employee appreciation luncheon. Conducted first and second round interviews for the vacant Operations Manager position. Met with the ACWA JPIA Senior Risk Advisor for an orientation on ACWA JPIA's Risk Control services and website resources. Met with Lincoln Financial representatives to discuss 401 plan options. Coordinated a temporary Water Treatment Plant Operator. Records staff processed multiple public records requests. Safety staff met with Operations staff to coordinate the 4S Water Reclamation Facility reservoir dam Emergency Action Plan. Coordinated the insurance adjuster and engineering forensics team assessment of the 4S Water Reclamation Facility blower damage. Hosted the September Safety Committee meeting.

OPERATIONS & MAINTENANCE

Operations Highlights for September 2023:

Source water blend is experiencing an increase of State Water Project water at near 70% and there have been several events of higher turbidity of raw water coming into the plant. After presenting to the Board in September, staff continues to diligently work on procuring quotes for the replacement digester blower due to fire damage and are actively working with insurance. A Request for Proposals is currently out for the SCADA Upgrade Project. The Extension 153 flow meter and telemetry installation commenced on September 18th and the David C. McCollom Water Treatment Plant Security Upgrade Project commenced on September 28th. Instrument Control Technician and Pump & Motor Technician staff continue supporting the Wastewater Master Plan development. System Operations continues to provide extensive support to Ardurra on the Potable Water/Recycled Water Updated Master Plan, including installation of 21 temporary pressure recorders throughout the Potable System. Construction presented an update on the Fleet Electrification Mandate to the Facilities Committee on September 19 and performed after hour leak repairs on September 17 inside the Encinitas Ranch Town Center.

CUSTOMER SERVICES DEPARTMENT

Customer Services Manager John Carnegie Highlights for September 2023:

Mailed 1,252 postcards to customers with Advanced Metering Infrastructure (AMI) meter functionality to promote rebates and the benefits of the My Water Use dashboard; mailed 102 postcards notifying customers affected by the next AMI Expansion Project phase of upcoming work and the My Water Use dashboard; mailed letter to 942 customers enrolled in OMWD's Direct Payment Program to encourage them to transition to online autopay; submitted comment letter to State Water Resources Control Board (SWRCB) regarding the proposed regulations for the long-term water use efficiency standards; participated in beta testing of SWRCB's conservation reporting tool and provided input to SWRCB; attended interagency workshop on low-income programs and disconnection procedures; submitted comment letters to Governor Newsom in support of Assembly Bill 1594 and Senate Bill 411; signed on to ACWA's coalition letter to Governor Newsom in support of AB 1594; and submitted a legislative proposal for SDCWA consideration to co-sponsor legislation to amend Public Contract Code to increase the threshold over which a contract must be awarded via bid.

At Elfin Forest Recreational Reserve, held a "Habitat" field trip for Escondido Unified School District students; in partnership with Escondido Creek Conservancy, hosted a visit for Diego Children and Nature; responded to a vehicle driving over the embankment; and coordinated three Encinitas Baccharis surveys for San Diego Management & Monitoring Program to build upon regional biological data maps.

FINANCE DEPARTMENT

Finance Manager Rainy Selamat Highlights for September 2023:

Presented proposed water rate options for 2024 for discussion with the Board; executed auditing services agreement with the Pun Group for fiscal years 2024, 2025, and 2026; staff completed auditors' schedules and reconciliations and responded to auditors' inquiries; staff completed Governmental Accounting Standards Board (GASB) 96 implementation with assistance from the auditors; staff is finalizing fiscal year 2023 financial audit and single audit reports with auditors; completed draft of watching water special edition on proposed changes to water rates and charges for 2024; assisted other departments with various requests such as editing board memos, completing water loss audit, and submitting grant claims; attended CalPERS 2022-23 investment returns and employers impacts; participated in OMWD team building event and supervisors/managers BBQ; attended IT trainings on Cybersecurity; attended safety committee meeting; attended zoom meetings with Lincoln representatives with HR Manager Joslin to discuss 401 (a) plan; solicited quotes for sewer rate cost of service study and FY 2023 Annual Comprehensive Financial Report design printing project; attended Wet Weather Incentive Program; participated in the panel interview for the operations manager position; reviewed OMWD employees' handbook; assisted Vista Irrigation District in reviewing proposals received to select a municipal advisor for VID; and last but not least, received the 28th consecutive year Annual Comprehensive Financial Report award from Government Finance Officers Association for the fiscal year ending June 30, 2022.

ASSISTANT GENERAL MANAGER:

The Assistant General Manager reports the following for September 2023:

Hosted Community Outreach Meeting for San Dieguito Brackish Groundwater Project, participated in interview panel for new Operations Manager, participated in District's Supervisor/Manager BBQ Lunch, attended North San Diego Water Reuse Coalition Workshop at Leucadia Wastewater District, participated in ACWA JPIA Onboarding meeting, attended Conservation Committee meeting, attended Safety Committee meeting, engaged in meetings with consultants and continued project management efforts on San Dieguito Valley Brackish Groundwater Project, dedicated significant time to personnel matters, employee recruitment, and claims management.

GENERAL MANAGER:

The General Manager reports the following for September 2023:

General Manager Thorner met with Santa Fe Irrigation District General Manager about the Groundwater Project, met with Leucadia Wastewater District General Manager, led a new employee tour, presented at the San Dieguito Groundwater Project Community Meeting, conducted Operations Manager interviews, held a Facilities Committee Meeting, hosted an employee team building event, held an Ad Hoc Public Outreach and Conservation Committee Meeting, chaired a LAFCO Special District Advisory Committee Meeting, met with SDCWA General Manager Denham, attended the North San Diego Water Reuse Coalition Meeting, attended the Member Agency Managers Meeting, held a Safety Committee Meeting, met with Finance on rate options for 2024, dedicated significant time to board member briefings, public records requests, legal matters, and personnel matters.

Memo

C

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

CONSULTING ENGINEER

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

MEMORANDUM

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

From: Don MacFarlane, Consulting Engineer

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

Date: October 9, 2023

This is a report on the One Water and Stewardship Committee, the Engineering, Operations, and Technology Committee, the Finance, Audit, and the Insurance and Real Property Committee, and the Bay-Delta Subcommittee meetings, held on October 9 and 10, 2023. This report is based on the Board reports and memorandums. I was unable to attend the webcast.

Finance, Audit, Insurance, and Real Property Committee –

1. Pure Water Southern California (PWSC) Cost Recovery Alternatives – Raftelis and staff reviewed the following alternatives:
 - a. Existing MWD Rates and Charges
 - b. New Functional Fixed Charge for Supply and Transportation, with O&M paid for through the Tier 1 Rate and the System Access Rate
 - c. Member Agency Subscriptions, take or pay contracts with existing rate elements or a new fixed charge
 - d. PWSC Supply and Transportation Surcharges
 - e. A New General Obligation Bond repaid by an ad-valorem property tax

2. Long-Range Financial Planning and Integrated Resource Planning – Staff presented these planning processes. Highlights included:
 - a. Modeling was performed for the years 2025 to 2032
 - b. Four scenarios were analyzed. They resulted in a supply gap of between 0 and 1.22 MAF, and projected annual rate increases between 5.6 and 8.4 percent.
 - i. Low Demand, Stable Imports
 - ii. High Demand, Stable Imports
 - iii. Low Demand, Reduced Imports
 - iv. High Demand, Reduced Imports
 - c. Annual projected demands ranged from 1.24 to 1.66 MAF
 - d. Resource Unit Costs
 - i. Seawater desalination - \$3,000/AF

MEMORANDUM

Metropolitan Water District of Southern California

October 9, 2023 Committee Meetings

Page 2

10/9/2023

- ii. Annual storage cost - \$300/AF
- iii. SWP transfers - \$600/AF

One Water and Stewardship Committee –

1. Delta Conveyance Project Final EIR – DWR expects to release the EIR in late 2023.
2. Draft Bay-Delta Water Quality Control Plan - The SWRCB released the draft plan in September and opened the public comment period.

Engineering, Operations, and Technology Committee –

1. September 2023 Demands - 130 TAF, while the September 2022 demands were 136 TAF.
2. Percentage of SWP Water Delivered to the Skinner Water Treatment Plant – 60 percent.
3. Draft Seawater Desalination Siting and Technology Study July 2023 – Staff reviewed this study. Potential qualifying sites within the MWD service area, with Paleochannel formations, suitable for slant-well technology, include those listed below. Innovation opportunities included the Las Virgenes MWD OceanWell technology.
 - a. Oxnard
 - b. Santa Monica
 - c. Palos Verdes
 - d. Santa Ana River
 - e. Dana Point (Doheny)
 - f. Oceanside

Bay-Delta Subcommittee – Staff prepared a “Bay-Delta Memo” as a primer for policy discussions in 2024. Next steps include a strategic value and risk analysis. Highlights include:

1. The Bay-Delta typically provides 30 percent of MWD’s supplies. The 10-year average supply is 830 TAF, while the 20-year is 1 MAF.
2. To date, MWD has spent \$300 million on Bay Delta programs and project planning, \$32 million on the Sites Reservoir planning, \$44 million on Bay Delta science efforts, and \$174 million on the Delta Islands purchase.

