

**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 19, 2022

**TIME: 4:00 P.M.**

PLACE: HYBRID REGULAR MEETING VIA TELECONFERENCE AND IN PERSON

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

To join this meeting via phone, please dial:

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

Meeting ID: 821 5760 3157 and Password: 820295

**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](mailto:skaufmann@olivenhain.com) or address the board directly in real-time under either of the public comment sections. If you do not receive a confirmation email that your comment has been received, please call (760) 632-4648 or address the board under either of the public comment sections to ensure that your comments are heard in real-time. The subject line of your email should clearly state the item number you are commenting on and should include your name and phone number. All comments will be emailed to the Board of Directors.

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

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

6. ADOPTION OF AGENDA
7. PERSONAL APPEARANCES AND PUBLIC COMMENTS
8. PRESENTATION OF AWARDS AND HONORABLE MENTIONS
  - \* Jay Turman – Field Services Technician III – 5 Years – October
  - \* GFOA Distinguished Budget Presentation Award
9. CONSIDER APPROVAL OF THE MINUTES OF THE SEPTEMBER 14, 2022, REGULAR BOARD OF DIRECTORS MEETING
10. CONSENT CALENDAR

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

C-a	CONSIDER ADOPTION OF A MOTION APPROVING THE PAYMENT OF LISTED WARRANTS FROM THE DISTRICT’S REVOLVING AND REGULAR ACCOUNTS; LISTED TRANSFERS OF FUNDS; REIMBURSEMENT OF EXPENSES TO BOARD MEMBERS AND STAFF
C-b	CONSIDER UPDATE ON THE COVID-19 EMERGENCY DECLARATION
C-c	CONSIDER ACCEPTANCE OF THE LONE JACK PRESSURE REDUCING STATION REPLACEMENT PROJECT INTO OMWD’S SYSTEM AND ORDER A NOTICE OF COMPLETION BE FILED
C-d	CONSIDER APPROVAL OF A CONTRACT WITH MARINA LANDSCAPE INC. IN THE AMOUNT OF \$41,350 FOR THE CONSTRUCTION OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT LANDSCAPE HEADQUARTERS COURTYARDS PROJECT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD
C-e	CONSIDER DESIGNATION OF A DELEGATE FOR THE NOVEMBER 30 VOTE ON AMENDMENTS TO THE ASSOCIATION OF CALIFORNIA WATER AGENCIES’ BYLAWS
C-f	CONSIDER APPROVAL OF COMMENCEMENT OF THE PROCESS TO DETACH PARCEL 1 OF SAN DIEGO COUNTY TRACT NO. 4558, MAP NO. 11899 (ECKELMAN) FROM OLIVENHAIN MUNICIPAL WATER DISTRICT’S SPHERE OF INFLUENCE

11. CONSIDER THE CALENDAR FOR THE 2023 OLIVENHAIN MUNICIPAL WATER DISTRICT’S BOARD MEETINGS
12. CONSIDER ANNUAL OBJECTIVES AND TIGER TEAM STATUS REPORT
13. CONSIDER INFORMATIONAL REPORT ON WATER SUPPLY CONDITIONS AND LONG-TERM WATER USE EFFICIENCY LEGISLATION



14. CONSIDER APPROVAL OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT’S CAPACITY FEES AND ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT’S ADMINISTRATIVE AND ETHICS CODE (Article 13 – Policy for District Facilities)
15. CONSIDER ADOPTION OF A RESOLUTION MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION FINDINGS TO ESTABLISH WATER CAPACITY FEES WITHIN ZONES OF BENEFIT IN THE DISTRICT, AND ORDER A NOTICE OF EXEMPTION BE FILED WITH THE COUNTY CLERK OF THE COUNTY OF SAN DIEGO
16. CONSIDER STAFF PRESENTATION ON THE PROPOSED OMWD POTABLE AND RECYCLED WATER RATES AND CHARGES FOR 2023
17. CONSIDER A PRESENTATION ON THE OLIVENHAIN MUNICIPAL WATER DISTRICT FLEET AND FLEET MAINTENANCE (INFORMATIONAL ITEM)
18. CONSIDER APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH CAROLLO ENGINEERS, INC. IN THE AMOUNT OF \$550,000 FOR THE DAVID C. MCCOLLOM WATER TREATMENT PLANT CONDITION ASSESSMENT PROJECT AND INCREASE THE OVERALL PROJECT BUDGET BY \$185,000 AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD
19. INFORMATIONAL REPORTS
  - A. PRESIDENT
  - B. GENERAL MANAGER
  - C. CONSULTING ENGINEER
  - D. GENERAL COUNSEL
  - E. SAN DIEGO COUNTY WATER AUTHORITY REPRESENTATIVE
  - F. LEGISLATIVE
  - G. TWELVE MONTH CALENDAR / OTHER MEETINGS / REPORTS BY BOARD MEMBERS PER AB 1234
  - H. BOARD COMMENTS
20. CORRESPONDENCE
21. AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS
22. FUTURE AGENDA ITEMS
23. CONSIDER PUBLIC COMMENTS
24. CLOSED SESSION
  - A) CONSIDER LITIGATION – HILLSIDE PATIO HOMES HOA [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: Claim received on August 17, 2020. Claim rejected on September 9, 2020.
  - B) CONSIDER LITIGATION – LYNXT ENTERPRISES, LLC VS. PARS SORRENTO VALLEY SCIENCE PARK 1, LP [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: OMWD was served a complaint as a nominal defendant.

- C) CONSIDER GENERAL MANAGER REVIEW [PURSUANT TO GOVERNMENT CODE SECTION 54957] • Additional Facts: Receive packet; full review and compensation discussion to be held on November 16, 2022.

25. OPEN SESSION

26. ADJOURNMENT

# Memo

Date: October 19, 2022  
To: Olivenhain Municipal Water District Board of Directors  
From: Kimberly A. Thorner, General Manager  
Subject: **CONSIDER IMPLEMENTING ASSEMBLY BILL 361 THAT PROVIDES THE ABILITY TO MEET REMOTELY DUE TO THE GOVERNOR'S PROCLAIMED STATE OF EMERGENCY UNDER MODIFIED BROWN ACT REQUIREMENTS**

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## Purpose

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

## Recommendation

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

## Alternative(s)

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

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

### **Background**

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

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

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

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

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

### **Fiscal Impact**

There is no cost associated with implementing AB 361.

## **Discussion**

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

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

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



# Memo

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

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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 19, 2022  
To: Olivenhain Municipal Water District Board of Directors  
From: Rainy Selamat, Finance Manager  
Via: Kimberly Thorner, General Manager  
Subject: **CONSIDER ADOPTION OF A MOTION APPROVING THE PAYMENT OF LISTED WARRANTS FROM THE DISTRICT'S REVOLVING AND REGULAR ACCOUNTS; LISTED TRANSFERS OF FUNDS; REIMBURSEMENT OF EXPENSES TO BOARD MEMBERS AND STAFF**

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

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

The District's June and July Financial Statements (typically item C-b) and Monthly Investment Reports will be available for review and approval by the Board after the fiscal year 2021/22 financial audit is completed in November 2022. As of the writing of this memo, Finance Staff is currently working on closing fiscal year 2021/22.

Olivenhain Municipal Water District  
Proposed Motions for October 19, 2022 Board of Directors Meeting  
September 2022 Activities  
Consent Calendar Item # C-a

Proposed Motions:

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

Regular Account	Warrants - by check	031967 ✓	to	032151 ✓	\$	1,248,323.56
	Warrants - by EFT	EFT000000000190 ✓	to	EFT0000000000215 ✓		309,743.59
						<u>1,558,067.15</u> ✓
	ACH Payments - Payroll					217,349.17
	Wire - SDCWA - Monthly Purchased Water Payment					3,098,709.99
	ACH Payments - Payroll					221,216.03
	ACH Payments - Payroll					215,885.38
					\$	<u>5,311,227.72</u> ✓

Major Category of Disbursements

Total warrants from the District's checking account:

\$ 1,558,067.15

Following is a breakdown of this total by major categories:

<u>Category</u>	
Outside services	\$ 609,326.79
Inventory and supplies	530,394.98
Utilities	216,033.66
Repairs and maintenance	31,685.36
Other	5,718.73
Refunds	10,715.53
Insurance	153,644.10
Permit Fees	548.00

Total

\$ 1,558,067.15 ✓

Sincerely,



Rainy K. Selamat/Finance Manager



Olivenhain Municipal Water District  
Proposed Motions for October 19, 2022 Board of Directors Meeting  
September 2022 Activities

California Bank and Trust

Regular Account

Warrants - by check	031967	to	032151	\$	1,248,323.56	
Warrants - by EFT	EFT000000000190	to	EFT000000000215		309,743.59	
					<u>1,558,067.15</u>	✓
9/1/2022 ACH Payments - Payroll					217,349.17	
9/19/2022 Wire - SDCWA - Monthly Purchased Water Payment					3,098,709.99	
9/15/2022 ACH Payments - Payroll					221,216.03	
9/29/2022 ACH Payments - Payroll					215,885.38	
			Total	\$	<u>5,311,227.72</u>	✓

Approved:

For Board Consideration and Approval

**Olivenhain Municipal Water District**  
**September 2022 Warrant List - Check & EFT**

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
031967	9/7/2022	Advanced Air & Vacuum	5,127.14	WTP SUPPLIES	Yes
031968	9/7/2022	Colette Barrow	37.00	MILEAGE REIMBURSEMENT	Yes
031969	9/7/2022	Bee Rescue LLC	240.00	1491 RANCHO ENCINITAS DR	
031970	9/7/2022	Boot World Inc	4,822.62	Safety Boots	Yes
031971	9/7/2022	D&H Water Systems	304.37	Maintenance for Analyzers at DCMWTP	Yes
031972	9/7/2022	Dudek	1,980.00	Construction Support Services	Yes
031973	9/7/2022	Edco Waste & Recycling	237.36	25-4A 861816	
031974	9/7/2022	Encinitas Ford	116.08	PUR5 SUPPLIES	Yes
031975	9/7/2022	Escondido Metal Supply	133.07	PARKS SUPPLIES	
031976	9/7/2022	Fallbrook Printing Corp	1,670.82	WELCOME LETTER MAILING PJT	Yes
031977	9/7/2022	Ferguson Enterprises Inc. #1083	44.67	3/8" Tube Flare X 3/8" NPTF Male 90 Elbow	Yes
031978	9/7/2022	Gallade Chemical	6,319.89	WTP CHEMICALS	
031979	9/7/2022	Global Power Group Inc	2,844.58	WWTP PREVENT MAINT SVCS	Yes
031980	9/7/2022	Grangetto's Ag. Supply	11.09	SUPPLIES	
031981	9/7/2022	Guardian	1,011.84	9/22 DENTAL ADMIN FEES	
031982	9/7/2022	Hasa	4,497.03	WWTP CHEMICALS	
031983	9/7/2022	Interstate Battery Of San Diego Inc	688.87	FB08 SUPPLIES	Yes
031984	9/7/2022	Josh Westbrook	2,115.87	EE COMPUTER PURCHASE REIMB	
031985	9/7/2022	Raymond Motas	2,319.53	EE COMPUTER PURCHASE REIMB.	
031986	9/7/2022	Nat'L Safety Compliance	74.95	D.O.T. TESTING	
031987	9/7/2022	Naumann Hobbs - San Diego	3,940.87	WTP SERVICES	
031988	9/7/2022	Naushad Zaveri	200.37	REF:1037157_155555	
031989	9/7/2022	Pacific Pipeline Supply	18,399.24	WTP SUPPLIES	Yes
031990	9/7/2022	Parkhouse Tire Inc	1,148.76	PU92 SUPPLIES	Yes
031991	9/7/2022	Patriot Environmental	3,682.76	WWTP ROLLOFF SERVICES	
031992	9/7/2022	Republic Services #661	728.86	3-0661-1001776	
031993	9/7/2022	SDRMA	4,635.46	WORKERS COMP RECONCILIATION	
031994	9/7/2022	Sunbelt Rentals, Inc.	1,955.30	MINI EXCAVATOR RENTAL	Yes
031995	9/7/2022	Traffic Supply Inc	507.37	SUPPLIES	
031996	9/7/2022	Ukiah Dublinski	131.22	REF:1060518_231085	
031997	9/7/2022	United Parcel Service	16.17	SHIPPING	
031998	9/7/2022	USA Blue Book	190.10	SUPPLIES	
031999	9/7/2022	West Coast Sand & Gravel	454.27	SCREENED FILL SAND	
032000	9/7/2022	Xylem Water Solutions USA, Inc.	8,963.08	Wiper Ring Assemblies	Yes
032001	9/14/2022	Ababa Bolt Inc	47.84	WWTP SUPPLIES	
032002	9/14/2022	American Messaging	59.59	L1-072035	
032003	9/14/2022	Amy Ludwig	544.07	REF:1081741_148430	
032004	9/14/2022	Aqua Metric	100,273.45	3/4" E-Reg TR/PL Sr-II .01CF	Yes
032005	9/14/2022	Art Holden	20.94	REF:1014864_218420	
032006	9/14/2022	AT & T	26.59	9391056562	
032007	9/14/2022	AVI Systems, Inc.	11,281.00	AVI Systems Engineering Services	Yes
032008	9/14/2022	Bee Rescue LLC	240.00	CAMINO JUNIPERO	
032009	9/14/2022	Bob Davis Painting	1,575.00	OMWD HQ SERVICES	
032010	9/14/2022	Brax Company, Inc.	15,053.30	Repairs for Midpoint SPS Pump	Yes
032011	9/14/2022	California State Disbursement Unit	123.23	ED100514-9/15/2022	
032012	9/14/2022	Canyon Industries	138,494.70	ERT Refurbishment	Yes
032013	9/14/2022	Christopher David	97.94	REF:1057761_190060	
032014	9/14/2022	Clayton Dyke	110.21	REF:1084952_237620	
032015	9/14/2022	Conterra Inc.	5,873.00	WWTP POND LINER REPAIRS	Yes
032016	9/14/2022	Controlled Entry Specialists	196.00	MID POINT SPS SERVICES	
032017	9/14/2022	Corodata	415.54	OFFSITE RECORDS STORAGE	
032018	9/14/2022	County Of San Diego	548.00	7813 CAMINO SIN PUENTE	
032019	9/14/2022	Courtney Ferris	134.83	REF:1087679_100950	
032020	9/14/2022	Craneworks Southwest, Inc	248.54	FB73 SERVICES	Yes
032021	9/14/2022	Danielle Campbell	171.78	REF:1089339_203385	
032022	9/14/2022	Encinitas Ford	2,181.37	PU90 SUPPLIES	Yes
032023	9/14/2022	Engineering Solutions Services, Inc.	16,522.50	GRANT WRITING SERVICES	
032024	9/14/2022	Fallbrook Printing Corp	1,360.51	RATES & RULES BROCHURE	Yes
032025	9/14/2022	Federal Express Corp	29.53	SHIPPING CHARGES	Yes
032026	9/14/2022	Ferguson Enterprises Inc. #1083	2,802.24	3/8" Crd Yoke	Yes
032027	9/14/2022	Ferrellgas	69.99	SUPPLIES	
032028	9/14/2022	First Choice Technology	167.44	13001474	Yes
032029	9/14/2022	Free Builders Supply Inc	236.94	MISC TOOLS	
032030	9/14/2022	Frost Company	4,800.00	WWTP SERVICES	
032031	9/14/2022	Grangetto's Ag. Supply	671.47	SUPPLIES	Yes
032032	9/14/2022	Hill Brothers Chemical Company	4,360.75	WWTP CHEMICALS	
032033	9/14/2022	Home Depot/Gecf	9,260.65	8/22 SUPPLIES	
032034	9/14/2022	Mega Engineering Co	946.79	REF:1022253_303040	
032035	9/14/2022	Michael Walsh	1,401.68	REF:1086323_138165	
032036	9/14/2022	Michelle Perera	14.88	REF:1085527_193380	
032037	9/14/2022	Morton Salt Inc	5,124.08	WTP CHEMICALS	
032038	9/14/2022	Napa Auto Parts	1,365.25	8/22 SUPPLIES	
032039	9/14/2022	Pacific Pipeline Supply	70,614.02	WTP SUPPLIES	Yes
032040	9/14/2022	Parkhouse Tire Inc	2,297.52	PU99 SUPPLIES	Yes
032041	9/14/2022	Patriot Environmental	3,682.76	WWTP ROLL-OFF TRUCK SERVICES	
032042	9/14/2022	Peterson Structural Engineers, Inc.	3,272.20	Amendment #1 21AGR069	Yes
032043	9/14/2022	Priya Joshi	210.22	REF:1090644_147140	

**Olivenhain Municipal Water District**  
**September 2022 Warrant List - Check & EFT**

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
032044	9/14/2022	PWLC I, INC	1,100.00	MULCH - WWTP	
032045	9/14/2022	Ryan Herco	1,001.38	WTP SUPPLIES	
032046	9/14/2022	S D G & E	264.85	400000078	
032047	9/14/2022	Safe Hearing America Inc	1,092.70	HEARING TESTING	
032048	9/14/2022	Samba Holdings Inc	189.91	DRIVER RECORD MONITORING	
032049	9/14/2022	San Diego Gas & Electric	403.71	0050896097137	Yes
032050	9/14/2022	Santa Fe Irrigation Dist	192.79	008128-005, 9/1/22	
032051	9/14/2022	Sunbelt Rentals, Inc.	561.11	TRENCHER RENTAL	Yes
032052	9/14/2022	Superior Elec. Motor Service, Inc.	19,644.24	Repairs for Firehouse SPS Fairbanks Pump	Yes
032053	9/14/2022	Suzanne Charnley	108.95	REF:1090919_231330	
032054	9/14/2022	Tri-Group	324.89	REF:1082914_303135	
032055	9/14/2022	Troy Stokes	77.59	REF:1052668_161780	
032056	9/14/2022	TS Industrial Supply	1,128.89	SUPPLIES	Yes
032057	9/14/2022	United Way	23.00	EMPLOYEE DONATIONS - RPLC CK	
032058	9/14/2022	USA Blue Book	444.95	WWTP SUPPLIES	
032059	9/14/2022	Verizon Connect Fleet USA, LLC	924.85	100000112726	
032060	9/14/2022	Water for People	60.00	WTRPL 9/15/2022	
032061	9/14/2022	West Coast Sand & Gravel	2,072.25	SCREENED FILL SAND	Yes
032062	9/21/2022	American Conservation & Billing Solutions, I	3,251.00	SERVICES	
032063	9/21/2022	Andy Kaffka	29.07	REF:1090401_104110	
032064	9/21/2022	Aqua Metric	1,961.19	MINI READER & OMNI TOOL	
032065	9/21/2022	AT & T	340.13	9391056516	Yes
032066	9/21/2022	Cintas First Aid & Safety	106.76	WWTP FIRST AID SUPPLIES	
032067	9/21/2022	City Treasurer	123,423.14	7/22 124.28 AF RECYCLED WATER	
032068	9/21/2022	Corodata Shredding, Inc	69.87	PAPER DESTRUCTION SERVICES	
032069	9/21/2022	County of San Diego, RCS	171.00	8/22 RADIO SERVICES	
032070	9/21/2022	D-Max Engineering, Inc.	2,810.50	FOG Inspections for the 4S and Cielo Collection Systems	Yes
032071	9/21/2022	EcosConnect LLC	1,224.00	BACKFLOW REPORTS	
032072	9/21/2022	Eimaneh Mostosian	134.02	REF:1080572_197210	
032073	9/21/2022	Encinitas Ford	1,229.03	PU66 SUPPLIES	Yes
032074	9/21/2022	Escondido Metal Supply	98.90	PARKS SUPPLIES	
032075	9/21/2022	ESS	291.83	PANIC ALARM SERVICES	
032076	9/21/2022	Ferrellgas	500.02	RANCHO SUMMIT SERVICES	Yes
032077	9/21/2022	Grangetto's Ag. Supply	956.62	SUPPLIES	Yes
032078	9/21/2022	Hasa	4,575.84	WWTP CHEMICALS	
032079	9/21/2022	Hill Brothers Chemical Company	4,838.72	WTP CHEMICALS	
032080	9/21/2022	Infosend	3,005.89	8/22 MAINTENANCE FEE	
032081	9/21/2022	Integrity Municipal Systems	3,537.00	WWTP - ACID WASH SERVICES	Yes
032082	9/21/2022	Interstate Battery Of San Diego Inc	930.70	SUPPLIES	
032083	9/21/2022	Jennette Company Inc.	70,282.54	Construction for the DCMWTP pH Control System	Yes
032084	9/21/2022	JWC Environmental Inc.	2,155.00	WWTP PREVENT MAINT SVCS	
032085	9/21/2022	Kaman Industrial	119.06	WTP SUPPLIES	
032086	9/21/2022	Kuenzi, Kristofer	125.00	T2 EXAM & CERT FEE REIMB	
032087	9/21/2022	Matt Kidd	177.04	REF:1017304_213710	
032088	9/21/2022	McCall's Meter Sales & Service	1,225.00	FIELD METER TEST	
032089	9/21/2022	Megan Haase	74.46	REF:1088818_191580	
032090	9/21/2022	Morton Salt Inc	4,873.48	WTP CHEMICALS	
032091	9/21/2022	Neal Meyers	162.54	CSDA MILEAGE/MEAL REIMB.	
032092	9/21/2022	NexusTek Phoenix	4,823.70	Cloud Support Services Software	Yes
032093	9/21/2022	P.F. Automotive, LLC DBA	60,893.72	2022 Ford F-250 4x2 Truck V-8 Eng.	Yes
032094	9/21/2022	Pacific Pipeline Supply	5,082.73	6" Pipe/Fitting Restraint Romac Only	Yes
032095	9/21/2022	Jarothe Inc., dba	78.00	760-489-9971	
032096	9/21/2022	Parkhouse Tire Inc	1,013.08	PU98 SUPPLIES	Yes
032097	9/21/2022	Patriot Environmental	575.00	WWTP ROLLOFF TRUCK SERVICES	
032098	9/21/2022	Patti Francis	49.25	REF:1010824_194820	
032099	9/21/2022	PWLC I, INC	14,848.00	LANDSCAPE MAINTENANCE	Yes
032100	9/21/2022	Radwell International, Inc.	215.59	SUPPLIES	
032101	9/21/2022	Rancho Santa Fe Community Svs	14,569.37	8/22 17.65 AF RECYCLED WATER	
032102	9/21/2022	Raul Lizalde	57.79	REF:1087552_201190	
032103	9/21/2022	Republic Services	1,522.65	4-4530-0333405	
032104	9/21/2022	San Diego Building Maintenance	5,396.00	8/22 JANITORIAL SERVICE	
032105	9/21/2022	San Diego Gas & Electric	38,082.48	0098000669143	Yes
032106	9/21/2022	San Elijo Joint Powers Auth.	61,950.00	8/22 35 AF RECYCLED WATER	
032107	9/21/2022	SiteOne Landscape Supply, LLC	95.32	SUPPLIES	
032108	9/21/2022	Sean Stevenson	190.00	T3 & CC CERT RENEWAL REIMB	
032109	9/21/2022	Tri Signal Integration Inc	387.25	WTP SERVICES	
032110	9/21/2022	Trina Quintana	16.54	REF:1087377_143885	
032111	9/21/2022	Underground Service Alert	367.00	DIG ALERT TICKETS	
032112	9/21/2022	United Parcel Service	40.38	SHIPPING	
032113	9/21/2022	Vallecitos Water District	96,963.72	RECLAIMED WATER SALES	Yes
032114	9/21/2022	VWR International LLC	257.15	WTP SUPPLIES	Yes
032115	9/21/2022	Lawrence A Watt	18.38	MILEAGE REIMBURSEMENT	
032116	9/21/2022	West Yost & Associates, Inc	7,920.00	INSPECTION SERVICES	
032117	9/21/2022	WREGIS	136.95	RENEW ENERGY FEE	
032118	9/28/2022	4s Ranch & Land Dove Canyon Series	649.67	REF:1082739_300435	
032119	9/28/2022	Advance Plumbing Company	3,760.02	REF:1090575_303070	Yes
032120	9/28/2022	AT & T	1,380.31	9391059578	Yes

**Olivenhain Municipal Water District**  
**September 2022 Warrant List - Check & EFT**

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
032121	9/28/2022	Bob Davis Painting	6,475.00	PAINTING SERVICE	Yes
032122	9/28/2022	Bob Turner's Crane Service Inc	902.00	WWTP SERVICES	
032123	9/28/2022	California State Disbursement Unit	123.23	ED100514-9/29/2022	
032124	9/28/2022	Cyber Marketing Network Inc	814.46	Safety Boots	Yes
032125	9/28/2022	Federal Express Corp	486.64	SHIPPING	Yes
032126	9/28/2022	Guardian	990.76	10/22 DENTAL ADMIN FEES	
032127	9/28/2022	Hoch Consulting	66,059.50	Design Services for FY23 Recycled Water Pipeline Extension Project	Yes
032128	9/28/2022	Ignacio Tool Supply Inc.	781.46	MISC TOOLS	
032129	9/28/2022	Infosend	9,167.06	WATER BILL STATEMENTS	
032130	9/28/2022	Jane Beveridge	66.79	REF:1002749_212215	
032131	9/28/2022	Jay Turman	50.00	5 YEAR SERVICE AWARD	
032132	9/28/2022	Joanna Peterkin	321.49	REF:1026173_236760	
032133	9/28/2022	Justen Gerig	94.52	REF:1087717_236555	
032134	9/28/2022	Matt Ebersole	29.95	REF:1090078_241005	
032135	9/28/2022	Parkhouse Tire Inc	22.00	PUR98 SUPPLIES	Yes
032136	9/28/2022	PWLC I, INC	520.00	IRRIGATION SERVICE - WTP	
032137	9/28/2022	Rajiv Dutta	70.44	REF:1090847_224115	
032138	9/28/2022	Real Estate Redevelopers	488.93	REF:1087780_303025	
032139	9/28/2022	Republic Services #661	3,938.52	3-0661-2000037	
032140	9/28/2022	San Diego Gas & Electric	45,268.62	088341800390	Yes
032141	9/28/2022	Sara Kruger	79.47	REF:1090358_193390	
032142	9/28/2022	Sign A Rama - San Marcos	137.15	DROUGHT BANNER	
032143	9/28/2022	Standard Insurance Co.	6,001.24	10/22 LTD & LIFE INS PREM	
032144	9/28/2022	Steven L. Sherman DBA	6,555.00	Conservation landscape services-evaluation	Yes
032145	9/28/2022	Sunbelt Rentals, Inc.	3,558.08	TOWABLE CONCRETE MIXER	Yes
032146	9/28/2022	The Dumbell Man Fitness	255.81	GYM EQUIPMENT PREVENT MAINT	
032147	9/28/2022	Truc Nguyen	119.72	REF:1024333_154775	
032148	9/28/2022	U.S. Bank	3,889.60	96-1 TRUSTEE FEE	Yes
032149	9/28/2022	US Bank	2,190.51	777321	
032150	9/28/2022	Water for People	60.00	WTRPL 9/29/2022	
032151	9/28/2022	Water Treatment Chemicals Inc	18,691.20	50% ACH biannual purchase	Yes
EFT000000000190	9/7/2022	ACWA - JPIA	141,004.80	10/22 GROUP INSURANCE PREM	
EFT000000000191	9/7/2022	Southern Counties Lubricants, LLC.	7,265.59	UNLEADED & DIESEL FUEL	
EFT000000000192	9/7/2022	McMaster-Carr Supply Co.	167.56	SUPPLIES	
EFT000000000193	9/7/2022	Woodard & Curran	17,162.75	WIIN GRANT APP	
EFT000000000194	9/7/2022	Traffic Safety Solutions	3,500.00	2245 LEVANTE	
EFT000000000195	9/14/2022	Brown & Bigelow	2,368.97	UNIFORMS	
EFT000000000196	9/14/2022	DLM Engineering Inc	15,962.50	CONSULTING SERVICES	Yes
EFT000000000197	9/14/2022	B. Weber Consulting LLC	5,236.89	CONSULTING SERVICES	
EFT000000000198	9/14/2022	Wageworks	236.00	8/22 FSA ADMIN FEES	
EFT000000000199	9/14/2022	Volt Management Corp DBA	410.72	SDCWA INTERN W/E 8/26/22	
EFT000000000200	9/14/2022	Traffic Safety Solutions	3,500.00	2245 LEVANTE	
EFT000000000201	9/14/2022	G. Briest Consulting, Inc.	7,906.87	PSA for Engineering Manager Support Services with GBC	Yes
EFT000000000202	9/14/2022	Martin Marietta Materials Inc	1,978.20	SUPPLIES	Yes
EFT000000000203	9/14/2022	Nobel Systems	6,025.00	WATER AUDIT VALIDATON	Yes
EFT000000000204	9/14/2022	CDW Government Inc	27,977.04	SUPPLIES	Yes
EFT000000000205	9/14/2022	Nossaman LLP	12,181.04	7/22 LEGAL SERVICES	Yes
EFT000000000206	9/14/2022	Univar Solutions Usa Inc	4,690.95	WTP CHEMICALS	
EFT000000000207	9/14/2022	Valley Construction Management	3,800.00	CONSTRUCTION MGMT SERVICES	Yes
EFT000000000208	9/28/2022	Southern Counties Lubricants, LLC.	6,440.20	UNLEADED FUEL	
EFT000000000209	9/28/2022	Evoqua Water Technologies	242.77	WWTP PRVENT MAINT SERVICES	
EFT000000000210	9/28/2022	McMaster-Carr Supply Co.	379.41	SUPPLIES	Yes
EFT000000000211	9/28/2022	Woodard & Curran	11,721.25	Environmental and Grant Admin Services for Title XVI	Yes
EFT000000000212	9/28/2022	Volt Management Corp DBA	434.95	WTP INTERN W/E 9/2/22	
EFT000000000213	9/28/2022	Martin Marietta Materials Inc	241.63	MATERIALS	
EFT000000000214	9/28/2022	Nossaman LLP	20,250.00	LOBBYING SERVICES	Yes
EFT000000000215	9/28/2022	Valley Construction Management	8,658.50	Construction Management and Inspection Services	Yes
			<u>1,558,067.15</u>		

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

<u>Name</u>	<u>Payment Date</u>	<u>Check#/ Credit Card</u>	<u>Meals &amp; Lodging</u>	<u>Travel &amp; Transport</u>	<u>Other</u>	<u>Total Reimbursed Expenses</u>	<u>Directors Fee</u> *
Director Bruce-Lance			0.00	0.00	0.00	0.00	600.00
			0.00	0.00	0.00	0.00	600.00
Director Guerin			0.00	0.00	0.00	0.00	300.00
			0.00	0.00	0.00	0.00	300.00
Director Meyers	9/21/2022	32091	42.54	120.00	0.00	162.54	1,500.00
			42.54	120.00	0.00	162.54	1,500.00
Director Topolovac			0.00	0.00	0.00	0.00	300.00
			0.00	0.00	0.00	0.00	300.00
Director Watt	9/21/2022	32115	0.00	18.38	0.00	18.38	1,650.00
			0.00	18.38	0.00	18.38	1,650.00
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	

\*Includes August and September Director fees.

**Notes:**

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

# Memo

Date: October 19, 2022  
To: Olivenhain Municipal Water District Board of Directors  
From: Kimberly A. Thorner, General Manager  
Subject: **CONSIDER UPDATE ON THE COVID-19 EMERGENCY DECLARATION**

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## Purpose

The purpose of this Board item is to provide an update on the COVID-19 Emergency Declaration. The General Manager declared an emergency on March 12, 2020, and the Board has received updates of this emergency declaration at all subsequent Board Meetings. The Board shall receive an update of the General Manager's emergency action at subsequent Board Meetings until we are no longer in the state of emergency.

## Recommendation

This is an informational update pursuant to the Administrative and Ethics Code §3.2.1. No Board action is required. To date, fifty-seven employees have had COVID-19 and we have had one workplace exposure.

## Background

Pursuant OMWD's Administrative and Ethics Code §3.2.1, it is under my authority as the General Manager to declare an emergency if there is an unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent and mitigate

the loss or impairment of life, health, property, or essential public services. COVID-19 poses an imminent danger to the health of OMWD employees and customers. After notifying the Board via email, I declared a state of emergency regarding COVID-19 on March 12, 2020 based on the threat of the spreading pandemic.

There have been a series of email communications with the Board, staff, teleconferences with other General Managers in the County, and multiple messages conveyed to customers ensuring that OMWD's water is safe. The chart below shows the ongoing efforts we are taking here at OMWD to help navigate and mitigate the COVID-19 emergency while remaining prepared and reliable to our customers and community.

### CORONAVIRUS (COVID-19) ACTIONS

DATE	ACTION
<b>February 2020</b>	OMWD began actively monitoring situation.
<b>March 5, 2020</b>	Staff begins formulating outreach plan and design of OMWD's online COVID-19 Response Center.
<b>March 9, 2020</b>	Staff participated in regional meeting regarding COVID-19 at the San Diego County Water Authority.
<b>March 11, 2020</b>	OMWD's online COVID-19 Response Center published.
	Social Media outreach regarding water safety during COVID-19.
<b>March 12, 2020</b>	Emergency Declaration made by GM to ensure critical supplies, parts, and inventory are in stock or can be purchased more freely. OMWD implemented Pandemic Response Plan.
	Staff advised not to report to work if they exhibit any signs or symptoms.
	Travel to large conferences, group meetings, and trainings by OMWD employees suspended until further notice.
	Public Tours of OMWD delayed until further notice. Events and workshops postponed.
	Laptops and phones to be ordered in anticipation of telecommuting needs.
	Elfin Forest Recreational Reserve's Interpretive Center closed until further notice.
<b>March 13, 2020</b>	OMWD's lobby temporarily closed until further notice.
	Disconnection moratorium for customers facing financial difficulty.
<b>March 16, 2020</b>	Staff advised not to report to work if family/friends/people they have interacted with exhibited any symptoms.

	Employees can work remotely or on alternate schedules, so long as essential services are not interrupted.
	All non-vital construction, outside work, and outside meetings are cancelled.
	Social distancing policies implemented within the District. (E.g. no sharing vehicles, no congregating, etc.)
	OMWD Sick Time Bank established for employees to donate sick leave to those who do not have enough accrued sick time to meet their needs, thereby encouraging employees to call in sick if needed.
<b>March 17, 2020</b>	OMWD's Emergency Operations Center plans reviewed in order to prepare should it be activated.
	General Manager participates on region-wide water teleconference regarding status of all water agencies. All agencies commit to mutual aide, especially at the operator level. OMWD begins providing San Diego County Water Authority and San Diego County Office of Emergency Services with daily status updates via WEBEOC.
<b>March 18, 2020</b>	OMWD's regularly scheduled board meeting transitioned to teleconference format.
<b>March 21, 2020</b>	California Public Utilities Commission informed that OMWD has initiated a temporary disconnection moratorium.
<b>March 22, 2020</b>	OMWD's Elfin Forest Recreational Reserve closed until further notice.
<b>March 23, 2020</b>	OMWD participated in second teleconference meeting regarding wastewater mutual aid with SEJPA, LWWD, VWD, Oceanside, Carlsbad, and Encina.
	Finance Department creates account to track costs associated with COVID-19.
<b>March 24, 2020</b>	Schedules further modified to ensure as much social distancing as possible; operations divisions separated into alternating teams to allow for separation on a weekly basis. Teams not working are to stay home, safe and sober in the event of an emergency need. Remaining administrative employees authorized remote working capability with laptops.
<b>March 25, 2020</b>	Deployed additional laptops to enable additional employees to work from home.
	Filmed informational video about the safety of our water that will be released in the near future.
	Prepared a list of shovel ready projects to CWA.
<b>March 26, 2020</b>	Sent an informational mailer to all customers regarding the safety of their water supply.
	Secured adequate supply of N95 masks for employees.
<b>March 27, 2020</b>	Staff has contacted certified retired operators to determine their ability to provide support in the event our current staff was impacted.
<b>March 30, 2020</b>	Made and distributed hand sanitizer to be used as needed.



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

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

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

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

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

<b>January 10, 2022</b>	Sent booster shot clarification email for the updated January 14 <sup>th</sup> CALOSHA regulations that you are now deemed in the unvaccinated bucket (for exposure purposes) if you are eligible for a booster shot and have not received one.
<b>January 14, 2022</b>	CALOSHA adopted new regulations that go into effect on January 14, 2022 – face covering must pass light test, Testing for all employees (regardless of vaccination status) due to “close contact” in the workplace will be on paid regular work time, not sick leave, home COVID-19 tests are now permissible, however the employer or an authorized telehealth provider must observe the testing in real time.
<b>January 18, 2022</b>	Held a COVID Task Force Meeting.
<b>January 25, 2022</b>	Met via Zoom with Managers and Supervisors to discuss signs COVID fatigue in employees.
<b>February 1, 2022</b>	Awarded certificates to the top 5 employees who completed the most COVID symptom certification checklists since it was implemented at the beginning of the pandemic.
<b>February 14, 2022</b>	Email sent to all employees on the Governor’s COVID-19 paid sick leave retroactive to January 1, 2022, which will remain in effect through September 30, 2022, masks are no longer required for vaccinated individuals, and the COVID-19 Isolation and Quarantine flowchart.
<b>March 2, 2022</b>	Investigated and participated in a webinar on how to request County transfer of federal COVID relief funds. Will submit to County for OMWD impacts.
<b>March 3, 2022</b>	State extended the CALOSHA ETS to May 5, 2022. Informed the Employees at the Employee Forum.
<b>March 15, 2022</b>	Commenced planning for “End of COVID” restrictions event with employees to honor their frontline work for the past two years.
<b>May 5, 2022</b>	Email sent to all employees on CALOSHA’s updated COVID ETS Rules that are in effect from May 6 through December 31, 2022. These rules included that masks no longer require a light test, OMWD does not have to disinfect after a case at work, “high risk period” is now “infectious period.” Also, per supplemental COVID leave requirement, employees need to provide results from a medical provider, health facility or in front of a manager at OMWD. Employees still must complete Vector Solutions symptom certification.
<b>August 30, 2022</b>	Reviewing and researching new CALOSHA regulations anticipated to be adopted in September 2022. CALOSHA hearing set for September 15, 2022.
<b>September 28, 2022</b>	Governor Newsom signed AB 152 , extending the requirement for all California employers with more than 25 employees to provide COVID-19 Supplemental Paid Sick Leave through December 31, 2022. The total amount of COVID-19 leave available to employees between January 1 and December 31, 2022 remains the same.

## **Fiscal Impact**

Staff has reviewed all mission critical chemicals, supplies, parts, and inventory on hand and was instructed to order 120 days of mission critical supplies and chemicals to store here at OMWD. OMWD is using funds from Water and Wastewater Operating Reserves to pay for these expenditures, as water sales have been lower than projected through March 2020 due to weather conditions. Total expenditures in the categories of information technology, inventory, supplies, and customer service total \$331,920.64 as of the publishing of this memo. Of this amount, only \$134,033.45 represents special expenditures that would not have otherwise been incurred but for the COVID-19 pandemic. The remaining \$197,887.19 of expenditures represents parts, supplies, chemicals and materials that were ordered earlier than normal in order to have 5 to 6 months of supplies, materials, chemicals and parts on hand in case of lack of availability. The chart below reflects the COVID-19 expenditures incurred since March 12, 2020. OMWD submitted a Request for Public Assistant (RPA) to FEMA on September 18, 2020. OMWD has submitted for costs that were incurred outside of normal business practices to respond to the emergency, including additional overtime paid due to the isolation of employees in shifts. To date, OMWD's FEMA claim is still pending and we are awaiting direction as to what will be reimbursed. OMWD's FEMA representative indicated that the delay is due to the Presidential transition and that FEMA has been prioritizing vaccine projects.

On October 14th, 2021, OMWD submitted an application for the \$100 million Special District Relief Fund, available through the State of California, for the potential reimbursement of the district's unanticipated COVID-related costs incurred between March 2020 and June 2021. Costs totaling \$372,547 that are not anticipated to be reimbursed by FEMA were included in the application. These costs included: technology costs that allowed select staff to work remotely, customer outreach costs related to water safety and COVID, supplemental COVID sick leave provided to employees, and wages incurred for non-telecommuting employees that were required to stay home at the onset of the pandemic to ensure social distancing. The district was successful in its application and was awarded \$43,561.00 in COVID-19 relief funding to reimburse OMWD for our extraordinary incurred costs for staffing and supplies related to the pandemic.

**COVID-19 Expenditures Incurred Since March 12, 2020**

<b>Item</b>	<b>Cost</b>	<b>Category</b>	<b>Note</b>
Laptops	30,605.96	Information Technology	15 laptops
Laptop backpacks	486.33	Information Technology	15 laptops
Zoom meetings	2,398.80	Information Technology	
Duo 2 FA	980.00	Information Technology	
Mitel IP Phone Licenses	1,290.00	Information Technology	
Jabra headsets	645.24	Information Technology	
Sonim phones	611.55	Information Technology	
Samsung phones w/ Case and Hotspot	2,171.00	Information Technology	
Wireless mice & misc. supplies	528.47	Information Technology	
Bluetooth keyboards & mice, headsets, and phone chargers	440.47	Information Technology	
Spray bottles for sanitizer	940.00	Supplies	
Hand soap	817.00	Supplies	
Gloves, Glycerol, Hydrogen Peroxide, Distilled Water, batteries, safety glasses, and stock up of other warehouse supplies	7,957.06	Supplies	Warehouse supplies for the next 5-6 months.
Pinesol disinfectant	459.00	Supplies	



Janitorial supplies – hand wipes, paper towels, trash bags, cleaner, hand soap, facial tissue, bleach, toilet paper, hand sanitizer, etc.	9,352.33	Supplies	Janitorial supplies for the next 5-6 months.
Dust masks (not N95)	322.71	Supplies	
Hand sanitizer packets	397.33	Supplies	
Propanol	515.23	Supplies	
Pacific Pipeline Supply- hydrants, gate valves, copper pipe, repair couplings, and various other inventory items	100,714.07	Inventory	Inventory restock for the next 5-6 months.
AquaMetric - meters	68,954.48	Inventory	Inventory restock for the next 5-6 months.
Hach - Laboratory supplies - reagents and other supplies (WTP)	4,738.00	Supplies	6 month supply
IDEXX - Laboratory supplies - BAC-T bottles (WTP)	315.08	Supplies	120 day supply
Nalco - Water treatment chemicals - 7768 polymer barrels, four 55 gallon drums (WTP)	5,053.83	Supplies	
Sterling Water Technologies - Water treatment chemicals - ACH coagulant 2,000 gallons to top off tank (WTP)	8,759.40	Supplies	
Traffic cones to block off street parking (EFRR)	385.21	Supplies	
Custom COVID-19 park closure signs (EFRR)	221.10	Supplies	
COVID-19 Safety of Your Water Postcard - printing and mailing	9,559.69	Customer Service	Quantity sent: 25,584 postcards

Hair Trigger LLC - Hand Sanitizer	15,015.63	Supplies	Qty. 55 - 5 gallon buckets
Masks, disinfectants, hand soap, DIY hand sanitizer supplies	1,921.24	Supplies	
Barricades (EFRR)	56.01	Supplies	
Hydrogen peroxide, propanol for DIY cleaners	922.48	Supplies	
Disposable gloves	556.19	Supplies	
N95 Masks	242.44	Supplies	
Masks for employees	1,293.50	Supplies	
Containers for hand sanitizer	53.17	Supplies	
Propanol	412.19	Supplies	
Disposable gloves	1,559.72	Supplies	
Reusable masks	118.01	Supplies	
Hydrogen peroxide for DIY cleaners	161.85	Supplies	
Disinfectants, hand sanitizer packets, reusable masks, spray bottles, disposable gloves	2,019.92	Supplies	
Fork/Spoon/knife dispensers	47.97	Supplies	
Hydrogen peroxide for DIY cleaners	107.90	Supplies	
Cleaning wipes	2,248.56	Supplies	

Reusable masks	1,787.86	Supplies	
Thermometers, batteries for thermometers, bins to hold thermometers, bottles for hand sanitizer.	2,940.38	Supplies	
Disinfecting wipes, hand sanitizer, cleaning supplies	1,694.39	Supplies	
Custom COVID-19 park signs (EFRR)	738.24	Supplies	
Disinfecting wipes, alcohol wipes	467.61	Supplies	
Washable Masks (Qty. 400)	1,869.61	Supplies	
N95 masks (Qty. 1,000)	5,710.75	Supplies	
N95 masks (Qty. 130), spray bottles, utensil dispensers, thermometers, touchless soap dispensers, reusable masks (Qty. 250), hand soap	6,959.25	Supplies	
Customer COVID-19 courtesy letters for past due accounts	1,546.51	Customer Service	
Touchless items for Building D including: touchless soap dispensers, touchless paper towel dispensers, hands-free trash cans,	1,656.20	Supplies	
Wall-mounted forehead thermometer (touchless)	109.90	Supplies	
Disposable masks (Qty. 950)	292.82	Supplies	
Disposable masks (Qty. 1,000), alcohol wipes (24 packs)	672.32	Supplies	

Thermometers (5), Surface disinfectant spray (49), alcohol wipes (24 packs).	704.70		
Surface disinfectant, alcohol wipes, disposable face masks	628.42	Supplies	
Materials for temporary walls to divide Building D into pods.	658.29	Supplies	
N95 Masks (Qty 300), disinfectant	1,384.34	Supplies	
Heating, Ventilation, and Air Conditioning (HVAC) Filters	3,868.00	Supplies	
Disposable masks (Qty. 1,500)	398.35	Supplies	
N95 masks (Qty. 80) and thermometers (Qty. 3)	177.76	Supplies	
Disposable masks (500), N95 masks (240), alcohol wipes.	1002.20	Supplies	
Reusable masks (Qty. 100), Disposable masks (Qty. 1,060)	718.80	Supplies	
Disposable masks (Qty. 350)	188.44	Supplies	
Disposable masks (Qty. 1050)	329.28	Supplies	
COVID rapid tests (Qty. 540 total tests)	6369.77	Supplies	
Reusable "no light" masks for OSHA compliance (Qty. 300)	1008.60	Supplies	
Disposable masks (Qty. 800), alcohol wipes	464.41	Supplies	

Category	Total
Information Technology	40,990.12
Inventory	169,668.55
Supplies	110,155.77

Customer Service	11,106.20
<b>Grand Total</b>	<b>\$331,920.64</b>

### Discussion

OMWD will continue to take proactive measures to stay ahead of the curve while keeping customers supplied with safe and reliable drinking water. Monthly COVID-19 emergency updates will continue at each subsequent board meeting until further notice. The district will continue our objectives to protect the health and safety of employees and customers; and ensure the continuity of business operations.

# Memo

Date: October 19, 2022  
To: Olivenhain Municipal Water District Board of Directors  
From: Steven Weddle, Engineering Services Supervisor  
Via: Kimberly A. Thorner, General Manager  
Subject: **CONSIDER ACCEPTANCE OF THE LONE JACK PRESSURE REDUCING STATION REPLACEMENT PROJECT INTO OMWD'S SYSTEM AND ORDER A NOTICE OF COMPLETION BE FILED**

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## Purpose

The purpose of this agenda item is to consider acceptance of the Lone Jack Pressure Reducing Station (PRS) Replacement Project 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 Lone Jack PRS Replacement Project (Project) into OMWD's system.

## Alternative(s)

There are no alternatives to accepting the project into OMWD's system. The new system has been installed to OMWD's plans and specifications and construction is complete.

## Background

The Lone Jack Pressure Reducing Station was installed in 1971 and is part of the potable water distribution system for the Lone Jack Road corridor. The Lone Jack PRS is located

within an unpaved OMWD easement in Director Division 1 (Topolovac) and is close to Director Division 5 (Meyers) boundaries as well. The Lone Jack PRS was near the end of its useful life and in need of replacement. Originally conceptualized and packaged in 2013 as a pipeline replacement along Dusty Trail (within the private Copper Crest community) and a PRS replacement project, the two distinct items of work were separated into a pipeline replacement project scheduled for FY 2025 and the current PRS replacement project. Separating the two projects allowed for better financial planning to replace the more critical PRS first and spreading the construction costs of the pipeline replacement out to future year's budget cycles. The Lone Jack PRS Replacement Project made economical use of a salvaged PRS from the temporary connection to the Santa Luz North Affordable Housing project, used for a short timeframe while the City of San Diego was constructing the potable water system to serve that particular project.

The Lone Jack PRS Replacement Project specifically consisted of the demolition and removal of the existing PRS and replacement with an above-ground premanufactured PRS, reconnection to the distribution system, and installation of a gate valve and manual air release, all occurring within an unpaved, previously disturbed easement. Following a public bid, the Project was awarded to Orion Construction Corporation at the January 19, 2022 Board meeting. Prior to the start of work, notification letters were sent to adjacent property owners and tenants within 500 feet of the site, and Staff continued to support homeowners impacted by the Project for the duration of the work.

### **Fiscal Impact**

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

### **Discussion**

Following award of the construction contract, the contractor experienced supply chain challenges, delaying the Lone Jack PRS Replacement Project by approximately 2.5 months. In accordance with Administrative and Ethics Code (A&E Code) Section 6.8C, a no-cost time extension Construction Change Order No. 1 (CCO#1) was signed by the Engineering Manager to account for that delay.

Construction Change Order No. 2 (CCO#2) was signed by the General Manager in accordance with A&E Code, Section 6.8A and incorporated multiple items, including slurry backfill, as well as time and materials for unforeseen conditions and retrofit of the premanufactured PRS station to the existing piping system. A summary of the construction contract is presented below.

<b>Authorization</b>	<b>Value</b>	<b>Time (Consecutive Calendar Days)</b>
Original Contract	\$177,000.00	90
CCO#1	\$0.00	72
CCO#2	\$20,033.55	0
<b>Final Contract</b>	<b>\$197,033.55</b>	<b>162</b>

As the Project is now complete, Staff recommends acceptance of the project into OMWD's system and filing of a Notice of Completion with the San Diego County Recorder.

Staff is available to answer any questions.

*Attachments:*

*Notice of Completion;*

*Project Location Map*



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

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

(This space for recorder's use)

**NOTICE OF COMPLETION**

NOTICE IS HEREBY GIVEN that the facilities for the Lone Jack Pressure Reducing Station Replacement Project located in the easement northeast of 3122 Dusty Trail, in the City of Encinitas, CA 92024, County of San Diego, State of California for which the OLIVENHAIN MUNICIPAL WATER DISTRICT ("Owner", in fee), headquartered at 1966 Olivenhain Road, Encinitas, CA 92024, contracted with ORION CONSTRUCTION CORPORATION ("Contractor"), located at 2185 La Mirada Drive, Vista, CA 92081, have been completed in accordance with District specifications as of September 14, 2022. The facilities have been accepted by the Board of Directors of the OLIVENHAIN MUNICIPAL WATER DISTRICT on this 19<sup>th</sup> day of October, 2022.

