AMADOR WATER AGENCY
Board of Directors
Regular Meeting
12800 Ridge Road, Sutter Creek, CA 95685
July 11, 2019
9:00 a.m.
Website Address: www.amadorwater.org

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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. AGENCY GENERAL
   A. EMPLOYEE RECOGNITION
      1. Discussion and Possible Action to Adopt Resolution No. 2019-13 Honoring George Barnes for receiving “Outstanding Small Plant Operator” award from Southwest Membrane Operator Association

   B. MASTER PLAN ACCELERATION
      1. Discussion and possible action to increase the proposed FY 2019-2020 fiscal budget to accelerate and complete a comprehensive master plan and authorize the General Manager
to execute consultant agreements to initiate work on the master plan in advance of the budget adoption.

C. STANDBY GENERATORS
   1. Discussion and possible action to authorize the purchase of standby generators as listed in the draft FY19-20 budget.

D. AUDIO RECORDINGS OF BOARD MEETINGS
   1. Discussion and possible action to authorize staff to proceed with making the audio recordings of Board Meetings available on the Agency's website.

E. QUARTERLY INVESTMENT REPORT
   1. Report of the Agency's Investment Performance through June 30, 2019

6. WATER SYSTEM
   A. AWA Water Storage Tanks
      1. Status Update

7. WASTEWATER SYSTEM
   A. Lake Camanche Wastewater
      1. Discussion and possible action to authorize the General Manager to execute a contract with Rural Community Assistance Corporation to complete a Median Household Income Survey for Lake Camanche

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

9. CLOSED SESSION
   A. 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

   B. Conference with Agency Negotiators Pursuant to Government Code Section 54956.8 (b) with direction regarding the terms for a one-time water transfer with Bay Area Water Supply and Conservation Agency (BAWSCA)

   C. Conference with Legal Counsel Pursuant to Government Code Sections 54956.9(a) and (d)(1) – Existing Litigation – In re PG&E Corporation and Pacific Gas and Electric Company, United States Bankruptcy Court for the Northern District of California, Case No. 19-30088-DM (Chapter 11)

   D. Conference with real property negotiator involving the purchase, sale, lease or exchange of real property designated as Amador County APNs 023-070-165, & 033-800-021; Gene Mancebo, Agency negotiator. Instructions to the negotiator may include price. Terms of payment or both. Government Code sections 54954.5 (b) and 54956.8
E. Conference with Legal Counsel Pursuant to Government Code Sections 54956.9(a) and (d)(1) – Existing Litigation – Howard Jarvis Taxpayers Association, et al. v. Amador Water Agency, et al. (Amador Superior Court Case No. 16-CVC-09564/Third District Court of Appeal Case No. C081757).

F. Pursuant to Government Code Section 54957 Public Employee Performance Evaluation - General Manager

10. COMMITTEE REPORTS, SPECIAL ASSIGNMENTS AND DIRECTOR COMMENTS

11. 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

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

13. 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 June 27, 2019

2. MISCELLANEOUS APPROVALS
   A. Approval of Accounts payable for June, 2019

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

ADDITIONS TO THE AGENDA- None

PUBLIC COMMENT- 01:00- 021:21)
Manager Mancebo announced that the JVID requested assistance to cover the treatment plant operations until such time as they can fill the position. In addition he add that he is working on a mutual aid agreement with JVID to create an intertie between JVID and AWA to provide redundant capacity for Lake Camanche customers in the case of emergency.

Manager Mancebo also reported that the McKenzie and Alpine Tanks were inspected and are in very poor condition, to the point of needing to be taken offline. More information will be brought back to the next Board Meeting.

Director Farrington commented on the appellate court ruling in the Agency's favor.
CONSENT AGENDA (23:08-23:23)

MOTION: It was moved by Director Thomas, seconded by Director Toy and unanimously carried to approve the consent agenda as presented.

WATER SYSTEM
Fiscal Year 2019-2020 Budget (23:25-2:10:26)

RECESS was called at 10:01 a.m. SESSION resumed at 10:10 a.m.
Discussion and possible action to approve the FY 2019-2020 Budget and Capital Improvement Plan (CIP) – Draft Budget was not available for agenda posting and shall be provided prior to the meeting once available.

Discussion and possible action to adopt Resolution 2019-12 authorizing the payment of certain expenditures consistent with the levels of those expenses as evidenced in the 2018-2019 annual budget.

MOTION: It was moved by Director Peters, seconded by Director Toy and unanimously carried to adopt Resolution 2019-12 authorizing the payment of certain expenditures consistent with the levels of those expenses as evidenced in the 2018-2019 annual budget.

Equipment Purchase Request (2:10:27-2:14:09)
Discussion and possible action to authorize the General Manager to purchase a new ATV for the canal, not to exceed $9,600.

MOTION: It was moved by Director Thomas, seconded by Director Toy and unanimously carried to authorize the General Manager to purchase a new ATV for the canal, not to exceed $9,600 paid for by the Water Operations Fund.

GENERAL MANAGER’S REPORT (2:14:07-2:32:32)

ASSISTANT GENERAL MANAGER’S REPORT (2:33:00-2:36:05)

BOARD OF DIRECTOR DISTRICT REPORTS, COMMITTEE REPORTS AND DIRECTOR COMMENTS – (2:37:49-3:01:38)
A. Budget Workshop (06-18-19)
B. CAMRA (06-19-19)
C. Cosumnes Groundwater Sub Basin Working Group (6-19-19)

FUTURE AGENDA TOPICS (3:01:59)
Enterprise Fleet Review
Reconfiguration of the CAWP system

CLOSED SESSION was called at 12:22 p.m.
A. Pursuant to Government Code Section 54957 Public Employee Performance Evaluation- General Manager

Open Session resumed at 1:59 p.m with nothing to report

ADJOURNMENT
President Molinelli Jr. adjourned the meeting at 2:00 p.m.

Cris Thompson
Clerk of the Board of Directors
Approved: ________________________________
### Accounts Payable

**Consent Agenda Item 2A.**

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**ACH 4054**

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**Total for 6/10/2019:**

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**ACH 1826**

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Total for 6/28/2019: 122,510.63

Report Total (114 checks): 475,157.38
RESOLUTION NO. 2019-13
OF THE BOARD OF DIRECTORS
OF THE AMADOR WATER AGENCY
HONORING GEORGE BARNES FOR RECEIVING
“OUTSTANDING SMALL PLANT OPERATOR” AWARD FROM
SOUTHWEST MEMBRANE OPERATOR ASSOCIATION

WHEREAS, George Barnes, Water Treatment Plant Operator III, was nominated by past Operations Manager Damon Wyckoff for the Outstanding Small Plant Operator award as presented annually through the South West Membrane Operators Association (SWMOA).

WHEREAS, the award recognizes outstanding contributions by a plant operator working at a membrane filtration, desalination or water reuse facility that resulted in significant, long term improvement in water production and/or water reuse, and whereas specifically at Amador Water Agency (AWA), George’s work to integrate the new backwash recycle facility with the operations of the existing Buckhorn Water Treatment Plant, while working to ensure provision of safe, reliable drinking water through multiple storm related disaster scenarios during the the winters 2017-18 and 2018-19, along with his commitment to his profession and the customers of AWA, exemplify the hard work and dedication George has displayed during his time employed at AWA.

WHEREAS, George’s contributions to the Amador Water Agency over the last 14 years have been a major contributing factor to the success of the Amador Water Agency’s water treatment department, which in turn, leads to AWA’s ability to fulfill their primary goal of providing safe, reliable drinking water to their valued customers.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Amador Water Agency that said Board does hereby adopt this resolution honoring George Barnes upon his receipt of the “Outstanding Small Plant Operator” Award From Southwest Membrane Operator Association.

The foregoing Resolution was duly passed and adopted by the Board of Directors at a Regular Board Meeting held this 11th day of July, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Paul Molinelli Jr, President
Board of Directors

Attest:__________________________
Cris L. Thompson
Clerk of the Board of Directors
STAFF REPORT

Budget Request
Master Plan Acceleration

Requested Action:
Discussion and possible action to increase the proposed 2019-2020 Fiscal Budget from $108,414 to $235,164 to accelerate and complete a comprehensive master plan for the Water Agency and authorize the General Manager to execute consultant agreements and initiate work on the master plan in advance of the budget adoption based on a budgetary cost of $235,164 which will be funded by participation fees and property tax funds.

Background

The proposed budget for the 2019/2020 fiscal year contains funding for the first year of a two-year master plan study. Adoption of the budget has been delayed. Staff is requesting authorization for the funding in advance of the budget adoption and to initiate work on the project. In addition, this request is to fund the project in one year with an accelerated project schedule.