EIR – Environmental Impact Statement DWR – State of California Department of Water Resources

MGD – Million Gallons per Day MAF – Million acre-feet

MWD – Metropolitan Water District of Southern California

SWP – State Water Project TAF – Thousand acre-feet

SWRCB – State Water Resources Control Board

Memo

D

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

GENERAL COUNSEL

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



TO: Olivenhain Municipal Water District
FROM: Alfred Smith
DATE: October 18, 2023
RE: Attorney Report: Conflict of Interest and Water Rights Update
150152-0005

I. INTRODUCTION.

This attorney report provides an update on two new bills signed by Governor Newsom. First, Assembly Bill 334 (“AB 334”) limits the scope of Government Code 1090’s conflict of interest provisions for contractors working on multiple stages of public agency infrastructure projects, such as engineers, land surveyors, architects and geologists.

Second, Senate Bill 389 (“SB 389”) grants the State Water Board increased investigation authority over water rights. Two other bills that proposed to significantly expand the State Water Board’s enforcement power are now two-year bills.

II. CONFLICT OF INTEREST – GOVERNMENT CODE 1090

On September 30, Governor Newsom signed AB 334 into law. AB 334 is a significant update that clarifies California Government Code section 1090's conflict of interest prohibition and its application to contractors engaged by public agencies. AB 334 is codified as Government Code Section 1097.6 and will go into effect on January 1, 2024.

Government Code section 1090 prohibits public agency "officers or employees" from having a personal financial interest in any contract they make in their official capacity. Previous court decisions established that contractors may be considered "officers" subject to Section 1090, if the contractor has the potential to exert influence over the agency's contracting decisions. (See *People v. Superior Court (Sahlolbei)* (2017) 3 Cal.5th 230; *Davis v. Fresno Unified School District* (2015) 237 Cal.App.4th 261, 300; *Hub City Solid Waste Services, Inc. v. City of Compton* (2010) 186 Cal.App.4th 1114, 1124-1125.)

Government Code section 1090 has historically been subject to uncertainty in its application to contractors working on multiple stages of public agency infrastructure projects, such as engineers, land surveyors, architects and geologists.

AB 334 clarifies Government Code section 1090 in two ways. First, AB 334 provides that a contractor who did not prepare or assist in preparing solicitation materials for a subsequent contract is not an "officer" of the public agency.

Second, AB 334 explains that even if an independent contractor did participate in preparing a public agency solicitation, the contractor is not prohibited from entering into the subsequent contract so long as the prior participation was:

- (1) limited to conceptual, preliminary, or initial plans or specifications; and
- (2) all bidders or proposers for the subsequent contract have access to the same information, including the conceptual, preliminary or initial plans.

AB 334 was supported by many public agency organizations, including the League of California Cities and the California State Association of Counties.

III. WATER RIGHTS

Senate Bill 389 was a legislative effort to increase the State Water Board's authority over water rights. Introduced by Senator Ben Allen (D-Redondo Beach) on February 9, 2023, the bill sought to "provide the State Water Board with more tools to determine whether senior water right claimants who assert riparian or pre-1914 appropriative rights have defensible ground for their diversion and use of water."

SB 389 is inspired by a February 3, 2022 paper released by the Planning and Conservation League ("PCL") entitled "Updating California Water Laws to Address Drought and Climate Change." Notably, the paper recommends that the State Water Board obtain authority to verify the validity of pre-1914 appropriative rights and riparian rights. The paper suggests that California's water rights system is outdated, and generally allows those who first claimed water from rivers and creeks to take more than their fair or equitable share of water, leaving others to get what's left over or pay higher water costs. The PCL asserts that SB 389 could enable the State Water Board "to better manage the system for the benefit of all users, and the ecology of California's many beautiful streams."

A fundamental tenet in California water law has been the distinction between pre- and post-1914 appropriative surface water rights. Historically, the State Water Board has had minimal authority over pre-1914 rights and riparian rights, so the holders thereof have been largely insulated from State Water Board regulation. Because the State Water Board derives its authority from statute, SB 389 was proposed to amend the California Water Code to expand the State Water Board's statutory authority.

A. SB 389 as Introduced.

As introduced, SB 389 called for the addition of a new article to the Water Code that authorized the State Water Board to:

- (1) investigate a diversion and use of water from a stream system to *determine* whether the diversion and use are based upon a valid right;
 - (2) issue an information order to a water user to provide technical reports or other information related to the diversion and use;
 - (3) issue a decision or order that *determines* the water right, whether limited in scope or wholly invalid; and
 - (4) find forfeiture even without a conflicting claim by another water user.
- Additionally, the bill would have affirmatively placed the burden of proof on a water user to establish the validity of a claimed water right – thereby requiring the water right holder to submit substantial amounts of evidence to defend historically claimed water rights.

B. SB 389 as Amended.

SB 389 faced opposition from numerous agricultural and municipal water users alike. For example, ACWA's State Legislative Committee voted to oppose SB 389. ACWA stated serious concerns with “authorizing the State Water Board to drag water right holders before the Board to prove their claims.” ACWA also expressed concerns that the bill did not require the State Water Board to have a basis for investigating water rights, and the bill lacked details about the process for a hearing to provide due process to water rights holders.

Subsequent amendments in the Senate and Assembly removed significant enhancements to the State Water Board’s enforcement authority, while clarifying the State Water Board’s investigation and information gathering power. For example, rather than “determine” the validity of a surface water right, the amended bill authorizes the State Water Board to “investigate and ascertain” the validity of surface water rights (which are terms already included in existing law, specifically Water Code section 1051).

With these amendments, ACWA withdrew its opposition to SB 389.

C. Other Water Rights Bills.

Two other bills were under consideration this year to increase the State Water Board’s authority. Assembly Bill 460 proposed authorizing the State Water Board to issue “interim relief” orders to enforce the reasonable use doctrine, water rights, and

water quality standards. Assembly Bill 1337 proposed authorizing the State Water Board to issue curtailment orders for *any* diversion, even pre-1914 appropriative rights.

AB 460 and AB 1337 would have granted the State Water Board significantly more authority than SB 389 and received substantial opposition. For example, ACWA's State Legislative Committee voted to oppose both AB 1337 and AB 460. With respect to AB 460, ACWA expressed concern that the bill would (1) authorize the State Water Board to commence an interim relief proceeding on its own motion or upon the petition of an interested party to enforce a broad set of standards; and (2) exempt the State Water Board's actions from CEQA if certain findings are made by the State Water Board.

With respect to AB 1337, ACWA stated the bill would authorize the State Water Board to adopt sweeping regulations and to enforce them through curtailing diversions or use of water under any claim of right. ACWA expressed further concern that the bill would not require the State Water Board to hold a hearing before issuing curtailments when a hearing would be "impractical." ACWA asserted that AB 1337 threatens to "undermine the basic foundation of water management and water delivery in California by proposing to authorize the State Water Board to effectively take water rights with little to no due process."

AB 460 and AB 1337 are now two-year bills.

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.



San Diego County Water Authority
And Its 24 Member Agencies

SUMMARY OF FORMAL BOARD OF DIRECTORS' MEETING SEPTEMBER 28, 2023

1. Monthly Treasurer's Report on Investments and Cash Flow.
The Board noted and filed the Treasurer's report.
2. Amendment with Engineering Solutions Services for As-Needed Grant Writing Services.
The Board authorized the General Manager, or designee, to execute Amendment 2 to the professional services contract with Engineering Solutions Services for as-needed grant writing services in the amount of \$150,000, increasing the contract amount from \$150,000 to \$300,000.
3. Contract with R&B Automation, Inc., for the purchase and installation of 32 electric actuators for seven large facilities.
The Board authorized the General Manager to award a construction contract to R&B Automation, Inc., for the purchase and installation of 32 electric actuators at San Vicente, Olivenhain, Valley Center and Twin Oaks pump stations, Diversion Structure, Lake Hodges and Rancho Peñasquitos Hydroelectric Facilities, in the amount of \$1,005,500.
4. Approval of Minutes.
The Board approved the minutes of the Special Board of Directors' meeting of August 10, 2023 and the Formal Board of Directors' meeting of August 24, 2023.

