AMADOR WATER AGENCY
Board of Directors
Regular Meeting
12800 Ridge Road, Sutter Creek, CA 95685
July 14, 2016
9:00 a.m.
Website Address: www.amadorwater.org

Please Note:
Members of the public will have the opportunity to directly address the Agency Board of Directors concerning any item listed on the Agenda below before or during consideration of that item. There is a three minute time limit per person.
In order to better accommodate members of the public, some Agenda Items will be heard at a specified time or soon thereafter. Agenda Items without specific times may be rearranged to accommodate the Board’s schedule.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. INTRODUCTION OF NEW EMPLOYEE

3. ADDITIONS TO AGENDA
   Items added to the agenda must be approved by the Board pursuant to Government Code Section 54954.2.

4. PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA
   A. Discussion items only, no action to be taken. Any person may address the Board at this time upon any subject within the jurisdiction of Amador Water Agency; however, any matter that requires action will be referred to Staff for a report and action at a subsequent Board meeting. Please note there is a three (3) minute time limit per person.

5. CONSENT AGENDA
   A. Items listed on the consent agenda (see attached) are considered routine and may be enacted by one motion. Any item may be removed for discussion and made a part of the regular agenda at the request of a Board member(s).

6. DEPARTMENT REPORTS
   Staff Reports will be provided by Department Heads to update the Board of Directors on current activities within their areas of responsibility.
   A. Administration/Finance
   B. Operations

7. WATER SYSTEMS
   A. Small Diameter Pipeline
      1. Presentation by the General Manager respecting possible funding options, financial
impacts, and other project-related questions posed by the Board during the June 9, 2016 Board meeting.

2. Discussion and possible action to ratify the Board’s decision to terminate this project.

3. Discussion and possible action to rescind direction to staff to award the construction contract for the project to Campbell Construction.

4. Discussion and direction to the General Manager regarding to work with DWR and other agencies to modify and discuss possible alternative uses of the grant awarded to the Agency.

B. Water Use Update

8. AGENCY GENERAL
   A. Water Code Amendments
      1. Introduction of Ordinance 2016-02, concerning amendments to the Amador Water Agency Water Code Sections 2.06 and 2.08 respecting payment of participation fees.

   B. Quarterly Investment Report

9. AGENCY PROJECT UPDATES

10. AGENCY COUNSEL REPORT
   A. Legislative Report
   B. Other Legal Matters

11. COMMITTEE REPORTS
   A. Budget & Finance 06-22-16
   B. Budget & Finance 06-29-16
   C. Policy Committee 07-11-16

12. FUTURE AGENDA TOPICS
   A. This item is to provide the Board Members an opportunity to request items to be placed on future agendas.

13. CLOSED SESSION
   A. Conference with Legal Counsel Pursuant to Government Code Sections 54956.9(a) and (d)(1) - Existing Litigation- Kenneth Perano and Ken Berry v. Amador Water Agency (Amador Superior Court Case No. 12-CV-7718)

   B. Conference with Legal Counsel Pursuant to Government Code Sections 54956.9(a) and (d)(1) – Existing Litigation – Howard Jarvis Taxpayers Association, et al. v. Amador Water Agency, et al. (Amador Superior Court Case No. 16-CVC-09564/Third District Court of Appeal Case No. C081757).

   C. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(a) –
Pending Litigation- Amador Water Agency v. Lazy Creek Family Trust, et al. (Amador Superior Court Case No. 15-CV-9203).

D. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(a) and (d)(4) - Anticipated Litigation – Significant Exposure to Litigation: One Case.

14. ADJOURNMENT
AMADOR WATER AGENCY
CONSENT AGENDA

July 14, 2016

Items listed on the consent agenda are considered routine and may be enacted by one motion. Any item may be removed for discussion and made a part of the regular agenda at the request of a Board member(s).

1. MINUTES
   A. Approval of minutes of the Regular Board Meeting of June 23, 2016

2. MISCELLANEOUS APPROVALS
   A. Meadow Vista and Highway 88 Water Pipeline Improvement
      1. Notice of staff’s intent to file Notice of Exemption and other associated environmental documents necessary in association with this project

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, then please contact Cris Thompson at (209) 223-3018 or (209) 257-5281 (fax). Requests must be made as early as possible, and at least two-full business days before the start of the meeting.

Documents and materials relating to an open session agenda item that are provided to the Amador Water Agency Board of Directors less than 72 hours prior to a regular meeting will be available for public inspection and copying at 12800 Ridge Rd, Sutter Creek CA 95685

Robert Manassero, President    Gary Thomas, Vice President    Paul Molinelli    Art Toy    Rich Farrington
AMADOR WATER AGENCY
Board of Directors
Regular Meeting
June 23, 2016

MINUTES

Directors Present: Robert Manassero, President
Gary Thomas, Vice President
Richard Farrington
Paul Molinelli
Art Toy

Directors Absent: None

Staff Present: Gene Mancebo, General Manager
Cris Thompson, Assistant General Manager
Damon Wyckoff, Operations Manager

CALL TO ORDER- President Manassero called the meeting to order at 9:02 a.m.

ADDITIONS TO THE AGENDA – None

PUBLIC COMMENT: None

CONSENT AGENDA ITEMS

MOTION: It was moved by Director Farrington seconded by Director Thomas, and unanimously carried to approve consent agenda items 1.A Approval of Special Board Meeting Minutes of April 14, 2016, 1.B Approval of Special Board Meeting Minutes of May 26, 2016, 1.C Approval of the Special Board Meeting Minutes of June 2, 2016, 1.D. Approval of Regular Board Meeting Minutes of June 09,2016, 1.E. Approval of Special Board Meeting of June 16, 2016, and 2.A Approval of Accounts Payable for May, 2016.

AGENCY GENERAL (2:33- 12:19)
Eagle Scout Service Project
Discussion and possible adoption of Resolution No. 2016-12, Honoring Ryan Bailey for his achievement of completing Eagle Scout Service Project – CAWP Fire Hydrant Painting.

Consent Agenda Item 1A

Unapproved
MOTION: It was moved by Director Farrington, seconded by Director Thomas and unanimously carried to Adopt Resolution No. 2016-12, Honoring Ryan Bailey for his achievement of completing Eagle Scout Service Project – CAWP Fire Hydrant Painting.

