



8:00 A.M. OPERATIONS CENTER - 1200 SOUTH GENE AUTRY TRAIL – PALM SPRINGS – CALIFORNIA

Pursuant to Assembly Bill 361, there will be no public location for attending in person. This meeting will be held virtually because state and local officials recommend measures to promote social distancing. Members of the public who wish to participate may do so by calling in at:

Toll Free: (253) 215-8782
Meeting ID: 862 2273 8275
Passcode: 966333

or Via Computer:

<https://dwa-org.zoom.us/j/86222738275?pwd=K3BUZnJCNm1uQW5pdGZGZEFDL2Nqdz09>
Meeting ID: 862 2273 8275

Members of the public who wish to comment on any item within the jurisdiction of the Agency or any item on the agenda may submit comments by emailing sbaca@dwa.org or may do so during the meeting. Comments will become part of the Board meeting record. Board members and staff will be participating in this meeting via teleconference.

**In order to reduce feedback, please mute your audio when you are not speaking.*

De acuerdo con el proyecto de Ley de la Asamblea 361 (AB361), no habrá un lugar público para asistir en persona. Esta reunión se llevará a cabo virtualmente porque los funcionarios estatales y locales recomiendan medidas para promover el distanciamiento social. Los miembros del público que deseen participar pueden hacerlo llamando al:

Número gratuito: (253) 215-8782
ID de reunión: 862 2273 8275
código de acceso: 966333

o a través de la computadora:

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ID de reunión: 862 2273 8275

Los miembros del público que deseen comentar sobre cualquier tema dentro de la jurisdicción de la Agencia o cualquier tema en la agenda pueden enviar comentarios por correo electrónico a sbaca@dwa.org o pueden hacerlo durante la reunión. Los comentarios pasarán a formar parte del registro de la reunión de la Junta. Los miembros de la junta y el personal participarán en esta reunión por teleconferencia.

**Para reducir los comentarios, silencia el audio cuando no estés hablando.*

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE BLOOMER
2. ROLL CALL BACA
3. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:** Members of the public may comment on any item not listed on the agenda, but within the jurisdiction of the Agency. In addition, members of the public may speak on any item listed on the agenda as that item comes up for consideration. Speakers are requested to keep their comments to no more than three (3) minutes. As provided in the Brown Act, the Board is prohibited from acting on items not listed on the agenda.
4. **PUBLIC COMMENT ON ITEMS LISTED ON THE AGENDA:** Members of the public may also comment on items listed on the agenda that are not the subject of a public hearing, at this time. Again, speakers are requested to keep their comments to no more than three (3) minutes.

5. **CONSENT CALENDAR ITEMS:** Items listed under the Consent Calendar are considered to be routine and will be acted upon by one motion of the Board without discussion. There will be no separate discussion on these items unless a Board Member requests a specific item to be discussed and/or removed from the Consent Calendar for separate action.

- A. Approve Minutes of the October 18, 2022 Board Meeting
- B. Receive and File – Memo on October 20, 2022 State Water Contractors' Meeting
- C. Receive and File – Minutes of the October 27, 2022 Executive Committee Meeting
- D. Receive and File - September Water Use Reduction Figures
- E. Request Approval of 2-year Contract Extension with Reeb Government Relations, LLC

6. **ACTION ITEM:**

- A. Request Authorization for General Manager to Execute Agreement with Regional Government Services KRAUSE

7. **DISCUSSION ITEM:**

- A. Legislative Annual Report REEB
- B. Review of Teleconferencing Regulations Pursuant to AB2449 JOHNSON/RIDDELL

8. **SECRETARY-TREASURER'S REPORT (September 2022)** STUART

9. **GENERAL MANAGER'S REPORT** JOHNSON

10. **DIRECTORS COMMENTS/REQUESTS**

11. **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9 (d) (1)
Name of Case: Agua Caliente Band of Cahuilla Indians vs. Coachella Valley Water District, et al
(Two Cases)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9 (d) (1)
Name of Case: Mission Springs Water District vs. Desert Water Agency
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9 (d) (1)
Name of Case: AT&T vs. County of Riverside

12. **RECONVENE INTO OPEN SESSION – REPORT FROM CLOSED SESSION**

13. **ADJOURN**

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting is asked to contact Desert Water Agency's Assistant Secretary of the Board, at (760) 323-4971, at least 48 working hours prior to the meeting to enable the Agency to make reasonable arrangements. Copies of records provided to Board members that relate to any agenda item to be discussed in open session may be obtained from the Agency at the address indicated on the agenda.