Memo

F

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS
LEGISLATIVE REPORT

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



NOSSAMAN^{LLP} | Memorandum

TO: Olivenhain Municipal Water District (OMWD)
FROM: Ashley Walker, Senior Policy Advisor, Nossaman LLP
Jennifer Capitulo, Jennifer M. Capitulo and Associates LLC
DATE: October 4, 2023
RE: October 2023 Public Policy Report

State Legislative Update:

Status of the Legislature: The final day of session was on Thursday, September 14. Bills that did not pass this year, will become two-year bills and will be eligible to be taken up in 2024. The Governor has until October 14 to take action on bills presented to him. The 2024 Legislative Session will begin on January 3.

Legislative Delegation Tours: Nossaman is working with the OMWD Public Policy Committee to set up tours with the Legislative Delegation. These tours are focused on building relationships, and education on OMWD's projects that are in need of funding. These tours will happen in the fall and winter.

Update to the Legislative & Regulatory Review Document: Nossaman will be assisting OMWD with updating the Legislative & Regulatory Review Document to reflect updated policies and goals for 2024.

Legislation: OMWD took several positions on legislation this year, as outlined below.

- **AB 30 (Ward): Atmospheric rivers: research: reservoir operations.** This bill renames the Atmospheric Rivers program as the Atmospheric Rivers Research and Forecast Improvement Program: Enabling Climate Adaptation Through Forecast-Informed Reservoir Operations and Hazard Resiliency Program and requires the Department of Water Resources to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailored decision support systems to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions.
Current position: Support.
Status: This bill was signed by the Governor.
- **AB 399 (Boerner) Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion of territory: procedure.** This bill enacts the Water Ratepayers Protections Act of

2023, which requires a member agency to receive majority voter approval of its electorate, and the entire county water authority's electorate, before it can detach from a county water authority. OMWD put in a letter to the Author requesting amendments be added to the bill. The requested amendment proposed that the voting structure at the County Water Authority be changed from a weighted vote to a combination majority weighted vote/majority agency vote to ensure that decisions made by the SDCWA Board of Directors are in the best interest the Water Authority, as a whole, and not just the few large agencies. Nossaman met with the Author's office and the Assemblywoman is not open to the proposed amendment in this bill, as they believe the voting structure amendment is not related to the issue they are trying to address in AB 399 with the departure of a Member Agency. They are willing to discuss the voting structure issue in the fall. Nossaman will work to set up a meeting in the fall to discuss this issue.

Current position: Watch.

Status: This bill is on the Governor's Desk.

- **AB 755 (Papan): Water: public entity: cost-of-service analysis.** Requires a public entity, whenever conducting a cost-of-service analysis, to identify the total incremental costs incurred by all the major water users and the total incremental costs incurred by all the low volume water users in the single-family residential class.

Current position: Watch.

Status: This bill is on the Governor's Desk.

- **AB 838 (Connolly): California Water Affordability and Infrastructure Transparency Act of 2023.** This bill would place additional requirements to public water systems by having them provide specified information and data related to the average water bill paid by customers at intervals determined by the State Water Board.

Current position: Oppose.

Status: This bill is dead for the year.

- **AB 1072 (Wicks): Water conservation and efficiency: low-income residential customers.** Seeks to ensure local rebates are available to low-income and disadvantaged communities. Olivenhain MWD strongly supports access to rebates for water efficient fixtures and landscapes for these communities, but recognizes there are barriers to participation. The approach this bill takes to ensuring access to these programs, however, is not workable as it potentially violates Proposition 218 requirements and directs inappropriate state funding for these purposes.

Current position: Oppose unless amended.

Status: This bill is dead for the year.

- **AB 1337 (Wicks): State Water Resources Control Board: water diversion curtailment.** Authorizes SWRCB to issue a curtailment order for any diversion, regardless of basis of right, when water is not available under the diverter's priority of right, and makes the failure to comply with a curtailment order a trespass.

Current position: Oppose.

Status: This bill is dead for the year.

- **AB 1567 (Garcia): Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024.** Places a \$15.955 billion climate resilience general obligation bond before the voters on the March 5, 2024, Primary Election ballot.

Current position: Support.

Status: This bill is a two-year bill and will be eligible to move forward in 2024.

- **AB 1572 (Friedman): Potable water: nonfunctional turf.** This bill would create a regulatory structure around a prohibition on the use of potable water for the irrigation of nonfunctional turf on properties other than single-family homes. We do not oppose banning irrigation of certain nonfunctional turf with potable water, but have concerns regarding the current definition of nonfunctional turf, scope, and compliance structure provided for in AB 1572.

Current position: Watch.

Status: This bill is on the Governor's Desk.

- **AB 1594 (Garcia): Medium- and heavy-duty zero-emission vehicles: public agency utilities.** This bill would require that any state regulation applicable to essential public agency utility vehicles ensures that those vehicles can support a public agency utility's ability to maintain reliable water and electric service, respond to disasters in an emergency capacity, and provide mutual aid assistance statewide and nationwide.

Current position: Support.

Status: This bill is on the Governor's Desk.

- **AB 1637 (Irwin): Local government: internet websites and email addresses.** This bill would require local governments to ensure that their public-facing internet websites and email addresses use a ".gov" or ".ca.gov" domain name, no later than January 1, 2029.

Current position: Comments on concerns.

Status: This bill is on the Governor's Desk.

- **SB 23 (Caballero): Water supply and flood risk reduction projects: expedited permitting.** ACWA is sponsoring SB 23 which would streamline the regulatory permitting of water supply and flood risk reduction projects.

Current position: Support.

Status: This bill is dead for the year.

- **SB 366 (Caballero): The California Water Plan: long-term supply targets.** CMUA is sponsoring this legislation intended to transform California's water planning efforts from a process where we are managing for scarcity to a future where there is enough water for all beneficial uses.

Current position: Support.

Status: This bill is dead for the year.

- **SB 411 (Portantino): Open meetings: teleconferences: bodies with appointed membership.** This bill ensures alternate teleconferencing provisions indefinitely to boards, an advisory boards of a local agency and commissions. This measure will allow boards and commissions to continue to serve their constituents uninterrupted by extending appropriate COVID-19 pandemic provisions.

Current position: Support.

Status: This bill is on the Governor's Desk.

- **SB 867 (Allen): Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024.** Authorizes a \$15.5 billion climate resilience bond to be placed before voters at an unspecified election.

Current position: Support.

Status: This bill is a two-year bill and will be eligible to move forward in 2024.

Governor's Actions and Executive Orders: The following actions have been taken by the Governor since the last report. This list is compiled from CalOES, California Health and Human Services, California Department of Public Health, and FEMA.

- September 28: President Joseph R. Biden, Jr. Approves Major Disaster Declaration for the La Jolla Band of Luiseño Indians. FEMA announced that federal disaster assistance has been made available for the La Jolla Band of Luiseño Indians to supplement the tribal recovery efforts in the areas affected by Tropical Storm Hilary that occurred from Aug. 19-21, 2023.
- September 27: the President authorized federal funding to be made available to the La Jolla Band of Luiseño Indians and certain private nonprofit organizations on a cost-sharing basis for emergency work and the repair or replacement of facilities damaged by Tropical Storm Hilary. Federal funding is also available on a cost-sharing basis for hazard mitigation measures. Andrew F. Grant has been named Federal Coordinating Officer for federal recovery operations in the affected areas. Additional designations may be made at a later date if requested by the tribe and warranted by the results of further assessments.
- September 26: Governor Newsom Strengthens California's Nation-Leading Gun Safety Laws. Governor Newsom signed new gun safety measures into law — strengthening the state's public carry regulations, requiring microstamping on handgun cartridges to help trace guns used in crimes, keeping guns away from potentially dangerous individuals, enacting a first-in-the-nation effort to generate funds on the sale of bullets to improve school safety and gun violence intervention programs, and more.

- September 25: Governor Newsom signs law cracking down on sex trafficking of minors. Governor Gavin Newsom, joined by First Partner Jennifer Siebel Newsom, State Senator Shannon Grove (R-Bakersfield), State Senator Anna Caballero (D-Merced), and survivors and advocates, today signed SB 14 (Grove) into law to steepen penalties for human trafficking of minors in California. The law designates human trafficking of a minor for purposes of a commercial sex act as a serious felony — including under the state’s “Three Strikes” law — and imposes harsher penalties and sentencing enhancements for individuals convicted of the crime.
- September 22 – Governor Gavin Newsom announced \$20 million in grants to 22 Native American tribes to support projects aimed at addressing housing insecurity and preventing and ending homelessness in their communities. The grantees span the state from San Diego County to Siskiyou County, and represent communities of varying sizes and capacities, including smaller and more rural tribes that often experience additional barriers to accessing funding and resources.
- September 22 – As leaders of Native American tribes from across California gather to celebrate the 56th California Native American Day at the state Capitol, Governor Gavin Newsom today issued a proclamation declaring September 22, 2023, as Native American Day in the State of California.
- September 12 – Supporting ongoing recovery efforts, Governor Gavin Newsom today proclaimed a state of emergency in Siskiyou County to help address the impacts of Tropical Storm Hilary, which caused flashflooding, mudslides, landslides and debris flows that damaged roads, storm drains and other infrastructure in the county. Governor Newsom previously proclaimed a state of emergency in Siskiyou County on August 29 due to the Happy Camp Complex fires.
- September 8 – Cal OES announced the approval in June of \$31,734.45 in California Disaster Assistance Act (CDAA) funding to help the Tahoe City Public Utility District cover eligible costs and administrative fees related to conducting emergency protective measures in response to the winter storms that hit the Sierra Nevada Mountains from December 10, 2021, through January 1, 2022.
- September 7 - Governor Newsom announced he is increasing the deployment of CalGuard service members by approximately 50% from 40 to 60 soldiers at the four U.S. ports of entry along the U.S.-Mexico border to support the interdiction of illicit drugs, including fentanyl.