The Amador Water Agency Master Plan will define priority infrastructure replacements and improvements necessary to provide reliable service and provide for the projected future needs of the community. It will provide a prioritized capital improvement plan and roadmap to inform future financial plans and budgets.

Recently, Director Farrington has requested consideration for accelerating the plan from completion in two fiscal years to completion by within 12 months or by June 30, 2020. Staff members discussed this possibility and have the following comments:

1. It could be accelerated to 18 months or less, but unlikely to be completed by June 30, 2020 (now less than 12 months) given available resources. Staff would work diligently to compress the schedule as close to 12 months as possible and report out on progress regularly.
2. Staff would need to work overtime for the accelerated schedule.
3. A brief discussion with a consultant indicated that 12 months is a minimum requirement and 18 months is generally more typical. Consultants generally will compress a schedule for added compensation; however, this was not discussed.
4. The Board could approve a budget which allows the work to be completed in one fiscal year, but with the understanding that it would likely carryover into the second year.

5. Staff desires that the master plan be completed so that there is time to consider priority near-term projects in the 21/22 budget and be available for the anticipated future water financial plan and rate study (starting around the fall of 2021). The master plan would also help develop a grant opportunity plan for some financing of the CIP.

6. The plan could be accelerated further but the Agency would need to add staff or eliminate/defer more significant projects and place the master plan with a higher priority. We assume this would not be a desirable approach.

Staff is not recommending removing any of the items currently in the proposed 2019-20 FY to offset the costs associated with this proposal. Funding is proposed to come from participation fees and from property tax funds.

**Alternatives:**
Deny the acceleration request and/or approval to start the work in advance of the adopted budget.

**Fiscal Impact:**
A not to exceed cost of $25,126 plus staff time.

**Reviewed by Committee:** No.

**Reviewed by Legal Counsel:** No

**Staff Recommendation**
Increase the proposed budget 2019-2020 Fiscal Budget from $108,414 to $235,164 to accelerate and complete a comprehensive master plan for the Water Agency and authorize the General Manager to enter consultant agreements and initiate work on the master plan in advance of the budget adoption based on a budgetary cost of $235,164 which will be funded by participation fees and property tax funds.

**Prepared by:** Gene Mancebo, General Manager
2019 / 2020 Budgeted Standby Generators

Requested Action:

Authorize the General Manager to proceed with the ordering of the four standby generators as listed in the draft 2019/2020 Capital Improvement Program budget prior to budget adoption with a cost not to exceed $230,000.

Background:

Staff requested the purchase of four new generators in the draft 2019 / 2020 Capital Improvement Program (CIP) budget. The request includes two generators under the Water CIP, one for the Lone Water Treatment Plant and one for Tank A/B and two generators under the Wastewater CIP for Camanche sewer lift-stations A & B. Based on the last generator purchase we have learned that California air quality regulations requires additional smog equipment be added which has increased the delivery schedule thus delaying the current purchase another two weeks.

Currently, the lead time on generator delivery after the vendor receives a purchase order is approximately 14 to 18 weeks. If we were to order units this month, we may not see delivery until late October or early November of 2019. Once the generators arrive staff will need to install the units which adds another week or two onto the total schedule.

Staff recommends placing orders for the four generators that have been identified in the proposed draft 2019/2020 budget to ensure standby power is available to the four identified facilities as soon as possible.

If PG&E turns the power off before we receive and install these four generators we will have to rent or borrow generators. The most critical facility that needs standby power is the Lone Water Treatment Plant. Depending on what happens we may have to spend up to $15,000 to $20,000 on generator rentals to ensure critical facilities are operational.
Alternatives:

Wait until the 2019/2020 budget is approved in late July delaying the delivery of the generators to November or December. This would push installation into the winter season which could possible delay the installation even further.

Fiscal Impact:

Fiscal impact includes $165,000 to the Water CIP and $65,000 to the Sewer CIP for a total impact of $230,000. Payment for the four generators would be at time of delivery which is estimated to be October.

Reviewed by Committee: No

Recommendation:

Authorize the General Manager to proceed with the ordering of the four standby generators as listed in the 2019/2020 CIP draft budget in advance of the budget adoption.

Prepared by: Rick Ferriera, Operations Manager
Quarterly Investment Report – Period ending June 30, 2019

Requested Action: None

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

This report presents the Agency’s investment portfolio as of June 30, 2019. It includes all investments managed by the Agency but not those held by external trustees. Funds held by trustees include assets such as bond reserve funds and deferred compensation plans.

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

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

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

- The quoted yield is given on an annual basis and taken from the monthly statement. The yield is a function of average daily balances, considering deposits and withdrawals, for short-term interest accounts or agreed rates for instruments that are bought and sold. Purchased instruments that are traded have purchased dates and maturities associated with them.
**Alternatives:** Alternatively, the Agency could choose to invest more in longer term securities. Currently, CD rates equate to about 2.70% for short term lock up investments of 12 – 18 mos., 2.70% - 2.90% for 2 – 4 years, and 3% - 3.15% for 5 year lock up, which is an increase over the last quarters percentage rates. However, higher yield investments with longer maturities will increase liquidity risk.

**Fiscal Impact:** The overall weighted average return of the portfolio is 1.31% which is the product of the individual instruments' weights and yields. The attached table provides some significant statistics on the Agency's portfolio. The valuation source is the June 30th, 2019 month ending statements from each of the respective institutions.

**Reviewed by Committee:** No

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

**Prepared by:** Tracey Hays, Finance Manager
## Amador Water Agency
### Investment Report
#### June 30, 2019

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**Portfolio Weighted Average Return** 1.31%
STAFF REPORT

Budget Request
Lake Camanche Village
Median Household Income Survey

Requested Action:
Discussion and possible action to authorize the General Manager to enter an agreement with Rural Community Assistance Corporation to complete a median Household Income Survey for the Lake Camanche Village customers at a total cost not to exceed $25,162 which will be paid from Lake Camanche Reserve funds, Account 105-13-132100.

Background
The proposed budget for the 2019/2020 fiscal year contains funding for conducting a median Household Income (MHI) survey. Water Agency staff is planning to initiate the MHI Study in July 2019. Since approval of the budget has been delayed, staff is requesting authorization to enter a contract with the Rural Community Assistance Corporation and initiate the study in advance of the budget approval. The study cost is based on two mailings of the survey and a door to door survey, but the costs will be reduced if the survey can be completed without going door to door.

Alternatives:
Delay the survey or not authorize the survey

Fiscal Impact:
A not to exceed cost of $25,126 plus staff time.

Reviewed by Committee: No.

Reviewed by Legal Counsel: No.
Staff Recommendation
Authorize the General Manager to enter an agreement with Rural Community Assistance Corporation to complete a median Household Income Survey for the Lake Camanche Village customers at a total cost not to exceed $25,162 which will be paid from Lake Camanche Reserve funds, Account 105-13-132100.

Prepared by: Gene Mancebo, General Manager
MEMORANDUM

TO: BOARD OF DIRECTORS, AMADOR WATER AGENCY
CC: GENE MANCEBO, GENERAL MANAGER
FROM: JOSH HOROWITZ & PAT FITZGERALD
DATE: JULY 5, 2019
RE: LEGISLATIVE REPORT FOR THE JULY 11, 2019 AMADOR WATER AGENCY BOARD MEETING

The following are bills of potential interest to the Amador Water Agency pending in the California Legislature. [** - denotes bills added since last month’s report.]

STATE ASSEMBLY

AB 9 (Reyes) - Employment discrimination: limitation of actions.
Introduced: 12/03/18
Existing law requires a person to file a complaint under the California Fair Employment and Housing Act (FEHA) regarding certain unlawful employment and housing practices, including discrimination and harassment, within one year. This bill would extend the period within which someone may file these claims to three years.
ACWA: None.

AB 51 (Gonzalez) - Employment discrimination: enforcement.
Introduced: 12/03/18
This bill would prohibit any person from requiring any applicant for employment or any employee to waive any right, forum, or procedure for a violation of any provision of FEHA or other specific statutes governing employment as a condition of employment, continued employment, or the receipt of any employment-related benefit. The bill would also prohibit an employer from threatening, retaliating or discriminating against, or terminating any applicant for employment or any employee because of the refusal to consent to the waiver of any right, forum, or procedure for a violation of specific statutes governing employment.
ACWA: Watch.
AB 60 (Friedman) - Water conservation: water meters: accuracy standards.

Introduced: 12/03/18
Status: 4/24/19 - Failed deadline for passage out of Asm. Comm. on Appropriations; may be acted upon Jan. 2020 (2-year bill).