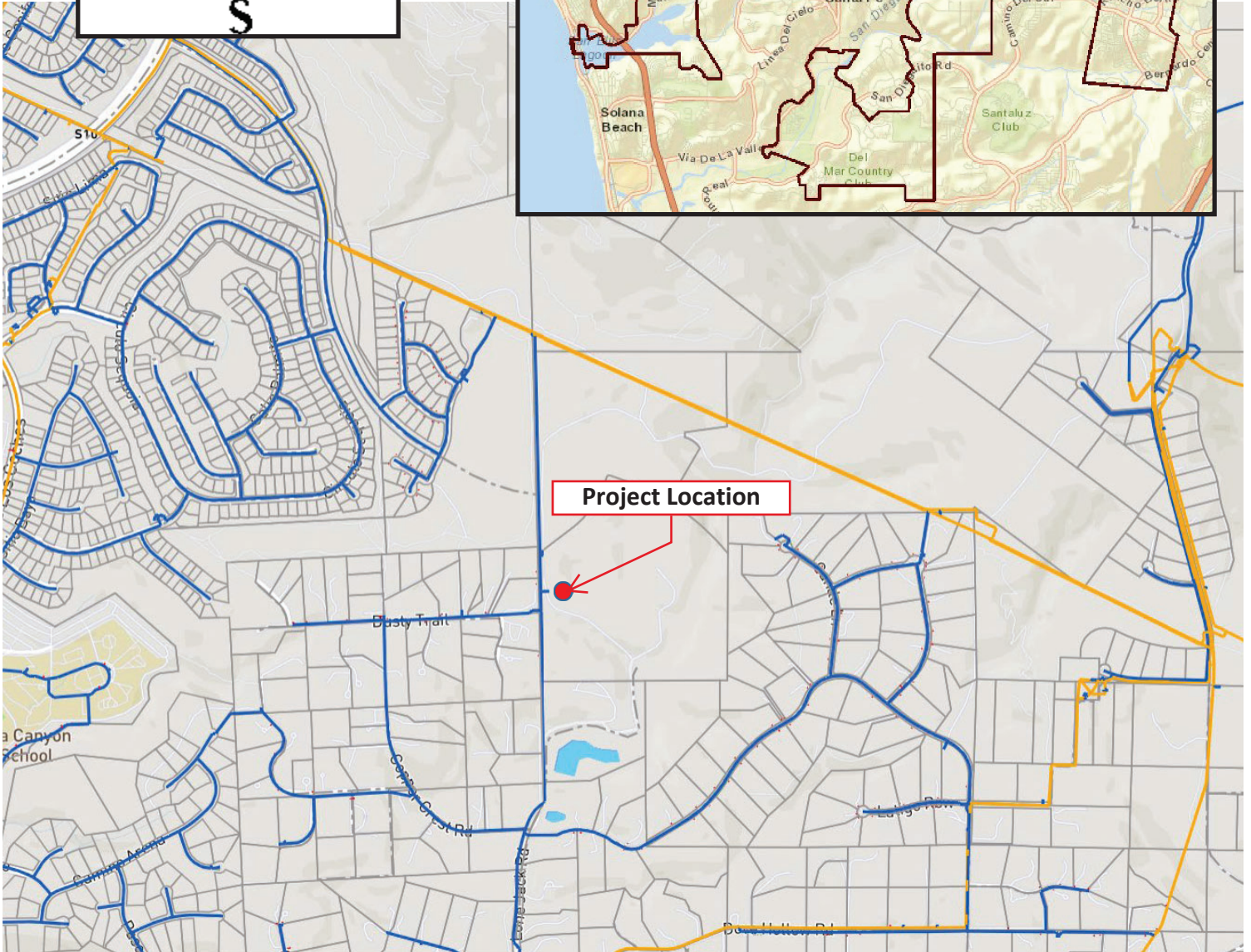
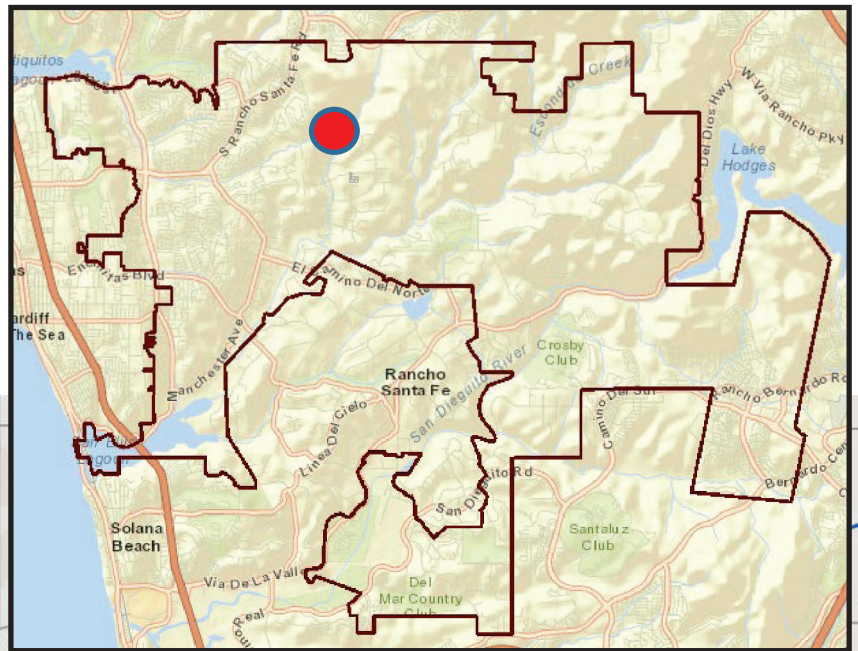
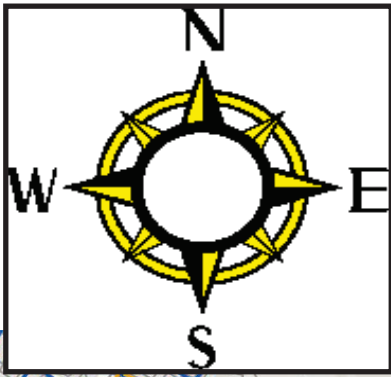
In witness whereof this Notice of Completion has been executed under authority from the Board of Directors of said OLIVENHAIN MUNICIPAL WATER DISTRICT by Kimberly A. Thorner, General Manager.

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

OLIVENHAIN MUNICIPAL WATER DISTRICT

Date: \_\_\_\_\_, 2022

By: \_\_\_\_\_  
Kimberly A. Thorner  
General Manager



# **LONE JACK PRESSURE REDUCING STATION REPLACEMENT PROJECT**

**OMWD PROJECT NO. D120178**

# Memo

Date: October 19, 2022

To: Olivenhain Municipal Water District Board of Directors

From: Steven Weddle, Engineering Services Supervisor

Via: Kimberly A. Thorner, General Manager

Subject: **CONSIDER APPROVAL OF A CONTRACT WITH MARINA LANDSCAPE INC. IN THE AMOUNT OF \$41,350 FOR THE CONSTRUCTION OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT LANDSCAPE HEADQUARTERS COURTYARDS PROJECT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD**

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## Purpose

The purpose of this agenda item is to consider approval of a contract with Marina Landscape Inc. in the amount of \$41,350 for the construction of the Olivenhain Municipal Water District Landscape Headquarters (HQ) Courtyards Project (Project) and authorize the General Manager to sign on behalf of OMWD.

## Recommendation

Staff recommends awarding a contract to Marina Landscape Inc. in the amount of \$41,350 for construction of the Project and authorize the General Manager to sign on behalf of OMWD.

## Alternative(s)

The Board could elect to:

- The Board could reject all bids and direct staff to re-bid a portion or the entire project; or
- Elect to delay the project until a future date

## Background

The anticipated Project was designed to complete irrigation, planting, hardscaping, and correct minor drainage issues in the two (2) courtyards. To design the Project, staff procured professional landscape design services in accordance with Administrative and Ethics Code Section 6.9C via the Request for Proposals (RFP) exception process and executed a Professional Services Agreement (PSA) for landscape design services with California Landscape Technologies Architect (CLTA) within the General Manager's authority.

Following design, staff publicly issued a Request for Bids for the Project on August 31, 2022. Due to the limited access through HQ, a mandatory pre-bid meeting was conducted on September 13, 2022, and five (5) potential bidders attended. Three (3) addenda were issued during the bidding process to respond to questions received by contractors. Of the potential bidders who attended the mandatory pre-bid, two (2) bids were publicly received on September 28, 2022, and a summary of the bids is presented in the following table.

<b>Contractor</b>	<b>Base Bid Schedule A</b> (Boardroom courtyard)	<b>Base Bid Schedule B</b> (Main center courtyard)	<b>Base Bid Schedule A &amp; B Combined</b>
Blue Pacific Engineering	\$57,000	\$81,600	\$138,000 <sup>1</sup>
Marina Landscape Inc.	\$41,350	\$92,000	\$133,350

<sup>1</sup> Blue Pacific Engineering submitted a total base bid amount for Schedules A and B combined as \$138,600 (in figures) and \$138,000 (written). Marina submitted a total base bid amount for Schedules A and B combined as \$133,350 (figures and written). Per contract documents, written amounts shall govern.

Per the contract documents, the basis for the award is based on the total base bid price for Schedule A and Schedule B combined. The lowest responsive and responsible bid was received from Marina Landscape Inc. in the amount of \$133,350. Staff reserved the right to award both or only one of the courtyards. One irregularity was found during the bidding process. Blue Pacific Engineering's numerical bid did not match the written bid price. No irregularities were found in Marina Landscape's bid. The irregularities do not change the outcomes of the overall bid rankings.

Due to cost constraints, staff recommends awarding only Base Bid Schedule A (Boardroom Courtyard) for \$41,350.

### **Fiscal Impact**

The Project is being funded by the Landscape HQ Courtyards Project (D120116). The proposed authorization is \$41,350 for the base bid Schedule A (Boardroom courtyard).

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

In which Fiscal Year did this project begin? **2022**

Total Project Budget: **\$54,000**

Current Fiscal Year Appropriation: **\$54,000**

To Date Approved Appropriations: **\$54,000**

Target Project Completion Date: **Early 2023**

Expenditures and Encumbrances as of September 19, 2022: **\$9,362**

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**

Through the process, staff had made efforts to reduce the overall construction cost, including providing boulders from the Elfin Forest Recreational Reserve (EFRR) for use in

the landscape, making use of existing site furnishings (benches, tables, chairs, and umbrellas), phasing some of the elements, and using value materials for the hardscape. Even with these efforts, the bid results exceeded the allocated budget.

Staff therefore does not recommend pursuing the main center courtyard at this time to prioritize Landscape HQ Courtyards project funds of the Boardroom courtyard, which is available to the public during Board sessions. For the main center courtyard, staff will postpone the planned work for now and will re-assess options to move forward.

Staff is available to answer any questions.

*Attachments:*

*Bid Results Tabulation;*

*Project Location Photos*



**Bid Results Tabulation**  
September 28, 2022 at 2:00 p.m.

<b>OMWD Courtyard Gardens Project (D120116)</b>								
<b>Contractor</b>	<b>Base Bid Schedule A (Boardroom Courtyard)</b>	<b>Base Bid Schedule B (Lunchroom Courtyard)</b>	<b>Bid Form Checklist (Y/N)</b>	<b>Addendum No. 1 (Y/N)</b>	<b>Addendum No. 2 (Y/N)</b>	<b>Addendum No. 3 (Y/N)</b>	<b>Bid Bond (Y/N)</b>	<b>Base Bid Schedule A &amp; B *</b>
BLUE PACIFIC ENGINEERING	\$ 57,000.00	\$ 81,600.00	Y	Y	Y	Y	Y	<b>\$ 138,000.00</b>
MARINA LANDSCAPE INC.	\$ 41,350.00	\$ 92,000.00	Y	Y	Y	Y	Y	<b>\$ 133,350.00</b>

\* In accordance with the bid documents, basis for the award shall be based on the total base bid price for Schedule A and Schedule B combined.

\*\*Values shown in red indicate discrepancies found in Bid Schedule between the amounts stated in writing and the amounts stated in figures submitted by Contractors; General Provisions Section 2.3 states written amounts shall govern. Blue Pacific Engineering submitted a total base bid amount for Schedules A and B combined as \$138,600 (in figures) and \$138,000 (written). Marina submitted a total base bid amount for Schedules A and B combined as \$133,350 (figures and written). The irregularities do not change the outcomes of the overall bid rankings.



Exhibit 1 - Project Location





# Memo

Date: October 19, 2022  
To: Olivenhain Municipal Water District Board of Directors  
From: Stephanie Kaufmann, Executive Secretary  
Via: Kimberly Thorner, General Manager  
Subject: **CONSIDER DESIGNATION OF A DELEGATE FOR THE NOVEMBER 30  
VOTE ON AMENDMENTS TO THE ASSOCIATION OF CALIFORNIA WATER  
AGENCIES' BYLAWS**

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## Purpose

This item is to select a delegate to represent OMWD in the upcoming vote on amendments to ACWA's bylaws.

## Recommendation

Staff recommends appointing President Watt as OMWD's delegate and Director Meyers as an alternate to cast a vote in favor of the proposed amendments to ACWA's bylaws.

## Alternative(s)

- The board may choose to designate another Director as OMWD's voting delegate.
- The board may choose to reject the proposed amendments to ACWA's bylaws.
- The board may choose against participation in this vote.

## **Background**

ACWA has proposed several amendments to its bylaws with the major changes listed below:

1. Meetings by Electronic Communication. Any meeting of the Board of Directors, region boards, or any committee may be conducted, in whole or in part, by telephone, electronic transmission, or by electronic video screen communication.
2. Election Committee. There shall be an Election Committee (instead of a Nominating Committee) consisting of eleven representatives established by February 28 of each odd-numbered year, whose purpose shall be to present qualified individuals for the offices of president and vice president of the Association. The Election Committee shall vet all candidates to determine if the eligibility criteria have been met. The Election Committee will endorse a preferred candidate for the president and vice president before presenting an open ballot with all qualifying candidate to the members for a vote in the manner set forth in Section 9.10 and Section 9.11.
3. Voting. Each member of the Association in good standing at the time of the annual or special meeting shall be entitled to one vote that shall be cast by its authorized representative. Each member must designate its authorized representative prior to the annual or special meeting. It is the member's responsibility to designate or update its authorized representative as needed. The Association may confirm with any member the identify of that member's authorized representative for the purpose of casting ballots in any election of president and vice president. All questions, except amendments or revisions of these bylaws, shall be determined by a majority of the members present and voting. A roll call may be requested by any authorized representative.
4. Quorums. The presence of the authorized representative of 50 members of the Association at any meeting of the members shall constitute a quorum for transacting business. Written ballots timely received from the authorized representative of 50 members shall constitute a quorum for elections of president and vice president.
5. Removal of Nominations from the Floor section.

Staff is amenable to these amendments and recommends a favorable vote. To be approved, the amendments require a two-thirds vote of the member agencies present at the ACWA Fall Conference's General Session Membership Meeting on November 30. ACWA has requested the designation by each member agency of a voting delegate to expedite the voting process.

### **Fiscal Impact**

There are no costs associated with this item.

### **Discussion**

President Watt has served as OMWD's voting delegate at several ACWA conferences in the past, most recently in December 2021.

#### Attachment:

- ACWA memorandum regarding the General Session Membership Meeting on November 30
- Proposed Amended and Restated Bylaws of the Association of California Water Agencies

Via U.S. Mail and Electronic Mail

**TO:** ACWA Member Agency Board Presidents and General Managers  
**CC:** ACWA Board of Director  
**FROM:** Dave Eggerton, ACWA Executive Director  
**DATE:** October 5, 2022  
**SUBJECT:** Notice of General Session Membership Meeting — November 30, 2022

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There will be a General Session Membership Meeting at the ACWA 2022 Fall Conference on **Wednesday, November 30, 2022, at 12:30 p.m.** The meeting will be held in the Crystal Ballroom, Renaissance Esmeralda Resort Hotel, Indian Wells. The purpose of the meeting is to conduct a vote by the membership on proposed Amended and Restated Bylaws of the Association of California Water Agencies as recommended by the Board of Directors at its meeting on September 23, 2022.

## Proposed Amended and Restated Bylaws

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As part of ongoing efforts to ensure ACWA's Bylaws are current and reflect consistency with other governance documents and daily operations and to implement changes related to the election of ACWA's Board Officers, the Board of Directors is recommending proposed Amended and Restated Bylaws for consideration by the membership.

Staff worked with Dale Stern, Downey Brand LLP, to prepare the proposed Amended and Restated Bylaws, which include the following changes:

- Amendments to clarify language and to reflect consistency with other governance documents and daily operations
- Amendments to implement changes to the Board Officers' election process as recommended by the Election Task Force
- Amendments to incorporate California Corporations Code provisions allowing meetings to be held by electronic communication
- Restructuring and reformatting to incorporate a new numbering system

Legal Affairs Committee (LAC) Chair, Jennifer Buckman, appointed LAC member, Doug Coty, to serve as the committee's representative to review the proposed Amended and Restated Bylaws and provide an analysis pursuant to ACWA Bylaws (Article 9, Section 8). The proposed Amended and Restated Bylaws reflect the LAC's recommended edits as adopted by the ACWA Board on September 23.

Redline and clean versions of the proposed Amended and Restated Bylaws are available on ACWA's website at the link listed below. The materials have also been emailed to member agency general managers and board presidents.

<https://www.acwa.com/2022-membership-meeting/>

## Voting Process

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Consistent with ACWA's Bylaws, Article 9, Section 5:

- Each member of the Association shall be entitled to one vote that shall be cast by its authorized representative.
- Voters must be present at the membership meeting to vote.

ACWA will be using a voting system called Live-Tally, which will allow voters to vote using a handheld keypad.

- Member agencies must indicate their voting representative and alternate on the attached Voter Designation & Information Form as well as provide all of the information identified on the form in order for ACWA to facilitate all aspects of the membership meeting and voting processes.

## Deadline & Changes

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The deadline for submitting the Voter Designation & Information Form is **Wednesday, November 23, 2022**. While this form identifies both a voting delegate and an alternate voting delegate for the ACWA member agency, if for any reason the member agency desires for the alternate voting delegate to vote at the membership meeting in place of its designated voting delegate, the member agency must notify ACWA in advance of its exchange of voting delegates by contacting the Senior Clerk of the Board Donna Pangborn at [donnap@acwa.com](mailto:donnap@acwa.com) or 916-669-2425 **no later than 5:00 p.m. on Tuesday, November 29, 2022**.

## ACWA General Session Desk

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ACWA staff will be available at the **ACWA General Session Desk**, located in the Crystal Ballroom Foyer, Renaissance Esmeralda Resort Hotel, on **Wednesday, November 30**, between **9:00 a.m. and 11:45 a.m.** to answer questions about the membership meeting and voting process.

**Voters need to check in at the ACWA General Session Desk on Wednesday, November 30, between 10:00 and 11:45 a.m. to pick up handheld keypads.**

If you have any questions regarding the proposed Amended Bylaws and Restated or voting process, please contact Senior Clerk of the Board Donna Pangborn at 916-669-2425 or [donnap@acwa.com](mailto:donnap@acwa.com).

dgp

Attachments:

1. Voter Designation & Information Form
2. Proposed Amended and Restated Bylaws (redline version) – see website link above
3. Proposed Amended and Restated Bylaws (clean version) – see website link above



As recommended by the Board of Directors at its meeting on 9/23/2022.

# AMENDED AND RESTATED BYLAWS of the Association of California Water Agencies

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(As amended and restated by the Members on November 29, 2017 , 2022)

## ARTICLE 1 ~~Article 1~~ – General

**Section 1.01. <sup>1</sup>Name.** The name of this California nonprofit corporation shall be the Association of California Water Agencies (hereinafter referred to as the Association).

**Section 1.02. Principal Office.** The principal office for the transaction of business of the Association ~~is shall be~~ located ~~at 910 K Street, Suite 100, in~~ Sacramento, California; ~~provided, however, that the Board of Directors may change the location of the principal office by resolution and without amendment of these bylaws.~~

**Section 1.03. Purposes.** The purposes of the Association shall be to work together with its members and others for the best interests of California and its citizens and landowners who use, need and depend upon water; to encourage the orderly development of the waters of the state; to seek means of obtaining and making available to all of California a dependable water supply of the best possible quality at the lowest possible cost, giving due consideration to environmental factors involved therein; to provide inspiration and leadership in meeting and solving the water supply problems of this state; to propose and advocate such policies and measures—local, state and federal—that serve the best interests of the Association, opposing those of contrary nature; to assist in promoting the health, safety and welfare of the employees of its members; and to do all other things that are in the best interests of its members.

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<sup>1</sup> Section numbers have been reformatted to incorporate a new numbering system throughout this document.



## ARTICLE 2~~Article 2~~ – Membership and Dues

### Section 2.01. Membership.

- (a) **Members.** Only a public district, public agency, or public organization created and operated for the purpose of controlling, treating, developing, acquiring, using or supplying water for any purpose for inhabitants or lands within the state of California, or for the protection, drainage or reclamation of lands within the state of California, may become a member of the Association. Such an entity will become a member upon written application, approval by the Board of Directors, and the payment of the required dues. Acceptance to membership shall authorize full participation in Association activities. Except as otherwise provided in ~~subsection~~ Section 2.01(b) below, in no case may an organization other than a state, a political subdivision (as defined in § 1.103-1(b) of the Income Tax Regulations) of a state or an entity the income of which is excluded from gross income under § 115 of the Internal Revenue Code be a member of the Association. A member of the Association shall be in good standing if in compliance with all bylaws and requirements of membership, including timely payment of annual dues and emergency assessments.
- (b) **Honorary Life Members.** Any person who has rendered conspicuous service in furthering the purposes of the Association may, by vote of the Board of Directors, be granted an honorary life membership in the Association without payment of dues or assessments. All past presidents of the Association shall automatically be honorary life members without vote of the Board of Directors. Honorary life members shall not be entitled to a vote or to hold office automatically because of their status as honorary life members.
- (c) **Termination of Members.** Membership shall cease upon the failure of any member to pay the dues provided for in Section 2.02 of this Article. The membership of any member may be terminated at any time by such member sending written notification of its intention to withdraw to the Association's principal office. The Board of Directors may terminate the membership of any member upon 30 days' written notice by first-class mail when it is determined at any regular Board meeting or at any special Board meeting called for that purpose that continuance of such membership would not be in the best interests of the Association. Withdrawal or termination of membership ends any participation in Association activities and shall terminate a member's interest in the Association's assets.

**Section 2.02. Dues.** The annual dues of each member of the Association shall be established by the Board of Directors; provided, however, that any member may apply for a change in its dues because of conditions that differentiate such applicant from other members.

**Section 2.03. Liability of Members.** No member shall be liable for any obligation incurred by the Association with the following exception: (1) the payment of the annual dues while it remains a member;

and (2) the payment of emergency assessments, which shall not exceed 10 percent of current annual dues for each member in any calendar year while it remains a member. No emergency assessment may be levied against any member during its first two years of membership in the Association.

## ARTICLE 3~~Article 3~~ – Officers

### Section 3.01. President and Vice President.

- (a) **General.** The president and vice president of the Association shall be the elected officers of the Association. At the time of their election the president and vice president shall each be an elected or appointed member of the governing body or commission (as appropriate) of a member agency of the Association. The president and vice president shall be elected by the members of the Association ~~at its fall conference~~by written ballot in each odd-numbered year ~~before the Association's annual meeting, shall be announced at the Association's annual meeting,~~ shall take office on January 1 of the calendar year following election, and shall hold office until such time as their successors take office or are appointed. An elected president shall not be permitted to succeed himself/herself to that office. Except as provided in this Article, should vacancies occur in either office of the president or vice president, the Board of Directors shall appoint persons to fill such offices for the unexpired terms thereof.
- (b) **President.** The president shall preside at all meetings of the Board of Directors, the Executive Committee, and the general membership; shall appoint members of all committees, including the chair and vice chair of each, upon recommendation from members and regions (as communicated by the region chairs), with each such committee chair and vice chair ratified by the Board of Directors; and shall perform all other duties necessary to carry out the functions of the office. The president shall be a non-voting *ex officio* member of each committee, but shall not be an *ex officio* member of the ~~Nominating~~Election Committee or the region boards.
- The president may be expelled from office with or without cause, upon the satisfaction of the following two events: (1) a two-thirds vote of the Board of Directors; and (2) a subsequent simple majority vote of the members of the Association during a meeting of the membership.
- (c) **Vice President.** The vice president shall, in the absence of the president, assume all of the duties of that office and, if a vacancy occurs, succeed thereto for the unexpired term. The vice president shall sit as a member of the Executive Committee of the ACWA Joint Powers Insurance Authority and shall perform such other duties as assigned by the president.

**Section 3.02. Executive Director/Secretary and Controller/Treasurer.**

- (a) **General.** The executive director/secretary and controller/treasurer of the Association shall also be officers of the Association. The executive director/secretary shall be appointed by and hold office at the pleasure of the Board of Directors of the Association.
- (b) **Executive Director/Secretary.** The executive director/secretary shall: (1) advise and assist the Board of Directors, all committees, the boards of each region, and the workgroups of each region; (2) be responsible for administering the total operations of the Association; (3) employ, direct, and release all employed staff in accordance with the policies adopted by the Board of Directors and consistent with the budget adopted by the Board of Directors; (4) provide relevant information to the Board of Directors needed by the Board to take actions; (5) give members notice and record minutes of all meetings of the membership, Board of Directors, and Executive Committee; and (6) have such other powers and perform such other duties as may be provided and assigned by the Board of Directors directly or through the president of the Board or the Executive Committee. The executive director/secretary, with the assistance of the controller/treasurer, shall render a report to the Board of Directors at the first meeting following the close of each calendar year showing the membership of the Association, the receipts and expenditures during the year, and the work accomplished during the previous year.
- (c) **Controller/Treasurer.** The controller/treasurer shall report to and act under the direction of the executive director/secretary. The controller/treasurer shall be a signatory on all accounts held by the Association and shall act as a fiduciary for all assets of the Association.

**ARTICLE 4~~Article 4~~ – Board of Directors**

**Section 4.01. Membership.** The Board of Directors shall consist of:

- (a) The Association president and vice president.
- (b) The chair and vice chair of each region.
- (c) The chair of each standing committee.
- (d) The most immediate active past president.
- (e) The vice president of the ACWA/Joint Powers Insurance Authority.

**Section 4.02. Term of Office.** The term of office of all members of the Board of Directors shall commence on January 1 of the calendar year following election of the president and vice president, except for those persons who serve on the Board of Directors by nature of their position as chairs of standing committees, whose terms shall instead commence upon their ratification by the Board of Directors.

Except as provided in Article 4, Section 11, the term of office for all members of the Board of Directors shall terminate on December 31 of the following odd-numbered year two years later, or until their successors take office.

**Section 4.03. Attendance Requirement.** Any member of the Board of Directors who misses two consecutive regular Board meetings without being excused by the Board will no longer be a member of the Board of Directors.

**Section 4.04. Regular Meetings.** Regular meetings of the Board of Directors shall be held bimonthly at such times and places as the Board may determine.

**Section 4.05. Special Meetings.** Special meetings may be called by the president upon the president's own volition or shall be called by the president when requested in writing by five directors. Prior to conducting such a special meeting, the president shall consult with the Executive Committee to ensure that adequate information is available to the Board of Directors for any necessary decisions; and where such meeting is called upon the president's own volition, the president shall also consult with the Executive Committee as to the necessity of the special meeting. Notice for special meetings shall be provided in the following manner: (1) upon 10 days' written notice sent by mail to each director and addressed to each at the address as shown upon the records of the Association; or (2) upon 48 hours' notice with notice provided by electronic means. When the meeting is called upon the president's own volition, the president shall choose the form of notice; when the meeting is called by a request of five directors, the five directors shall choose the form of notice and the president shall promptly call the meeting. No business except those items described in the notice shall be transacted at any special meeting, except by consent of three-fourths of the members of the Board of Directors present.

**Section 4.06. ~~Meeting Requirements and Quorums. Meetings by Electronic Communication.~~** Any meeting, regular of the Board of Directors, region boards, or special, any committee may be held conducted, in person whole or in part, by telephone conference, web video conference, or other, electronic transmission, or by electronic video screen communication. A member of the Board of Directors, a region board, or electronic transmission, any committee shall be deemed present in person at the meeting if the following apply:

- (a) Each director, region board, or committee member participating in the meeting can communicate concurrently with all other directors, region board, or committee members.
- (b) Each director, region board or, committee member is provided the means of participating in all matters before the board, region board, or committee, including the capacity to propose, or to interpose an objection to, a specific action to be taken by the Association.

**Section 4.07. Quorum.** At any meeting of the Board of Directors, the attendance of 50 percent of the voting members of the Board of Directors, or their permitted alternates as specified in these bylaws, shall constitute a quorum for the transaction of any business. The Board may hold a closed session for discussion of personnel matters or enforcement of violations of the code of conduct.

**Section 4.08. Alternates.** Each region shall designate an alternate for each chair and vice chair, who shall meet the qualification requirements for chair and vice chair, to act at meetings of the Board of Directors when the chair or vice chair is unable to attend. The vice chair of each standing committee will be the alternate to act at meetings of the Board of Directors when the [standing committee](#) chair is unable to attend. An alternate may not act or vote on behalf of more than one member of the Board of Directors. A member of the Board of Directors may not act as an alternate for any other member.

**Section 4.09. Vacancies for Standing Committee Chairs and Vice Chairs.** Should a vacancy occur in the office of any standing committee chair or vice chair before the end of the term, the president shall appoint a new committee chair or vice chair to fulfill the unexpired term of such committee chair or vice chair subject to ratification by the Board of Directors. A vacancy in the office of any such standing committee chair or vice chair as described in the previous sentence shall be deemed to exist when the chair or vice chair: (1) resigns the office; (2) no longer is an officer, employee, or member of the governing body of a member agency of the Association, or other representative duly designated by a member agency of the Association to represent that member; or (3) is otherwise removed by a member agency of the Association.

**Section 4.10. Duties, Authorities, and Delegation.** Subject to the provisions and limitations of California Nonprofit Corporation Law, other applicable laws, and the provisions of these bylaws, the Association's activities and affairs are to be exercised by or under the direction of the Association's Board of Directors. The Board of Directors is responsible for the overall supervision, control, and direction of the Association. The Board of Directors shall: (1) employ and release the executive director/secretary; (2) set performance expectations for the executive director/secretary; (3) receive, review, and consider approval of executive director/secretary recommended compensation, other terms and conditions of employment, and annual evaluations as prepared by the Executive Committee; (4) annually adopt a budget; and (5) set the level of dues for the Association. Except as to the duties listed in the previous sentence, and subject to Article 3, Section 2, the Board of Directors may delegate the supervision, control, and direction of the Association's affairs to any person or group, including a committee, provided the Association Board retains ultimate responsibility for the actions of such person or group. Where such powers are delegated, the delegation shall be documented in writing.

**Section 4.11. Immediate Past President.** The immediate past president automatically assumes this position after serving as the Association's elected president and is a voting member of the Board of Directors and Executive Committee. The term of office for the immediate past president shall commence on January 1 of the calendar year following election of the president and vice president and shall terminate on December 31 of the following odd-numbered year two years later. In the event the most immediate active past president is unavailable to serve, the most recent and available active past president in succession shall serve in this capacity.

**Section 4.12. Code of Conduct of Board Members.**

- (a) **Code of Conduct: Purpose and Adoption.** The Board of Directors shall establish, and update as appropriate, a code of conduct for its Directors that recognizes the

Association's commitment of integrity, respect, and fair representation to its members and the public they serve and establishes minimum ethical standards for the performance of the duties of office. The code shall be consistent with the procedural processes contained in this section. The code shall be distributed to all new Directors and shall be distributed annually to all members of the Association.

- (b) **Violations and Enforcement Process.** A violation of the code of conduct may result in removal, public censure, or private reprimand of a Director, or such other action as contained in the code of conduct. However, removal and public censure shall be reserved only for serious violations. A Director may not be removed or publically censured absent an affirmative vote of two-thirds of the voting members of the Board of Directors. A Director may be privately reprimanded for a violation of the code of conduct upon the majority vote of the quorum. Complaints of violation of the code of conduct may be filed with the president, or the vice-president if the allegations are made against the president. The president may refer a complaint of violation to the executive director/secretary for investigation. The executive director/secretary may retain a special investigator or special counsel to conduct or assist the investigation. A Director accused of a violation shall be provided a copy of the complaint. A Director that takes any hostile or retaliatory action, directly or indirectly, against a complainant is subject to removal from the Board in conformance with the process identified above. Prior to scheduling a Board action on a complaint, the president shall consult with the Executive Committee and the chair of the Legal Affairs Committee. A Director accused of a violation of the code of conduct shall be provided at least 15 days' written notice of any meeting of the Board at which a determination of enforcement will be considered. A determination of enforcement may be made only at a regular meeting of the Board and shall be made in closed session. The determinations of the Board under this section shall not be admissible in any criminal or civil proceeding brought against the Director for conduct that violates any other law.

## **ARTICLE 5~~Article 5~~ – Regions**

### **Section 5.01. Boundaries of Each Region.**

- (a) There shall be a maximum of 10 regions within the state. The Board of Directors shall determine the regional boundaries. Insofar as is practicable, the regions shall have a numerical balance in members of the Association; make geographic sense; and promote regional problem solving.
- (b) A member of the Association may file a written petition to the Board of Directors requesting a change in regions. Such petition shall set forth the reasons for such requested change. The Board shall, within a reasonable time, act upon such petition and set forth the reasons for its action. Such action by the Board shall be based on factors in



[Section 5.01](#)(a) above, as well as others deemed by the Board of Directors to be relevant to the decision.

**Section 5.02. Officers.**

- (a) The officers of each region shall be a chair and vice chair and three to five region board members who shall be elected by the region ~~by September 30, or the preceding Friday if September 30 falls on a weekend, of~~ in each odd-numbered ~~years~~year. A region may maintain a board of fewer than five but not less than three members as provided in the region's rules and regulations. The officers of the region board shall take office on January 1 of the calendar year following election and shall hold office for two years, or until their successors take office. Regions shall hold elections by electronic ballot. ACWA staff shall verify the legitimacy of the ballots.
- (b) The officers of each region shall: (1) exercise the powers and perform duties of the region during the interim between region meetings; and (2) make recommendations to the president regarding appointments to committees. The chair and vice chair shall be the region's representatives to the ACWA Board of Directors.
- (c) Each officer of a region shall be an officer, employee, or member of the governing body of a member agency of the Association, or other representative duly designated by a member agency of the Association to represent that member at the time of the appointment. Where an individual ceases to meet these criteria during the term of the office, the individual may not serve during the remaining term of that office unless that individual can again meet the criteria for the office and is appointed to complete the term. The region board may adopt more stringent criteria for board member qualifications as part of the region's rules and regulations.
- (d) Should a vacancy occur in any of the region board positions before the end of the term, the remaining members of the region board shall appoint a new member. A vacancy in the office of any region board position shall be deemed to exist when a region board member: (1) resigns the office; (2) no longer is an officer, employee, or member of the governing body of a member agency of the Association, or other representative duly designated by a member of the Association to represent that member; or (3) is otherwise removed by a member agency of the Association.

**Section 5.03. Nominating Committees.** There shall be a nominating committee for each region consisting of three or more designees, each representing a member of the Association located within the region, appointed by the chair of the region and approved by the region board. Nominating committees shall be formed by February 28 of each odd-numbered year. ~~The nominating committee shall announce its nominations for chair, vice chair, and region board members by August 1 of an election year. All regions must complete the election process by September 30 of the election year, or the preceding Friday if the September 30 falls on a weekend.~~

**Section 5.04. Meetings.** The meetings of each region shall be held at both the spring and fall conferences and at such other times and places as may be determined by the region chair. Representatives of five or more members of the Association from the region present at any region meeting shall constitute a quorum for purposes of conducting the business of the region. Any meeting, regular or special, may be held in person or by telephone conference, web video conference, or other electronic video screen communication or electronic transmission, [as set forth in Section 4.06](#).

**Section 5.05. Workgroups.** Workgroups may be appointed by the region chair as needed.

**Section 5.06. Rules.** Each region shall organize and adopt rules and regulations for the conduct of its meetings and affairs not inconsistent with the Articles of Incorporation or bylaws of the Association. Each region shall abide by the code of conduct adopted by the Board of Directors of the Association.

## **ARTICLE 6~~Article 6~~ – Executive Committee**

**Section 6.01. Membership.** There shall be an Executive Committee consisting of the following: the president of the Association, who shall be the chair thereof; the vice president; the most immediate active past president; the chair of the Finance Committee; and three at-large representatives selected from and by the members of the Board of Directors. The election of the three at-large representatives to the Executive Committee shall occur at the first Board of Directors meeting held in each even-numbered year and the elected representatives shall serve immediately following their election and until such time as their successors take office. To the extent practical, the Executive Committee should be constituted so as to reflect the geographic extent of the Association and the functions of the members of the Association.

**Section 6.02. Powers.** The Executive Committee shall have the following authority:

- (a) **Personnel.** Subject to the budget adopted by the Board of Directors, the Executive Committee shall perform the following personnel actions: (1) recommend compensation for the executive director/secretary to the Board of Directors for approval; (2) perform annual reviews of the executive director/secretary and submit that review to the Board of Directors; (3) review and approve the classification and compensation plan and publicly posted salary schedule for Association employees submitted by the executive director/secretary, which shall be reviewable by the Board of Directors, in closed session, upon request of the Board of Directors; (4) establish personnel policies for the conduct and behavior of employees, which shall be reviewable by the Board of Directors; and (5) undertake such other personnel actions as may be requested by the executive director/secretary in support of his or her oversight of all other personnel matters, which shall be reviewable by the Board of Directors, in closed session, upon request of the Board of Directors.



- (b) **Delegation.** The Executive Committee may act pursuant to any authority specifically delegated to it by the Board of Directors. The delegation shall indicate whether the authority is still subject to the ultimate authority of the Board.
- (c) **Authority to Act Between Meetings.** The Executive Committee may act for the Board of Directors between Board meetings when calling a special meeting of the Board of Directors is impracticable, provided that no such action of the Executive Committee shall be binding on the Board of Directors until authorized or approved by the Board. The Executive Committee has the authority to authorize actions recommended by the Legal Affairs Committee (such as the filing of letter briefs and amicus curiae briefs) by electronic means without the need for an in-person or telephonic meeting, but such actions shall be ratified by the Board of Directors at its next meeting.

**Section 6.03. Reporting.** The president, or any person designated by the president, shall report to the Board of Directors, at each regular Board meeting, any action taken by the Executive Committee since the last preceding regular Board meeting. The minutes of Executive Committee meetings, which at that time may still be in draft form, shall be mailed (using the U.S. Postal Service, express delivery, electronic means, or otherwise) to each member of the Board of Directors at least five days prior to Board meetings, except in cases in which the Executive Committee meets during or immediately prior to a conference of the Association or immediately prior to a Board meeting, in which case the minutes, which may still be in draft form, shall be mailed to each director promptly thereafter.

**Section 6.04. Meetings.** The Executive Committee shall hold regularly scheduled meetings as set by the president. Special meetings of the Executive Committee may be called by the president upon notice to the members of that committee or upon written request of three Executive Committee members. Notice for special Executive Committee meetings shall be provided to the entire Board: (1) upon five days' written notice sent by mail, or (2) upon 24 hours' notice with notice provided by electronic means; and all such meetings shall be open to the Board of Directors. Any meeting, regular or special, may be held in person or by telephone conference, web video conference, or other electronic video screen communication or electronic transmission, as set forth in Section 4.06. All members of the Board of Directors may attend any meeting of the Executive Committee. Meetings of the Executive Committee may be closed to others at the discretion of the president or committee. Only members of the Executive Committee are allowed to vote on matters at a meeting of the committee.

**Section 6.05. Minutes.** The minutes of the Executive Committee meetings shall be kept by the executive director/secretary at the Association's principal office. Actions of the Executive Committee shall be reported to the Board of Directors as provided in Section 3 of this Article and shall be available to any member of the Board of Directors upon request to the executive director/secretary.

## **ARTICLE 7~~Article 7~~ – Standing Committees**

**Section 7.01. Qualification.** In order to serve on any ACWA standing committee, an individual must be an officer, employee, or member of the governing body of a member agency of the Association, or other

representative duly designated by a member agency of the Association to represent that member at the time of the appointment. Where an individual ceases to meet these criteria during the term of the appointment, the individual may not serve during the remaining term of that appointment unless that individual can again meet the criteria for appointment and is appointed to complete the term.

**Section 7.02. Term of Office.** The term of office of standing committee members shall be two years commencing on January 1 of each even-numbered year. The term of office of standing committee chairs and vice chairs shall be approximately two years and shall commence as soon after January 1 of the even-numbered year as they may be appointed by the president and ratified by the then-seated Board of Directors, and shall terminate on December 31 of the odd-numbered year approximately two years later or until their successors are appointed and ratified.

**Section 7.03. Meetings.** Meetings of standing committees may be called at such times and places designated by the respective chair thereof except where provided otherwise by these bylaws. [Any meetings of standing committees may be conducted, in whole or in part, by electronic transmission or by electronic video screen communication, as set forth in Section 4.06.](#) Subject to the provisions of these bylaws and any actions that may be taken by the Board of Directors, the chairs of each standing committee may establish their own rules for the efficient operation of the committee they each chair. The chairs of each standing committee are authorized to create subcommittees and workgroups in order to complete the work of the committee.

**Section 7.04. Committee Composition.** Each limited standing committee shall have a membership composition that is comprised of members in the quantity and with qualifications as defined by the provisions of these bylaws. The committee chair position shall not be included in the maximum count for determining the committee composition total of any given limited committee. The committee chair shall, however, be a voting member of their respective committees subject to the rules and procedures of each committee. [If the chair is absent, the vice chair shall fill the role of the chair during such absence.](#)

**Section 7.05. Agriculture Committee.** There shall be an Agriculture Committee whose duty it shall be to recommend Association policy, positions and programs to the Board of Directors, State Legislative Committee, Federal Affairs Committee or other committees, as appropriate, regarding agricultural issues affecting the interests of ACWA and its members. The committee shall consist of at least one member from each region.

**Section 7.06. Business Development Committee.** There shall be a Business Development Committee whose duty it is to develop and recommend to the Board of Directors programs and activities to be provided or administered by the Association that generate non-dues revenue and provide a service or benefit to member agencies. The committee shall consist of at least one member from each region and may include members from any of the other standing committees.

**Section 7.07. Communications Committee.** There shall be a Communications Committee whose duty it shall be to develop and make recommendations to the Board of Directors regarding a comprehensive internal and external communications program for the Association and to promote development of sound

public information and education programs and practices among member agencies. The committee shall consist of no more than 40 members. The committee shall consist of at least one member from each region.

**Section 7.08. Energy Committee.** There shall be an Energy Committee whose duty it shall be to recommend policies and programs to the Board of Directors and to the State Legislative Committee and/or Federal Affairs Committee as appropriate. The committee shall consist of at least one member from each region.

**Section 7.09. Federal Affairs Committee.** There shall be a Federal Affairs Committee whose duty it shall be to review all federal legislative proposals and regulatory proposals affecting member agencies, after consulting with other appropriate committees, and to develop Association positions consistent with existing policy, where it has been established; recommend sponsorship of bills that will resolve problems or improve conditions for member agencies; and assist in the establishment of the Association's federal legislative program. The committee shall consist of at least one, but no more than five members from each region.

**Section 7.10. Finance Committee.** There shall be a Finance Committee whose duty it shall be to make recommendations to the Board of Directors regarding annual budgets, dues formula and schedules and other revenue-producing income, annual audit and selection of an auditor, and investment strategies. The committee shall consist of the president and vice president of the Association as *ex officio* members, either the chair or vice chair from each of the Association's 10 region boards, and one additional member from each region with experience in financial matters.

**Section 7.11. Groundwater Committee.** There shall be a Groundwater Committee whose duty it shall be to recommend policies and programs to the Board of Directors and to the State Legislative Committee and/or Federal Affairs Committee as appropriate. The committee shall consist of at least one member from each region.

**Section 7.12. Legal Affairs Committee.** There shall be a Legal Affairs Committee whose duty it shall be to support the mission of the Association, and more particularly to deal with requests for assistance involving legal matters of significance to member agencies, including but not limited to state and federal court litigation, water rights matters, selected regulatory and resources agency matters, proposed bylaw revisions, review of legislation as requested by the State Legislative Committee, etc. The committee shall consider matters and issues submitted to it in order to determine which ones are of major significance to the member agencies and, assuming a finding of major significance, recommend to the Board of Directors the position(s) which the committee believes the Association should take with respect thereto. The committee shall be composed of between 34 and 44 attorneys, each of whom shall be a member of the California Bar and shall be, or act as, counsel for a member agency, representing diverse interests within the Association, including but not limited to, different geographical areas throughout the state, large and small agencies, agricultural and urban agencies, agencies created under the various enabling statutes, etc. The committee shall consist of at least one member from each region.

**Section 7.13. Local Government Committee.** There shall be a Local Government Committee whose duty it shall be to recommend policies to the State Legislative Committee, as appropriate, and Board of Directors on matters affecting water agencies as a segment of local government in California. The committee shall consist of at least one, but no more than three members from each region.

**Section 7.14. Membership Committee.** There shall be a Membership Committee whose duty it shall be to assist staff in developing membership recruitment and retention programs, make recommendations to the Board of Directors regarding membership policies, eligibility, and applications for membership and review and make recommendations to the Finance Committee regarding an equitable dues structure. The committee shall consist of at least one member from each region.

**Section 7.15. State Legislative Committee.** There shall be a State Legislative Committee whose duty it shall be to review all state legislative proposals affecting member agencies and to establish Association positions, consistent with existing policy, where it has been established; sponsor bills that will resolve problems or improve conditions for member agencies; and assist in the establishment of the Association's legislative program. The committee shall consist of members representing a variety of types of member agencies and at least one, but no more than four members from each region.

**Section 7.16. Water Management Committee.** There shall be a Water Management Committee whose duty it shall be to recommend policy and programs to the Board of Directors on any area of concern in water management. The committee shall consist of at least one, but no more than four members from each region.

**Section 7.17. Water Quality Committee.** There shall be a Water Quality Committee whose duty it shall be to develop and recommend Association policy, positions, and programs to the Board of Directors, to promote cost-effective state and federal water quality regulations that protect the public health, to enable interested member agencies to join together to develop and coordinate with other organizations, and to present unified comments regarding agricultural and domestic water quality regulations. The committee shall consist of at least one member from each region.

## **ARTICLE 8 ~~Article 8~~ – Special Councils, Committees, and Task Forces**

**Section 8.01. Council of Past Presidents.** There shall be a Council of Past Presidents composed of all past presidents of the Association who serve on the council until each is no longer able to or wishes to serve. The council shall provide a mechanism for past presidents to continue to make valuable contributions to the Association. With approval of the Board of Directors, the president and/or executive director/secretary may assign specific responsibilities to the council from time to time. Members of the Council of Past Presidents are invited to attend and participate in the Association's Board meetings.

**Section 8.02. ~~Nominating Election~~ Committee.** There shall be ~~a Nominating an Election~~ Committee consisting of ~~five or more persons appointed by the president prior to the Association's fall conference~~ eleven representatives established by February 28 of ~~in~~ each odd-numbered year, whose

purpose shall be to ~~nominate~~present qualified individuals for the offices of president and vice president of the Association. The ~~Nominating~~Election Committee shall ~~publish its nominations for the offices of~~vet all candidates to determine if the eligibility criteria have been met. The Election Committee will endorse ~~a preferred candidate for~~ president and vice president ~~of the Association not less than 10 or more than 90 days before the membership meeting is held at fall conference~~. Additional nominations may be made ~~by any member of the Association presenting an open ballot with all qualifying candidates to the members for candidates for the office of president~~ a vote in the manner set forth in Section 9.10 and vice president. ~~Additional nominations~~Section 9.11.

(a) Selection. The Election Committee shall be ~~made~~ selected in the following manner:

(1) Each of the 10 currently seated Region Boards in the odd-numbered year shall appoint a representative from ~~the floor~~ their respective regions to serve on the Election Committee.

(2) One representative appointed by the president in the odd-numbered year shall also serve on the Election Committee. Neither the president nor the vice president qualifies to be appointed to this position.

(b) Qualification. In order to serve on the Election Committee, an individual must be an officer, employee, or member of the governing body of a member agency of the Association, or other representative duly designated by a member agency of the Association to represent that member at the time of the appointment. Where an individual ceases to meet these criteria during the election of president and vice president at the membership meeting scheduled for said purposes cycle, the individual may not continue to serve. When the disqualified member represented a Region Board, the affected Region Board shall select a replacement representative. When the disqualified member represented the President, the President shall select an alternate representative.

**Section 8.03. Other Committees and Task Forces.** Other committees and task forces may be appointed by the president from time to time as needed, consistent with and supportive of the mission of the Association.

## **ARTICLE 9**~~Article 9~~ – Meetings of Members

**Section 9.01. Meetings.** Meetings of the members of the Association shall be held at the Association's conferences ~~at such times as may be determined by to provide a report to the Board of Directors to~~

~~conduct necessary business and to elect members on~~ the Association's activities during the past year, provide an overview of the Association's finances, announce the newly elected president and vice president, ~~which occurs at~~ of the fall conference Association in each odd-numbered year, ~~and to transact such other proper business as may come before the meeting.~~

**Section 9.02. Special Meetings.** Special meetings of the members of the Association may be called by the Board of Directors, the president of the Board of Directors, or by 5 percent or more of the members of the Association. Except when called by the Board, a request for a special meeting must be in writing and must be delivered in person or mailed by first-class mail addressed to the president of the Board at the principal office of the Association, with a copy to the executive director/secretary. The request must state the general nature of the business proposed to be transacted at the meeting.

A special meeting that has been called by written request of 5 percent of the member agencies of the Association to the Board of Directors shall be set by the Board of Directors on a date that is not less than 35 or more than 90 days after receipt of the request.

**Section 9.03. Meetings by Remote Communication.** ~~Any meeting of the members may be conducted, in whole or in part, by electronic transmission by and to the Association or by electronic video screen communication. The member shall be deemed present in person at the meeting if the following apply:~~

- ~~(a) The Association implements reasonable measures to provide the member a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to read or hear the proceedings of the meeting substantially concurrently with those proceedings.~~
- ~~(b) If any member votes or takes other action at the meeting by means of electronic transmission to the Association or electronic video screen communication, a record of that vote or action is maintained by the Association.~~
- ~~(c) The Association verifies that each person participating remotely is an authorized representative of a voting member.~~

~~Section 9.03.~~ **Section 9.04. Notice Requirements for Membership Meetings.** Written notice of any membership meeting shall be given to each voting member of the Association. The notice shall state the date, time, and place of the meeting; the means by which members may participate; and the general nature of the business to be transacted. ~~The notice of any meeting at which Board officers are to be formally nominated and elected shall include the names of the recommended slate of candidates for the offices of president and vice president in addition to the election procedures.~~ The member notification information shall also be posted on the Association's website.

Except as otherwise provided in these bylaws or California law, a written notice of regular membership meetings shall be given not less than 10 or more than 90 days before the date of the meeting to each member who, on the record date for notice of the meeting, is entitled to vote; provided, however, that if



notice is given by mail, and the notice is not mailed by first-class, registered, or certified mail, that notice shall be given not less than 20 days before the meeting.

~~Section 9.04.~~**Section 9.05.** **Notice Requirements for Special Meetings.** The executive director/secretary shall cause notice to be given to all members of the Association of the date, time, and place of the meeting and the general nature of the business to be transacted at the meeting. No business except that specified in the request and notice may be transacted at said special meeting. If notice of the requested special meeting is not given within 20 days after receipt of the request, the person or persons requesting the meeting may give the notice.

~~Section 9.05.~~**Section 9.06.** **Voting.** Each member of the Association in good standing at the time of the annual or special meeting shall be entitled to one vote that shall be cast by its authorized representative. Each member must designate its authorized representative prior to the annual or special meeting. It is the member's responsibility to designate or update its authorized representative as needed. The Association may confirm with any member the identify of that member's authorized representative for the purpose of casting ballots in any election of president and vice president. All questions, except amendments or revisions of these bylaws, shall be determined by a majority of the members present and voting. A roll call may be requested by any authorized representative.

~~Section 9.06.~~**Section 9.07.** **Amendment of Bylaws.** These bylaws may be amended or revised by two-thirds of the member agencies of the Association present and voting at any meeting.

~~Section 9.07.~~**Section 9.08.** **Quorums.** The presence of the authorized representative of 50 members of the Association at any meeting of the members shall constitute a quorum for transacting business. Written ballots timely received from the authorized representative of 50 members shall constitute a quorum for elections of president and vice president.

~~Section 9.08.~~**Section 9.09.** **Amendments, Revisions, and Resolutions.** Before any amendments or revisions to the bylaws, or resolutions, may be considered at any meeting of the Association, any such amendment, revision, or resolution shall be submitted to the executive director/secretary at least 90 days prior to the first day of such meeting. The executive director/secretary shall promptly distribute any proposed amendments or revisions to the Legal Affairs Committee for the Legal Affairs Committee to develop an unbiased analysis of the amendments or revisions. Following development of an analysis for the proposed amendments or revisions, the executive director/secretary shall distribute copies of any resolutions, amendments or revisions, including any applicable analyses, to all members of the Association not less than 10 days or more than 90 days prior to presentation at such meeting. The written notice of the membership meeting shall be given to each voting member of the Association consistent with the provisions defined in Section 39.04. The 90-day rule may be suspended at any meeting of the Association by consent of three-fourths of the members present. Voting on resolutions, amendments, or revisions shall proceed as provided by Sections 59.06 and 6 of this Article 9.07.

~~Section 9.09~~Section 9.10. **Nomination of President and Vice President.**

- (a) Qualification. At the time of their election, the president and vice president of the Association shall each be an elected or appointed member of the governing body or commission (as appropriate) of a member agency of the Association.
- (b) Nominating ~~Committee Process~~Resolutions. All nominations for the positions of president and vice president shall be accompanied by an official resolution from the Association member agency on whose board the nominee serves. Said resolution shall be signed by an authorized signatory of the member agency's Board of Directors.

~~Section 9.09 (a) Nominations from the Floor. Additional nominations may be made by any member of the Association for the office of president and vice president. Said nominations and seconds shall be made from the floor during the election of the offices of president and vice president at the membership meeting scheduled for said purposes (as provided for in the penultimate sentence of Article 8, Section 2). Such nominations and seconds shall be made by a member of the Association and must be supported by a resolution of the governing body of the member making and seconding such nomination. The member agency on whose board the nominee serves shall submit a resolution of support if they are not the agency making the floor nomination or second.~~

Section 9.11. Election of President and Vice President. Each member of the Association in good standing at the time a vote is cast is entitled to one vote for election of the president and vice president that shall be cast by its authorized representative by written ballot. The ballot and any related material may be sent by first class, registered, or certified mail or electronic transmission by the Corporation that meets the requirements of Corporations Code section 20, and responses may be returned to the Corporation by mail or electronic transmission. On any written ballot for the election of president or vice president, an authorized representative acting on behalf of the member may write in a qualified candidate for election.

Section 9.12. Write-In Candidates. If a write-in candidate prevails in any election for president or vice president, such individual shall not be officially elected into such position until the Election Committee confirms that the individual meets the eligibility criteria and qualifications requirements.

Section 9.13. Run-off Election for President and Vice President. In the event a nominee does not receive a majority of the votes for president or vice president, a run-off election shall be held for the office or offices for which a majority of the votes have not been received. The run-off election shall only involve the nominees who received the two highest amounts of votes. The run-off election shall be conducted in the same manner as the initial election.

