AMADOR WATER AGENCY
Board of Directors
Regular Meeting
12800 Ridge Road, Sutter Creek, CA 95685
May 10, 2018
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. ADDITIONS TO AGENDA
   Items added to the agenda must be approved by the Board pursuant to Government Code Section 54954.2.

3. 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.

4. 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).

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

6. WATER SYSTEM
   A. Wholesale Raw Water Service
      1. Discussion and possible action to approve an agreement with East Bay Municipal Utility District to provide wholesale raw water service for Camanche North Shore Recreation Area facilities.
      2. Approve filing of Notice of Exemption for Agency's entering into Wholesale Water
Agreement with EBMUD

B. Amador Water System Transmission Project
   1. Discussion and possible action to approve Amendment #2 to the August 16, 2000 agreement for the project among the Agency, EBMUD and Amador County to include a termination date of December 31, 2022.

C. Sutter Creek Water Diversion
   1. Discussion and possible direction regarding the diversion relocation and continued use of existing pre-1914 appropriative right.

D. Water Bond Support
   1. Discussion and possible adoption of Resolution 2018-10 supporting 2018 Water Bonds.

E. Ione Water Treatment Plant
   1. Discussion and possible action to approve replacement of the plant inflow water meter.

7. WASTEWATER SYSTEM
   A. Amador Regional Sanitation Agency (ARSA)
      1. Information Only- No action requested.
   B. Wastewater Capital Projects
      1. Discussion and possible approval to include certain capital projects in this fiscal year.

8. LEGAL COUNSEL'S REPORT
   A. Legislative report
   B. Discussion and possible action regarding Agency positions on pending bills
   C. Other Legal Matters

9. COMMITTEE REPORTS, SPECIAL ASSIGNMENTS AND DIRECTOR COMMENTS
   A. Engineering Committee (05-03-18)

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

11. CLOSED SESSION
    B. Conference with Labor Negotiators Pursuant to Government Code Section 54957.6 (Gene Mancebo, and Karen Gish- AWA Employee Association Bargaining Unit.

12. ADJOURNMENT
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 April 26, 2018.

2. Letter of Support
   A. Ratification of letter sent by the General Manager to support North San Joaquin Water Conservation District's grant application for funding to update South Pump Station on the Mokelumne River.

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
AMADOR WATER AGENCY
Board of Directors
Regular Meeting

April 26, 2018

MINUTES

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

Directors Absent: None

Staff Present: Gene Mancebo, General Manager
               Cris Thompson, Assistant GM/ Clerk of the Board
               Damon Wyckoff, Operations Manager
               Darrel Evensen, Engineering Manager

CALL TO ORDER- President Toy called the meeting to order at 9:00 a.m.

ADDITIONS TO THE AGENDA- None

INTRODUCTION OF NEW EMPLOYEES AND RECENT PROMOTIONS

Robert Lukey, Instrumentation Electrical Supervisor
Leon Reaser, Instrumentation Electrical Technician
Chris Wilson, Utility II to Distribution II Operator
Aarron Haugland, Utility I to Utility II

PUBLIC COMMENT: None

CONSENT AGENDA:
Item 2.B was pulled by General Manager Mancebo to be brought back to a future meeting.
It was moved by Director Thomas, seconded by Director Molinelli Jr. and unanimously carried to approve consent agenda items:
Minutes of the Regular Board Meeting of April 12, 2018
Approval of Accounts Payable for March, 2018

WATER SYSTEM (04:47- 1:14:52)
Assembly Bill 142 - Mokelumne River Wild and Scenic River Study Report
Discussion and possible action to adopt Resolution 2018-09. A resolution supporting the California Natural Resources Agency’s Mokelumne River Wild and Scenic River Study Report, dated April 2018, and said report’s recommendation and five special provisions concerning designation of segments of the Mokelumne River between Salt Springs Reservoir and Pardee Reservoir under the California Wild and Scenic Rivers Act

Katherine Evatt, Board President, Foothill Conservancy
Sherry Curtis
Lois McDonald

MOTION: It was moved by Director Farrington, seconded by Director Thomas and unanimously carried to adopt Resolution 2018-09. A resolution of the Board of Directors supporting the California Natural Resources Agency’s Mokelumne River Wild and Scenic River Study Report, dated April 2018, and said report’s recommendation and five special provisions concerning designation of segments of the Mokelumne River between Salt Springs Reservoir and Pardee Reservoir under the California Wild and Scenic Rivers Act

MOTION: It was moved by Directory Toy, seconded by Director Molinelli Jr. and unanimously carried to seek support from other agencies and organizations while working towards potential legislation which contains the special provisions contained in the final report.

RECESS was called at 10:17 a.m. SESSION resumed at 10:31 a.m.

COMMITTEE REPORTS (1:15:01- 1:41:39)
Budget and Finance (04-17-18)
Joint Water Committee (04-19-18)
SGMA Cosumnes Working group (04-18-19)
CAMRA (04-18-19)

ASSISTANT GENERAL MANAGER’S REPORT (1:41:57- 1:47:48)

GENERAL MANAGER’S REPORT (1:47:50-1:58:11)

BOARD OF DIRECTOR DISTRICT REPORTS, COMMITTEE REPORTS AND DIRECTOR COMMENTS (1:58:18 -

FUTURE AGENDA TOPICS (2:10:14)
CLOSED SESSION was called at 11:27 a.m. OPEN SESSION resumed 12:53 at p.m. with direction given to staff

Conference with Legal Counsel Pursuant to Government Code Section 54956.9(D)(1) – Existing Administrative Proceedings – State Water Resources Control Board Bay-Delta Water Quality Control Plan Update Proceeding

Conference with Labor Negotiators Pursuant to Government Code Section 54957.6 (Gene Mancebo and Karen Gish) - AWA Employee Association Bargaining Unit

ADJOURNMENT
President Toy adjourned the meeting at 12:54 p.m.

Cris Thompson
Clerk of the Board of Directors
Approved: ______________________________
May 2, 2018

Bureau of Reclamation  
Attn: Mr. Darren Olson  
P.O. Box 25007, MS 84-27814  
Denver, CO 80225

Re: Water and Energy Efficiency Grant Application by North San Joaquin Water Conservation District for the South Pump Station Automation Project

Dear Mr. Darrel Olson:

The Amador Water Agency provides treated water to all five cities in Amador County and to Central Amador along the Highway 88 corridor and 100% of this water is diverted from the Mokelumne River. Efficient and effective use of water supplies from the Mokelumne River and local ground water sources are critical to meeting water supply demands.

The purpose of this letter is to support the North San Joaquin Water Conservation District’s grant application for funds to help pay for the South Pump Station Automation Project. Adding a variable frequency drive, new meters and a remote telemetry unit to the South Pump Station will allow the District to improve the efficiency of its operations and reduce operational spills and system losses. This, in turn, will allow the District to deliver surface water at a lower cost, which will reduce landowner reliance on groundwater and help improve groundwater overdraft conditions in the Eastern San Joaquin Subbasin.

Also, the District works collaboratively with other stakeholders on the Mokelumne River to help manage and protect fishery flows. An automated South Pump Station will help the district in this collaborative effort by providing additional flexibility and control for river diversions from the South Pump Station.

Thank you for taking the time to consider North San Joaquin’s application and this letter of support.

Sincerely,

Gene Mancebo  
General Manager
Administration Department Report

Customer Service/Human Resources:

- The 2017/2018 (7/1/17-6/30/18) Safety Statistics for Agency staff are:
  - Lost time worker’s comp incident: 0 (date of last incident: 12/12/16)
  - Other Worker Comp incident: 0 (date of last incident: 5/10/17)
  - First Aid incident: 0
  - Avoidable vehicle accident: 1 (10/27/17)
  - Unavoidable vehicle accident: 1 (12/5/17)
- Training: Wyckoff-Lorman Membership for multiple training courses; Hutchison, Barnes, Mottishaw-CRWA Expo (various water courses); Hays, Roussan – Intermediate Governmental Accounting
- Certifications/Renewals: K Miller-Cross Connection;
- Staffing: Positions filled: Instrumentation/Electrical Technician-Leon Reaser; Utility II-Aaron Haugland; Vacant positions: Utility I (interview process)
- Liens filed: 1 - $94.15
- Liens Released: 4 - $5,717.94
- Total Liens filed for the Agency 304- total dollar amount $149,274.30
- Customer Service staff is working on an EDU project; putting the water and wastewater EDU allocations on all customer accounts. This is a long-term project as time allows. Currently 10 out of 34 routes have been completed
- Staff will be working with Accela to implement Inbound IVR for customers who wish to make their payments by phone through an automated option.

Finance/Accounting:

Water Sales Revenues through the month of April are $6,365,595

Wastewater Sales Revenues through the month of April are $1,379,590

Reimbursements received: $163,352

Outstanding Reimbursements are approximately $685,859

Restricted and Unrestricted Cash: Next Page

April Sales Comparison- Attached

April Aging Report- Attached

Prepared by: Karen Gish – HR / Office Manager
Tracey Hays - Finance Manager
Cris Thompson- Assistant General Manager
## Amador Water Agency
### Investment Report
#### April 30, 2018

<table>
<thead>
<tr>
<th>Portfolio Investments</th>
<th>Investment Type</th>
<th>Balance at 4/30/2018</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>
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<tbody>
<tr>
<td>American River Bank</td>
<td>Commercial Checking Account</td>
<td>1,023,615</td>
<td>1,023,615</td>
<td>29%</td>
<td>130</td>
<td>0.020%</td>
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<td>American River Bank *</td>
<td>Construction Acct Checking</td>
<td>62,364</td>
<td>62,364</td>
<td>2%</td>
<td>8</td>
<td>0.020%</td>
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<td>American River Bank</td>
<td>Payroll Account</td>
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<td>12,943</td>
<td>0%</td>
<td>9</td>
<td>0.020%</td>
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<tr>
<td>American River Bank</td>
<td>Savings</td>
<td>896</td>
<td>896</td>
<td>0%</td>
<td>3</td>
<td>0.020%</td>
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<tr>
<td>LAIF</td>
<td>S-T Interest Account</td>
<td>2,372,202</td>
<td>2,372,202</td>
<td>68%</td>
<td>21,253</td>
<td>1.524%</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>3,472,019</strong></td>
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<td></td>
<td><strong>$ 21,404</strong></td>
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Unrestricted: 1,538,312
Restricted: 1,933,707

Portfolio Weighted Average Return: 1.05%
<table>
<thead>
<tr>
<th>Water - Sales</th>
<th>16-Feb</th>
<th>17-Feb</th>
<th>18-Feb</th>
<th>16-Mar</th>
<th>17-Mar</th>
<th>18-Mar</th>
<th>16-Apr</th>
<th>Amount</th>
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<tbody>
<tr>
<td>102-04-411000  Monthly Service Charge</td>
<td>136,897</td>
<td>190,380</td>
<td>137,241</td>
<td>163,292</td>
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<tr>
<td>102-04-411010  Residential</td>
<td>156,554</td>
<td>68,001</td>
<td>80,461</td>
<td>152,410</td>
<td>67,976</td>
<td>77,702</td>
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<td>1,394</td>
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<td>102-04-411020  Multi-User</td>
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<td>1,485</td>
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<tr>
<td>102-04-412000  Commercial</td>
<td>47,029</td>
<td>35,228</td>
<td>39,371</td>
<td>39,082</td>
<td>33,787</td>
<td>39,026</td>
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<td>42,480</td>
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<td>102-04-413000  Industrial</td>
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<tr>
<td>102-04-413010  Limited Industrial</td>
<td>34,203</td>
<td>24,960</td>
<td>33,603</td>
<td>33,137</td>
<td>24,329</td>
<td>28,699</td>
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<td>34,416</td>
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<td>102-04-414000  Irrigation</td>
<td>2,803</td>
<td>1,860</td>
<td>5,599</td>
<td>18,755</td>
<td>1,751</td>
<td>5,550</td>
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<td>(597)</td>
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<td>102-04-415000  Resale</td>
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<td>47,315</td>
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<td>102-04-415010  Transfer In Purchased</td>
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<tr>
<td>102-04-416000  Wholesale</td>
<td>50,820</td>
<td>35,800</td>
<td>40,455</td>
<td>3,137</td>
<td>35,139</td>
<td>38,639</td>
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<td>48,000</td>
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<tr>
<td>102-04-417000  Hydrant Use</td>
<td>3,137</td>
<td>227</td>
<td>604</td>
<td>5,939</td>
<td>1,672</td>
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<td>3,137</td>
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<tr>
<td>102-04-418950  Adjustment To Sales-Write-Offs</td>
<td>(2,503)</td>
<td>(78)</td>
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<tr>
<td>102-04-419000  Debt Service Charge</td>
<td>123,915</td>
<td>150,220</td>
<td>148,029</td>
<td>150,774</td>
<td>150,123</td>
<td>148,074</td>
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<td>149,445</td>
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<tr>
<td>102-04-419010  Pumping Surcharge</td>
<td></td>
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<td>(442)</td>
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<tr>
<td>102-04-419020  Water Shortage Surcharge</td>
<td></td>
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<td>56,360</td>
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<td><strong>YTD totals</strong></td>
<td><strong>419,855</strong></td>
<td><strong>450,689</strong></td>
<td><strong>538,424</strong></td>
<td><strong>498,985</strong></td>
<td><strong>456,287</strong></td>
<td><strong>529,749</strong></td>
<td><strong>497,485</strong></td>
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YTD totals: 5,116,962
## Aging Report
### April 2018