Existing law requires the State Energy Resources Conservation and Development Commission to establish design and construction standards and energy and water conservation design standards for new residential and new nonresidential buildings and to establish minimum levels of operating efficiency to promote the use of energy and water efficient appliances. This bill would require the commission, on or before January 1, 2022, to adopt regulations setting standards for the accuracy of water meters, as described. The bill would prohibit any water meter manufactured on or after the effective date of those regulations from being sold or offered for sale in the state, or installed by a water purveyor, unless it is certified by the manufacturer to be in compliance with those standards. Notwithstanding these provisions, the bill would require the regulations to include an exception for purchase of a noncompliant water meter pursuant to a contract entered into before January 1, 2020, and the subsequent installation of that water meter. The bill would allow a water purveyor to maintain water meters that are installed as of the effective date of the regulations, or pursuant to that exception, until the end of their useful service, as determined by the water purveyor.

ACWA: Not favor unless amended.

AB 68 (Ting) - Land use: accessory dwelling units.

Introduced: 12/03/18

Existing law limits the ability of a local agency, special district, or water corporation to require the installation of a new or separate utility connection and the payment of a related connection fee or capacity charge for certain accessory dwelling units (ADUs). As amended, this bill would require a local agency to ministerially approve or deny a permit application for the creation of an accessory dwelling unit permit within 60 days of receipt instead of the 120-day period in existing law.

On June 12, this bill was amended to clarify that a local agency, special district, or water corporation may consider an ADU to be a new residential use for purposes of calculating connection fees or capacity charges, and subject to a new or separate utility connection between the ADU and the utility, if the ADU is constructed with a new single-family home. In addition, while current law exempts an ADU from requirements to install a new or separate utility connection and to pay connection fees or capacity charges if the ADU is within an existing structure, the bill now would exempt ADUs that would be within an existing structure that includes an expansion of up to 150 square feet to accommodate ingress and egress.

ACWA: Watch.
**AB 100 (Committee on Budget) – Drinking water.**

**Introduced:** 12/3/2018

**Status:** 6/24/19 – Passed by Sen. Comm. on Budget & Fiscal Review. Ordered to third reading.

This bill is the Assembly budget trailer bill concerning safe and affordable drinking water funding. For the latest information on the state and affordable drinking water funding proposal, see the discussion following AB 134, below.

**ACWA:** Support.

**AB 134 (Bloom) – Safe drinking water restoration.**

**Introduced:** 12/05/18

**Status:** 6/25/19 – In Sen. Comm. on Environmental Quality. Hearing cancelled at the request of author.

As introduced, this bill stated findings and declarations of the Legislature’s intent to adopt policies to ensure that every Californian has the right to safe, clean, affordable, and accessible drinking water. Gov Newsom’s proposed budget summary, released on Jan. 11, stated that he would be advancing a safe drinking water funding framework “consistent with the policy framework of SB 623” (the “Safe and Affordable Drinking Water Act” that proposed a water tax and failed in summer 2018). This bill or AB 217 were seen as potential vehicles for advancing this proposal in the legislature. As an alternative approach to a new tax, ACWA was proposing a Safe Drinking Water Trust to fund costs for community water systems in disadvantaged communities. (See discussion of SB 669, below.)

In March, AB 134 was amended to establish accountability provisions for implementation of AB 217, the Assembly policy bill that proposes a water tax as one funding mechanisms for safe drinking water solutions for disadvantaged communities. In May, AB 134 was subject to more extensive revisions, which added provisions relating to needs assessments, plans to get at-risk systems into compliance, and program accountability and oversight. The bill would become operative only if AB 217 also is enacted. (See discussion of AB 217, below.)

On May 15, the Senate Budget and Fiscal Review Committee Subcommittee No. 2 rejected the Governor’s budget trailer bill language with a proposed water tax, and instead adopted a $150 million per year continuous appropriation from the General Fund to the Safe and Affordable Drinking Water Fund, proposed by SB 200. On May 22, an Assembly budget subcommittee also did not approve the Governor’s budget trailer bill language, but deferred action on the creation of a Safe and Affordable Drinking Water Program to the legislative bill process. After SB 669 was held in the Senate Appropriations Committee on the suspense file, ACWA turned its focus to supporting the Senate’s safe drinking water plan. (See discussion of SB 200, below.)

**ACWA:** Not favor.
**Update on Safe and Affordable Drinking Water Legislation**

In June, the Legislature’s Conference Committee on the Budget reached a deal to provide safe and affordable drinking water in the State budget without a “water tax”. The 2019 Budget Act (AB 74, which has been passed by the Legislature and signed by the Governor), includes initial funding for a Safe and Affordable Drinking Water Fund with $100 million from the Greenhouse Gas Reduction Fund (GGRF) and $30 million from the General Fund.

Two trailer bills, AB 100 and SB 101, would provide additional funding and a framework for how the fund is managed. Beginning in the 2020-21 fiscal year, the bills would transfer 5% of the annual proceeds of the GGRF, up to the sum of $130,000,000, into the Safe and Affordable Drinking Water Fund. Beginning in the 2023-24 fiscal year, the bills would add the General Fund as a backstop to ensure annual allocations of $130 million to the fund.

AB 171 (Gonzalez) - Employment: sexual harassment.
**Introduced:** 1/24/19
**Status:** 5/24/19 - In Senate. Read first time. To Comm. on Rules for assignment.

This bill would prohibit an employer from discharging or in any manner discriminating or retaliating against an employee because of the employee’s status as a victim of sexual harassment, as defined by FEHA. The bill would establish a rebuttable presumption of unlawful retaliation based on the employee’s status as a victim of domestic violence, sexual assault, sexual harassment, or stalking if an employer takes specific actions within 90 days following the date that the victim provides notice to the employer or the employer has actual knowledge of the status. This bill contains similar provisions as AB 3081, which passed the legislature last term but was vetoed by Governor Brown.

ACWA: Watch.

AB 217 (Caballero, Quirk, Ting) - Income taxation: credits: exclusions: federal conformity.
**Introduced:** 1/16/19
**Status:** 6/24/19 – From Asm. Comm. on Revenue & Taxation: Do pass.

Previously the “Safe Drinking Water For All Act,” this bill simply would have created a “Safe and Affordable Drinking Water Fund,” from which moneys would be available to the State Water Resources Control Board (State Water Board), upon appropriation from the legislature, to provide a stable source of funding to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure. AB 217 was later amended to include a $0.50 per water connection tax and to include most of the language from last year’s budget trailer bill that died. ACWA led a coalition that is opposing the bill unless the proposed water tax is deleted. For more on efforts to advance Safe and Affordable Drinking Water proposals, see the discussion following AB 134, above.

In June, AB 217 was gutted and amended, replaced with a bill concerning income taxation.

ACWA: Oppose unless amended.
AB 231 (Mathis) – California Environmental Quality Act: exemption: recycled water.
Introduced: 1/17/19
Status: 5/9/19 - Failed deadline for passage out of policy committee; may be acted upon Jan 2020 (2-year bill).
This bill would exempt from the requirements of the California Environmental Quality Act (CEQA) any project to construct or expand a recycled water pipeline for the purpose of mitigating drought conditions during a state of emergency proclaimed by the Governor, if the project meets specified criteria. The bill would also exempt from CEQA the development and approval of building standards by state agencies for recycled water systems.
ACWA: Favor.

AB 249 (Choi) – Public employers: employee organizations.
Introduced: 1/22/19
Status: 6/4/19 – From Asm. Committee on Public Employment & Retirement without further action – DEAD.
This bill would prohibit a public employer from deterring or discouraging a public employee or an applicant to be a public employee from opting out of becoming or remaining a member of an employee organization. The bill would prohibit a public employer from taking adverse action, including reducing pay or benefits, against a public employee or applicant to be a public employee who opts out of becoming or remaining a member of an employee organization.
ACWA: None.

AB 287 (Voepel) – Public employees' retirement: annual audits.
Introduced: 1/28/19
Status: 2/07/19 - Referred to Asm. Committee on Public Employment & Retirement.
Current law requires each state and local public pension or retirement system, on and after the 90th day following the completion of the annual audit of the system, to provide a concise annual report on the investments and earnings of the system, as specified, to any member who makes a request and pays a fee, if required, for the costs incurred in preparation and dissemination of that report. This bill would also require each state and local pension or retirement system to post a concise annual audit of the information described above on that system's website no later than the 90th day following the audit's completion.
ACWA: None.