~~Section 9.10~~Section 9.14. **Additional Procedures for Election of ~~Officers~~President and Vice President.** The Board shall have the authority to develop additional procedures~~adopt policies~~ for elections



("Election Policy") of president and vice president [setting forth the details for the election of such positions](#) when not otherwise [contrary to or](#) covered by these bylaws.

## **ARTICLE 10~~Article 10~~ – Indemnification of Directors, Officers, and Other Agents**

**Section 10.01. Right of Indemnity.** To the fullest extent permitted by law, this Corporation shall indemnify its Directors, Officers, employees, and other persons described in Section 7237(a) of the California Corporations Code, including persons formerly occupying any such position, against all expenses, judgments, fines, settlements and other amounts actually and reasonably incurred by them in connection with any "proceeding," as that term is used in that Section, and including an action by or in the right of the Corporation, by reason of the fact that the person is or was a person described in that section. "Expenses," as used in this bylaw, shall have the same meaning as in Section 7237(a) of the California Corporations Code.

**Section 10.02. Approval of Indemnity.** On written request to the Board by any person seeking indemnification under Section 7237(b) or Section 7237(c) of the California Corporations Code, the Board shall promptly determine under Section 7237(e) of the California Corporations Code whether the applicable standard of conduct set forth in Section 7237(b) or Section 7237(c) has been met and, if so, the Board shall authorize indemnification.

**Section 10.03. Advancement of Expenses.** To the fullest extent permitted by law and except as otherwise determined by the Board in a specific instance, expenses incurred by a person seeking indemnification under these bylaws in defending any proceeding covered by those Sections shall be advanced by the Corporation before final disposition of the proceeding, on receipt by the Corporation of an undertaking by or on behalf of that person that the advance will be repaid unless it is ultimately determined that the person is entitled to be indemnified by the Corporation for those expenses.

**Section 10.04. Insurance.** The Corporation shall have the right to purchase and maintain insurance to the full extent permitted by law on behalf of its Officers, Directors, employees, and other agents, against any liability asserted against or incurred by any officer, director, employee, or agent in such capacity or arising out of the officer's, director's, employee's or agent's status as such.

## **ARTICLE 11~~Article 11~~ – Miscellaneous**

**Section 11.01. Conduct of Meetings.** All meetings of the Association shall be conducted in accord with the code of conduct and in substantial accordance with the latest edition of Robert's Rules of Order Newly Revised unless the Board adopts alternate rules of conduct for itself and/or its committees, region boards, and region workgroups.

**Section 11.02. Funds.** The funds of the Association shall be used to further the aims and purposes of this Association. They shall be kept by the controller/treasurer and paid out by checks or other electronic means, which shall only be valid with two authorized signatures. The Board of Directors shall designate

by resolution which persons, other than the controller/treasurer, may sign for expenditures. The Finance Committee shall implement procedures to ensure necessary internal controls over the receipt and expenditures of Association funds and arrange for an external audit. Audit reports shall be presented to the Board of Directors.

**Section 11.03. Disposition of Assets upon Dissolution.** The Association's properties and assets are irrevocably dedicated to the fulfillment of the Association's purposes as described in Article 2 of the Articles of Incorporation. No part of the Association's net earnings, properties and assets, on dissolution or otherwise, may inure to the benefit of any private person. Upon the dissolution of the Association, all debts thereof shall be paid and its affairs settled, and all remaining assets shall be distributed to the Association's member political subdivisions for a public purpose, consistent with the provisions of the California Nonprofit Corporation Law relating to public-mutual benefit corporations then in effect and with the Articles of Incorporation.

**Section 11.04. Definitions.** As used in these bylaws, the term "notice provided by electronic means" shall refer to notice given by fax or e-mail.

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Amended comprehensively December 1, 2010

Amended May 9, 2012

Amended May 7, 2014

Amended December 2, 2015

Amended November 29, 2017

Amended & Restated \_\_\_\_\_, 2022

# Memo

Date: October 19, 2022  
To: Olivenhain Municipal Water District Board of Directors  
From: Lindsey Stephenson, Engineering Manager  
Via: Kimberly A. Thorner, General Manager  
Subject: **CONSIDER APPROVAL OF COMMENCEMENT OF THE PROCESS TO DETACH PARCEL 1 OF SAN DIEGO COUNTY TRACT NO. 4558, MAP NO. 11899 (ECKELMAN) FROM OLIVENHAIN MUNICIPAL WATER DISTRICT'S SPHERE OF INFLUENCE**

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## Purpose

The purpose of this agenda item is to consider allowing the Owner (Mr. and Mrs. Brendan and Samantha Eckelman) conditional approval to commence the process of the Local Agency Formation Commission's (LAFCO) detachment of Parcel 1 of Map No. 11899, also known as Assessor Parcel No. 265-441-01-00 (Parcel) from OMWD. The Parcel currently lies within OMWD's service sphere. The Owner has requested the Parcel be detached from OMWD's service sphere and annexed into Santa Fe Irrigation District's (SFID) service sphere.

## Recommendation

Staff recommends approval of the commencement of the process to detachment of the Parcel. The Parcel will be served by existing SFID facilities in Colina Fuerte.

## **Alternative**

The Board of Directors could elect not to allow the proposed detachment to commence and require the Owner to obtain water service by connecting to the existing OMWD water main in Via Ascenso.

## **Background**

In July of this year, OMWD received a letter from the Owner requesting a detachment of the Parcel from OMWD and annexation into SFID. The Owner's request is based on two justifications.

There is now an alternate water supply available to serve the parcel that was more recently installed by SFID. When the parcel was first mapped, the water service was only available from OMWD service via Via Ascenso. To the south of the Parcel, SFID now has existing facilities in Colina Fuerte within an existing utility easement. This utility easement was granted in 1997 and extends to the southern property line of the Parcel. The SFID facilities in Colina Fuerte can be extended to the Parcel to provide water and fire service.

Secondly, deannexation from OMWD will minimize the property owner's environmental impact. Prior to purchasing the property on January 4, 2022, the Owner hired a biological consultant to perform a resources report on the subject property. A large portion of the Parcel is encumbered by a biological open space easement granted to the County of San Diego per the map. The report was initially prepared in February 2021 and was updated in July 2022.

The report showed the Parcel to have high-quality Southern Maritime Chaparral (SMC) in the areas of the open space easement. There is also an ephemeral watercourse within the open space easement. The developable portion of the Parcel has disturbed vegetation that qualifies as non-native grassland. The report goes on to state the open space was most likely dedicated on the map to mitigate development impacts when the subdivision was created. The report concludes that a water service from Via Ascenso (OMWD service) would cross approximately 700 feet through environmentally sensitive areas in the open space, including the watercourse, which would require the property owner to extensively mitigate these impacts at significant cost.

Based on this information, OMWD is not the most feasible entity to provide water service to the property because of cost and environmental reasons. Alternatively, in granting the detachment and now that SFID now has water service in close vicinity, the Owner can extend the SFID water facilities that now exist in Colina Fuerte, a distance of

approximately 200 feet through developed lands to the building site. The report concludes that extending the water facilities from Colina Fuerte through SFID service is the least impactful option to the sensitive habitat.

### **Fiscal Impact**

All costs for the detachment of the Parcel from OMWD are being paid by the property owner. In addition to paying for all OMWD staff time related to the detachment, one of the conditions of the detachment resolution will include payoff of the AD 96-1 OMWD assessment upon approval by LAFCO.

### **Discussion**

Following review of the deannexation request from the Owner, Staff notified the Owner that OMWD was amenable to presenting this item to the OMWD Board for consideration. Staff also requested the Owner obtain written confirmation from SFID staff to confirm that SFID staff also conditionally agrees with the request and the approach. SFID staff returned that confirmation on September 26, 2022. Both letters are attached for reference.

Following OMWD Board consideration, the SFID Board will still need to consider the item and then LAFCO will finally consider the item. The detachment will not be considered complete until all three agencies have approved, all costs have been paid, and a resolution is adopted at a future date.

A map showing the location of the Parcel, the request for detachment, the biological report, OMWD staff's conditional agreement to detach, and SFID staff's conditional agreement to annex the parcel are included as attachments.

Staff is available to answer any questions.

#### *Attachments:*

*Letter request for detachment;*

*Biological Resources – Via Ascenso Parcel;*

*Location Map, Map No. 11899;*

*OMWD staff letter;*

*SFID staff letter*

Olivenhain Municipal Water District  
Attn: Board of Directors

Re: Request for De-annexation of APN: 265-441-01

To Whom it May Concern,

We, Brendan and Samantha Eckelman, are the owners of a vacant land located at 18100 Via Ascenso, Rancho Santa Fe, CA 92091 (Tract No. 4558. Map No. 11899, APN: 265-441-01 denoted and referred to herein as “Lot 1”). Lot 1 is within the service authority of Olivenhain Municipal Water District (“OMWD”). We are requesting this parcel be deannexed from OMWD to allow water service from Santa Fe Irrigation District (“SFID”). The reasons for making this request are outlined in this letter.

**A. Alternative Utility Access Routes Were Not Available When Lot 1 was Placed in OMWD Authority**

Development of nearby properties has resulted in alternative utility access routes to Lot 1. These were not in place at the time Lot 1 was placed in OMWD authority. Lot 1 is currently part of the Rancho Santa Fe Groves (the “Groves”) subdivision, created in the late 1980s. At that time, the parcels on Colina Fuerte (off El Camino Del Norte) and adjacent to Lot 1 were not developed. These parcels were raw land absent public utilities. Therefore, the only possible access to water for Lot 1 at that time was through the Groves *via* the OMWD easement on Via Ascenso. Attached hereto as **Exhibit A** is a true and correct copy of an arial photographs taken in 1994 and 2021 that show the development of the Groves predates the subdivision on Colina Fuerte. Since 1994, alternative utility routes have been created off Colina Fuerte, which touches Lot 1. Attached hereto as **Exhibit B** is a true and correct copy of the Santa Fe Irrigation District Utility Easement allowing water access over and along Colina Fuerte, recorded October 15 1997, as File # 1997-515537 (herein “SFID Easement”). The SFID Easement was recorded approximately a decade or so after the creation of the Groves subdivision. For clarification, on the Easement Plat of the recorded SFID easement, Parcel E and Parcel D are the adjacent properties to Lot 1. Lot 1 has a private driveway easement from Colina Fuerte and is a party to the Road Maintenance Agreement for Colina Fuerte.

**B. Deannaxation from OMWD is Necessary to Mitigate the Environmental Impact on the Land**

Deannexation from OMWD should be granted because it would allow access to water in the least environmentally impactful manner. As delineated on the map, access to SFID allows water access through the least intrusive means. Notably, at the time of the creation of the Groves

subdivision a large open space easement was granted over portions of the project including Lot 1. The open space is denoted on Tract No. 4558. Map No. 11899 and on **Exhibit C**, a true and correct copy of the Topography report Prepared by Torgersen Surveying, Inc. Water access from Via Ascenso would require a significant encroachment and disruption of this open space easement. While most of the other lots within the Groves have been developed, Lot 1 has remained undeveloped and native wildlife species have flourished. Due to the proximity to Escondido Creek and the surrounding sensitive native wildlife habitats, steps should be taken to prevent or minimize significant, avoidable damage to the environment. Attached hereto as **Exhibit D**, and incorporated by reference, is a true and correct copy of the Biological Reconnaissance Assessment Report prepared by Vincent Scheidt, a certified Biological Consultant (**Exhibit E**) updated July 10, 2022 (herein the "Biological Report"). The Biological Report found the land supports a significant amount of sensitive and protected native species. Additionally, based on the topography of the site there appears to be a natural watershed path that allows for drainage of surface, and likely underground water, from the slopes above into Escondido Creek. There is potential that this watershed area may support wetland areas near Escondido Creek. A water distribution pipe from Via Ascenso would be required to cross this region. If subjected to consistent cross-water flow this pipe is at higher risk of becoming compromised over time.

The distance of Via Ascenso access point to Lot 1 is in excess of 700 ft whereas the distance from Colina Fuerte access point to Lot is approximately 200 ft. Forcing Lot 1 and its owners to run a line from Via Ascenso would cause an undue burden and unnecessary time/disruption to the land. As stated previously, at the time Lot 1 was placed under the OMWD, The SFID Easement did not exist off Coline Fuerte. This has not come up previously because none of the prior owners of Lot 1 developed the land.

For the reason outlined above the request to deannex Lot 1 from OMWD's authority should be granted.

Sincerely,

Handwritten signatures of Brendan and Samantha Eckelman in black ink.

Brendan and Samantha Eckelman

## Exhibit A



July 5<sup>th</sup> 1994 – Source Google Earth

APN: 264-441-01  
Lot 1

Colina Fuerte  
Subdiv.

The Groves

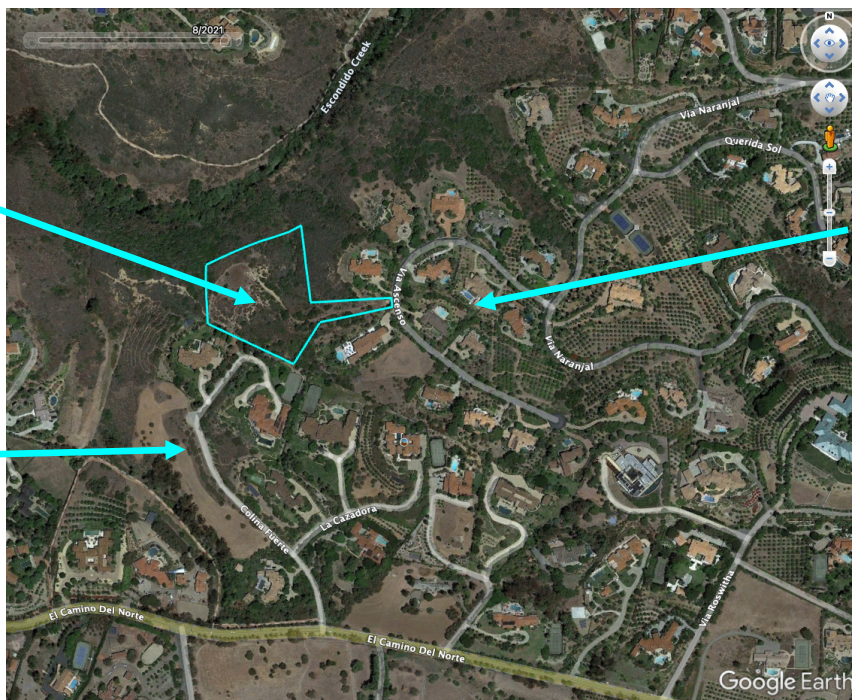


August 8<sup>th</sup> 2021 – Source Google Earth

APN: 264-441-01  
Lot 1

Colina Fuerte  
Subdiv.

The Groves



## **Exhibit B**

335

DOC # 1997-0515537  
OCT 15, 1997 4:59 PM

**PLEASE RECORD THIS DOCUMENT  
AT NO FEE AS IT IS OF BENEFIT  
OF SANTA FE IRRIGATION DISTRICT**

Recording Requested By  
and When Recorded Mail to:

Santa Fe Irrigation District  
P.O. Box 409  
5920 Linea Del Cielo  
Rancho Santa Fe, CA 92067  
Attn: Geoffrey A. Poole

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
GREGORY J. SMITH, COUNTY RECORDER  
FEES: 0.00  
OC: NA



97-0515537

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**ACCESS EASEMENT**

## ACCESS EASEMENT

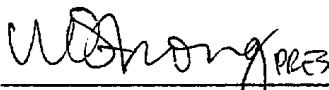
THIS INDENTURE, made and entered into this 29th day of May, 1997, by and between RANCHO SANTA FE GROVES, INC., WILLIAM L. STRONG AND SHELBY C. STRONG, FIRST PARTIES, and the SANTA FE IRRIGATION DISTRICT, a body politic, SECOND PARTY, WITNESSETH:

That is consideration of the sum of One Dollar (\$1.00) lawful money of the United States, to them in hand paid by the Second Party, receipt of which is hereby acknowledged, the First Parties hereby grant to the Second Party, its successors and assigns, a permanent easement and right-of-way to lay, construct, maintain, operate, repair, renew, relay and enlarge a line of pipe, or lines of pipe including but not limited to fire hydrants for the conveyance of water in, over, along and across the following property:

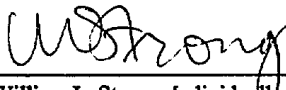
## SEE EXHIBIT "A" ATTACHED

Together with all rights of ingress and egress to and from said right-of-way for purposes of laying, constructing, maintaining, operating, repairing, renewing, relaying or enlarging said pipeline or lines and appurtenances thereto. The First Party, or its successors, shall not add or remove earth, nor construct any buildings, walls, or structures within the limits of the easements. The District shall have the right to trim or remove any trees or bushes or prevent the planting of any trees or shrubs when in its judgment the same shall be necessary for the convenient and safe exercise of the rights hereby granted. The District shall have the right to remove any buildings, walls or structures constructed within the easement.

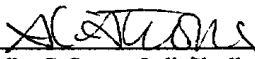
IN WITNESS WHEREOF, the First Parties have duly executed this agreement the day and year first above written.

 PRES

William L. Strong, President  
RANCHO SANTA FE GROVES, INC.  
Owner Parcels A, C-H



William L. Strong, Individually as to Parcel B



Shelby C. Strong, Individually as to Parcel B

337

MARCH 12, 1997  
COUNTY OF SAN DIEGO TRACT NO. 4489  
MAP 12482  
RANCHO SANTA FE GROVES, INC.  
WILLIAM L. STRONG, JR.  
SHELBY C. STRONG

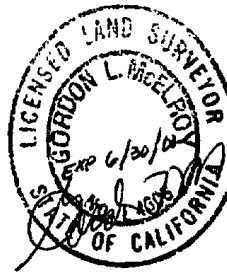


EXHIBIT "A"  
LEGAL DESCRIPTION  
WATER EASEMENT

THOSE PORTIONS OF COUNTY OF SAN DIEGO TRACT NO. 4489, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 12482, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 28, 1989 DESCRIBED AS FOLLOWS:

**PARCEL 1:**

ALL OF COLINA FUERTE (FORMERLY KNOWN AS CALLE LAS DOS HERMANITAS) AS DELINEATED AND DESIGNATED AS "PROPOSED 40' PRIVATE ROAD & UTILITY EASEMENT" ON SAID MAP NO. 12482.

**PARCEL 2:**

THOSE PORTIONS OF LOTS 1, 2 AND 3 OF SAID MAP NO. 12482 DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 1, BEING A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF EL CAMINO DEL NORTE AS DEDICATED ON SAID MAP NO. 12482, BEING ALSO A POINT ON THE ARC OF A 630.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 8°05'12" EAST (RECORD NORTH 8°05'38" EAST), THENCE WESTERLY ALONG THE ARC OF SAID CURVE 83.06 FEET (RECORD 83.14 FEET) THROUGH A CENTRAL ANGLE OF 7°33'13" TO THE SOUTHWESTERLY CORNER OF SAID LOT 1, SAID POINT BEING THE BEGINNING OF A NON-TANGENT 400.00 FOOT RADIUS CURVE CONCAVE WESTERLY, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 89°53'18" EAST; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOTS 1 AND 2 AND ALONG THE ARC OF SAID CURVE 311.13 FEET THROUGH A CENTRAL ANGLE OF 44°33'57"; THENCE NORTH 41°48'09" EAST, 20.04 FEET TO THE NORTHEASTERLY LINE OF SAID COLINA FUERTE, SAID POINT BEING THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE ARC OF A 420.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 45°22'02" EAST, THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 17.97 FEET THROUGH A CENTRAL ANGLE OF 2°27'04" TO A POINT OF CUSP WITH A 20.00 FOOT RADIUS CURVE CONCAVE EASTERLY, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 47°49'08" WEST, THENCE NORTHERLY ALONG THE ARC OF SAID CURVE 29.32 FEET THROUGH A CENTRAL ANGLE OF 83°59'03"; THENCE NORTH 41°48'08" EAST, 38.50 FEET TO THE BEGINNING OF A TANGENT 380.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE ALONG THE ARC OF SAID CURVE 172.44 FEET THROUGH A CENTRAL ANGLE OF 28°00'00"; THENCE NORTH 67°48'09" EAST, 58.49 FEET TO THE BEGINNING OF A TANGENT 820.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY; THENCE ALONG THE ARC OF SAID CURVE 58.57 THROUGH A CENTRAL ANGLE OF 4°05'33"; THENCE RADIAL TO SAID CURVE NORTH 18°06'18" WEST, 40.00 FEET TO THE BEGINNING OF A NON-TANGENT 860.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 18°06'18" WEST, THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 40.91 FEET THROUGH A CENTRAL ANGLE OF 2°43'33" TO THE BEGINNING OF A NON-TANGENT 380.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE THROUGH SAID POINT BEARS

SOUTH 70°48'57" WEST, THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE 37.24 FEET THROUGH A CENTRAL ANGLE OF 5°36'52"; THENCE RADially TO SAID CURVE SOUTH 76°23'49" WEST, 40.00 FEET TO THE BEGINNING OF A NON-TANGENT 420.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 76°23'49" WEST, THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 42.99 FEET THROUGH A CENTRAL ANGLE OF 5°51'54"; THENCE SOUTH 67°48'09" WEST, 36.96 FEET TO THE BEGINNING OF A TANGENT 420.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE ALONG THE ARC OF SAID CURVE 190.59 FEET THROUGH A CENTRAL ANGLE OF 26°00'00"; THENCE SOUTH 41°48'09" WEST, 34.45 FEET TO THE BEGINNING OF A TANGENT 20.00 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE ALONG THE ARC OF SAID CURVE 32.18 FEET THROUGH A CENTRAL ANGLE OF 92°11'51" TO A POINT OF CUSP WITH SAID NORTHEASTERLY LINE OF COLINA FUERTE; THENCE ALONG SAID LINE SOUTH 46°00'00" EAST, 50.79 FEET TO THE BEGINNING OF A TANGENT 420.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE ALONG THE ARC OF SAID CURVE 10.02 FEET THROUGH A CENTRAL ANGLE OF 1°22'02" TO THE TRUE POINT OF BEGINNING.

**PARCEL 3:**


THE NORTHWESTERLY 15.00 FEET OF LOT 4 AND THE SOUTHEASTERLY 15.00 FEET OF LOT 5 OF SAID MAP NO. 12482.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE HEREIN ABOVE DESCRIBED PARCEL 1.

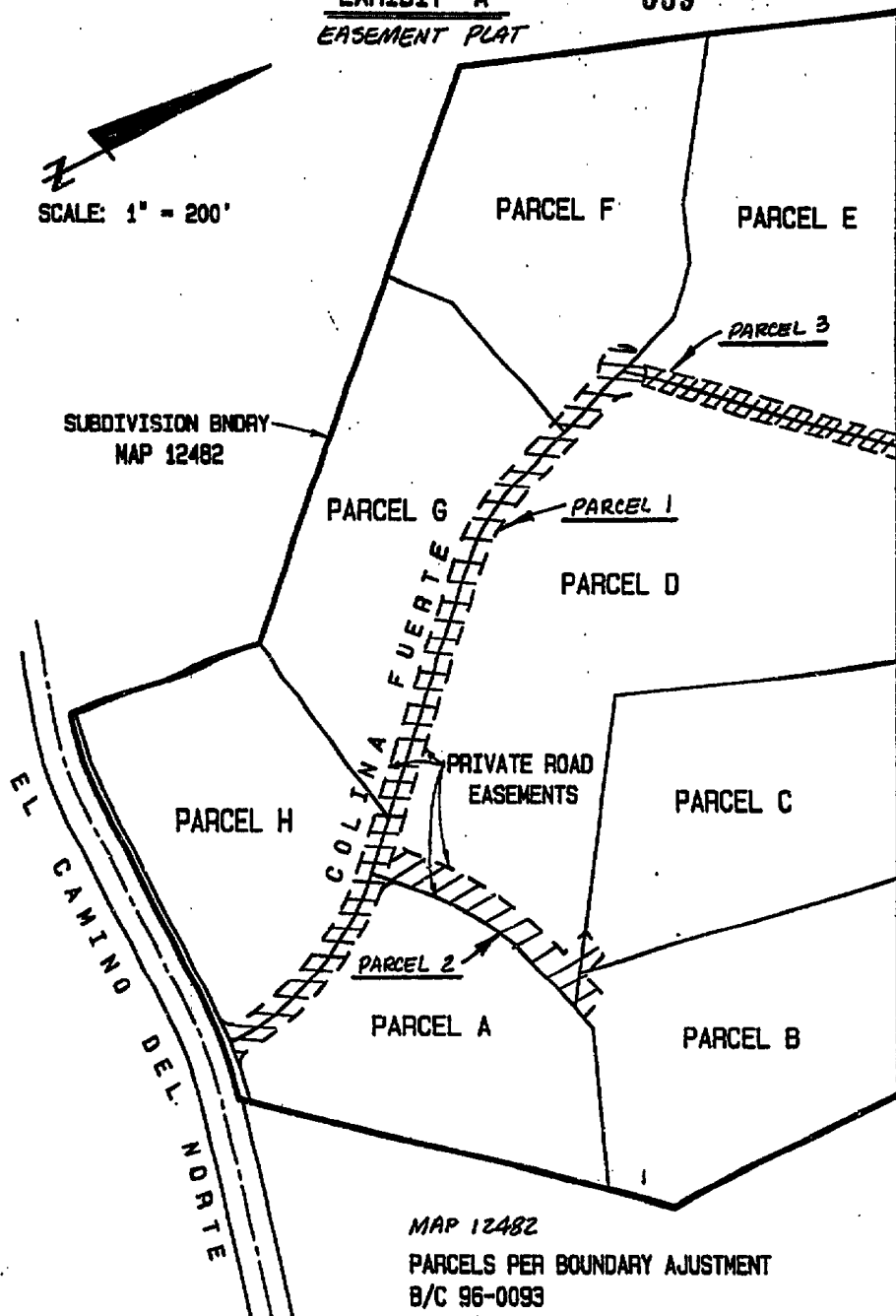
4300SF\_IRR

**EXHIBIT "A"**  
**EASEMENT PLAT**

**339**

  
SCALE: 1" = 200'

SUBDIVISION BNDRY  
MAP 12482



MAP 12482  
PARCELS PER BOUNDARY AJUSTMENT  
B/C 96-0093

SDE 4300

**SDE**

**SAN DIEGUITO ENGINEERING, INC.**  
4407 MANCHESTER, SUITE 100  
ESCONDIDO, CA. 92029  
PHONE: 760-488-0000  
**CIVIL ENGINEERING • PLANNING**  
**LAND SURVEYORS**

## CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CaliforniaCounty of San DiegoOn May 29, 1997 before me, Mary Elizabeth Ferris, Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")personally appeared William Lee Strong Jr. + Shelby Coffey Strong  
Name(s) of Signer(s)

☐ personally known to me **OR** ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Mary Elizabeth Ferris  
Signature of Notary Public

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

## Description of Attached Document

Title or Type of Document: Access EasementDocument Date: May 29, 1997 Number of Pages: 5

Signer(s) Other Than Named Above: \_\_\_\_\_

## Capacity(ies) Claimed by Signer(s)

Signer's Name: William Lee Strong Jr.

- ☒ Individual  
☒ Corporate Officer  
 Title(s): President  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney-in-Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here

Signer Is Representing:

Self + Banche Santa  
Te Group, Inc.

Signer's Name: Shelby C. Strong

- ☒ Individual  
☐ Corporate Officer  
 Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney-in-Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here

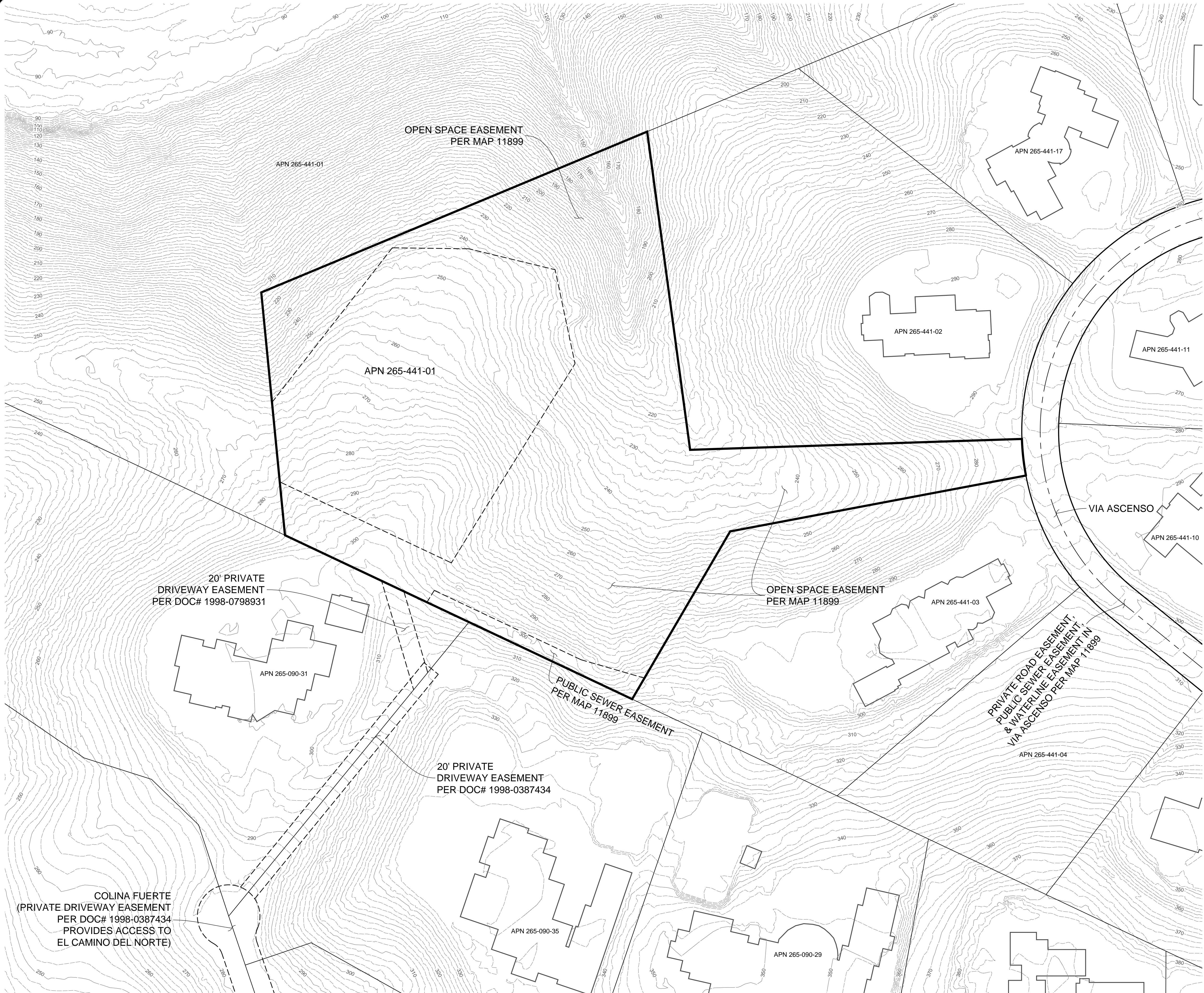
Signer Is Representing:

Self



## Exhibit C



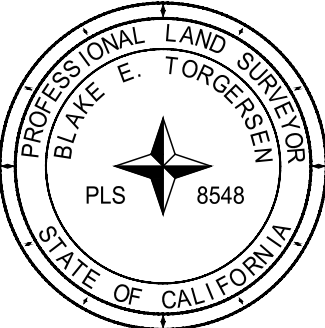


SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT.

*BElong*  
BLAKE E. TORGENSEN  
PLS 8548

4-07-2021  
DATE

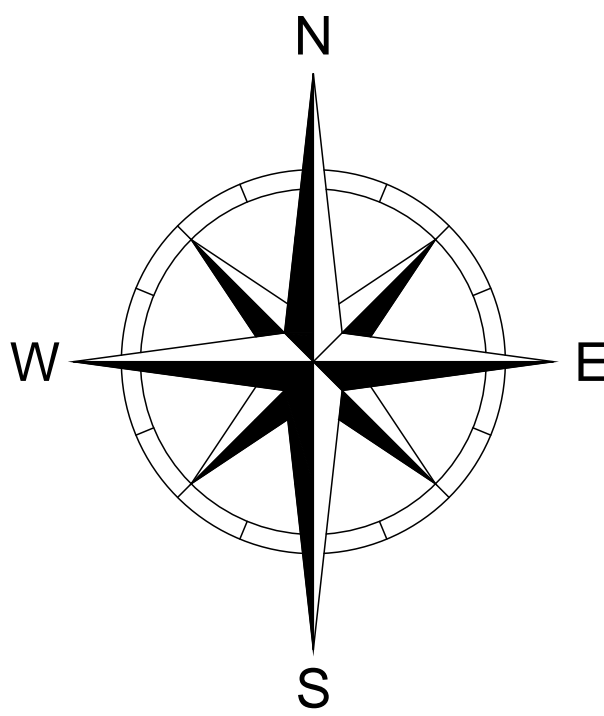


NARRATIVE

1. THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM OF 1983, EPOCH 2017.50, AS DETERMINED LOCALLY BY THE CALCULATED GRID BEARING BETWEEN CRTN STATIONS "DSME" AND "RAAP", I.E. N 89°16'46" E, ACCORDING TO COORDINATE DATA PUBLISHED BY THE CSRC.
2. ELEVATIONS SHOWN HEREON ARE BASED ON CRTN STATION "RAAP".  
COH-88 DERIVED ELEV (GEOID-12B) = 1405.75'
3. THE GROUND ELEVATION CONTOURS SHOWN HEREON WERE OBTAINED FROM THE SANGIS/SANDAG REGIONAL DATA WAREHOUSE, AND ARE BASED A 2014 AERIAL LIDAR SURVEY FLOWN BY PHOTO SCIENCE, IN COOPERATION WITH THE US GEOLOGICAL SURVEY. TEMPORAL CHANGES MAY HAVE OCCURRED SINCE THIS DATASET WAS COLLECTED AND MAY NO LONGER REPRESENT ACTUAL SURFACE CONDITIONS.
4. CONTOURS AND BUILDING OUTLINE DATA OBTAINED FROM SANGIS/SANDAG ARE PRESUMED TO BE BASED ON EPOCH 2011.00 OF CCS-83, BASED ON THE COORDINATES AVAILABLE FROM CSRC AT THE TIME OF THEIR PRODUCTION. THE FIELD SURVEY IS BASED ON EPOCH 2017.50, AS NOTED ABOVE. THE DIFFERENCE BETWEEN SAID EPOCHS (ESTIMATED AT ±0.8' HORIZONTAL, ±0.05' VERTICAL) WAS DETERMINED TO BE NEGLIGIBLE FOR THE PURPOSES OF PORTRAYING SAID SANGIS/SANDAG DATA ON THIS MAP, AND NO ADJUSTMENT WAS MADE TO COMPENSATE FOR SAID DIFFERENCE.
5. THE PROPERTY BOUNDARY SHOWN HEREON WAS PLOTTED FROM RECORD DATA SHOWN ON MAP 11899, AND TIED TO PROJECT COORDINATES BASED ON LIMITED MONUMENT RECOVERY. SAID BOUNDARY HAS NOT YET BEEN FULLY RETRACED BY FIELD SURVEY, AND SHOULD BE USED FOR PRELIMINARY PLANNING PURPOSES ONLY.

LEGEND

- PROPERTY BOUNDARY
- RIGHT-OF-WAY LINE
- CENTERLINE
- ADJOINING PROPERTY LINE
- EASEMENT LINE
- APPROXIMATE BUILDING/ROOF OUTLINE
- INDEX CONTOUR LINE
- INTERMEDIATE CONTOUR LINE



SCALE: 1" = 50'  
0 50 100 150



TORGENSEN SURVEYING, INC.  
1012 MAR VISTA DR, VISTA, CA 92081  
619-535-8674 | TORGSURV@GMAIL.COM

PRELIMINARY TOPOGRAPHIC SURVEY  
OF

LOT 1 OF MAP 11899

COUNTY OF SAN DIEGO

APN: 265441-01  
REFERENCE: MAP 11899

SURVEY DATE: 03-26-2021  
DRAWING DATE: 04-07-2021

JOB # 2105

SHEET 1 OF 1



## Exhibit D

# VINCENT N. SCHEIDT

## Biological Consultant

---

3158 Occidental Street • San Diego, CA • 92122-3205 • 858-457-3873 • 858-336-7106 cell • email: vince.scheidt@gmail.com

## Biological Resources – Via Ascenso Parcel

To: Mr. Brendan Eckelman

From: Vince Scheidt, Biological Consultant 

Date: Updated July 10, 2022

RE: **Biological Resources – Via Ascenso Parcel, County of San Diego**

---

Per your request, I have completed a Preliminary Biological Reconnaissance Assessment of your Via Ascenso single-family residential lot, APN 265-441-01, located in the Rancho Santa Fe area of the County of San Diego. The purpose of this reconnaissance was to assess existing site conditions, focusing on any sensitive habitats or sensitive species insofar as they could constitute constraints to site development. The second purpose is to identify any potential impacts that would result from installing a waterline from Via Ascenso to the proposed single-family home development area on your property.

In order to assess site conditions, I completed a site reconnaissance inspection of the property on the morning of 10 February 2021. Portions of the site appear to have been previously cleared, although most of the property supports native vegetation. Adjoining areas to the south and east consists of existing residential homes, and areas to the north and west are mostly natural. Escondido Creek runs northwest of the property. An old vehicle track leads from Via Ascenso onto the property, looping to and around the central western portion of the site where development is proposed. Much of this track has regrown with native species.

The majority of the property is encumbered by an existing biological open space that supports high-quality Southern Maritime Chaparral (SMC) vegetation. This sensitive habitat-type is indicated by Chamise (*Adenostoma fasciculata*), Mission Manzanita (*Xylococcus bicolor*), Wart-stemmed Ceanothus (*Ceanothus verrucosus*), Del Mar Manzanita (*Arctostaphylos glandulosa crassifolia*), and other woody shrubs. The proposed development portion of the parcel supports disturbed vegetation that currently qualifies as Non-native Grassland (NNG) indicated by Stork's-bill (*Erodium* sp.), various annual and perennial grasses, and occasional shrubs.

An ephemeral watercourse is also present, flowing in the direction of the northern corner of the property. This carries flows during storm events, and it narrows as it flows in a northerly direction, eventually connecting to Escondido Creek, which is located offsite to the north. At the southern end of the drainage, it flattens out and is much less well defined. This watercourse may qualify as a state and federal jurisdictional wetland or waters of the U.S. and State.

The Southern Maritime Chaparral vegetation is considered a significant biological resource in the County of San Diego, and is of high value due to the presence of sensitive species. Sensitive species detected on the project site during the reconnaissance for this report include Wart-

stemmed Ceanothus, Del Mar Manzanita, Torrey Pine (*Pinus torreyana*) and Southern Mule Deer (*Odocoileus hemionus fuliginatus*). Del Mar Manzanita is an endangered species. Due to the nature of the habitat, other sensitive species are likely to occur here as well. Most of these species are conserved under the County's Subarea MSCP plan.

## Conclusions

As you know, a portion of the subject parcel lot contains an existing dedicated Biological Open Space Easement. It is assumed that this easement was dedicated to mitigate development-related impacts when the subdivision that created this parcel was approved by the County. It appears that this dedication may have blocked access to Via Ascenso, with the only break in the easement intended to provide access indirectly from Colina Fuerte and El Camino Del Norte. Unless conditioned otherwise, any grading or road development into the open space easement would probably require an encroachment permit to vacate of a portion of the easement. However, depending on the language of the easement, fuel management or brush thinning may be allowed. This would need some investigation and careful reading of the exact language of the easement.

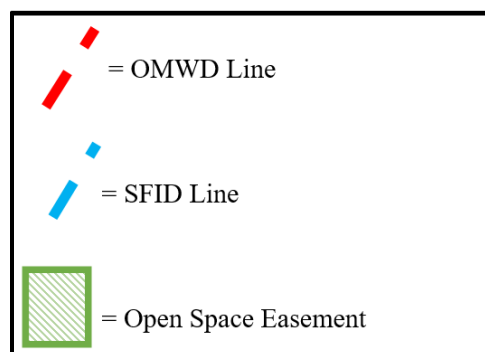
Figure 1, attached, shows the approximate coverage of the onsite habitats and the location of the watercourse. Further work will be required to refine and delineate the limits of work along with the necessary studies to approve whatever actions seem prudent and that the County would require.

Installing a waterline from the east off Via Ascenso would result in adverse impacts to sensitive habitats, sensitive species, a population of Del Mar Manzanita (a federally-listed Endangered Species), and possible jurisdictional wetlands/waters. These impacts can be avoided completely by securing water from the Santa Fe Irrigation District, which would allow a waterline off Colina Fuerte to the south, through developed lands with no biological resources. Figure 2, attached, shows the approximate location of the two waterline alternatives.

Thanks for the opportunity to provide this assessment. Please contact me with any questions or for additional information.

Figure 1. Mapping of Vegetation – Via Ascenso Property





## Exhibit E



M.A. Biology, University of  
California, Los Angeles

B.S. Zoology, San Diego State  
University

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Biological Consultant:

- Baseline Biology Surveys
- Zoological Surveys and Inventories
- Botanical Surveys and Inventories
- Endangered Species Surveys
- Forensic Vegetation Surveys
- Focused Survey Coordination
- Technical Study Reports
- Revegetation Planning
- Habitat Management Planning
- Habitat Mapping
- Open Space Management
- Jurisdictional Wetland Delineations

Applicable Experience:

- Has extensive practical experience in various biologically-related projects in San Diego, Orange, Riverside, Imperial, San Bernardino and Los Angeles Counties. Additional biological studies in northern California.
- Has conducted focused surveys for numerous sensitive species of plants and animals over the last thirty years.
- Has prepared baseline biological surveys, habitat delineations, and natural community viability analyses on a continuous basis since 1980.
- Has conducted biological surveys for private individuals, corporations, partnerships, the military, and numerous public organizations throughout California.
- Has authored more than 3,300 biological technical reports and professional papers.

Mr. Scheidt has over a decade of experience in the formation of conservation and mitigation banks in California, including all aspects of bank planning from feasibility analysis and concept development through implementation. He has overseen the establishment of both upland and wetland banks through the preparation of all necessary documents, including the Prospectus, the Development Plan, the Bank Enabling Instrument (Instrument), the Interim Management Securities Analysis and Schedule, the Mitigation Account Disbursement & Invoice Schedule, the Credit Purchase Agreement and Receipt, the Bank Closure Plan, and all associated attachments and exhibits. These attachments have included such documents as Habitat Management Plans, Conservation Grazing Management Plans, Habitat Restoration Plans, Wetland Establishment Plans, and others.

In the mid 1990s, Mr. Scheidt completed several studies including a vegetative analysis of the biota of the 4,350-acre Monte Vista Ranch property in Central San Diego County. This study defined seventeen discrete habitats occurring on this property. Preliminary definitions were prepared for each plant association. This habitat delineation allowed eventual species complex modeling and biologically-based conservation planning.

Another major project, prepared under contract to HDR Engineering in 2000-2002, involved comprehensive field surveying of a proposed 155 mile fiber-optic line through several southern California counties. Numerous sensitive species surveys were conducted as a part of this study, including Least Bell's Vireo, Arroyo Toad, Willow Flycatcher, Desert Tortoise, Flat-tailed Horned Lizard, and other directed surveys.

Mr. Scheidt completed a number of biology general and focused studies associated with the City of National City's General Plan Update under contract to DC&E Planning in 2009-2011. Included in the scope of work were three project-specific studies for proposed city redevelopment projects. Comprehensive biology surveys were conducted as a part of this study, including floral and faunal inventories and habitat evaluations for special status species.

Mr. Scheidt's professional affiliations include: Membership on the State Board of Directors, California Native Plant Society (2008-2019); the San Diego Herpetological Society, and others.

Mr. Scheidt possesses federal Section 10(a) 1(a) Recovery Permit #TE788133 to allow focused field surveying for California Gnatcatcher and Quino Checkerspot Butterfly.

**Board of Directors**

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



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

September 1, 2022

Brendan Eckelman  
243 Ridge Ter  
Encinitas, CA 92024  
SENT VIA EMAIL

Subject: Detachment of APN 265-441-01-00 from Olivenhain Municipal Water District Service Sphere

Dear Mr. Eckelman:

OMWD has reviewed the letter and supporting documentation you submitted in July 2022 requesting a detachment of the above parcel from the Olivenhain Municipal Water District (OMWD) service sphere to the Santa Fe Irrigation District (SFID) Service Sphere.

Your documentation shows there is now an alternate water supply to serve the parcel via SFID facilities from Colina Fuerte to the south. When the parcel was first mapped, water service was only available via OMWD facilities from Via Ascenso. The SFID water facilities in Colina Fuerte can be extended within a utility easement that was granted to the subject parcel in 1997.

The documentation also notes that there is an open space easement encumbering a large portion of the subject parcel. This open space easement was granted to the County of San Diego on recordation of Map No. 11899. After you purchased the property in January 2022, you engaged a biological consultant to assess the existing site conditions. Per the biological resources report you provided, the open space easement contains high-quality Southern Maritime Chaparral and an ephemeral watercourse. Bringing OMWD water service to the parcel from Via Ascenso would impact the habitat and would require you to extensively mitigate for those impacts. Bringing the SFID water service to the parcel from Colina Fuerte is now feasible and would be the least impactful to the habitat, and therefore the least cost to you.

Please request that SFID staff prepare a response to this letter confirming that SFID staff conditionally agrees to the subject request. Based on the information you have provided and pending the written response from SFID staff, OMWD staff is amenable to presenting the item to the OMWD Board for their consideration at the next regularly scheduled OMWD Board meeting. The potential detachment would also require SFID Board approval and finally LAFCO approval.



Once LAFCO has approved the detachment from OMWD and annexation into SFID, you will be required to pay the outstanding AD 96-1 Assessment due on the parcel. The current assessment payoff quote is \$284.07. This payoff quote is good through December 2, 2022. At the time of the LAFCO approval, a new quote can be obtained by contacting OMWD.

Sincerely,



Kimberly A. Thorner, ESQ, General Manager

cc: Lindsey Stephenson, OMWD Engineering Manager  
Marissa Potter, SFID Engineering Services Manager  
Chase Fidler, SFID Engineering Technician

*Attachments:*

*Request for De-annexation of APN: 265-441-01 by Property Owner (B. Eckelman, dated July 18, 2022);  
AD 96-01 Assessment notice*

## Santa Fe Irrigation District



September 26, 2022

### ***SENT VIA EMAIL ONLY***

Brendan Eckelman  
243 Ridge Ter  
Encinitas, CA 92024

Subject: Detachment of APN 265-441-01-00 from Olivenhain Municipal Water District Service Sphere and Annexation into the Santa Fe Irrigation District's Service Sphere

Mr. Eckelman:

The Santa Fe Irrigation District (SFID) is in receipt of the letter from Olivenhain Municipal Water District (OMWD) dated September 1, 2022 regarding the request for detachment from OMWD's Service Sphere and annexation into the SFID's Service Sphere.

SFID staff conditionally agrees to the subject request provided the OMWD Board of Directors (Board) approves the request for detachment. Following receipt of a formal letter indicating that OMWD cannot provide service and the OMWD Board approves the request for detachment, SFID Staff will present the proposed annexation to SFID's Water Resources Committee (WRC) and Board for their consideration at the next available scheduled meetings.

Upon potential annexation, the property owner will be responsible for preparing all required documentation and facilitating the process through LAFCO and all associated fees related to the sphere of influence adjustment. SFID's annexation fees are based on the SFID's Administrative Code Article 18 and will be further defined following OMWD Board approval.

Regards,

A handwritten signature in blue ink, appearing to read "Alau", is placed below the "Regards," text.

Albert C. Lau, P.E.  
General Manager

Cc: Marissa Potter, SFID Engineering Services Manager  
Lindsey Stephenson, OMWD Engineering Manager

Attachments: OMWD's Letter dated September 1, 2022 regarding potential de-annexation  
SFID's Administrative Code Article 18

# Memo

Date: October 19, 2022  
To: Olivenhain Municipal Water District Board of Directors  
From: Kimberly Thorner, General Manager  
Subject: **CONSIDER THE CALENDAR FOR THE 2023 OLIVENHAIN MUNICIPAL WATER DISTRICT'S BOARD MEETINGS**

---

## Purpose

The purpose of this item is to consider the board meeting dates for the 2023 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 2023. Staff does not advise having fewer than 12 board meetings per calendar year at this time. 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 Admin. Code would need to be changed via notice and an ordinance.

Staff is available to answer any questions.

Attachment: Proposed 2023 Board Meeting Calendar



## 2023 Board Meeting Calendar

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

### January 2023

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 2023

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				

### March 2023

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 2023

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 2023

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 2023

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 2023

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 2023

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 2023

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 2023

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 2023

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 2023

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						

### 2023 Conferences

March 5-8  
May 9-11  
August 28-31  
November 5-7  
November 28-30

WateReuse Symposium, Atlanta, Georgia  
ACWA Spring Conference, Monterey, CA  
CSDA Annual Conference, Monterey, CA  
WateReuse Annual Conference, Indian Wells, CA  
ACWA Fall Conference, Indian Wells, CA

# Memo

Date: October 19, 2022  
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**

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## Purpose

The purpose of this agenda item is to provide the Board of Directors with the last status update (before the Final Report to be given in January 2023) on the 2022 annual objectives, stretch objectives, and the Tiger Team program for the calendar year beginning January 1, 2022.

## Recommendation

This is an informational item; no action is required.

## Alternative(s)

Not applicable.

## Background

The annual objectives for 2022 were approved at the February 16, 2022 board meeting. Full status updates on the 2022 annual objectives, stretch objectives, and Tiger Team program were presented to the board at the April 20 and July 20 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 2022 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, 2022. Staff will be available at the board meeting to answer any questions.

Annual objective highlights over the course of the year include:

- Commemorated DCMWTP's 20th anniversary and completed a condition assessment and structural integrity analysis of its membrane basins and chemical feed rooms
- Completed construction of the DCMWTP pH Control System Project, the Lone Jack Pressure Reducing Station Replacement Project, and the Manchester Avenue Potable Water Pipeline Replacement Project
- Commenced construction of the Manchester Avenue Recycled Water Pipeline Project and the 4S Ranch Neighborhood 1 Sewer Pump Station Replacement Project
- Created a pipeline sampling program for data collection and infrastructure assessment, and partnered with Asterra on a satellite leak detection program
- Commemorated EFRR's 30th anniversary and identified improvements for pedestrian safety along the main driveway
- Investigated cost/benefit alternatives for photovoltaic systems at Elfin Forest Interpretive Center Honoring Susan J. Varty, and in June, installed more efficient solar panels to meet year-round power demands
- Updated Administrative and Ethics Code, Employee Handbook, and Compensation Policy to comply with the new five-year employee Memorandum of Understanding, which included two less expensive ACWA HMO and PPO health insurance plans
- Implemented a network security training incentive program for employees
- Developed a Pension Funding Policy that was adopted by the board at its June 22 meeting, and implemented a Rate Reimbursement Credit program
- Submitted 13 funding requests to state and federal agencies, and received notice of award for \$22,349 in grant funding from MWD's Leak Detection & Repair grant

program, \$1,700 from ACWA JPIA for OMWD's employee wellness program, and approximately \$17.8 million from USBR's WaterSMART: Title XVI Water Reclamation and Reuse Projects for North San Diego Water Reuse Coalition's 2020 project

- Achieved CSDA's District of Transparency Certificate of Excellence reaccreditation and Special District Leadership Academy District of Distinction reaccreditation at the Platinum level, its highest level that only ten other agencies in the state have achieved
- Won two American Public Works Association project of the year awards for El Camino Real Pipeline Replacement Project and Indian Head Canyon Emergency Repair, a WaterReuse California Awards for Excellence - Recycled Water Community Outreach award, and GFOA's Certificate of Achievement for Excellence in Financial Reporting award
- Conducted a comprehensive customer survey to measure customer satisfaction
- Completed the redistricting process in advance of the November 2022 general election
- Completed the installation of a California-Friendly demonstration garden at headquarters
- Enrolled over 2,000 new subscribers into the My Water Use portal, and increased customer e-newsletter participation by over 850 new subscribers
- Updated website to enhance user experience, including making the encroachment permit process and rebate programs more easily accessible
- In light of worsening water supply conditions, the board adopted a position of support for the preferred alternative for the Delta Conveyance Project at its August 17 meeting

The following objectives may not be complete by year end:

#### Annual objective

- **35. Complete installation of irrigation and plants in courtyards at headquarters**  
Bids came in significantly over budget; staff is recommending awarding the boardroom courtyard and delaying the main courtyard
- **77. Revisit position on Regional Conveyance with board at the completion of Phase B**  
This objective is reliant on SDCWA action, which was expected in late summer 2022. SDCWA has delayed the Phase B completion at this time and no public report is available from SDCWA.