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<tr>
<th></th>
<th>April 30, 2017</th>
<th>Over 120</th>
<th>90-120</th>
<th>60-90</th>
<th>30-60</th>
<th>Under 30</th>
<th>Totals</th>
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</thead>
<tbody>
<tr>
<td><strong>Standby/ Assessments</strong></td>
<td>40,713.00</td>
<td>42,290.42</td>
<td>271.49</td>
<td>851.61</td>
<td>-</td>
<td>132.25</td>
<td>(2,832.77)</td>
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<tr>
<td>Wastewater</td>
<td>268,316.91</td>
<td>222,895.68</td>
<td>4,537.96</td>
<td>4,687.27</td>
<td>5,517.58</td>
<td>32,942.48</td>
<td>(2,264.06)</td>
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<td>Water</td>
<td>308,923.07</td>
<td>7,523.36</td>
<td>819.84</td>
<td>1,341.57</td>
<td>11,364.94</td>
<td>320,459.06</td>
<td>(32,585.70)</td>
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<td><strong>Totals</strong></td>
<td>617,952.98</td>
<td>272,709.46</td>
<td>5,629.29</td>
<td>6,880.45</td>
<td>16,882.52</td>
<td>353,533.79</td>
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<tr>
<th></th>
<th>April 30, 2018</th>
<th>Over 120</th>
<th>90-120</th>
<th>60-90</th>
<th>30-60</th>
<th>Under 30</th>
<th>Totals</th>
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<tbody>
<tr>
<td><strong>Standby/ Assessments</strong></td>
<td>36,089.10</td>
<td>35,012.67</td>
<td>-</td>
<td>1,076.43</td>
<td>-</td>
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<td>(2,878.81)</td>
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<tr>
<td>Wastewater</td>
<td>63,580.30</td>
<td>24,684.38</td>
<td>962.48</td>
<td>1,027.77</td>
<td>1,729.22</td>
<td>36,588.02</td>
<td>(1,820.30)</td>
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<td>Water</td>
<td>408,581.68</td>
<td>8,259.77</td>
<td>2,389.09</td>
<td>3,027.36</td>
<td>18,146.97</td>
<td>409,701.39</td>
<td>(38,793.65)</td>
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<tr>
<td><strong>Totals</strong></td>
<td>508,251.08</td>
<td>67,956.82</td>
<td>3,351.57</td>
<td>5,131.56</td>
<td>19,876.19</td>
<td>446,289.41</td>
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### Deleted Accounts

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<tr>
<th>Date</th>
<th>Over 120</th>
<th>30-60</th>
<th>Under 30</th>
<th>Totals</th>
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<tr>
<td>4/30/2017</td>
<td>35,921.67</td>
<td>728.64</td>
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<td>2,742.24</td>
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<td></td>
<td>919.07</td>
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<td>(1,327.98)</td>
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<td>4/30/2018</td>
<td>35,766.53</td>
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<tr>
<td></td>
<td>919.07</td>
<td></td>
<td></td>
<td>(1,327.98)</td>
</tr>
</tbody>
</table>
Operations Report

Covering April 1 – April 27, 2018

Operations Manager:
1. Attended a meeting and site visit with Cal OES representatives and the AWA Engineering Dept. regarding our HMGP grant funded redwood tank and floating cover replacement project.
2. Attended a lead in schools meeting with the General Manager. Discussed coordination with school district for additional lead sampling and assistance with appurtenance replacement within the school grounds.
3. Attended the Agency’s Fire Protection Committee meeting.
4. Began developing an inspection timeline for recently purchased fall protection equipment for field staff.
5. Assisted Construction in the repair of the 6” water main feeding the Eagle’s Nest subdivision.
6. Completed the Quarterly Report for FEMA funded HMGP Redwood Tank and Floating Cover Replacement Project.
7. Participated in interviews for the Agency’s Vacant Utility II position on the canal. Filled the position internally.

Regulatory Compliance Specialist:
2. Worked on computer issues for existing and new staff. Set up email, log ins for programs, and desk top short cuts.
3. Website and Social Media posting.
4. Assisted with gathering supplies for the Eagle’s Nest main break and made boil release calls.
5. Attended lead service line meeting with Operation and Engineering staff.
6. Trained Administrative Assistant for Pine Grove CSD on Regulatory Compliance issues.
8. Created scheduled shut down notices for City of Sutter Creek.

Water Treatment Plants:
1. Tanner Plant
   a. Rebuilt Cla-Val pump controller at Ridge Pump Station.
   b. Repaired air leaks on three filter effluent valves.
   c. Replaced faulty air compressor at Trent Pump Station.
   d. Assisted in getting plant back online after PLC failure.
2. Ione Plant
   a. Continued preparing for plant/filter rehabilitation project.
   b. Continued to monitor, maintain and sample for possible Taste and Odor issues.
3. Buckhorn Plant
   a. Working with Vinciguerra Construction preparing for testing phase of the Backwash Recycling Project.
b. Operator repaired leaks on sodium hypochlorite bulk tanks
c. Operator prepared for month long PG&E regulator shutdown by making set point adjustments, established siphon vacuum, and coordinating pump station readiness
d. Operator cut up and cleared debris from fallen tree

4. PG & E plant
   a. Trained new operator on all aspects of plant
   b. Completed quarterly calibrations of turbidimeters
   c. Identified and repaired issues with raw water intake

Wastewater:
1. Pine Grove Camp
   a. Continued work on Influent pump station
      i. Installed new pump and meter
      ii. Installed all new plumbing
   b. Completed routine sampling for the month
2. Gayla WWTP
   a. Reinstalled flow meter at lift station
   b. Flushed system and began to desludge all tanks
3. Eagle’s Nest
   a. Completed all detailed septic tank inspections
4. Continue to inspect and jetted trouble areas within our collection systems
5. Began weed abatement in all systems

Electrical:
1. Installed new aerator at Pine Grove Camp
2. Worked with plant operators to reboot and restore failed PLC at Tanner Plant
3. Camanche Well #9- Chlorine analyzer breaker failed and was replaced
4. Camanche Tank #12- ultrasonic transducer failed and was replaced
5. Jackson Pines transducer failed and was replaced
6. Project work:
   a. Ione Water Treatment Improvement Project – relocated pneumatic valve panel

Construction:
1. Attended Fork Lift Training
2. Installed 500’ of conduit to Kmart Lift Station for telephone communications
3. Assisted Electrical Dept in locating/potholing and repairing the communication line for Tiger Creek to Silver Pump Station
4. Installed new fire hydrant in front of Fire Dept on Van De Hei Ranch Rd
5. Leak Repairs:
   a. 4” main on Big Oak Ct (Pine Acres, 10 gpm)
   b. Pearl Ct. Pioneer (5gpm)
   c. 2” steel main on Church St. Sutter Creek
6. Patch paved in Ione (Castle Oaks replaced service lines)

Distribution:
1. Main Line Leak Repairs:
   a. 4” main on Big Oak Ct (Pine Acres, 10 gpm)
2. Service Line Leak Repair:
   a. Pearl Court (Pioneer, 5 gpm)
3. Assisted Construction installing a new hydrant at Van De Hei Ranch Rd
4. Repaired Nickerson Pressure Reducing Valve (Sutter Creek)
Canal:  

1. Leak Repairs:  
   a. Mile Marker 3.00 (15 gpm, Clinton Rd)  
   b. Mile Marker 5.75 (Ranchette Dr/Previtali)  
   c. Waste Gate #10 (15 gpm, W. Clinton)  
   d. New York Ranch Reservoir bypass pipe (5 gpm)  

2. Tree Debris removal:  
   a. Mile Marker 1.00-3.50 (Tabeaud to Clinton)  
   b. Mile Marker 5.25 (Ranchette Dr)  
   c. Mile Marker 6.00-6.25 (Ranchette Dr)  
   d. Mile Marker 7.75 (Below Previtali)  
   e. Mile Marker 11.50 (Swenson Slide Area)  
   f. Mile Marker 12.75 (Hwy 88)  
   g. Mile Marker 15.00-16.00 (Canal Way)  

3. Weed Abatement  
   a. Mile Marker 13.50 100 yds of Scotch Broom cleared (Pioneer Dr- Rancheria)  
   b. Mile Marker 15.00 – 15.50 Scotch Broom cleared (Canal Way)  

Prepared by: Andrea Hinton, Regulatory Specialist  
Reviewed and edited by: Damon Wyckoff, Operations Manager
City of Plymouth Department Report-April 2018

Operations Manager-
- On-going work associated with the State of Readiness of the Plymouth Water Treatment Plant

Regulatory Compliance Specialist-
- Completed monthly water reporting and sent report to Division of Drinking Water and City Manager

Distribution-
- Routine flushing
- Routine Distribution Sampling

Wastewater-
- Continue to monitor collection system
- Cleared/jetted two different mainline areas of collection system that were clogged
- Inspecting all grease traps and issuing pump orders

Water-
- Staff working to gather parts and plan multiple repairs at the plant and at Well A
  Detailed write up provided to City Manager
River Pines April Department Report

April Water Production/Sold

<table>
<thead>
<tr>
<th>Well</th>
<th>Production/Sold</th>
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</thead>
<tbody>
<tr>
<td>Well 2:</td>
<td>365,900 gallons</td>
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<tr>
<td>Well 3R:</td>
<td>408,500 gallons</td>
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<tr>
<td>Well 6R:</td>
<td>30,680 gallons</td>
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<tr>
<td></td>
<td>Total Produced: 805,080 gallons</td>
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<tr>
<td></td>
<td>Total Sold: 529,460 gallons</td>
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<tr>
<td></td>
<td>Total Loss: 34%</td>
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</table>

Operations Manager-

- Amended proposed budget items and provided to the General Manager for review

Regulatory Compliance Specialist-

- Completed March monthly reporting for water and wastewater. Including No Spill Report to CIWQS

Wastewater-

- Influent flow: 1,171,900 gallons. Effluent Discharged: 674,800 gallons. Could not discharge in the rain and on-going work in the sprayfield. Influent meter was recently calibrated and was reading low by 6,000 gallons per day on average
- All samples completed
- Replaced solenoids and sprinklers in sprayfields
- Inspected trouble areas in the system
- Washed down and monitored lift station weekly
- Began weed abatement

Water-

- Completed all regulatory sampling
- Completed routine maintenance on all three (3) chlorine analyzers
- Performed a deep clean on Well 6R facility and completed turbidimeter calibrations
- Worked with staff to visit all site locations to evaluate radio system

Prepared by: Andrea Hinton, Regulatory Specialist
Reviewed by: Damon Wyckoff, Operations Manager
Board Meeting: May 10, 2018
Agenda Item 5.C

Engineering Department Report

April 1 – April 30, 2018

Capital Projects
- Buckhorn DBP – Under construction. Anticipated substantial completion date is June 15, 2018
- Camanche Tank 9 – AWA electrical force account work in progress
- CDBG 2 – Grant application forwarded to CDBG, Environmental document is circulating
- Ione Hydro – In design (90% delivery date June 15, 2018)
- Ione WTP Rehabilitation – Construction in progress.
- Tanner Backwash – Onsite construction started May 7, 2018
- FEMA Projects (Amador Canal, Preston Pump Station, Eggiman Lane, and Tiger Creek WTP Intake) – Estimations of Cost for repair/replacement in progress, partial funding approved
- Camanche Wastewater – Environmental document submitted to Agency
- CAWP Tanks – Design underway