AB 289 (Fong) – California Public Records Act Ombudsperson.
Introduced: 1/28/19
Status: 6/19/19 – Referred to Sen. Comm. on Judiciary and Comm. on Governmental Organization.
This bill would establish an ombudsperson within the California State Auditor's Office who would serve as the appeals body for requests related to the California Public Records Act. As amended, the bill would only authorize the ombudsperson to review denials of records requests submitted to state agencies. However, the bill authorizes the ombudsperson to provide written information, guidance, and advice to public agencies, including local agencies, regarding the act.

ACWA: None.

**AB 292 (Quirk) - Recycled water: raw water and groundwater augmentation.**

*Introduced: 1/28/19*

*Status: 6/20/19 – From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on Natural Resources & Water.

Current law requires the State Water Board, on or before December 31, 2023, to adopt uniform water recycling criteria for direct potable reuse through raw water augmentation, as specified. This bill would eliminate the definition of “direct potable reuse” and instead would substitute the term “groundwater augmentation” for “indirect potable reuse for groundwater recharge” in these definitions. The bill would require, on or before December 31, 2023, the State Board to adopt uniform water recycling criteria for raw water augmentation. On March 4, 2019, the bill was amended to also revise the definition of “treated drinking water augmentation,” to mean the planned placement of recycled water “directly into a finished” water distribution system.

ACWA has adopted a support position on this bill because it clarifies definitions that are confusing to the public, following up on 2017's AB 528 which similarly streamlined various water reuse definitions in the Water Code.

ACWA: Support.

**AB 322 (Gallagher) - Political Reform Act of 1974: online filing and disclosure system.**

*Introduced: 1/30/19*

*Status: 5/16/19 – In Asm. Appropriations Comm.: hearing postponed by committee.

The Political Reform Act of 1974 requires the filing of certain statements, reports and other documents. Under the act, a local government agency may require these filings to be made online or electronically and then make all data so filed available on the Internet. This bill would require a local government agency to post on its website a copy of any certain statement, report, or other document filed with that agency in paper format. This bill would require that the statement, report, or other document be made available for four years from the date of the election associated with the filing.

ACWA: None.
AB 402 (Quirk) – State Water Resources Control Board: local primacy delegation: funding stabilization program.

Introduced: 2/6/19

Status: 6/18/19 – From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Sen. Comm. on Environmental Quality.

The California Safe Drinking Water Act requires the State Water Board to administer provisions relating to the regulation of drinking water to protect public health. The act requires the State Water Board to provide certain local agencies (called local primacy agencies), to the extent funds are available from the Safe Drinking Water Account, with an annual drinking water surveillance program grant to cover the costs of conducting inspection, monitoring, surveillance, and water quality evaluation activities. The act requires the State Water Board to adopt a schedule of fees and requires a public water system under the jurisdiction of a local primacy agency to pay these fees to the local primacy agency in lieu of the State Water Board.

On June 5, the ACWA State Legislative Committee held an emergency meeting and adopted an oppose-unless-amended position on the bill, after learning that the author intends to amend the bill to authorize the State Water Board to establish and collect fees on all public water systems in order to subsidize this program. ACWA is circulating a coalition letter opposing the bill and asking members to contact Senators and Assembly Members to express opposition. On June 18, the bill was amended to include provisions that would require each public water system to submit an annual fee to the State Water Board under a fee schedule adopted by the board. ACWA continues to organize opposition to the bill, arguing that the recent amendments represent a substantial shift from the original intent of the bill to assess fees only on small public water systems, rather than the current proposal to assess fees on all public water systems.

ACWA: Oppose unless amended.

AB 441 (Eggman) – Water: underground storage.

Introduced: 2/11/19

Status: 5/17/19 – Failed deadline for passage out of Asm. Comm on Appropriations; may be acted upon Jan. 2020 (2-year bill).

Under existing law, the right to use water is limited to that amount of water reasonably required to serve beneficial uses. Failure to beneficially use a water right for a period of five years may result in forfeiture of that right. Existing law provides that diversions for storing water underground constitute a beneficial use if the stored water is thereafter applied to beneficial uses; the underground storage itself is not a beneficial use. This bill would provide that certain uses of water while underground constitute beneficial use. This bill would provide that water thus being beneficially used, or held in storage for a later beneficial use, is not subject to forfeiture.

ACWA: Watch.
AB 456 (Chu, Bonta, Low) – Public contracts: claim resolution.

Introduced: 2/11/19


The Public Contract Code currently provides, for contracts entered into after January 1, 2017, a claim resolution process for claims by a contractor in connection with a public works project against a public entity. That claim resolution process provision is set to sunset on January 1, 2020. This bill would delete the sunset date and make the claim resolution process operative indefinitely.

ACWA: None.

AB 654 (Rubio, Blanca) – Public records: utility customers: disclosure of personal information.

Introduced: 2/15/19

Status: 4/26/19 – Failed deadline for passage out of Asm. Comm. on Judiciary; may be acted upon Jan. 2020 (2-year bill).

The California Public Records Act (CPRA) currently authorizes local agencies to disclose certain utility customer information under certain circumstances, including to another governmental agency when the information is necessary for the performance of that agency's official duties. This bill would amend the act to authorize a local agency to disclose the name, utility usage data, and home address of utility customers to another governmental agency when the disclosure is not necessary for the performance of the other governmental agency's official duties but is to be used for scientific, educational, or research purposes, and the requesting agency receiving the disclosed material agrees to maintain it as confidential in accordance with specified criteria. Disclosure would be at the sole discretion of the disclosing agency.

ACWA: Favor.

AB 658 (E. Garcia) – Water rights: water management.

Introduced: 2/15/19

Status: 6/28/19 – From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Comm. on Natural Resources & Water.

This bill would authorize the State Water Board to issue conditional temporary permits and change orders to groundwater sustainability agencies or local agencies to authorize the diversion of surface water to underground storage for beneficial use that advanced the sustainability goal of a groundwater basin. This bill additionally would expand beneficial uses of water to include diversions of water to underground storage in certain circumstances, including for groundwater recharge and protection of water quality.

ACWA: Support if amended.
AB 756 (C. Garcia) - Public water systems: perfluoroalkyl substances and polyfluoroalkyl substances.
**Introduced:** 2/19/19
**Status:** 7/01/19 - From Sen. Comm. on Appropriations: ordered to second reading.
Existing law, the California Safe Drinking Water Act, requires the State Water Board to administer provisions relating to the regulation of drinking water to protect public health. The act’s implementing regulations are required to include monitoring of contaminants and requirements for notifying the public of the quality of the water delivered to customers. This bill would require public water systems to monitor for perfluoroalkyl and polyfluoroalkyl substances. The bill also would require a public water system to publish and keep current on its internet website water quality information relating to regulated contaminants and to notify each customer on the customer’s next water bill and through email, as prescribed, of confirmed detections of specified excess contaminants.

As amended on May 24, the bill would require public monitoring systems to meet specified customer notice requirements as a result of any confirmed detection. Following these amendments, ACWA adopted an oppose position, asserting that that monitoring and customer notice concerning perfluoroalkyl and polyfluoroalkyl substances should instead follow the process set forth in AB 841 (see below).

ACWA: Oppose.

AB 841 (Ting) - Drinking water: contaminants: perfluoroalkyl and polyfluoroalkyl substances.
**Introduced:** 2/20/19
**Status:** 6/19/2019 – In Sen. Comm. on Environmental Quality: hearing postponed by committee.
This bill would require the state Office of Environmental Health Hazard Assessment to adopt and complete a work plan to assess which perfluoroalkyl and polyfluoroalkyl substances should be identified as a potential risk to human health and subject to notification requirements by public water systems under the Health & Safety Code. The bill would require the office to provide an update on the assessment by January 1, 2022.
ACWA: Favor.

AB 868 (Bigelow) - Electrical corporations, electrical cooperatives, local publicly owned electric utilities: wildfire mitigation plans.
**Introduced:** 2/20/19
**Status:** 5/17/2019 – Failed deadline for passage out of Asm. Comm. on Appropriations; may be acted upon Jan. 2020 (2-year bill).
Under existing law, the PUC has regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards. Existing law provides that electrical cooperatives are subject to the regulatory authority of the PUC under the Public Utilities Act, except as specified. This bill
would require each covered electrical utility that deenergizes portions of the electrical grid as a wildfire mitigation measure to adopt protocols for when de-energization will be undertaken, for providing notice and other steps to be taken to minimize any adverse effects from de-energization, and for restoring electrical service following a de-energization. The bill would require that the utility, in developing the protocols, consult with persons and institutions that are reasonably likely to be affected by a de-energization, including local water suppliers, wastewater agencies, consumer groups, fire departments, law enforcement agencies, and local government officials. The bill would require an electrical utility that deenergizes portions of the electrical grid as a wildfire mitigation measure to maintain an internet website or dedicated web page identified and accessible from its general internet website, devoted to public safety as it relates to the utility services provided by the utility.