Stretch objective

- **Keep OMWD's planned revenue adjustment at 5% or below for fiscal year 2023**  
Staff will present a recommended planned revenue adjustment for board consideration at the October 19 meeting

This is the final status update presented to the board in calendar year 2022. However, a final status report on each annual objective as of December 31, 2022 will be included on the consent calendar of the January 2023 board meeting.

*Attachment:*

- *Annual Objectives and Tiger Team Program PowerPoint*

# 2022 Annual Objectives

October 19, 2022

Board of Directors Meeting



# 2022 Annual Objectives

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

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

### Objective

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

### Progress Toward Completion

1. 100% - Completed Train 2 membrane replacement and Train 4 membrane replacement is underway
2. 100% - Peterson Structural Engineering completed an assessment of the membrane basins and chemical feed rooms



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

## Objective

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

## Progress Toward Completion

3. 100% - Asterra completed satellite and ground inspections; findings presented to Facilities Committee on October 12
4. 100% - Construction on track to be completed in November

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

Objective	Progress Toward Completion
5. Complete construction of the Manchester Avenue Potable Water Pipeline Replacement Project	5. 100% - Notice of Completion approved at the April 20 board meeting
6. Complete construction of the Lone Jack Pressure Reducing Station Replacement Project	6. 100% - Board to consider Notice of Completion on October 19
7. Complete preliminary design for the Unit A North Rancho Santa Fe Road Potable Water Pipeline Replacement or Rehabilitation Project	7. 100% - Completed preliminary design



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

**Objective**

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

**Stretch**

Complete maintenance of three additional impacted easements beyond Objective 8

**Progress Toward Completion**

8. 100% - Completed maintenance of five easements

100% - Completed maintenance on three additional easements

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

## Objective

## Progress Toward Completion

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

9. 100% - Completed preliminary design
10. 100% - Four new connections at The Lakes and one at Rancho Paseana are on track for completion by year end



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

Objective	Progress Toward Completion
11. Commence design of Extension 153 Flow Metering Facility	11. 100% - Commenced design; project will be completed in-house
12. Commence construction of the Manchester Avenue Recycled Water Pipeline Project	12. 100% - Commenced construction on August 8
13. Commence construction of the 4S Ranch Neighborhood 1 Sewer Pump Station Replacement Project	13. 100% - Construction commenced on August 15

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

**Objective**

**Progress Toward Completion**

Stretch

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

100% - One new connection for a commercial property at 777 N. El Camino Real and one for the irrigation at El Pollo Loco on Dove Canyon Road are on track for completion by year end



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

Objective	Progress Toward Completion
14. Continue education program for elementary schools in partnership with the Escondido Creek Conservancy as COVID restrictions allow, providing at least 1,000 students with in-person field trips to EFRR	14. 100% - On track to host over 2,000 students with in-person field trips in partnership with the Escondido Creek Conservancy
15. Utilize volunteer groups such as San Diego Mountain Bike Association and EFRR trail patrol for two trail maintenance/repair projects as COVID restrictions allow	15. 100% - Trail maintenance days with San Diego Mountain Bike Association are scheduled for October 28 and December 10
16. Participate in I Love a Clean San Diego Creek to Bay Cleanup event if COVID restrictions allow	16. 100% - Creek to Bay Cleanup held on April 23 with 31 participants from the public

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

#### Objective

#### Progress Toward Completion

17. Begin sixteenth annual photo contest if COVID restrictions allow
18. Conduct second round of oak tree monitoring for signs of Golden Spotted Oak Borer damage; report findings to EFRR Executive Committee with recommendations
19. Host water conservation workshop at Elfin Forest Interpretive Center Honoring Susan J. Varty if COVID restrictions allow

17. 100% - Sixteenth annual photo contest will launch November 21
18. 100% - GSOB monitoring was completed in June utilizing staff and volunteers; recommendation made to EFRR Executive Committee on September 1
19. 100% - Smart irrigation workshop was held on October 13



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

Objective	Progress Toward Completion
20. Investigate pedestrian safety along main driveway; report findings to EFRR Executive Committee with recommendations	20. 100% - Data collection complete; pedestrian safety recommendation made to EFRR Executive Committee on September 1
21. Commemorate EFRR's 30th anniversary	21. 100% - EFRR 30th anniversary was commemorated with special EFRR logo, planting event in September, and smart irrigation workshop in October; three volunteer-led hikes and a volunteer recruitment training are planned for November, and an EFRR historical photo social media campaign will take place in December

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

#### Objective

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

#### Progress Toward Completion

- 22. 100% - Completed installation of stabilized decomposed granite on Ridgeline Maintenance Road on April 13
- 23. 100% - Ridgetop Picnic Area fencing complete; Cielo Trail fencing on track to be completed by November 30



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

#### Objective

#### Progress Toward Completion

##### Stretch

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

100% - I Love A Clean San Diego Coastal Cleanup hosted at EFRR on September 17; 20 participants removed approximately 125 pounds of trash from Escondido Creek and planted 20 native plants around the interpretive center

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

100% - Volunteer labor utilized for fencing projects at Ridgetop Picnic Area and Cielo Trail

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

Objective	Progress Toward Completion
24. Commence overhaul and rehabilitation of one DCMWTP energy recovery turbine to ensure continuous energy savings	24. 100% - One energy recovery turbine has been overhauled and is back in service
25. Continue partnerships with energy providers and third-party consultants to optimize energy costs	25. 100% - Continued partnership with Utility Cost Management on SDG&E rate audit; implemented rate change providing cost savings at DCMWTP
26. Install power monitoring equipment at a recycled water pump station and collect data on SCADA to be used for future energy intensity recording	26. 100% - Power monitoring equipment installed at the recycled water pump station at 4S WRF and data collection underway



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

27. 100% - System assessment was performed in the spring; more efficient solar panels were installed in June

Stretch

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

100% - Power monitoring equipment installed at the Overflow Pond Pump Station and for the Filters Process Motor Control Centers at 4S WRF

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

### Objective

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

### Progress Toward Completion

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



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

Objective	Progress Toward Completion
30. Add two less expensive ACWA HMO and PPO health insurance plans; make available to employees at open enrollment	30. 100% - Added ACWA Value HMO and Advantage PPO plans with January 1, 2023 effective date, and made them available at open enrollment
31. Conduct employee morale survey in early October; meet with HEART Committee to review results and help determine the success of the 4/10 work schedule and remote work trial programs	31. 100% - Survey conducted in early October; HEART Committee reviewed survey results and the 4/10 and remote work trial periods at its October 18 meeting
32. Enhance employee health and wellness by providing quarterly wellness-related trainings and one wellness challenge	32. 100% - Provided quarterly wellness trainings for staff; conducted a “steps” walking challenge and a “fall into fitness” workout challenge

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

Objective	Progress Toward Completion
33. Conduct employee focus groups with General Manager	33. 100% - Focus groups have been scheduled and will be completed by November
34. Develop and implement a network security training incentive program for employees	34. 100% - Program will be implemented by year end
35. Complete installation of irrigation and plants in courtyards at headquarters	35. 50% - Bids came in significantly higher than budget; board to consider awarding contract on October 19
36. In coordination with local law enforcement, conduct active shooter training education/drills	36. 100% - Active shooter response training sessions were conducted on May 19 and May 26 for all staff



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

Objective	Progress Toward Completion
37. Complete and submit to Department of Water Resources the first Annual Water Supply and Demand Assessment	37. 100% - Preliminary assessment submitted to DWR in May and final assessment submitted in June
38. Complete and submit to DWR the Annual Water Loss Audit using DWR's updated reporting criteria	38. 100% - 2021 water loss audit validated on August 31 and submitted to DWR in September
39. Resume disconnections for non-payment in compliance with Senate Bill 998 (2018) upon discontinuation of the statewide moratorium	39. 100% - Discontinuation of service for non-payment is in full effect

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

Objective	Progress Toward Completion
40. Enhance experience of in-house staff by completing replacement of 50 valves in support of the Valve Replacement Project	40. 100% - In-house staff replaced 19 valves; Valve Replacement Project contract has been awarded and staff is on track to complete remaining replacements by December 31
41. Complete self audit of the Sewer System Management Plan	41. 100% - Audit was completed in May
42. Conduct Public Health Goal public hearing by June 2022 to complete the State Water Resources Control Board Division of Drinking Water's tri-annual requirement	42. 100% - Conducted Public Health Goal public hearing and received no comments
43. File application with SWRCB to remove the industrial permit status for the 4S WRF for the purpose of securing a Storm Water Pollution Prevention Plan exemption	43. 100% - Filed application for declassification from the Industrial General Permit (NONA); application was accepted and approved by SWRCB



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

### Objective

### Progress Toward Completion

44. Continue to work with SWRCB on options/potential for a 4S WRF discharge permit and report findings to Facilities Committee

44. 100% - Continued discussions with SWRCB regarding discharge options; findings presented to the Facilities Committee at its October 12 meeting

45. Based upon stormwater-related regulatory requirements, identify improvements to the headquarters site to enhance the site SWPPP, ensure regulatory compliance, and reduce potential violation exposure; present findings to Facilities Committee

45. 100% - Identified improvements; presented findings to the Facilities Committee at its October 12 meeting

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

### Objective

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

### Stretch

Complete replacement of 10 additional valves beyond Objective 40

### Progress Toward Completion

46. 100% - Interdepartmental SWPPP committee held meetings in January, March, July, and September; next meeting will take place in November

100% - Valve Replacement Project contract has been awarded; on track to replace 10 additional valves by December 31



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

### Objective

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

### Progress Toward Completion

47. 100% - Submitted 12 funding applications, totaling \$28,009,134, which included USBR's WaterSMART Title XVI Water Reclamation and Reuse Projects program for North San Diego Water Reuse Coalition 2020 Project, USBR's WaterSMART Water and Energy Efficiency program for AMI phases 9 and 10, San Diego County Community Enhancement program for EFRR Equine Incline Trail Rehabilitation Project, Department of Parks & Recreation's Recreational Trails Program for EFRR parking lot, County Board of Supervisors

*(continued on page 25)*

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

### Objective

(continued from page 24)

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

### Progress Toward Completion

47. for American Rescue Plan Act Coronavirus Local Fiscal Recovery Funding, MWD's Member Agency Administered Incentive Program for leak detection and Community Partnering Program for October 8 Open House, ACWA JPIA Wellness Grant program for fitness classes, and DWR's Proposition 1-IRWM Round 2 funding for North San Diego Water Reuse Coalition 2020 Project; provided shovel-ready project descriptions to SDCWA/MWD for Bipartisan Infrastructure Law funding consideration



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

Objective	Progress Toward Completion
48. Upgrade to latest version of customer payment portal to facilitate autopay enrollment and eBilling for consolidated customers	48. 100% - Agreement signed and implementation is on track to go live before end of the calendar year
49. Complete Phase 7 of the AMI Expansion Project	49. 100% - Installed an additional 127 transmitters beyond the planned 1,882 for a total of 2,009
50. Review current and potential cost-sharing and/or resource-sharing opportunities with other local agencies; present to a board committee	50. 100% - Staff will review current and potential cost-sharing and resource-sharing opportunities with the Outreach Committee at its upcoming meeting

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

### Objective

#### Stretch

Achieve one or more new grant awards

### Progress Toward Completion

100% - Received notice of award for \$22,349 in grant funding from MWD's Leak Detection & Repair grant program, \$1,700 from ACWA JPIA for employee wellness program, and approximately \$17.8 million from USBR's WaterSMART: Title XVI Water Reclamation and Reuse Projects for North San Diego Water Reuse Coalition's 2020 Project



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

Objective	Progress Toward Completion
51. Achieve District of Distinction and District Transparency Certificate of Excellence re-accreditation from Special District Leadership Foundation	51. 100% - Reaccreditation was achieved at the Platinum level; only ten other agencies in the state have achieved this highest level
52. Conduct comprehensive customer survey to measure customer satisfaction	52. 100% - Conducted survey; results and analysis will be presented at the November 16 board meeting



**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**

53. Implement campaign to raise customer awareness of conservation-related resources and water use restrictions should they become mandated

**Progress Toward Completion**

53. 100% - Sent e-newsletters in February, May, July, and September; March, June, August, and October newsletters featured information on the drought, water waste prohibitions, rebates, water use evaluation program, and leak detection; issued joint news release with City of Encinitas; staff is prepared to respond should restrictions become mandatory

**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**

54. Continue to develop messaging to protect customers' interests and to ensure customer awareness of SWRCB water use efficiency regulations and new legislative requirements

**Progress Toward Completion**

54. 100% - Water use prohibitions were featured in March, June, August, and October newsletters; staff provided comment letters and participated in Water Loss Standard workshops, providing feedback on the economic model and operating pressure that was incorporated by SWRCB proposed standard; staff is continuing to monitor for new developments at the state level



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

**Objective**

**Progress Toward Completion**

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

55. 100% - Partnered with Solana Center, SFID, SDWD, and CMWD on rain barrel programs in January and October/November; partnered with SDCWA, Home Depot, and SDWD on March 26 plant sale event; partnered on events with San Diego Botanic Garden in April, Olivenhain FireSafe Council in May, the De Anza Chapter of the National Society Daughters of the American Revolution in June, and Hunter Industries in October

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

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

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

Objective	Progress Toward Completion
57. Commemorate DCMWTP's 20th anniversary	57. 100% - Commemorative event held in June; video posted to OMWD's YouTube channel
58. Complete installation of demonstration garden to model water-efficient landscaping for customers	58. 100% - Installation of demonstration garden and signage completed prior to October 8 open house
59. Add a minimum of 500 households to My Water Use portal	59. 100% - Over 2,000 new subscribers have enrolled in 2022; total subscribers as of mid-September is over 4,800



## 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

- 60. Explore outreach efforts to increase customer e-newsletter participation by 500 subscribers
- 61. Update webpage to enhance user experience, including making the encroachment permit process and rebate programs more easily accessible

### Progress Toward Completion

- 60. 100% - As of September 10, 850 new subscribers have been added since implementation of outreach efforts; total subscribers is over 7,600; open rate exceeds 50%
- 61. 100% - Improvements to encroachment permit and rebate pages are complete; added translation tool so website can be accessible in 12 languages; leak form and agricultural pages revised for user-friendliness; links to the My Water Use dashboard have been added to main menus

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

Stretch

Win award from CSDA, ACWA, or other industry group

### Progress Toward Completion

100% - Won two American Public Works Association project of the year awards for El Camino Real Pipeline Replacement Project and Indian Head Canyon Emergency Repair, a WaterReuse California Recycled Water Community Outreach Award, and GFOA's Certificate of Achievement for Excellence in Financial Reporting award



**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**

62. Complete fiscal year 2022 Annual Comprehensive Financial Report

62. 100% - Draft 2022 ACFR will be reviewed by the Finance Committee in November and presented to the full board for possible adoption at its December 14 meeting

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

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



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

**Objective**

**Progress Toward Completion**

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

64. 100% - Completed Capital Assets Guidelines for GASB 87

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

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

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

### Objective

66. Review and update water and sewer rates and charges

### Progress Toward Completion

66. 100% - 2022 water rates and charges were adopted at the February 16 board meeting; a five-year sewer rate ordinance was adopted at the July 20 board meeting; proposed increases to 2023 water rates and charges were reviewed by the Finance Committee in September and will be presented to the full board at the October 19 meeting



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

**Objective**

67. Update water capacity fees

**Progress Toward Completion**

67. 100% - A public hearing to consider 2022 capacity fees was held on September 14; board will consider a 3.8% increase at the October 19 meeting; a comprehensive review and update to the 2012 Water Capacity Fee study is underway and will be completed for the 2023 water and sewer capacity fees update

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

**Objective**

**Progress Toward Completion**

68. Implement Rate Reimbursement Credit program

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

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

69. 100% - Staff continues to set up new EFT vendors each month; current EFT vendors total 45, which is a 900% increase compared to 2021 participation



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

**Objective**

**Progress Toward Completion**

Stretch

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

TBD - Board to consider a staff report at the October 19 meeting; staff is recommending a 5.9% increase



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

Objective	Progress Toward Completion
70. Commence planning documents for the Potable and Recycled Water Master Plan	70. 100% - Planning documents commenced
71. Complete the Long-Term CIP Study and report findings to Facilities Committee	71. 100% - Study completed; findings presented to Facilities Committee at its October 12 meeting
72. Create Pipeline Sampling Program for data collection and infrastructure assessment	72. 100% - Sampling program underway

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

### Objective

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

### Stretch

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

### Progress Toward Completion

73. 100% - Project updates presented to board at the March 30 special board meeting and the July 20 regular board meeting

100% - Provided input to DWR, which was incorporated into their recommendation to SWRCB; awaiting SWRCB's draft proposed variance



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

Objective	Progress Toward Completion
74. Coordinate with Registrar of Voters on the 2022 general election process for board members	74. 100% - Coordinated with Registrar of Voters on available board seats for November ballot; new board members to take office in December
75. Engage and influence SWRCB regulations and water use efficiency legislation utilizing OMWD's advocate in Sacramento	75. 100% - Staff expressed opposition through comment letters and testimony to SB 1157 (low indoor use standard) and support through comment letter and testimony AB 2142 (tax exemption for rebates); staff provided testimony related to the drought emergency, specifically related to not mandating agencies to declare a level 2 water shortage regardless of current supply, that SWRCB incorporated into the emergency regulations

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

Objective	Progress Toward Completion
76. Revisit position on Delta Conveyance with board when the EIR is released in summer 2022	76. 100% - Board adopted a position of support for the preferred alternative for the Delta Conveyance Project at its August 17 meeting
77. Revisit position on Regional Conveyance with board at the completion of Phase B	77. 0% - Completion of Phase B was expected in late summer; however, SDCWA has delayed completion of phase B, so there is no position that OMWD can take
78. Work with SDCWA on development of its 2023 rates and five-year financial plan development	78. 100% - GM provides input at SDCWA board and committee meetings; 2023 rates were established, but five-year financial plan has not been released; changes to rate structure were delayed until 2024 by SDCWA board



# Tiger Team Report

Fiscal Year 2023



## Grants and Alternative Funding

### Awarded

- \$17,826,952—Awarded second funding award for Regional Recycled Water Program: 2020 Project through WaterSMART: Title XVI Water Reclamation and Reuse Projects funding program (OMWD's share has yet to be determined)
- \$1,700—Awarded ACWA JPIA funding for employee wellness program

### Under Pursuit

- \$3,731,783—Pursuing funding for Regional Recycled Water Program: 2020 Project through DWR's Integrated Regional Water Management Proposition 1/Round 2 Implementation Grant Program (OMWD's portion could be \$471,148)

## Cost Savings

- \$2,625—Cost-sharing partnership with Santa Fe Irrigation District, San Dieguito Water District, and Carlsbad Municipal Water District on a rain barrel education/distribution campaign

**Total Cost Savings During First Quarter**

**\$2,625**

(continued on page 43)



# Tiger Team Report

Fiscal Year 2023



## Grants and Alternative Funding

(continued from page 42)

### Under Pursuit

- *\$500,000—Pursuing USBR's WaterSMART Water and Energy Efficiency program funding for AMI phases 9 and 10*
- *\$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)*
- *\$807,775—Pursuing Department of Parks & Recreation Recreational Trails Program funding for EFRR Visitor Access Expansion Project*
- *\$29,999—Pursuing San Diego County Community Enhancement program funding for EFRR Equine Incline Trail Rehabilitation Project*
- *\$2,000—Pursuing funding for October 8 Open House through MWD's Community Partnering Program*

***\$5,122,407 Total Pursued***

# Tiger Team Report

## Alternative Revenue



**OLIVENHAIN MUNICIPAL WATER DISTRICT  
SCHEDULE OF OTHER BUSINESS (NON-WATER RELATED) REVENUES  
FOR THE THREE MONTHS ENDED JUNE 30, 2022 (UNAUDITED)**

	ACTUAL	THREE MONTH BUDGET
REVENUES:		
CELL SITE LEASES + RENTAL	170,923	166,000
MISCELLANEOUS INCOME	4,245	
ROGER MILLER HYDROELECTRIC REVENUES	26,854	20,000
SELF-GENERATION INCENTIVE PROGRAM GRANT	-	1,250
CB&T VISA CASH INCENTIVE*	4,404	N/A
ESTIMATED DCMWTP ENERGY OFFSETS**	101,570	N/A
	<u>307,997</u>	187,250
 TOTAL REVENUE FOR THE THREE MONTHS ENDED JUNE 30, 2022	 <u><u>307,997</u></u>	

Notes:

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

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

**Total alternative revenue in fourth quarter of FY 2022: \$307,997**



# Tiger Team Report



## Summary

Total first quarter FY 2023 grant funding and cost savings, with fourth quarter FY 2022 alternative revenue:

\$312,322\*

*Total grant funding and potential alternative funding sources under pursuit:*

\$5,122,407

## Since Inception of the Program (2005)

Total grant funding and cost savings to date:

\$44,946,135\*

Total alternative revenue generated to date:

\$17,150,500

\* Does not include WaterSMART: Title XVI Water Reclamation and Reuse Projects funding program as OMWD's share has yet to be determined

# Memo

Date: October 19, 2022  
To: Olivenhain Municipal Water District Board of Directors  
From: Joe Jansen, Administrative Analyst  
Via: Kimberly A. Thorner, General Manager  
Subject: **CONSIDER INFORMATIONAL REPORT ON WATER SUPPLY CONDITIONS AND  
LONG-TERM WATER USE EFFICIENCY LEGISLATION**

---

## Purpose

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

## Recommendation

This is an informational item; no action is required.

## Alternative(s)

Not applicable; informational item only.

## **Background**

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

## **Fiscal Impact**

There are no costs directly associated with this informational report.

## **Discussion**

Staff will review the attached presentation with the board at the October 19 meeting and further discuss water supply related developments.

*Attachments: PowerPoint presentation*



# WATER SUPPLY AND LONG-TERM WATER USE EFFICIENCY LEGISLATION

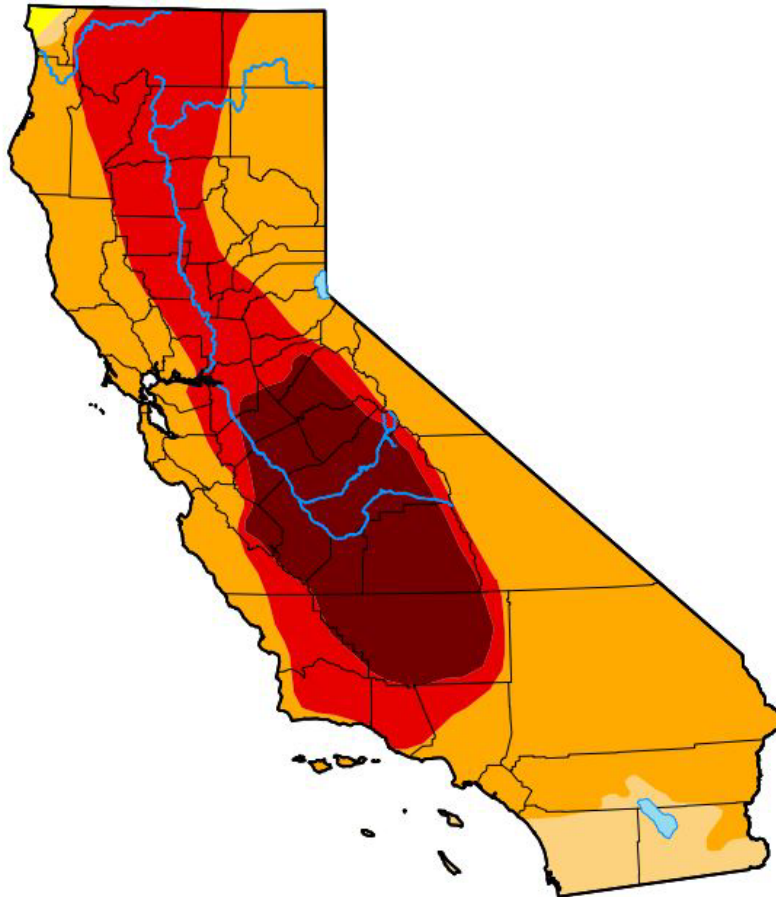
October 19, 2022



# Water Supply Conditions

# U.S. Drought Monitor California

**September 27, 2022**  
(Released Thursday, Sep. 29, 2022)  
Valid 8 a.m. EDT



**Drought Conditions (Percent Area)**

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
<b>Current</b>	0.00	100.00	99.76	94.01	40.91	16.57
<b>Last Week</b> 09-20-2022	0.00	100.00	99.76	94.06	40.91	16.57
<b>3 Months Ago</b> 06-28-2022	0.00	100.00	99.79	97.48	59.81	11.59
<b>Start of Calendar Year</b> 01-04-2022	0.00	100.00	99.30	67.62	16.60	0.84
<b>Start of Water Year</b> 09-28-2021	0.00	100.00	100.00	93.93	87.88	45.66
<b>One Year Ago</b> 09-28-2021	0.00	100.00	100.00	93.93	87.88	45.66

## Intensity:

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

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

## Author:

Richard Heim  
NCEI/NOAA



[droughtmonitor.unl.edu](https://droughtmonitor.unl.edu)

# National Weather Service Outlook

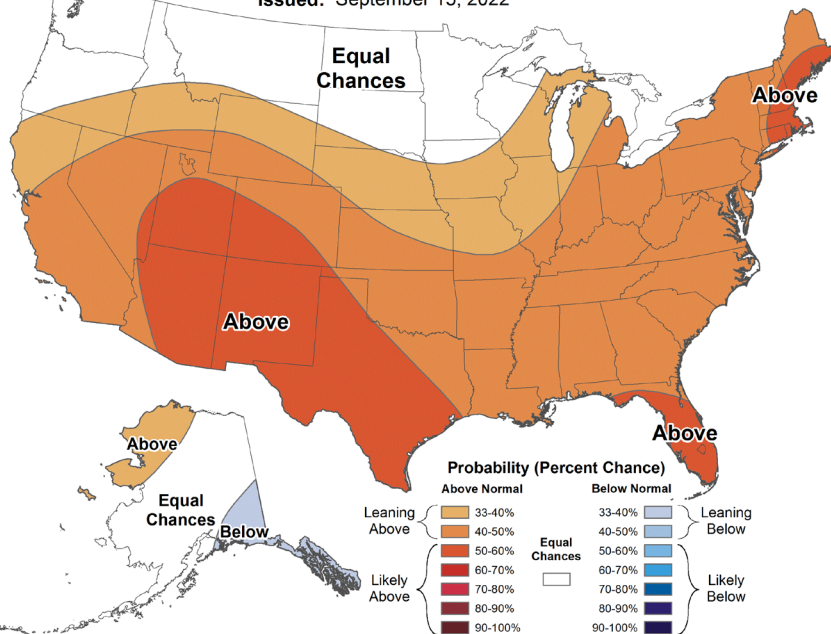
## October 2022 – December 2022



### Seasonal Temperature Outlook



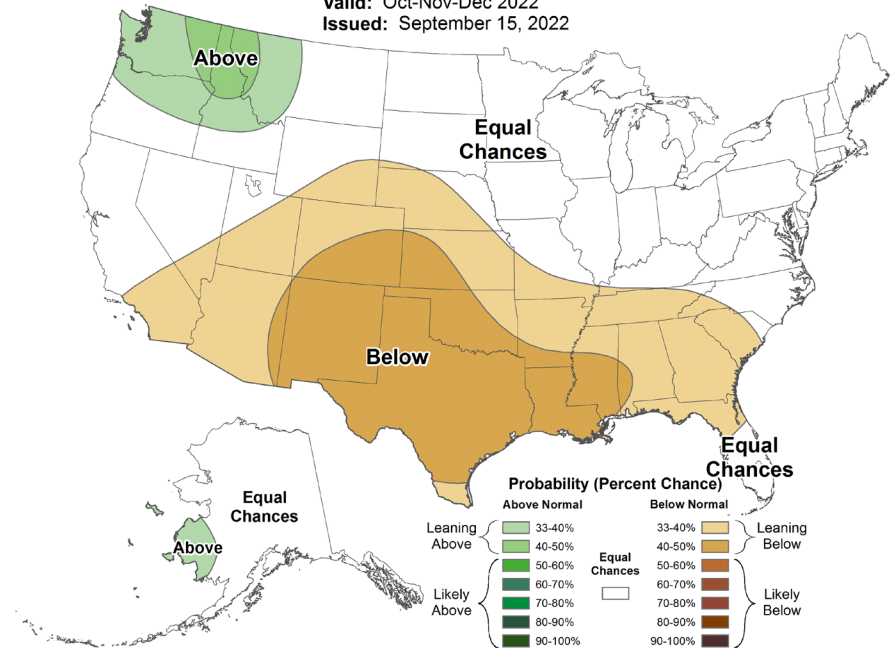
Valid: Oct-Nov-Dec 2022  
Issued: September 15, 2022



### Seasonal Precipitation Outlook

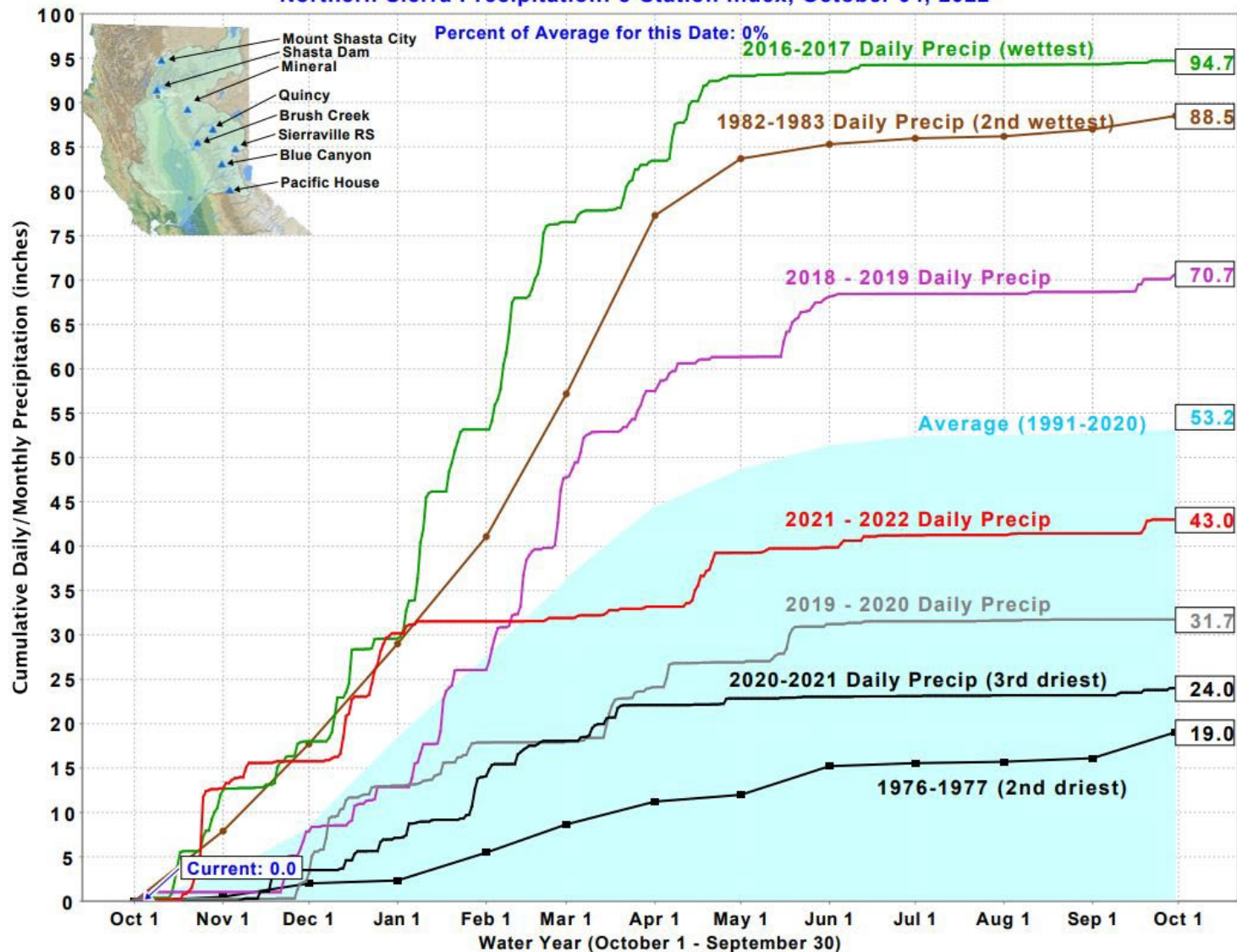


Valid: Oct-Nov-Dec 2022  
Issued: September 15, 2022



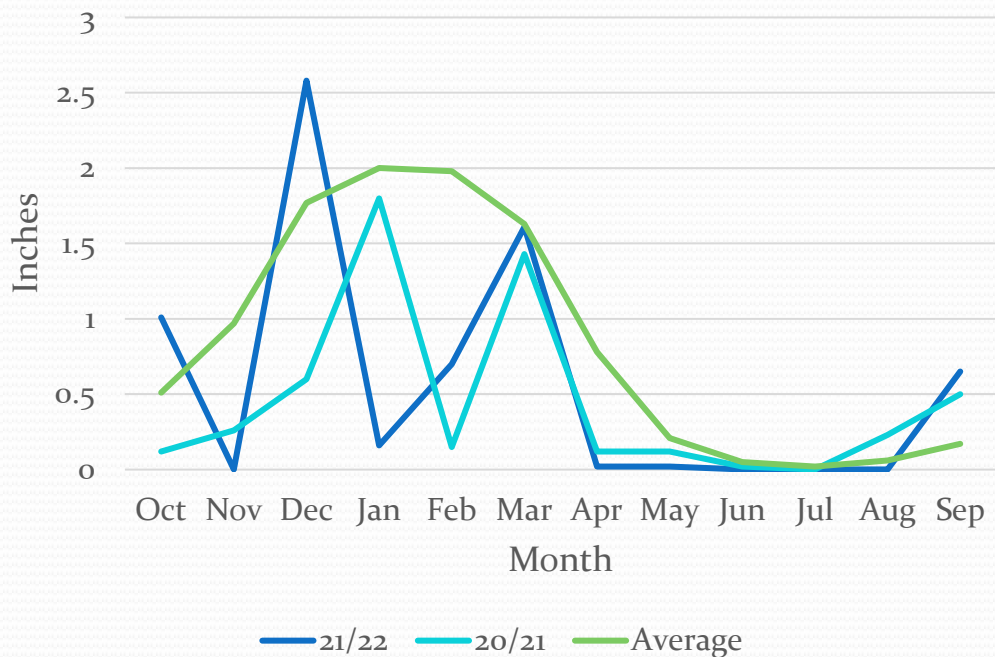


# Northern Sierra Precipitation: 8-Station Index, October 04, 2022

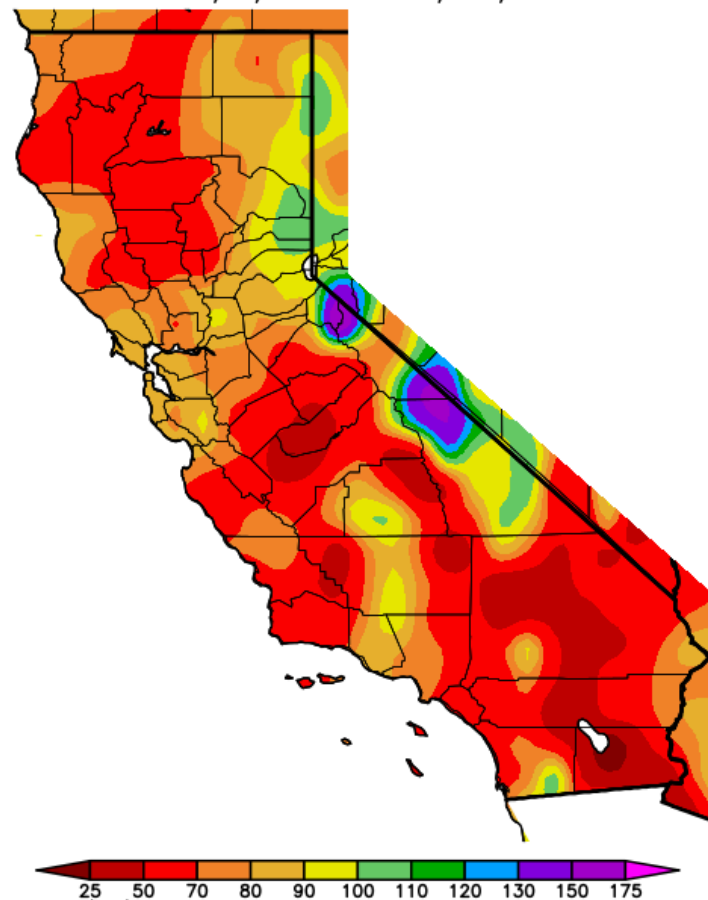


Total Water Year Precipitation

## San Diego Rainfall



## Percent of Average Precipitation (%) 10/1/2021 – 9/22/2022

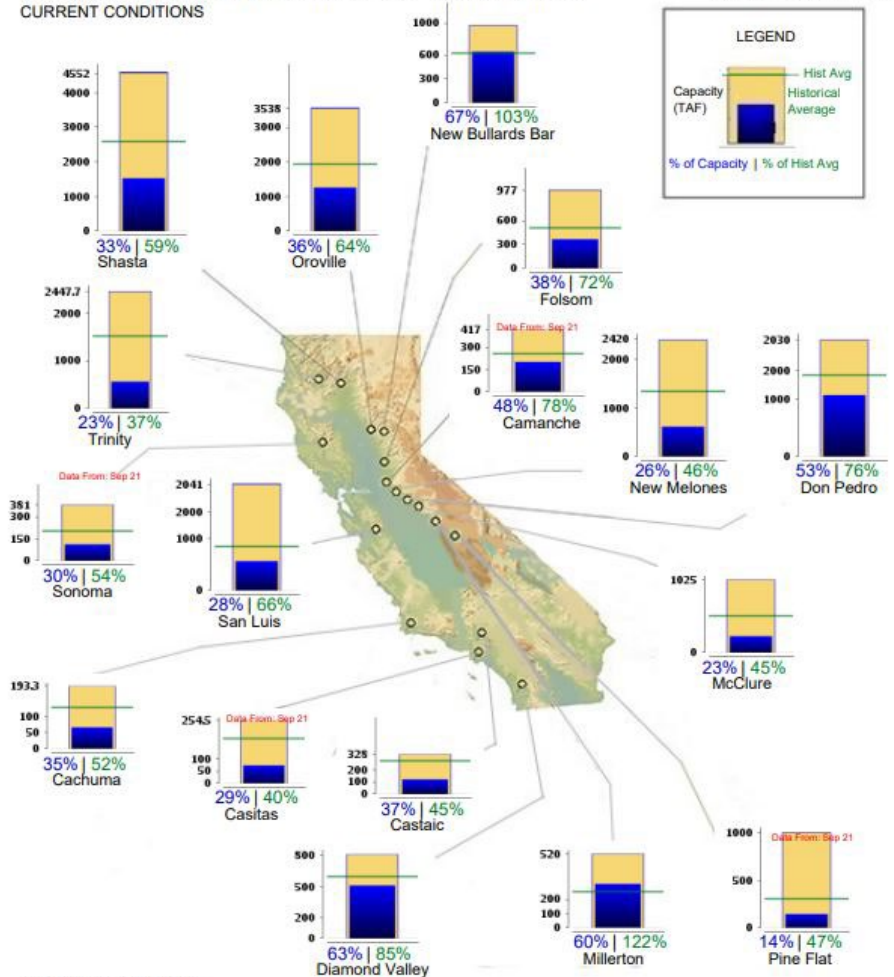


Generated 9/23/2022 at WRCC using provisional data.  
NOAA Regional Climate Centers



## CALIFORNIA MAJOR WATER SUPPLY RESERVOIRS CURRENT CONDITIONS

Midnight - September 22, 2022



Updated 09/23/2022 09:18 AM





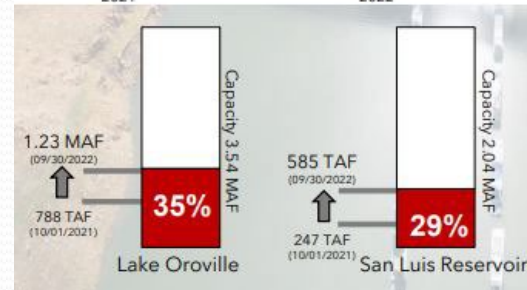
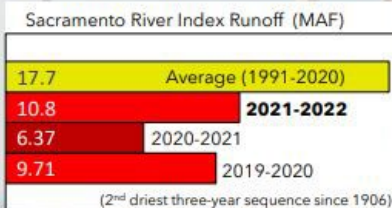
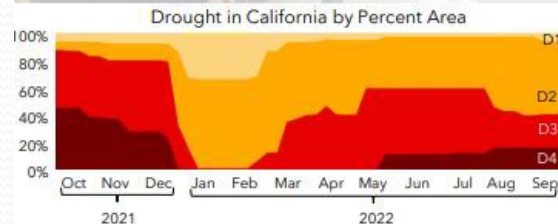
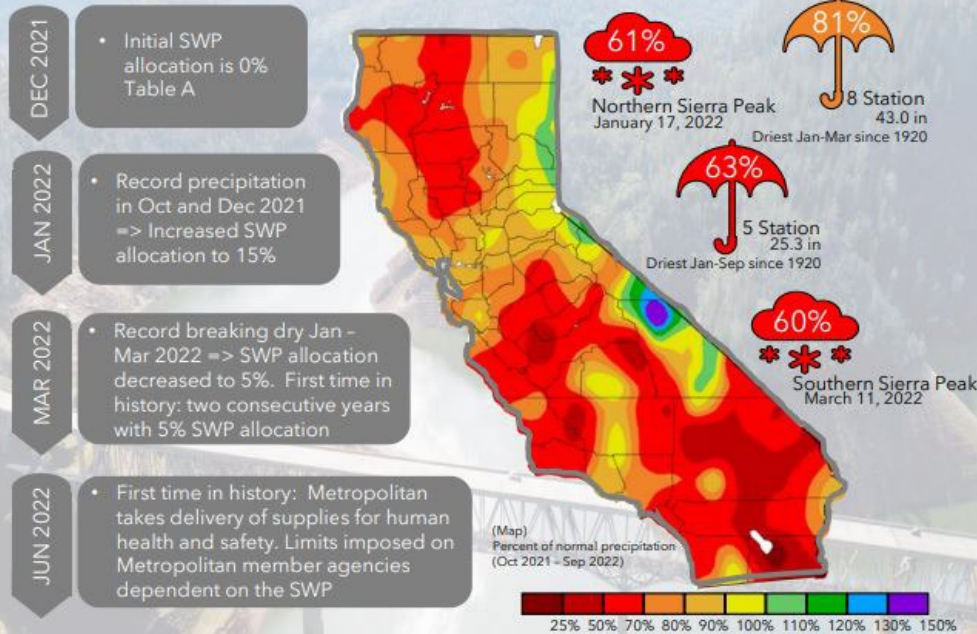
# WATER SUPPLY CONDITIONS REPORT

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

Produced by the Water Resource Management Group

Water Year  
2021-2022

## State Water Project Resources



All stats are preliminary and may be subject to change.





# WATER SUPPLY CONDITIONS REPORT

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

Produced by the Water Resource Management Group

Water Year

2021-2022

## Colorado River Resources

MAY 2022

- Releases from Glen Canyon Dam reduced from 7.48 MAF to 7.0 MAF to protect critical minimum power pool in Lake Powell

JUN 2022

- Reclamation commissioner announced intention to protect critical elevations at Lake Powell and Lake Mead

JUL 2022

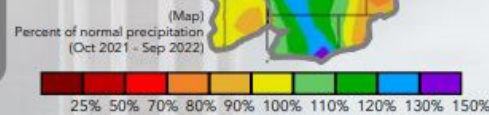
- Reclamation held meeting to solicit input from stakeholders that could be incorporated into the NEPA process for post-2026 operating guidelines

AUG 2022

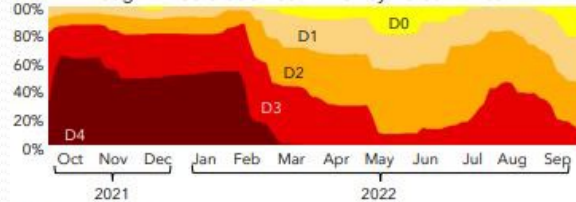
- Reclamation sets the operating conditions for 2023, indicating Level 2a shortage with cuts for Arizona, Nevada and Mexico

91%  
\* \* \*  
Basin-wide Peak  
March 18, 2022

100%  
Basin-wide



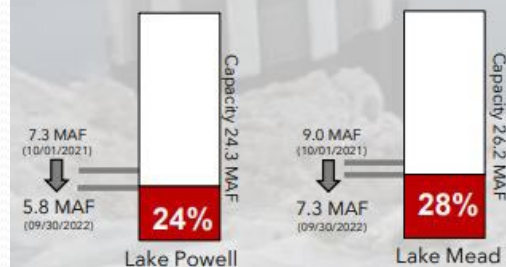
### Drought in Colorado Basin RFC\* by Percent Area



\*RFC = River Forecast Center

### Powell Unregulated Inflow (MAF)

	Average (1991-2020)
9.6	
6.09	2021-2022
3.52	2020-2021
5.85	2019-2020



### Lake Mead Shortage/Surplus Outlook

	2023	2024	2025	2026
Surplus	0%	0%	0%	0%
Shortage	100%	93%	100%	93%
Metropolitan		77%	71%	67%
DCP*		282 TAF	302 TAF	293 TAF

Likelihood based on results from the August 2022 CRMMMS in Ensemble Mode/CRSS model run. Includes DCP Contributions.

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

All data are estimates and may be subject to change.

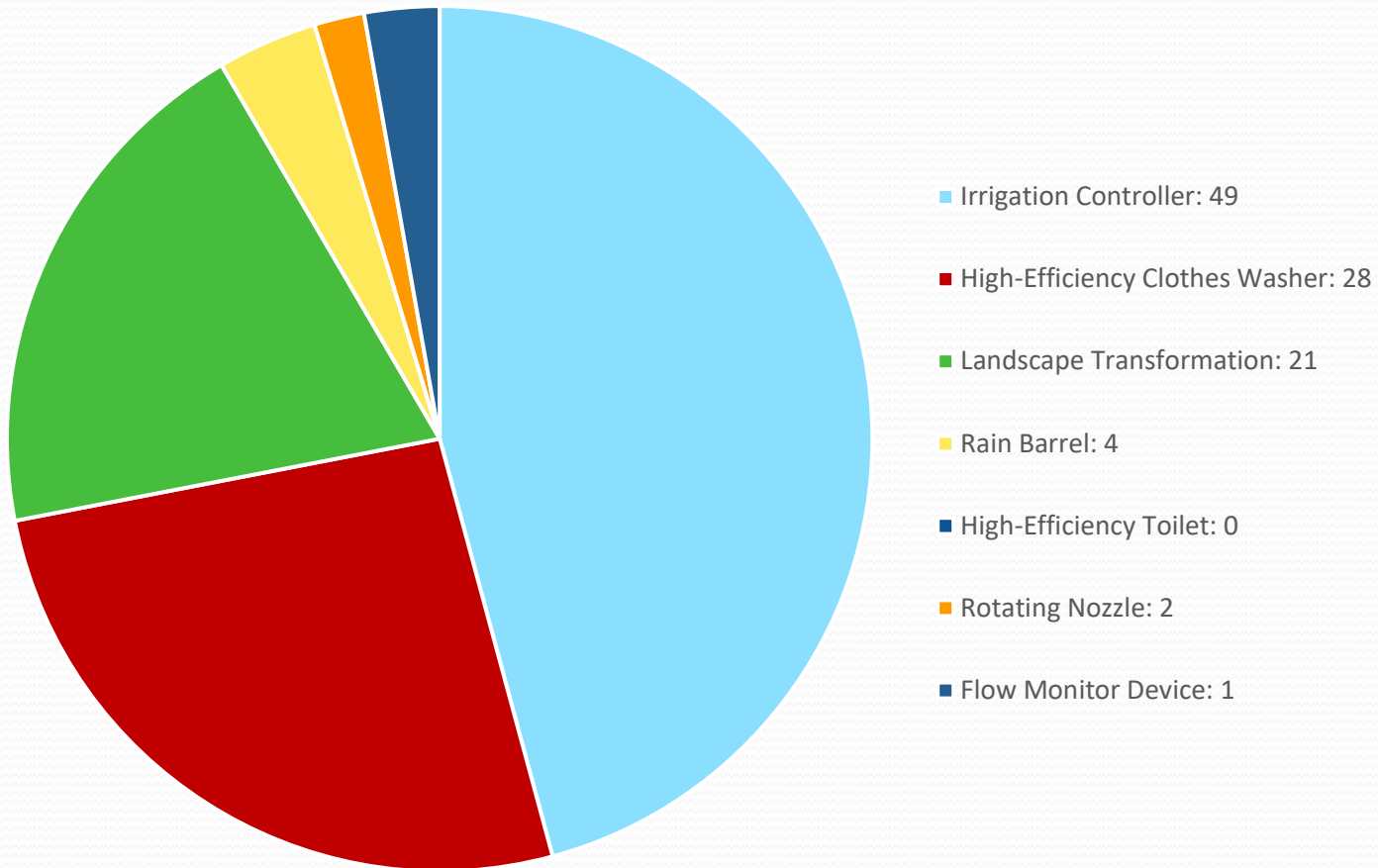
# OMWD Activity

# Restrictions Enforcement

	Reports	Actions	Fines
January '21	7	7	0
February '21	7	7	0
March '21	1	1	0
April '21	0	0	0
May '21	3	3	0
June '21	2	1	0
July '21	18	18	0
August '21	14	14	0
September '21	6	6	0
October '21	3	3	0
November '21	12	12	0
December '21	0	0	0
January '22	4	4	0
February '22	8	8	0
March '22	0	0	0
April '22	5	5	0
May '22	0	0	0
June '22	5	5	0
July '22	13	13	0
August '22	7	7	0
September '22	2	2	0
Totals	117	116	0



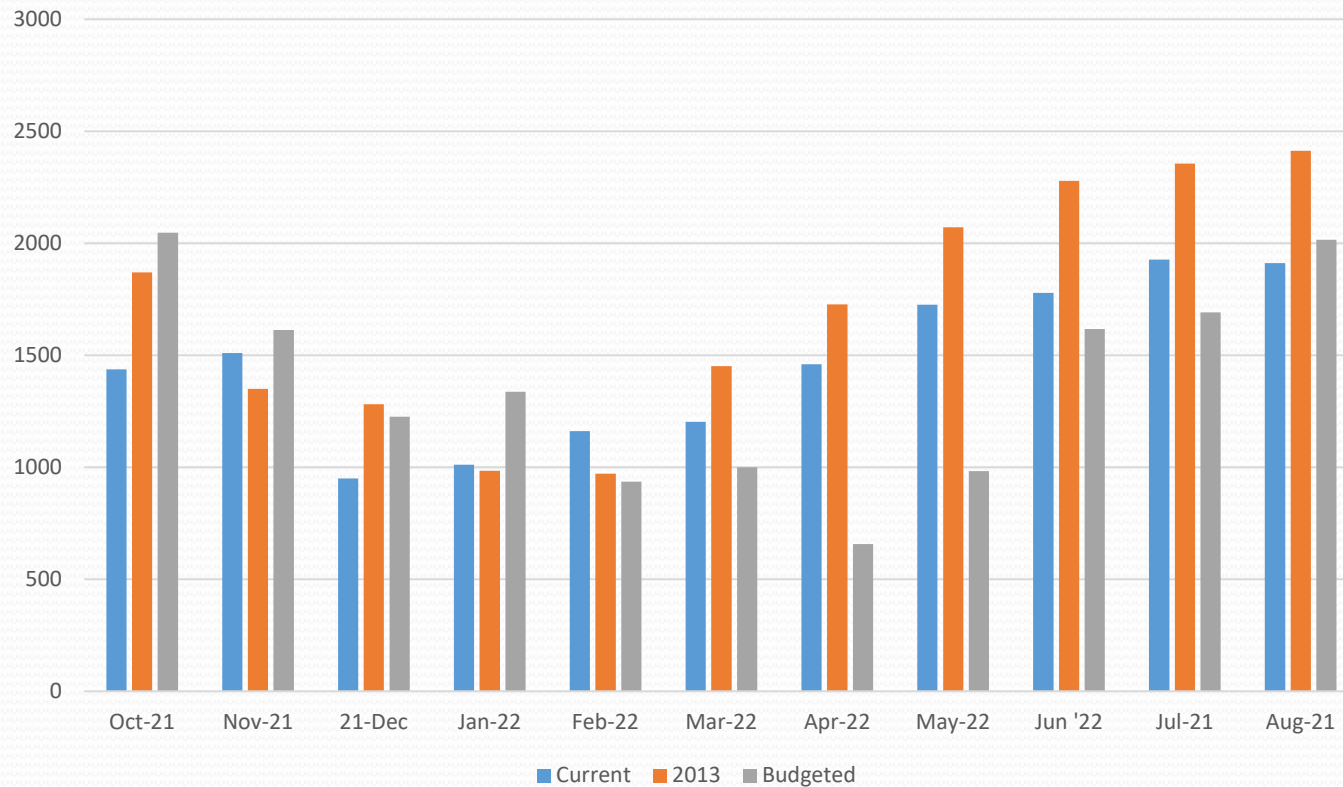
# July - September Rebate Application Activity



*Figures are based on applications received, not only those approved due to long processing times*



# No Conservation Requirement



## Water Consumption Compared to 2013

May-21	-13%
Jun-21	-15%
Jul-21	-13%
Aug-21	-14%
Sep-21	-14%
Oct-21	-24%
Nov-21	12%
Dec-21	-27%
Jan-22	2%
Feb-22	20%
Mar-22	-17%
Apr-22	-16%
May-22	-17%
Jun-22	-19%
Jul-22	-15%
Aug-22	-17%

# Legislation & Regulations

# Legislative and Regulatory Update

- AB 1668-SB 606 (2018 long-term water conservation targets)
  - Water Loss Performance Standard Regulation- comment period ended September 17
  - DWR's original deadline of October 1, 2021, to provide standards recommendations to SWRCB is still pending the adoption of the outdoor water use standard and CII performance measures.
- SB 1157 (urban water use objectives)
  - Chaptered
- SB 222 (low-income water rate assistance)
  - Vetoed
- AB 2142 (income tax exclusion for turf replacements)
  - Chaptered
- AB 2247 (pfas)
  - Vetoed
- Comment letters submitted
  - Oppose SB 1157; Indoor Water Use Standards
  - Oppose SB 222; Low-Income Rate Assistance Program
  - Support AB 2142; Income Tax Exclusion for Turf Replacements
  - Support AB 2247; PFAS

# Legislative and Regulatory Update

## Drought Updates

- California's Water Supply Strategy: Adapting to a Hotter, Drier Future
  - Strategy will produce 6.9 MAF of new water by 2040
    - Create 4 MAF of new storage
    - Accelerate potable reuse and recycled water projects to produce 1.819 MAF
    - Increase water use efficiency and eliminate water waste to save 500,000 AFY
    - Develop new supplies including stormwater capture, ocean desalination, and brackish groundwater desalination to generate 584,000 AFY
- Likely to see CO River allocations including California in 2023
- Potential mandatory water use restrictions by spring



# Recent Updates



## Water Boards

STATE WATER RESOURCES CONTROL BOARD  
REGIONAL WATER QUALITY CONTROL BOARDS

**Save  
Our  
Water**



# Memo

Date: October 19, 2022

To: Olivenhain Municipal Water District Board of Directors

From: Rainy Selamat, Finance Manager

Via: Kimberly Thorner, General Manager

Subject: **CONSIDER APPROVAL OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT'S CAPACITY FEES AND ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (Article 13 – Policy for District Facilities)**

---

## Purpose

Staff is requesting the Board to consider and adopt the attached ordinance amending Article 13 of the District's Administrative and Ethics Code for proposed changes to the District's water capacity fees for 2022.