Public Comment:
Mr. Wendell Peart
Mr. Dave Bellerive, AFPD
Mr. Kreg Miller, Distribution Supervisor

WATER SYSTEMS (13:03- 2:49:02)
Small Diameter Pipeline Project
Discussion and possible action regarding time extension on the project and a time extension for award of the construction contract

Public Comment:
Ms. Lois McDonald
Ms. Debbie Dunn
Ms. Laura Boggs
Mr. Lowell W Stewart
Mr. Bill Condrashoff
Mr. David Evitt
Dr. Amy Chen
Ms. Valerie Klinefelter
Mr. Glen Hansen
Mr. Casey Emerson
Mr. Jeff Campbell
Mr. Wendell Peart
Mr. Ken Berry
Ms. Carole Marz
Mr. Sean Kriletich
Mr. Mark Kuchler
Ms. Cathy Vandeford
Mr. Scott Oneto
Ms. Susan Bragstad
Mr. Neil Williamson (Sandi Sorrocco letter)
Ms. Laura Oneto Craig
Ms. Karen Oneto Gonzales
Ms. Vicki Erhardt

MOTION: It was moved by Director Toy, and seconded by Director Thomas, to support a time extension for awarding the contract to the low bidder on the project, Campbell Construction to the 14th of July, 2016.

MOTION was clarified to state that it is really extending the time allowed to award the contract in the bid documents from 60 days to 63 days.
Ayes: Directors Farrington, Thomas, Toy, Manassero

Regular Board Meeting
June 23, 2016
Page 2
Noes: Director Molinelli
Absent: None
Abstain: None

RECESS was called at 11:47 a.m. SESSION resumed at 1:04 p.m.

Water Rate Study (2:50:25- 3:15:49)
Discussion and possible action to authorize the General Manager to execute a contract with The Reed Group Inc. to conduct a water rate study for an amount not to exceed $29,900

This item was sent to the Budget and Finance Committee for possible consideration at a later date

Public Comment:
Mr. David Evitt
Mr. Bill Condrashoff
Mr. Casey Emerson
Mr. Sean Kriletich
Ms. Cathy Vandeford

Water and Wastewater Standby Fees (3:16:11- 3:23:40)
Adoption of Resolution No. 2016-13, Renewing water and wastewater standby fees for the Agency’s various systems

MOTION: It was moved by Director Thomas, seconded by Director Molinelli and unanimously carried to Adopt Resolution No. 2016-13, continuing water and wastewater standby fees for the Agency’s various systems.

Public Comment:
Carole Marz
Mr. Sean Kriletich

Riverland Homes Inc. (3:25:04-3:31:54)
Discussion and possible action to authorize the General Manager to enter into a Participation Fee Agreement between AWA and Riverland Homes Inc.

It was moved by Director Toy, and seconded by Director Molinelli, and unanimously carried to authorize the General Manager to enter into a Participation Fee Agreement between AWA and Riverland Homes Inc.

Public Comment:
Mr. Sean Kriletich
Discussion and possible action to ratify the memorandums of understanding between Amador Water Agency and the Amador Water Agency Employee Association

MOTION: It was moved by Director Toy, seconded by Director Thomas and unanimously carried to ratify the memorandums of understanding between Amador Water Agency and the Amador Water Agency Employee Association and the Amador Water Agency Management Bargaining Unit

FY 16-17 Budget (3:39:58 - 3:42:03)
Discussion and possible action to adopt Resolution 2016-15 authorizing the payment of certain expenditures consistent with the levels of those expenses as evidenced in the 2015-2016 annual budget.

MOTION: It was moved by Director Thomas, seconded by Director Farrington and unanimously carried to adopt Resolution 2016-15 authorizing the payment of certain expenditures consistent with the levels of those expenses as evidenced in the 2015-2016 annual budget.

PROJECT UPDATES (3:42:15 - 3:57:35)

COMMITTEE REPORTS (3:58:59 - 4:00:11)
Engineering & Planning Committee (06-10-16)
Budget and Finance Committee (06-16-16)

MANAGER’S REPORTS (4:00:28-4:05:41)

Public Comment:
Ms. Carole Marz

BOARD OF DIRECTOR DISTRICT REPORTS (4:09:50 - 4:17:38)

FUTURE AGENDA TOPICS (4:17:38 - 4:19:10)

CLOSED SESSION was called at 2:32 p.m.

Conference with Legal Counsel Pursuant to Government Code Section 54956.9(a) – Pending Litigation- Amador Water Agency v. Lazy Creek Family Trust, et al. (Amador Superior Court Case No. 15-CV-9203).

Conference with Labor Negotiators Pursuant to Government Code Section 54957.6 (Gene Mancebo, Karen Gish, Paul Molinelli, Robert Manassero)- AWA Employee Association and the Management Bargaining Unit.
Pursuant to Government Code Section 54957 Public Employee Performance Evaluation - General Manager

OPEN SESSION resumed at 3:54 p.m.

ADJOURNMENT
President Manassero adjourned the meeting at 3:56 p.m.

Cris Thompson
Clerk of the Board of Directors
Approved: 

Regular Board Meeting
June 23, 2016
Page 5
STAFF REPORT

Meadow Vista Lane & Highway 88 Water Pipeline Project

Notice of Exemption

Requested Action:
Authorize the General Manager to file the attached Notice of Exemption for the Meadow Vista Lane & Highway 88 Water Pipeline Project.

Background:
The Water Agency has an opportunity to improve fire flows in the Buckhorn area. The Dollar General project, following discussions with the Water Agency Engineering Department, was planning to install a small water storage tank on their property to provide fire protection solely for the Dollar General building because of very high cost to improve existing infrastructure to meet fire protection requirements. The General Manager and Operations Manager thru discussions with a local engineer and Amador Fire Protection District developed a mutually agreeable concept that would improve a broad local fire protection area instead of placing a tank on the proposed development near the intersection of Meadow Vista Lane and Highway 88. The fire flow improvements will be increased from around 250 GPM to 750 GPM and will improve fire protection for surrounding areas. Given the benefit to the local area, the Amador Fire Protection District is willing to allow a lesser fire flow than originally required with some on-site building improvements. The Water Agency Construction Crew will install a 10 inch pipeline from water storage tanks A/B to Oxbow Road. Other minor improvements include modifying the source water piping for a pump station in the area and if funds allow, install a pipe across Highway 88 near Meadow Vista Lane. The developer has agreed to pay the Water Agency $70,000 for construction work and $7,000 for engineering consultant work. By using Agency crews, the labor cost is less and we hope to make more water facility improvements to further improve fire protection in the area (namely the Highway 88 crossing).

The project is exempt from further CEQ review because the pipeline will be installed in public roadways and in/along a public right of way. In addition, the project involves installing a pipe in parallel to an existing pipe which effectively replaces the older smaller pipe and is only to improve fire protection.