**ACWA:** Favor.

**AB 881 (Bloom) – Accessory Dwelling Units.**
**Introduced:** 2/20/19
**Status:** 6/19/19 – Passed by Sen. Comm. on Housing and re-referred to Comm. on Governance & Finance.

This bill would make several changes to the Planning and Zoning Law provisions concerning ADUs. Among other things, this bill would clarify the requirements for when a local agency must approve an ADU building permit, and for when an ADU may not be required to install a new water or sewer connection or pay a related connection fee or capacity charge. Under this bill, an ADU would be exempt from these requirements if it was within an “existing structure,” including the primary residence, or a studio, garage, pool house, or similar structure. The bill would remove the requirements for an exempt ADU to have independent exterior access from the existing residence and sufficient side and rear setbacks for fire safety.

**ACWA:** None.

**AB 945 (McCarty) – Local government: financial affairs: surplus funds.**
**Introduced:** 2/20/19
**Status:** 7/1/19 – Read second time and amended by Senate. Ordered to third reading.

Existing law prescribes the instruments and criteria by which a local agency, as defined, may invest and deposit its funds, including its surplus funds. This bill would, commencing January 1, 2020, authorize a local agency to invest and deposit the agency’s surplus funds in deposits at specified types of financial institutions whether those investments are certificates of deposit or another form, and would increase the percentage of the local agency’s funds that can be invested in this manner to 50% of the agency’s investment portfolio. As amended on July 1, the 50% portfolio limit would expire on January 1, 2026, at which time a 30% portfolio limit would become operative.

**ACWA:** Favor.
AB 992 (Mullin) – Open meetings: local agencies: social media.
Introduced: 2/21/2019
The Ralph M. Brown Act generally requires local agencies to conduct open meetings. The Brown Act prohibits, among other things, direct or indirect communications among a majority of a local agency’s legislative body to hear, discuss, deliberate, or take action on any item within that legislative body’s subject matter jurisdiction. This bill would clarify that the Brown Act does not apply to posting, commenting, liking, interaction with, or participation in, internet-based social media platforms by a majority of the members of a legislative body, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the local agency’s subject matter jurisdiction.
ACWA: None.

AB 1184 (Gloria) – Public records: writing transmitted by electronic mail: retention.
Introduced: 2/21/19
This bill would require every public agency to retain and preserve for at least two years every writing transmitted by email that contains information relating to the conduct of the public’s business for purposes of the California Public Records Act.
ACWA: Not favor.

AB 1204 (Rubio, Blanca) – Public water systems: primary drinking water standards: implementation date.
Introduced: 2/21/2019
The California Safe Drinking Water act currently requires the State Water Board to regulate drinking water, and requires the board to adopt primary drinking water standards for contaminants in drinking water. This bill would require the adoption or amendment of a primary drinking water standard for a contaminant in drinking water not regulated by a federal primary drinking water standard, or that is more stringent than a federal primary drinking water standard, to take effect three years after the date on which the State Water Board adopts or amends the primary drinking water standard. The bill would authorize the State Water Board to delay the effective date of the primary drinking water standard adoption or amendment by no more than two additional years as necessary for capital improvements to comply with a maximum contaminant level or treatment technique.
ACWA: Favor.
AB 1347 (Boerner Horvath) – Electricity: renewable energy and zero-carbon resources: state and local government buildings.  
Introduced: 2/22/2019  
Existing law establishes the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of all retail sales of electricity to California end-use customers and 100% of electricity procured to serve all state agencies by December 31, 2045. This bill would establish the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of all retail sales of electricity to state and local government buildings by December 31, 2030.  
ACWA: None.

AB 1375 (Bigelow) - Disaster relief: dead and dying tree removal: allocation to local agencies.  
Introduced: 2/22/18  
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: Favor.

AB 1414 (Friedman) - Urban retail water suppliers: reporting.  
Introduced: 2/22/18  
Existing law requires each urban retail water supplier to develop water use targets in accordance with specified requirements. Existing law requires each urban retail water supplier, on or before October 1, 2017, and on or before October 1 of each year thereafter, to submit a completed and validated water loss audit report for the previous calendar year or previous fiscal year as prescribed by rules adopted by DWR. This bill would require each urban retail water supplier on or before January 1 of each year until January 1, 2024 (if reporting on a fiscal year basis) or on or before October 1 of each year until October 1, 2023 (if reporting on calendar year basis) to submit a completed and validated water loss audit report as prescribed by DWR. The bill would require on or before January 1, 2024, and on or before January 1 of each year thereafter, each urban retail water supplier to submit a completed and validated water loss audit report for the previous calendar year or previous fiscal year as part of an existing report relating to its urban water use.  
ACWA: Favor.
ACA 1 (Aguilar-Curry) Local government financing: affordable housing and public infrastructure: voter approval.

Introduced: 12/03/18

Status: 5/20/19 – Read second time. Ordered to third reading.

This bill would propose an amendment to the State Constitution to make three changes to the voting requirements to pass certain taxes. First, the amendment would create an additional exception to the 1 percent maximum ad valorem tax rate on real property for the service of bonds incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing, if the tax is approved by 55 percent of the voters. Second, the amendment would authorize a local government to impose, extend, or increase a sales and use tax or transactions and use tax or a parcel tax for the purposes of funding the construction, rehabilitation, or replacement of public infrastructure or affordable housing, if the tax is approved by 55 percent of voters. Third, this amendment would lower the two-thirds voting threshold to 55 percent for the authorization of bonds to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing projects. As amended on March 18, the amendment would prohibit any special district other than a board of education or school district, from incurring any indebtedness or liability exceeding any applicable statutory limit, as prescribed by the statutes governing the special district.

ACWA: Watch.

STATE SENATE


Introduced: 12/03/18

Status: 7/2/19 – From committee with author's amendments. Read second time and amended. Re-referred to Asm. Comm. on Natural Resources.

In an effort to combat revisions to federal air, water, and endangered species protection regulations, this bill would require respective state agencies to monitor federal rulemaking and consider taking certain actions to maintain a 2017 baseline under state law if federal standards are relaxed. The bill also would create a private right of action authorizing citizen suits to enforce the new state regulations under certain circumstances. As amended, the bill would also use state rulemaking to enforce minimum labor and worker health and safety standards.

ACWA: Oppose unless amended.

SB 13 (Wieckowski) - Accessory dwelling units.

Introduced: 12/03/18

This bill would make a number of changes to local agency authority to regulate accessory dwelling units, including the impact fees that may be charged for water and sewer service. This bill would exempt any ADU less than 750 square feet from any impact fees, and require that any ADU 750 square feet or greater be subject to no more than 25 percent of the impact fees otherwise charged for a new single-family dwelling on the same lot.

On July 1, the bill was amended to exclude from the definition of “impact fee” any connection fee or capacity charged by a local agency, special district, or water corporation.

ACWA: Not favor unless amended.

**SB 19 (Dodd) – Water resources: stream gages.**
**Introduced:** 12/03/18
**Status:** 5/30/19 – Referred to Assembly Committee on Water, Parks & Wildlife.
This bill would require DWR and the State Water Board to, upon appropriation of funds, develop a plan to deploy a network of stream gages, including a determination of funding needs and opportunities for modernizing and reactivating existing gages and deploying new gages in priority locations across hydrologic regions in the state. The bill would require the DWR and the State Board, in consultation with CDFW, the Department of Conservation, the Central Valley Flood Protection Board, interested stakeholders, and, to the extent they wish to consult, local agencies, to develop the plan to address significant gaps in information necessary for water management and the conservation of freshwater species. The sponsor introduced an identical bill last session (SB 919) that died in the Assembly Committee on Appropriations.

ACWA: Support.

**SB 45 (Allen) - Wildfire, drought, and Flood Protection Bond Act of 2020.**
**Introduced:** 12/3/18
**Status:** 5/1/29 – Hearing in Sen. Comm. on Appropriations cancelled at request of author.
This bill would enact the Wildfire, Drought, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of $4 billion in bonds to finance projects to restore fire damaged areas, reduce wildfire risk, create healthy forest and watersheds, reduce climate impacts on urban areas and vulnerable populations, protect water supply and water quality, protect rivers, lakes, and streams, reduce flood risk, protect fish and wildlife from climate impacts, improve climate resilience of agricultural lands, and protect coastal lands and resources.