## Recommendation

Staff recommends that the Board consider approval and adoption of the attached ordinance with the proposed changes as presented. The changes include a 3.8% capacity fee increase (based on the Engineering News Record Cost of Construction for Los Angeles, or ENRCCI-LA).

## Alternatives

The Board may choose to delay the District's water capacity fee increase. However, delaying capacity fee increases for another year will increase the burden on existing

water users for new construction. This burden rightly belongs to new construction developments.

### **Background**

Capacity Fees are assessed by the District to new users to pay for their share of costs to construct facilities required to provide water services. Revenues generated through capacity fees are used by the District to fund the District's Capital Improvement Program included in the District's Water Master Plan. Use of capacity fee revenues to pay for the District's capital projects included in the District's ten-year spending plan reduces the amount of revenues required from water rates and charges assessed to existing users.

The District's Water Master Plan was used in the 2012 Water Capacity Fee Study. The 2012 Study used a combined methodology to calculate capacity fees based on a share of existing infrastructure (buy-in) and the proposed (growth) facilities needed to provide services to their projects by zone of benefits included in the District's Water Master Plan. The District's assets were also divided into five zones of benefits for consistency. With this method, capacity fees are collected to reimburse existing users for capital contributions invested to date by zone of benefits to future users. The District is currently estimated at 95% build-out and an update to the District's Water Master Plan is expected to be completed in fiscal year 2024. Additionally, the District is currently undergoing a new capacity fee study which is scheduled to be completed this fiscal year.

Since the 2012 Study, the District has been using a commonly used construction cost index, the Engineering News Record for Los Angeles (ENRCCI-LA), to keep up with anticipated cost increases for all needed capital facilities funded by capacity fees. This practice is consistent with Article 13 of the District's Administrative and Ethics Code. The proposed 3.8% adjustment to the District's water capacity fee for 2022 is based on the change in ENRCCI-LA from May 2021 to June 2022.

The District held a Capacity Fee Public Hearing on September 14, 2022. Notification of the September 14, 2022 public hearing was posted in the San Diego Union Tribune on September 2, 2022 and September 9, 2022 and posted on the District's website. The notice of public hearing was sent electronically to the Building Industry Association on August 22, 2022. No comments, either written or verbal, were received regarding the proposed 3.8% increase to the District's capacity fees.

### **Fiscal Impact**

Revenues generated from capacity fees are used by the District to reimburse existing users (through lower rates and charges) for water infrastructure contributed to the District and to pay for facilities included in the District's Water Master Plan and 20 Year Capital Spending Plan. The District is currently estimated at 95% build-out. Water capacity fee revenue collected in fiscal year 2022 was approximately \$361,000. Projected water capacity fee revenue over the next ten fiscal years is \$4.8 million. Delaying this water capacity fee increase would result in a revenue loss of about \$182 thousand over this ten-year period.

### **Discussion**

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

Attachments: Ordinance and Article 13 Revisions (Exhibit A)



ORDINANCE NO. 4xx

AN ORDINANCE OF THE BOARD OF DIRECTORS OF  
THE OLIVENHAIN MUNICIPAL WATER DISTRICT  
AMENDING THE DISTRICT'S ADMINISTRATIVE AND ETHICS CODE  
(Article 13 – Policy for District's Facilities)

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

SECTION 1: Section 11A of Article 13 of OMWD's Administrative and Ethics Code, Policy for District's Facilities, are hereby revised to read as shown on Exhibit A (attached).

PASSED, APPROVED AND ADOPTED at a regular meeting of Olivenhain Municipal Water District's Board of Directors held this 19<sup>th</sup> day of October 2022.

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

ATTEST:

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

<b>OLIVENHAIN MUNICIPAL WATER DISTRICT</b>  <b>ADMINISTRATIVE AND ETHICS CODE</b>	Article No. 13	Page 1 of 5
	TITLE: <b>POLICY FOR DISTRICT FACILITIES</b>	
	Latest Revision Date August 18, 2021	Ordinance No. 491

**ARTICLE 13.     POLICY FOR DISTRICT FACILITIES****Sec 13.11.       Capacity Fee and Installation Charges.****A.     OMWD Capacity Fees by Zone.****ZONE A**

Meter Size	Equivalent EDUs	Average Volume Gallons Per Day	Base Capacity Fee
5/8"	0.7	389	\$ <del>10,875</del> 11,288
3/4"	1.0	555	\$ <del>15,536</del> 16,126
1"	1.9	1,055	\$ <del>29,519</del> 30,640
1-1/2"	3.1	1,721	\$ <del>48,163</del> 49,993
2"	5.0	2,775	\$ <del>77,685</del> 80,637
3"	10.2	5,661	\$ <del>158,478</del> 164,500
4"	17.1	9,491	\$ <del>265,684</del> 275,779
6"	36.0	19,980	\$ <del>559,338</del> 580,592
8"	65.0	36,075	\$ <del>1,009,918</del> 1,048,294

**Sec 13.11.       Capacity Fee and Installation Charges****A.     Capacity Fees by Zone.     *continued*****ZONE B**

Meter Size	Equivalent EDUs	Average Volume Gallons Per Day	Base Capacity Fee

<b>OLIVENHAIN MUNICIPAL WATER DISTRICT</b>  <b>ADMINISTRATIVE AND ETHICS CODE</b>	Article No. 13	Page 2 of 5
	TITLE: <b>POLICY FOR DISTRICT FACILITIES</b>	
	Latest Revision Date August 18, 2021	Ordinance No. 491

**ARTICLE 13.     POLICY FOR DISTRICT FACILITIES**

5/8"	0.7	<b>389</b>	<b>\$ <u>7,8038,099</u></b>
3/4"	1.0	<b>555</b>	<b>\$ <u>11,14711,570</u></b>
1"	1.9	<b>1,055</b>	<b>\$ <u>21,18221,986</u></b>
1-1/2"	3.1	<b>1,721</b>	<b>\$ <u>34,56235,875</u></b>
2"	5.0	<b>2,775</b>	<b>\$ <u>55,74657,864</u></b>
3"	10.2	<b>5,661</b>	<b>\$ <u>113,724118,045</u></b>
4"	17.1	<b>9,491</b>	<b>\$ <u>190,656197,900</u></b>
6"	36.0	<b>19,980</b>	<b>\$ <u>401,382416,634</u></b>
8"	65.0	<b>36,075</b>	<b>\$ <u>724,718 752,257</u></b>

**Sec 13.11.     Capacity Fee and Installation Charges.**

**A.     Capacity Fees by Zone.     *continued***

**ZONE C**

Meter Size	Equivalent EDUs	<b>Average Volume Gallons Per Day</b>	Base Capacity Fee
5/8"	0.7	<b>389</b>	<b>\$ <u>7,9478,248</u></b>
3/4"	1.0	<b>555</b>	<b>\$ <u>11,35411,785</u></b>
1"	1.9	<b>1,055</b>	<b>\$ <u>21,57622,395</u></b>
1-1/2"	3.1	<b>1,721</b>	<b>\$ <u>35,20336,540</u></b>
2"	5.0	<b>2,775</b>	<b>\$ <u>56,78158,938</u></b>

<b>OLIVENHAIN MUNICIPAL WATER DISTRICT</b>  <b>ADMINISTRATIVE AND ETHICS CODE</b>	Article No. 13	Page 3 of 5
	TITLE: <b>POLICY FOR DISTRICT FACILITIES</b>	
	Latest Revision Date August 18, 2021	Ordinance No. 491

**ARTICLE 13.     POLICY FOR DISTRICT FACILITIES**

<b>3"</b>	<b>10.2</b>	<b>5,661</b>	<b>\$ <del>115,836</del><u>120,237</u></b>
<b>4"</b>	<b>17.1</b>	<b>9,491</b>	<b>\$ <del>194,197</del><u>201,576</u></b>
<b>6"</b>	<b>36.0</b>	<b>19,980</b>	<b>\$ <del>408,836</del><u>424,371</u></b>
<b>8"</b>	<b>65.0</b>	<b>36,075</b>	<b>\$ <del>738,177</del><u>766,227</u></b>

**Sec 13.11.     Capacity Fee and Installation Charges.**

**A.     Capacity Fees by Zone.     *continued***



<b>OLIVENHAIN MUNICIPAL WATER DISTRICT</b>	Article No. 13	Page 4 of 5
	<b>TITLE: POLICY FOR DISTRICT FACILITIES</b>	
	Latest Revision Date August 18, 2021	Ordinance No. 491

**ADMINISTRATIVE AND ETHICS CODE**

ARTICLE 13. POLICY FOR DISTRICT FACILITIES

**ZONE D**

Meter Size	Equivalent EDUs	<del>Average Volume Gallons Per Day</del>	Base Capacity Fee
5/8"	0.7	<del>389</del>	\$ <del>16,468</del> <u>17,093</u>
3/4"	1.0	<del>555</del>	\$ <del>23,527</del> <u>24,421</u>
1"	1.9	<del>1,055</del>	\$ <del>44,702</del> <u>46,400</u>
1-1/2"	3.1	<del>1,721</del>	\$ <del>72,937</del> <u>75,708</u>
2"	5.0	<del>2,775</del>	\$ <del>117,642</del> <u>122,112</u>
3"	10.2	<del>5,661</del>	\$ <del>239,989</del> <u>249,108</u>
4"	17.1	<del>9,491</del>	\$ <del>402,337</del> <u>417,625</u>
6"	36.0	<del>19,980</del>	\$ <del>847,027</del> <u>879,214</u>
8"	65.0	<del>36,075</del>	\$ <del>1,529,357</del> <u>1,587,472</u>

Sec 13.11. Capacity Fee and Installation Charges.

A. Capacity Fees by Zone. *continued*

<b>OLIVENHAIN MUNICIPAL WATER DISTRICT</b>	Article No. 13	Page 5 of 5
	<b>TITLE: POLICY FOR DISTRICT FACILITIES</b>	
	Latest Revision Date August 18, 2021	Ordinance No. 491

**ADMINISTRATIVE AND ETHICS CODE**

**ARTICLE 13. POLICY FOR DISTRICT FACILITIES**

**ZONE E**

Meter Size	Equivalent EDUs	Average Volume Gallons Per Day	Base Capacity Fee
5/8"	0.7	389	\$ <del>8,059</del> 8,365
3/4"	1.0	555	\$ <del>11,514</del> 11,951
1"	1.9	1,055	\$ <del>21,878</del> 22,709
1-1/2"	3.1	1,721	\$ <del>35,697</del> 37,053
2"	5.0	2,775	\$ <del>57,578</del> 59,765
3"	10.2	5,661	\$ <del>117,461</del> 121,924
4"	17.1	9,491	\$ <del>196,922</del> 204,405
6"	36.0	19,980	\$ <del>414,573</del> 430,326
8"	65.0	36,075	\$ <del>748,535</del> 776,979

**NOTES:**

<sup>1</sup> Supplemental Capacity Fee Charges

Volume Charge - Base capacity fee includes a base volume usage of 555 gallons per day per EDU. If anticipated usage will exceed this base volume, the base capacity fee will increase in the ratio of anticipated volume over base volume.

# Memo

Date: October 19, 2022  
To: Olivenhain Municipal Water District Board of Directors  
From: Rainy Selamat, Finance Manager  
Via: Kimberly Thorner, General Manager  
Subject: **CONSIDER ADOPTION OF A RESOLUTION MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION FINDINGS TO ESTABLISH WATER CAPACITY FEES WITHIN ZONES OF BENEFIT IN THE DISTRICT, AND ORDER A NOTICE OF EXEMPTION BE FILED WITH THE COUNTY CLERK OF THE COUNTY OF SAN DIEGO**

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## Purpose

The purpose of this agenda item is to ask the Board to consider adoption of a Resolution exempting the 2022 water capacity fees within zones of benefit from California Environmental Quality Act (CEQA), and to authorize a Notice of Exemption (NOE) to be signed by the District's General Manager and filed with the County Clerk of the County of San Diego. The District's proposed increase to capacity fees qualifies as exempt under CEQA guidelines.

The attached Resolution and NOE have been reviewed by the District's General Counsel, Mr. Alfred Smith.

## Recommendation

Staff is recommending that the Board consider and adopt the Resolution and file the NOE to commence the 35-day statute of limitations period for filing protests. The proposed increase to the District's capacity fees qualifies as exempt as defined by CEQA guidelines 15378(b)(4), 15061(b)(3), 15273(a)(1), 15273(a)(3), and 15273(a)(4).

## **Alternatives**

The Board may decide to (1) not declare the District's water capacity fees as exempt from CEQA, or (2) may adopt the Resolution but not file the NOE with the County Clerk's office, in which case the 180-day statute of limitations for filing protests would automatically apply.

## **Background**

To avoid large spikes in water capacity fees and the increase's effects on new customers or developers, the District plans to increase its water capacity fees within its Zones of Benefits using the Engineering News Record Cost of Construction Index for Los Angeles (ENRCCI-LA). This practice is consistent with Article 13 of the District's Administrative and Ethics Code.

The purpose of these capacity fee increases is to raise essential funds to meet anticipated capital expenses in order to maintain existing water service levels within existing service areas. The fees will not be used to expand existing levels of water service and are therefore exempt from CEQA.

## **Fiscal Impact**

There is no fiscal impact for the adoption of the Resolution other than a \$50 fee to file the NOE with the County Clerk.

## **Discussion**

The Board conducted a public hearing on water capacity fee increases on September 14, 2022. Notification of the September 14, 2022 public hearing was posted in the San Diego Union Tribune on September 2, 2022 and September 9, 2022. The notice of public hearing was sent electronically to the Building Industry Association on August 22, 2022 and posted on the District's website.

There were no oral or written comments received in regard to the proposed water capacity fee increases for 2022.

Attachments: Resolution and Notice of Exemption (Exhibit A)



RESOLUTION NO. 2022-

RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
OLIVENHAIN MUNICIPAL WATER DISTRICT MAKING  
CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION  
FINDINGS FOR THE ESTABLISHMENT OF REVISED CAPACITY  
FEES WITHIN ZONES OF BENEFIT AND ORDERING A NOTICE  
OF EXEMPTION FILED WITH THE COUNTY CLERK, COUNTY  
OF SAN DIEGO

WHEREAS, the Olivenhain Municipal Water District Board of Directors has approved increased water capacity fees within the District's established Zones of Benefit effective December 19, 2022, for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas; and

WHEREAS, pursuant to the California Environmental Quality Act, State of California (CEQA) Guidelines, the Olivenhain Municipal Water District Board of Directors has caused to be prepared a Notice of Exemption according to the State of California of Public Resources Code Section 21080; and

WHEREAS, following presentation of information on capacity fees on August 18, 2021 by District staff, the Board of Directors published notice and held a public hearing in accordance with Government Code Sections 60013, 66016, and 66018 on Wednesday, September 14, 2022 to consider the District's water capacity fee adjustment for 2022; and

WHEREAS, the District's water capacity fee within Zones of Benefit are adjusted using the Engineering News Record Construction Cost Index for Los Angeles (ENRCCI-LA) for new customers and developments within the areas served by the Olivenhain Municipal Water District; and

WHEREAS, adjustments to the District's water capacity fees within Zones of Benefit based on ENRCCI-LA is consistent with Article 13 of the District's Administrative and Ethics Code; and

WHEREAS, having heard, considered, and reviewed the report and information from interested persons who expressed their views to the Board of Directors, and being fully advised regarding the consequences of establishing capacity fees within Zones of Benefit, it is in the interest of the Olivenhain Municipal Water District and the people it serves to order a Notice of Exemption filed with the County Clerk, County of San Diego.

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

SECTION 1: The Board finds and determines that all of the foregoing recitals are true and correct and supported by substantial evidence; and the Recitals are hereby incorporated herein and made an operative part of this Resolution.

SECTION 2: The Board finds and determines that the increased capacity fees effective December 19, 2022 within established Zones of Benefit are necessary to obtain funds for capital projects required to maintain existing levels of service within the District's existing service areas.

SECTION 3: In accordance with the California Environmental Quality Act Guidelines, the Board finds and determines that establishing increased capacity fees within the District's established Zones of Benefit effective December 19, 2022 is exempt from CEQA on the following grounds:

- 1) The capacity fees being modified are not a "Project" as defined by Guidelines Section 15378 (b)(4).
- 2) The Project is exempt in accordance with Guidelines Sections 15273(a)(1), 15273(a)(3), and 15273 (a)(4).
- 3) The activity will not have any significant effect on the environment and is exempt in accordance with Guidelines Section 15061(b)(3). The rates will not be used to expand capacity within existing service areas. The Board of Directors finds and determines that the rates established by this Ordinance will not authorize or approve any project and will not expand existing levels of service.

SECTION 4: The Board of Directors of the Olivenhain Municipal Water District finds and determines that establishing capacity fees and Zones of Benefit effective October 18, 2021 is exempt for the following reasons:

- 1) No Project. The Project is a continuing administrative activity of the District, which will not result in any physical change in the environment. The establishing of capacity fees and Zones of Benefit are not being considered in conjunction with the approval of any specific project under CEQA, will not authorize or approve any project, and will be used solely to maintain service within existing service areas.
- 2) Exemption. The new capacity fees are being set based upon detailed engineering and accounting evaluations of the District's capital costs necessary to maintain existing levels of service in the District's existing service areas. No project under CEQA is being approved in conjunction with the rate increase, and the funds will be used to maintain existing levels of service and not to expand the water system.
- 3) No Significant Effect. The activity will not have any significant effect of the environment. The establishing of capacity fees and Zones of Benefit have

been set to maintain existing service within the District's existing service areas. The activity is not being considered in conjunction with any specific development activity, and no project is being approved or authorized.

- 4) Justification and Reasons. The Board of Directors finds that the justifications and reasons for the proposed fees are set forth in Exhibit "A" attached hereto and incorporated herein.

SECTION 5: The Olivenhain Municipal Water District Board of Directors orders and directs that the foregoing exemptions and reasons be made a part of the Notice of Exemption and that a Notice of Exemption be filed with the County Clerk, County of San Diego forthwith.

PASSED, ADOPTED AND APPROVED at the regular meeting of the Board of Directors of the Olivenhain Municipal Water District held on October 19, 2022.

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

ATTEST:

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

**EXHIBIT A**

**NOTICE OF EXEMPTION  
FOR WATER CAPACITY FEES**

October 19, 2022

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

From:  
Olivenhain Municipal Water District  
1966 Olivenhain Road  
Encinitas, CA 92024

County Clerk  
County of San Diego  
1600 Pacific Highway, Suite 260  
San Diego, CA 92010

PROJECT TITLE: The Olivenhain Municipal Water District has established Water Capacity Fees within Zones of Benefit effective December, 19, 2022.

PROJECT APPLICANT: Olivenhain Municipal Water District.

PROJECT LOCATION: The Olivenhain Municipal Water District encompasses approximately 31,000 acres in the northwestern portion of San Diego County. The District was originally incorporated on April 9, 1959, for the purpose of developing an adequate water supply to landowners and residents of the District. The District currently serves the community of Olivenhain, portions of Leucadia, Cardiff, Solana Beach, Rancho Santa Fe, Encinitas, Carlsbad, San Diego, San Marcos, and neighboring communities.

DESCRIPTION OF THE NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT: The Project is to increase water capacity fees within Zones of Benefit using the Engineering News Record Construction Cost Index for Los Angeles for new customers and developments within the areas already served by the Olivenhain Municipal Water District. The purpose is the raising of essential funds to meet anticipated capital expenses in order to maintain existing water service levels within existing service areas. The fees will not be used to expand existing levels of water service.

NAME OF PUBLIC AGENCY APPROVING THE PROJECT:  
Olivenhain Municipal Water District.

NAME OF PUBLIC AGENCY CARRYING OUT THE PROJECT:  
Olivenhain Municipal Water District.

EXEMPT STATUS:

1. The fee increase is not a "Project" as defined by Guidelines Section 15378(b)(4).
2. The Project is statutorily exempt in accordance with Guidelines Sections 15273(a)(1), 15273(a)(3), and 15273 (a)(4).
3. The Project will not have any significant effect on the environment, Guideline Section 15061(b)(3).

REASONS WHY PROJECT IS EXEMPT:

1. No Project. Government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant impact on the environment are considered not to be a project under CEQA definitions. The Project is the revision of existing capacity fees, which will not result in any physical change in the environment. The revising of water capacity fees within Zones of Benefit is not being considered in conjunction with the approval or construction of any specific project, will not authorize or approve any project, and will be used solely to maintain service within the existing water service areas.
2. Exemption. CEQA statutorily exempts the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which public agencies find are for the purpose of: meeting operating expenses including employee wage rates and fringe benefits; meeting financial reserve needs and requirements; and obtaining funds for capital projects necessary to maintain service within existing service areas. The revised fees will be used solely for meeting operating expenses, including employee wage rates and fringe benefits; meeting financial reserve needs and requirements; and to obtain funds for capital projects necessary to maintain existing water service within existing service areas.
3. No Significant Effect. A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The activity of increasing the water capacity fees will not have any significant effect on the environment. The fees have been set to maintain service within the existing water service areas and do not expand the District's system. No project is being authorized or approved as part of the water capacity fee revisions.

By:

\_\_\_\_\_  
Kimberly A. Thorner, General Manager  
Olivenhain Municipal Water District

Signed by Lead Agency



CONTACT PERSON:

Rainy Selamat  
Olivenhain Municipal Water District  
1966 Olivenhain Road  
Encinitas, CA 92024

(760) 753-6466 or [rselamat@olivenhain.com](mailto:rselamat@olivenhain.com)

Date Received for Filing by the County Clerk: \_\_\_\_\_, 2022

# Memo

Date: October 19, 2022  
To: Olivenhain Municipal Water District Board of Directors  
From: Rainy Selamat, Finance Manager  
Via: Kimberly Thorner, General Manager  
Subject: **CONSIDER STAFF PRESENTATION ON THE PROPOSED OMWD POTABLE AND RECYCLED WATER RATES AND CHARGES FOR 2023**

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## Purpose

The purpose of this item is to discuss Staff's proposed potable and recycled water rates for 2023.

The proposed 2023 water rates and charges are to pass through purchased water wholesale cost increases from SDCWA that are effective January 1, 2023 and from the District's recycled water suppliers that became effective July 1, 2022. The proposed adjustments are also to pass through an annual inflation adjustment based on San Diego Consumer Price Index for Urban consumers (SDCPI-U) and to adjust OMWD Fire Meter Charge as shown on OMWD's Proposition 218 Notice.

The proposed 2023 water rates and charges have been reviewed with the Finance Committee (Director Guerin and Director Watt) at its special meeting on October 4, 2022.

## Recommendation

The Finance Committee recommended that the proposed Commodity Rates, System Access Charges, and Fire Meter Charges as outlined in Staff's presentation (attached) be

brought forward for consideration and discussion with the full Board.

Following the discussion with the Board, Staff will prepare a notice on water rates and charges for 2023. This notice will be mailed out to District customers with their January 2023 water bills. The proposed changes to water rates and charges for 2023 will be brought back to the Board for adoption at the February 15, 2023 meeting. The new water rates and changes would be effective March 1, 2023. A delay in implementing any pass-through increases to water rates and charges can impact the District's financial position significantly and will be viewed negatively by the District's credit rating agencies.

### **Alternatives**

The Board can direct Staff to use \$499k of funds available in the District's Water Revenue Fund (Operating Reserves) to reduce the 2023 water rates (as described in the SDCWA Attorney Fees Refund of \$499,000 section below), or to do otherwise.

The District received \$499,000 in rebate payments from San Diego County Water Authority (SDCWA) for attorney fees in the Metropolitan Water District of Southern California litigation. The rebate payments were reported to the Board at the August 17, 2022 meeting and placed in the District's Operating Reserves fund per the Board's approval.

### **Background**

To avoid operational deficits, depletion of reserves, and inability to address water capital infrastructure needs, OMWD Board of Directors adopted an ordinance that would authorize the District, commencing January 1, 2020 and at any time through and including December 31, 2024, to pass through any: (1) increases in purchased water wholesale costs from SDCWA, and any other wholesale water charge increases imposed on OMWD by its public agency water supplier (Purchased Water Wholesale Pass-Through), (2) increases to SDCWA fixed monthly meter fees collected on water meters (SDCWA Infrastructure Access Charge), (3) increases to the District's Costs of Operations and Maintenance and Capital Facility based on over-the-year percentage change in the San Diego County Consumer Price Index for All Urban Customers (Inflationary Pass-Through), and (4) increases in water rates or any other charges mandated by the State of California and imposed on the District (CA Pass-Through.) Any and all Pass-Through Increases and Adjustments shall not exceed 9% per year, and in no event will these increases result in rates exceeding OMWD's cost of providing water services, per the ordinance.

While these are pass-through adjustments, the Board has full discretion to set and approve OMWD water rates and charges each year.

### San Diego County Water Authority (SDCWA) Water Rate Increases

On June 23, 2022, SDCWA's Board of Directors adopted a 3.7% increase to the County's "All-In" untreated water, and a 5.2% increase for the "All-In" treated water, cost per acre foot for calendar year 2023. However, the actual impact of SDCWA water rate increases varies by each member agency since SDCWA water rate increases to each member agency are both fixed and variable. This translated into a **7.5% increase** per acre foot to the District's untreated supply rate from SDCWA, a **0% increase** to the District's transportation rate, and a **1.3% increase** in fixed charges (excluding IAC) from SDCWA effective January 1, 2023.

### Recycled Water Suppliers Water Rate Increases

On July 1, 2022, Vallecitos Water District, San Elijo Joint Power Association, and City of San Diego increased their recycled water costs by 3.5%, 5.2%, and 12.4%, respectively. Increases in purchased recycled water costs from these suppliers resulted in a 6.7% overall increase to the District's blended recycled water wholesale cost per acre foot effective July 1, 2022.

### Inflationary Pass-Through Increase

To avoid operational deficits, depletion of reserves, and inability to address water capital infrastructure needs, the Board's 2019 adopted ordinance authorizes the District to pass through increases to the District's water operations and maintenance costs based on over-the-year percent change San Diego County Consumer Price Index-Urban (SDCPI-U.) The inflationary pass-through reflected in the recommended revenue adjustment for 2023 is a 6.35% increase based on the change in second half of 2021 index over second half of 2020 index. The SDCPI-U change in first half index of 2022 over first half of 2021 index was 8.15%. The District uses the second half index of SDCPI-U to calculate its annual inflation adjustments on water rates to be consistent with the 2019 Water Rate Study. SDCPI-U for the second half of 2022 will not be released by the Bureau of Labor Statistics until February 2023.

### Payments received from SDCWA on Attorney Fees of \$499,000

The District received third and fourth rebate payments totaling approximately \$499,000 (\$480,000 received in June 2022 and \$19,000 in August 2022) for OMWD's portion of attorney fee refunds (paid by SDCWA member agencies) from SDCWA related to the MWD litigation mentioned above. SDCWA paid attorney fees in the MWD litigation and collected from its member agencies from supply, customer service and general administrative costs.

The attorney fees refund currently resides in the District's Water Revenue Fund (Operating Reserves) as directed at the August 17, 2022 board meeting. This fund will be used to offset significant increases in uncontrollable expenses in a high-inflation environment and to keep OMWD's planned rate increases at 5%.

### **Fiscal Impact**

The overall proposed revenue adjustment for 2023, to pass through purchased water wholesale cost increases and to pass through the annual inflation adjustment based on SDCPI-U, is a 5.9% increase to the District's existing revenue of approximately \$58 million from water rates and charges.

The proposed 5.9% revenue adjustment for 2023 is comprised of the following adjustments to the District's current water rates and charges:

- a 3.8% proposed increase to OMWD System Access Charge (SAC)
- a 6.7% proposed increase to OMWD Commodity Rates

Staff is also proposing a 5% increase to OMWD Fire Meter Charge in addition to the 5.9% revenue adjustment for 2023. The OMWD Fire Meter Charge is a monthly fixed charge that is assessed per meter and varies by meter size on certain properties as a condition of extending or initiating water service by (1) the installation of a fire suppression system, and (2) upon the request of the property owner for the delivery of water to the property for the purpose of fire service protection. The OMWD Fire Meter Charge for 2023 would be the proposed fire meter charges for March 1, 2023 as shown on OMWD's Proposition 218 Notice.

### **Discussion**

The overall 5.9% proposed revenue adjustment for 2023 is to (1) pass through purchased water wholesale water increases from SDCWA effective January 1, 2023, (2) pass through purchased recycled water increases from recycled water suppliers effective July 1, 2022, and (3) annual inflation adjustment based on SDCPI-U mentioned above.

The 5.9% proposed revenue adjustment includes a 6.9 cents water credit per unit with the Rate Reimbursement Credit Program approved by the Board until the first and second rebate payments from SDCWA (approximately \$3.6 million) have been fully refunded in about 6 years since implemented in March 2022. This credit will help reduce the impact of purchased water wholesale cost increases on customer water bills until funds are fully depleted.



### SDCWA Attorney Fees Refund of \$499,000

Staff engaged Raftelis Financial Consultants (OMWD rate consultant) to review the proposed 2023 water rates and charges for compliance with the District's Proposition 218 notice and to evaluate the long-term impact of utilizing funds available in the reserves (the SDCWA Attorney Fees refund of \$499,000) in 2023 to offset a higher inflation rate than Staff's projection, at historic inflation rate of 2-3%.

Raftelis recommended that the District use funds available in the reserves to smooth out future rate increases (effective 2024) in what is anticipated to be a prolonged high inflationary environment. Raftelis calculated that the financial impact of \$499,000 in SDCWA attorney fee refunds on OMWD water rates and charges would be an offset of \$1.83 per month to OMWD monthly System Access Charge, or an offset of 6.8 cents per unit to OMWD's Water Commodity Rate for one year.

Staff reviewed and discussed the proposed 2023 water rates and charges and Raftelis' recommendation with the Finance Committee (Director Guerin and Director Watt) at its special meeting on October 4, 2022. The Finance Committee approved to bring the proposed 2023 water rates and charges forward for discussion with the Board and to use funds available in the District's reserves for next year's rate discussion (for rates effective in 2024).

### Notice to Customers and Next Steps

In order to stay compliant with the Proposition 218 Notice, a written notice of any water rate increases to customers must be sent at least 30 days prior to implementing any rate increases. A written notice of 2023 pass-through increases and adjustments to OMWD's water rates and charges will be mailed to customers along with their monthly water bill in January 2023 to save mailing costs.

The 2023 water rates and charges are subject to the Board's approval at the February 15, 2023 meeting. If approved by the Board, water rates and charges for 2023 would be effective March 1, 2023.

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

# **Proposed 2023 Pass-Through Increases and Adjustments (Potable and Recycled)**

OMWD Board Meeting  
October 19, 2022

# OMWD Water Rate Pass-Through Ordinance

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- The 2019 ordinance authorized the board to:
  - Pass through any increases in purchased water wholesale costs from SDCWA and any other wholesale water charge increases imposed on the District by its public agency water suppliers – Purchased Water Wholesale Pass-Through
  - Pass-through increases to SDCWA fixed monthly meter fees collected on water meters – SDCWA Infrastructure Access Charge
  - Pass-through increases to the District's Costs of Operations and Maintenance and Capital Facilities based on SDCPI-U – Inflationary Pass Through
  - Pass-through increases in water rates or any other charges mandated by the State of California and imposed on the District – CA Pass-Through
- All and all Pass-Through Increases and Adjustments of the above shall not exceed 9% per year from March 1, 2020 to December 31, 2024.
- In no event, will rates and charges be increased by more than the cost of providing water services
- Rate payers will be notified (written notice) at least 30 days prior to rate changes
- Board will set and approve rate increases each year

# Overall Revenue Adjustment and Reasons for 2023 Water Rate Increases

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- Overall revenue adjustment of 5.9% for 2023 (including 6.9 cents credit per unit of water – Rate Reimbursement Credit); planned revenue adjustment for 2023: 5%.

## Reasons for Increase:

- Purchased Water Wholesale Pass-Through
  - SDCWA Supply Rate Increase of 7.5% effective January 1, 2023
  - SDCWA Fixed Cost Increase of 1.3% (excluding IAC) effective January 1, 2023
  - Recycled water suppliers' rate increases effective July 1, 2022
- Inflationary Pass-Through:
  - Based on the change from second half of 2020 to second half of 2021 or 6.35%
  - Of note, OMWD is one year behind in its inflationary pass-through
- Fire Meter Charge
  - Based on the 2019 Water Cost of Service Study and Prop 218 Notice

# Purchased Water Wholesale Pass-Through from SDCWA for 2023

Rates and Charges Faced by OMWD	CY 2022 Rates	CY 2023 Rates	\$ Increase	% Increase
<b>Variable costs (per AF)</b>				
Melded Supply Rate	\$ 1,009	\$ 1,085	\$ 76	7.5%
Transportation	173	173	0	0.0%
<b>Untreated cost/AF</b>	<b>\$ 1,182</b>	<b>\$ 1,258</b>	<b>\$ 76</b>	<b>6.4%</b>
<b>Fixed costs (per calendar year)</b>				
Storage	\$ 2,935,570	\$ 2,971,843	\$ 36,273	1.2%
Customer Service	1,168,693	1,207,649	38,956	3.3%
Supply Reliability Charge	1,849,508	1,982,179	132,671	7.2%
Infrastructure Access Charge	1,443,780	1,446,516	2,736	0.2%
MWD Capacity Charge	441,451	328,774	-112,677	-25.5%
MWD Readiness to Serve Charge (est) <sup>1</sup>	615,366	609,946	-5,420	-0.9%
<b>Total Fixed Costs</b>	<b>\$ 8,454,368</b>	<b>\$ 8,546,907</b>	<b>\$ 92,539</b>	<b>1.1%</b>

<sup>1</sup> Readiness to Serve charge is based on fiscal year



# Purchased Water Wholesale Pass-Through from Recycled Water Suppliers

Recycled Water Rates					
Agency					
	Apr-21	Increase	Apr-22	Increase <sup>1</sup>	Apr-23
RSFCSD	\$ 794.97	3.8%	\$ 825.46	6.6%	\$ 879.91
	Jul-21	Increase	Jul-22	Increase	Jul-23
City of SD	\$ 755.33	13.4%	\$ 856.83	12.4%	\$ 962.68
	Jul-21	Increase	Jul-22	Increase	Jul-23
SEJPA <sup>2</sup>	\$ 1,254.00	5.3%	\$ 1,320.00	5.2%	\$ 1,389.00
	FY '21	Increase <sup>3</sup>	FY '22	Increase <sup>4</sup>	FY '23
VWD	\$ 1,079.00	28.1%	\$ 1,382.00	3.5%	\$ 1,431.00

1 - Estimated increase based on OMWD proposed recycled rate adjustment

2 - SEJPA amounts are net of \$450 credit

3 - Estimated increase for FY '22 based on VWD budget - awaiting retrospective adjustment

4 - Estimated increase for FY '23 based on VWD budget

# Current and Proposed Commodity Rates:

Current Commodity Charge Effective March 1, 2022 ( 1 unit=748 gallons )				
	NON-SHORTAGE	WATER SUPPLY SHORTAGE RATES		
Customer Type	(Base) Rates	10% Demand Reduction Rates	20% Demand Reduction Rates	30% Demand Reduction Rates
<b>Domestic</b>				
0-6 Units	\$3.68	\$3.91	\$4.18	\$4.53
7-23 Units	\$5.34	\$5.57	\$5.84	\$6.19
23-80 Units	\$5.96	\$6.19	\$6.46	\$6.81
Over 80 Units	\$7.09	\$7.32	\$7.59	\$7.94
<b>Agricultural</b>	\$5.88	\$6.11	\$6.38	\$6.73
Combined Agricultural/ Domestic	First 23 units per month: Follow Domestic Rate Structure. Over 23 units per month: Follow Agricultural Rate Structure.			
<b>Commercial</b>	\$5.02	\$5.25	\$5.52	\$5.87
<b>Irrigation</b>				
Tier 1	\$5.65	\$5.88	\$6.15	\$6.50
Tier 2	\$6.04	\$6.27	\$6.54	\$6.89
Construction	\$7.16	\$7.39	\$7.66	\$8.01
Recycled	\$3.79	Shortage rates do not apply		

WE ARE  
HERE



Proposed Commodity Charge Effective March 1, 2023 ( 1 unit=748 gallons )				
	NON-SHORTAGE	WATER SUPPLY SHORTAGE RATES		
Customer Type	(Base) Rates	10% Demand Reduction Rates	20% Demand Reduction Rates	30% Demand Reduction Rates
<b>Domestic</b>				
0-6 Units	\$3.92	\$4.15	\$4.42	\$4.77
7-23 Units	\$5.69	\$5.92	\$6.19	\$6.54
23-80 Units	\$6.35	\$6.58	\$6.85	\$7.20
Over 80 Units	\$7.55	\$7.78	\$8.05	\$8.40
<b>Agricultural</b>	\$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.			
<b>Commercial</b>	\$5.35	\$5.58	\$5.85	\$6.20
<b>Irrigation</b>				
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		

# Current and Proposed Irrigation Unit Allotments

## Tier 1 Allotment / Based upon water use by meter size

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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

*Please contact the District for allotments for larger meter size*

# Current & Proposed System Access Charge Compared to Prop 218 Notice

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	\$2,068.36			

Prop 218 Notice



Current and Proposed OMWD System Access Charge (SAC)				
Meter Size	Current	Change	% Change	Proposed Effective March 1, 2023
5/8"	\$30.90	\$1.17	3.8%	\$32.07
3/4"	\$40.41	\$1.53	3.8%	\$41.94
1"	\$68.93	\$2.62	3.8%	\$71.55
1-1/2"	\$106.94	\$4.06	3.8%	\$111.00
2"	\$167.16	\$6.35	3.8%	\$173.51
2-1/2"	\$303.41	\$11.53	3.8%	\$314.94
3"	\$331.93	\$12.61	3.8%	\$344.54
4"	\$550.57	\$20.92	3.8%	\$571.49
6"	\$1,149.45	\$43.68	3.8%	\$1,193.13
8"	\$2,068.36	\$78.60	3.8%	\$2,146.96

# 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, 2023
		\$	%	
5/8"	\$4.24	\$0.00	0.0%	\$4.24
3/4"(*)	\$4.24	\$0.00	0.0%	\$4.24
1"	\$8.07	\$0.00	0.0%	\$8.07
1-1/2"	\$13.17	\$0.00	0.0%	\$13.17
2"	\$21.24	\$0.00	0.0%	\$21.24
2-1/2"	\$39.52	\$0.00	0.0%	\$39.52
3"	\$43.35	\$0.00	0.0%	\$43.35
4"	\$72.67	\$0.00	0.0%	\$72.67
6"	\$152.98	\$0.00	0.0%	\$152.98
8"	\$276.24	\$0.00	0.0%	\$276.24

SDCWA staff originally proposed a decrease to the IAC charge for calendar year 2023 with a projected increase for calendar year 2024. However, the SDCWA Board voted to leave the 2023 charge the same as in the prior year and to reduce the projected increase for calendar year 2024 to help smooth out the increase for its member agencies.



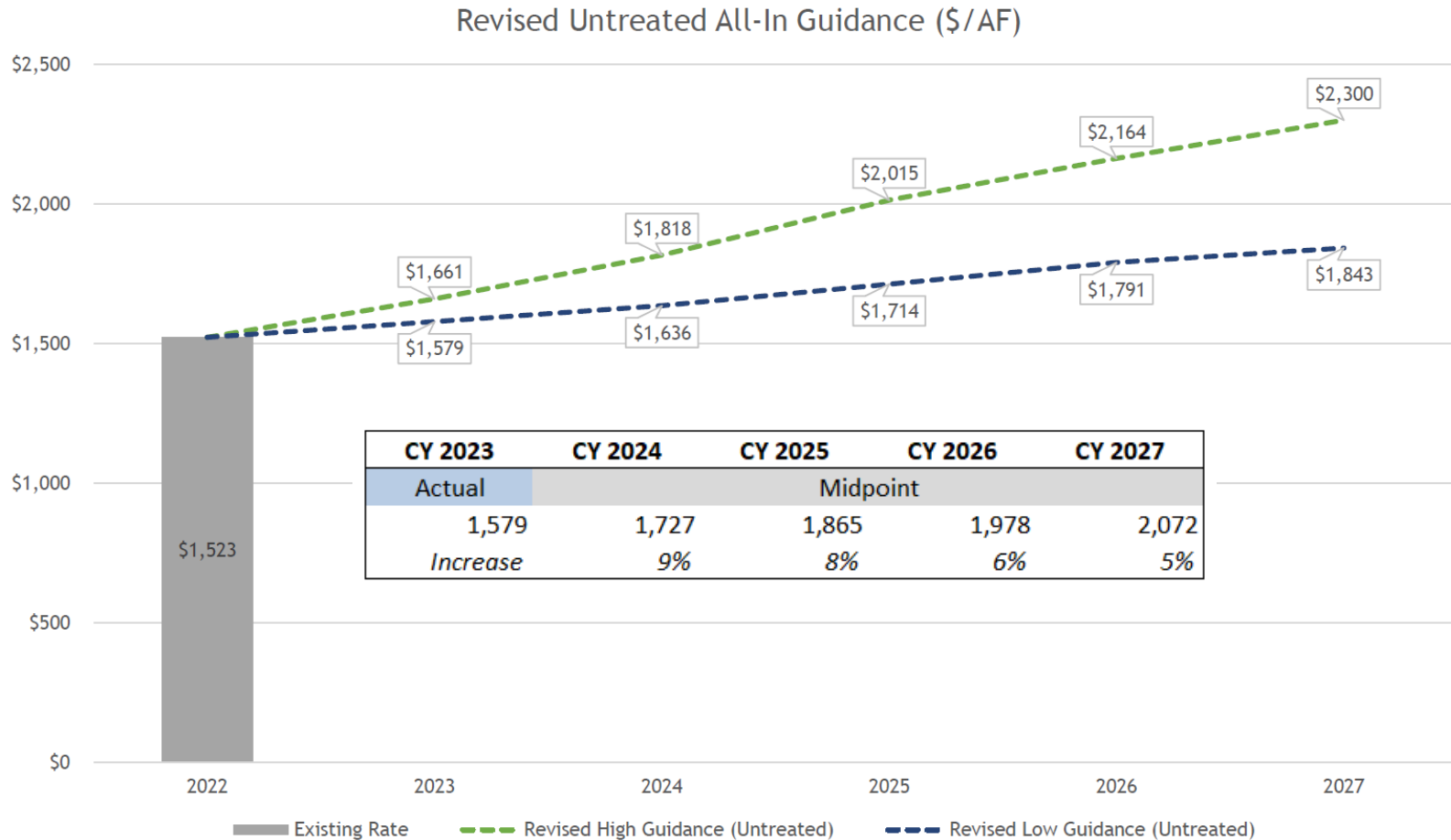
# Fire Meter Charges – Current and Proposed

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			

Prop 218 Notice

Current and Proposed OMWD Fire Meter Charge Rates (\$/Meter Size)				
Meter Size	Current	Change	% Change	Proposed Effective March 1, 2023
5/8"	\$5.31	\$0.26	4.9%	\$5.57
3/4"(*)	\$5.31	\$0.26	4.9%	\$5.57
1"	\$5.97	\$0.29	4.9%	\$6.26
1-1/2"	\$6.84	\$0.34	5.0%	\$7.18
2"	\$8.24	\$0.41	5.0%	\$8.65
2-1/2"	\$11.39	\$0.56	4.9%	\$11.95
3"	\$12.04	\$0.60	5.0%	\$12.64
4"	\$17.10	\$0.85	5.0%	\$17.95
6"	\$30.96	\$1.54	5.0%	\$32.50

# SDCWA LRFP High/Low Untreated All-In Guidance (\$/AF)

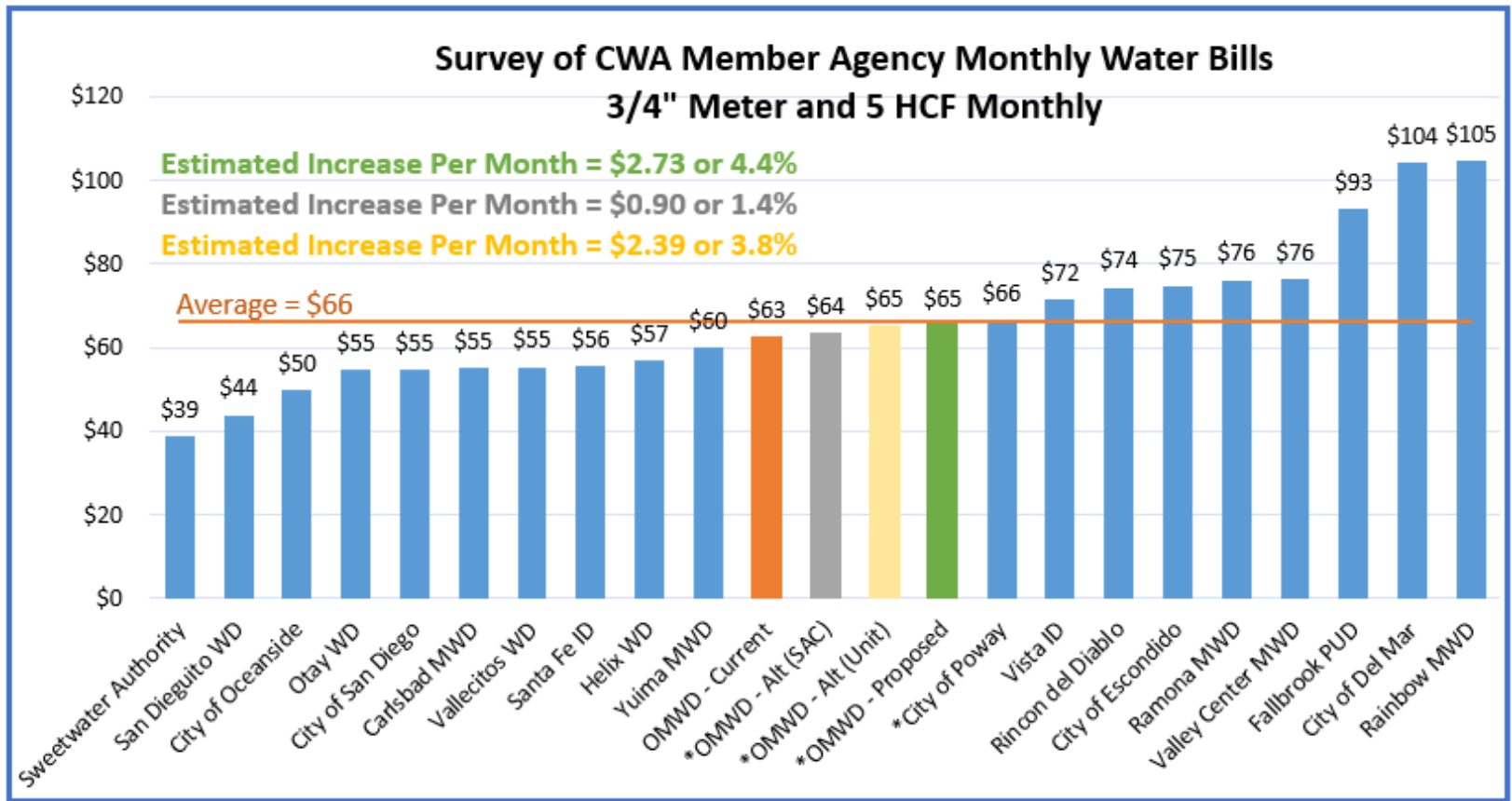


# Board Alternative

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- Received two payments from SDCWA for refunds on attorney fees in the MWD litigation of approximately \$499,000
  - \$480,000 received in June 2022 and \$19,000 in August 2022
- Placed in Water Operating Reserves per Board's approval
- Approved by the Board (8/17/22) to offset significant increases in uncontrollable expenses in a high-inflation environment (about 8%)
- Rate Consultant's (Raftelis) Recommendations:
  - Calculated the impact of using \$499,000 from the reserves to offset 2023 water rate increases.
    - A \$1.83 offset to OMWD System Access Charge per meter per month, or
    - A \$0.068 offset to OMWD Commodity Rate per unit of water used
  - Not to use the reserves for 2023 water rates and charges due to a higher inflation pass-through next year (about 8%), drought, and cost of purchased water will continue to rise when inflation rates are high.

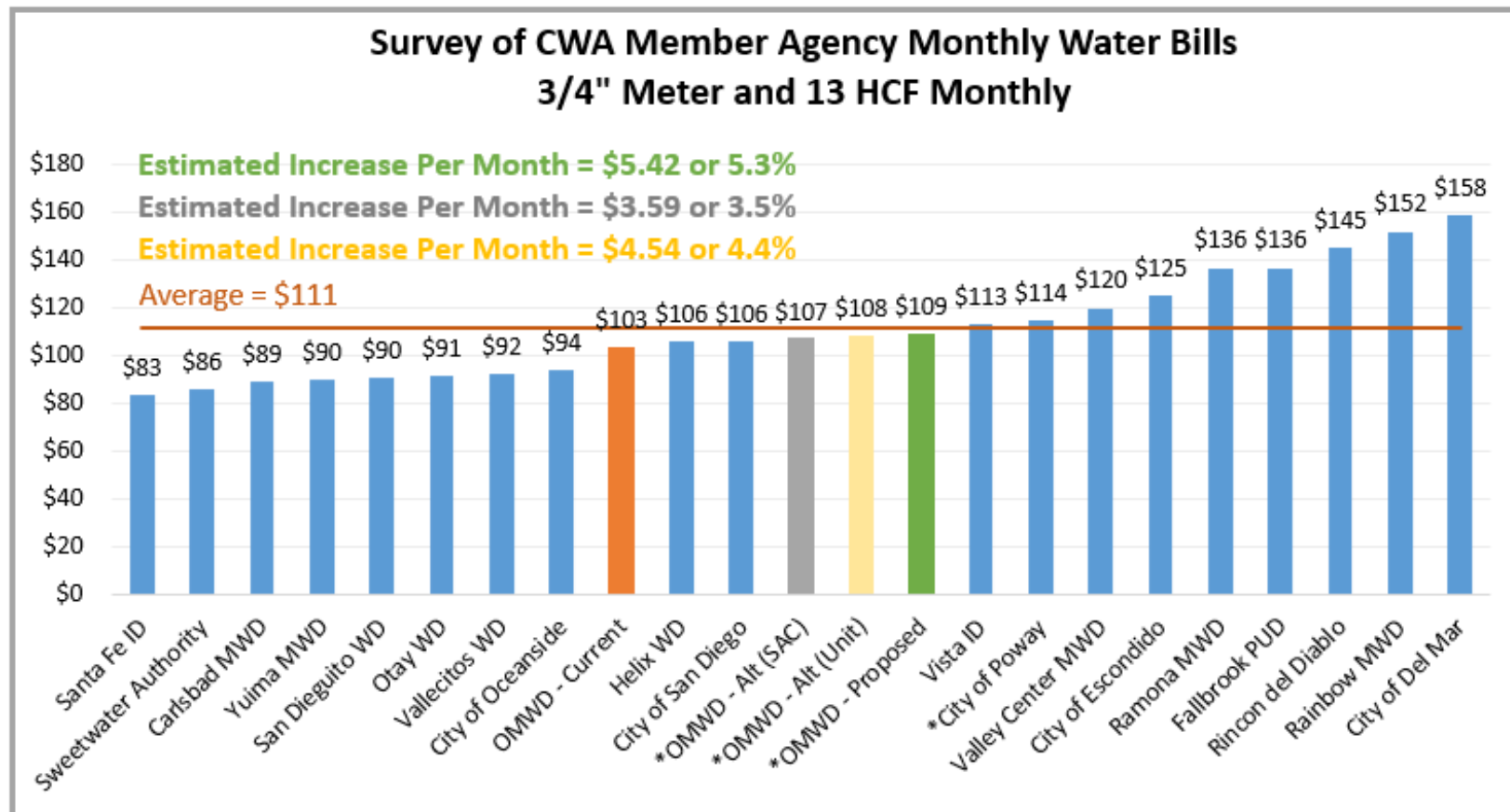
# Monthly Water Bills for Single Family Residential (5 units)



\*2023 Rates

Note: OMWD estimated monthly total includes SDCWA Rebate Credit. Rates for other agencies last updated in September 2022. Any subsequent changes are not reflected in this graph.