Water Quality

Bay Delta Plan: The State Water Resources Control Board has released a draft Staff Report in support of possible updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan) that are focused on the Sacramento

River watershed, Delta, and Delta eastside tributaries (Sacramento/Delta). The draft Staff Report includes scientific information and environmental and economic evaluations to support possible Sacramento/Delta updates to the Bay-Delta Plan. The report assesses a range of alternatives for updating the Sacramento/Delta portions of the Bay-Delta Plan, including: an alternative based on a 2018 Framework document identifying a 55% of unimpaired flow level (within an adaptive range from 45-65%) from Sacramento/Delta tributaries and associated Delta outflows; and a proposed voluntary agreements alternative that includes voluntary water contributions and physical habitat restoration on major tributaries to the Delta and in the Delta. In addition, based on input from California Native American tribes, the draft Staff Report identifies the proposed addition of tribal and subsistence fishing beneficial uses to the Bay-Delta Plan. The draft Staff Report is available for review on the [Board's website](#). Written comments on the report are due by **December 15, 2023**. During the public comment period, staff will hold two public workshops to explain the report where attendees can also ask questions. The workshops will be followed by a public hearing before the State Water Board to receive oral comments on the draft Staff Report.

Lead Service Line Funding and Technical Assistance: The Division of Financial Assistance is holding a Q&A session on October 20th, 2023, to raise awareness regarding the availability of funds to inventory and replace Lead Service Lines owned by both the utilities and their customers. Staff will also present the new Lead Service Line Application.

Drinking Water Fees: On September 19, 2023, the State Water Board will consider adopting emergency regulations that adjust drinking water fees to conform to the revenue levels set forth in the Budget Act for fiscal year (FY) 2023-24. The proposed emergency regulation will adjust the fee schedule by increasing the fees approximately 5.5 percent for community water systems, non-transient non-community water systems, transient non-community water systems, and wholesalers. Please view the [Notice of Proposed Emergency Rulemaking- Drinking Water Fees](#) for more information.

Cross-Connection Control Policy Handbook: The State Water Resources Control Board will hold a workshop on the draft Cross-Connection Control Policy Handbook (CCCPH) on Wednesday, October 18, 2023 at 9:30 a.m. in the Coastal Hearing Room. Written comments are due by 12:00 (noon) on October 20, 2023.

Electronic Annual Report: On August 30, 2023, the State Water Resources Control Board (SWRCB) hosted a [virtual electronic Annual Report \(eAR\)](#) Input Forum to review the 2022 Reporting Year (RY), gather feedback on proposed changes to the eAR for the 2023RY, and future reporting years.

Discussion items include:

1. Challenges, Issues, Bugs
2. Reporting Year Statistics and Uses
3. Vision Forward
4. Feedback Collection Process

The next eAR Input Forum will be held on November 2, 2023.

PFAS Class Action Lawsuit - 3M and DuPont Class Action Lawsuit Settlements approved by U.S. District Court. These settlement terms are binding on all California water providers and will result in a waiver of the right to pursue future litigation against 3M and DuPont unless a water provider “opts out” of the settlement by filing a request for exclusion by December 4 and 11, 2023, respectively. The settling parties have provided information about these settlements at <https://www.pfaswatersettlement.com> and water providers will be sent a court ordered notice via e-mail and U.S. mail.

Hydrologic Conditions: There are presently no drought conditions in most of the state, and many areas have experienced seasonal monsoon precipitation. Soil moisture levels are high, and most reservoirs are being maintained at capacity or above their average capacities statewide. Although the Governor’s emergency drought provisions remain in place at present. A strong El Nino is still anticipated for the fall and winter months, but this may or may not translate to higher rain and snowfall this winter.

Water Use Efficiency

Long-term Water Conservation Standards Rulemaking: The coalition of water suppliers and associations continues to meet to review the State Water Resources Control Board’s proposed regulation for “Making Water Conservation a California Way of Life.” The [proposed regulation and supporting material](#) were released for a 60-day comment period on August 18 with comments due on October 17. The regulation will establish outdoor residential water use efficiency standards as well as outdoor water use standards for commercial, industrial, and institutional (CII) water supplied by dedicated meters. These standards, combined with legislatively mandated indoor water use efficiency standards and adopted water loss standards are to be used to determine overall water use objectives (targets) for each water supplier on an annual basis. There are also requirements to classify and administer best management practices for all CII water users, convert CII mixed meters to dedicated meters, and submit annual compliance reports. The State Water Board has an objective explorer tool available for water suppliers to estimate their potential objectives, but the information used in the tool has been determined to be incorrect by some water suppliers and the tool likely underestimates the water use reductions that will be required by the proposed regulations.

The Coalition, led primarily by ACWA and CMUA, but including CWA, AWWA CA NV, WaterReuse, CalWEP, and other regional organizations, has been meeting regularly in several technical workgroups and committees to identify significant and concerns with the proposal. These meetings are expected in the coming weeks to result in comprehensive comments and recommendations for changes to the proposal to address its most burdensome provisions.

The Coalition’s advocacy strategy is currently focused on getting as many water suppliers as possible to attend and make comments during the scheduled October 4 workshop to ensure that the Board members are hearing directly from those responsible for implementing these regulations. The group is focusing on the overall cost and administrative burdens, which will

necessarily translate into upward water rate pressures and affordability concerns for customers.

It is hoped by the Coalition that the State Water Board will substantially revise the proposal and release another much more responsive version early in 2024 for another round of comments. The Board is currently planning to adopt a final regulation before August 17, 2024, which after approval by the Office of Administrative Law would become effective by December 2024. However, the first annual compliance report has a statutory due date of January 1, 2023, and significant compliance steps would need to be taken by water suppliers throughout 2024.

Drought Water Conservation Reporting Order: We continue to monitor the SWRCB reporting process to identify burdensome administrative requirements and we are collaborating with other water supplier associations to develop and advocate for alternatives to the SWRCB staff.

Other

Water and Wastewater Arrearage Payment Program: On October 3, the State Water Board will consider a proposed Resolution and Guidelines for the California Extended Water and Wastewater Arrearage Payment Program (Extended Arrearage Payment Program) and direct the Division of Financial Assistance to administer the Extended Arrearage Program. This new Extended Arrearage Program would provide payments to both water and wastewater customer arrearages for the extended COVID-19 pandemic bill relief period of March 4, 2020 through December 31, 2022. Once approved, the State Water Board will open the application portal and utilities will have 60 days to complete the submission process.

Water Plan Update: The CA Department of Water Resources (DWR) has released the [public review draft of California Water Plan Update 2023](#). Members of the water community and people impacted by water management and policies are encouraged to help shape California Water Plan Update 2023 during the public comment period, which will run from ***September 20 through October 19, 2023***. The entire [Draft document of California Water Plan Update 2023](#) can be found on [DWR's Water Plan webpage](#). The California Water Plan is a guide for managing and developing the state's water resources. This plan informs water managers, including water districts, cities, counties, and Tribal communities to better prepare for climate extremes so all Californians can access water. The California Water Plan is updated every five years to reflect current water conditions and State government priorities.

Olivenhain Legislative Report as of 10/11/2023

Concerns/Amend

[AB 399](#) (Boerner D) Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion of territory: procedure.

Last Amend: 9/1/2023

Status: 9/19/2023-Enrolled and presented to the Governor at 4 p.m.