Developer Projects
- Sutter Creek Bridge – Under construction
- Washington Place – Under construction
- Castle Oaks Unit 5 – Construction starting
- Cal-Fire – In redesign
- Wildflower – Punch list work in progress
- Pinewoods West Apartment Complex – Design starting
- Zinfandel Ridge Phase 2 (Plymouth) – Construction started

**Project Expenses through 04-30-18 are attached**

Prepared by: Darrel Evensen, Engineering Manager
### Project Expenses through 04-27-18

<table>
<thead>
<tr>
<th>Project</th>
<th>Funded By</th>
<th>Funding Contract Deadlines</th>
<th>Grant Funds</th>
<th>FY 17-18 Budget</th>
<th>Expended to date</th>
<th>% of FY 17-18 Budget</th>
<th>Expended Life of Project</th>
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<tbody>
<tr>
<td>Ione WTP Rehabilitation Design &amp; Construction</td>
<td>Part. Fees / CFD</td>
<td>7/1/2018</td>
<td>$2,761,773</td>
<td>$915,682</td>
<td>$93,032</td>
<td>10.16%</td>
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<tr>
<td>Buckhorn D9P/BW Compliance Construction</td>
<td>Grant</td>
<td>3/1/2020</td>
<td>$2,205,325</td>
<td>$2,126,856</td>
<td>$167</td>
<td>0.01%</td>
<td>$1,627</td>
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<tr>
<td>Redwood Tanks and Floating Cover Repl - HMG</td>
<td>Grant/Oper Rates</td>
<td>7/1/2018</td>
<td>$1,993,403</td>
<td>$1,652,723</td>
<td>$1,657,301</td>
<td>100.28%</td>
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<tr>
<td>Lake Camanche Tank 9 &amp; Intertie</td>
<td>Grant</td>
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<td>$4,617,155</td>
<td>$583,227</td>
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<td>CDA Storm Repairs - Preston PS Improvements</td>
<td>Grant/Oper Rates</td>
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<td>$200,000</td>
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<td>CDA Storm Repairs - Amador Canal</td>
<td>Grant</td>
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<td>CDA Storm Repairs - Eggeman Lane</td>
<td>Grant</td>
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<td>Tanner Backwash Recycling Grant App / Design</td>
<td>Grant</td>
<td>*4/30/2019</td>
<td>$4,617,155</td>
<td>$2,205,325</td>
<td>$167</td>
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<td>Camanche Service Lateral Replacement ph 3</td>
<td>Operating Rates</td>
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<td>$4,617,155</td>
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<td>CAWP Water Rights</td>
<td>Loan</td>
<td>12/18 (loan) 12/19 (grant)</td>
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<td>Ione Hydroelectric -</td>
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<td>SDP Phase A - Lower Canal Piping</td>
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<td>Ione Canal Abandonment - Design/Easements</td>
<td>Operating Rates</td>
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<td>CDA Tree Mortality</td>
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<td>Highway 88 Overlay</td>
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<td>CDBG Phase II Environmental</td>
<td>Part. Fees</td>
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<td>Camanche Wastewater Design/CEQA/NEPA</td>
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<td>Pine Grove Monitoring Well Replacement</td>
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<td>Highway 49 Overlay</td>
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<td>Highway 49 / Ridge Road Manhole Replacement</td>
<td>Operating Rates</td>
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<td>Martell Force Main Relocation</td>
<td>Operating Rates</td>
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*Amendments granted - timelines extended

**Developer/Contract Services Projects through 04-27-18**

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<td>Arco WW Connection</td>
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<td>Brunator Ventosa Collina</td>
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<td>Cal Fire WW</td>
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<td>UMRWA Grant Admin</td>
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**Total Paid to AWA YTD** | 225,401.76
Requested Action:
Discussion and possible approval of the proposed wholesale raw water service agreement with East Bay Municipal Utility District (EBMUD) to provide a surface water supply to the EBMUD’s Camanche North Shore Area (CANS) located within Amador County and authorize the Board President to execute the agreement. Approve General Manager’s filing of a CEQA Notice of Exemption for the project.

Background
EBMUD desires a raw water supply to service its Camanche North Shore customers and plans to eliminate its use of groundwater in the area. Water would be diverted at Pardee Reservoir for this purpose and no AWA facilities are involved nor would there be any facilities for AWA staff to maintain. Water would be released by PG&E in sufficient quantities to meet EBMUD’s projected monthly demand schedule and accounted for as part of AWA’s annual 15,000-acre foot contractual water right. The agreement limits EBMUD’s annual use to just under 70-acre feet of water. The Water Agency does not have a rate schedule for wholesale raw water. The proposed rate of $25 per acre foot is based on the following considerations: (1) no Agency facilities will be utilized; (2) only minimal staff costs will be incurred; (3) the supply would not be used by AWA customers and would otherwise not earn any revenues; and (4) the rate will be reviewed and adjusted in an upcoming cost of service study. This agreement also is conditioned on EBMUD executing an amendment to the 2000 agreement among AWA, EBMUD and the County for the Amador Water System Transmission Project (ATP), which sets a termination date for that agreement of December 31, 2022. Currently, EBMUD is able to store and use the water conserved by the ATP project without further compensation to AWA. EBMUD approved this agreement and the ATP amendment on April 24, 2018. A CEQA notice of exemption was prepared for this project and staff also is requesting approval for that filing.

Alternatives: Do not approve the agreement or approve with revisions.

Fiscal Impact: Expected revenue commensurate with usage.

Reviewed by Committee: The Budget and Finance supported the agreement in concept, but the agreement has not reviewed due to scheduling.

(00065288.1)
Reviewed by Legal Counsel: Yes

Staff Recommendation:  
Approve the agreement and authorize the Board President to execute the agreement. Staff also requests that the Board approve the filing of the notice of exemption.

Prepared by: Gene Mancebo, General Manager
AGREEMENT BETWEEN AMADOR WATER AGENCY AND
EAST BAY MUNICIPAL UTILITY DISTRICT
FOR WHOLESALE RAW WATER SERVICE

THIS AGREEMENT ("Agreement") is made this May __, 2018, by and between
Amador Water Agency, a public entity created by a special act of the Legislature of the State of
California ("Agency"), and East Bay Municipal Utility District, a California public agency
("District"). The Agency and the District are collectively referred to herein as the "Parties" and
individually as a "Party."

RECITALS

A. The Agency owns and operates the Amador Water System ("System"), a network of
reservoirs, pipelines, canals and treatment works serving Mokelumne River water to
various communities within Amador County. The Agency’s service area includes
Camanche North Shore in Amador County.

B. The District owns property in the Camanche South Shore Area (CASS) in Calaveras
County, and in the Camanche North Shore Area (CANS) in Amador County, both
within the Mokelumne Watershed. These areas are shown in Exhibit A, which is
attached hereto and incorporated herein by this reference. The District provides treated
water for domestic uses including camping sites, cottages, motel units, mobile homes,
and marinas located in the CASS and CANS. Water for the CANS is currently provided
by groundwater wells.

C. The Agency along with Calaveras County Water District and the District embarked on a
multi-year regional project to address critical water supply and water quality needs in
the region, including the CANS and CASS. As part of Camanche Area Regional Water
Supply Project (CARWSP) Phase 1, the District has completed construction of an
upgraded water treatment plant to replace the existing water treatment plant, installation
of a new pipeline to provide raw water from Pardee Reservoir via the Mokelumne
Aqueducts to the new treatment plant, and a pipeline to deliver treated water from the
new water treatment plant to the CANS. The new treatment plant can also receive surface water from Camanche Reservoir as a backup supply when the Mokelumne Aqueducts are out of service.

D. The Agency, along with other stakeholders, completed a Feasibility Study for the CARWSP which identified necessary water supply improvements in the region including replacement of the Camanche Water Treatment Plant.

E. The District approved the environmental documentation of the Camanche Water Treatment Plant Replacement Project in 2001. The District approved an addendum to the Camanche Water Treatment Plant Replacement Project environmental document in April 2014 for the construction of Phase 1.

F. The District now desires to obtain wholesale raw water service from the Agency under an Agency wholesale contract and rate basis for serving the CANS. In a future agreement, the District and the Agency may choose to enter into an operations agreement for a portion or all of the water conveyance and distribution system for CANS.

G. Pacific Gas and Electric Company ("PG&E") provides the Agency with a firm supply of water not exceeding 15,000 acre-feet annually from the Mokelumne River Watershed for use in Amador County in accordance with the Stipulation and Agreement between the Agency and PG&E filed with the Amador County Superior Court on March 13, 1985, in the action entitled Amador County Water Agency v. Pacific Gas and Electric Company, a Corporation (Amador County Superior Court Action No. 12672) ("Stipulation and Agreement"). The Agency’s entitlement under the Stipulation and Agreement is based on PG&E’s pre-1914 appropriative claims. A schematic of PG&E’s Mokelumne River Project (FERC P-137) is attached hereto as Exhibit B and is incorporated herein by this reference.

H. The Agency has water available under its Stipulation and Agreement entitlement to serve CANS and is willing to provide the District with raw water service on an Agency wholesale contract and rate basis on the terms and conditions set forth in this Agreement.
In addition, the Agency has obtained PG&E’s consent to make this water available to EBMUD as requested and scheduled by the Agency.

I. The Agency has completed environmental documentation for Phase 2 of the CARWSP to provide water to the Camanche Village water system, located also in CANS.

NOW, THEREFORE, the Parties mutually agree as follows:

1. Term of Agreement.
   This Agreement shall become effective on the date first above written and shall remain in effect for so long as the District desires to receive wholesale water service from the Agency.

2. Ownership, Maintenance, Operation, Repair and Replacement Facilities
   The Agency shall be responsible for ensuring that PG&E releases sufficient water from its hydropower system, pursuant to the Agency’s water entitlement under the Stipulation and Agreement, to ensure that the Agency can make available raw water under this Agreement to the District’s Pardee Reservoir by means of the Mokelumne River. The Agency will continue to maintain ownership of the underlying water entitlement based on PG&E’s water right and shall ensure that PG&E submits Statements of Water Diversion and Use or other required documents to the State Water Resources Control Board to maintain those rights. The District shall be responsible for all facilities necessary for diversion of water from the Pardee Reservoir and for all other facilities necessary to deliver and utilize that raw water for domestic uses within the CANS located in Amador County. The District shall be responsible for the operation and maintenance of those facilities including, but not limited to the Pardee Reservoir and any short term storage associated with the delivery of raw water from the Agency. The District is responsible for permit compliance for the public water system serving CANS, presently operating under permit number 0310008.
3. **Agency Wholesale Raw Water Service to the District.**

(a) **Water Supplies.** The Agency will provide raw water service to the District under this Agreement, based on a schedule provided by EBMUD, from the water supplies that are available to the Agency from PG&E pursuant to the Stipulation and Agreement. The Agency will use its best efforts to preserve and protect its water rights and contractual entitlements under which it maintains and delivers water to customers in Amador County. The District shall be responsible for maintaining sufficient standby storage in Pardee and Camanche Reservoirs to supply the CANS water needs during periods of water delivery shortages or reductions. The Agency shall coordinate with the District to ensure that sufficient water is provided for standby storage.

(b) **Point of Delivery.** All water to be furnished under this Agreement shall be delivered to the District under the Agency’s entitlement under PG&E’s pre-1914 appropriative claims to waters of the Mokelumne River and its tributaries as set forth in the Stipulation and Agreement. PG&E will either directly divert water from the North Fork Mokelumne River under its pre-1914 appropriative claims or, when such water is not available, release water from PG&E’s “Upper Reservoirs” (Twin, Meadow, Upper Blue, Lower Blue and Upper Bear Reservoirs), and run it through one or more of its Mokelumne River Project powerhouses. In certain cases, PG&E may directly divert or release water from a project reservoir directly into the North Fork Mokelumne River for the District’s use without running it through one or more powerhouses. In all cases, the point of delivery of the raw water shall be at the outfall of the tailrace of the Electra Powerhouse at its confluence with the North Fork Mokelumne River. Responsibility for the raw water provided by the Agency will be deemed to pass to the District at the point of delivery and the District shall be solely responsible for any regulation and storage of the raw water supplied by the Agency beyond the point of delivery. The Agency will continue to maintain ownership of the underlying water entitlement supplied under PG&E’s pre-1914 water rights for the raw water provided to the District.
(c) Quantity of Water. The Agency shall deliver raw water to the point of delivery at a maximum rate of 200 gallons per minute (0.45 cubic feet per second) plus 2% for evaporation and carriage losses for the CANS system. The maximum total annual amount of raw water delivered by the Agency to the District for beneficial use shall be a maximum of 22.65 million gallons per year (69.5 acre feet per year), unless otherwise agreed in writing between the Agency and the District. The Parties agree that there will be carriage and evaporation loss of approximately 2 percent from the point of delivery at Electra Powerhouse outfall through Pardoe Reservoir to the Mokelumne Aqueducts. EBMUD agrees to include 2 percent carriage and channel loss in its Schedule of Forecasted Water Need for the CANS system and pay for the raw water based on the inclusion of the agreed carriage and evaporation losses.