Fiscal Impact: There is no fiscal impact for processing the Notice of Exemption.
Reviewed by Committee: No

Recommendation: Authorize the General Manager to file the attached Notice of Exemption for the Meadow Vista Lane & Highway 88 Water Pipeline Project.

Prepared by: Gene Mancebo, General Manager
Notice of Exemption

To: Office of Planning and Research
   P.O. Box 3044, Room 113
   Sacramento, CA 95812-3044
   County Clerk
   County of: Amador
   810 Court Street
   Jackson CA 95642

From: (Public Agency): Amador Water Agency
   12800 Ridge Rd
   Sutter Creek, CA 95685
   (Address)

Project Title: Meadow Vista Lane & Highway 88 Water Pipeline Project

Project Applicant: Amador Water Agency

Project Location - Specific:
   APN 023-160-013, APN 023-160-009, Oxbow Road, and Highway 88 at Meadow Vista Lane

Description of Nature, Purpose and Beneficiaries of Project:
Installation of approximately 600 feet of 10 inch C-900 water pipeline from the Water Agency's water tanks at Elkhorn Court to Oxbow Bow Road paralleling existing water pipelines and 10 inch C-900 pipe crossing Highway 88 near Meadow Vista Lane for improved water flow and fire protection serving existing demands.

Name of Public Agency Approving Project: Amador Water Agency

Name of Person or Agency Carrying Out Project: Amador Water Agency

Exempt Status: (check one):
- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Class 2, CEQA Guidelines sec. 15302(c)
- Statutory Exemptions. State code number: 21080.21

Reasons why project is exempt:
This project involves the installation of less than a mile of a water pipeline in and along a public highway, public road and public utility right of way. The project will improve water flow for fire protection to meet fire protection agency requirements for existing customers and provides negligible water system capacity.

Lead Agency
Contact Person: Gene Mancebo
Area Code/Telephone/Extension: 209-257-5245

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

Signature: __________________________ Date: __________________ Title: __________________

□ Signed by Lead Agency □ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21106, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: __________________

Revised 2011
ADMINISTRATION DEPARTMENT REPORT

Customer Service/Human Resources:

- The 2015/2016 (7/1/15-6/30/16) Safety Statistics for Agency staff are:
  - Lost time worker’s comp incident: 1 (date of last incident: 4/30/15)
  - Other Worker Comp incident: 4 (date of last incident: 5/12/16)
  - First Aid Incident: 1 (date of last incident: 10/2/2015)
  - Avoidable vehicle accident: 0
  - Unavoidable vehicle accident: 0
- Training in June: All-1st Aid/CPR; Purnell-Industrial Control Panels Workshop
- Certifications/Renewals in June: Hess-D2; Miller, K.-Collection G2
- Staffing: Hired Jeff Randall as the new Electrical Technician
- Liens filed in June: 2- $1650.60
- Liens Released: 2- $2998.34
- Total Liens filed for the Agency 297- total dollar amount $504,226
- Springbrook: Continue to work on miscellaneous issues.

Finance/Accounting:

Water Sales Revenues through the month of June are $ 6,680,876 -13% under budget
Wastewater Sales Revenues through the month of June $1,420,900- 3% under budget
Cash continues to be monitored daily, total cash balances at June 30, 2016 were $3,508,327

Unrestricted Cash totals: $779,669
Restricted Cash totals: $2,728,658

Year to date Operating and Non-Operating Expenses exceeded Revenue by $757,633
Debt Service Principal Payments $868,133
Grant Reimbursements received: $132,100- Gravity Supply Line

Prepared by: Karen Gish – HR / Office Manager
Tracey Hays – Finance Manager
Operations Report

Covering June 1st – June 30th, 2016

Operations Manager:
1. Completed and submitted the Hazard Mitigation Grant Application to CAL OES.
2. Attended Disinfection By-Product mitigation meeting at Buckhorn WTP with AWA staff and Wholesale customers.
3. Continued to work with all parties involved to help facilitate the commissioning of the Tanner Hydroelectric Station.
4. Discussions with Amador Fire Protection District in order to improve fire flow to hydrants in CAWP area respecting a development in the Pioneer area.
5. Attended Tree Mortality Sub Committee meetings for Infrastructure prioritization/GIS mapping and Critical Infrastructure.

Admin Assist III:
2. Submitted self-certification data to drop conservation percentage to zero.
3. Attended Tree Mortality meeting.
4. Attended Disinfection By-Product mitigation meeting at Buckhorn WTP.

Water Treatment Plants:
1. Operators repaired a broken staff gauge on the LaMel Heights storage tank.
2. Operators replaced a lime feed pump along with all the feed and transport lines which had been damaged by calcified lime at LaMel WTP.
3. On-going Hydro-electric system testing with Tesco Controls and N-Line testing the Tanner Hydro plant.
4. Operators replaced an online turbidimeter on one of the membrane racks at Buckhorn WTP.
5. Holt of California went to the Buckhorn plant and performed a 10 year service on the 500 KW CAT generator.

Wastewater:
1. In process of reroofing Gayla WWTP.
2. Continued to monitor and maintain required pond level at Mace Meadows Golf Course Pond 7.
3. Drained contact chamber, removed hypalon and resealed chamber at Camanche WWTP.

Engineering
1. Tanner Hydroelectric: Start up.
4. Community Development Block Grant: Environmental and engineering.
5. UMRWA Grants: Grant reimbursement requests.
8. Developer Projects:
   a. Preston Castle: Project management, As-Builts and close out.
   b. Dollar General Pioneer- Project assistance
   c. ARCO, Little Caesars, and East Ridge BP- Plan Reviews
   d. Pinewood Apartments 2- Project research

**Electrical:**
1. Tanner Hydro Electric station system: Worked on equipment and control
2. Failures:
   a. Rabb tank transducer- replaced
   b. Camanche Lift Station B Controls- converted to digital transducer
   c. Camanche Pump Station 6 motor - replacement ordered
   d. Lake Tabeaud flow meter wiring – repairs in progress
   e. Pine Grove Leachfield Tanks A/B – battery replaced
   f. Tanner SCADA Server 2- replaced backup battery supply.
3. Electrical room inventory and clean up
4. Worked on Gravity Supply Line SCADA project wrap up.