Location: 9/19/2023-A. ENROLLED

Summary: The County Water Authority Act provides for the formation of county water authorities and grants to those authorities specified powers with regards to providing water service. The act provides 2 methods of excluding territory from any county water authority, one of which is that a public agency whose corporate area as a unit is part of a county water authority may obtain exclusion of the area by submitting to the electors within the public agency, at any general or special election, the proposition of excluding the public agency's corporate area from the county water authority. Current law requires that, if a majority of the electors approve the proposition, specified actions take place to implement the exclusion. This bill, the Water Ratepayers Protections Act of 2023, would additionally require the public entity to submit the proposition of excluding the public agency's corporate area from the county water authority to the electors within the territory of the county water authority. The bill would require the 2 elections to be separate; however, the bill would authorize both elections to run concurrently. The bill would require the ballot materials to include a fiscal impact statement, as described.

Position

Concerns/Amend

Notes: Olivenhain letter to author on AN 399 amendments 7.26.23.

Support

[AB 1567](#) (Garcia D) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024.

Last Amend: 5/26/2023

Status: 6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.

Location: 6/14/2023-S. N.R. & W.

Summary: Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,995,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, clean energy, and workforce development programs.

Position

Support

[SB 867](#) (Allen D) Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024.

Last Amend: 6/22/2023

Status: 7/6/2023-July 10 hearing postponed by committee.

Location: 6/20/2023-A. NAT. RES.

Summary: Would enact the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,500,000,000 pursuant to the State General Obligation Bond Law to finance projects for drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean energy programs.

Position

Support

Two Year Bill

[SB 737](#) ([Hurtado D](#)) Groundwater: recharge.

Status: 3/1/2023-Referred to Com. on RLS.

Location: 2/17/2023-S. RLS.

Summary: Would state the intent of the Legislature to enact subsequent legislation to capture floodwater to recharge groundwater basins and to require the Department of Water Resources and the State Water Resources Control Board to work together to expedite the regulatory steps necessary to store significant rainfall and excess water underground, while still ensuring protections for the environment and other water users as required by state law.

Position

Two Year Bill

Close Watch

[SB 638](#) ([Eggman D](#)) Climate Resiliency and Flood Protection Bond Act of 2024.

Last Amend: 6/28/2023

Status: 7/6/2023-July 11 hearing postponed by committee.

Location: 6/15/2023-A. W.,P. & W.

Summary: Would enact the Climate Resiliency and Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,000,000,000 pursuant to the State General Obligation Bond Law, for flood protection and climate resiliency projects.

Position

Close Watch

Watch

[AB 305](#) ([Villapudua D](#)) California Flood Protection Bond Act of 2024.

Last Amend: 4/25/2023

Status: 6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.

Location: 6/14/2023-S. N.R. & W.

Summary: Would enact the California Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$4,500,000,000 pursuant to the State General Obligation Bond Law for flood protection projects, as specified. The bill would provide

for the submission of these provisions to the voters at the November 5, 2024, statewide general election.

Position

Watch

[AB 664](#) (Lee D) California Safe Drinking Water Act.

Last Amend: 9/6/2023

Status: 9/20/2023-Enrolled and presented to the Governor at 4 p.m.

Location: 9/20/2023-A. ENROLLED

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 duties and responsibilities for the regulation and control of drinking water in the state. Current law imposes certain responsibilities on public water systems and authorizes the state board to issue a citation to a public water system if the state board determines that the public water system is in violation of the act, or any regulation, permit, standard, or order issued or adopted under the act. Current law requires a public water system to reimburse the state board for actual costs incurred by the state board for specified enforcement activities related to that water system, as provided. This bill would authorize the state board to issue a citation to any person if the state board determines that the person is in violation of the act, or any regulation, permit, standard, or order issued or adopted under the act. The bill would also require persons to reimburse the state board for actual costs incurred by the state water board for specified enforcement activities related to that person, as provided. The bill would expand the definition of "person," defined in existing law for purposes of the act to include individuals and various corporate and public entities, associations, and institutions, to also include the United States, to the extent authorized by federal law.

Position

Watch

[AB 1272](#) (Wood D) State Water Resources Control Board: drought planning.

Last Amend: 9/1/2023

Status: 9/14/2023-Withdrawn from Engrossing and Enrolling. Ordered to the Senate. In Senate. Held at Desk.

Location: 9/14/2023-S. DESK

Summary: Would require the State Water Resources Control 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 allow for the development of locally generated watershed-level 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 make the implementation of these provisions contingent upon an appropriation of funds by the Legislature for this purpose.

Position

Watch

[AB 1572](#) (Friedman D) Potable water: nonfunctional turf.

Last Amend: 9/5/2023

Status: 9/20/2023-Enrolled and presented to the Governor at 4 p.m.

Location: 9/20/2023-A. ENROLLED

Summary: Would make legislative findings and declarations concerning water use, including that the use of potable water to irrigate nonfunctional turf is wasteful and incompatible with state policy relating to climate change, water conservation, and reduced reliance on the Sacramento-San Joaquin Delta ecosystem. The bill would direct all appropriate state agencies to encourage and support the elimination of irrigation of nonfunctional turf with potable water.

Position

Watch

Notes: ACWA close watch- define nonfunctional turf and create a program within the State Board for regulation of nonfunctional turf and prohibit the use of potable water for the irrigation of nonfunctional turf.

ACA 2

(Alanis R) Public resources: Water and Wildfire Resiliency Act of 2023.

Status: 4/20/2023-Referred to Coms. on W., P., & W. and NAT. RES.

Location: 4/20/2023-A. W.,P. & W.

Summary: Would establish the Water and Wildfire Resiliency Fund within the State Treasury, and would require the Treasurer to annually transfer an amount equal to 3% of all state revenues that may be appropriated as described from the General Fund to the Water and Wildfire Resiliency Fund. The measure would require the moneys in the fund to be appropriated by the Legislature and would require that 50% of the moneys in the fund be used for water projects, as specified, and that the other 50% of the moneys in the fund be used for forest maintenance and health projects, as specified.

Position

Watch

SB 3

(Dodd D) Discontinuation of residential water service: covered water system.

Last Amend: 9/1/2023

Status: 9/15/2023-Enrolled and presented to the Governor at 3 p.m.

Location: 9/15/2023-S. ENROLLED

Summary: Current law establishes the Safe Drinking Water Account to be available to the State Water Resources Control Board, upon appropriation by the Legislature, for the purpose of providing funds necessary to administer the California Safe Drinking Water Act. This bill would expand the use of available funds in the account to be used by the state board, upon appropriation by the Legislature, to include the administration of the Water Shutoff Protection Act.

Position

Watch

Total Measures: 11

Total Tracking Forms: 11

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 10/11/23)

Date(s)	Event	Time	Location	Attending Board Member(s)	Additional Information (Speakers' Topic, Cohosts, etc.)
SEPTEMBER 2023					
26-Sep	SDCWA Board Meeting Prep			Meyers	
27-Sep	Safety Committee Meeting	2:30 PM	OMWD Boardroom	Hahn, Meyers	
27-Sep	North County Work Group Meeting	8:00 AM	Rincon and Virtual	Meyers	
27-Sep	Conference Call with the General Manager			Guerin	
OCTOBER 2023					
3-Oct	Public Policy Committee Meeting - VIP Legislative Tour - Blakespear	10:30 PM	DCMWTP	Guerin, Watt	
4-Oct	Health Expo	11:30 AM-12:30 PM	Jack's Shack	Meyers, San Antonio	
5-Oct	VIP Tour	8:30 AM - 2:30 PM		Meyers	
7-Oct	EFRR Volunteer Appreciation BBQ	4:00 PM	Swenerton Residence	Meyers	
10-Oct	Neighborhood 1 Sewer Pump Station Project Tour	10:00 AM		Meyers	
11-Oct	Public Policy Committee Meeting - Legislative Tour - Mark Manning Jessica Olvera from Office of Assemblymember Maienschein, Cole Reed from Office of Senate President pro-Tempore Atkins	10:00 AM - 12:00 PM	DCMWTP	Watt	
12-Oct	Neighborhood 1 Sewer Pump Station Project Tour	9:00 AM		San Antonio, Hahn	
17-Oct	COWU Lunch Meeting	11:30 AM - 1:00 PM	The Butcher Shop	Hahn	
17-Oct	Board Meeting Briefing			Guerin	

Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

CORRESPONDENCE

Any correspondence is attached.

Board of Directors

Christy Guerin, President
Matthew R. Hahn, Vice President
Neal Meyers, Treasurer
Lawrence A. Watt, Secretary
Marco San Antonio, Director

**General Manager**

Kimberly A. Thorner, Esq.

General Counsel

Alfred Smith, Esq.

September 21, 2023

Honorable Gavin Newsom
Governor
1021 O Street, Suite 9000
Sacramento, CA 95814

Re: AB 1594 (Garcia) Medium- and heavy-duty zero-emission vehicles: Public agencies – SUPPORT Request for Signature

Dear Governor Newsom:

On behalf of Olivenhain Municipal Water District, I am writing in support of Assembly Bill 1594 by Assemblymember Eduardo Garcia, and request your signature on this measure. This bill would require that any state regulation applicable to essential public agency utility vehicles ensures that those vehicles can support a public agency utility's ability to maintain reliable water and electric service, respond to disasters in an emergency capacity, and provide mutual aid assistance statewide and nationwide. OMWD provides 87,000 customers in northern San Diego County with water, wastewater, recycled water, hydroelectric, and recreational services.