(d) Points of Measurement of Beneficial Use. The volume of raw water beneficially used by the District under this Agreement provided by the Agency will be measured at the Camanche South Shore Water Treatment Plant discharge to CANS, shown as Point M3 on Exhibit C, plus Water Treatment Plant process water (backwash, analyzer flow, etc.) which will be measured at Point M4 on Exhibit C and prorated based on the volume of treated water delivered to the CANS system. A schematic of the CARWSP water system is attached hereto as Exhibit C and is incorporated herein by this reference.

(e) Schedule of Forecasted Water Need. On the effective date and every December 1 thereafter, the District shall provide a forecast of the CANS system’s water needs and delivery schedule for the upcoming year on a monthly basis.

(f) Report of Beneficial Water Use. The District shall be responsible for installing, operating, maintaining, and replacing the water meters at the Points of Measurement of Beneficial Use and shall measure the total volume of water delivered by the Agency and beneficially used at the CANS facilities. The water meters installed by the District must comply with applicable State Water Resources Control Board (SWRCB) measurement and reporting requirements. The Agency shall have the right
to inspect the water meters with 2-business days’ advance written notice and to require the District to repair or calibrate the water meters if they are determined to be malfunctioning upon Agency inspection. The District shall provide the Agency a report of metered water deliveries each month or more frequently as may be required by SWRCB. The Agency shall work with PG&E to ensure that the District’s beneficial use of water measured at the Points of Measurement is reported as water used for the CANS facilities in PG&E’s annual Statement(s) of Water Diversion and Use or other documents as appropriate to the SWRCB.

(g) **Water Quality.** The District understands and agrees that the water delivered to the District at the point of delivery is untreated water that is not fit for human consumption and other uses for which water treatment is normally required. The Agency makes no warranty or representations as to the quality or fitness for use of the water sold and delivered to the District. The District shall be responsible for all necessary measures at its expense for the testing, treatment, and other steps required to make the raw water fit for the District’s and its facilities intended uses. The Agency, its officers, directors, employees and agents shall not be liable for any loss, cost (including, but not limited to, attorney’s fees and litigation or arbitration costs), expense, damage, liability, suit or judgment for damages of any nature whatsoever, including, but not limited to, property damage, personal injury or death, arising out of or in any way connected with the quality of the delivered water or its use by the District or its customers for any purpose.

(h) **Responsibility Beyond the Delivery Point.** The District shall have sole responsibility for the water beyond the point of delivery and shall indemnify, protect and hold the Agency and its officers, directors, agents and employees harmless against any and all cost (including, but not limited to attorney’s fees and litigation or arbitration costs), loss, expense, claim, liability, suit or judgment for damages of any nature whatsoever, including, but not limited to, property damage, personal injury or death, arising out of or in any way connected with the control, carriage, handling, use, disposal, or distribution of the raw water after it has passed the point of delivery. The District
shall with due diligence reasonably defend any suit brought against an indemnified party asserting a claim covered by this indemnity.

(i) Uses of Raw Water Delivered. Except as the parties otherwise agree in writing, the District shall use the water delivered by the Agency to the District under this Agreement for reasonable and beneficial use within the District's CANS facilities.

(j) Use of Reclaimed Water. The District agrees to work cooperatively with the Agency in the implementation of the Agency's policy on the use of recycled water provided in Section 1.34 of the Agency Water Code, as it may be amended from time to time, at CANS. The District agrees to require the use of recycled water at the CANS facilities when determined appropriate by the Agency and the District in accordance with Section 1.34.

(k) The District’s Payment for Raw Water Service. The District and AWA have agreed to establish a termination date for the Amended and Restated Agreement Among Amador Water Agency, Amador County and East Bay Municipal Utility District Concerning the Amador Water System Transmission Project, dated August, 2000 (Transmission Project Agreement). The execution of an amendment to establish a termination date of December 31, 2022 for the Transmission Project Agreement and execution of this agreement for Wholesale Water Service will coincide. Given the above, the Parties agree to the following arrangement for the payment by District to AWA for water under this Agreement:

(i) Interim Period. For the Interim Period between the date this Agreement is entered into and December 31, 2022, District will pay AWA $25.00 per acre foot of water delivered under this Agreement.

(ii) After Interim Period. To set the rate structure and pricing for raw water delivered under this Agreement for the period after December 31, 2022 until this Agreement is terminated, the Parties agree to meet prior to December 31,
2022, to review an updated cost of service and rate study developed for all AWA wholesale and retail water customers.

(I) **Water Conservation.** Upon notice from the Agency, the District shall adopt and enforce those conservation measures, for the CANS, respecting the consumption of water which the Agency requires of its other wholesale water customers.

(m) **Water Shortages.** At times there may occur a shortage in the quantity of water available for delivery to the District under this Agreement. In such event, no liability shall accrue against the Agency or any of its officers, directors, agents or employees for any damage, direct or indirect, arising from such shortage. A water shortage shall be apportioned among the District and the other Amador Water System water customers of the Agency, both retail and wholesale, on a pro rata basis in accordance with amounts used by them in the year prior to the year in which the shortage occurs; provided, however, that the Agency shall make adjustments in the foregoing formula if necessary, to allocate water to any customer, including the District, sufficient for minimum domestic use. The Agency shall give the District notice as far in advance as possible of any such water shortage.

(n) **Temporary Disruption of Delivery for Maintenance Purposes or an Emergency.** The Agency may temporarily discontinue or reduce the amount of water to be furnished to the District for purposes of maintaining, repairing, replacing, improving, investigating or inspecting, any of the facilities necessary for the furnishing of water to the District, including those owned and operated by PG&E that are used to furnish water to the Agency under the Stipulation and Agreement. Insofar as feasible, the Agency shall give the District notice in advance of any such temporary discontinuance or reduction, except in the case of emergency, in which case no advance notice need be given although the Agency shall provide notice to the District as soon as practical after the emergency occurs. In the event of such discontinuance or reduction, the District will utilize standby storage in Pardee and Camanche Reservoirs allocated to the CANS. The Agency shall make available to the District upon resumption of
service, as nearly as may be feasible and to the extent water is available to it, the quantity of water which would have been available to the District in the absence of such discontinuance or reduction.

(o) Force Majeure. The Agency shall use due diligence in delivering the water as provided in this Section 3, but shall not be liable for insufficiency, interruption or curtailment of water delivery caused by acts of God, accident, fire, strikes, riots, war, drought, water contamination, actions or decisions by any governmental agency other than the Agency, officer (other than an Agency officer) or court, or other conditions beyond the Agency’s control. The District agrees to hold the Agency and its officers, directors, employees and agents harmless against any all loss, damage, cost, expense, liability, suit or judgment for damages arising out of or in any way connected with any insufficiency, interruption, or curtailment of water pursuant to this subparagraph.

4. Interest on Overdue Payments.

Upon each charge to be paid pursuant to this Agreement which shall remain unpaid after the same shall have become due and payable, the District shall pay interest on the amount of such delinquent payment at the prevailing legal rate until such payment is made.

5. Opinions and Determinations.

Where the terms of this Agreement provide for action to be based upon opinion, judgment, approval, review or determination of either Party hereto, such terms are not intended to be and shall never be construed as permitting such opinion, judgment, approval, review or determination to be arbitrary, capricious or unreasonable.


Any waiver at any time by either Party hereto of its rights with respect to a breach or default, or any other matter arising in connection with this Agreement, shall not be deemed to be a waiver with respect to any other breach, default or matter.
7. **Remedies not Exclusive.**

The use by either Party of any remedy specified herein for the enforcement of this Agreement is not exclusive and shall not deprive the Party using such remedy of, or limit the application of, any other remedy provided by law.

8. **Notices.**

All notices, statements, reports, approvals, requests, bills or other communications that are required either expressly or by implication to be given by either Party to the other under this Agreement shall be in writing and signed for each Party by such officers as each may, from time to time, be authorized in writing to so act. All such notices shall be deemed to have been received on the date of delivery if delivered personally or delivered by a commercially recognized overnight courier service, or three days after mailing if enclosed in a properly addressed and stamped envelope and deposited in a United States Post Office for delivery. Unless and until formally notified otherwise, all notices shall be addressed to the Parties at their addresses as shown below:

<table>
<thead>
<tr>
<th>Amador Water Agency</th>
<th>East Bay Municipal Utilities District</th>
</tr>
</thead>
<tbody>
<tr>
<td>12800 Ridge Road</td>
<td>Pardee Watershed &amp; Rec. office</td>
</tr>
<tr>
<td>Sutter Creek, CA 95685</td>
<td>3535 Sandretto Road</td>
</tr>
<tr>
<td>Attn: Gene Mancebo</td>
<td>Valley Springs, CA 95252</td>
</tr>
<tr>
<td>General Manager</td>
<td>Attn: Kent Lambert</td>
</tr>
<tr>
<td></td>
<td>Manager of Watershed and Recreation</td>
</tr>
</tbody>
</table>

9. **Assignments.**

The provisions of this Agreement shall apply to and bind the successors and assigns of the respective Parties, but no assignment or transfer of this Agreement, or any part thereof or interest therein, by either Party shall be valid unless and until approved by both Parties.

10. **Inspection of Books and Records.**

The employees or agents of the District shall have full access at all reasonable times to the account books and official records of the Agency insofar as the same pertain to the matters and things provided for in this Agreement, with the right at any time during office hours to make
copies thereof at the District’s expense. The employees or agents of the Agency shall have similar rights in respect to the account books and records of the District.


The paragraph headings used in this Agreement are for reference only and shall not in any way limit or amplify the terms and provisions hereof, nor shall they enter into the interpretation of this Agreement.

12. Entire Agreement.

This Agreement is freely and voluntarily entered into by the Parties after having had the opportunity to consult with their respective attorneys. The Parties, in entering into this Agreement, do not rely on any inducements, promises, or representations made by each other, their representatives, or any other person, other than those inducements, promises, and representations contained in this Agreement. This Agreement represents the entire agreement of the Parties. This Agreement may be modified only by a written amendment to this Agreement agreed to by the Parties. The Parties and the Party representatives executing this Agreement have the power and authority to execute this Agreement, and once executed by all Parties, this Agreement shall be binding upon the Parties.

13. Interpretation of Agreement.

The Parties acknowledge that each Party and its attorney have reviewed, negotiated and revised this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement or any document executed and delivered by any Party in connection with the transactions contemplated by this Agreement.


Each Party to this Agreement agrees to do all things that may be necessary, including, without limitation, the execution of all documents which may be required hereunder, in order to implement and effectuate this Agreement.
15. **Recitals.**

The recitals on page 1 of this Agreement are true and are incorporated herein by this reference and made a part hereof.

16. **No Third Party Beneficiaries.**

This Agreement shall not confer any right or benefit on any third party, including, but not limited to, any landowner, contractor or member of the public.

17. **Dispute Resolution.**

In the event of a dispute or controversy between the parties arising out of this Agreement, the respective staff of each Party shall hold an informal meeting or meetings to attempt to resolve the dispute or controversy. If staff is unable to resolve the matter informally, each Party shall designate an executive with the authority necessary to resolve the dispute or controversy. The executives of each Party shall meet as necessary to attempt to resolve the dispute or controversy. The meeting of the executives is a prerequisite to further mediation or litigation on any dispute or controversy between the Parties.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date first above written as follows:

**AMADOR WATER AGENCY:**

By: [Signature]

President, Board of Directors

**ATTEST:**

[Signature]

Clerk of the Board of Directors
EAST BAY MUNICIPAL UTILITY DISTRICT

By: ________________________________
    General Manager

APPROVED AS TO FORM:

_______________________________
Office of General Counsel
From Mokelumne Aqueducts

Raw Water

CASS Water Treatment Plant

Filter Backwash Water

To CASS

To CANS

From Camanche Reservoir

CASS Distribution System

CANS Distribution System
NOTICE OF EXEMPTION

To: Amador County Clerk
   108 Court Street
   Jackson, CA 95642

From: Amador Water Agency
      12800 Ridge Road
      Sutter Creek, CA 95685

Project Title: Amador Water Agency Wholesale Water Supply to East Bay Municipal Utility District’s Camanche North Shore Area

Project Location-Specific: North Fork Mokelumne River via Pacific Gas & Electric Company’s Hydroelectric Project, FERC No. 127, into Pardee Reservoir for diversion by EBMUD and conveyance to the Camanche Reservoir area for treatment and use.