**Construction:**
1. Badger Street Bridge: Relocated pressure relief valve.
2. Ranch House Pump Station: Demolished and removed old pressure tank and installed three new smaller tanks.
3. Potholed 3" out of Tank A/B to Oxbow Ct. for possible install of a 10" fire flow line.
4. Replaced service lines on:
   a. Crest View Ct. Sutter Creek
   b. Manor Ct. Sutter Creek
5. Leak repairs on:
   a. Coyote Ct (.5 gpm) Lk Camanche
   b. N. Camanche Parkway Store (.5 gpm) Lk Camanche

**Distribution:**
1. Service line leak repairs:
   a. Curran Rd. (100 gpm) Camanche
   b. (2) on Creekview Ct. (10 gpm) Sutter Creek
   c. Sutter Crest Ln (1 gpm) Sutter Creek
2. Main Leak Repair:
   a. Robin Ln (3 gpm) Pine Acres
3. Fire Hydrant repairs:
   a. Blow off at Sutter Crest West (Sutter Creek)
   b. Village Dr. (Camanche)
4. Ranch House Pump Station – replaced pneumatic tanks

**Canal:**
1. Berm Leak Repairs:
   a. Mile Marker .75 (50gpm)
   b. Mile Marker 8.00 (100 gpm)
2. Canal cleaning Mile Marker 3.50-5.5 lower canal

Prepared by: Damon Wyckoff, Operations Manager
STAFF REPORT

Small Diameter Pipeline Project

Requested Action:
Discussion of project options requested by the Board at the June 9, 2016 Board Meeting associated with the Small Diameter Pipeline Project.

Background:
During the June 9, 2016 Board meeting, staff was directed to investigate several possible project related concepts. These included a time extension from Department of Water Resources (DWR) respecting the deadline to complete the project as required in the grant agreement, investigate funding options including grants and loans from various sources, determine if DWR would consider project modifications that reduce the cost of construction, requirements, if any for reimbursing DWR for funds expended if the project is terminated and, unknown costs associated right of way acquisitions and litigation. As of the date of this report, staff is still waiting for information to report to the Board. A presentation of all know information responsive to the Board’s request will be presented during the Board meeting.

Fiscal Impact:
There is no requested action, the purpose of this agenda item is to report on Board requested information.

Reviewed by Committee: No

Recommendation: There is no recommended action associated with this item.

Prepared by: Gene Mancebo, General Manager
STAFF REPORT

Water Use Update

Requested Action:
Discussion of current water use compared to last year. No action requested.

Background:
On May 26, 2016 the board terminated mandatory water conservation requirements associated with Stage II Water Shortage Emergency and lifted the drought water shortage surcharge. Staff estimated that water use would rebound partially. The purpose of this agenda item is to discuss the current water use in compared to prior years for the month of June. The attached graph shows that the total treated water production increased by 10.9% for June 2016 as compared to 2015. This is a rebound of 34.13% of the conserved water observed in 2015 as compared to 2013 use for the month of June. Total water production for June 2016 is 9.4% below the seven-year average. This is the first month following the lifted conservation requirements. Staff assumes that 50% of the conserved water will rebound this year. Staff will continue to monitor and report water production to the Board.

Fiscal Impact:
There is no requested action and no fiscal impact from this agenda item.

Reviewed by Committee:
No

Recommendation:
Staff should continue to monitor and report water use to the Board as compared to prior years.

Prepared by: Gene Mancebo, General Manager
### Total Treated Water Production

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STAFF REPORT

Water Code Amendment Regarding Payment of Participation Fee

Requested Action:
Discussion and possible introduction of Ordinance 2016-02, concerning amendments to the Water Code Sections 2.06 and 2.08

Background:
The Board is considering revising the current water code respecting payment of participation fees and directed staff to bring back a proposed ordinance for consideration. The Budget and Finance Committee meet and recommended to the full Board a change to the Water Code respecting participation fee payment. Currently, there is a complicated participation fee payment fee schedule that initiates with the conditional will serve and continues with bringing up the fees paid up to 25% at the final map and adjust the participation fees by additional 25% each year thereafter. The participation fees normally increase each year due to inflation, so there needs to be a calculation each year to readjust the payment to account for inflationary adjustments and any individual parcel participation fee payments. The attached graph depicts the current generalized payment schedule. This is further complicated by accounting for both wholesale participation fees and the Community Facilities District #1.

The attached proposed amendment requires that the participation fees are simply paid at the time of lot sale, building permit request, or meter request, whichever occurs first. The amendment requires that all participation fees become due ten years from the final map approval and that a recordable agreement be executed with each owner subdividing land to memorialize these requirements.

Fiscal Impact: The timing of the participation fee payment would change as a result of this agreement and the actual amount of fees paid may vary slightly as the fee paid will be those in effect at the time of payment.

Reviewed by Committee: Yes, this proposed amendment is recommended by the Budget and Finance Committee

Recommendation: Introduce Ordinance 2016-02 and waive the reading of the ordinance.

Prepared by: Gene Mancebo, General Manager
Conditional Will Serve (CWS) Timeline and Participation Fee Payment Process

Deposit for Engineering and Inspection*
* Separate from Participation Fees

Letter of Water Availability
CWS Application
CWS Issued
CWS Extension
CWS Expired

Final Map Will Serve

Time

Recorderd Agreement for Payment of Participation Fees for Sale, Meter Request, or Building Permit in advance of schedule (shown to left)
ORDINANCE NO. 2016-02

AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE AMADOR WATER AGENCY AMENDING SECTIONS 2.06 AND 2.08
OF THE AGENCY WATER CODE REGARDING THE PAYMENT OF PARTICIPATION FEES

Be it ordained by the Board of Directors of the Amador Water Agency as follows:

SECTION ONE. AMENDMENT TO SECTION 2.06 OF THE AGENCY WATER CODE.

The existing provision of Section 2.06, titled “Will Serve Commitments”, of the Amador Water Agency Water Code regarding the payment of participation fees is hereby deleted and replaced in full as set forth below:

Payment of Participation Fees.

Participation fees shall be paid at the earliest of the following times: (1) by the developer or owner at the time of the initial sale of a lot or parcel which is part of the subdivision; (2) by the developer or the owner of a lot or parcel before and as a condition of the issuance of a building permit for the subject lot or parcel; or (3) by the developer or owner at the time that an application for water service and request for a water meter is filed with the Agency.

Any developer or landowner that subdivides property shall enter into an agreement prepared by the Water Agency which shall specify the participation fee payment requirements of this section and identify the specific land or parcels pertaining to the agreement. This agreement shall be recorded prior to approval of the final subdivision map. Failure to execute this participation fee agreement as provided above shall void any will serve or conditional will serve commitment the Water Agency may have to provide water service regardless if on a retail or wholesale basis.

In the event that Developer sells to a purchaser in one conveyance all of the parcels or a major portion of the parcels covered by a final map approved by a city or the County respecting the Development, participation fees for the lots covered by the final map shall not be due through the escrow for that sale if, prior to the close of the escrow, the purchaser of the land either assumes the existing developer agreement or executes a new agreement with substantially the same terms and conditions as the agreement entered into by the original developer described above in this section. Any successor agreement also shall be recorded by the Agency.