California's publicly owned electric, water, and wastewater utilities provide services that are critical to public health, safety, and welfare, as well as economic and national security. These publicly owned utilities rely on highly specialized medium- and heavy-duty vehicles to respond to emergencies, restore service, and prevent disruptions. As these utilities transition their fleets to zero-emission vehicles (ZEV) everywhere feasible by 2045 (consistent with Executive Order N-79-20), it is critical to have flexibility if a ZEV is not commercially available or cannot meet utility needs, such as when responding to an emergency.

The California Air Resources Board (CARB) is taking final action on a rule that would require publicly owned utilities to purchase 100% ZEVs starting in 2027. The rule would require a publicly owned utility to purchase a ZEV even in cases where the utility can show with evidence that there is no ZEV commercially available or capable of meeting the utility's needs. Without providing reasonable flexibility, this rule would hamper the ability of publicly owned utilities to maintain service, respond to emergencies, and provide mutual aid assistance when needed.

AB 1594 is necessary to meet our 100% ZEV goals in a manner tailored to each publicly owned utility and the essential services they provide their communities. Specifically, for regulations such as the CARB rule referenced above, AB 1594 would require the state agency to coordinate with public agency utilities, to identify vehicle vendors and suppliers that meet zero-emission vehicle standards and the public agency utilities' technical and performance requirements. It would also require CARB to



recognize the diversity of fleet size, terrain, and climate, and authorize public agency utilities to purchase replacements for traditional utility specialized vehicles that are at the end of life when needed to maintain reliable service and respond to major foreseeable events.

For the reasons stated above, OMWD supports AB 1594 and requests your signature. If you or your staff should need any additional details, please do not hesitate to contact me at 760-753-6466 or kthorner@olivenhain.com.

Regards,

A handwritten signature in black ink that reads "Kimberly A. Thorner". The signature is written in a cursive, flowing style.

Kimberly A. Thorner
General Manager

CC: Honorable Eduardo Garcia, California State Assembly, Author
Hazel Miranda, Deputy Legislative Secretary, Office of Gavin Newsom
Assemblymember Tasha Boerner, 77th Assembly District
Assemblymember Brian Maienschein, 76th Assembly District
President Senate Pro Temp Toni Atkins, 39th Senate District
Senator Catherine Blakespear, 38th Senate District
Senator Brian Jones, 40th Senate District
Ashley Walker, Nossaman, LLP (awalker@nossaman.com)

Board of Directors

Christy Guerin, President
Matthew R. Hahn, Vice President
Neal Meyers, Treasurer
Lawrence A. Watt, Secretary
Marco San Antonio, Director



General Manager

Kimberly A. Thorner, Esq.

General Counsel

Alfred Smith, Esq.

September 21, 2023

Honorable Gavin Newsom
Governor
1021 O Street, Suite 9000
Sacramento, CA 95814

Re: SB 411 (Portantino) Open Meetings: Teleconferences: Bodies with Appointed Membership-SUPPORT Request for Signature

Dear Governor Newsom:

On behalf of Olivenhain Municipal Water District, I am writing in support of Senate Bill 411 by Senator Anthony Portantino, and request your signature on this measure. This bill ensures alternate teleconferencing provisions indefinitely to boards and advisory boards of local agencies and commissions. OMWD provides 87,000 customers in northern San Diego County with water, wastewater, recycled water, hydroelectric, and recreational services.

SB 411 will allow boards and commissions to continue to serve their constituents uninterrupted by extending appropriate COVID-19 pandemic provisions. Virtual public meetings (allowed by your Executive Order during the COVID-19 pandemic) permitted local governments to remain operational during the pandemic via virtual teleconference. This allowed the government to remain productive and responsive to constituent needs, improved public involvement, increased the pool of individuals able to serve on governmental bodies, and protected the health and safety of civil servants and the public.

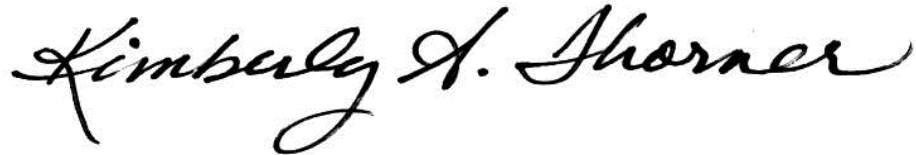
Your Executive Order has ended and local governments are now only able to use virtual meetings temporarily during emergencies. This has the effect of reducing public participation and reducing the pool of applicants who have the desire and ability to serve.

Virtual meetings have allowed much easier access to appointed or elected bodies of local agencies with far more members of the public participating in each meeting. This has created greater equity in the process and fostered the health of our democracy. SB 411 will ensure access to virtual teleconference meetings.



For the reasons stated above, OMWD supports SB 411 and requests your signature on this important measure. If you or your staff should need any additional details, please do not hesitate to contact me at 760-753-6466 or kthorner@olivenhain.com.

Regards,

A handwritten signature in black ink that reads "Kimberly A. Thorner". The signature is written in a cursive, flowing style.

Kimberly A. Thorner
General Manager

CC: Honorable Anthony Portantino, California State Senate, Author
Ronda Paschal, Deputy Legislative Secretary, Office of Gavin Newsom
President Pro Temp Toni Atkins, 39th Senate District
Senator Catherine Blakespear, 38th Senate District
Senator Brian Jones, 40th Senate District
Assemblymember Tasha Boerner, 77th Assembly District
Assemblymember Brian Maienschein, 76th Assembly District
Ashley Walker, Nossaman, LLP (awalker@nossaman.com)



September 22, 2023

The Honorable Gavin Newsom
 Governor, State of California
 1021 O Street, Suite 900
 Sacramento, CA 95814

RE: AB 1594 (Garcia) – REQUEST FOR SIGNATURE

Dear Governor Newsom:

The Association of California Water Agencies (ACWA) and the undersigned organizations support AB 1594 and respectfully request your signature. This bill would assist local

SACRAMENTO 980 9th Street, Suite 1000, Sacramento, CA 95814 • (916) 441-4545
WASHINGTON, D.C. 400 North Capitol Street NW, Suite 357, Washington, DC 20001 • (202) 434-4760

www.acwa.com

governments with complying with the California Air Resources Board's (CARB) Advanced Clean Fleets Regulation (ACF) while still providing critical services to customers.

Specifically, this bill would require any State regulation that requires the procurement of medium- and heavy-duty zero-emission vehicles (ZEVs), to authorize public agency utilities to purchase replacements for traditional utility-specialized vehicles that are at the end of life, without regard to the model year of the vehicle being replaced, to maintain reliable service and respond to major foreseeable events, including severe weather, wildfires, natural disasters, and physical attacks. AB 1594 would apply to publicly owned electric utilities, community water systems, water districts, irrigation districts, flood control agencies, and wastewater treatment providers.

In addition, in determining daily usage, public agency utilities would be able to provide comprehensive usage data for a class of vehicles that does not exclusively rely on the lowest mileage reading and does not exclude the highest usage data.

This year, CARB adopted the ACF to accelerate the market for ZEVs by requiring fleets to transition to ZEVs where feasible. The ACF requires California fleet owners and operators to start purchasing ZEVs in 2024, with the goal to move California's medium- and heavy-duty trucks to zero emission, where feasible, by 2045. California State and local government fleets, including city, county, special district, and State agency fleets, would be required to ensure 50 percent of vehicle purchases are zero-emissions beginning in 2024 and 100 percent of vehicle purchases are zero-emissions by 2027.

AB 1594 would provide flexibility for this transition, by allowing public water agencies and others to work with CARB to identify situations where traditional vehicles must be purchased to replace vehicles at the end of their useful life. It is important that public water and wastewater agencies have fleet vehicles that meet stringent requirements and perform specialized functions to avoid dire situations in which public water and wastewater agencies cannot complete essential services. Access to vehicles that meet the specific usage needs of the agency is especially critical in emergency situations such as a natural disaster, downed power lines, ruptured pipelines, or other instances.

AB 1594 would ensure State regulations, like the ACF, allow for vehicles that can properly support public utilities' essential services, protecting public health and safety. For this reason, ACWA and the undersigned organizations support this bill and respectfully request your signature on AB 1594. If you have any questions, please contact ACWA's State Relations Director Adam Quiñonez at adamq@acwa.com or (916) 441-4545.