# Monthly Water Bills for Single Family Residential (13 units)

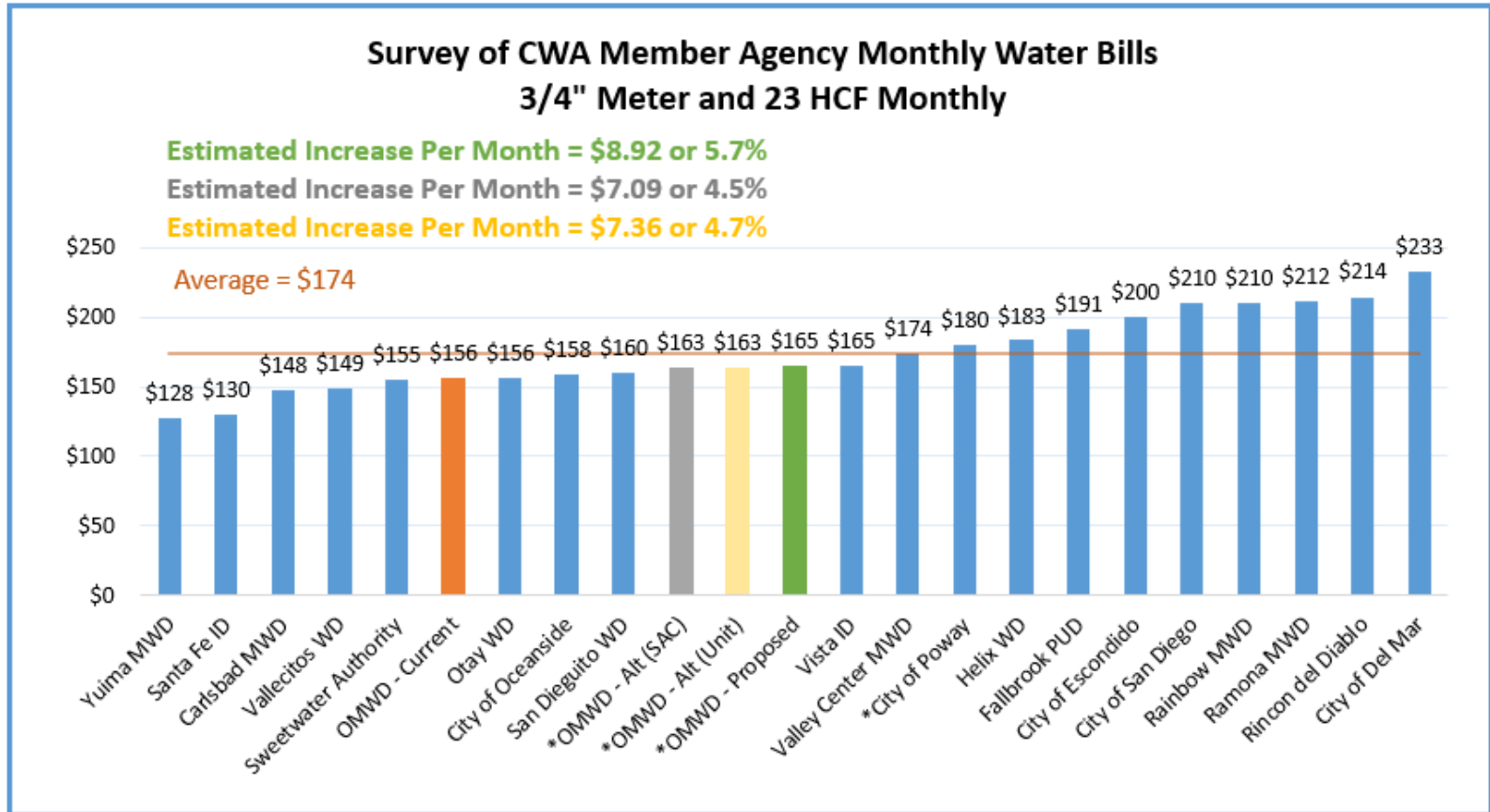


\*2023 Rates

Note: OMWD estimated monthly total includes SDCWA Rebate Credit. Rates for other agencies last updated in September 2022. Any subsequent changes are not reflected in this graph.



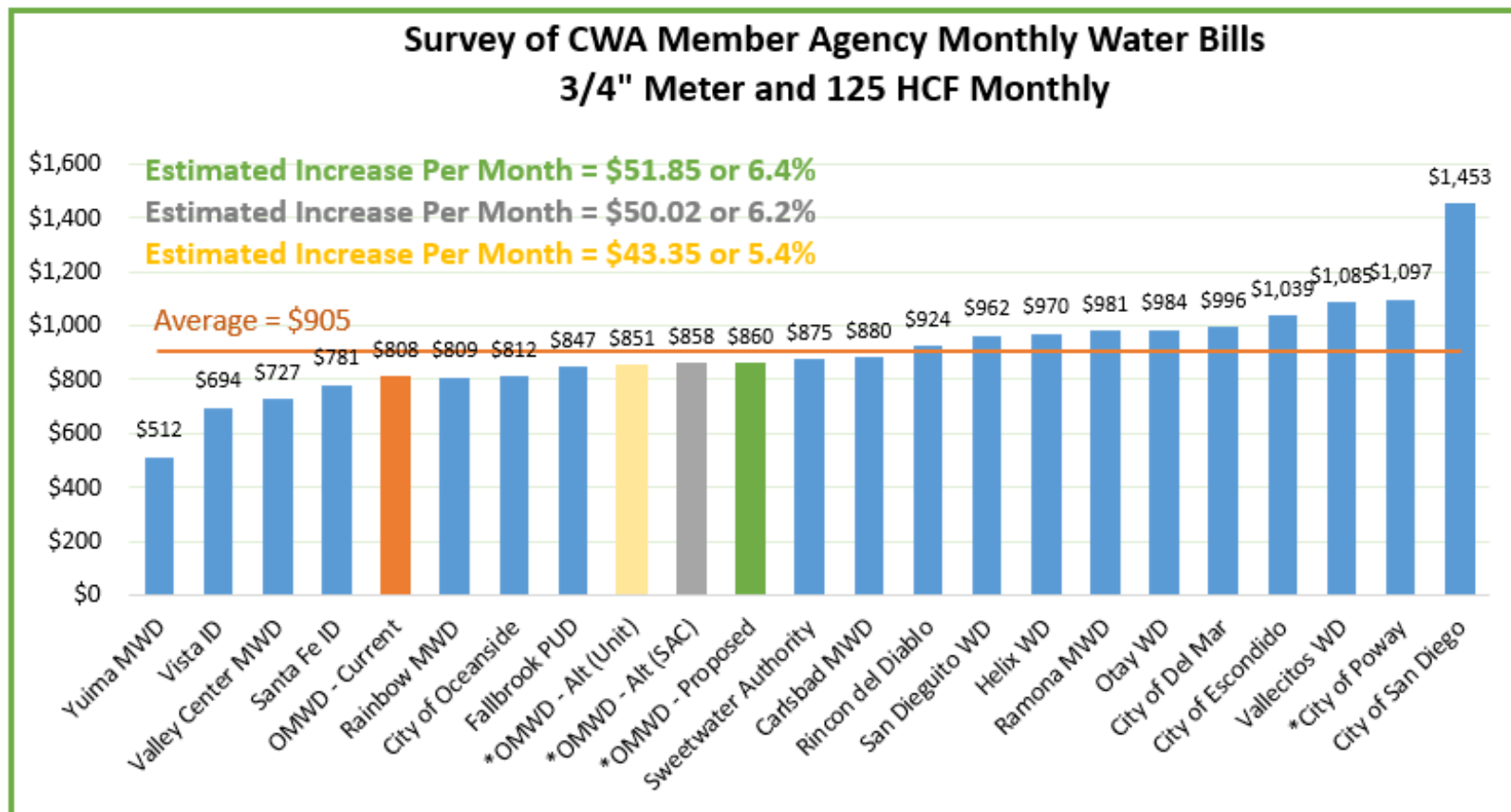
# Monthly Water Bills for Single Family Residential (23 units)



\*2023 Rates

Note: OMWD estimated monthly total includes SDCWA Rebate Credit. Rates for other agencies last updated in September 2022. Any subsequent changes are not reflected in this graph.

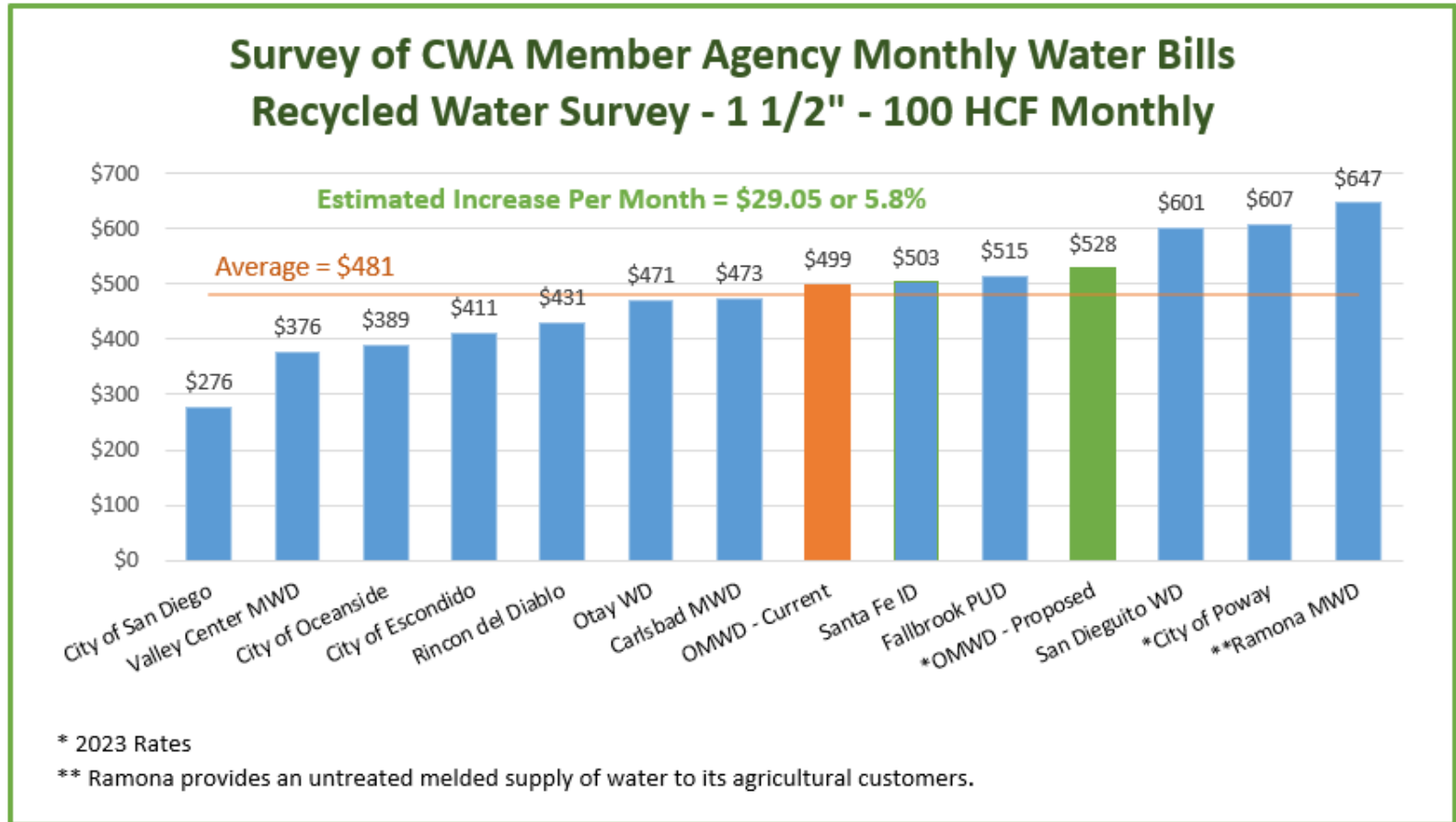
# Monthly Water Bills for Single Family Residential (125 units)



\*2023 Rates

Note: OMWD estimated monthly total includes SDCWA Rebate Credit. Rates for other agencies last updated in September 2022. Any subsequent changes are not reflected in this graph.

# OMWD Recycled Customer's Monthly Average Water Bill



Estimated monthly total includes fixed monthly fees as well as variable commodity charges. Rates for other agencies last updated in September 2022. Any subsequent changes are not reflected in this graph.

# Actual Vs Budget Comparison

	FYE 2021 Actual	FYE 2022 Adopted	% Diff from FYE 2021 Actual	FYE 2022 Actual	% Diff from FYE 2021 Actual	FYE 2023 Approved	% Diff from FYE 2022 Actual	FYE 2024 Approved <sup>5</sup>	% Diff from FYE 2023 Proposed
Cost of Water Sold	\$ 30,601,983	\$ 30,666,000	0.2%	\$ 31,265,804	2.2%	\$ 32,241,000	3.1%	\$ 34,194,000	6.1%
Salaries & Benefits	\$ 14,388,254	\$ 14,938,000	3.8%	\$ 14,639,094	1.7%	\$ 15,657,000 <sup>3</sup>	7.0%	\$ 16,817,000 <sup>4</sup>	7.4%
Operations (Water and Wastewater)	\$ 9,002,542	\$ 9,784,200	8.7%	\$ 9,941,102	10.4%	\$ 10,547,000	6.1%	\$ 10,889,000	3.2%
Transfer to Reserve for CIP	\$ 7,400,000	\$ 10,300,000	39.2%	\$ 10,300,000	39.2%	\$ 9,990,000	-3.0%	\$ 9,500,000	-4.9%
Loan and Debt Service Payments	\$ 5,776,055	\$ 6,344,000	9.8%	\$ 6,040,295 <sup>2</sup>	4.6%	\$ 6,424,000	6.4%	\$ 6,420,000	-0.1%
Capitalized Operating Expenditures <sup>1</sup>	\$ (791,221)	\$ (1,319,000)	66.7%	\$ (707,248)	-10.6%	\$ (1,630,000)	130.5%	\$ (1,550,000)	-4.9%
Annual Revenue Required from Rates & Charges	\$ 66,377,613	\$ 70,713,200	6.5%	\$ 71,479,047	7.7%	\$ 73,229,000	2.4%	\$ 76,270,000	4.2%

<sup>1</sup> District labor and overhead for hours spent on capital projects net of departmental depreciation allocation

<sup>2</sup> Excludes 2018A refunding payment - debt refunded with 2021B bond

<sup>3</sup> Includes addition of (1) FTE for WTP Operator II

<sup>4</sup> Includes addition of (1) New FTE for WW Operator and unfreezing (2) vacant utility positions

<sup>5</sup> FY 2024 Approved amounts will be reviewed and revised as necessary in midterm budget review in March 2023

## Break down of each cost component above as a % of Total

	FYE 2021 Actual	FYE 2022 Adopted	FYE 2022 Actual	FYE 2023 Approved	FYE 2024 Approved
Cost of Water Sold	46%	43%	44%	44%	45%
Salaries & Benefits	22%	21%	20%	21%	22%
Operations (Water and Wastewater)	14%	14%	14%	14%	14%
Transfer to Reserve for CIP	11%	15%	14%	14%	12%
Loan and Debt Service Payments	9%	9%	8%	9%	8%
Capitalized Operating Expenditures	-1%	-2%	-1%	-2%	-2%
Annual Revenue Required from Rates & Charges	100%	100%	100%	100%	100%

# Actions and Next Steps

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- Receive directions from the Board on the proposed 2023 water rates and charges
- Timeline
  - Tentatively approved water rates and charges for 2023 will be included in the January 2023 watching water (a 30-day written notice to customers per Prop 218)
  - 2023 water rates and charges will be brought for approval and adoption by the Board at the February 2023 meeting
  - New water rates and charges would be effective March 1, 2023



# Memo

Date: October 19, 2022  
To: Olivenhain Municipal Water District Board of Directors  
From: Mark Wilson, Operations Supervisor  
Via: Kimberly A. Thorner, General Manager  
Subject: **CONSIDER A PRESENTATION ON THE OLIVENHAIN MUNICIPAL WATER DISTRICT FLEET AND FLEET MAINTENANCE (INFORMATIONAL ITEM)**

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## Purpose

The purpose of this agenda item is to provide the Board with an overview of the Olivenhain Municipal Water District (OMWD) fleet and fleet maintenance. This Item was requested by the Board at the June Board meeting.

## Recommendation

This is an informational item; no action is required.

## Alternative(s)

Not applicable; informational item only.

### **Background**

This item is a request made by the Board at the June 22, 2022 meeting to review OMWD's fleet and fleet maintenance.

### **Fiscal Impact**

There are no costs directly associated with this informational report.

### **Discussion**

Staff will review the attached presentation at the October 19, 2022 meeting and respond to any questions.

*Attachment(s):*

*OMWD Fleet PowerPoint Presentation*

# Fleet Maintenance Program

October 19, 2022



# OMWD Fleet

60 vehicles and 5 pieces of heavy equipment:

- 29 – ½ ton Pickup Trucks (F-150)
- 14 – ¾ ton Pickups with Utility Beds
- 10 – 1 ton Construction Trucks
- 7 – Flatbed Trucks
- 4 – Backhoes
- 1 - Loader



# Preventative Maintenance (PM) VS. Corrective Maintenance (CM)

## Preventative Maintenance

- Oil/Fluid Changes
- Tire Replacements
- Brake Replacements
- 30k/60k/90k Tune-ups

## Corrective Maintenance

- Flat Tire Repairs
- Dead Battery Repairs
- Transmission, Water Pumps, Starter, Alternator Repairs



# Fleet Maintenance

OMWD's Fleet Mechanic performs 100% of Preventative Maintenance and 95% of Corrective Maintenance on the fleet

## Total Maintenance Expenditures

FY 20/21 - 80K

FY 21/22 - 56K



# Fleet Disposal

In accordance with OMWD's Administrative and Ethics Code Article 6 Regulation Governing Purchases & Surplus Sales - Section 6.6 Surplus Sales:

*Surplus items having a saleable value shall be accumulated by District personnel and may be sold at the discretion of the General Manager or his/her designee. Surplus items with an estimate value in excess of \$500 for a specific category shall be appropriately advertised and either auction or sold on a negotiated basis depending upon the circumstances. The General Manager or his/her designee shall determine the method of sale and the objective shall always be to obtain the maximum benefit possible for the District. The Asset Disposal Form shall be completed on all surplus items sold or disposed of for auditing purposes. In the case of surplus property determined by the General Manager to be trash or scrap with De Minimus value, staff may dispose of property in an appropriate manner.*

# Fleet Disposal

- OMWD performs an annual evaluation of the fleet
- OMWD vehicles that reach 10 years or 100K miles shall be considered for replacement
- The goal is to fully utilize and dispose of vehicles before reliability decreases and maintenance costs increase
- An aging fleet is likely to result in higher maintenance costs (sometimes as much as the value of the vehicle) and likely a lower surplus value
- OMWD contracts with Cal Auction to dispose of surplus vehicles annually

# Questions?

# Memo

Date: October 19, 2022

To: Olivenhain Municipal Water District Board of Directors

From: Lindsey Stephenson, Engineering Manager

Via: Kimberly A. Thorner, General Manager

Subject: **CONSIDER APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH CAROLLO ENGINEERS, INC. IN THE AMOUNT OF \$548,614 FOR THE DAVID C. MCCOLLOM WATER TREATMENT PLANT CONDITION ASSESSMENT PROJECT AND INCREASE THE OVERALL PROJECT BUDGET BY \$185,000 AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD**

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## Purpose

The purpose of this agenda item is to consider approval of a professional services agreement (PSA) with Carollo Engineers, Inc. (Carollo) in the amount of \$548,614 for the David C. McCollom Water Treatment Plant (DCMWTP) Condition Assessment Project (Project), increase the overall Project budget in the amount of \$185,000, and authorize the General Manager to sign on behalf of the Olivenhain Municipal Water District (OMWD).

## Recommendation

Staff recommends approval of the PSA with Carollo in the amount of \$548,614 for the DCMWTP Condition Assessment Project and increasing the overall Project budget by \$185,000.



## **Alternatives**

- The Board could direct staff to select another firm to provide improvement recommendations; or
- The Board could elect to delay the project until a future date; however, this could delay inspection of assessment of critical plant infrastructure which could result in limited treatment capabilities and plant production should facilities fail to be proactively managed.

## **Background**

OMWD owns and operates the DCMWTP, located in Director Division 1 (Topolovac), which provides the majority of treated drinking water to its customers. The DCMWTP began serving water in 2002 and consists of a membrane plant utilizing ultra-filtration membrane technology, which provides a physical barrier to pathogens and prevents the passage of solids larger than the pores in the membrane.

The DCMWTP recently celebrated its 20<sup>th</sup> anniversary. Past planning efforts at DCMWTP included a capacity reliability study in 2018 and some key condition inspections in recent years, as well as regular maintenance performed by staff. As the facility ages and OMWD strives to proactively manage infrastructure and maintain reliable service, OMWD identified a need to complete a comprehensive condition assessment study of the facility and provide recommendations to maintain reliable water supply. Staff subsequently incorporated the DCMWTP Condition Assessment Project in the Board-approved 10-Year Capital Improvement Program (CIP). The Project will complete condition assessments and improvement recommendations so that OMWD can plan for rehabilitation and replacement needs at DCMWTP in the Long-Term CIP Plan.

Through a competitive selection process, Carollo was selected as the most qualified consultant to complete the services. The value for these proposed services is \$548,614.

## **Fiscal Impact**

Funds for this project in the amount of \$400,000 were approved by the Board with the FY 23-24 Capital and Operating Budget at the June 22, 2022 meeting. Additional funding will be required to authorize the Project and to allow Staff to support the Project. Total costs to complete the Project will require an additional \$185,000 to be budgeted. The additional funding is proposed to come from the water capital reserve. These revisions have been reviewed by the Finance Department. The Fiscal Summary is presented in the following table.

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

In which Fiscal Year did this project begin? **2023**

Total Project Budget: **\$400,000**

Current Fiscal Year Appropriation: **\$400,000**

To Date Approved Appropriations: **\$400,000**

Target Project Completion Date: **Fall CY 2023**

Expenditures and Encumbrances as of September 2022: **\$13,251**

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 August 2022, a Request for Proposals (RFP) was posted to OMWD's website for the DCMWTP Condition Assessment and Improvement Recommendations Project. Staff held a mandatory pre-proposal site visit on August 16, 2022 to give all interested firms an opportunity to understand the site and the Project expectations. Seven firms attended, some considering a role as a lead consultant and some firms considering roles as subconsultants. Two proposals were received on September 7, 2022 in response to the RFP. A selection panel consisting of OMWD's Consulting Engineer, Engineering Manager, Operations Manager, and the DCMWTP Supervisor was convened to review the proposals in accordance with Administrative and Ethics Code Section 6.9B. The proposals were evaluated on their approach to work, team qualifications, and project experience.

Both firms submitted strong proposals. To make a final determination, the selection committee elected to conduct interviews with both firms on September 15, 2022. From there, the selection committee selected Carollo as the most qualified consultant. A summary of the proposals, ratings, and fees is presented in the following table:

<b>Firm</b>	<b>Proposal Rating</b>	<b>Fee</b>
Carollo	4.6	\$529,682
Hazen	4.2	\$567,839

Carollo was selected based on the strength of their proposal and interview which included their approach to the work, team qualifications, experience, and cost. Carollo has relevant and applied condition assessment work at treatment plants, including surface water treatment plants, for which staff contacted references for relevant experience at City of San Diego, Sweetwater, Oceanside, and San Elijo JPA and received positive feedback. Carollo uses a non-proprietary database for the condition assessment results that OMWD can continue to leverage in the future. Carollo also has familiarity with OMWD standards and staff, from other recent OMWD projects.

Following selection as the most qualified consultant, staff entered into negotiations with Carollo. Based on review of the proposals and interviews, staff refined some of the proposed inspections and requested an additional stakeholder presentation, resulting in the proposed scope and fee attached. The proposed services include: developing the condition assessment plan; completing the condition assessments and inspections; preparing improvement recommendations based on the results; and preparing a report documenting the efforts.

The proposed agreement is attached for your information. Staff is available to answer any questions.

*Attachment:*

*Slides*

*Proposal*

# DAVID C. MCCOLLOM WATER TREATMENT PLANT CONDITION ASSESSMENT PROJECT

October 19, 2022



# Purpose and Recommendations

- Approve a Professional Services Agreement with Carollo Engineers, Inc. in the amount of \$548,614 for the David C. McCollom Water Treatment Plant (DCMWTP) Condition Assessment Project (Project)
- Increase the overall Project budget by \$185,000
- Authorize the General Manager to sign on behalf of OMWD





# Background and Project Overview

- DCMWTP began service in 2002
- Need for comprehensive condition assessment
- Maintain reliable service
- Project planned for FY 23 budget
- Results will be incorporated into Long-Term CIP Plan



# Competitive Selection

- Request for Proposals

- RFP advertised in August/September
- Mandatory site walk
- 2 proposals submitted
- Both interviewed
- Carollo selected as most qualified
- Entered negotiations

- Proposed Services

- Develop the assessment plan
- Complete the condition assessments and inspections
- Prepare improvement recommendations
- Prepare and present report

Firm	Proposal Rating	Fee
Carollo	4.6	\$529,682
Hazen	4.2	\$567,839

# Fiscal Impact

- FY begin = 2023
- Total Project Budget = \$400,000
- Proposed Services = \$548,614
- Additional Budget Requested = \$185,000
- Proposed Source of Additional Budget = Water Capital Reserve

# Recommendations

- Approve a PSA with Carollo in the amount of \$548,614 for the Project
- Increase the overall Project budget by \$185,000
- Authorize the General Manager to sign on behalf of OMWD

# QUESTIONS?



October 10, 2022

Ms. Lindsey Stephenson  
Olivenhain Municipal Water District  
1966 Olivenhain Road  
Encinitas, CA 92024

Subject: Proposal for David C. McCollom Water Treatment Plant Condition Assessment

Dear Ms. Stephenson:

The David C. McCollom Water Treatment Plant (DCMWTP) is owned and operated by the Olivenhain Municipal Water District (OMWD). The DCMWTP is a critical asset to OMWD and OMWD's main source of supply water to its constituents. The Condition Assessment Project will ensure that the assets within the DCMWTP are maintained and planned for rehabilitation and replacement at appropriate times, ensuring continued water delivery service for years to come. This proposal provides our scope of services, schedule, and fee to complete this important project.

## **TASK 1 PROJECT MANAGEMENT**

### **Task 1.1 Project Management and Kickoff Meeting**

We understand the criticality of the project schedule in order to meet OMWD's capital budgeting cycle. We will use our extensive project management (PM) expertise to track and control budget and schedule and identify issues and options for resolution as early as possible to make certain that high-quality deliverables are submitted on time.

Because of the schedule and many project stakeholders, we propose to hold weekly reporting and progress meetings for the duration of the project. These will include updates on work completed, progress anticipated over the next week, any deliverable due dates, any information required from OMWD, and any issues that could impact the project schedule.

In addition, we will provide a project status report email to the OMWD Project Manager monthly. This will include a recap of the work completed over the previous month, progress anticipated over the next month, the next deliverable due date, any outstanding information requested from OMWD, and the identification of any issues that could delay the delivery of the project on schedule. This status report will also be included with our monthly invoice.

Once we receive notice to proceed, we will coordinate a kickoff meeting with OMWD to confirm project objectives, review the finalized scope, review the schedule, identify key stakeholders, and provide and review additional data requested.

We have thoroughly reviewed the background documents, including the drawings, asset export from the Infor EAM system, and the 2018 Capacity Reliability Study. As a member of our team, Peterson Structural Engineers completed the structural condition assessment earlier this year, so we are experienced with the assessment results. Additional data requested includes but is not limited to:

- Full record drawings.
- Infor EAM work order history.

- Any additional condition assessments completed as part of other planning efforts.
- Other relevant data on asset condition.

To be fully prepared for subsequent task, we request that the available data be sent prior to the Task 2 onsite meeting.

### **Task 1.2 Quality Control/Quality Assurance**

Carollo Engineers, Inc. (Carollo) has implemented and maintains an extensive Quality Management Program based on the concept of continually improving quality through identifying and correcting problems so they do not reoccur, identifying and eliminating inefficiency and waste, reducing variability, and increasing performance. The Quality Management Program is overseen by a Quality Management Committee of principals and associates. The program includes a continual evolution of the in-house Quality Management Manuals.

In addition to our vigorous in-house procedures, we will establish project specific quality management approaches through the use of project status meetings, standardization of meeting agendas, meeting notes and memos, workshops, and internal review of all deliverables.

#### **Task 1 Assumptions:**

- Kickoff meeting at OMWD.

#### **Task 1 Deliverables:**

- Kickoff meeting agenda and presentation.
- Data request list.
- Kickoff meeting summary.
- Weekly progress calls.
- Monthly progress reports.
- Monthly invoices with supporting documentation.

## **TASK 2 PRELIMINARY PHASE – CREATE CONDITION ASSESSMENT PLAN**

### **Task 2.1 Review Previous Planning Work and Meet with OMWD**

The staff at OMWD know the assets better than anyone, so we will begin Task 2 by meeting with OMWD staff to review the facilities, confirm our understanding of the information received, and discuss the preliminary approach. The key to the approach is the identification of the level of assessment necessitated by asset factors, such as asset criticality and historic performance (corrosion, membrane, structural, etc.).

### **Task 2.2 Records Research**

Review additional data, conduct any additional research, review asset maintenance records, interview non-operations staff.

### **Task 2.3 Preliminary Onsite Review of DCMWTP**

Meet with OMWD staff and detailed review of facilities. Review facilities via tour, interview operations and maintenance staff, and interview others familiar with processes and equipment performance.

### **Task 2.4 Prepare Draft Assessment Plan and Schedule**

Carollo will conduct an Assessment Plan and Schedule Review Workshop at OMWD with staff and provide details on the specifics for assets being assessed; the various assessment methodologies applied to those assets; and scheduling to maximize opportunities during wet season, any scheduled shutdowns, and minimize impact on staff. We will review with OMWD our initial prioritization of assets for advanced testing and identify asset criticality to the delivery of expected levels of service from the DCMWTP.

For the condition assessment data gathering, we use a mobile, non-proprietary tool called CarolloAM. CarolloAM is preconfigured with specific assessment criteria and scoring matrices and will be preloaded with an export from your Infor EAM database. Upon completion of the condition assessments, the data gathered in the field will be provided back to you in a format compatible with Infor EAM, and you will have the ability to update your live database with the data gathered in the field.

Not all assets will require advanced testing and evaluation, so the condition assessment activities will be segmented into two categories. Level 1 assessments will be targeted to those assets that have not previously been identified in earlier meetings as demonstrating excessive decay, are not deemed critical assets to the delivery of the required level of service from the plant, or have been installed in the last two years. Level 1 assessments will include visual assessment of an assets condition.

Because of the efficiencies that CarolloAM offers in condition assessment, we will conduct a visual condition assessment (excluding those that will receive the Level 2, more detailed assessments) of all the assets listed in the Infor EAM asset register to provide OMWD with a baseline. We believe this will position OMWD to establish a baseline to build any additional advanced assessments in the future. Business processes for that sustainment will be identified in Optional Task 5.

Visual condition assessments will be completed by discipline leads in civil, structure, mechanical, electrical, process and instrumentation, and piping. The condition scoring criteria is pre-configured in CarolloAM specific to discipline and asset type and was detailed by our experts in each discipline. These experts each have over 30 years of experience and set the standard for all Carollo condition assessments. Our discipline leads will document the assessed condition and capture photographs of the specific assets.

Level 2 assessments are those assets that are deemed critical to the delivery of the required level of service from the plant, have been previously identified as needing advanced testing and assessment, such as the membrane basin concrete, membrane building, metallic piping, bridge crane, metallic water storage tanks, and residuals handling building, or assets that OMWD has identified as needing advanced assessment methodology.

Examples of assets for level 2 assessment and the associated methodologies are:

- **Concrete sounding** to detect voids, delamination, or honeycombs.
- **Concrete penetration testing** to detect loosened materials.
- **Concrete surface pH testing** to detect sufficient pH for corrosion protection.
- **Surface penetrating radar** to measure depth of concrete cover, identify reinforcing steel and detect coarse voids and defects.
- **Ultrasonic thickness (UT) testing** to determine existing thickness of metallic surfaces and identify excessive corrosion.
- **Concrete core sampling and testing** (3 inches or less, no reinforcing damage) for compressive strength testing, incremental chloride, carbonation and pH, petrographic analysis and concrete condition assessment.
- **Dry film thickness testing** determines thickness of the coatings protecting the metal.
- **Radiography at stainless steel butt welds** to assess the welds and determine the level of degradation.
- **Closed-circuit television (CCTV)** to video interior spaces for assessment.
- **Seismic or ACE 41 structural evaluation** for seismic activity tolerance.

#### **Task 2.5 Prepare Final Assessment Plan and Schedule**

Following the workshop, we will incorporate feedback and decisions and submit the final assessment plan with identified OMWD participants and schedule.

This will serve as the schedule that will guide the remaining activities.

#### *Task 2 Assumptions:*

- OMWD will provide data requested, and Carollo will have reviewed data prior to Task 2.1.
- Workshop will take place at OMWD.
- Draft workshop and plan will be submitted within six weeks after Notice to Proceed.
- Carollo will work with OMWD to receive Infor EAM asset register export.

#### *Task Deliverables:*

- Workshop agenda and presentation.
- Meeting summary.
- Draft plan with proposed schedule.
- Final plan with schedule.
- CarolloAM configured database with Infor EAM asset register populated.

## TASK 3 CONDITION ASSESSMENT AND REPORT

### Task 3.1 Recommendations for the Asset Database

A lot of effort by both the Carollo team and OMWD will take place as part of the condition assessment activities, so we want to be certain that we are maximizing the collection of the right data. Prior to the field work, Carollo will conduct a workshop with OMWD focused on identification of possible enhancements to the Infor EAM database. The workshop will include a review of:

- The vision OMWD has for managing the assets at DCMWTP.
- Examination of how data in Infor EAM will support that vision.
- Review of state of the current asset registry.
- Identification of missing data that can be collected during the field work (for example, estimated useful life).
- Identification of extraneous data that might dampen effective use of Infor EAM.
- Review of CarolloAM export, which will be provided to OMWD after condition assessment for upload into Infor EAM.
- Discussion of possible business processes to keep condition information current after the project.

### Task 3.2 Inspection and Testing

The Carollo team will deploy inspection teams to gather data, take photos, and other items of note in the field using the CarolloAM web-based application. For the visual condition assessments, discipline specific teams will collect data, develop observations, and condition using the methodology described in Task 2. V&A Consulting Engineers will perform onsite field assessments and testing for the facilities listed on the following pages.

#### Membrane Basin Concrete and Reinforcing Bar Corrosion

- **Perform field assessment work at one primary membrane basin and one secondary basin –** Based on the field visit, it is anticipated that the assessment work will occur at Primary Membrane Basin 1 (eastern most basin). The secondary basin to be tested will be determined as part of the Assessment Plan. OMWD staff will isolate, dewater, remove gratings and mechanical components to allow for safe entry into the basin, and will support the field assessments. Assessment of the structures will be limited to safely accessible areas and confined space entry into the basins. Jamison Engineering Contractors (JEC) will provide confined space entry support, liner removal and repair at two locations, and concrete coring and repair of concrete core holes. The following assessments will use the test methods:
- **Visual assessment** – Perform visual observations of the concrete surfaces, metallic surfaces, low-profile cover dome, and mechanical equipment. The observations will be documented with digital photographs and field notes. Drawings will be prepared summarizing defects. The condition of the structure will be rated using the VANDA® Concrete Condition Index
- **Liner removal and repair** – Remove liner (approximately 18-inch square) at two locations within the basin. After assessment work is complete, repair the liner.
- **Concrete sounding** – Sounding is performed by using a chipping hammer to strike concrete surfaces. The sound from the hammer strike can indicate shallow subsurface discontinuities, such as voids, delamination, or honeycombing.



- **Concrete penetration testing** – Penetration measurements involve applying a consistent level of force from a chipping hammer to remove loose material from the concrete surface, until solid, hard material is reached, and then measuring the depth of the resulting cavity.
- **Concrete surface pH testing** – Conduct in-situ pH measurements within each structure to determine the pH of the concrete exposed to the wastewater environment. Concrete is generally made from a combination of aggregate, sand, and Portland cement. The Portland cement in mortar has a pH usually between 12 and 13 after curing. This elevated pH level provides corrosion protection for the reinforcing steel. At a pH of less than 10, corrosion is possible.
- **Surface penetrating radar** – A surface penetrating radar (SPR) unit will be used to measure the depth of concrete cover, identify placement of reinforcing steel, and to detect coarse voids and defects. Information will be used to evaluate concrete cover versus depth of acid attack to evaluate risk of degradation of reinforcing steel. SPR scanning is typically conducted over a 3-foot by 3-foot area and can be performed over coated surfaces. The portable wheel-mounted unit is rolled across the surface to be investigated and a radar beam scans up to 16 inches into the concrete generating a 2-dimensional image of the underlying concrete member. Two SPR scans (3-feet wide by 3-feet tall) will be performed.
- **UT testing** – At accessible metallic surfaces (piping, appurtenance, grating, etc.), perform UT testing. UT testing allows for point measurements of metallic surfaces. UT measurements would be obtained to determine the existing thickness of metallic surfaces. The field engineer would obtain pit depth measurements at locations exhibiting excessive corrosion and where the UT gauge may not produce a reading due to surface conditions. Special attention will be paid to areas with extensive corrosion. Up to 16 UT measurements will be taken.
- **Dry film thickness testing** – For coated metallic surfaces, dry film thickness testing will be performed to determine the thickness of coating protecting the metal.
- **Concrete core sampling and testing** – We had included JEC on our team to perform concrete core sampling and Voss Laboratories to perform laboratory testing of core samples. Obtain six core samples from the concrete structure. Core diameter will be 3-inch or less.
- Locations of the cores will be determined based on concrete condition observed during the assessment, SPR, and location of cracks. JEC will patch the core holes with a concrete repair product. Concrete coring includes:
  - We will use SPR to verify the location of the reinforcing steel and thickness of the slab prior to the core drilling. No reinforcing shall be damaged during coring. Cores will not go through the entire wall.
  - One core sample from the structure will be laboratory tested by Voss Laboratories for compressive strength per ASTM C42.
  - One core sample from the structure will be used by Voss Laboratories to take four 1/2- inch incremental chloride, carbonation, and pH tests.
  - One core sample will be used for petrographic analysis.

#### Metallic Piping, Bridge Crane, and Supports Corrosion

Perform field assessment work that focuses on metallic piping and supports corrosion in and around the Membrane Building. Based on the field visit, it is anticipated that the piping corrosion assessments and testing will occur at the following locations:

- Stainless steel piping and supports corrosion.

- Raw water combined influent piping corrosion (within the building).
- First stage permeate piping corrosion (near the floor).
- Backpulse feed piping corrosion.
- Raw water inlet strainer housings.
- Bridge crane.

Assessments and testing will be limited to safely accessible areas. No confined space entry is required to complete the field work. The assessments will focus on the concrete structure using the test methods listed below.

- Visual assessment.
- UT testing (up to 40 measurements per day).
- Dry film thickness testing (up to 40 measurements per day).
- Radiography at stainless steel butt welds. This task allows for assessment of up to 30 welds for pipe sizes up to 36-inch in diameter.

#### [Metallic Water Storage Tanks](#)

Perform field assessment work that focuses on five metallic water storage tanks. Based on discussions with OMWD, the tanks will not be taken out of service; however, the water level will be lowered to 50 percent capacity or less during field assessments and testing. Assessments and testing will be limited to safely accessible areas. No confined space entry is required to complete the field work. The assessments will focus on the steel tank and concrete foundations using the test methods listed below.

- Visual assessment from the interior of the tanks will be performed from a roof hatch using a portable zoom inspection camera to help identify locations for testing performed from the exterior of the tank. If the tanks can be taken out of service for the assessment, a drone will be used to provide assessment of the tank interior.
- UT testing.
- Dry film thickness testing.

#### [Metallic and Concrete Corrosion at Residuals Handling Building](#)

Perform field assessment work that focuses on metallic and concrete corrosion at the Residuals Building. Based on the field visit, the assessments and testing will occur at the plate settlers and metallic piping. It is understood that Plate Settler 1 has a sacrificial anode.

- Sodium hypochlorite generator room – floor, equipment slabs, and walls (up to 3 feet high).
- Membrane basin pipe penetration leakage – from outer perimeter at up to 12 locations.

Assessment of the metallic and concrete surfaces will be limited to safely accessible areas. No confined space entry is required to complete the field work. The assessments will focus on the concrete structure using the test methods listed below.

- Visual assessment.
- Concrete sounding.
- Concrete penetration testing.
- Concrete surface pH testing.
- Surface penetrating radar (at two locations).

- Dry film thickness testing.

#### Waste Storage Tank and Sewer Septic System CCTV

Perform field assessment work to capture video from the interior of the waste storage tank and the sewer/septic system piping. Video of from the interior of the waste storage tank will be capture by inserting a portable zoom inspection camera (confined space entry will not be performed. For the sewer/septic system piping, CCTV will be captured for up to 1,500 linear feet. CCTV with pan, tilt, zoom capabilities, and NASSCO's Pipeline Assessment Certification Program (PACP®) reporting can only be provided for piping 8 inch and larger. For piping smaller than 8-inch, a push camera will be used (limitations to footage capture may be limited to 100 feet from the access point and is dependent on slope and bends).

#### Underground Yard Piping CCTV

Perform field assessment work to capture CCTV of 16-inch and larger underground yard piping. CCTV will provide pan, tilt, zoom capabilities, and NASSCO PACP reporting. Work under this task will be performed during a plant shutdown. Up to 3,000 linear feet of CCTV footage is included.

#### Electrical Conduit CCTV

Perform field assessment work to capture video from the interior of electrical conduit using a push camera (limitations to footage capture may be limited to less than 25 feet from access point and is dependent on slope and bends).

#### Support Structures

Perform field structural assessment work that focuses on support structures at the plant. Based on the site visit and OMWD direction, a seismic structural analysis or ASCE 41 evaluation is not included in this scope of work, however it can be made available should OMWD wish. Support structures include:

- Aluminum support structures (including membrane cassettes).
- Chemical feed and pump system support structures.
- Concrete pads for chemical storage tanks.
- Concrete pad for the surge tank.
- Main Water Treatment Plant building (concrete slab, masonry, and metal building).
- Residuals handling building (concrete slab, masonry, and metal building).
- Ammonia feed injection facility (concrete slab, masonry, and metal building).
- Concrete equipment pedestals for the turbines Assessment will be limited to safely accessible areas.

No confined space entry is required to complete the field work.

#### PVC Piping Exposed to Weather/Sunlight

Perform field assessment work to visually assess and document condition of polyvinyl chloride (PVC) pipe exposed to weather/sunlight.

### **Task 3.3 Assess the Condition Based on Inspection and Testing**

The assessment teams will review the output from the inspection and testing and will finalize condition scoring. Carollo will present these condition findings and observations to OMWD in a findings workshop. The content of the workshop will include critical asset findings; a risk-based prioritization of renewal activities evaluating the probability of the asset's failure and consequence of the asset's failure; and review alternatives to mitigate risk, including replacement, rehabilitation, and enhanced maintenance. The alternatives selected and OMWD feedback will be incorporated into Task 3.4 for costing and scheduling.

### **Task 3.4 Cost Estimate and Schedule**

Incorporating the feedback of Task 3.3, we will develop an opinion of probable cost for each of the selected alternatives for inclusion in the 10-year capital improvements program (CIP). These projections will be input into our PlanIT digital tool, which will project costs for the 10-year CIP and apply inflation, as well as a recommended schedule for completion of the work. We will present these projections to OMWD in a CIP forecasting workshop and demonstrate how OMWD can use the tool for projections in the future. PlanIT tool will be provided to OMWD at the completion of the project.

### **Task 3.5 Prepare Draft Condition Assessment Report**

Carollo will develop a draft report encompassing the project to date, including an executive summary. We will then conduct a workshop with OMWD to present the findings and develop consensus on the inputs into the final report.

#### **Task 3.5a Staffing Analysis**

Carollo will complete a staffing analysis of the DCMWTP including analysis of organization structure, roles and responsibilities, certifications, classifications, and staffing levels using available performance benchmarking data from industry sources, such as American Water Works Association, National Association of Clean Water Agencies, and Water Environment Federation. We will compare staffing at DCMWTP with up to five peer facilities of similar process, size complexity, and age. Prior to selection of the peer facilities, Carollo will present an overview of potential peers for OMWD selection. Carollo will prepare a draft summary memo with peer review and recommendations for OMWD review and input. We will incorporate any OMWD feedback into the final staffing analysis memo.

### **Task 3.6 Prepare Final Condition Assessment Report**

Carollo will incorporate the findings in the workshop into a final condition assessment report and submit five hard copies, one electronic copy, smart PDF copy, and any native files to the report.

### **Task 3.7 Board Meeting**

Carollo will develop a presentation for the Board of Directors outlining the project results and recommendations. Carollo will develop the draft presentation for review with OMWD staff. Carollo will then develop the final presentation based on the results of the review. Carollo will attend the meeting and present the findings to the Board.

*Task 3 Assumptions:*

- OMWD operations and/or maintenance staff will be available to answer questions during condition assessment activities.
- Carollo will work with OMWD to identify cross-section of stakeholders to participate in workshops.

*Task 3 Deliverables:*

- Asset database workshop agenda, presentation, and meeting summary.
- Condition findings workshop agenda, presentation, and meeting summary.
- Cost estimate and schedule workshop agenda, presentation, and meeting summary.
- Condition assessment report review workshop agenda, presentation, and meeting summary.
- PlanIT output.
- 10-year CIP.
- Condition assessment project draft report.
- Condition assessment final report.
- Board Presentation and Meeting.

#### **TASK 4 (OPTIONAL) REGULAR MAINTENANCE PROJECTIONS**

As an optional task, this effort will not commence without approval and direction from OMWD to proceed. Based on the outcomes of the condition assessment task, Carollo will prepare regular preventative maintenance projections for the DCMWTP. These projections will be a combination of vendor recommended preventative maintenance job plans, and absent available vendor guidelines, industry standard maintenance strategies based on asset type. These recommendations will include preventative maintenance job plans, schedule guidelines, and cost estimates. If desired, PM job plans can be developed for incorporation into Infor EAM to establish as part of equipment PM schedules.

*Task 4 Assumptions:*

- Vendor recommendations will be applied where available.
- If there are not vendor guidelines available, an industry best practice maintenance strategy will be customized and applied.
- OMWD staff will provide input on PM requirements for Infor EAM.
- Carollo will not have direct input into Infor EAM but will provide any necessary materials for the establishment of job planning and scheduling.
- Optional task will not be performed unless approved by OMWD.

*Task 4 Deliverables:*

- Preventative maintenance job plans, schedule, cost estimates.
- PM routine templates for Infor EAM.



## **TASK 5 (OPTIONAL) ASSET MANAGEMENT SUSTAINMENT SUPPORT**

As an optional task, this effort will not commence without approval and direction from OMWD to proceed. Once the project is completed OMWD staff will be well positioned with a new baseline of asset information and tools. Armed with this data, Carollo will work with staff to develop detailed business process maps and supporting guidelines for keeping this information current.

Carollo will conduct a workshop to evaluate the necessary processes to keep asset information current and guide use of tools received as a result of the project. Following the workshop, Carollo will draft documentation for OMWD input to capture existing or proposed business processes to keep data current. Upon receipt Carollo will incorporate OMWD input into the final business processes and support guidance for use by OMWD staff.

Carollo has extensive experience in the functionality of Infor EAM. If desired, an additional outcome of the workshop could be the development of the condition assessment criteria, which can be deployed in the Condition Assessment Module in Infor. This would support the consistent assessment by staff and update of that information in the computerized maintenance management system (CMMS).

### *Task 5 Assumptions:*

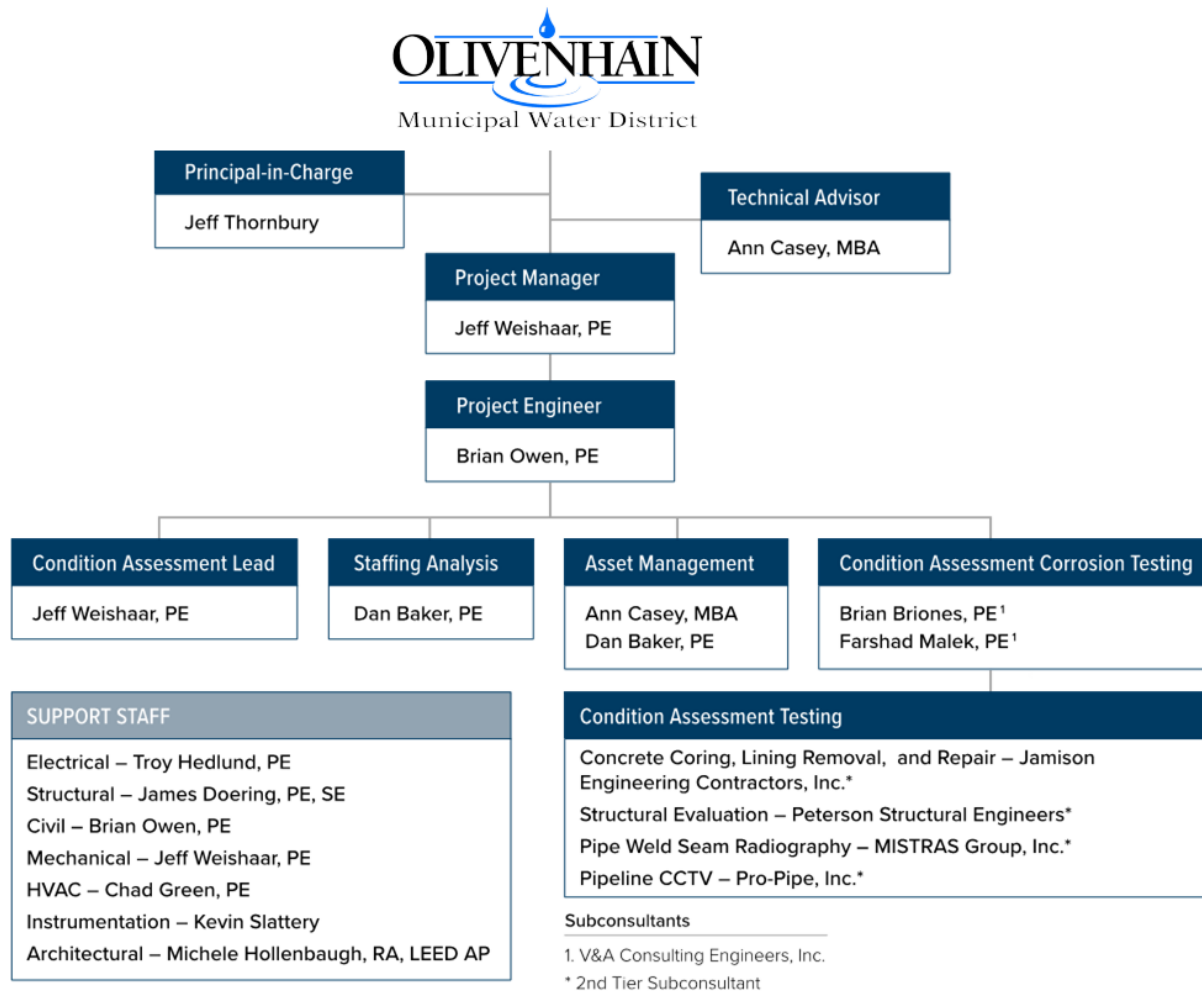
- Processes examined will be related to asset information such as condition, risk prioritization, and CIP planning.
- Condition assessment criteria will be tailored to the Infor EAM Condition Assessment module.
- Optional task will not be performed unless approved by OMWD.