In every circumstance where any participation fees remain unpaid on any lots or parcels in a multi-unit subdivision ten (10) years after the date that the final subdivision map for a large-unit development is issued, or a single parcel or small lot subdivision is approved, by Amador County or any city within the County, then the
developer or owner, or his, her or its successor, shall pay all remaining participation fees to the Agency within 30 days of the tenth anniversary date of the issuance of the final map. If any such unpaid and due participation fees become delinquent, then the developer or owner shall be subject to all applicable penalties, fees and interest, and the Agency may file a lien against the lots or parcels on which the unpaid fees are owed and refuse service to the developer, owner or any successor until the delinquent fees are paid in full, including all applicable penalties, fees and accrued interest.

In every case, the participation fees to be paid on any lot or parcel will be those fees in effect on the date when payment is made.

SECTION TWO. EFFECTIVE DATE.

This Ordinance shall take effect 30 days after its final passage.

SECTION THREE. PUBLICATION.

The Clerk of the Board of Directors is directed to publish this Ordinance once with the names of the members voting for and against the Ordinance, in a newspaper published in the Agency within 15 days after the adoption of this Ordinance.

SECTION FOUR. INCONSISTENCY.

To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or provisions of any prior Agency ordinances, resolutions, rules or regulations governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof, and such inconsistent or conflicting provisions of prior ordinances, resolutions, rules or regulations are hereby repealed.

SECTION FIVE. INVALIDITY.

If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, no other provisions of this Ordinance shall be affected thereby.

INTRODUCED by the Board of Directors of the Amador Water Agency on July 14, 2016.

PASSED AND ADOPTED by the Board of Directors of the Amador Water Agency on July ___, 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Attest:

Clerk of the Board of Directors

President, Board of Directors
Quarterly Investment Report – Period ending June 30, 2016

Requested Action: None

Background: The Amador Water Agency’s Investment Policy requires and Government Code Section 53646 encourages submittal to the Board of Directors a quarterly investment report reflecting the quarterly interest earnings received by the Agency from institutions holding Agency funds for investment purposes.

This report presents the Agency’s investment portfolio as of June 30, 2016. It includes all investments managed by the Agency but not those held by external trustees. Funds held by trustees include assets such as bond reserve funds and deferred compensation plans.

- The portfolio is invested in short-term investments with the American River Bank, the Local Agency Investment Fund (LAIF) administered by the State Treasurer, Umpqua Bank’s Public Funds Account, and Raymond James. These are very high quality investments available to public agencies in terms of safety, liquidity and yield. These funds are FDIC insured up to $250,000 per investor and excess values are collateralized in accordance with Government Code Section 53651 and 53652.

- The balance represents the amount invested at a given point in time and is equal to the purchase price, par or face value, account balance and all represent the cost paid or funds invested in the vehicle.

- The market value of any instrument is the spot price between a willing buyer and seller and is a function of supply & demand, market and credit risk. The market value on instruments being bought and sold will fluctuate on a daily basis, while the purchase price, par or face values are constants. The market value for short term interest bearing accounts that are currently within the Agency’s portfolio is simply the balance in the account. Interest is credited to the Agency’s investment accounts on a monthly and quarterly (LAIF) basis and is given in the interest earned column.

- The quoted yield is given on an annual basis and taken from the monthly statement. The yield is a function of average daily balances, considering deposits and withdrawals, for short-term interest accounts or agreed rates for instruments that are bought and sold. Purchased instruments that are traded have purchased dates and maturities associated with them.
Alternatives: Alternatively, the Agency could choose to invest more in longer term securities. However, higher yield investments with longer maturities will increase liquidity risk.

Fiscal Impact: The overall weighted average return of the portfolio is .15% which is the product of the individual instruments' weights and yields, this equates to $2,172 for the June 30th period. The attached table provides some significant statistics on the Agency's portfolio. The valuation source is the June 30th, 2016 month ending statements from each of the respective institutions.

Reviewed by Committee: No

Recommendation: Presently, the Agency's portfolio is consistent with its investment policy and the prudent investor rule.

Prepared by: Cris Thompson, Assistant General Manager
# Amador Water Agency
## Investment Report
### June 30, 2016

<table>
<thead>
<tr>
<th>Portfolio Investments</th>
<th>Investment Type</th>
<th>Balance at 6/30/2016</th>
<th>Market Value</th>
<th>Investment Weight</th>
<th>Interest Earned</th>
<th>Quoted Yield</th>
<th>Purchase Date</th>
<th>Maturity Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>American River Bank</td>
<td>Commercial Checking Account</td>
<td>887,205</td>
<td>887,205</td>
<td>25%</td>
<td>63</td>
<td>0.020%</td>
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<tr>
<td>American River Bank</td>
<td>GSL Commercial Checking</td>
<td>397,850</td>
<td>397,850</td>
<td>11%</td>
<td>-</td>
<td>0.00%</td>
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<tr>
<td>American River Bank</td>
<td>Payroll Account</td>
<td>187,466</td>
<td>187,466</td>
<td>5%</td>
<td>-</td>
<td>0.000%</td>
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<td></td>
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<tr>
<td>American River Bank</td>
<td>Savings</td>
<td>50,004</td>
<td>50,004</td>
<td>1%</td>
<td>4</td>
<td>0.020%</td>
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<td></td>
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<tr>
<td>LAIF</td>
<td>S-T Interest Account</td>
<td>1,985,803</td>
<td>1,985,803</td>
<td>57%</td>
<td>2,105</td>
<td>0.260%</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>3,508,327</strong></td>
<td><strong>$ 2,172</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unrestricted</td>
<td></td>
<td>779,669</td>
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<tr>
<td>Restricted</td>
<td></td>
<td>2,728,658</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>3,508,327</strong></td>
<td><strong>$ 2,172</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Portfolio Weighted Average Return: 0.15%
MEMORANDUM

TO: BOARD OF DIRECTORS, AMADOR WATER AGENCY
CC: GENE MANCEBO, GENERAL MANAGER
FROM: KATRINA GONZALES & JOSHUA HOROWITZ
DATE: JULY 8, 2016
RE: LEGISLATIVE REPORT FOR THE JULY 14, 2016 BOARD MEETING

The following are bills of potential interest to the Amador Water Agency pending in the California Legislature:

**California Assembly**

AB 1242 (Gray D) Water Quality and Storage
*Introduced:* 02/27/2015
*Status:* 09/02/2015 – Re-referred to Senate Comm. on Rules. Designated a 2-year bill.
*Summary:* Would require the Department of Water Resources (DWR) to increase statewide water storage capacity by 25% by January 1, 2025, and 50% by January 1, 2050. The bill would require the department, on or before January 1, 2017, to identify the current statewide water storage capacity and prepare a strategy and implementation plan to achieve those expansions in statewide water storage capacity, and would require the department to update the strategy and implementation plan on January 1, 2018, and every 2 years thereafter, until January 1, 2050. The bill would require the Legislative Analyst’s Office to report to the Legislature on January 1, 2020, and every 5 years thereafter, until January 1, 2050, on the department’s progress on achieving those required increases in statewide water storage capacity, as specified. The bill would, beginning in the 2016–17 fiscal year, continuously appropriate 25% of the annual proceeds of the Greenhouse Gas Reduction Fund to facilitate these requirements.
*ACWA:* Favor

AB 1587 (Mathis R) Groundwater
*Introduced:* 01/16/2016
*Status:* 05/27/16/2016 – Assembly Comm. on Water, Parks and Wildlife has passed the bill with amendments and has re-referred it to Comm. on Appropriations, which currently holds the bill under submission.
*Summary:* Would require DWR to, in implementing a competitive grant program for projects that develop and implement groundwater planning requirements, give special consideration to those projects that would create groundwater recharge basins in areas of fallow farmland. It also appropriates $50,000,000 from bond act proceeds for this grant program.
*ACWA:* No position yet.
AB 1588 (Mathis R) Water and Wastewater Loan and Grant Program
Introduced: 01/06/2016
Status: 06/30/2016 – Passed by the Assembly; amended by author on June 15 and has passed Senate Comm. on Environmental Quality; referred to Senate Comm. on Appropriations.
Summary: Would require the State Water Resources Control Board (SWRCB) to establish a loan and grant for local agencies to allow them to provide low-interest loans and grants to eligible applicants for the following purposes: paying reasonable charges or fees for connecting to a water or wastewater system; paying costs to close abandoned septic tanks and water wells; deepening an existing groundwater well; improving an existing groundwater well, including associated equipment; and installing a water treatment system if the groundwater exceeds primary or secondary drinking water standards.
ACWA: Favor.

AB 1589 (Mathis R) CEQA: Exemption: Drought Mitigation
Introduced: 01/06/2016
Status: 04/04/2016 – Committee reconsideration granted after failing to pass Assembly Comm. on Natural Resources.
Summary: Would, for the duration of a state of emergency proclaimed by the Governor due to drought conditions, exempt from CEQA requirements specified projects that are undertaken, carried out, or approved by a public agency to mitigate drought conditions.
ACWA: No position yet.

AB 1647 (Waldron R) Environmental Quality: Water Storage Facilities
Introduced: 01/12/2016
Status: 04/22/2016-Failed Deadline pursuant to Joint Rule 61(b)(5). (Last location was Assembly Comm. on Natural Resources & Water on 2/4/2016) – DEAD.
Summary: Would exempt from certain CEQA requirements a project to expand the storage capacity of an existing surface water storage facility, or to replace an existing surface water storage facility, that is owned and operated by a public entity if that public entity adopts, by resolution, findings and declarations that the project meets certain specified criteria.
ACWA: Favor.

AB 1649 (Salas D) Water Quality, Supply, and Infrastructure Improvement Act of 2014: Water Storage Projects
Introduced: 01/12/2016
Status: 07/1/2016 -- Failed Deadline pursuant to Joint Rule 61(b)(13). (Last location was Comm. on Natural Resources & Water on 6/16/2016) – DEAD.
Summary: Would require DWR to develop a state water policy that gives priority to the formation of joint powers authorities (JPAs) that are formed to address critical surface water storage needs, and to funding JPAs’ surface water projects. The bill also would make findings and declarations of the Legislature, including, but not limited to, that, of the water storage projects available, the Temperance Flat Dam and Sites Reservoir will meet statewide goals and provide specified public benefits to the greatest extent.
ACWA: Not favor.

AB 1661 (McCarty D) Local Government: Sexual Harassment Prevention Training and Education
Introduced: 01/13/2016
Status: 06/22/16 – Referred to Senate Comm. on Appropriations; passed Senate Comm. on Governance & Finance following author’s amendments on June 13.
Summary: Existing law requires all local agency officials to receive ethics training at specified intervals if the local agency provides any type of compensation, salary, or stipend to those officials. This bill would additionally require local agency officials to receive sexual harassment prevention training and education, and would allow a local agency to require employees to receive sexual harassment training and information. The bill also would require an entity that develops curricula to satisfy this requirement to consult with the Attorney General, city attorney or county counsel regarding the sufficiency and accuracy of that proposed content.

ACWA: Favor.

AB 1707 (Linder R) Public Records: Response to Request
Introduced: 01/25/2016
Status: 04/12/2016 – Passed Assembly Comm. on Judiciary with author’s amendments; re-referred to Comm. on Local Government; hearing canceled at author’s request.
Summary: Under the Public Records Act, a local agency is required to justify withholding any record by demonstrating that the record is exempt under express provisions of the act or that the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure. This bill would require the agency’s written response to, in addition to demonstrating that the record in question is exempt under an express provision, also identify the type or types of record withheld and the specific exemption that justifies withholding that type of record.
ACWA: No position yet.

AB 1755 (Dodd D) Open and Transparent Water Data Act
Introduced: 02/02/2016
Status: 06/29/16 – Referred to Senate Comm. on Appropriations; Passed Senate Comm. on Natural Resources & Water following author’s amendments on June 13.
Summary: Would require DWR to establish a public benefit corporation that would create and manage (1) a statewide water information accounting system to improve the ability of the state to meet the growing demand for water supply reliability and healthy ecosystems, that, among things, would integrate existing water data information from multiple databases; and (2) an online water transfer information clearinghouse to report on water transactions that would include a database with information on completed water transfers, a public forum to exchange information on water market issues, and information to assist proponents with the water transfer approval processes. The bill also would require DWR, the SWRCB, and the Department of Fish and Wildlife to develop protocols for data sharing, documentation, quality control, public access, and promotion of open source platforms and decision support tools related to water data. It also would impose various other duties on these three agencies related to the improvement of water data, including submitting reports to the Legislature on the protocols the agencies develop and on the feasibility of creating a better surface water and groundwater monitoring network.
ACWA: Support.