Sincerely,

Adam Quiñonez
State Relations Director
Association of California Water Agencies

Larry B. McKenney
General Manager
Amador Water Agency

David Coxey
General Manager
Bella Vista Water District

Michael Minkler
General Manager
Calaveras County Water District

Michael Flood
General Manager
Casitas Municipal Water District

Ralph Bracamonte
District Manager
Central Water District

Courtney Lindberg
Director of Public Works and Utilities
City of Watsonville

J. M. Barrett
General Manager
Coachella Valley Water District

Ernesto A. Avila
President
Contra Costa Water District

John Bosler
General Manager/CEO
Cucamonga Valley Water District

Mark S. Krause
General Manager & Chief Engineer
Desert Water Agency

Joe Mouawad, P.E.
General Manager
Eastern Municipal Water District

Greg Thomas
General Manager
Elsinore Valley Municipal Water District

Bill Stretch
General Manager
Fresno Irrigation District

Kathleen Coates Hedberg
Board President
Helix Water District

Hannah Davidson
Water Resources Specialist
Hidden Valley Lake Community Service
District

Antonio Ortega
Governmental Affairs Officer
Imperial Irrigation District

David Merritt
General Manager
Kings River Conservation District

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

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

Jimi Netniss
General Manager
Modesto Irrigation District

Adnan Anabtawi
General Manager
Mojave Water Agency

Justin Scott-Coe
General Manager
Monte Vista Water District

Justin Caporusso
Executive Director
Mountain Counties Water Resources
Association

Kimberly A. Thorner
General Manager
Olivenhain Municipal Water District

Edward A. Castaneda
General Manager
Orchard Dale Water District

Jose Martinez
General Manager
Otay Water District

Kyle Swanson
CEO/General Manager
Padre Dam Municipal Water District

Dennis D. LaMoreaux
General Manager
Palmdale Water District

Erica Wolski
General Manager
Ramona Municipal Water District

Kim Domingo, PE
General Manager
Rosamond Community Services District

Steve Wittry
General Manager
San Benito County Water District

Dan Denham
General Manager
San Diego County Water Authority

Paul Helliker
General Manager
San Juan Water District

Matt Stone
General Manager
Santa Clarita Valley Water Agency

Daniel R. Ferons
General Manager
Santa Margarita Water District

David McNair
General Manager
Scotts Valley Water District

Cary Keaten
General Manager
Solano Irrigation District

Sean Barclay
General Manager
Tahoe City Public Utility District

Tom Neisler
General Manager
Tehachapi-Cummings County Water District

Don Perkins
General Manager
Tuolumne Utilities District

Joel Metzger
General Manager
Utica Water and Power Authority

Gary Arant
General Manager
Valley Center Municipal Water District

Brett Hodgkiss
General Manager
Vista Irrigation District

Erik Hitchman
General Manager
Walnut Valley Water District

Greg A. Hammett
General Manager
West Kern Water District

Anjanette Shadley
Assistant General Manager
Western Canal Water District

Craig Miller
General Manager
Western Municipal Water District

Brett R. Barbre
President
Yorba Linda Water District

cc: The Honorable Eduardo Garcia
Grant Mack, Deputy Legislative Secretary, Office of Governor Gavin Newsom

Board of Directors

Christy Guerin, President
Matthew R. Hahn, Vice President
Neal Meyers, Treasurer
Lawrence A. Watt, Secretary
Marco San Antonio, Director



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

September 29, 2023

State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

VIA EMAIL: orpp-waterconservation@waterboards.ca.gov

Re: Comment Letter – October 4, 2023, Board Workshop: Proposed Regulation to Make Conservation a California Way of Life

Dear Clerk of the Board,

On behalf of Olivenhain Municipal Water District, thank you for the opportunity to provide the State Water Resources Control Board (SWRCB) with input on the proposed Regulatory Framework for Making Conservation a California Way of Life. OMWD provides 87,000 customers in northern San Diego County with water, wastewater, recycled water, hydroelectric, and recreational services.

We appreciate SWRCB including in the proposed regulations a variance process for recycled water with high levels of total dissolved solids used for irrigation. OMWD has been a strong advocate for this variance and its inclusion is greatly appreciated.

The proposed regulations include several areas of concern that we would like to bring to the attention of SWRCB. We are especially concerned with areas where SWRCB's proposed regulations contrast with the recommendations made by the Department of Water Resources (DWR).

As SWRCB is aware, SB 606 (2018) and AB 1668 (2018) were established with the goal of achieving conservation beyond that established through the Water Conservation Act of 2009 (SB X7-7). SB X7-7 set a target to reduce gallons per capita per day by 20 percent by 2020; OMWD, like many water agencies throughout California, not only met that goal, but far surpassed it. For reference, OMWD achieved a reduction in GPCD of over 41 percent reduction. DWR's recommendations are a direct result of years of extensive analysis, workshop collaboration, and thorough discussion with hundreds of subject matter experts representing both policymakers and water retail agencies. Furthermore, the recommendations made by DWR achieved the intent of SB 606 and AB 1668 by recommending standards based on efficient use of water to achieve conservation levels greater than those of SB X7-7. Arbitrarily disregarding DWR's recommendations and proposing more restrictive regulations is not only unwarranted but punitive.



For example, DWR's recommendation was to set the landscape efficiency standard at 0.63 in 2030 and beyond. The proposed regulations disregard this recommendation and instead propose decreasing the landscape efficiency standard to 0.55 beginning July 1, 2035, without any reasonable basis. OMWD strongly requests that §968(a)(3) be deleted from the proposed regulations.

Another concern is that the method to determine the Net ETo does not adequately account for districts with multiple evapotranspiration zones. OMWD covers 48 square miles and includes coastal zones, inland valleys, and semi-arid deserts. Additionally, population density is not evenly distributed throughout district boundaries and property sizes (and associated irrigable areas) vary significantly. OMWD asks that the highest Net ETo to fall within district boundaries be used in calculation of the outdoor standard for residential landscapes and landscapes with a dedicated irrigation meter.

OMWD appreciates the inclusion of 20 percent of irrigable, non-irrigated landscape area in the outdoor residential standard. However, its inclusion being limited to only if a supplier exceeds its water use objective, as well as being allowed only temporarily through June 30, 2027, is not sufficient and conflicts with the recommendation by DWR. DWR's recommendation to SWRCB was to change the INI buffer based on the outcome of further studies conducted by DWR and SWRCB, and not by some arbitrary date established with no empirical support. OMWD strongly encourages SWRCB to reconsider including the 20 percent INI buffer automatically and without setting an end date not supported through research studies.

Regarding the proposed §969(a)(5), additional types of landscapes should be included in the list of special landscape areas, including but not limited to bioswales, retention areas, fire defense zones, etc. Further, the ask of water suppliers to quantify the measured total square footage of the irrigated area of CII landscapes with Dedicated Irrigation Meters is not practical and overly burdensome. SWRCB should provide these measurements to water suppliers similar to the requirement for residential areas.

Regarding the proposed §973(b)(2), we urge SWRCB to provide more transparency on when the data generated will be available to water suppliers. Water agencies will require adequate time to maintain compliance with the new regulations, and proposing methods that force water agencies to rely upon data to be made available without a definitive date is unreasonable. Similarly, in §974(a), OMWD requests more time to identify all disclosable buildings within a water supplier's service area. The proposal to meet this request by January 1, 2025, could impact a water supplier's ability to meet other reporting requirements if the supporting data is not made available in a timely manner.

In the proposed §968, the livestock variance being defined as the lesser of what is specified in the proposed regulations or the amount listed in §697 is counterproductive and was not recommended by DWR. §697 should not be used in determining the variance amount. For example, the proposed variance for medium sized livestock is 8 gallons per day. §697 allows just 1.5 and 2.5 gallons, for most medium-sized animals. However, §697 also allows for 35 gallons per day per head for hosing out a dairy barn. OMWD requests that reference to §697 be deleted, or alternatively, that the 35 gallons per day per head for hosing out dairy barns be added to the proposed variances.

As proposed in §968(e), we strongly disagree with the threshold of 5 percent of the sum of the budgets in order for an urban retail water supplier to be able to incorporate one of the available variances. Water suppliers should be able to apply for any of the available variances if they meet the required conditions irrespective of what volume of water is applicable to said objective. This would seem particularly relevant during the initial required reporting years when water agencies may struggle to meet the unknown objectives and even small variances might alleviate significant penalties. Further, the efforts required for an urban water supplier to calculate each variance amount are not insignificant. It is likely that an urban water supplier will self-determine which variance to apply for, based on considerations such as amount of the staff time and expected cost to calculate the variance, the expected amount of variance, and whether the supplier is close to exceeding its water use objective. For example, the variances for livestock, evaporative coolers, emergencies, dust control, ponds, etc., are not likely to represent a significant amount of water individually. The cost/benefit is high enough that OMWD would not likely apply for these variances, even without the 5 percent threshold requirement, if not needed. However, if OMWD determines it is exceeding its budget, every acre-foot matters, and being able to include any amount of variance will assist with meeting the water use objective. OMWD asks that the 5 percent threshold be removed.