ACWA: Favor if amended.

**SB 62 (Dodd) - Endangered species: accidental take associated with routine and ongoing agricultural activities.**
**Introduced:** 1/03/19
**Status:** 6/18/19 – Passed by Asm. Comm. on Water, Parks & Wildlife. Referred to Comm. on Appropriations.
The California Endangered Species Act prohibits the “taking” of an endangered or threatened species, except in certain situations. Currently, the act provides an exception from this prohibition for the accidental take of protected species resulting from acts that occur on a farm or a ranch in the course of otherwise lawful routine and ongoing agricultural activities. That exception expires January 1, 2020, but this bill would make the exception permanent.

ACWA: Favor.

**SB 101 (Committee on Budget and Fiscal Review) – Drinking Water.**
*Introduced: 1/10/19*
*Status: 6/24/19 – From committee with author's amendments. Read second time and amended. Re-referred to Asm. Comm. on Budget.*
This bill is the Senate budget trailer bill concerning safe and affordable drinking water. For the latest on the state and affordable drinking water funding proposal, see the discussion following AB 134, above.

**SB 134 (Hertzberg) - Water conservation: water loss performance standards: enforcement.**
*Introduced: 1/15/19*
Existing law authorizes the State Water Board to issue information orders, written notices, and conservation orders to an urban retail water supplier that does not meet its urban water use objective, and to impose civil liability for a violation of an order or regulation issued pursuant to those provisions. Current law requires the State Board to adopt rules requiring urban retail water suppliers to meet water loss performance standards. This bill would prohibit the board from imposing liability for a violation of water loss performance standards except as part of the enforcement of an urban water use objective.
As amended on May 8, 2019 this bill would prohibit the State Water Board from issuing an information or conservation order related to an urban water use objective if the following conditions are met: an urban retail water supplier is not meeting its urban water use objective solely because it has exceeded the water loss standard component; and he State Water Board is taking separate enforcement action pursuant to the water loss standards established in Section 10608.34 of the Water Code.
ACWA: Watch/amend.

**SB 200 (Monning) - Safe and Affordable Drinking Water Fund.**
*Introduced: 1/31/19*
This bill would create a “Safe and Affordable Drinking Water Fund,” from which moneys would be available to the State Water Resources Control Board, upon appropriation from
the legislature, to provide a stable source of funding to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure. The bill also would include criteria for funding eligibility, and how the funds would be prioritized and administered. Senator Monning sponsored SB 623, which was the principal vehicle for the water tax proposed in the 2018 legislative session. However, SB 200 as currently drafted does not propose a water tax. Instead, it is paired with continuous appropriation of $150 million per year from the General Fund, as proposed by Senate Budget Subcommittee No. 2. As a result, ACWA supports both SB 200 and Senate Budget Subcommittee No. 2's proposal. For more on efforts to advance Safe and Affordable Drinking Water proposals, see the discussion following AB 134, above.

ACWA: Support.

SB 414 (Caballero) - Small System Water Authority Act of 2019.

Introduced: 2/20/19  

Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems and imposes on the State Water Board various responsibilities and duties. The act authorizes the State Water Board to order consolidation with a receiving water system if a public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water. If consolidation is not appropriate or not technically and economically feasible, the State Water Board may contract with an administrator to provide administrative and managerial services to designated public water systems and to order the designated public water system to accept those services. This bill would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2020, would require the State Water Board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a small public water system that is not in compliance with one or more state or federal primary drinking water standard maximum contaminant levels for the period from July 1, 2018, through December 31, 2019. This bill would require further actions for an entity receiving a notice to remedy a violation or the State Water Board may take prescribed actions to resolve the problem through a plan or formation of an authority by the applicable LAFCO to serve the customers of the public water system.

On April 4, the bill was amended to clarify the State Water Board's available actions if it rejects a plan submitted by a water system to remedy a violation of drinking water standards, or if a plan was not filed by a specified deadline. In these circumstances, the State Water board may either: (1) form an authority, (2) exercise its existing consolidation
authority or take actions to remedy the failure to meet drinking water standard, or (3) use existing funding sources and legal authority to remedy drinking water violations.

ACWA: Support.

SB 518 (Wieckowski) - Public records: disclosure: court costs and attorney’s fees.

Introduced: 2/21/19

The CPRA requires a court to award costs and reasonable attorney’s fees to a prevailing party if the court orders the disclosure of public records and finds that a public official’s decision to refuse disclosure of public records is not justified. In addition, the act requires the court to award costs and reasonable attorney’s fees to the public agency if the court finds that the requesting party’s case is clearly frivolous. This bill, for the purposes of the award of costs and attorney’s fees, would specifically except a provision of existing law that prescribes the withholding or augmentation of costs if an offer is made before judgment or award in a trial or arbitration.

In June, the bill was gutted and amended. In current form, the bill now would amend section 998 of the Code of Civil Procedure, concerning pre-trial settlement offers. In its current form, the bill would exempt CPRA actions from section 998’s provisions that shift certain litigation fees and costs to a party that rejects a settlement offer and subsequently fails to obtain a more favorable judgment or award.

ACWA: None.

SB 615 (Hueso) - Public records: disclosure.

Introduced: 2/21/19
Status: 3/14/19 – Referred to Comm. on Judiciary.

Also concerning litigation under the CPRA, this bill would require a party seeking to inspect or copy a public record to meet and confer in good faith with the public agency in an attempt to informally resolve the issues before instituting a judicial proceeding to compel disclosure. This bill also would require a court to make certain findings concerning the agency’s actions before awarding costs to a prevailing party.

ACWA: None.
**SB 646 (Morrell) - Local agency utility services: extension of utility services.**

*Introduced: 2/22/19*

*Status: 7/1/19 – Enrolled.*

The Mitigation Fee Act limits a local agency’s fees for water or sewer connections or capacity charges to the estimated reasonable cost of providing the service for which the fee or charge is imposed, unless a question regarding the amount of the fee or charge imposed in excess of the reasonable cost of providing the service or materials is submitted to and approved by 2/3 of the electors voting on the issue. The Mitigation Fee Act defines the term “fee” for these purposes. This bill would revise the definition of “fee” to mean a fee for the physical facilities necessary to make a water connection or sewer connection, and that the estimated reasonable cost of labor and materials for installation of those facilities bears a fair or reasonable relationship to the payor’s burdens on, or benefits received from, the water connection or sewer connection.

*ACWA: Watch.*

**SB 669 (Caballero) - Water quality: Safe Drinking Water Fund.**

*Introduced: 2/22/19*


Sponsored by ACWA and the California Municipal Utilities Association as an alternative to the statewide water tax proposals, this bill would create the Safe Drinking Water Trust in the State Treasury, funded with general fund dollars during a state budget surplus year. Net income earned from the trust would be transferred to a Safe Drinking Water Fund, which the State Water Board would administer, for costs associated with operation and maintenance of water treatment facilities, as well as efforts to consolidate smaller water systems that are out of compliance with drinking water standards.

*ACWA: Support.*

**SB 772 (Bradford) – Long duration bulk energy storage: procurement.**

*Introduced: 2/22/19*

*Status: 5/30/19 – Ordered to inactive file on request of Senator Bradford.*

This bill would require the Independent System Operator (ISO), on or before June 30, 2022, to complete a competitive solicitation process for the procurement of one or more long duration energy storage projects that in aggregate have between 2,000 megawatts and 2,400 megawatts of capacity. The bill, while not entirely clear, appears to include large pumped storage projects as a preferred option. The bill would require the ISO, after December 31, 2030, and only if found to be necessary, to complete an additional competitive solicitation process for additional long duration bulk energy storage projects that in aggregate have up to 2,000 megawatts capacity and have targeted commercial operation dates of not later than January 1, 2045. The bill would require that the competitive solicitation processes provide for cost recovery from load-serving entities within the ISO-controlled electrical grid in a manner that allocates those costs among load-serving entities
based on cost causation and each load-serving entity's need for, and benefits realized from, the long duration bulk energy storage.

ACWA: Watch.

SB 778 (Committee on Labor, Public Employment and Retirement) - Employers: sexual harassment training: requirements.
Introduced: 02/26/19

Current law requires an employer with five or more employees to provide at least two hours of sexual harassment training to supervisory employees and at least one hour of sexual harassment training to all employees within six months of their assumption of a position. This training must be provided before January 1, 2020. This bill would clarify that employees must receive refresher training every two years, and an employer who has provided this training and education to an employee after January 1, 2018, is not required to provide refresher training until after December 31, 2020.

ACWA: None.