AB 1842 (Levine D) Water Pollution: Fines
Introduced: 02/09/2016
Status: 06/29/2016 – Referred to Senate Comm. on Appropriations after being amended and passed by Senate Comm. on Enviro. Quality on June 15.
Summary: Existing law imposes a maximum civil penalty of $25,000 on a person who discharges various pollutants or other designated materials into the waters of the state. This bill would impose an additional civil penalty of not more than $10 for each gallon or pound of polluting material discharged. The bill would require that the civil penalty be reduced for every gallon or pound of the illegally discharged material that is recovered and properly disposed of by the responsible party. In addition, it would prohibit a person from being subject to both a civil penalty described
above and a civil penalty imposed pursuant to the Lemper-Keene-Seastrand Oil Spill Prevention and Response Act for the same act/failure to act.

ACWA: Not favor unless amended.


*Introduced:* 02/16/2016  
*Status:* 05/27/16 – The bill is being held under submission by Assembly Comm. on Appropriations.

*Summary:* Would require the SWRCB, in coordination with the State Energy Resources Conservation and Development Commission, the Public Utilities Commission, and DWR, to develop and implement a grant and low-interest loan program for water projects that result in the net reduction of water-related greenhouse gas emissions. The bill also would require the SWRCB to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020.

ACWA: No position yet.

**AB 2099 (Stone D) Safe Drinking Water Benefit**

*Introduced:* 02/17/2016  
*Status:* 06/16/16 – Referred to Senate Comm. on Appropriations after being amended and passed by Senate Comm. on Human Services on June 15.

*Summary:* Would require the State Department of Social Services (DSS) to, on or before February 1, 2017, convene a workgroup to develop recommendations for delivering a water benefit for the purchase of drinking water for low-income households with inadequate access to safe drinking water. The bill would require the workgroup to consist of representatives from specified entities, including DWR, the Office of Emergency Services, and applicable community advocates, and would require the workgroup to develop recommendations that include, among other things, an implementation plan for identification of eligible households and delivery of the benefit to those households. The bill also would require DSS to, on or before July 1, 2017, submit a report with the recommendations to the Legislature and the California Health and Human Services Agency.

ACWA: Watch

**AB 2304 (Levine D) California Water Market Exchange**

*Introduced:* 02/18/2016  
*Status:* 05/25/16 – has been re-referred to Assembly Comm. on Appropriations following amendments by author on May 11 and has been set for hearing; hearing cancelled at author’s request.

*Summary:* Would establish, on or after July 1, 2018, the California Water Market Clearinghouse as an independent office within the Natural Resources Agency to make the water transfer and exchange process more transparent and more efficient, and to enhance access to voluntary water market transactions. It also would require the clearinghouse, on or before December 31, 2018, to create a centralized water market platform on its internet website that provides ready access to information that has been provided about water available for transfer or exchange and information about the process for transferring or exchanging water. Among other things, it also would require the Natural Resources Agency Secretary to convene a Water Market Clearinghouse Task Force to make certain recommendations to the clearinghouse, and would require, on or before December 31, 2018, the clearinghouse to consider and act on the task force’s recommendations in order to establish administrative procedures under which state agencies would more expeditiously act upon proposed water transfers or exchanges and would prioritize projects that provide environmental and community benefits or have a demonstrated history of minimal potential impact to other legal water users or instream beneficial uses. The bill also would require the clearinghouse to work in
collaboration with other state agencies to make necessary changes in the rules and regulations governing water transfers and exchanges.

In addition, the bill would require all transfers or exchanges of water occurring on or after January 1, 2020, that require conveyance across the Sacramento-San Joaquin Delta or result in conveyance of water from one watershed to another to be submitted to the clearinghouse and processed, and would require the payment of an administrative fee to the clearinghouse for such processing. It also would require the Natural Resources Agency, on or before December 31, 2018, to create an Office of the Water Transfer Advocate within the clearinghouse and to appoint an advocate.

ACWA: No position yet.

**AB 2438 (Waldron R) CEQA: Exemption: Recycled Water Pipelines**

**Introduced:** 02/19/2016  
**Status:** 07/01/16 – Failed Deadline pursuant to Joint Rule 61(b)(13). (Last location was Comm. on Enviro. Quality on 6/29/2016) – DEAD  
**Summary:** Would, until January 1, 2020, exempt from CEQA a project for the construction and installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline, not exceeding 8 miles in length, for the distribution of recycled water within a public street, highway, or right-of-way and would require the lead agency to undertake specified activities, including the filing of a notice of exemption for the project with the Office of Planning and Research and the office of the relevant county clerk. It would require the lead agency, before determining the applicability of the exemption, to hold a noticed public hearing to consider and adopt mitigation measures for potential traffic impacts of the project.  
ACWA: Favor if amended.

**AB 2578 (Bigelow R) CEQA: Exemption: Water Service**

**Introduced:** 02/19/2016  
**Status:** 04/14/2016 – In Assembly Comm. on Natural Resources; hearing canceled at author’s request.  
**Summary:** This bill would exempt from the requirements of CEQA a project within a public street or highway or other public right-of-way for the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing water distribution pipeline to address water leakage. It would also exempt activities undertaken by a local agency in response to a drought to acquire water supplies, extend service, or provide water for drinking and sanitation to certain individuals and communities.  
ACWA: No position yet.

**AB 2801 (Gallagher R) Local Government: Fees and Charges: Written Protest**

**Introduced:** 02/19/2016  
**Status:** 06/30/2016 – Ordered to third reading in Senate from consent calendar.  
**Summary:** Under existing law, public agencies must follow notice, protest and hearing procedures for levying new or increased fees or charges. This bill would require the agency to maintain the protests for a minimum of two years and provide that such protests are public records subject to inspection.  
ACWA: Watch.

**AB 2853 (Gatto D) Public Records**

**Introduced:** 02/19/2016
Status: 06/16/16 – Referred to Senate Comm. on Appropriations after passage, as amended, the Senate Comm. on the Judiciary on June 15.

Summary: Would authorize a public agency that posts a public record on its internet website to refer a member of the public that requests to inspect \the public record to its webpage where the public record is posted. It also would require, if a member of the public requests a copy of the record due to an inability to access or reproduce the record from the website, the public agency to promptly provide a copy of the public record to the requester.

ACWA: Favor/amend.

ACA 8 (Bloom D) Local Government Financing: Water Facilities and Infrastructure: Voter Approval

Introduced: 02/18/2016

Status: 06/23/16 – Referred to Assembly Comms. on Local Government and Appropriations.

Summary: The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit for a rate imposed by a city, county, city and county, or special district to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of wastewater treatment facilities and related infrastructure, potable water producing facilities and related infrastructure, nonpotable water producing facilities and related infrastructure, and stormwater treatment facilities and related infrastructure, that is approved by 55% of the voters of the city, county, city and county, or special district, as applicable, if the proposition meets specified requirements, and would authorize a city, county, city and county, or special district to levy a 55% vote ad valorem tax. This bill contains other related provisions and other existing laws.