### *Task 5 Deliverables:*

- Workshop agenda and presentation and meeting summary.
- Draft business process diagrams and guidance.
- Draft business process diagrams and guidance.
- Condition assessment criteria for Infor EAM Condition Assessment module.

## PROJECT TEAM

The project team remains unchanged from the proposal. Jeff Weishaar will serve as project manager, with Brian Owen as project engineer. We will not change or replace staff without prior approval from OMWD.



## PROJECT SCHEDULE

Carollo will complete the project and submit the final report in fall of 2023. A project schedule is included with this proposal.

## BUDGET ESTIMATE

The estimated budget is included with this letter. Carollo propose to perform the above-described scope of services on a time and material and Not-To-Exceed Fee of \$548,614.

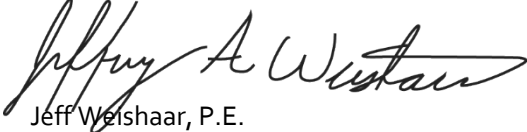
Ms. Lindsey Stephenson  
Olivenhain Municipal Water District  
October 10, 2022

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Please feel free to contact me should you have any questions regarding this proposal. Carollo appreciates the opportunity to work with OMWD on this important project.

Sincerely,

CAROLLO ENGINEERS, INC.

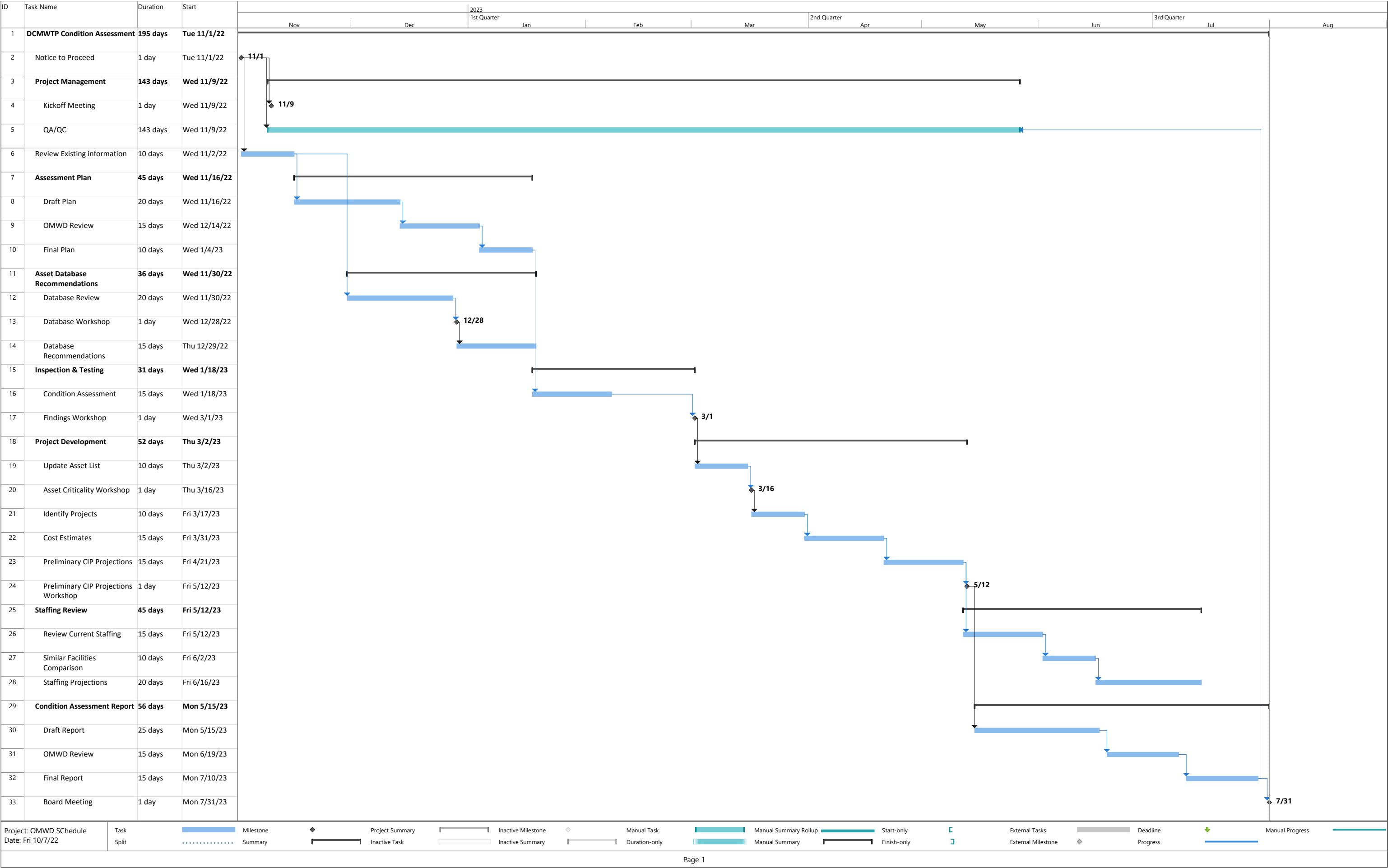
A handwritten signature in black ink, appearing to read "Jeff A. Weishaar".

Jeff Weishaar, P.E.  
Vice President

JAW:blm

Enclosures: Fee Proposal

cc: File



Olivenhain Municipal Water District  
DCMWTP Condition Assessment

Fee Proposal  
October 2022

		Senior Professional	Lead Project Professional	Project Professional	Professional	Graphics	Document Processing	Principle In Charge	Senior Project Manager	Project Manager	Associate Engineer	Engineering Associate	Document Processing	Carollo Task Hours	Carollo Task Subtotal	Carollo Other Direct Costs	V&A Task Hours	V&A Task Subtotal	V&A Other Direct Costs	Total
	<b>Task Description</b>	\$ 300	\$ 275	\$ 235	\$ 190	\$ 145	\$ 145	\$ 305	\$ 267	\$ 250	\$ 187	\$ 141	\$ 93							
1.0	<b>Project Management</b>	36	36	2	12	0	2	4	12	16	8	0	26	117	\$ 23,740	\$ 250	66	\$ 12,338	\$ -	\$ 36,328
1.1	Project Management & Kickoff Meeting	12	20	2	12	0	2	1	4	16	8	0	20	77	\$ 12,140	\$ 250	49	\$ 8,729		\$ 21,119
1.2	Quality Control/Quality Assurance	24	16	0	0	0	0	3	8	0	0	0	6	40	\$ 11,600		17	\$ 3,609		\$ 15,209
2.0	<b>Preliminary Phase</b>	80	40	4	96	0	12	0	9	20	54	0	0	232	\$ 55,920	\$ -	83	\$ 17,501	\$ 25	\$ 73,446
2.1	Review Previous Planning Work	16	8	0	12	0	0	0	3	8	10	0	0	36	\$ 9,280		21	\$ 4,671		\$ 13,951
2.2	Records Research	16	8	0	16	0	0	0		2	12	0	0	40	\$ 10,040		14	\$ 2,744		\$ 12,784
2.3	Preliminary Onsite Review of DCMWT	28	8	4	8	0	0	0	4	4	4	0	0	48	\$ 13,060		12	\$ 2,816	\$ 25	\$ 15,901
2.4	Prepare Draft Assessment Plan	16	12	0	48	0	8	0	2	4	24	0	0	84	\$ 18,380		30	\$ 6,022		\$ 24,402
2.5	Prepare Final Assessment Plan	4	4	0	12	0	4	0		2	4	0	0	24	\$ 5,160		6	\$ 1,248		\$ 6,408
3.0	<b>Condition Assessment &amp; Report</b>	226	114	20	244	24	26	6	48	173	328	157	8	654	\$ 157,460	\$ 1,175	720	\$ 142,113	\$ 138,092	\$ 438,840
3.1	Recommendations for the Asset Database	32	4	0	12	0	0	0	0	0	0	0	0	48	\$ 12,980		0	\$ -		\$ 12,980
3.2	Inspection and Testing	40	40	8	40	0	0	0	30	133	188	157	0	128	\$ 32,480	\$ 950	508	\$ 98,553	\$ 138,092	\$ 270,075
3.3	Assess the Condition	52	24	8	36	0	0	0	0	0	0	0	0	120	\$ 30,920	\$ 225	0	\$ -		\$ 31,145
3.4	Cost Estimate and Schedule	32	12	4	36	0	0	0	0	0	0	0	0	84	\$ 20,680		0	\$ -		\$ 20,680
3.5	Prepared Draft Condition Assessment	8	12	0	48	16	12	4	14	34	134	0	6	96	\$ 18,880		192	\$ 39,074		\$ 57,954
3.5a	Staffing Level Evaluation	52	6	0	44	0	8	0	0	0	0	0	0	110	\$ 26,770		0	\$ -		\$ 26,770
3.6	Prepared Final Condition Assessment	4	8	0	24	8	6	2	4	6	6	0	2	50	\$ 9,990		20	\$ 4,486		\$ 14,476
3.7	Board Meeting	6	8	0	4	0	0	0	0	0	0	0	0	18	\$ 4,760		0	\$ -		\$ 4,760
4.0	<b>Regular Maintenance Projections (Optional)</b>	112	8	0	24	0	8							152	\$ 41,520		0	\$ -		\$ 41,520
5.0	<b>Asset Management (Optional)</b>	60	4	0	80	0	16							160	\$ 36,620	\$ 450	0	\$ -	\$ -	\$ 37,070
	<b>HOURS TOTAL, BASE</b>	342	190	26	352	24	40	10	69	209	390	157	34	1,003			869			
	<b>TOTAL, BASE</b>	\$ 102,600	\$ 52,250	\$ 6,110	\$ 66,880	\$ 3,480	\$ 5,800	\$ 3,050	\$ 18,423	\$ 52,250	\$ 72,930	\$ 22,137	\$ 3,162		\$ 237,120	\$ 1,425		\$ 171,952	\$ 138,117	\$ 548,614
	<b>HOURS TOTAL, INCLUDING OPTIONAL</b>	514	202	26	456	24	64	10	69	209	390	157	34	1,315			869			
	<b>TOTAL, INCLUDING OPTIONAL</b>	\$ 154,200	\$ 55,550	\$ 6,110	\$ 86,640	\$ 3,480	\$ 9,280	\$ 3,050	\$ 18,423	\$ 52,250	\$ 72,930	\$ 22,137	\$ 3,162		\$ 315,260	\$ 1,875		\$ 171,952	\$ 138,117	\$ 627,204



# Memo

**A**

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS  
PRESIDENT

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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

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

October 19, 2022

Board of Directors  
Olivenhain Municipal Water District  
1966 Olivenhain Road  
Encinitas, CA 92024

The following are brief highlights of the District's departmental operations for the month of  
**September 2022:**

<b>Operations &amp; Maintenance</b>	<b>September 2022</b>	<b>August 2022</b>
<b>DCMWTP Total Production</b>	585.3 million gallons	650.8 million gallons
<b>DCMWTP Average Daily Production</b>	19.5 million gallons	21 million gallons
<b>DCMWTP Peak Day Production</b>	27 million gallons	25.8 million gallons
<b>Source Water Blend (% State Project Water)</b>	0%	0%
<b>Total Deliveries to VWD</b>	No Deliveries	No Deliveries
<b>4S and Rancho Cielo Sewer Systems Total Inflow</b>	38.9 million gallons	40.04 million gallons
<b>4S and Rancho Cielo Sewer Systems Average Daily Inflow</b>	1,295,873 gallons	1,291,814 gallons
<b>4S and Rancho Cielo Sewer Systems Peak Day Inflow</b>	1,418,271 gallons	1,426,327 gallons
<b>4S and Rancho Cielo Sewer Systems Low Day Inflow</b>	1,222,492 gallons	1,184,452 gallons
<b>4SWRF Average Daily Production</b>	976,623 gallons	1,088,866 gallons
<b>4SWRF Peak Day Production</b>	1,287,704 gallons	1,422,643 gallons
<b>4SWRF Total to Recycled Water Distribution System</b>	29.29 million gallons	33.75 million gallons
<b>4S Recycled Water Storage Pond Volume</b>	0 acre feet	0 acre feet
<b>Repaired Potable Water Main Leak(s)</b>	0	0
<b>Repaired Potable Water Service Lateral Assembly Leak(s)</b>	5	4
<b>Repaired Recycled Water Main Leak(s)</b>	0	0
<b>Repaired Recycled Water Service Lateral Leak(s)</b>	0	0
<b>Repaired Hit Fire Hydrant Lateral Assembly Leak(s)</b>	1	1
<b>Replaced Valve(s) Monthly Total</b>	9	0
<b>Replaced Valve(s) Calendar Year To Date</b>	20	11
<b>Recycled Water Use Site Inspections &amp; Visits</b>	29	34
<b>Recycled Water Use Site Cross Connection Tests</b>	6	2
<b>Cross Connection Site Surveys</b>	1	2
<b>Backflow Inspections &amp; Testing (New)</b>	4	6
<b>IT Help Requests</b>	36	24
<b>Customer Services</b>	<b>September 2022</b>	<b>August 2022</b>
<b>Customer Calls and Inquiries</b>	1,196	1,036
<b>Total Monthly Bills Issued</b>	22,946	22,955
<b>Service Orders</b>	588	727
<b>New Potable Meters</b>	1	1
<b>New Fire Meters</b>	1	0
<b>New Recycled Water Meters</b>	0	1
<b>AMI Troubleshooting Investigations</b>	51	46

<b>Customer Services - Continued</b>	<b>September 2022</b>	<b>August 2022</b>
AMR Troubleshooting Investigations	41	44
Stopped/Underperforming Meters Replaced	73	66
MXUs Upgraded to AMI	120	226
Meter Accuracy Tests Performed	5	0
Water Use Evaluations	16	32
Water Use Violation Reports	2	7
Workshops, Events, and Tours	0	0
High-Efficiency Clothes Washer Rebate Applications	8	12
Weather-Based Irrigation Controller Rebate Applications	9	22
Hose Irrigation Controller Rebate Applications	0	1
High-Efficiency Rotating Nozzle Rebate Applications	0	2
High-Efficiency Toilet Rebate Applications	0	0
Rain Barrel Rebate Applications	1	2
Flow Monitor Device Rebate Applications	2	1
Turf Removal Project Rebate Applications	7	8
Social Media Posts	21	33
News Releases/Media Advisories	5	4
<b>EFRR</b>	<b>September 2022</b>	<b>August 2022</b>
Special Use/Event Permits	4	0
Parking Notices	49	51
Incident Reports	4	10
Vehicle Count	2,508	2,710
Trail Use Count	4,582	4,947
Days Closed Due to Rain/Red Flag/COVID-19	1	0
Days IC Open	14	16
Number of IC Visitors	93	187
Volunteer Trail Patrol Shifts	7	5
Volunteer Docent Hours	59	59
Total Number of Docents	61	61
<b>Finance</b>	<b>September 2022</b>	<b>August 2022</b>
Infosend Payments	10,583	10,874
OMWD Auto Debit Payments	2,176	2,189
CB&T Lockbox Payments	2,984	3,488
Over the Counter Payments	515	581
Check-free, Metavante and Chase	4,647	4,956
Paymentus (Credit Card) Payments	1,103	1,058
Finance Calls and walk-ins	66	60
Service Orders Processed	16	11
Service Orders Closed Out	0	14
Purchase Orders	15	15
Inventory Items Received	375	3,854
Invoices Processed	501	426
Payroll Direct Deposits Processed	247	245
Accounts Payable Checks and Electronic Fund Transfers	398	398

## **ENGINEERING DEPARTMENT**

### **Engineering Manager Lindsey Stephenson Highlights for September 2022:**

4S Ranch Neighborhood 1 Sewer Pump Station Replacement Project continued progress through processing submittals and contractor continues construction at the site. The Lone Jack PRS Replacement project is complete. The Manchester Avenue and South El Camino Real Recycled Water Pipelines Project continues pipe installation at the West end of the project. Coordination with Caltrans and their contractor for work occurring at I-5 and Manchester Avenue continued during the month of September. Staff received proposals for the DCMWTP Condition Assessment and Improvement Recommendations Project, and the selection committee interviewed qualifying firms. Staff issued a notice requesting bids for the Landscape Headquarters (HQ) Courtyards Project and held a public bid open. Staff continued design meetings for the FY23 Recycled Water Pipeline Extension Project and will be reviewing a draft Preliminary Design Report soon. Staff continues to handle developer requests, continues to assist other departments with engineering-related work, and continues to manage OMWD's right of ways.

## **HUMAN RESOURCES DEPARTMENT**

### **Human Resources Manager Jennifer Joslin Highlights for September 2022:**

Human Resources staff coordinated the Grow Your Own (GYO) internal recruitment for the Field Services Technician II position. Coordinated a "Fall into Fitness Wellness Challenge" for interested staff consisting of a variety of workouts designed to improve strength, flexibility, and cardiovascular health of participants. Hosted stress management and resilience training for all interested employees provided by Anthem Employee Assistance (EAP) staff. Participated in the "Navigating Common Legal Risks" training presented by Liebert Cassidy Whitmore. Records staff processed multiple public records requests. Safety staff attended a Hazard Mitigation Plan assessment meeting at Santa Fe Irrigation District. Attended the Water Utilities Safety Management Association (WUSMA) 3rd quarter meeting. Compiled environmental and safety compliance audit criteria for several pump stations.

## **OPERATIONS & MAINTENANCE**

### **Operations Manager Geoff Fulks Highlights for September 2022:**

At the DCMWTP, the construction portion of the pH Control System is complete. Final testing and commissioning of the new system is scheduled for early October. Staff is reviewing the preliminary design report for the 4th Stage Centrifuge project from Hazen & Sawyer. IT staff are upgrading the process network firewalls and working with AVI Systems on upgrades in the Boardroom to address audio issues. On September 26<sup>th</sup>, staff had a design kick off meeting on the PLC replacement project. System Operators are working with Engineering on prioritizing repairs and improvements on the Concrete Tank Assessment project. Staff performed shutdowns and provided assistance in support of the Neighborhood 1 Sewer Pump Station Replacement and Lone Jack Pressure Reducing Station projects. Construction supported ICT staff on the repairs of the 4S Ranch Overflow Storage Pond floats. Staff also potholed extension 153 for placement of the flow meter and valves. Construction teams relocated a potable water line in the lower yard of headquarters in preparation of the upcoming Parking and Access Improvements project. OMWD has fulfilled the annual contractual agreement with the City of San Diego for recycled water purchases



## **CUSTOMER SERVICES DEPARTMENT**

### **Customer Services Manager John Carnegie Highlights for September 2022:**

Launched customer satisfaction survey and Aquai Technologies study on water usage; mailed 120 postcards notifying customers affected by the next AMI Expansion Project phase of upcoming work and the My Water Use dashboard; submitted to Metropolitan Water District of Southern California a Community Partnering Program grant application for supplies for the October 8 Open House; and was awarded \$25,000 from County of San Diego Community Enhancement grant program for project to rehabilitate remote sections of EFRR's Equine Incline Trail.

At EFRR, completed Escondido Creek Conservancy summer camp program; held EFRR Advisory Committee meeting; hosted Project Wildlife release of three coyotes; held I Love a Clean San Diego Coastal Clean Up Day and 30th anniversary planting day; and installed new interpretive center display on native birds.

## **FINANCE DEPARTMENT**

### **Finance Manager Rainy Selamat Highlights for September 2022:**

Reviewed 2022 water capacity fees; attended recycled water meeting with City of Carlsbad; continue work with Raftelis Financial Consultants on 2022 water capacity fee study; attended various internal meetings to discuss proposed changes to article 13 of the District's Admin Code on water capacity fees; staff completed items requested by the District's auditors as part of the fiscal year 2021/22 financial audits; staff completed SDCWA TSAWR Annual Assessment & SDCWA Annual reconciliation; and attended and participated in various meetings and District sponsored events.

## **ASSISTANT GENERAL MANAGER:**

### **The Assistant General Manager reports the following:**

Attended Encinitas State of the City with Directors Watt and Meyers; participated in an EFRR Executive Committee Meeting; assisted in OMWD Open House planning and logistics; participated in multiple meetings with Poseidon Education on Water Resources Education; participated in interview panel at request of Vista Irrigation District; Held meeting on SEJPA resource sharing; Conducted NSDWRC Special Meeting to discuss federal funding awards; dedicated significant time to personnel matters, employee recruitment, and claims management.

## **GENERAL MANAGER:**

### **The General Manager reports the following:**

General Manager Thorner participated in the SDCWA Board Meeting, hosted an EFRR Executive Committee Meeting, participated in two SDCWA Financial Strategy Work Group Meetings, attended the SDCWA MWD Delegates Meeting, participated in the MAM/MAFP Rate Work Group Meeting, attended the WaterReuse California Board Meeting and conference in San Francisco, met with Carlsbad on recycled water, hosted an employee appreciation luncheon, attended the COWU Meeting, participated in the EFRR I Love a Clean San Diego Clean Up Day, attended and emceed Helix General Manager Lugo's retirement event, hosted a social media department winner luncheon, led a new employee tour, participated in the SDCWA Project Labor Agreement Work Group meeting, attended an ACWA Brown Act Training, and dedicated significant time to reviewing legal issues, preparing presentations, and personnel matters.

# Memo

C

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS  
CONSULTING ENGINEER

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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 10, 2022

This is a report on the Finance and Insurance, Imported Water, and Engineering and Operations Committee meetings, held on October 12, 2022. The report is based on the webcast, Board reports and memorandums.

Delta Outflow – For the month of September 2022, the flow averaged 3,600 cubic feet per second (cfs). Over a 24-hour period, 3,600 cfs is approximately equal to 7,200 acre-feet.

### Finance and Insurance Committee –

#### 1. Water Transactions, Deliveries – Through September 2022

2. Variation	Budget Month	Budget YTD	Prior Year YTD
Transactions (TAF)	Not Available	Not Available	Not Available
Transactions \$MM	Not Available	Not Available	Not Available
	Actual Month		Prior Year
August Delivery (TAF)	136		153

### Imported Water Committee

#### 1. Water Surplus Drought Management Notes-

- The gap between CY 2022 demands and supplies has been updated to 413 TAF, most of which will come from dry-year storage. MWD is predicting that the end of CY 2022 Dry-Year Storage volume will be 2.2 MAF, with most of it in Lake Mead. Staff is studying how to withdraw the storage in 2023, if needed.
- The Emergency Water Conservation Program has been adopted to address supply shortages in the SWP Dependent Areas (SWDA). These areas are in the northern and

## MEMORANDUM

Metropolitan Water District of Southern California

October 10, 2022 Committee Meetings

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

- i. As of September 30, 2022, water use was below the total volumetric limits that were established, and no penalties were assessed.
- ii. Three agencies are on the one-day per week landscape watering restriction.
- iii. Demands are trending approximately 8 percent below projections.

2. Bay-Delta Policy Guidelines – The Committee approved Bay-Delta Policy Guidelines that were revised based on Board comments. The main changes included more focus on:

- a. Deleting references to SWP dependent areas.
- b. Co-equal water supply and habitat enhancement goals.
- c. Climate change.
- d. Reduced dependency on the Delta.
- e. Equitable engagement of underserved communities and environmental justice groups.

3. Summary of Delta Conveyance Project – Staff presented highlights of the 20,000-page document including:

- a. The proposed project has two intakes and one tunnel. (Delta Fix was three intakes and two tunnels)
- b. Three tunnel alignment alternatives with the eastern, I-5 corridor, or “Bethany” alignment as the proposed project.
- c. Four alternative flow rates with 6,000 cfs as the proposed project.
- d. Design for up to 10.2 feet of sea level rise and a 200-year flood.
- e. The resulting total average Delta exports are predicted as follows:
  - i. 2020 existing – 4,939 TAFY
  - ii. 2040 no project – 4,156 TAFY
  - iii. 2040 Bethany Alignment – 4,691 TAF

4. Colorado River – Summer rainfall in the watershed has resulted in Lake Powell and Lake Mead water levels being four and eight feet higher than predicted, respectively. While this is good news, all water users continue to focus on conservation alternatives to meet the USBR Commissioner’s goal of two to four MAF reductions in 2023 and 2024.

### Engineering and Operations Committee

1. Project Labor Agreement – The Committee approved a 5-Year PLA with the building and construction councils within the MWD service area, an additional staff position, and a consulting agreement for \$5.75 million for administration. The PLA:
  - a. Is based on Board guidelines.

## MEMORANDUM

Metropolitan Water District of Southern California

October 10, 2022 Committee and Board Meetings

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10/11/2022

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- b. Applies to 92 projects that cover approximately 90 percent of the CIP.
- c. Requires 60 percent local contractors.
- d. Includes union and non-union labor.
- e. Maintains the small and disadvantaged business programs of MWD.
- f. Requires monitoring for compliance.

2. Percent State Water Project Water at Lake Skinner – 0 percent.

CIP – Capital Improvement Program                      CRA – Colorado River Aqueduct  
CWA – San Diego County Water Authority    MGD – Million Gallons per Day  
MAF – Million acre-feet  
MWD – Metropolitan Water District of Southern California  
NGOs – Non-Governmental Organizations  
SWP – State Water Project                      TAF – Thousand acre-feet  
SWRCB – State Water Resources Control Board



# Memo

D

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

GENERAL COUNSEL

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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 19, 2022

**RE:** Attorney Report: Brown Act Update  
150152-0005

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**I. INTRODUCTION.**

This attorney report provides an update on two recent Brown Act developments. Governor Newsom recently signed AB 2449 into law. AB 2449 provides a new process for local agencies to meet virtually. Under AB 2449, directors will be allowed to attend public meetings virtually without posting their address and without allowing public access to their virtual meeting location. However, a majority of directors must still attend the meeting in-person, and the directors attending virtually must show “just cause” or “emergency circumstances” in order to participate remotely.

AB 2449 also sets limits on the number of times directors may virtually attend during the calendar year. Directors are not allowed to participate in board meetings from a remote location for a period of (1) more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or (2) more than two meetings if the District regularly meets fewer than 10 times per calendar year.

AB 2449 provides a separate and independent method for virtual participation by directors. Agencies can therefore continue using AB 361 for virtual attendance at board meetings until the COVID emergency declaration is lifted, or until AB 361 expires by its terms on December 31, 2023. Agencies can also choose to use the traditional Brown Act teleconference requirements.

Governor Newsom also recently signed Senate Bill 1100. SB 1100 provides a uniform procedure for local agency’s to address disruptive behavior during board meetings. Under SB 1100, the presiding officer must first warn an individual that their behavior is disruptive and that failure to cease their disruptive behavior could result in removal from the meeting. The individual may then be removed if they do not promptly cease their disruptive behavior. A prior warning is unnecessary if the disruptive individual is using force or makes a true threat of force.

**II. AB 2449.**

AB 2449 allows continuing virtual board meetings. Directors are allowed to attend virtually without identifying each teleconference location in the notice and agenda

of the meeting, and without making each teleconference location accessible to the public -- if at least a quorum of the board participates in-person from a single location within District boundaries. The meeting location must be open to the public, and the District must follow certain requirements, including:

- Giving regular notice of the meeting and posting agendas as otherwise required by the Brown Act;
- Teleconferencing directors must use both audio and visual technology;
- Allowing the public to access the meeting and provide comments, including by teleconference, and including teleconference instructions in all notifications and agendas for the meeting on how the public can attend and provide comment;
- Pausing the meeting when there is a teleconference disruption;
- Allowing for real-time public comments and not requiring submission of comments in advance of the meeting;
- Creating and implementing a procedure for receiving and swiftly resolving requests for reasonable accommodations for individuals with disabilities, and giving notice of this procedure in notifications and agendas for the meeting; and
- Directors must publicly disclose at the meeting, before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the director, and the general nature of the director's relationship with any such individual(s).

To appear via teleconference, directors must either: (1) show "just cause" as to why they cannot attend in person, or (2) show "emergency circumstances" prevent them from attending.

### **Just Cause**

To qualify for the "Just Cause" exception, the director must notify the District at the earliest opportunity possible (including at the start of a regular meeting) of their need to participate remotely for "just cause," including a general description (typically not exceeding 20 words) of the circumstances relating to the director's need to appear remotely at the given meeting.

Remote participation for "just cause" reasons shall not be utilized by any director for more than two meetings per calendar year.

**"Just cause"** means any of the following:

- A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely;
- A contagious illness that prevents a director from attending in person;

- A need related to a physical or mental disability not otherwise accommodated; or
- Travel while on official business of the District or another state or local agency.

### **Emergency Circumstances**

To qualify for the “Emergency Circumstances” exception, the director must request for the District Board to allow the director to participate in the meeting remotely due to “emergency circumstances,” *and* the District must take action to approve the request. The director must make this request to participate remotely at a meeting as soon as possible. In making this determination, the Board must request a general description (typically not exceeding 20 words) of the circumstances relating to the director’s need to appear remotely at the given meeting.

The director must make a separate request for each meeting in which the director seeks to participate remotely. The general description of the circumstances does not require the director to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act.

The Board may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting, the Board may take action at the beginning of the meeting in accordance with existing law.

**“Emergency circumstances”** means a physical or family medical emergency that prevents a director from attending in person.

Under AB 2449, Directors are not allowed to participate in board meetings from a remote location for a period of:

- more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, *or*
- more than two meetings *if the District regularly meets fewer than 10 times per calendar year.*

AB 2449 takes effect on January 1, 2023. AB 361 remains in effect through 2023 and can still be used by local agencies during any state-declared emergency. AB 2449 provides an entirely separate and distinct method of conducting remote meetings from that provided by AB 361. Therefore, local agencies have the option to conduct remote meetings under the provisions of AB 2449, AB 361, or traditional Brown Act teleconference requirements. Local agencies may also choose to conduct public meetings entirely in-person under the Brown Act.

AB 2449 also contains a sunset date of January 1, 2026, after which time all the provisions added by AB 2449 lapse and become unavailable to local agencies.

### **III. SENATE BILL 1100.**

The Legislature also recently amended the Brown Act to clarify the process by which local agencies may remove individuals from public meetings when their conduct disrupts the meeting. Senate Bill 1100 does not modify the First Amendment standard for removing individuals from public meetings or limit a local agency's existing authority to do so under the First Amendment. Instead, SB 1100 provides a uniform procedure for removing willfully disruptive individuals from public meetings.

Under SB 1100, the presiding officer must first warn an individual that their behavior is disruptive and that failure to cease their disruptive behavior could result in removal from the meeting. The individual may then be removed if they do not promptly cease their disruptive behavior. A prior warning is unnecessary if the disruptive individual is using force or makes a true threat of force.

"Disruptive behavior" means behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. It can include noncompliance with established rules of decorum, such as exceeding speaker time limits or speaking out of turn, provided the behavior actually disrupts the meeting. The Brown Act currently allows local governments to establish rules of decorum to manage public comment, but courts have held that, under the First Amendment, individuals may only be ejected from public meetings if their conduct is actually disruptive to a meeting. Willfully disturbing or disrupting a public meeting also may be punished as a misdemeanor under Penal Code Section 403 in applicable cases.

Senate Bill 1100 becomes effective January 1, 2023. SB 1100 is consistent with OMWD's existing rules of decorum which allows for the removal of an individual who fails to cease disruptive behavior after a warning has been provided.

AES



# Memo

E

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

SAN DIEGO COUNTY WATER AUTHORITY REPRESENTATIVE

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

**SUMMARY OF FORMAL BOARD OF DIRECTORS' MEETING  
SEPTEMBER 22, 2022**

1. Abandonment of easements along El Paseo Road.  
The Board authorized General Manager/General Counsel to file documentation with the San Diego County Recorder's Office to abandon Water Authority easements along El Paseo Road.
2. Service contract with Bechtel Tools, Inc., dba: Bechtel Services, for traffic control services.  
The Board authorized the General Manager to award a service contract to Bechtel Tools, Inc., dba: Bechtel Services, to provide traffic control services for a period of two years, with an option to extend the contract for an additional two years, for a total not-to-exceed amount of \$1,000,000, for all four years.
3. Service contract with Nash Fabricators, Inc. for in-shop fabrication, repair, and machine shop services.  
The Board authorized the General Manager to award a service contract to Nash Fabricators, Inc. to provide in-shop fabrication, repair, and machine shop services for a period of one year, with an option to extend the contract for an additional three years, for a total not-to-exceed amount of \$900,000.
4. Monthly Treasurer's Report on Investments and Cash Flow.  
The Board noted and filed the Treasurer's report.
5. Ordinance making an amendment to Chapter 5.00 of the Administrative Code.  
The Board adopted Ordinance No. 2022-06, an ordinance of the Board of Directors of the San Diego County Water Authority making an amendment to chapter 5.00 of the Administrative Code.
6. Professional Services Contract with Studio West Landscape Architecture & Planning for WaterSmart Landscape Makeover Program.  
The Board authorized the General Manager to award a three-year professional services contract in an amount not to exceed \$495,000 to Studio West Landscape Architecture & Planning to implement the WaterSmart Landscape Makeover Program.
7. Contract Amendment with Helix Environmental Planning Inc. associated with Ongoing Habitat Restoration Maintenance Services.  
The Board authorized the General Manager to execute Amendment No. 3 to the professional services contract with Helix Environmental Planning, Inc., to increase the total contract funding by \$1,100,000, from \$1,400,000 (former maximum) to \$2,500,000 (new maximum), and continue post-construction restoration support on projects through 2024.
8. Assembly Bill 361 Continued Determination Acknowledging the Governor of the State of California's Proclamation of a State of Emergency and of Remote Teleconference Meetings of the Legislative Bodies of San Diego County Water Authority due to the Emergency Pursuant to Brown Act Provisions.  
The Board acknowledged the Governor's proclaimed State of Emergency, and approve continued remote teleconference meetings of the legislative bodies of San Diego County Water Authority due to the emergency pursuant to Brown Act after reconsidering the circumstances and finding that state or local officials continue to impose or recommend measures to promote social distancing.



9. Election of Board Officers for October 1, 2022 – September 30, 2024.  
The Board elected the following Board Members as Officers: Mel Katz, Chair; Nick Serrano, Vice Chair; and, Frank Hilliker, Secretary.
10. Approval of Minutes.  
The Board approved the minutes of the Special Engineering & Operations Committee meeting of August 11, 2022 and the Formal Board of Directors' meeting of August 25, 2022.

# Memo

F

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS  
LEGISLATIVE REPORT

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

**TO:** Olivenhain Municipal Water District

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

**DATE:** October 12, 2022

**RE:** October 2022 Public Policy Report

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**State Legislative Update:**

**Status of the Legislature:** The Governor had until September 30 to take action on all bills passed by the Legislature. Members will be sworn in on December 5, 2022 and the Governor has called a Special Session on that day to address gas price inflation. We don't have the details of the proposal, but we do know that he has indicated the legislation would tax oil companies and provide gas rebates to Californians. Members will be able to introduce bills that day as well. The new 2023-24 Legislative session will begin the first week of January. The calendar for the year has not yet been released, but bill introduction deadline will be sometime in late February 2023.

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

- September 9 – Governor Gavin Newsom announced on Friday, September 9, 2022 that California has secured a Fire Management Assistance Grant (FMAG) from the Federal Emergency Management Agency to help ensure the availability of vital resources to suppress the Mosquito Fire burning in El Dorado and Placer counties.
- September 14 – Public health leaders end weekly COVID-19 testing requirements for workers.
- September 19 - Governor Gavin Newsom signed an emergency proclamation to support communities recovering from several fires that started during the recent extreme heat wave. The proclamation enables the counties to access resources under the California Disaster Assistance Act, expedites debris removal and cleanup of hazardous waste resulting from the fires and supports impacted residents by easing access to unemployment benefits and waiving fees to replace documents such as driver's licenses and birth certificates.
- September 23 - On Native American Day, Governor Gavin Newsom signed several bills to support California Native communities and build on the Administration's work to promote equity, inclusion and accountability throughout the state. In a ceremony joined by leaders of Native American tribes from across California, the Governor signed AB 1314 by Assemblymember James C. Ramos (D-Highland) to help address the ongoing crisis of missing and murdered Native people from communities across the country.
- September 29 - Working to support communities impacted by Hurricane Ian, Governor Gavin Newsom announced the deployment of emergency management and mass care specialists to Florida to support the state's response to the ongoing crisis.
- October 4 - California Distributed \$1.4 Billion in Utility Bill Relief for 2.2 Million Households.



- October 6 - California, Oregon, Washington and British Columbia sign Statement of Cooperation (SOC) to advance climate partnership and support equitable, low-carbon future.

**California's Water Supply Strategy, Adapting to a Hotter, Drier Future:** The Governor released this Strategy on August 11. Nossaman provided feedback and comments on the Strategy's goals and how those may impact the District. Nossaman will strategize with the District on ways to best leverage these new policy and funding proposals.

**Legislation:** Below is an update on current positions OMWD has taken.

- **AB 2142 (Gabriel): Income taxes: exclusion: turf replacement water conservation program.** This bill would, for taxable years beginning on or after January 1, 2022, and before January 1, 2027, under both of these laws, provide an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a local water agency or supplier for participation in a turf replacement water conservation program. **Current Position: Support. Current status: Signed by the Governor.**
- **AB 2247 (Bloom): Perfluoroalkyl and polyfluoroalkyl substances (PFAS) and PFAS products and product components: publicly accessible reporting platform:** Would require manufacturers of PFAS or products containing PFAS, to disclose the presence of PFAS in those products in a publicly accessible database. **Current Position: Support. Current status: Vetoed by the Governor.**
- **SB 222 (Dodd): Water Rate Assistance Program.** Requires the State Water Resources Control Board (State Water Board) to develop and administer the Water Rate Assistance Program (Program) to provide rate assistance to low-income residential ratepayers of a community water system or sewer system and to a tribal water system that chooses to participate in the Program. **Current position: Request for Veto. Current status: Vetoed by the Governor.**
- **SB 1157 (Hertzberg): Urban water use objectives: indoor residential water use.** This bill would change the change the standards for indoor residential water use, to reflect those recommended by DWR and the SWRCB. Specifically, it would change the indoor residential water use standards beginning January 1, 2025, to be: Beginning January 1, 2025, until January 1, 2030 – 47 gpcd; Beginning January 1, 2030 – 42 gpcd. SB 1157 (Hertzberg) was heard this week in the Assembly Water, Parks and Wildlife Committee. This bill as currently written limits indoor water usage, and we have an “oppose unless amended” position on the bill. The Committee suggested amendments that were accepted by Senator Hertzberg. CMUA and WaterReuse and others are moving to a neutral and position with those amendments. ACWA is still concerned about the bill and going to bring it back to the State Legislative Committee to reevaluate with the amendments. We have provided OMWD with the amendments to review. **Current position: Request for Veto. Current status: Signed by the Governor.**

### **Water Quality Update:**

#### **CWSRF and DWSRF 2022/23 Intended Use Plans:**

The State Water Board has released the 2022 Intended Use Plans for the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund. A workshop was held on September 7, 2022, and comments are due September 23, 2022. The board expects to adopt the updated plans in early October 2022.

#### **SWRCB Affordability Workshop:**

The State Water Board, in partnership with the California Office of Environmental Health Hazard Assessment, is holding three public webinar workshops to provide an opportunity for stakeholders to contribute towards the

enhancement of the drinking water Affordability Assessment, a component of the Drinking Water Needs Assessment. The second meeting was held on September 20 and the third will be held on November 1. The three affordability workshops will cover the following topics:

**Workshop 1: Potential Affordability Indicators**

- Overview of affordability in the Needs Assessment
- Review of previous approaches to measuring affordability
- Discussion of how the Affordability Assessment can be refined for 2023 and beyond

**Workshop 2: Potential Affordability Indicators**

- Explore options for new and existing public water systems affordability indicators, drawing from recommendations received after Workshop 1.
- Explore options for new affordability indicators for state small water systems and communities served by domestic wells.

**Workshop 3: Affordability Assessment Methodology & Threshold Setting**

- Explore options for affordability indicator thresholds and the affordability assessment.
- Explore options for incorporating affordability indicators into the risk assessment for state small water systems and domestic wells.

**Conservation/Water Use Efficiency Committee Updates:**

**DROUGHT UPDATE**

Seasonal monsoonal rainfall has continued to moderate drought conditions in many areas. However, the September 9 U.S. Drought Monitor report still classifies 99.76 percent of the state in Moderate (D1) to Exceptional (D4) Drought, including 23.61 percent of the state remaining in Extreme Drought and 16.57 percent in Exceptional Drought.

The State Water Board reports that statewide water use for July was down 10.4 percent compared to July 2020. Water use was significantly lower in the North Coast hydrologic region and reduced by more than 15 percent in the San Francisco Bay and South Lahontan hydro-regions. All other hydro-regions reduced water use by almost 6 percent to over 12 percent. Cumulative water use is now down 3.4 percent statewide from 2020 levels.

**State Water Board Update:**

**Water Loss Standards Rulemaking** – The State Water Board has put the Water Loss regulation on the agenda for its Oct 19 Board Meeting. To date, they have not published a staff report and proposed resolution. The State Water Board staff says they intend to publish the updated version of the regulation text soon. However, there will be no substantive changes between the reg text that which was posted on September 2<sup>nd</sup> and the one that will be published. A coalition of water utility associations and individual utilities are meeting to develop a strategy for public comment at the October 19 Board Meeting.

**Department Of Water Resources Updates:**

**Water Use Standards Recommendations** – DWR has recently indicated that their revised recommendations will soon be sent to the State Water Board. These recommendations include long-term water use standards associated with outdoor residential water use, Commercial, Industrial, and Institutional (CII) outdoor irrigation with dedicated irrigation meters (DIMs), CII best practices reporting procedures, residential outdoor landscape

standards, and variance recommendations. Once the recommendations are sent to the State Water Board, they will be the subject of a comprehensive rulemaking process.



**Olivenhain Legislative Report 2021-22  
Report as of 10/12/2022**

**Oppose**

**SB 1157 (Hertzberg D) Urban water use objectives.**

**Last Amend:** 8/25/2022

**Status:** 9/28/2022-Signed by the Governor

**Location:** 9/28/2022-S. CHAPTERED

**Summary:** Current law requires the Department of Water Resources, in coordination with the State Water Resources Control Board, and including collaboration with and input from stakeholders, to conduct necessary studies and investigations and authorizes the department and the board to jointly recommend to the Legislature a standard for indoor residential water use. Current law, until January 1, 2025, establishes 55 gallons per capita daily as the standard for indoor residential water use. Current law establishes, beginning January 1, 2025, the greater of 52.5 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use, and beginning January 1, 2030, establishes the greater of 50 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use. Current law requires the board, in coordination with the department, to adopt by regulation variances recommended by the department and guidelines and methodologies pertaining to the calculation of an urban retail water supplier's urban water use objective recommended by the department. This bill would eliminate the option of using the greater of 52.5 gallons per capita daily and the greater of 50 gallons per capita daily, as applicable, or a standard recommended by the department and the board as the standard for indoor residential water use. The bill would instead require that from January 1, 2025, to January 1, 2030, the standard for indoor residential water use be 47 gallons per capita daily and beginning January 1, 2030, the standard be 42 gallons per capita daily.

**Position**

Oppose

**Oppose Unless Amended**

**SB 222 (Dodd D) Water Rate Assistance Program.**

**Last Amend:** 8/24/2022

**Status:** 9/28/2022-Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.

**Location:** 9/28/2022-S. VETOED

**Summary:** Current law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This bill would establish the Water Rate Assistance Fund in the State Treasury to help provide water affordability assistance, for both drinking water and wastewater services, to low-income residential ratepayers. The bill would make moneys in the fund available upon appropriation by the Legislature to the state board

to provide, in consultation with relevant agencies, direct water bill assistance to low-income residential ratepayers served by eligible systems, as defined, and would require 80% of total expenditures from the fund to be directly applied to residential ratepayer accounts.

**Position**

Oppose Unless  
Amended

## Support

**AB 2142 (Gabriel D) Income taxes: exclusion: turf replacement water conservation program.**

**Last Amend:** 4/6/2022

**Status:** 9/28/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 674, Statutes of 2022.

**Location:** 9/28/2022-A. CHAPTERED

**Summary:** The Personal Income Tax Law and the Corporation Tax Law, in conformity with federal income tax law, generally defines "gross income" as income from whatever source derived, except as specifically excluded, and provides various exclusions from gross income. Current law provides an exclusion from gross income for any amount received as a rebate or voucher from a local water or energy agency or supplier for the purchase or installation of a water conservation water closet, energy efficient clothes washers, and plumbing devices, as specified. This bill would, for taxable years beginning on or after January 1, 2022, and before January 1, 2027, under both of these laws, provide an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a public water system, as defined, local government, or state agency for participation in a turf replacement water conservation program.

**Position**

Support

**AB 2247 (Bloom D) Perfluoroalkyl and polyfluoroalkyl substances (PFAS) and PFAS products and product components: publicly accessible data collection interface.**

**Last Amend:** 8/25/2022

**Status:** 9/29/2022-Vetoed by Governor.

**Location:** 9/29/2022-A. VETOED

**Summary:** Would require, as part of the hazardous waste control laws, the department to contract with an existing multistate chemical data collection entity that is used by other states and jurisdictions to implement, by January 1, 2026, a publicly accessible data collection interface to collect information about perfluoroalkyl and polyfluoroalkyl substances (PFAS) and products or product components containing intentionally added PFAS. The bill would require, on or before July 1, 2026, and annually thereafter, a manufacturer, as defined, of PFAS or a product or a product component containing intentionally added PFAS that, during the prior calendar year, is sold, offered for sale, distributed, or offered for promotional purposes in, or imported into, the state to register the PFAS or the product or product component containing intentionally added PFAS, and specified other information, on the publicly accessible data collection interface. The bill would specify that the above requirements do not apply to certain products regulated by the United States Food and Drug Administration or products intended for certain animal uses that are regulated under certain federal laws.

**Position**

Support



## No Position

### [AB 30](#) **([Kalra D](#)) Equitable Outdoor Access Act.**

**Last Amend:** 8/11/2022

**Status:** 9/30/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 939, Statutes of 2022.

**Location:** 9/30/2022-A. CHAPTERED

**Summary:** Would establish the Equitable Outdoor Access Act, which sets forth the state's commitment to ensuring all Californians can benefit from, and have meaningful access to, the state's rich cultural and natural resources. The bill would declare that it is state policy, among other things, to ensure that all Californians have equitable opportunities to safe and affordable access to nature and access to the benefits of nature, and to prevent and minimize the intentional and unwarranted limitation of sustainable public access to public lands, where appropriate, including, but not limited to, local, regional, state, and federal parks, rivers, lakes, beaches, forests, mountain ranges, deserts, and other natural landscapes. The bill would require specified state agencies to consider and incorporate, as appropriate, the state policy when revising, adopting, or establishing policies, regulations, or grant criteria, or making expenditures, as specified. The bill would require all state agencies implementing the above-described state policy to do so in a manner consistent with the mission of their agency and that protects the health and safety of the public and conserves natural and cultural resources. The bill would require the state to encourage the types of access that promote, and are consistent with, specified conservation goals. The bill would require the Natural Resources Agency to prepare and submit a report to the Legislature with information related to the implementation of these provisions on or before January 1, 2024.

#### Position

### [AB 252](#) **([Bonta, Mia D](#)) Floating home marinas: rent caps.**

**Last Amend:** 8/16/2022

**Status:** 9/28/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 633, Statutes of 2022.

**Location:** 9/28/2022-A. CHAPTERED

**Summary:** The Floating Home Residency Law prescribes various terms and conditions on tenancies in floating home marinas, as defined. Current law defines "floating home marina" for these purposes as an area where 5 or more floating home berths are rented, or held out for rent, to accommodate floating homes, but does not include, among other things, a marina where 10% or fewer of the berths are leased or held out to lease to floating homes. This bill would revise the definition of "floating home marina" by deleting the provision that excludes a marina where 10% or fewer of the berths are leased or held out to lease to floating homes.

#### Position

### [AB 522](#) **([Fong R](#)) Forestry: Forest Fire Prevention Exemption.**

**Last Amend:** 1/12/2022

**Status:** 9/23/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 491, Statutes of 2022.

**Location:** 9/23/2022-A. CHAPTERED

**Summary:** The Z'berg-Nejedly Forest Practice Act of 1973 authorizes the State Board of Forestry and Fire Protection to exempt from some or all of those provisions of the act a person engaging in specified forest management activities, as

prescribed, including the harvesting of trees for the purpose of reducing the rate of fire spread, duration and intensity, fuel ignitability, or ignition of tree crowns, as provided, known as the Forest Fire Prevention Exemption. The act provides that the Forest Fire Prevention Exemption is operative for a period of 5 years after the effective date of emergency regulations adopted by the board to implement the exemption and is inoperative after that 5-year period. Current regulations implementing that exemption specify that it becomes inoperative 5 years after February 19, 2019. This bill would make the operation of the Forest Fire Prevention Exemption inoperative on January 1, 2026.

**Position**

**AB 1164 (Flora R) Dams and reservoirs: exclusions: publicly owned or operated regulating basins.**

**Last Amend:** 5/23/2022

**Status:** 9/30/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 943, Statutes of 2022.

**Location:** 9/30/2022-A. CHAPTERED

**Summary:** Current law excludes certain obstructions from being considered a dam, including a barrier that is not across a stream channel, watercourse, or natural drainage area and that has the principal purpose of impounding water for agricultural use. This bill would additionally exclude from being considered a dam a regulating basin, as defined, owned or operated by a public entity that is not across a stream channel, watercourse, or natural drainage if certain criteria are met, including, among other criteria, that the owner or operator of the regulating basin, before the construction of the regulating basin, submit to the department an inundation map, stamped by a licensed civil engineer, identifying the flow and depth of water from the regulating basin in the event of a failure of a barrier constructed to form the regulating basin, and that the owner or operator, immediately upon the identification of a failure or the risk of failure of a barrier or works critical to the safe operation of the regulating basin, notify the county sheriff and local emergency managers of all properties likely to be impacted by a failure. The bill would define "natural drainage" for purposes of these provisions.

**Position**

**AB 1195 (Garcia, Cristina D) Limited Eligibility and Appointment Program: lists.**

**Last Amend:** 8/17/2022

**Status:** 9/30/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 892, Statutes of 2022.

**Location:** 9/30/2022-A. CHAPTERED

**Summary:** Current law creates the Limited Examination and Appointment Program (LEAP), which the Department of Human Resources administers, to provide an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities. Current law requires the Department of Human Resources, when an appointing power seeks to fill a vacant position by using an employment list, to provide the appointing power with a certified list of the names and addresses of all eligible candidates, as specified. Current law requires the department to provide a single certified list of eligible candidates if more than one employment list or LEAP referral list exists, and the department is required to combine the names and addresses of all eligible candidates. This bill, as an alternative to receiving a combined list of eligible candidates, would require the department, upon request of an appointing power, to provide a list of eligibles that includes only the names and addresses of candidates, if any, on a LEAP referral list and the names and addresses of candidates, if any, on any applicable reemployment or State Restriction of Appointment list. The bill would authorize the appointing power to notify individuals listed of the opportunity to apply for a vacant position, to screen

applications for candidates' eligibility, and to hire from among those eligible applicants whose names appear on the list. The bill would authorize the board to adopt or amend regulations, if necessary, to ensure these procedures are implemented in a manner consistent with merit principles and the California Constitution.

**Position**

**AB 1384 (Gabriel D) Resiliency Through Adaptation, Economic Vitality, and Equity Act of 2022.**

**Last Amend:** 8/26/2021

**Status:** 9/16/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 338, Statutes of 2022.

**Location:** 9/16/2022-A. CHAPTERED

**Summary:** Current law requires the Natural Resources Agency to release a draft of the state's climate adaptation strategy, known as the Safeguarding California Plan, by January 1, 2017, and every 3 years thereafter, to update the plan by July 1, 2017, and every 3 years thereafter, and to coordinate with other state agencies to identify vulnerabilities to climate change by sectors and priority actions needed to reduce the risks in those sectors. Current law requires, to address the vulnerabilities identified in the plan, state agencies to maximize specified objectives. This bill would instead require the agency to release the draft plan by January 1, 2024, and every 3 years thereafter, and to update the plan by July 1, 2024, and every 3 years thereafter. The bill would require the agency to also coordinate with the Office of Planning and Research and identify, among other things, vulnerabilities to climate change for vulnerable communities, an operational definition of "climate resilience" for each sector and for vulnerable communities, special protections of vulnerable communities and industries that are disproportionately impacted by climate change, opportunities to improve policy and budget coordination across jurisdictions, and timetables and specific metrics to measure and evaluate the state's progress in implementing the plan.

**Position**

**AB 1642 (Salas D) California Environmental Quality Act: water system well and domestic well projects: exemption.**

**Last Amend:** 6/30/2022

**Status:** 9/30/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 859, Statutes of 2022.

**Location:** 9/30/2022-A. CHAPTERED

**Summary:** Current law requires the State Water Resources Control Board to develop a drinking water needs assessment to inform the board's annual fund expenditure plan. This bill would, until January 1, 2028, exempt from CEQA a well project, as defined, that meets specified conditions, including that the domestic well or the water system to which the well is connected has been designated by the state board as high risk or medium risk in the state board's drinking water needs assessment. The bill would require a lead agency, before determining that a well project is exempt from CEQA pursuant to these provisions, to contact the state board to determine whether claiming the exemption will affect the ability of the well project to receive federal financial assistance or federally capitalized financial assistance. The bill would require a lead agency that determines that a well project is exempt from CEQA pursuant to these provisions to file a notice of exemption with the Office of Planning and Research and the county clerk, as provided.