Project Location: Amador and Calaveras Counties (See project description for additional information)

Description of Nature, Purpose and Beneficiaries of Project:
Amador Water Agency (AWA) will sell up to 70 AF of water annually to East Bay Municipal Utility District (EBMUD), which will be released from the tailrace of Pacific Gas & Electric Company’s (PG&E) Electra Powerhouse into the Mokelumne River and conveyed into Pardee Reservoir. The water then will be diverted through EBMUD’s existing Mokelumne Aqueduct facilities and conveyed to EBMUD’s Camanche Water Treatment Plant in the Camanche South Shore Recreation Area for treatment and delivery via a pipeline to existing EBMUD facilities in the Camanche North Shore area. The water sold by AWA is a portion of its Amador Water System contractual entitlement provided under PG&E’s pre-1914 water right available for use in the southwestern portion of Amador County and previously conserved under the Amador Water System Transmission Project (AWSTP). The AWA supply would replace the groundwater EBMUD currently diverts for this use from groundwater wells in the Camanche North Shore area. The project does not involve the construction of any new facilities or the modification of existing facilities.

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.15268) [ ]
   Declared Emergency (Sec. 15269 (a)) [ ]
   Emergency Project (Sec. 15269 (b) or (c)) [ ]
   Statutory Exemption: 
   X Categorical Exemption: Class 1 Exemption, CEQA Guidelines section 15301

[00063211.2]
STAFF REPORT

Amador Water System Transmission Project
Amendment #2

Requested Action:
Discussion and possible approval of the proposed Amendment No. 2 to the Amador Water System Transmission Project (ATP) Agreement among AWA, EBMUD and the County to add a termination date for the agreement.

Background
In the original December 16, 1993 agreement for the Amador Water System Transmission Pipeline Project, amended and restated agreement dated August 16, 2000, and Amendment No. 1 dated June 18, 2004, EBMUD agreed to participate financially in the ATP project. In return, AWA agreed that EBMUD would obtain the benefit of capturing and using the conserved water until such time as it would be needed by AWA. The agreement, as amended and restated in 2000, included an exhibit estimating the benefits to EBMUD with a schedule through 2022. The agreement, however, did not include a specific termination date. The Water Agency staff would like to incorporate a termination date consistent with Exhibit A of the Agreement which shows that EBMUD would not be entitled to any further benefits under the agreement after December 31, 2022. The EBMUD board approved the proposed Amendment No. 2 to the agreement at a meeting held on April 24, 2018. Amendment No. 2 will also need to be approved by the Amador County Board of Supervisors, which would be planned for consideration if the AWA Board approved the amendment at this meeting. Copies of prior agreements available upon request.

Alternatives: Do not approve the agreement or approve with revisions.
Fiscal Impact: Limited to staff and legal time.

Reviewed by Committee: No.
Reviewed by Legal Counsel: Yes

Staff Recommendation: Approve the agreement and authorize the Board President to execute the agreement.

Prepared by: Gene Mancebo, General Manager
{00065289.1}
AMENDMENT NO. 2
TO AMENDED AND RESTATED AGREEMENT AMONG
AMADOR WATER AGENCY, AMADOR COUNTY AND EAST BAY MUNICIPAL
UTILITY DISTRICT CONCERNING THE AMADOR WATER SYSTEM
TRANSMISSION PROJECT

THIS AMENDMENT NO. 2 is made by and among Amador Water Agency (“AWA”), East Bay Municipal Utility District (“EBMUD”) and Amador County (“County”) to the Amended and Restated Agreement Among Amador Water Agency, Amador County and East Bay Municipal Utility District Concerning the Amador Water System Transmission Project. AWA, the County and EBMUD are collectively referred to herein as the “Parties”.

RECITALS

WHEREAS, on or about August 16, 2000, the Parties entered into the Amended and Restated Agreement Among Amador Water Agency, Amador County and East Bay Municipal Utility District Concerning the Amador Water System Transmission Project, which agreement was amended by Amendment No. 1 on June 28, 2004 (collectively the “Amended and Restated Agreement”);

WHEREAS, the Parties agree that by December 31, 2022 each Party will have received a reasonable benefit as anticipated by the Amended and Restated Agreement and, as a result, by that date the intent and the conditions of that agreement will have been satisfied; and

WHEREAS, the Parties desire to further amend the Amended and Restated Agreement to provide a defined end date as set forth below.

NOW, THEREFORE, the Parties hereto mutually agree to enter into this Amendment No. 2 to amend the Amended and Restated Agreement as follows:

1. Amendment to Paragraph 16 of the Amended and Restated Agreement.

Paragraph 16 of the Amended and Restated Agreement shall be amended to read as follows: “This Agreement shall be effective on the date that this Agreement is fully executed and shall terminate on December 31, 2022.”
2. Effective Date.

This Amendment No. 2 to the Amended and Restated Agreement shall be effective on the date that this Amendment No. 2 is fully executed and shall remain in effect until the Amended and Restated Agreement is terminated as provided herein.

3. Effect on Amended and Restated Agreement.

Except as specifically provided herein, the Amended and Restated Agreement, and each of its terms and conditions, shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 2 as follows:

AMADOR WATER AGENCY

Dated: ________________________ By: ________________________

President, Board of Directors

ATTEST:

______________________________

Clerk, Board of Directors

EAST BAY MUNICIPAL UTILITY DISTRICT

Dated: ________________________ By: ________________________

General Manager

APPROVED AS TO FORM:

______________________________

Office of General Counsel
AMADOR COUNTY

Dated: ____________________________  By: ____________________________

Chairman, Board of Supervisors

ATTEST:

______________________________
Clerk, Board of Supervisors
**STAFF REPORT**

**Sutter Creek Pre-1914 Appropriative Right**

**Requested Action:**
Discussion and possible direction regarding relocating the point of diversion for, and continued use of, the Agency's existing Sutter Creek pre-1914 appropriative right.

**Background**

The Water Agency obtained a pre-1914 appropriative right on Sutter Creek as part of the Amador Water System purchase in 1985. This water right permits AWA to divert up to 5 CFS year-round from the creek and has a priority of 1855. Water was previously diverted from Sutter Creek into the Lone Canal. The Water Agency has discontinued the use of the Lone Canal except to serve some customers in the vicinity of the city of Sutter Creek. The Agency has been filing the required annual reports with the State Water Resources Control Board to maintain this right.

Continued use of this water right would reduce the amount of water AWA diverts from the Mokelumne River to serve customer demands. The purpose of this agenda item is to discuss possible options for continued use of this water right, which includes relocating the point of diversion as permitted under Water Code section 1706.

**Alternatives:** None.

**Fiscal Impact:** Limited to staff and legal time.

**Reviewed by Committee:** No.

**Reviewed by Legal Counsel:** Yes

**Staff Recommendation:**
Direct the General Manager to conduct further investigation into use of the Sutter Creek pre-1914 right and any resulting need to relocate the point of diversion of the water to maximize utilization of the right.

**Prepared by:** Gene Mancebo, General Manager
Requested Action:  
Discussion and possible adoption of Resolution 2018-10 supporting proposed water bonds for 2018.

Background  
Previous water bonds have provided a source of funding for water and wastewater infrastructure projects for the Water Agency. Many of these projects would not have been possible without loans or grant funds from these past water bonds. ACWA, as well as many water purveyors in California and other groups, support these proposed water bonds. Attached is an informational report from ACWA on the water bonds.

Alternatives: Do not approve the resolution or approve with revisions.

Fiscal Impact: Limited to staff and attorney time.

Reviewed by Committee: No

Staff Recommendation:  
Approve Resolution 2018-10 supporting water bonds for 2018.

Prepared by: Gene Mancebo, General Manager
TWO COMPLEMENTARY WATER BONDS
WILL GO BEFORE VOTERS IN 2018

As securing California’s water future becomes increasingly challenging, ensuring funding to mitigate the results of climate change, aging infrastructure, natural disasters and population growth are more important than ever. In response to those challenges, voters will have the opportunity to approve two general obligation bonds in 2018. One measure will appear on the June 2018 ballot, and the other measure will likely appear on the November 2018 ballot.

The two measures are complementary and, if approved, would work together to fund water-related projects intended to provide safe drinking water to disadvantaged communities, improve water supply reliability, help implement the Sustainable Groundwater Management Act (SGMA) and restore watersheds.

In recognition of the need for this funding, the Association of California Water Agencies (ACWA) Board of Directors voted unanimously to support both bonds.

The California Drought, Water, Parks, Coastal Protection, and Outdoor Access for All Act of 2018, will be placed on the June 2018 ballot as Proposition 68. This legislative bond measure resulted from the passage with bipartisan support of SB 5 (de León, 2017). This measure would authorize $4.1 billion in general obligation bonds to finance water and park projects, climate change preparedness, coastal protection, and outdoor access.

Examples of its water project funding include money for safe drinking water for disadvantaged communities and funding for SGMA implementation.

The State Water Supply Infrastructure, Water Conveyance, Ecosystem and Watershed Protection and Restoration and Drinking Water Protection Act of 2018 (the November bond) is an $8.9 billion water bond initiative measure. Initiative backers are currently completing the signature collection process to qualify the measure for placement on the November 2018 ballot. This bond would fund a wide range of water projects from safe drinking water projects to SGMA implementation and watershed improvements.

Though two separate measures, both would work together as a complementary pair to appropriate funding to a variety of needed projects. Together, they would provide more than $10 billion for drought preparedness projects, flood protection, safe drinking water, implementation of the Sustainable Groundwater Management Act, and other projects that will improve water supply reliability and ecosystem health.

The Association of California Water Agencies Board of Directors voted unanimously to support both bonds.
INVESTMENT IN THE CALIFORNIA WATER ACTION PLAN

The California Water Action Plan of 2014, was a major step in the right direction during California’s most severe drought in recent history. The multi-prong plan, whose roots stem from ACWA’s Statewide Water Action Plan (SWAP), outlines priority actions addressing water conservation, groundwater management, ecological restoration, Delta conveyance solutions, water storage, safe drinking water and more.

Since 2014, the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (also known as Proposition 1) has provided much needed investment in water supply reliability and ecosystem health projects and has also leveraged local and federal cost share funds.

Much like Proposition 1, both 2018 bonds, if approved, would result in an influx of local investment. Except for the storage component, pending qualification for bond funds, it’s expected most of the money from Proposition 1 will be committed by 2019. As such, Proposition 68 and the November bond will help replenish the soon-to-be depleted funding source.

ACWA believes the two bonds are complementary initiatives that would serve California tremendously and help build upon the successes of Proposition 1. Enactment of the measures would secure further investment in the California Water Action Plan.
FUNDING THE FUTURE OF SUSTAINABLE GROUNDWATER MANAGEMENT

The Sustainable Groundwater Management Act of 2014 (SGMA) established a new program for management of California's groundwater. SGMA required the formation of local Groundwater Sustainability Agencies (GSAs). It requires GSAs to develop and implement Groundwater Sustainability Plans (GSPs) that are consistent with Department of Water Resources' GSP regulations. This is a complex program that is very challenging and costly to implement.

The Legislature passed SGMA and the bill (AB 1471, Rendon, 2014) that became Proposition 1 (the 2014 Water Bond) in the same year. Because the bills that comprised SGMA and AB 1471 were being written and moved through the Legislature at the same time, the funding for SGMA implementation was added late in the bond negotiation process. As a result, Proposition 1 included only $100 million for SGMA implementation.

The Legislature recognized then that more funding was needed. Essentially all of the remaining Proposition 1 SGMA funding is being committed in 2018.

The writers of Proposition 68 and the November bond recognized that additional bond funding was needed for SGMA implementation. Proposition 68 and the November bond would provide $50 million and $640 million, respectively, for SGMA implementation.