The list of excluded demands in §975(c)(2) is insufficient. SWRCB has not given direction to water suppliers regarding nonresidential agricultural customers. The potable water demands for agriculture customers are not required to be included in the demand summary, yet they are not included in the list of excluded demands. In addition, water sold to other Public Water Systems (PWS), as reported in the Electronic Annual Report, is not accounted for in the objective or excluded demands. OMWD asks that Agricultural and PWS be included in the excluded demand category.

Reporting based on a fiscal year, as would be required by §966(b), is inconsistent with existing reports. OMWD's annual eAR and Water Loss Audits follow a calendar year cycle. Being required to adopt a fiscal year cycle for the water use objective reporting would create unnecessary additional work for staff and be inconsistent with existing reports. OMWD asks that SWRCB provide an option to water suppliers for using a calendar year approach, versus strictly fiscal year.

OMWD is also concerned about the timelines for reporting compliance as proposed in §975, and state agencies' unwillingness to accommodate extensions to the originally proposed deadline for water retail agencies. As a reminder, AB 1668 and SB 606 established that DWR was required to provide its recommendations by October 1, 2021, and SWRCB was required to adopt the proposed water use efficiency standards by June 30, 2022. Over one year later, SWRCB has yet to adopt the final standards; retail water agencies, meanwhile, are finding ourselves in the uncomfortable position of needing to comply by January 2024 per Water Code §10609.2 with a new Regulatory Framework that has yet to be finalized. Asking water retail agencies to calculate and report their individual water use objectives before said objectives are adopted is illogical and disrespectful. The significant delay presents an incredible burden on water retail agencies who will be required to comply with the still-unknown regulations in a very compressed timeline. The timelines set forth by AB 1668 allowed for 16 months following adoption of the standards for a supplier to calculate its water use objective. To address this, OMWD requests an extension for retail agencies commensurate with the delays generated by state agencies, 16 months after the date the standards are adopted by SWRCB.

We appreciate your consideration of our concerns. If you or your staff should need any additional details pertaining to this assessment, please do not hesitate to contact me at 760-753-6466 or kthorner@olivenhain.com.

Regards,

A handwritten signature in black ink, appearing to read "Kimberly A. Thorner". The signature is fluid and cursive, with the first name being the most prominent.

Kimberly A. Thorner
General Manager

Board of Directors

Christy Guerin, President
Matthew R. Hahn, Vice President
Neal Meyers, Treasurer
Lawrence A. Watt, Secretary
Marco San Antonio, Director



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

September 29, 2023

San Diego Local Agency Formation Commission
Chair Jim Desmond
2550 5th Avenue, Suite 725
San Diego, CA 92103

Via email: erica.sellen@sdcounty.ca.gov

Subject: Comment Letter for Olivenhain Municipal Water District on Item 7a: Update to Draft Policy on Out-of-Agency Services

Dear Chair and Commissioners,

On behalf of Olivenhain Municipal Water District (OMWD), I am writing to comment on Item 7a: Update to Draft Policy on Out-of-Agency Services. OMWD supports the **removal of the provision of decision-making authority in determining exemption eligibility that is noted in the staff report as being recommended by the Special District's Advisory Committee (Committee).**

California Government Code section 56133 imposes a requirement for cities and districts to seek and receive Local Agency Formation Commission (LAFCO) approval for the provision of new or extended services outside of territorial boundaries. That same code section also contains several exemptions where this requirement does not apply, including one exemption which applies to situations where the new or extended out-of-boundary service is between *"Two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider."*

There was a lengthy discussion at the Committee's September 15, 2023, meeting wherein members voiced concerns of an explicit provision directing local agencies to confirm with LAFCO on exemption eligibility that would create process burdens and stymie cost-sharing arrangements. OMWD concurs with the Committee recommendation and believes that LAFCO should be the authority that resolves disputes on the efficient and effective implementation of local government when they arise, but should not burden nor stymie effective mutual agreements between agencies that fall within the exemptions already written into Government Code section 56133.

Further, agencies undergo Municipal Service Reviews and Spheres of Influences with LAFCO at regular intervals wherein agreements between agencies can be reviewed and addressed, as they have in the past.



Adopting a local rule that conflicts with current state law does not make sense and will lead to future conflict, which is why OMWD supports the removal of the provision of decision-making authority as noted in the staff report as recommended by the Committee.

Sincerely,

A handwritten signature in black ink that reads "Kimberly A. Thorner". The signature is written in a cursive, flowing style.

Kimberly A. Thorner, Esq.
General Manager



1112 I Street, Suite 300
Sacramento, California 95814-2865
T 916-231-4141 or 800-537-7790 * F 916-231-4111

Maximizing Protection. Minimizing Risk. * www.sdrma.org

September 21, 2023

Mr. Larry Watt
Board President
Olivenhain Municipal Water District
1966 Olivenhain Road
Encinitas, California 92024-5699

Re: No Paid Workers' Compensation Claims in 2022-23

Dear Mr. Watt,

This letter is to formally acknowledge the dedicated efforts of the Olivenhain Municipal Water District's Governing Body, management and staff towards proactive loss prevention and workplace safety. Your agency's efforts have resulted in no "paid" workers' compensation claims for program year 2022-23. A "paid" claim for the purposes of this recognition represents the first payment on an open claim during the prior program year. This is a great accomplishment!

In addition to this annual recognition, members with no "paid" claims during 2022-23 earned one credit incentive point (CIP) thereby reducing their annual contribution amount. Also, members without claims receive a lower "experience modification factor" (EMOD), which also reduces their annual contribution amount.

As SDRMA is dedicated to serving its members and preventing claims, we would appreciate your agency taking a moment and sharing with us what made your District successful in preventing work-related injuries. Our goal is to incorporate your successful ideas and suggestions into our loss prevention programs to benefit all members of SDRMA. Please forward any ideas or suggestions to us at memberplus@sdrma.org.

On behalf of the SDRMA Board of Directors and staff, it is my privilege to congratulate the Governing Body, management, and staff for their commitment to proactive loss prevention and safety in the workplace.

Sincerely,
Special District Risk Management Authority

A handwritten signature in blue ink that reads "Sandy Seifert-Raffelson".

Sandy A. Seifert-Raffelson, President
Board of Directors

October 4, 2023

The Honorable Tasha Boerner
California State Assembly
1021 O St. Suite 4150
Sacramento, CA 95814

Re: Request to Introduce Legislation to Protect the Voice of Water Agencies Across San Diego County

Dear Assemblymember Boerner:

The undersigned water agencies, who represent 9 of the member agencies of the San Diego County Water Authority (SDCWA) respectfully request your consideration in introducing legislation to safeguard water agencies and to ensure fair ratepayer protection throughout San Diego. The proposed legislation aims to modernize the "County Water Authority Act" ensuring that San Diego County Water Authority's governance structure will become attuned to the needs of all member agencies and the region, aligning with water governance principles that emphasize equitable representation, transparency, financial fairness, collaboration, and adaptability.

As SDCWA has seen significant growth and change since the "County Water Authority Act" was established in 1944, we strongly believe that state statute should be updated to reflect a more contemporary and equitable governance structure for all SDCWA member agencies. Updating state statute is necessary to ensure that decisions made by SDCWA Board of Directors truly represent the diverse interests and needs of all member agencies, promoting fairness and accountability in water resource management.

Specifically, we propose that an equitable voting structure reflect a two part test comprised of the (existing) majority weighted vote, combined with a new majority agency vote to ensure that decisions made by SDCWA Board of Directors are in the best interest of the Water Authority, as a whole, and not just the few large agencies. This change in voting structure at SDCWA would allow all of your constituent member agencies a greater voice at SDCWA. Not only would an SDCWA vote have to have a majority percentage to pass, but also a majority of member agencies would also have to vote to pass an item. This would foster more discussion, comprehensive vetting of issues, and collaboration at SDCWA. Such changes would ensure that all voices at the table are heard, ultimately benefiting the entire region equitably.

On behalf of the undersigned water agencies, we welcome the opportunity to discuss this proposed legislation with you and your staff. We are committed to working together to make significant progress toward assuring fairness and efficiency in water governance for San Diego County and look forward to meeting with you.

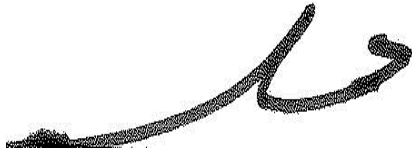
Regards,



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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: OPEN SESSION

Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: ADJOURNMENT

We are adjourned.