ACWA: Support.

California State Senate

SB 122 (Jackson D) California Environmental Quality Act: Record of Proceedings

Introduced: 1/15/2015


Summary: CEQA establishes a procedure for the preparing and certifying an administrative record upon the filing of an action or proceeding challenging a lead agency's compliance with CEQA. This bill would require the lead agency, at the request of a project applicant and with consent of the lead agency, to prepare a record of proceedings concurrently with the preparation of a negative declaration, mitigated negative declaration, EIR, or other environmental document for projects.

ACWA: No position yet.

SB 814 (Hill D) Drought: Excessive Water Use: Urban Retail Water Suppliers

Introduced: 01/04/2016

Status: 06/30/2016 – Ordered to third reading after passing Assembly Comm. on Appropriations on June 29.

Summary: This bill would prohibit the excessive water use during prescribed periods based on drought conditions by a customer in a single-family residence or by a customer in a multiunit housing complex. It would require each urban retail water supplier to establish a method to identify and restrict excessive water use and authorize, as a method to identify and restrict excessive water use, the establishment of a rate structure that includes block tiers, water budgets, penalties for prohibited uses, or rate surcharges over and above base rates for excessive water use by those customers. This bill also would authorize the establishment of an excessive water use ordinance,
rule, or tariff condition that includes a definition of excessive water use, as prescribed, and would make a violation of this excessive water use ordinance, rule, or tariff condition an infraction punishable by a fine of at least $500 per 100 cubic feet of water or per 748 gallons used above the excessive water use threshold established by the urban retail water supplier in a billing cycle. By creating a new infraction, this bill would impose a state-mandated local program. This bill would provide that these provisions apply only during a period for which the Governor has issued a proclamation of a state of emergency based on drought conditions.

**ACWA:** Oppose (AWA has filed opposition letter).

**SB 885 (Walk D) Contracts: Design Professionals: Indemnity**

**Introduced:** 01/19/2016

**Status:** 07/01/16 – Failed Deadline pursuant to Joint Rule 61(b)(13). (Last location was Jud. Comm. on 6/16/2016) – DEAD.

**Summary:** This bill would specify, with certain exceptions, for contracts and amendments to them entered into on or after January 1, 2017, that a design professional would only have the duty to defend claims that arise out of, or pertain or relate to, negligence, recklessness, or willful misconduct of the design professional. The bill would prohibit these provisions from being construed to affect any duty of a design professional to defend any claims brought against him or her on an ongoing basis during their pendency or the design professional’s obligation to reimburse reasonable defense costs incurred by other persons or entities, limited to the design professional’s degree of fault, as determined by a court, arbitration, or negotiated settlement. It also would provide that contracts and solicitation documents are deemed to incorporate its provisions by reference and would define “claim” to include a demand for money or services, lawsuit, or demand for arbitration. It also would prohibit waiver of these provisions and would provide that any clause, covenant or agreement contained in, collateral to, or affecting a contract that requires a design professional to defend claims against other persons or entities is void and unenforceable.

**ACWA:** Oppose (CSDA is actively opposing this bill and AWA has filed opposition letter).

**SB 995 (Pavley D) Well Standards**

**Introduced:** 02/10/2016

**Status:** 06/29/16 – Referred to Assembly Comm. on Appropriations with a recommendation that it be placed on the consent calendar after passing the Assembly Comm. on Environmental Safety & Toxic Materials.

**Summary:** Would require DWR, on or before January 1, 2019, to update well standards for water wells, monitoring wells, and cathodic protection wells based on existing knowledge, and to submit these standards to the SWRCB. It would also require the SWRCB to revise the model ordinance based on these standards.

**ACWA:** Favor/amend.

**SB 1318 (Wolk D) Local Government: Drinking Water Infrastructure or Services; Wastewater Infrastructure or Services**

**Introduced:** 02/19/2016

**Status:** 07/01/16 – Failed Deadline pursuant to Joint Rule 61(b)(13). (Last location was Local Gov. on 6/9/2016) – DEAD.

**Summary:** This bill would authorize a local agency formation commission (LAFCO) to initiate proposals by resolution of application for, among other things, consolidation of a district, a merger, and the formation of a new district(s). It would authorize LAFCO to initiate a proposal by resolution of application for the annexation of a disadvantaged unincorporated community. It would additionally require an applicant for a change in organization or reorganization to include an enumeration and description of the services currently provided, and would require the applicant
to indicate when services can feasibly extended to the affected territory, if new services are proposed. It also would require LAFCO to enact policies designed to promote the logical and orderly development of areas adjacent to the sphere of influence of each city and special district. In addition, the bill would, on or before January 1, 2018, and every 5 years thereafter, additionally require LAFCO to identify and determine the location of any disadvantaged unincorporated community that is within or adjacent to the sphere of influence of a city or a special district and review the adequacy and need for water and wastewater services within the identified disadvantaged unincorporated communities. It would, on or before January 1, 2020, and every 5 years thereafter, require LAFCO to adopt a written accessibility plan that addresses any existing service inefficiencies or needs within any identified disadvantaged unincorporated community, and would require a local agency formation commission to take certain steps to implement the plan and address service needs. Finally, it would require each city or county, on or before the next adoption of its housing element and on or before the due date for each subsequent revision of its housing element, to additionally incorporate any adopted accessibility plan into the general plan and any update of the land use element of its general plan.

ACWA: Oppose.

SB 1398 (Leyva D) Public Water Systems: Lead Pipes
Introduced: 02/19/2016
Status: 06/30/16 – Read second time and amended. Re-referred to Comm. on Appropriations.
Summary: As amended, This bill would require, by July 1, 2020, a public water system with areas that may have lead service lines in use in its distribution system to either determine the existence or absence of lead service lines in these areas and provide that information to the SWRCB or provide a timeline for replacement of pipes and fittings whose content cannot be determined that connect a water main to an individual water meter or service connection. This bill would require the SWRCB to approve a replacement timeline, as specified.
ACWA: Oppose unless amended.

Introduced: 02/19/2016
Status: 06/30/16 – Ordered to consent calendar after passing Assembly Comm. on Appropriations on June 29.
Summary: The Brown Act authorizes a local agency’s legislative body to hold a closed session to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee, but generally prohibits the closed session from including discussion or action on proposed compensation. It also authorizes closed sessions with the local agency’s designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, but prohibits the closed session from including final action on the proposed compensation of one or more unrepresented employees. This bill would require the legislative body of a local agency to, prior to taking final action, orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive during the open meeting in which the final action is taken.
ACWA: Watch.