SB 779 (Committee on Natural Resources and Water) - Appropriation of water: change of point of diversion, place of use, or purpose of use.
Introduced: 2/27/19
Status: 5/30/19 – Referred to Asm. Comm. on Water, Parks & Wildlife.

Under existing law, an applicant, permittee, or licensee may change the point of diversion, place of use, or purpose of use from that specified in the application, permit, or license, upon receiving permission of the State Water Board. This bill would authorize an applicant, permittee, or licensee to change any other provision or condition in the application, permit, or license, upon permission of the State Water Board. This bill also would authorize the State Water Board to make a minor change to an application, permit, or license without requiring the filing of a change petition for change if the State Water Board makes specified findings, including that the change does not have the potential to adversely affect the water supply of other legal users of water or instream beneficial uses. The bill would require the State Water Board to provide notice and to allow at least 15 days for public comment before making a minor change to an application, permit, or license.

As amended on April 29, the bill would allow the State Water Board to initiate a minor change to an application, permit, or license, only with consent of the water-right applicant. In addition, the bill would define a "minor change" as a change that would not initiate a new appropriative right and would meet certain specified requirements.

ACWA: Favor.
**S 1982 (Gardner) – Drought Resiliency and Water Supply Infrastructure Act.**  
Introduced: 6/20/2019  

This bill would expand and update funding authorizations for the Bureau of Reclamation under the Water Infrastructure Improvements for the Nation (WIIN) Act. It would extend WIIN Act funding for an additional five years, including $670 million for surface and groundwater storage projects, and supporting conveyance, $100 million for water recycling projects, and $60 million for desalination projects. In addition, the bill would create a new loan program at 30-year Treasury rates (currently around 2.6%) for water supply projects. Under this program, repayment can be deferred until five years after completion of the project. The bill also would authorize $140 million for habitat restoration and environmental compliance projects, including forest, meadow and watershed restoration and projects that benefit threatened and endangered species. The bill contains two provisions to offset the costs of these appropriations: (1) an extension of WIIN Act provisions allowing water districts to prepay outstanding capital debts and to convert to indefinite length water supply contracts to bring in additional revenue over the next ten years, and (2) a process to deauthorize inactive water recycling project authorizations.  

ACWA: Support.
Administration Department Report

Customer Service/Human Resources:

- The 2018/2019 (7/1/18-6/30/19) Safety Statistics for Agency staff are:
  - Lost time worker's comp incident: 3 (FYI: date of last incident: 6/27/19)
  - Other Worker Comp incident: 0 (FYI: date of last incident: 5/10/17)
  - First Aid incident: 0
  - Avoidable vehicle accident: 2 (9/13/18)
  - Unavoidable vehicle accident: 0

- Training: Edgman, Gish-Springbrook Conference; Lollar-Distribution; Anderson, Brewster, Carthew, Dalmau, Evensen, Ferriera, Hanna, Lollar, Longhurst, Petretti, Roussan, Schafer, Wilson; Pechette-Defensive Driver Training; Shortridge, Goshorn, Caspary, Brewster, Yardley, Munson, Lollar, Schafer, Roussan, Hansen, Dalmau-Sexual Harassment Training
- Board Conferences: None

- Certifications/Renewals: Mancebo-T3;

- Staffing: Sean Lollar promoted to Electrical Technician
- Vacancies: Instrumentation/Electrical Supervisor; Meter Reader/CST, GIS/CAD Tech

- Liens filed: 2 - $473.24
- Liens Released: 2 - $231.65
- Currently Outstanding Lien Balance: $43,503.25

- Completed monthly Door Tags/Shut Offs for River Pines PUD, including monthly customer deposit
- 19/20 Budget Process
- Strategic Planning
- Participate with Springbrook/CMMS integration.
- Participate with review of Facebook topics
- Initial review of SB 998 and how it will impact Water Code, billing - ongoing
- Set up multiple training opportunities: Distribution; Collections, Conferences
- Water, Wastewater, Participation Fee Schedules – completed and distributed
- Work on Wastewater Commercial Customer water usage for July updates
- Work on MOU implementations for July
- Work on Retiree Health Savings Plan
Finance/Accounting:

- Water Sales Revenues through the month of June are $8,225,340
- Wastewater Sales Revenues through the month of June are $1,699,349
- Reimbursements received: $321,020
- Outstanding Reimbursements are approximately $691,775
- Restricted and Unrestricted Cash: Attached
- June Sales Comparison: Attached
- Delinquency report- Attached

- Continue updating data and reformatting style for 2019-20 Budget process including forecasting cash balances
- Strategic Planning
- Investigate additional tools for presenting and funding CalPERS unfunded liability
- Continue plan, including reasonable timeline, for addressing outstanding items on the Audit Management letter. Presented to the Budget and Finance Committee. Accounting policies, purchasing policy, inventory process, customer deposits reporting, fraud policy, and grant tracking are in process
- Compile and begin delivering information to auditors and actuarial consultants for interim and year-end audit process
- Compile information from auditors, state controller’s office, Grand Jury responses

Prepared by: Karen Gish – HR / Office Manager
Tracey Hays - Finance Manager
Cris Thompson- Assistant General Manager
### Restricted and Unrestricted Cash

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Operations Report

Covering June 1, - June 28, 2019

Operations Manager:

1. Worked on 2019/2020 Operational and CIP Budgets
2. Worked with Distribution on Tank Diving / Inspections
3. Reviewed current condition of lone Water Treatment Plant
4. Working on understanding current workload, projects, operations and maintenance issues.
5. Visited several water and wastewater facilities.
6. Worked with staff on Standby Power / Generators installation and additional needs

Regulatory Compliance Specialist:

1. Completed walk through of Tanner main building, shop and yard with JPIA’s Senior Risk Control Advisor.
2. On-going cross training of Admin Assist 2.
3. Coordinating testing for unregulated contaminants on a bi-monthly basis.
4. Scheduling lead and copper monitoring for July and August
5. Posting to website of breaks, leaks and boil advisories as well as Social Media postings

Water Treatment Plants

1. Tanner Plant:
   a. Constructed a bypass line to allow for testing of new backwash recycle plant.
   b. Gathered turbidity data from the backwash recycle plant in order to have Division of Drinking Water issue the new permit.
2. lone Plant:
   a. Failed raw water influent control valve actuator. Staff relocated backwash actuator on the raw line to operate plant. New influent control valve actuator installed on 6/24 and backwash actuator was reinstalled where it belongs. Both were tested and put back into normal operation.
3. Buckhorn Plant:
4. PG&E Plant:
   a. Identified a leak on raw water supply line to plant. Construction came up and repaired. Plant was offline for four (4) days.
   b. Replaced failed water heater.
Wastewater:
1. Pine Grove Camp
   a. Operator is no longer in training.
   b. Continue to assist when needed

2. AWA Systems
   a. Continue to keep storage ponds low.
   b. Began septic tank inspections
   c. Desludged all up country lift stations
   d. Sprayed and weed-eated throughout.
   e. Flushed all systems

Electrical:
1. lone WTP- influent valve failed. Ordered and installed replacement
2. lone WTP- Backwash butterfly valve removed for temporary use in place of the raw influent valve.
3. Buckhorn raw water influent valve failed. Ordered new motor contactor and controller
4. Tanner backwash sump Hi Level float failed. Replaced.

Construction:
1. Rebuilt storm damaged Regulator road and improved drainage by adding 3 culverts and ditches along the road.
2. lone canal cleaning
3. Repaired broken fire hydrants at:
   a. Elm and Nickerson in Sutter Creek.
   b. Off ATL at Raggio Rd.

Distribution:
1. Main Breaks:
   a. Nugget Ln (Sutter Creek, 5 gpm)
2. Service line Leak Repairs:
   a. S. Buena Vista (lone, 3 gpm)
   b. Glenbrook (lone, 3 gpm)
   c. Albatross (lone, 3 gpm)
   d. Creekview Ct (Sutter Creek, 5 gpm)
   e. Silver Pines (CAWP, 5 gpm)
3. Rebuilt Type 3 blow off on Raggio Rd. (ATL)
4. Repaired an out of service fire hydrant at:
   a. Raggio Rd (ATL)
   b. Nickerson & Elm (Sutter Creek)
5. Tank cleaning and inspections:
   a. Ranch House Tank
   b. Jackson Pines Tank
   c. Frank's Tank
   d. McKenzie Tank
6. New pressure relief valve installed at Eagles Nest
7. Cal Fire Tie In (lone)

Canal:
1. Berm Leak Repairs:
   a. MM 5.50 Clinton Rd (5 gpm)
   b. MM 1.25 lower canal/New York Ranch Rd (20 gpm)
   c. MM 1.25+ lower canal/New York Ranch Rd. (10 gpm)
   d. MM 1.50 lower canal/New York Ranch Rd (10 gpm)
2. Tree Removal:
   a. MM 5.75 upper canal Clinton Rd.
   b. MM 10.00 upper canal/W. Clinton Rd.
   c. MM 11.00 upper canal/W. Clinton Rd.