Essentially all of the remaining Proposition 1 SGMA funding is being committed in 2018.
WATER BONDS FUNDING COMPARISON

<table>
<thead>
<tr>
<th>Funding Category</th>
<th>Proposition 68 $4.1 B (June Ballot)</th>
<th>November Bond $8.9 B</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Funding in Millions</td>
<td>Funding in Millions</td>
</tr>
<tr>
<td>Forest Protection</td>
<td>$110</td>
<td>$120</td>
</tr>
<tr>
<td>Recycled Water and Desalination</td>
<td>$80</td>
<td>$800</td>
</tr>
<tr>
<td>Safe Drinking Water (and Wastewater)</td>
<td>$330</td>
<td>$750</td>
</tr>
<tr>
<td>SGMA Implementation</td>
<td>$50</td>
<td>$640</td>
</tr>
<tr>
<td>Conservation</td>
<td>$20</td>
<td>$365</td>
</tr>
<tr>
<td>Flood Management</td>
<td>$550</td>
<td>$500</td>
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<tr>
<td>Stormwater</td>
<td>$100</td>
<td>$400</td>
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<tr>
<td>Oroville Dam Safety</td>
<td>$0</td>
<td>$222</td>
</tr>
<tr>
<td>Madera &amp; Friant-Kern Canals Improvements</td>
<td>$0</td>
<td>$750</td>
</tr>
</tbody>
</table>

This is a highlight comparison of the funding categories in the two water bonds. This is not a complete list of the funding categories.

This publication is intended to provide general information about how Proposition 68 and the proposed November water bond would affect ACWA member agencies. Readers are encouraged to research the opponents’ and proponents’ views on both bonds.

FOR MORE INFORMATION

Questions about the two water bonds may be directed to ACWA Deputy Executive Director for Government Relations Cindy Tuck at cindyt@acwa.com.
RESOLUTION NO. 2018-10

OF THE BOARD OF DIRECTORS OF THE AMADOR WATER AGENCY
SUPPORTING THE 2018 WATER BONDS: PROPOSITION 68 AND THE STATE
WATER SUPPLY INFRASTRUCTURE, WATER CONVEYANCE, ECOSYSTEM
AND WATERSHED PROTECTION AND RESTORATION,
AND DRINKING WATER PROTECTION ACT OF 2018

WHEREAS, California faces numerous challenges associated with aging infrastructure, natural disasters, climate change, population growth and other factors;

WHEREAS, the water community agrees that funding is needed to improve water supply reliability and ecosystem health in California;

WHEREAS, the Legislature passed SB 5 (de León) which will be on the June 2018 ballot as Proposition 68 and which would set forth The California Drought, Water, Parks, Coastal Protection, and Outdoor Access for All Act of 2018;

WHEREAS, a diverse group of stakeholders, including water agencies, have developed The State Water Supply Infrastructure, Water Conveyance, Ecosystem and Watershed Protection and Restoration, and Drinking Water Protection Act of 2018, which will appear on the November 2018 ballot;

WHEREAS, if approved by voters, these complementary measures would provide more than $10 billion in general obligation bond funding for safe drinking water, Sustainable Groundwater Management Act implementation, drought preparedness, flood protection, and other projects that will improve water supply reliability and ecosystem health; and

WHEREAS, projects funded through these bonds would provide substantial benefits for California communities and help ensure safe and reliable water for California’s current and future needs.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Amador Water Agency that it formally supports and endorses Proposition 68, which will be put before California voters on the June 5, 2018 primary election ballot, and the State Water Supply Infrastructure, Water Conveyance, Ecosystem and Watershed Protection and Restoration, and Drinking Water Protection Act of 2018, which will be placed on the November 2018 general election ballot.
PASSED AND ADOPTED by the Board of Directors of the Amador Water Agency at its regular meeting held on this May 10, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

Signed and approved by me after its passage on this 10th day of May, 2018.

By: ____________________________
Arthur J. Toy
President, Board of Directors

ATTEST:

______________________________
Cris L. Thompson
Clerk, Board of Directors
Board Meeting: May 10, 2018

AGENDA ITEM 6.E.1.

STAFF REPORT

Ione WTP Rehabilitation Project Flow Meter

Requested Action:
Discussion and possible approval to expend funds in FY17/18 for the main raw water flow meter to meet projected flows at the Ione WTP for an amount not to exceed $27,500 and will be paid by the Community Facilities District #1.

Background

AWA is rehabilitating the treatment processes at the Ione WTP. Upon review of the project, staff noticed a bottleneck in flow capacity because the existing main raw water meter is only an 8-inch propeller flow meter. A new 14-inch pipeline is being laid to convey flow to the filters after the filters are refurbished. Staff calculated hydraulic flow and found that a minimum of a 10-inch magnetic flow meter is required to meet the anticipated capacity flow rate of the treatment processes once the project has been completed. Water Agency staff will install the proposed new meter.

Alternatives: Do not approve the expenditure this fiscal year.

Fiscal Impact: $27,500 ($12,500 for a 10-inch magnetic flow meter and $15,000 for install cost (signal converter, electrical/SCADA tie-in, 2 – 10”x14” reducers, 10”x4” saddle, 5 feet of 10-inch C900 PVC pipeline and staff labor).

Reviewed by Committee: Yes, Engineering and Planning Committee will be meeting to discuss this item on May 3, 2018.

Staff Recommendation:
Approve use of water funds to purchase and install a 10-inch magnetic flow meter for measurement of the raw water flow into the Ione WTP and provide adequate capacity to match the hydraulic capacity of the Ione WTP Rehabilitation Project.

Prepared by: Darrel Evensen, Engineering Manager

{00049987.1}
STAFF REPORT

Wastewater Projects for FY17/18

Requested Action:
Discussion and possible approval to expend funds in FY17/18 for wastewater projects listed for FY18/19 for the three wastewater projects listed below while maintaining the currently approved budget.

Background

Four wastewater projects were approved in the 2017-18 FY budget to be paid by operating rates totaling $290,671. As of the end of April 2018 only $1,107 has been expended on two of the projects. This is due to delays and a potential redesign of a project. Staff is proposing to accomplish work on some other high priority wastewater projects while maintaining the approved budget $290,671 from wastewater operating funds for the 2017-18 FY. The proposed projects total estimated costs for this fiscal year is $138,595. The proposed projects are as follows:

Gayla Manor WWTP
AWA has replaced one of the wastewater effluent gravel beds with a fully enclosed Orenco treatment unit and was going to replace the other gravel bed with the same type of Orenco treatment unit to prevent inflow impacts that occur with the gravel bed treatment system. The RWQCB reviewed the request and required the use of two additional Orenco units to replace the other gravel bed. AWA has delayed this project over the years but we have sufficient funding for this project to proceed and meet the requirements of the RWQCB this fiscal year. ($36,095 for the Orenco units and $5,000 for staff to install)

Lake Camanche Village WWTP
The RWQCB has required that AWA install groundwater monitoring wells around the WWTP. We submitted a monitoring well plan to the RWQCB in September 2017. The RWQCB responded in April 2018 by requiring that AWA install the three groundwater monitoring wells and provide an installation report before June 1, 2018. ($65,000)

Martell Wastewater and Lake Camanche Village Sewer Collection System
AWA is experiencing high flows of inflow and infiltration (I/I) from the sewer collection systems in Martell and Lake Camanche Village. Staff would like to purchase a sewer pipeline video camera system to locate the I/I and eliminate excessive sewer flows thereby eliminating the cost to treat these additional flows. ($32,500)

{00049987.1}
Funding for all three projects will come from participation fees and then operations funds. Some projects planned for this year have been delayed and those funds will support this work.

**Alternatives:** Do not approve the expenditures this fiscal year or approve with exceptions.

**Fiscal Impact:** There would be no change to the current approved budget.

**Reviewed by Committee:** Yes, Engineering and Planning Committee will meet on May 3 and discuss adding these wastewater projects to this fiscal year.

**Staff Recommendation:**
Approve use of wastewater funds to purchase two Orenco Pod units for Gayla Manor, one Iris 600-foot sewer camera system, and to install three groundwater monitoring wells for the Lake Camanche Village WWTP.

**Prepared by:** Darrel Evensen, Engineering Manager
MEMORANDUM

TO: BOARD OF DIRECTORS, AMADOR WATER AGENCY
CC: GENE MANCEBO, GENERAL MANAGER
FROM: JOSHUA M. HOROWITZ & PATRICK K. FITZGERALD
DATE: MAY 3, 2018
RE: LEGISLATIVE REPORT FOR THE MAY 10, 2018 AMADOR WATER AGENCY BOARD MEETING

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

STATE ASSEMBLY

Introduced: 12/5/2016
Status: 09/01/2017 – Passed from Senate Comm. on Governance & Finance, re-referred to Senate Comm. on Appropriations, held in committee.
This bill would enact the California Clean Water, Climate, and Coastal Protection and Outdoor Access for All Act of 2018, which, if approved by the voters, would authorize the issuance of bonds amounting to $3,470,000,000 pursuant to the State General Obligation Bond Law to finance a clean water, climate, and coastal protection and outdoor access for all programs.
ACWA: Favor if amended.

AB 1323 (Weber) – Sustainable water use and demand reduction: stakeholder workgroup.
Introduced: 02/17/2017
Status: 09/01/2017 – Failed deadline for passage out of Senate Comm. on Appropriations; may be acted upon Jan. 2018 (2-year bill). In Sen. Comm. on Appropriations under submission.
This bill would require DWR to convene a stakeholder workgroup with specified invited participants, including, among others, representatives of urban water suppliers, DWR and the SWRCB, no later than February 1, 2019. The bill would require the stakeholder workgroup to develop, evaluate, and recommend proposals for establishing new water use targets for urban water suppliers and to examine and report to the Governor and the Legislature by December 31, 2019, as specified. The bill would require all expenses for the stakeholder working group to be the responsibility of the non-state agency stakeholders, although no local agency would be required to contribute to the workgroup’s expenses. This bill would be automatically repealed on January 1, 2023.
ACWA: Favor.
AB 1668 (Friedman) – Water management planning.
Introduced: 02/17/2017
Status: 04/04/2018 – From committee chair, with author's amendments: Amend, and re-refer to Committee. Read second time, amended, and re-referred to Comm. on Rules.
This bill is widely known as the “administration’s bill” and aims to create a new drought response plan by making numerous changes to water supply planning and drought planning to incorporate climate change, enhance water supply analysis, and strengthening the enforceability of UWMPs and drought contingency planning.

Assembly Member Friedman has amended this bill to delete all of its previous language and to make it a spot bill concerning water conservation. As discussed below, this (and SB 606, containing identical language) has become a vehicle for moving compromise water conservation legislation through the Legislature. As of the date of this memorandum, no further action has been taken on either bill.

ACWA: Oppose Unless Amended.

**Status of Long-term Water Conservation Legislation:**

On August 2, 2017, Dennis O’Connor, the principal consultant to the Senate Committee on Natural Resources & Water, convened a meeting of interested parties to review a proposal on long-term water conservation put forward by Senators Bob Hertzberg (southern California) and Nancy Skinner (Oakland). Following this and other conversations with stakeholders, AB 1668 and SB 606 were amended on August 21 to include the long-term water conservation proposal.

The proposal is better than the previous proposals from the Governor and Assembly member Friedman that would place all power to implement long-term water conservation permanently in the SWRCB’s hands, but it is far from perfect. Among other things, there are a number of terms that are undefined and how much power to mandate measures the SWRCB and DWR will have on the one hand, versus the authority water agencies will have on the other hand to exercise local control, also is left to negotiation of the bill language.

The key provisions of the proposal include:

- It would not grant the SWRCB continuing authority to modify the conservation standards, but rather would allow the SWRCB, in consultation with DWR, to set standards for interior residential use, exterior residential use, leaks, CII use, and “other water uses” once under detailed factors established in the bill. Standards would be set for urban retail water suppliers, urban wholesale water suppliers, and “distributors of recycled water.”

- The authors appear willing to place some limits on the SWRCB's authority to issue new emergency conservation regulations during a future drought by stating legislative intent that the SWRCB should defer to local programs “to the extent possible.”

- It allows local agencies to calculate their targets, which presumably would leave some room to maneuver under the standards set by the SWRCB. It also would allow local agencies to adopt alternate targets. It’s not clear how this would work because
the proposal is not detailed, but the concept is better than full, permanent SWRCB control.

- It would require the SWRCB to adopt variances, although again how this would work is undefined.