**Position**

**AB 1644 (Flora R) Greenhouse Gas Reduction Fund: California Jobs Plan Act of 2021.**

**Last Amend:** 6/21/2022

**Status:** 8/29/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 202, Statutes of 2022.

**Location:** 8/29/2022-A. CHAPTERED

**Summary:** Current law, beginning in the 2022–23 fiscal year through the 2028–29 fiscal year, continuously appropriates \$200,000,000 from the fund to the Department of Forestry and Fire Protection for healthy forest and fire prevention programs and projects, and the completion of prescribed fire and other fuel reduction projects. The California Jobs Plan Act of 2021 (the act) requires the State Air Resources Board to work with the Labor and Workforce Development Agency to update, on or before July 1, 2025, Greenhouse Gas Reduction Fund funding guidelines for administering agencies to ensure that all applicants to grant programs funded by the fund meet specified standards, including fair and responsible employer standards and inclusive procurement policies, as provided. Current law exempts from these standards applicants for certain types of projects. This bill would exempt from these standards applicants for projects for healthy forest and fire prevention programs and projects, and the completion of prescribed fire and other fuel reduction projects. The bill would also provide that the act is not intended to weaken preexisting legal protections for workers by excusing compliance with any requirements that would apply in the absence of the act.

**Position**

**AB 1717 (Aguilar-Curry D) Public works: definition.**

**Last Amend:** 8/24/2022

**Status:** 9/28/2022-Vetoed by Governor.

**Location:** 9/28/2022-A. VETOED

**Summary:** Current law requires that, except as specified, not less than the general prevailing rate of per diem wages, determined by the Director of Industrial Relations, be paid to workers employed on public works projects. Current law defines the term “public works” for purposes of requirements regarding the payment of prevailing wages to include construction, alteration, demolition, installation, or repair work done under contract and paid for using public funds, except as specified. Current law makes a willful violation of laws relating to the payment of prevailing wages on public works a misdemeanor. This bill would, commencing January 1, 2024, expand the definition of “public works” to include fuel reduction work done under contract and paid for in whole or in part out of public funds performed as part of a fire mitigation project, as specified. The bill would limit those provisions to work that falls within an apprenticeship occupation in the building and construction trades for which an apprenticeship program has been approved and to contracts in excess of \$100,000. The bill would delay the application of those provisions until January 1, 2025, for nonprofits.

**Position**

**AB 1751 (Daly D) Workers’ compensation: COVID-19: critical workers.**

**Last Amend:** 8/25/2022

**Status:** 9/29/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 758, Statutes of 2022.

**Location:** 9/29/2022-A. CHAPTERED

**Summary:** Current law establishes a workers’ compensation system, administered by the Administrative Director of the Division of Workers’ Compensation, to compensate an employee, as defined, for injuries sustained in the course of employment. Current law defines “injury” for an employee to include illness or death resulting from the 2019 novel coronavirus disease (COVID-19) under specified circumstances, until

January 1, 2023. Current law creates a disputable presumption, as specified, that the injury arose out of and in the course of the employment and is compensable, for specified dates of injury. Current law requires an employee to exhaust their paid sick leave benefits and meet specified certification requirements before receiving any temporary disability benefits or, for police officers, firefighters, and other specified employees, a leave of absence. Current law also make a claim relating to a COVID-19 illness presumptively compensable, as described above, after 30 days or 45 days, rather than 90 days. Current law, until January 1, 2023, allows for a presumption of injury for all employees whose fellow employees at their place of employment experience specified levels of positive testing, and whose employer has 5 or more employees. This bill would extend the above-described provisions relating to COVID-19 until January 1, 2024. The bill would also expand the above-described provisions applicable to firefighters and police officers to include active firefighting members of a fire department at the State Department of State Hospitals, the State Department of Developmental Services, the Military Department, and the Department of Veterans Affairs and to officers of a state hospital under the jurisdiction of the State Department of State Hospitals and the State Department of Developmental Services.

**Position**

**AB 1817 (Ting D) Product safety: textile articles: perfluoroalkyl and polyfluoroalkyl substances (PFAS).**

**Last Amend:** 8/24/2022

**Status:** 9/29/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 762, Statutes of 2022.

**Location:** 9/29/2022-A. CHAPTERED

**Summary:** Would prohibit, beginning January 1, 2025, any person from manufacturing, distributing, selling, or offering for sale in the state any new, not previously owned, textile articles that contain regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS, except as specified, and requires a manufacturer to use the least toxic alternative when removing regulated PFAS in textile articles to comply with these provisions. The bill would require a manufacturer of a textile article to provide persons that offer the product for sale or distribution in the state with a certificate of compliance stating that the textile article is in compliance with these provisions and does not contain any regulated PFAS.

**Position**

**AB 1845 (Calderon D) Metropolitan Water District of Southern California: alternative project delivery methods.**

**Last Amend:** 8/15/2022

**Status:** 9/13/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 275, Statutes of 2022.

**Location:** 9/13/2022-A. CHAPTERED

**Summary:** Would authorize the Metropolitan Water District of Southern California to use the design-build procurement process for certain regional recycled water projects or other water infrastructure projects. The bill would define "design-build" to mean a project delivery process in which both the design and construction of a project are procured from a single entity. The bill would require the district to use a specified design-build procedure to assign contracts for the design and construction of a project, as defined.

**Position**

**AB 1857 (Garcia, Cristina D) Solid waste.**

**Last Amend:** 8/23/2022



**Status:** 9/16/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 342, Statutes of 2022.

**Location:** 9/16/2022-A. CHAPTERED

**Summary:** The California Integrated Waste Management Act of 1989 requires a city, county, or city and county, or regional agency formed under the act, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. The act requires those jurisdictions to divert 50% of the solid waste subject to the element, except as specified, through source reduction, recycling, and composting activities. The act allows the 50% diversion requirement to include not more than 10% through transformation, as defined, if specified conditions are met. This bill would repeal the provision authorizing the inclusion of not more than 10% of the diversion through transformation. Because the bill would require local agencies to revise the source reduction and recycling elements of their integrated waste management plans, this bill would impose a state-mandated local program.

**Position**

**AB 1879 (Mathis R) California regional water quality control boards: unfounded or frivolous complaints.**

**Last Amend:** 6/30/2022

**Status:** 9/13/2022-Vetoed by Governor.

**Location:** 9/13/2022-A. VETOED

**Summary:** The State Water Resources Control Board and the California regional water quality control boards implement the Federal Water Pollution Control Act and the Porter-Cologne Water Quality Control Act by prescribing waste discharge requirements for discharges to the waters of the state, as specified. Current law authorizes the state board and the regional boards to hold hearings necessary for carrying out their duties, as specified. This bill would authorize a regional board to develop a plan or policy to address unfounded or frivolous complaints.

**Position**

**AB 1906 (Stone D) Voluntary stream restoration: property owner liability: indemnification: claims.**

**Last Amend:** 6/14/2022

**Status:** 9/15/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 325, Statutes of 2022.

**Location:** 9/15/2022-A. CHAPTERED

**Summary:** Current law requires a qualifying state agency, as defined, that funds a project to restore fish and wildlife habitats to indemnify and hold harmless a real property owner who voluntarily allows their real property to be used for the project from civil liability for property damage or personal injury resulting from the project if the project qualifies for a specified exemption and meets specified requirements. Current law authorizes a qualifying state agency to indemnify and hold harmless a real property owner who voluntarily allows their real property to be used for that project from civil liability for property damage or personal injury resulting from the project in the case the project does not meet the specified exemption. Current law requires the costs of any civil liability incurred by a qualifying state agency to be promptly paid from the General Fund, and requires those costs to be submitted as a claim by the real property owner to the Department of General Services pursuant to specified provisions. Current law requires costs incurred by a qualifying state agency in investigating and defending against a claim by a real property owner to be paid from the General Fund. This bill would require costs incurred by a qualifying state agency in settling, in addition to investigating and defending against, a claim by a real property owner to be paid from the General Fund.

## **Position**

### **AB 2081 (Garcia, Eduardo D) Municipal water districts: water service: Indian lands.**

**Last Amend:** 5/12/2022

**Status:** 9/23/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 480, Statutes of 2022.

**Location:** 9/23/2022-A. CHAPTERED

**Summary:** The Municipal Water District Law of 1911 provides for the formation of municipal water districts and grants to those districts specified powers. Current law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district. Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe's lands that are not within a district, as prescribed. Current law also authorizes a district, until January 1, 2023, under specified circumstances, to apply to the applicable local agency formation commission to provide this service of water to Indian lands, as defined, that are not within the district and requires the local agency formation commission to approve such an application. This bill, among other things, would extend the above provisions regarding the application to the applicable local agency formation commission to January 1, 2027.

## **Position**

### **AB 2106 (Rivas, Robert D) Water quality: permits.**

**Last Amend:** 8/24/2022

**Status:** 9/28/2022-Vetoed by Governor.

**Location:** 9/28/2022-A. VETOED

**Summary:** Would require, on or before December 31, 2025, the State Water Resources Control Board to update its stormwater data collection systems and software through specified actions.

## **Position**

### **AB 2108 (Rivas, Robert D) Water policy: environmental justice: disadvantaged and tribal communities.**

**Last Amend:** 8/25/2022

**Status:** 9/16/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 347, Statutes of 2022.

**Location:** 9/16/2022-A. CHAPTERED

**Summary:** Current law requires the State Water Resources Control Board to formulate and adopt state policy for water quality control. Current law requires the regional boards to prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge, except discharges into a community sewer system, with relation to the conditions existing in the disposal area or receiving waters upon, or into which, the discharge is made or proposed. Current law also authorizes the state board or a regional board to waive these requirements as to a specific discharge or type of discharge if the state board or a regional board determines, after any necessary state board or regional board meeting, that the waiver is consistent with any applicable state or regional water quality control plan and is in the public interest. This bill would, among other things, specify that the state board and each regional board need to begin outreach to identify issues of environmental justice as early as possible in planning, policy, and permitting processes. The bill would require the state board and each regional board

to engage in equitable, culturally relevant community outreach to promote meaningful civic engagement from potentially impacted communities of proposed discharges of waste that may have disproportionate impacts on water quality in disadvantaged communities or tribal communities and ensure that outreach and engagement shall continue throughout the waste discharge planning, policy, and permitting processes.

**Position**

**AB 2163 (Rubio, Blanca D) San Gabriel Basin Water Quality Authority Act.**

**Status:** 9/2/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 234, Statutes of 2022.

**Location:** 9/2/2022-A. CHAPTERED

**Summary:** The San Gabriel Basin Water Quality Authority Act establishes the San Gabriel Basin Water Quality Authority and provides for its powers and duties. Current law repeals the act on July 1, 2030. Upon the act's repeal, existing law prescribes various requirements for the administration of the authority's debts and assets. This bill would extend the July 1, 2030, date of repeal of the act to July 1, 2050, thereby imposing a state-mandated local program by extending the period of time in which the authority and other local public entities are required to carry out various duties under the act.

**Position**

**AB 2173 (Petrie-Norris D) Public contracts: payment.**

**Status:** 7/19/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 121, Statutes of 2022.

**Location:** 7/19/2022-A. CHAPTERED

**Summary:** Current law, until January 1, 2023, authorizes the retention proceeds withheld from any payment by an awarding entity, as described, from the original contractor, by the original contractor from any subcontractor, and by a subcontractor from any subcontractor, to exceed 5% on specific projects where the director of the applicable department, as specified, has made, or the governing body of the public entity or designated official of the public entity has approved, a finding prior to the bid that the project is substantially complex and requires a higher retention and the department or public entity includes both this finding and the actual retention amount in the bid documents. This bill would make these provisions operative indefinitely.

**Position**

**AB 2179 (Grayson D) COVID-19 relief: tenancy.**

**Last Amend:** 3/28/2022

**Status:** 3/31/2022-Chaptered by Secretary of State - Chapter 13, Statutes of 2022.

**Location:** 3/31/2022-A. CHAPTERED

**Summary:** The COVID-19 Tenant Relief Act, until October 1, 2025, establishes procedural requirements and limitations on evictions for nonpayment of rent due to COVID-19 rental debt, as defined. The act, among other things, requires that a notice that demands payment of COVID-19 rental debt served pursuant to specified law be modified, as provided. The act requires that a notice that demands payment of rent that came due during the transition time period, as defined, comply with certain requirements, including that the notice include certain text which varies depending on the date that the notice is served. This bill would require notices described above that are served on or after April 1, 2022, and before July 1, 2022, to include certain text.

**Position**

**AB 2449 (Rubio, Blanca D) Open meetings: local agencies: teleconferences.**

**Last Amend:** 8/8/2022

**Status:** 9/13/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 285, Statutes of 2022.

**Location:** 9/13/2022-A. CHAPTERED

**Summary:** Current law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act generally requires posting an agenda at least 72 hours before a regular meeting that contains a brief general description of each item of business to be transacted or discussed at the meeting, and prohibits any action or discussion from being undertaken on any item not appearing on the posted agenda. This bill would revise and recast those teleconferencing provisions and, until January 1, 2026, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction.

**Position**

**AB 2503 (Garcia, Cristina D) Landlords and tenants: California Law Revision**

**Commission: study.**

**Last Amend:** 8/1/2022

**Status:** 9/22/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 462, Statutes of 2022.

**Location:** 9/22/2022-A. CHAPTERED

**Summary:** Would require the California Law Revision Commission to, on or before December 31, 2024, deliver to the Legislature a study regarding, among other things, the establishment of consistent terminology across the California codes to describe the parties to an agreement, lease, or other contract for the rental of residential real property, including in mobilehome parks, that meets certain criteria, specifically, among other things, that the study addresses whether the continued use of the terms "landlord" and "tenant," including related terms including "cotenant" and "subtenant," is useful and appropriate in code provisions that involve the rental of residential real property.

**Position**

**AB 2505 (Gray D) Water theft: irrigation districts.**

**Last Amend:** 3/24/2022

**Status:** 6/20/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 23, Statutes of 2022.

**Location:** 6/16/2022-A. CHAPTERED

**Summary:** Current law requires the local agency to adopt an ordinance that sets forth the administrative procedures governing the imposition, enforcement, collection, and administrative review of the administrative fines or penalties for water theft and to establish a process for granting a hardship waiver to reduce the amount of the fine, as specified. Current law, the Irrigation District Law, provides for the formation of irrigation districts with prescribed powers. This bill would authorize irrigation districts, as defined, to impose fines or penalties for water theft in accordance with both of the above-described provisions, and would provide that the above-specified provisions do not cap or limit the fines that an irrigation district may impose in accordance with the Irrigation District Law.

**Position**

**AB 2536 (Grayson D) Development fees: impact fee nexus studies: connection fees and capacity charges.**

**Last Amend:** 4/26/2022

**Status:** 7/19/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 128, Statutes of 2022.

**Location:** 7/19/2022-A. CHAPTERED

**Summary:** The Mitigation Fee Act requires a local agency that establishes, increases, or imposes a fee as a condition of approval of a development project to, among other things, determine a reasonable relationship between the fee's use and the type of development project on which the fee is imposed. Current law requires a local agency that conducts an impact fee nexus study to follow certain standards and practices, as specified. Current law also requires a local agency to hold at least one open and public meeting prior to levying a new fee or service charge, as specified. This bill would require a local agency, prior to levying a new fee or capacity charge or approving an increase in an existing fee or capacity charge, to evaluate the amount of the fee or capacity charge. The bill would require the evaluation to include evidence to support that the fee or capacity charge does not exceed the estimated reasonable cost of providing service, as specified.

**Position**

**AB 2647 (Levine D) Local government: open meetings.**

**Last Amend:** 8/4/2022

**Status:** 9/30/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 971, Statutes of 2022.

**Location:** 9/30/2022-A. CHAPTERED

**Summary:** Current law, the California Public Records Act, requires state agencies and local agencies to make public records available for inspection, subject to specified criteria, and with specified exceptions. Current law, the Ralph M. Brown Act, requires the meetings of the legislative body of a local agency to be conducted openly and publicly, with specified exceptions. Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates and list the address of the office or location on the agenda for all meetings of the legislative body of the agency unless the local agency meets certain requirements, including the local agency immediately posts the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

**Position**

**AB 2673 (Irwin D) Hospice agency licensure: moratorium on new licenses.**

**Last Amend:** 8/22/2022

**Status:** 9/29/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 797, Statutes of 2022.

**Location:** 9/29/2022-A. CHAPTERED

**Summary:** The California Hospice Licensure Act of 1990 (act) requires a person, political subdivision of the state, or other governmental agency to obtain a license from the State Department of Public Health to provide hospice services to an individual who is experiencing the last phase of life due to a terminal disease, as defined, and their family, except as provided. This bill would generally replace the term "hospice" with the term "hospice agency." The bill would provide that hospice



agency licenses are not transferable. The bill would specify that only the person or entity initially issued the license may use the license for 5 years. The bill would prohibit the department from approving a change of ownership of a licensed hospice agency for 5 years from the date of initial licensure. The bill would authorize the department to make an exception to the 5-year prohibition under extenuating circumstances, as prescribed.

**Position**

**AB 2805 (Bauer-Kahan D) Department of Fish and Wildlife: advance mitigation and regional conservation investment strategies.**

**Last Amend:** 6/29/2022

**Status:** 9/22/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 463, Statutes of 2022.

**Location:** 9/22/2022-A. CHAPTERED

**Summary:** Existing law authorizes the Department of Fish and Wildlife, or any other public agency, to propose a regional conservation investment strategy, to be developed in consultation with applicable local agencies that have land use authority, for the purpose of informing science-based nonbinding and voluntary conservation actions and habitat enhancement actions that would advance the conservation of focal species and provide voluntary nonbinding guidance for various activities. This bill would additionally authorize a federally recognized tribe to propose a regional conservation investment strategy, as provided. The bill would eliminate a restriction on the department that authorizes the department to approve a regional conservation investment strategy only if one or more state agencies request approval through a letter sent to the Director of Fish and Wildlife and a requirement that a regional conservation investment strategy include an explanation of the extent that the strategy is consistent with any previously approved or amended strategy. This bill contains other related provisions and other existing laws.

**Position**

**AB 2877 (Garcia, Eduardo D) Safe and Affordable Drinking Water Fund: tribes.**

**Last Amend:** 8/25/2022

**Status:** 9/23/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 481, Statutes of 2022.

**Location:** 9/23/2022-A. CHAPTERED

**Summary:** Current law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Current law continuously appropriates to the State Water Resources Control Board moneys deposited in the fund for the development, implementation, and sustainability of long-term drinking water solutions, among other things. Existing law requires the state board to expend moneys in the fund for grants, loans, contracts, or services to assist eligible recipients. Current law includes within the list of "eligible recipients," public agencies, nonprofit organizations, public utilities, mutual water companies, federally recognized California Native American tribes, specified nonfederally recognized Native American tribes, administrators, groundwater sustainability agencies, community water systems, and technical assistance providers. This bill would specify that any waiver of tribal sovereignty that is required by the state board for a tribe that is an eligible recipient to access funding from the fund shall be narrowly drafted to serve both the individual needs of the tribe and make the funding agreement enforceable. The bill would require the state board to include its designated tribal liaison, as defined, in all discussions with eligible recipients, except as specified.

**Position**

**AB 2895 (Arambula D) Water: permits and licenses: temporary changes: water or water rights transfers.**

**Last Amend:** 8/22/2022

**Status:** 9/28/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 675, Statutes of 2022.

**Location:** 9/28/2022-A. CHAPTERED

**Summary:** Under current law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Current law authorizes a permittee or licensee to temporarily change the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights if the transfer would only involve the amount of water that would have been consumptively used or stored by the permittee or licensee in the absence of the proposed temporary change, would not injure any legal user of the water, and would not unreasonably affect fish, wildlife, or other instream beneficial uses. This bill would revise and recast the provisions regulating temporary changes due to a transfer or exchange of water rights, including, among other revisions, specifying that those provisions apply to a person who proposes a temporary change for purposes of preserving or enhancing wetlands habitat, fish and wildlife resources, or recreation. The bill would eliminate the requirement that a petitioner publish notice of a petition in a newspaper.

**Position**

**SB 45 (Portantino D) Short-lived climate pollutants: organic waste reduction goals: local jurisdiction assistance.**

**Last Amend:** 8/15/2022

**Status:** 9/19/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 445, Statutes of 2022.

**Location:** 9/19/2022-S. CHAPTERED

**Summary:** Current law requires the Department of Resources Recycling and Recovery, in consultation with the State Air Resources Board, to adopt regulations to achieve the organic waste reduction goals established by the state board for 2020 and 2025, as provided. Current law requires the department, no later than July 1, 2020, and in consultation with the state board, to analyze the progress that the waste sector, state government, and local governments have made in achieving these organic waste reduction goals. Current law authorizes the department, if it determines that significant progress has not been made toward achieving the organic waste reduction goals established by the state board, to include incentives or additional requirements in its regulations to facilitate progress towards achieving the goals. This bill would require the department, in consultation with the state board, to assist local jurisdictions in complying with these provisions, including any regulations adopted by the department.

**Position**

**SB 54 (Allen D) Solid waste: reporting, packaging, and plastic food service ware.**

**Last Amend:** 6/26/2022

**Status:** 6/30/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 75, Statutes of 2022.

**Location:** 6/30/2022-S. CHAPTERED

**Summary:** The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. The act requires disposal facility operators to submit information to the department on the disposal tonnages that are

disposed of at the disposal facility, and requires solid waste handlers and transfer station operators to provide information to disposal facility operators for purposes of that requirement. The act requires recycling and composting operations and facilities to submit periodic information to the department on the types and quantities of materials that are disposed of, sold, or transferred to other recycling or composting facilities or specified entities. This bill would provide that these reporting requirements do not apply to materials that are used by facilities defined as end users pursuant to the regulations adopted by the department or that are otherwise exempt pursuant to those regulations.

**Position**

**SB 230 (Portantino D) State Water Resources Control Board: Constituents of Emerging Concern in Drinking Water Program.**

**Last Amend:** 8/23/2022

**Status:** 9/28/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 676, Statutes of 2022.

**Location:** 9/28/2022-S. CHAPTERED

**Summary:** Current law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. The state board's duties include, but are not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable and safe supply of drinking water, enforcing the federal Safe Drinking Water Act, and adopting and enforcing regulations. This bill would require the state board to build upon its existing work dealing with, and work to improve its knowledge of, constituents of emerging concern (CEC) in waters of the state and drinking water.

**Position**

**SB 284 (Stern D) Workers' compensation: firefighters and peace officers: post-traumatic stress.**

**Last Amend:** 8/18/2022

**Status:** 9/29/2022-Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.

**Location:** 9/29/2022-S. VETOED

**Summary:** Current law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of employment. Current law provides, only until January 1, 2025, that, for certain state and local firefighting personnel and peace officers, the term "injury" includes post-traumatic stress that develops or manifests during a period in which the injured person is in the service of the department or unit, but applies only to injuries occurring on or after January 1, 2020. Current law requires the compensation awarded pursuant to this provision to include full hospital, surgical, medical treatment, disability indemnity, and death benefits. This bill would make that provision applicable to active firefighting members of the State Department of State Hospitals, the State Department of Developmental Services, the Military Department, and the Department of Veterans Affairs, and to additional peace officers, including security officers of the Department of Justice when performing assigned duties as security officers and the officers of a state hospital under the jurisdiction of the State Department of State Hospitals or the State Department of Developmental Services, among other officers.

**Position**

**SB 559 (Hurtado D) Tribal gaming: compact ratification.**

**Last Amend:** 8/23/2022

**Status:** 9/22/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 467, Statutes of 2022.

**Location:** 9/22/2022-S. CHAPTERED

**Summary:** Would ratify the tribal-state gaming compact entered into between the State of California and the Santa Rosa Indian Community of the Santa Rosa Rancheria, executed on August 18, 2022. The bill would provide that, in deference to tribal sovereignty, certain actions related to this compact are not projects for purposes of CEQA. The bill would repeal an obsolete provision related to the ratification of a prior compact between the State of California and the Santa Rosa Indian Community of the Santa Rosa Rancheria and make other conforming changes.

**Position**

**SB 844 (Min D) California Cybersecurity Integration Center: cybersecurity improvement: reports.**

**Last Amend:** 3/16/2022

**Status:** 9/23/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 505, Statutes of 2022.

**Location:** 9/23/2022-S. CHAPTERED

**Summary:** Existing law establishes the California Cybersecurity Integration Center within the Office of Emergency Services, the primary mission of which is to reduce the likelihood and severity of cyber incidents that could damage California's economy, its critical infrastructure, or computer networks in the state. Current law requires the center to serve as the central organizing hub of state government's cybersecurity activities and to coordinate information sharing with local, state, and federal agencies, tribal governments, utilities and other service providers, academic institutions, and nongovernmental organizations. This bill would require the center to create four reports, to be delivered to the Legislature, as specified, for the 2021-22, 2022-23, 2023-24, and 2024-25 fiscal years that describe all expenditures made by the state within a single fiscal year pursuant to the federal State and Local Cybersecurity Improvement Act.

**Position**

**SB 880 (Laird D) Water diversion: monitoring and reporting: University of California Cooperative Extension.**

**Status:** 8/29/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 221, Statutes of 2022.

**Location:** 8/29/2022-S. CHAPTERED

**Summary:** Current law requires a person who diverts 10 acre-feet of water or more per year under a permit or license to install and maintain a device or employ a method capable of measuring the rate of direct diversion, rate of collection to storage, and rate of withdrawal or release from storage, as specified and with certain exceptions. Current law requires the measurements to be made using the best available technologies and best professional practices using a device or methods satisfactory to the State Water Resources Control Board. Current law authorizes the board to adopt regulations requiring measurement and reporting of water diversion and use by persons including, but not limited to, those authorized to appropriate water under a permit, license, or registration for small irrigation use or livestock stockpond use, or a certification for livestock stockpond use. Current law, until January 1, 2023, requires any diverter, who has completed an instructional course regarding the devices or measurement method administered by the University of

California Cooperative Extension, including passage of a proficiency test before the completion of the course, to be considered a qualified individual when installing and maintaining devices or implementing methods of measurement that were taught in the course for the diverter's diversion. Current law also requires the University of California Cooperative Extension and the board to develop the curriculum of the course and the proficiency test. This bill would indefinitely extend the above-described provisions.

**Position**

**SB 892 (Hurtado D) Cybersecurity preparedness: food and agriculture sector and water and wastewater systems sector.**

**Last Amend:** 8/15/2022

**Status:** 9/29/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 820, Statutes of 2022.

**Location:** 9/29/2022-S. CHAPTERED

**Summary:** Current law requires Cal-CSIC to provide warnings of cyberattacks to government agencies and nongovernmental partners, coordinate information sharing among these entities, assess risks to critical infrastructure information networks, enable cross-sector coordination and sharing of best practices and security measures, and support certain cybersecurity assessments, audits, and accountability programs. Current law also requires Cal-CSIC to develop a statewide cybersecurity strategy to improve how cyber threats are identified, understood, and shared in order to reduce threats to California government, businesses, and consumers, and to strengthen cyber emergency preparedness and response and expand cybersecurity awareness and public education. This bill would require Cal OES to direct Cal-CSIC to prepare, and Cal OES to submit to the Legislature on or before January 1, 2024, a strategic, multiyear outreach plan to assist the food and agriculture sector and the water and wastewater sector in their efforts to improve cybersecurity and an evaluation of options for providing grants or alternative forms of funding to, and potential voluntary actions that do not require funding and that assist, those sectors in their efforts to improve cybersecurity preparedness.

**Position**

**SB 896 (Dodd D) Wildfires: defensible space: grant programs: local governments.**

**Last Amend:** 5/5/2022

**Status:** 8/29/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 222, Statutes of 2022.

**Location:** 8/29/2022-S. CHAPTERED

**Summary:** Current law requires the Director of Forestry and Fire Protection to establish a statewide program to allow qualified entities, including counties and other political subdivisions of the state, to support and augment the Department of Forestry and Fire Protection in its defensible space and home hardening assessment and education efforts. Current law requires the director to establish a common reporting platform that allows defensible space and home hardening assessment data, collected by the qualified entities, to be reported to the department. This bill would require any local governmental entity that is qualified to conduct these defensible space assessments in very high and high fire hazard severity zones, as specified, and that reports that information to the department, to report that information using the common reporting platform. The bill would require the department, on December 31, 2023, and annually thereafter, to report to the Legislature all defensible space data collected through the common reporting platform, as provided.

**Position**



**SB 901 (Pan D) Flood protection: City of West Sacramento flood risk reduction project.**

**Last Amend:** 8/15/2022

**Status:** 9/28/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 708, Statutes of 2022.

**Location:** 9/28/2022-S. CHAPTERED

**Summary:** Unless a city or county within the Sacramento-San Joaquin Valley makes certain findings after the effective date of specified amendments to its general plan, the Planning and Zoning Law prohibits a city or county from entering into a development agreement for property located in a flood hazard zone; approving a discretionary permit, ministerial permit, or other discretionary entitlement for a project that is located within a flood hazard zone, as specified; or approving a tentative map, or a parcel map for which a tentative map was not required, for a subdivision that is located within a flood hazard zone. Those findings include, among others, that the local flood management agency has made adequate progress on the construction of a flood protection system that will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas. Current law further requires urban and urbanizing areas protected by any levee that is part of the facilities of the State Plan of Flood Control to achieve the urban level of flood protection by 2025. This bill would instead require the City of West Sacramento, as defined, to achieve the urban level of flood protection by 2030.

**Position**

**SB 936 (Glazer D) California Conservation Corps: forestry training center: formerly incarcerated individuals: reporting.**

**Last Amend:** 8/15/2022

**Status:** 9/29/2022-Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.

**Location:** 9/29/2022-S. VETOED

**Summary:** Would require the Director of the California Conservation Corps, upon appropriation by the Legislature in the annual Budget Act or another statute, in partnership with the Department of Forestry and Fire Protection and the Department of Corrections and Rehabilitation, to establish a forestry training center in northern California to provide enhanced training, education, work experience, and job readiness for entry-level forestry and vegetation management jobs. The bill would require the training center to include counseling, mentorship, supportive housing, health care, and educational services and authorize the training center to provide training modules on specified activities. The bill would require the director to enroll at the training center formerly incarcerated individuals and to prioritize enrollment for those formerly incarcerated individuals who have either successfully served on a California Conservation Camp program crew and were recommended by the Director of Forestry and Fire Protection and the Secretary of the Department of Corrections and Rehabilitation, as provided, or successfully served on a hand crew at the county level and were recommended for participation by the county probation and county fire departments. The bill would provide that successful completion of a training program at the training center constitutes qualifying experience for an entry-level forestry or vegetation management position at a state agency.

**Position**

**SB 938 (Hertzberg D) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.**

**Last Amend:** 6/9/2022

**Status:** 7/1/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 89, Statutes of 2022.

**Location:** 7/1/2022-S. CHAPTERED

**Summary:** The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. Under existing law, in each county there is a local agency formation commission (commission) that oversees these changes of organization and reorganization. Current law authorizes a commission to dissolve an inactive district if specified conditions are satisfied. This bill would also authorize a commission to initiate a proposal for the dissolution of a district, as described, if the commission approves, adopts, or accepts a specified study that includes a finding, based on a preponderance of the evidence, that, among other things, the district has one or more documented chronic service provision deficiencies, the district spent public funds in an unlawful or reckless manner, or the district has shown willful neglect by failing to consistently adhere to the California Public Records Act. The bill would require the commission to adopt a resolution of intent to initiate a dissolution based on these provisions and to provide a remediation period of at least 12 months, during which the district may take steps to remedy the stated deficiencies.

**Position**

**SB 945 (Laird D) Falconry: American peregrine falcons.**

**Last Amend:** 8/15/2022

**Status:** 9/22/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 471, Statutes of 2022.

**Location:** 9/22/2022-S. CHAPTERED

**Summary:** Current law authorizes the Fish and Game Commission to adopt regulations for the possession or training, and the capture, importation, exportation, or intrastate transfer, of birds in the orders Falconiformes and Strigiformes (birds-of-prey) used in the practice of falconry. Current law authorizes the commission to authorize the issuance and provide for the revocation of licenses and permits to persons for the practice of falconry. Existing law also prohibits the taking or possession at any time of fully protected birds, as specified. Existing law designates the American peregrine falcon as a fully protected bird. This bill would exempt the capture, possession, or training of an American peregrine falcon in the practice of falconry from the prohibitions in the fully protected bird statute.

**Position**

**SB 991 (Newman D) Public contracts: progressive design-build: local agencies.**

**Last Amend:** 8/11/2022

**Status:** 9/2/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 243, Statutes of 2022.

**Location:** 9/2/2022-S. CHAPTERED

**Summary:** Current law authorizes the Director of General Services to use the progressive design-build procurement process for the construction of up to 3 capital outlay projects, as jointly determined by the Department of General Services and the Department of Finance, and prescribes that process. Current law defines "progressive design-build" as a project delivery process in which both the design and construction of a project are procured from a single entity that is selected through a qualifications-based selection at the earliest feasible stage of the project. Current law, pursuant to the process, after selection of a design-build entity, authorizes the Department of General Services to contract for design and preconstruction services sufficient to establish a guaranteed maximum price, as defined. Current law authorizes the department, upon agreement on a guaranteed maximum price, to amend the contract in its sole discretion, as specified. Current law requires specified information to be verified under penalty of perjury. This bill, until January 1, 2029, would authorize

local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for up to 15 public works projects in excess of \$5,000,000 for each project, similar to the progressive design-build process authorized for use by the Director of General Services.

**Position**

**SB 1100 (Cortese D) Open meetings: orderly conduct.**

**Last Amend:** 6/6/2022

**Status:** 8/22/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 171, Statutes of 2022.

**Location:** 8/22/2022-S. CHAPTERED

**Summary:** Current law authorizes the members of the legislative body conducting the meeting to order the meeting room cleared and continue in session, as prescribed, if a group or groups have willfully interrupted the orderly conduct of a meeting and order cannot be restored by the removal of individuals who are willfully interrupting the meeting. This bill would authorize the presiding member of the legislative body conducting a meeting or their designee to remove, or cause the removal of, an individual for disrupting the meeting. The bill, except as provided, would require removal to be preceded by a warning to the individual by the presiding member of the legislative body or their designee that the individual's behavior is disrupting the meeting and that the individual's failure to cease their behavior may result in their removal. The bill would authorize the presiding member or their designee to then remove the individual if the individual does not promptly cease their disruptive behavior. The bill would define "disrupting" for this purpose.

**Position**

**SB 1188 (Laird D) Safe Drinking Water State Revolving Fund: financial assistance.**

**Last Amend:** 3/15/2022

**Status:** 9/28/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 680, Statutes of 2022.

**Location:** 9/28/2022-S. CHAPTERED

**Summary:** Current law authorizes the State Water Resources Control Board, to the extent permitted by federal law, to provide up to 100% grant funding, and principal forgiveness and 0% financing on loans, from the fund to a project for a water system that serves a severely disadvantaged community. Current law requires the interest rate for repayable financing provided from the fund to be 0% if the financing is for a public water system that serves a disadvantaged community with a financial hardship or if the financing is for a public water system that provides matching funds. This bill would delete those provisions relating to 0% financing and interest and would instead generally authorize the board, to the extent authorized by federal law, to provide reduced or 0% financing to further the purposes of the Safe Drinking Water State Revolving Fund Law of 1997. The bill would delete the requirement that a water system serve a severely disadvantaged community in order to be provided with up to 100% grant funding or principal forgiveness and instead authorize providing that grant funding or principal forgiveness to certain other water systems. By making moneys in the Safe Drinking Water State Revolving Fund, a continuously appropriated fund, available for new purposes, the bill would make an appropriation.

**Position**

**SB 1205 (Allen D) Water rights: appropriation.**

**Last Amend:** 8/24/2022

**Status:** 9/16/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 369, Statutes of 2022.

**Location:** 9/16/2022-S. CHAPTERED

**Summary:** Would require the State Water Resources Control Board to develop and adopt regulations to govern consideration of climate change effects in water availability analyses used in the board's review of applications for water rights permits, including consideration of the effects of climate change, as specified, upon watershed hydrology, as specified. The bill would require the board to consult with the Department of Water Resources, the Department of Fish and Wildlife, and qualified hydrologists and climate change scientists, among others, in preparing the regulations. The bill would prohibit the board from refusing to accept or delay processing or approval of an application on the grounds that the regulations have not yet been adopted.

**Position**

**SB 1253 (Melendez R) Infrastructure plan: flood control: delta levees.**

**Last Amend:** 3/8/2022

**Status:** 8/26/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 195, Statutes of 2022.

**Location:** 8/26/2022-S. CHAPTERED

**Summary:** The California Infrastructure Planning Act requires the Governor to submit annually to the Legislature, in conjunction with the Governor's Budget, a proposed 5-year infrastructure plan containing prescribed information. Current law requires the plan to identify state infrastructure needs and set out priorities for funding. This bill would additionally require the plan to set out infrastructure priorities relating to specified flood prevention and maintenance projects.

**Position**

**SB 1254 (Hertzberg D) Drinking water: administrator: managerial and other services.**

**Last Amend:** 6/15/2022

**Status:** 9/28/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 681, Statutes of 2022.

**Location:** 9/28/2022-S. CHAPTERED

**Summary:** Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems and imposes on the State Water Resources Control Board various responsibilities and duties. The act authorizes the state board to contract with, or provide a grant to, an administrator to provide administrative, technical, operational, legal, or managerial services, or any combination of those services, to a designated water system to assist with the provision of an adequate supply of affordable, safe drinking water. Existing law prescribes the processes and procedures pursuant to which the state board may identify a designated water system in need of services, order a designated water system to accept services from an administrator, and work with the administrator of a designated water system to develop adequate technical, managerial, and financial capacity to deliver an adequate supply of affordable, safe drinking water so that administrator services are no longer necessary. This bill would, among other things, revise the definition of "designated water system" and limit the liability of an administrator when the state board appoints an administrator to a designated water system, as prescribed.

**Position**

# Memo

G, H

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

TWELVE MONTH CALENDAR / OTHER MEETINGS /

REPORTS / BOARD COMMENTS

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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 10/12/22)**

Date(s)	Event	Time	Location	Attending Board Member(s)	Additional Information (Speakers' Topic, Cohosts, etc.)
<b>SEPTEMBER 2022</b>					
15-Sep	Board Meeting Debrief			Watt	
17-Sep	I Love a Clean San Diego Coastal Clean Up - EFRR	9:00 AM - 12:00 PM	EFRR		
20-Sep	COWU Meeting	8:00 - 9:15 AM	Courtyard by Marriott San Diego		
25-Sep	AB 1825 Harassment Training due			Guerin	
<b>OCTOBER 2022</b>					
4-Oct	Special Finance Committee Meeting			Guerin, Watt	
5-Oct	Health & Wellness Expo			Watt	
7-Oct	Open House Speech Prep.			Watt	
8-Oct	OMWD Open House	10:30 AM - 2:00 PM	OMWD HQ	Guerin, Watt	
12-Oct	AED/CPR Training			Meyers	
12-Oct	Facilities Committee Meeting	2:00 PM	Boardroom	Meyers, Watt	
13-Oct	Efficient Irrigation Workshop	5:00-6:30 PM	EFRR		



# Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

CORRESPONDENCE

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Any correspondence is attached.

**Board of Directors**

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



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

October 10, 2022

E. Joaquin Esquivel, Chair  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

via email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

**Subject: Proposed Water Loss Performance Standards – Revised Regulation**

Dear Chair Esquivel,

Olivenhain Municipal Water District has been closely involved while State Water Resources Control Board has been developing the revised regulations and proposed water loss performance standards. OMWD provides 87,000 customers in northern San Diego County with water, wastewater, recycled water, hydroelectric, and recreational services.

We recognize the effort SWRCB staff has made over the past three years to develop a framework for water loss performance standards. OMWD supports the purpose of the Water Loss Performance Standards regulations to advance the State's water loss goals as outlined in Water Code section 10608.34 and as part of the Making Water Conservation a California Way of Life Framework, while promoting agency-specific water loss targets that are feasible, cost-effective, and minimize unintended impacts.

OMWD appreciates SWRCB's commitment to collaboration in the development of a cost-effective performance standard. Although not all previously expressed concerns have been addressed in our comment letters dated October 25, 2019 and June 9, 2020, the recently proposed framework acknowledged the following overarching comments provided to SWRCB:

1. Improved standards include off-ramps for suppliers with low water loss, potential alternatives to compliance through a variance process, and changes to the economic model.
2. SWRCB increased the off-ramp criteria for suppliers from 10 gallons per connection per day to 16 gpcd.
3. Real water loss standards were adjusted to meet a benefit cost ratio of at least 1 for all suppliers.
4. Real discount rate standard amended from 1% to 3.5%. This adjustment is in line with the California Water Commission which determines the discount rate for all projects eligible for Proposition 1 (2014) funding.
5. Utilization of variable production cost rather than customer retail unit cost in the economic model to determine the amount of water loss reduction that is economical. The



utilization of variable production cost in this calculation is consistent with industry standards when accounting for the costs and benefits of real water loss and is consistent with the AWWA water audit methodology which uses variable production cost for real losses and retail unit cost only for apparent losses.

6. Recognition that distribution conditions such as pressure system operation cannot be mandated due to topography, fire flows, and other operational needs.
7. OMWD supports the flexibility SWRCB has built into the framework for water suppliers to comply with the regulation, and the approach to enforcement that provides flexibility to suppliers that are demonstrating good faith in water conservation efforts yet may not be unable to meet their water loss performance standard.
8. OMWD appreciates the approval of supplier-specific input data, and thanks SWRCB for holding training this year to help water suppliers customize inputs to the economic model.

Should you have any questions or need additional information, please feel free to contact me at 760-753-6466 or [kthorner@olivenhain.com](mailto:kthorner@olivenhain.com).

Sincerely,



Kimberly A. Thorner  
General Manager

CC: Ashley Walker, Nossaman, LLP ([awalker@nossaman.com](mailto:awalker@nossaman.com))







[Discussion Groups](#) [Encinitas](#)

Saturday, October 8, 2022, 10:30 a.m. to 2 p.m.

# Open House

**OLIVENHAIN**  
Municipal Water District

**OPEN HOUSE**

**Saturday, October 8, 2022**  
**10:30 a.m. - 2:00 p.m.**

- Water-wise landscape workshop at 11:00
- Drought presentation and ribbon-cutting ceremony
- Free food, interactive booths, and activities for children
- First 100 guests receive a free water-wise plant from Altman Plants!

**OMWD Headquarters**  
1966 Olivenhain Road  
Encinitas, CA 92024



**Olivenhain Municipal Water District offices**  
1966 Olivenhain Road, Encinitas, 92024

[Get Directions](#)

Cost: **Free**

The event will offer free food and drinks, San Diego Woodies mini car show, children’s activities (face painting, bounce house with slide and bungee run interactive jumper), free water conservation kits, drought presentations, a water-wise landscape workshop, and more. The first 100 guests receive a free water-wise plant from Altman Plants. If you’d like to attend the water-wise landscape workshop, please register.

**Board of Directors**

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



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

September 9, 2022

The Honorable Gavin Newsom  
Governor, State of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

**RE: SB 1157 (Hertzberg) – REQUEST FOR VETO**

Dear Governor Newsom:

On behalf of Olivenhain Municipal Water District, I am writing to respectfully request your VETO on SB 1157 (Hertzberg), which would lower the indoor water use efficiency standards established only four years ago by AB 1668 and SB 606. OMWD provides 87,000 customers in northern San Diego County with water, wastewater, recycled water, hydroelectric, and recreational services. OMWD is a member of the Association of California Water Agencies coalition of the public agencies that this policy change would affect.

We are strongly supportive of water use efficiency and believe that investments in climate adaptation must be cost-effective. Based on available information, the indoor residential water use standards that SB 1157 would set in statute do not sufficiently balance water supply benefits with affordability ramifications.

The impacts on affordability as a result of this bill are likely to be serious and detrimental, further burdening ratepayers for whom affordability has already been characterized as reaching crisis levels. A 2021 California Water Efficiency Partnership study estimated that “the total anticipated cost range for reasonably complying with a 2030 standard in which all providers achieve a residential indoor per capita volume of 42 GPCD by 2030 is likely between \$2.8 and \$4.6 billion.” While the indoor residential water use standard is only one component of the overall water use objective, given the separately enforceable component of water loss, it is anticipated that public water agencies will need to make significant additional investments to reduce indoor residential use to meet the overall objective. Ultimately, this substantial financial investment will only save approximately 354,000-acre-feet of water per year over the current 2030 standard – approximately one-half of one percent of annual statewide water use.

In addition to these direct costs, there will be substantial secondary costs. The Final Report indicates that the adverse impacts on wastewater and recycled water providers could be significant. A few examples of potential impacts include increased sewer gas production, an accelerated rate of corrosion of pipes and manholes, increased occurrences of sewer blockages and overflows, degradation of wastewater influent quality, and reductions in recycled water quantity. Mitigating these impacts will require considerable investment and the use of potable or raw water. The impacts of these significant costs must be accounted for.



1966 Olivenhain Road • Encinitas, CA 92024 • 760-753-6466 • [www.olivenhain.com](http://www.olivenhain.com)

A Public Agency Providing Water Wastewater Services Recycled Water Hydroelectricity Elfin Forest Recreational Reserve





While the proposed standards were recommended by your Administration's Department of Water Resources and State Water Resources Control Board, the Association of California Water Agencies identified concerning inadequacies in DWR's draft report released in May 2021. In response to this draft report, ACWA and others raised these issues in a succinct letter requesting additional studies be completed to ensure that the indoor residential water use standard would be evidence-based and consider the impacts of a changed standard on wastewater and wastewater management. ACWA requested DWR withdraw the joint recommendation and work collaboratively with water and wastewater agencies over a six-month period to quantify the impacts of a changed standard. No additional studies were conducted, and six months after the draft report was released, the Final Report and recommendations were released.

As a result, the standards SB 1157 would codify do not account for the adverse impacts and significant costs of dramatically reducing the indoor residential water use standard. The Final Report itself acknowledges some of these shortcomings, stating that a quantitative analysis was beyond the scope of the study, detailed saturation and end-use studies could better inform how much active and passive conservation is available, and that the standards will have an unknown effect on affordability and the human right to water. Unfortunately, for this reason, we have maintained an "oppose unless amended" position on SB 1157 throughout the legislative process.

The version of this bill that has reached your desk is an improvement over the introduced version as it now requires DWR to complete some additional studies and report that information back to the Legislature for their consideration. However, several significant amendments that the coalition that OMWD joined were not included in the final version of this bill. It is critical that the 2030 standard be based upon the additional studies and findings related to the potential impacts of a reduced standard, rather than the incomplete Final Report released in November 2021. Additionally, as the impacts of this standard are likely to be significant, it is critical that additional variance categories for the indoor standard include affordability, telework, and evaporative coolers needed to address extreme heat challenges.

AB 1668 (Friedman) and SB 606 (Hertzberg) were a package of bills signed in 2018 that called for the creation of new urban water use efficiency standards for indoor residential use, outdoor use, water loss, and variances for unique conditions. Many members of the coalition that OMWD joined worked intently on this issue with all the interested parties, including legislators, staff, and other stakeholders, during the long negotiations on these bills in 2017-18. A critical component in the outcome of these negotiations was that DWR would conduct studies and investigations to identify a standard for indoor residential water use that appropriately reflects best practices for indoor water use with broad input from all stakeholders. As noted above, although this report was completed, it lacked critical data, including an analysis of adverse impacts and quantitative analysis of the impacts related to affordability and changing populations and patterns. These impacts also did not inform the final recommendations.

For these reasons, OMWD respectfully requests your VETO on SB 1157. Should you have any questions or need additional information, please feel free to contact me at 760-753-6466 or [kthorner@olivenhain.com](mailto:kthorner@olivenhain.com).





Sincerely,



Kimberly A. Thomer  
General Manager

CC: The Honorable Robert Hertzberg  
Angela Pontes, Deputy Legislative Secretary, Office of Governor Newsom  
Ashley Walker, Nossaman, LLP ([awalker@nossaman.com](mailto:awalker@nossaman.com))



Kim,

Thank you so much for hosting the women in water meeting and presenting to our group-multiple times! We ~~greatly~~ <sup>greatly</sup> appreciate your support. When we started the group my hope was to facilitate a support network for women in all areas of the water industry and to make it accessible to all. You have always been such a great support even aside from the formality of the meetings, and with much thanks to you we are able to accomplish the continued support via the meetings. As Kathleen said, you've been such a role model for so many of us. Your influence in our industry

is far reaching!

As I run out of space,  
Thank you so much, and  
I hope we can meet on  
the trails!  
Gailit

Please also thank all of your staff on our behalf. I have to say how truly impressive the entire OMWD operation is.. What stood out to me is the generous, welcoming environment we were immediately greeted with. From the signs guiding us to every single OMWD person we came in contact with. It may sound simple, but I think it is something you don't come by very often. It really felt like each OMWD employee wanted to be there, was happy to be there and wanted to support others. You could really feel the tremendous positive culture -and that is another testament to your leadership.

# Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: AUTHORIZATION TO ATTEND UPCOMING MEETINGS /  
CONFERENCES / SEMINARS

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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

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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

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There may be public comments before the Board meeting is adjourned.

# Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: CLOSED SESSION

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It may be necessary to go into Closed Session.



# Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: ADJOURNMENT

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We are adjourned.

## Sept. 22: Regional and local events

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 [encinitasadvocate.com/lifestyle/events/story/2022-09-22/sept-22-regional-and-local-events](https://encinitasadvocate.com/lifestyle/events/story/2022-09-22/sept-22-regional-and-local-events)

Sept. 22, 2022 1:21 PM PT


### **Free workshop highlights importance of efficient irrigation**

Olivenhain Municipal Water District, in partnership with Hunter Industries, invites the public to attend a free workshop featuring practical tips to save water through an efficient irrigation system. This workshop is designed for individuals interested in the latest irrigation advances in reducing outdoor water use. The workshop will be held on Thursday, Oct. 13, from 5 p.m. to 6:30 p.m. at Elfin Forest Interpretive Center Honoring Susan J. Varty, located at 8833 Harmony Grove Road in Escondido.

In addition to engaging with irrigation experts from Hunter Industries, participants will be provided information on the latest available water-saving rebate products to explore, along with a complimentary succulent plant for the first 50 participants.

For more information and to register for this event, visit [www.olivenhain.com/events](https://www.olivenhain.com/events).

# Rain barrels ready for fall savings

 [thecoastnews.com/rain-barrels-ready-for-fall-savings/](https://thecoastnews.com/rain-barrels-ready-for-fall-savings/)

staff

September 26, 2022



ENCINITAS — To encourage water conservation as drought conditions persist, Carlsbad Municipal Water District, Olivenhain Municipal Water District, San Dieguito Water District, and Santa Fe Irrigation District have partnered to offer discounted rain barrels to area residents this fall.

Collecting rainwater for future use not only can save drinking water and money on your monthly water bill, but also reduces irrigation runoff that can carry pollutants into local waterways and beaches.

Although average rainfall in San Diego County is just under 10 inches annually, even light rain can provide a sufficient amount of water for later use. For example, a roof with a 2,000-square-foot surface area can capture 300 gallons from only a quarter inch of rain.

Fifty-gallon barrels are on sale for \$97, but each barrel has a final cost of \$62, after a \$35 rebate from water wholesaler Metropolitan Water District of Southern California. Rebates on barrels and other water-saving measures are available at [socalwatersmart.com](https://socalwatersmart.com).

Rain barrels ordered from Oct. 1 to Nov. 30 will be available for pick up at Solana Center for Environmental Innovation at 137 N. El Camino Real. To order rain barrels and to get more information on purchase of rain barrels, visit [solanacenter.org/rain-barrels](https://solanacenter.org/rain-barrels).

# North County Business Briefs, Oct. 2

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 [sandiegouniontribune.com/north-county-community-news/story/2022-10-02/north-county-business-briefs-oct-2](https://sandiegouniontribune.com/north-county-community-news/story/2022-10-02/north-county-business-briefs-oct-2)

Laura Groch

Oct. 2, 2022 12 AM PT

## ENCINITAS

### Water district to host open house Saturday

Olivenhain Municipal Water District invites the public to a free open house from 10:30 a.m. to 2 p.m. Saturday at 1966 Olivenhain Road. The event will feature children's activities, free food and refreshments, a water-wise landscape workshop, San Diego Woodies mini car show, and informational booths from San Diego County Water Authority, Encinitas Fire Department and Solana Center for Environmental Innovation. The first 100 guests receive a free water-wise plant. Steve Sherman of California Landscape Technologies will hold a free workshop at 11 a.m. on ways to cut outdoor water use and increase irrigation efficiencies. Workshop registration is at [olivenhain.com/events](https://olivenhain.com/events). Free drought survival kits will also be available, featuring water reuse buckets, hose nozzles, moisture sensors and other water-saving tools.