3. Canal Cleaning:
   a. MM 1.50 – 2.00 lower canal/New York Ranch Rd.

Prepared by: Andrea Hinton, Regulatory Compliance Specialist
Reviewed and edited by: Rick Ferriera, Operations Manager
City of Plymouth Dept Report
Covering June 1- June 31, 2019

Regulatory Compliance Specialist-
- Completed monthly water reporting. Sent to City Manager
- Completed letter to DDW regarding Well A testing. Division has concluded that Well A is under the direct influence of surface water. This does not change the operations of the City of Plymouth water system, due to the fact that the wells are untreated, and a boil water order must be issued if the wells are used. However, this determination will be documented in the upcoming Revised Permit.
- Assisted in Boil water advisory for leak repair on Bush St.
- Prepared for triennial lead and copper testing slated for week of 7/15/19. Ordered bottles, prepared forms and printed homeowner’s instructions.

Distribution-
- Repaired main line break affecting Bush St. and Empire. (2 gpm)
- Routine flushing
- Routine Distribution Sampling
- Installed pressure reducing valve controls for Plymouth tank bypass

Wastewater-
- Continue to monitor collection system
- Inspect grease traps monthly and issue grease trap pump orders as needed

Construction-
- Disconnected wells, filters and treatment plant piping from Plymouth tank and distribution system
- Leak repair on Bush Street

Water hrs: 35   WW Hrs: 9.25

Prepared by: Andrea Hinton, Regulatory Compliance Specialist
Reviewed and edited by: Rick Ferriera, Operations Manager
River Pines Dept. Report  
June 1 - June 30, 2019

**Water Production/Sold**

Well 2: 561,200 gallons  
Well 3R: 442,400 gallons  
Well 6R: 24,438 gallons  

Total Produced: 1,028,038 gallons  
Total Sold: 786,634 gallons  
Unaccounted Loss: 23%

---

**Regulatory Compliance Specialist**

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

**Wastewater**

- Influent flow 972,900 gallons. Effluent Discharged 148,300 gallons.
- Continue to maintain pond level and irrigate whenever possible.
- Continue to monitor collection system.
- Weed-eated and sprayed all lift stations and plant.
- Oversaw well drilling for monitoring wells in sprayfield with Cascade for eight (8) days.

**Water**

- Completed all regulatory sampling.
- Staff continues to operate Wells 2 / 3R and 6R facilities
- Completed a rebuild on pressure reducing valve which supplies sample slow water to the CL17 analyzer
- Assisted Cooper Control's instrumentation technician in completing the calibrations of Wells 2, 3R, and 6R meters and 6R chart recorder.

**Distribution**

- Routine flushing
- Service line leak repair (1gpm)

Water hrs: 54  
WW Hrs: 114

Prepared by: Andrea Hinton, Regulatory Specialist

Reviewed by: Rick Ferriera, Operations Manager
PROJECTIONS UNDER CONSTRUCTION

Capital Projects

- **Ione Hydro** – Contractor completed the floor concrete pour for the turbine. Schedule has been delayed by rain days and electrical equipment long-lead time (40% Complete). **YELLOW**
- **Ione WTP Rehabilitation** – Project at substantial completion. Final punch list nearing completion. Project has been substantially delayed (98% Complete). **YELLOW**

Developer Projects

- **Sutter Creek Bridge** – Backflow preventers and one valve leak are only outstanding issues. Project has been substantially delayed (98% Complete). **YELLOW**
- **Cal-Fire Ione** – Installation of one meter for building testing. Finalizing easement and punch list items (95% Complete). **GREEN**

PROJECTS IN DESIGN

Capital Projects

- **FEMA HMGP Tank Replacements** – Out for bid for the replacement of three redwood tanks for two new welded steel water tanks (Pine Acres and Ridgeway Tank). The original scope was to replace four redwood tanks for three new welded steel water tanks (Pine Acres, Tank C, and Ridgeway Tank) and to replace two hypalon covers with new aluminum geodesic dome covers (Ranch House and Jackson Pines). With the high bids received for the original project, the project scope has been reduced to include only Pine Acres and Ridgeway water tanks. There is a concern about receiving the same funding package for the scaled down project. Staff is working with Cal Oes regarding the scope, budget and schedule revisions. New bids are due July 23 (Design 100% Complete). **YELLOW**
- **Pioneer Pipeline Phase II (CDBG)** – Working with Amador County for the authorization from CDBG to proceed with the design of a 12-inch pipeline along Buckhorn Ridge Road to connect to the Phase I and Phase III pipeline and Tanks A & B. Progress is very slow (Design 5% Complete). **GREEN**
• Pioneer Pipeline Phase III (USDA) – Basis of Design (BOD) meeting with consultant for the design phase of the 12-inch pipeline and two, 1 – MG water storage tanks to replace Tanks A & B. (Design 25% Complete) GREEN

• Ridge Road Manhole Replacement – Project will be bid out this month with construction starting the 2019/2020 fiscal year for the replacement of the manhole located on Ridge Road and Hwy 49. GREEN

• Hwy 49 Sewerline – Project design complete and will be bid out after the manhole replacement project is complete. This project will increase the sewer line size from 6-inch to 8-inch ductile iron pipe along Hwy 49. GREEN

• FEMA Amador Canal Slide – Received partial funding from CalOES. Geotechnical firm has completed soil site tests and prepared a report on repair options. Schedule has been delayed. YELLOW

Developer Projects

• Wildflower 5 – Waiting on booster pumping station design from the developer (Design 10% Complete).

• Wildflower 3 – Received updated plans for review.

• Castle Oaks 8 – Reviewed updated plans. Developer to update water model.

PLANNING/FUNDING

Capital Projects

• Mt. Crossman Pumping Station and Mt. Crossman Tank, La Mel WTP, Camanche 10-inch Waterline, and Standby Generators – Prepared grant documents for project funding.

• SGMA – Selected two locations to install groundwater monitoring wells with DWR grant funding. DWR visited the two sites and the environmental department had major concerns with the industrial park location. Preparing to install one monitoring well in the JVID area.

• ARSA – Nothing to report.

  **Project Expenses through 6-30-19 are attached**

  Prepared by: Darrel Evensen, Engineering Manager
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<tr>
<th>Project</th>
<th>Funded By</th>
<th>Status</th>
<th>Funding Contract</th>
<th>FY 18-19 Budget</th>
<th>Expended to date</th>
<th>% of FY 18-19 Budget</th>
<th>Expended Life of Project</th>
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<td>$107,727</td>
<td>$6,843</td>
<td>6%</td>
<td>$6,843</td>
</tr>
<tr>
<td>Hwy 49 Sewerline</td>
<td></td>
<td></td>
<td></td>
<td>$128,905</td>
<td>$142</td>
<td>0%</td>
<td>$142</td>
</tr>
<tr>
<td>Camanche Wastewater Monitoring Wells</td>
<td></td>
<td></td>
<td></td>
<td>$90,000</td>
<td>$59,118</td>
<td>66%</td>
<td>$59,118</td>
</tr>
<tr>
<td>Camanche Wastewater Design/CEQA/NEPA</td>
<td>Grant</td>
<td>Completed</td>
<td>2/28/2019</td>
<td>$100,000</td>
<td>$96,579</td>
<td>97%</td>
<td>$500,000</td>
</tr>
<tr>
<td>Camanche WW Standby Generators</td>
<td></td>
<td></td>
<td></td>
<td>$100,000</td>
<td>$447</td>
<td>0%</td>
<td>$447</td>
</tr>
<tr>
<td>Martell &amp; Camanche Inflow &amp; Infiltration - Study</td>
<td></td>
<td></td>
<td></td>
<td>$52,868</td>
<td>-</td>
<td>0%</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$577,550</td>
<td>$163,129</td>
<td>28%</td>
<td>$566,551</td>
</tr>
</tbody>
</table>

**Project Expenses through 06-30-19**

<table>
<thead>
<tr>
<th>Labor</th>
<th>Materials</th>
<th>YTD Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>283,389.61</td>
<td>50,623.34</td>
<td>333,992.95</td>
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</tbody>
</table>

**Budget | Expense | % of Budget**

| $12,163,318 | $6,546,270 | 53.82% |