- The proposal includes language about how failure to meet a target could be considered in evaluating unreasonable use, but would not be definitive proof of unreasonable use. Because this language is similar to existing law, it will be very hard to dislodge from any legislation. But it probably is not a big legal problem because if someone claims that a local agency is using water unreasonably, the SWRCB already may consider this issue in any proceeding and the targeted agency has the right to provide evidence rebutting such claims.

- The SWRCB would be authorized to issue cease and desist orders against water users only in two circumstances: (1) if the SWRCB finds that an urban water supplier has failed to make a good faith effort to comply with the Act; and (2) issuance of conservation orders” in undefined circumstances. The “lack of good faith” standard would be hard to for the SWRCB to prove. Even if it can, the SWRCB’s only remedy would be to require that the water supplier comply with the act. More concerning is that the SWRCB would have continuing authority to issue “conservation orders”. Such orders are rare so the water community has little experience with them, but SWRCB staff sought to write those orders very broadly during the drought.

The Hertzberg/Skinner proposal at least reflects the water industry’s views that the Legislature should define in some detail the terms and conditions for long-term water conservation and ensure that there is some local control. As a result, this proposal is a much better basis for negotiation than the administration’s framework proposal that would give the SWRCB authority to impose “top down” mandates.

The bill was further amended on August 29. Subsequent amendments included lowering the standard for individual residential water use after 2025 to 50 gallons per capita daily, with the pre-2025 standard (following adoption by the SWRCB) set at 55 gallons. The amendments also clarified that a conservation order issued by the SWRCB may not curtail or otherwise limit the exercise of a water right. Further amendments are expected regarding credit for recycled water received by an urban water supplier to its urban water use objective.

On August 30, 2017, ACWA and the water industry’s “north-south” coalition, and other groups re-iterated their “oppose unless amended” position on the legislation, identifying the following issues with the bill:

- The bill grants to the SWRCB the authority to adopt a variety of enforceable water use standards, but the bill does not clearly define such standards.
- The bill provides only a temporary and limited credit for recycled water (starting at 10% maximum, declining by 1% each year for 10 years), which does not adequately protect and encourage investments in recycled water and potable reuse.

- The one-time requirement for DWR to provide data to water suppliers to calculate the required annual water use objective is insufficient, so the annual reporting requirement should be removed or water suppliers should be provided with regularly updated data.

- The bill should require the establishment of variances from standards to account for unique local conditions as well as technical, economic, and administrative feasibility. The current proposal grants state agencies the discretion whether to adopt variances.

- The new enforcement powers granted to state agencies should be shifted from a focus on punitive enforcement toward technical assistance and information-sharing.

Ultimately, both AB 1668 and SB 606 became 2-year bills when they were held in the legislature on Sept. 16. Notwithstanding late-breaking amendments, ACWA maintained an "oppose unless amended" position for both bills. Talks are ongoing among water groups and the legislators involved in the various bills to find common ground. Water industry representatives report that some progress has been made to modify SB 606 to make its provisions closer to ACWA's position, but the language as currently proposed is still more restrictive than ACWA's position and would provide very limited discretion to area of origin agencies with adequate water supplies to allow higher usage based on local supply and climatological considerations.

AB 1668 and SB 606 were amended on April 4 and April 5, respectively. However, neither set of amendments were sufficient for ACWA to modify its opposition as of today.

**AB 2038 (Gallagher) - Countywide drought and water shortage contingency plans.**

*Introduced: 02/06/18*

*Status: 04/27/2018 – Failed deadline for Assembly Comm. on Water, Parks and Wildlife to hear and report to fiscal committee under Joint Rule 61(b)(5) – DEAD*

This bill would require the Department of Water Resources, no later than January 1, 2020, in consultation with the State Water Resources Control Board and other relevant state and local agencies and stakeholders, to use available data to identify small water suppliers and rural communities that may be at risk of drought and water shortage vulnerability and would require the department to notify counties and groundwater sustainability agencies of those suppliers or communities. The bill would require the department, in consultation with the board, to propose to the Governor and the Legislature, by January 1, 2020, recommendations and guidance relating to the development and implementation of countywide drought and water shortage contingency plans to address the planning needs of small water suppliers and rural communities, as provided.

ACWA: Watch.
AB 2065 (Ting) – Local agencies: surplus land.
Introduced: 02/07/2018
Status: 04/26/2016 - In committee: Set, first hearing. Referred to Assembly Comm. on Appropriations suspense file.
Existing law prescribes requirements for the disposal of surplus land by a local agency and defines "local agency" for these purposes as every city, county, city and county, and district, including school districts of any kind or class, empowered to acquire and hold real property. Existing law defines "surplus land" for these purposes as land owned by any local agency that is determined to be no longer necessary for the agency's use, except property being held by the agency for the purpose of exchange. This bill would expand the definition of "local agency" to include sewer, water, utility, and local and regional park districts, joint powers authorities, successor agencies to former redevelopment agencies, housing authorities, and other political subdivisions of this state and any instrumentality thereof that is empowered to acquire and hold real property, thereby requiring these entities to comply with these requirements for the disposal of surplus land. The bill would revise the definition of "surplus land" to mean land owned by any local agency that is not necessary for the agency's governmental operations, except property being held by the agency expressly for the purpose of exchange for another property necessary for its governmental operations and would provide that land is presumed to be surplus land when a local agency initiates an action to dispose of it.
ACWA has adopted a position of "Not favor unless amended" and is seeking amendments to narrow the bill's definition of "disposal," which includes the sale, lease, transfer, or other conveyance of any interest in real property owned by a local agency, and to specify that only land suitable for school facilities and affordable housing should be considered as potential surplus property.
ACWA: Not favor unless amended.

AB 2071 (Bloom) Accessory Dwelling units: improvements: liability
Introduced: 02/07/2018
Status: 04/17/2018 – Passed by Assembly Com. on Government and re-referred to Comm. on the Judiciary
This bill would provide that a public entity, public officer, or an employee of a public entity, is not liable for any personal injury, death, property damage, or inverse condemnation, that has arisen from or is related to the use of an accessory dwelling unit and that is proximately caused by any utility system that the public entity owns, operates, or maintains if the legislative body of a local agency has permitted the water, electrical system equipment, or accessory dwelling unit, to remain in the same location as it existed prior to January 1, 2018. The bill would only apply to specified accessory dwelling units constructed prior to January 1, 2018 that, at the time of the personal injury, death, property damage, or inverse condemnation, the owner was attempting to bring into compliance with applicable local agency rules, regulations, or ordinances
ACWA: Watch.

AB 2241 (Rubio) – The Open and Transparent Water Data Act
Introduced: 2/13/2018
Status: 4/24/2018 – Passed by Assembly Comm. on Water, Parks, & Wildlife and re-referred to Assembly Comm. on Appropriations.
This bill was recently amended to include language that would require the Department of Water Resources, the State Water Resources Control Board, and the Department of Fish
and Wildlife to work to improve the open and transparent access to data by reducing the fractured or duplicative reporting of the same or similar data to multiple governmental agencies or departments, and by reducing the reporting burden on entities providing data to governmental agencies. ACWA staff understand that this bill along with AB 2242 are potential vehicles for water use efficiency/conservation legislation should the need arise in the course of continuing negotiations on SB 606 and AB 1668.

ACWA: Watch.

AB 2242 (Rubio) – Urban water management planning
Introduced: 2/13/2018
This bill would require an urban water supplier to include in its urban water management plan an assessment of the reliability of its water service, as specified, to its customers during normal, dry, and multiple dry years, including a repeat of the five consecutive historic driest years the urban water supplier has experienced. AB 2422 largely does not propose urban water suppliers conduct any assessments that are not already mandated as part of the urban water management plan. ACWA staff understand that this bill along with AB 2241 are potential vehicles for water use efficiency/conservation legislation should the need arise in the course of continuing negotiations on SB 606 and AB 1668.

ACWA: Watch.

AB 2283 (Holden) – Income taxes: exclusion: turf removal water conservation program
Introduced: 2/13/2018
Status: 4/4/2018 – referred to Assembly Comm. on Appropriations Suspense File
The Personal Income Tax Law and the Corporation Tax Law, for taxable years beginning on or after January 1, 2014, and before January 1, 2019, 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 removal water conservation program. This bill would extend the operation of those provisions to January 1, 2024.

ACWA: None.

AB 2545 (Gallagher) - Department of Fish and Wildlife: lake or streambed alteration agreements: definitions.
Introduced: 2/15/2018
Current law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or from depositing certain material where it may pass into any river, stream, or lake, without first notifying the Department of Fish and Wildlife of that activity, and entering into a lake or streambed alteration agreement if required by the department to protect fish and wildlife resources. This bill would define “river” and “stream” for purposes of these provisions.

ACWA: Support if amended.
AB 2649 (Arambula) – Water rights: water management
Introduced: 2/15/2018
This bill would require the State Water Resources Control Board to prioritize a temporary permit for a project that enhances the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water rights priorities and protections for fish and wildlife. The bill would exempt temporary permits for these projects from the California Environmental Quality Act. The bill would require the board to set a reduced application fee for an applicant for a temporary permit for these projects. The bill largely would codify the provisions of an executive order issued by Governor Brown. ACWA staff has prepared an alternative, streamlined permit process for “high flow” diversions for projects that recharge groundwater, rather than temporary permit process proposed by this bill.
ACWA: Watch

AB 2809 (Patterson) – California Renewables Portfolio Standard Program: hydroelectric generation facilities
Introduced: 2/16/2018
Status: 4/27/2018 – Failed deadline for Assembly Comm. on Utilities and Energy to hear and report to fiscal committee under Joint Rule 61(b)(5) – DEAD
The California Renewables Portfolio Standard Program requires utilities and electric service providers to procure a certain minimum quantity of eligible renewable energy resources. Currently, “eligible renewable energy resource” includes small hydroelectric generation facilities of 30 megawatts or less that meet specified criteria. This bill would revise the definition of an eligible renewable energy resource for the purposes of the California Renewables Portfolio Standard Program to include hydroelectric generation facilities of greater than 30 megawatts, as specified, and make other conforming changes.
ACWA: Watch

AB 2814 (Gray) – California Renewables Portfolio Standard Program: hydroelectric generation facilities
Introduced: 2/16/2018
Status: 4/27/2018 – Failed deadline for Assembly Comm. on Utilities and Energy to hear and report to fiscal committee under Joint Rule 61(b)(5) – DEAD
This bill contains identical language to AB 2809 (Patterson), above.
ACWA: Watch

ACA 28 (Mathis, Eduardo Garcia) - Water: projects: funding.
Introduced: 02/26/18
Status: From printer. May be heard in committee March 29.
This constitutional amendment would allocate a certain percentage of state general fund revenues to pay the principal and interest on bonds authorized by Proposition 1 in 2014, with the remainder allocated to DWR and the SWRCB for certain projects.
ACWA: Watch.
STATE SENATE

SB 265 (Berryhill) – Disaster relief.
Introduced:  02/08/2017
Status:  09/01/2017 – Held in Assembly Comm. on Appropriations suspense file; may be acted upon Jan. 2018 (2-year bill).
The California Disaster Assistance Act provides that the state share for disaster project allocations to local agencies is no more than 75% of total state eligible costs, except for specified events for which the state share is up to 100% of state eligible costs. This bill would provide that the state share for the removal of dead and dying trees in connection with the Governor’s Proclamation of a State of Emergency issued on October 30, 2015, is no more than 90% of total state eligible costs.
ACWA:  No position.

SB 606 (Hertzberg/Skinner) – Water management planning
Introduced:  02/17/2017
Status:  04/05/18 – Read third time and amended.
For further discussion, see section on Current status of Long-term Water Conservation Legislation, under AB 1668 above.
ACWA:  Oppose unless amended.

SB 623 (Monning) – Safe and Affordable Drinking Water Fund.
Introduced:  02/17/2017
Status:  09/01/2017 – From Assembly Comm. on Appropriations without recommendation and re-referred to Comm. on Rules; may be acted upon Jan. 2018 (2-year bill).
This bill would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the SWRCB. As currently written, the bill would require the SWRCB to administer the fund and would require the SWRCB to expend moneys in the fund for grants, loans, contracts, or services to assist those without access to safe and affordable drinking water consistent with a fund implementation plan that is adopted annually. It would prohibit the SWRCB or a regional board, beginning January 1, 2028, from subjecting an agricultural operation to specified enforcement from causing/contributing to an exceedance of a water quality objective for nitrate in groundwater or to a condition of pollution or nuisance for nitrates if the agricultural operation demonstrates that it has satisfied certain mitigation requirements, including, among other requirements, the timely payment of any applicable fee, assessment, or charge into the fund. On August 21, 2017, the bill was amended to add a tax on drinking water (called a “safe and affordable drinking water fee”) to fund DAC drinking water programs. On July 26, 2017, ACWA sent out an alert asking for members to oppose SB 623; this Board subsequently voted to oppose the bill.

As of today, this bill is still parked in the Assembly Rules Committee. However, the Brown Administration, in coordination with SB 623’s proponents, is working to advance the SB 623 proposal in a budget trailer bill. A bill number for the budget trailer bill is not yet available. According to ACWA, if the Administration is not successful with the budget trailer bill, Sen. Monning will try to advance SB 623.
ACWA:  Oppose unless amended.
SB 778 (Hertzberg) – Water systems: consolidations: administrative and managerial services.
Introduced: 02/17/2017
Status: 09/01/2017 – Hearing held on September 1. Held in Assembly Comm. on Appropriations and under submission; may be acted upon Jan. 2018 (2-year bill).
Similar to SB 623, SB 778’s current language serves as a placeholder for a major proposal on drinking water funding that the environmental justice community and others are developing. As currently written, the bill would require, on or before March 1, 2018, and regularly thereafter, the SWRCB to post on its website an analysis of all voluntary and ordered consolidations of water systems that have occurred on or after July 1, 2014, including the resulting outcomes of the consolidations and whether the consolidations have succeeded or failed in providing an adequate supply of safe drinking water to the communities served by the consolidated water systems.

According to ACWA staff, two major issues are being discussed: the operation and maintenance costs for drinking water treatment in certain disadvantaged communities; and drinking water affordability. This bill is likely to address the funding sources for one or both of these issues and will likely be a major bill for ACWA. Accordingly, ACWA will be monitoring this bill closely.

ACWA: Watch.

SB 831 (Wieckowski) – Land use: accessory dwelling units.
Introduced: 1/4/2018
Status: 05/01/2018- Read second time and amended. Re-referred to Senate Comm. on Appropriations.
In 2016 and 2017, the legislature passed bills (SB 1069 and SB 229, respectively) to streamline applications to create accessory dwelling units (ADUs), also known as “granny flats” or “second units.” As a result of consulting with ACWA, these bills included language that permitting a local agency to require, for certain ADU units, a new or separate utility connection directly between the ADU and the utility, or a reasonable, proportionate connection fee or capacity charge. This legislation would remove that language and would prohibit local agencies from considering an ADU to be new residential use for the purposes of calculating fees, and would further exempt ADUs from impact fees, utility connection fees, capacity charges, or any other fees levied by local agencies.

ACWA has formed a collation with the with the California Association of Sanitation Agencies (CASA) and the California Special Districts Association (CSDA) to advocate against the removal of all impact fees, connection fees, capacity charges, or other fees levied by a local agency, special district, or water corporation when permitting an ADU. The coalition has met with the consultant from the Senate Transportation and Housing Committee and with Senator Wieckowski’s staff to discuss the initial concerns on the bill. The staff conveyed that if the bill moves forward to the Senate Governance and Finance Committee, the Senator expressed interest in meeting with the coalition to further discuss the measure.

ACWA: Oppose.
SB 919 (Dodd) – Water resources: stream gages.
Introduced: 1/22/2018
This bill would require the Department of Water Resources, upon appropriation by the Legislature, to develop a plan to deploy a network of stream gages that includes a determination of funding needs and opportunities for reactivating existing gages. The bill would require the department, in consultation with the State Water Resources Control Board, the Department of Fish and Wildlife, the Central Valley Flood Protection Board, interested stakeholders, and, to the extent they wish to consult, local agencies, to prioritize the deployment of stream gages based upon gaps in the existing system of gages and specified considerations.
ACWA: Support.

SB 998 (Dodd) - Water shutoffs: urban and community water systems.
Introduced: 2/5/2018
Status: 4/30/2018- Read second time and amended. Re-referred to Senate Comm. on Appropriations. This bill would require an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, to have a written policy on residential service shutoff available in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by at least 10% of the people residing in its service area. The bill would require the policy to include certain components and be available on the system's Internet Web site and be provided annually to customers in writing. The bill additionally would prevent an urban and community water system from discontinuing residential service for nonpayment until a customer has been delinquent for at least 60 days, and would prohibit shutoffs entirely for customers under certain circumstances, including specified hardships defined in the bill. Further, the bill would prohibit a shutoff until the water provider notifies the local health department and the health department determines, at the request of a resident, that a shutoff would not pose a grave threat to the health and safety of the residents. Finally, the bill would require certain notice by water providers concerning customers' ability to restore water service, and would require water providers to waive reconnection fees in circumstances.
ACWA: Oppose unless amended.

SB 1167 (Anderson) – Eminent domain: final offer of compensation.
Introduced: 02/14/2018
Status: 04/10/2018 – Referred to Senate Comm. on the Judiciary, set for hearing May 8. Existing law allows a defendant in an eminent domain proceeding to move for a finding of the court, which would require the plaintiff to pay the defendant's litigation expenses as part of the compensation awarded if the court finds that the plaintiffs' final offer was unreasonable and that the demand of the defendant was reasonable. This bill would provide that if a court finds, on motion of the defendant, that the offer of the plaintiff agency was lower than 85% of the compensation awarded in the proceeding, then the court would be required to include the defendant's litigation costs in the costs allowed. If the court finds that the offer of the plaintiff was at least 85% and less than 100% of the compensation awarded in the proceeding, the court would be authorized to include the defendant's litigation costs in the costs allowed.
ACWA: None.
SB 1422 (Portantino) – California Safe Drinking Water Act: microplastics
Introduced: 02/16/2018
Status: 04/10/2018 – Read second time and amended. Re-referred to Senate Comm. on Appropriations.
This bill would require the State Water Resources Control Board to adopt regulations requiring annual testing for, and reporting of, the amount of microplastics in drinking water, including public disclosure of those results. ACWA has opposes SB 1422, asserting that the federal EPA does not have an approved method for testing microplastics in drinking water, established regulatory standards or health limits for microplastics, or laboratory certification for the testing of microplastics.
ACWA: Not favor.

SB 1469 (Skinner) – Land use: accessory dwelling units.
Introduced: 1/4/2018
Status: 05/01/2018- Read second time and amended. Re-referred to Senate Comm. on Appropriations.
Similar to SB 831, this legislation would would prohibit local agencies from considering an accessory dwelling unit (ADU) to be new residential use for the purposes of calculating fees, and would further exempt ADUs from impact fees, utility connection fees, capacity charges, or any other fees levied by local agencies.
ACWA: Oppose unless amended.

SCA 4 (Hertzberg) – Water conservation.
Introduced: 02/01/2017
Status: 02/16/2017 – Referred to Senate Comm. on Rules for assignment.
This Senate Constitutional Amendment states the intent of the of the Legislature to propose a ballot measure to amend the California Constitution to include Article X C, which would provide local water agencies with the discretion to offer “lifeline” subsidized water rates to low income customers and increased flexibility to set and impose tiered water rates to promote water conservation.
ACWA: Not yet considered (support if amended in 2017).

FEDERAL LEGISLATION

HR 23 (Valadao) – Gaining Responsibility on Water (GROW) Act
Introduced: 01/03/2017
Status: 07/18/2017 – Received in the Senate and referred to the Committee on Energy and Natural Resources.
HR 23 is a variant of HR 1837 from 2015. As passed by the House and sent to the Senate, this bill is very long and is controversial both within the Republican caucus in the House and in the Senate, where both California senators oppose it. Governor Brown also has announced his opposition to the bill. Because of the Senate’s rules, until Senators Feinstein and Harris remove their opposition or HR 23 is amended to their satisfaction, the bill will not move in the Senate.

The key items of interest in this bill are:

- The U.S. Bureau of Reclamation's obligations under the CVPIA to provide environmental water flows to restore anadromous fish production in the Central
Valley would be limited to a reasonable amount not to exceed 800,000 acre-feet annually (800,000 AF is the current environmental water floor). Any such water supplies purchased must be at a reasonable cost and take into account the need for those supplies to remain available for consumptive uses.

- Reclamation would be required to expedite water transfers under a number of detailed requirements in the existing bill.

- The State of California would be prohibited from imposing restrictions on the “take” of any nonnative fish that preys upon one or more native fish species in the Sacramento and San Joaquin Rivers and their tributaries or the Sacramento-San Joaquin Rivers Delta.

- The Department of Interior would be required to strictly comply with California's water rights law and priorities and to honor water rights senior to those held by the CVP. This bill also includes provisions to ensure that the Endangered Species Act is implemented in a manner that honors water right priorities.

- The Secretary of Interior would be required to ensure there are no redirected adverse water supply or fiscal impacts to water right holders and water users within the Sacramento River or the San Joaquin River watershed or to the State Water Project arising from CVP operations.

- Section 405 of HR 23 expresses Congressional disapproval and opposition to the violation of private property rights by the California State Water Resources Control Board and expresses the need to provide reliable water supplies to municipal, industrial, and agricultural users across the State.

- The Secretary of the Interior would be authorized to partner with local joint powers authorities to advance surface storage projects including the Shasta Dam and Los Vaqueros expansion, construction of Sites Reservoir, and construction of a new facility on the Upper San Joaquin River, if non-federal funds are used for construction. HR 23 would impose certain requirements and timelines on federal agencies for facilitating these and other surface water storage and supply projects.

**HR 865 (McClintock) – Emergency Forest Restoration Act**

**Introduced: 02/03/2017**

**Status: 02/24/2017 – Referred to House Committee on Agriculture Subcommittee on Conservation and Forestry.**

This bill would allow the Department of Agriculture (USDA), regarding National Forest System lands, or the Department of the Interior, regarding public lands, to develop and carry out a forest management activity on lands of the department when the activity's primary purpose is to address an insect or disease infestation that has been declared an emergency by the state governor. The bill would make a categorical exclusion available for these activities under the National Environmental Policy Act. The bill would authorize USDA to sell timber to recoup associated costs.
HR 2862 (Simpson) – Wildlife Disaster Funding Act
Introduced: 06/08/2017
Status: 06/26/2017 – Referred to House Committee on Agriculture Subcommittee on Conservation and Forestry.
This bill would amend the Balanced Budget and Emergency Deficit Control Act of 1985 to require specified adjustments to discretionary spending limits in FY 2017-FY 2026 to accommodate appropriations for wildfire suppression operations in the Wildland Fire Management accounts at USDA or the Department of the Interior. If USDA or Interior determines that supplemental appropriations are necessary for wildfire suppression operations, the bill would require the relevant department to submit to Congress a request for the funding and a plan for obligating the funds. The bill also would require the President’s budget to include the average costs for wildfire suppression over the previous 10 years.

HR 2936 (Westerman) – Resilient Federal Forests Act of 2017
Introduced: 06/20/2017
Status: 11/02/2017 – Passed by House, received in the Senate, read twice, and referred to the Committee on Agriculture, Nutrition, and Forestry.
This bill would apply to the preparation of an environmental assessment (EA) or environmental impact statement (EIS) under the National Environmental Policy Act (NEPA) by the Department of Agriculture, for National Forest Service lands, or the Department of Interior, for public lands, concerning specified forest management activities. In such an EA or EIS, the relevant department may study, develop, and describe only two alternatives: (1) the forest management activity; or (2) the alternative of no action, in which case the bill would require the relevant department to evaluate certain specified effects and implications of taking no action. In addition, the bill would establish categorical exclusions under NEPA for certain other forest management actions, and would establish a process for declaration of a major disaster for wildfire on federal lands managed by specified federal land management agencies.

S 879 (Barrasso) – National Forest Ecosystem Improvement Act of 2017
Introduced: 04/06/2017
Status: 04/06/2017 – Read twice and referred to the Committee on Energy and Natural Resources.
This bill would direct the Forest Service to prioritize and carry out ecosystem restoration projects on National Forest System (NFS) land to accomplish one or more of the objectives specified in the bill, which include restoring terrestrial habitat, carrying out a needed timber stand improvement, reducing the risk or extent of insect or disease infestation, or reducing wildland fire severity potential. The bill would expedite review of certain restoration projects by: establishing an arbitration program as an alternative dispute resolution process in lieu of judicial review for specified types of ecosystem restoration projects; creating a categorical exclusion under NEPA for certain forest management activities; and allowing forest management activities covered by a categorical exclusion under the bill to satisfy the interagency consultation obligations under the federal Endangered Species Act by achieving compliance with certain alternative consultation procedures established by federal regulation.