DECLARATION OF POSTING

Pursuant to Government Code Section 54954.2, I certify that this agenda has been posted at least 72 hours prior to the meeting on the Agency's website at www.dwa.org and at the Agency's main office, 1200 South Gene Autry Trail, Palm Springs, CA.

Sylvia Baca, MMC
Assistant Secretary of the Board

5-A

**MINUTES
OF THE REGULAR MEETING
OF THE
DESERT WATER AGENCY
BOARD OF DIRECTORS**

October 18, 2022

DWA Board via Kristin Bloomer, President)
Teleconference: James Cioffi, Vice President)
Joseph K. Stuart, Secretary-Treasurer)
Patricia G. Oygar, Director)
Paul Ortega, Director)

DWA Staff via Mark S. Krause, General Manager)
Teleconference: Steve Johnson, Assistant General Manager)
Esther Saenz, Finance Director)
Sylvia Baca, Asst. Secretary of the Board)
Ashley Metzger, Dir. Public Affairs & Water Planning)
Kris Hopping, Human Resources Director)
Jamie Hoffman, Senior Administrative Assistant)

Consultants via Michael T. Riddell, Best Best & Krieger)
Teleconference:

Public: David Freedman, Palm Springs Sustainability Comm.)

19540. President Bloomer opened the meeting at 8:00 a.m. and asked everyone to join her in the Pledge of Allegiance. **Pledge of Allegiance**

19541. President Bloomer called upon Assistant Secretary of the Board Baca to conduct the roll call: **Roll Call**

Present: Ortega, Oygar, Stuart, Cioffi, Bloomer

19542. Presentation to Craig Ewing, Former Board Member. **Presentation**
Craig Ewing

President Bloomer read aloud Resolution No. 1244 highlighting Mr. Ewing's years of service to the Agency.

The Board expressed their gratitude and thanked Mr. Ewing for his years of knowledge and leadership.

Mr. Ewing expressed his appreciation to the Board and staff.

19543. President Bloomer opened the meeting for public comment for items not listed on the Agenda.

Public Comment on Items Not on the Agenda

Mr. Freedman provided an update on the City of Palm Springs turf rebate program and the Palm Springs Airport demonstration garden.

David Freedman

19544. President Bloomer opened the meeting for public comment for items listed on the Agenda.

Public Comment on Listed Agenda Items

There was no one from the public wishing to address the Board for items not on the Agenda.

19545. President Bloomer called for approval of the Consent Calendar. She noted that Consent Calendar Items 6-A through 6-G are expected to be routine and to be acted upon by the Board of Directors at one time without discussion. If any Board member requests that an item be removed from the consent calendar, it will be removed so that it may be presented separately.

Approval of the Consent Calendar

- A. Approve - Minutes of the October 4, 2022 Board Meeting
- B. Approve - Minutes of the October 13, 2022 Executive Committee Meeting
- C. Receive and File – September 2022 Activities & Events for the Public Affairs & Water Planning Department
- D. Request Authorization to Continue Virtual Board and Committee Meetings for Another 30 Days Based Upon a Determination that In-Person Meetings Would Pose a Risk to Public Health (Per AB361)
- E. Request Adoption of Resolution No. 1287 Amending the Conflict of Interest Code
- F. Request Authorization for General Manager to Execute Letter of Agreement for the Mission Creek Subbasin Annual Reports
- G. Request Authorization to Participate in 2022-2027 USGS Cooperative Water Resources Program

- A. Approve Minutes of the 10/04/22 Board Meeting
- B. Approve Minutes of the 10/13/22 Exec Comm Meeting
- C. Receive & File 9/2022 PA&WP Activities & Events
- D. Request Authorization to Continue Virtual Board Mtgs. For Another 30 Days
- E. Request Adoption of Res. No. 1287
- F. Request Authorization for GM to Execute Letter of Agreement for the Mission Creek Subbasin Annual Reports
- G. Request Authorization to Participate in 2022-2027 USGS Cooperative Water Resources Program

Director Ortega requested items 6B, 6C, & 6D be pulled for discussion.

In regards to Item 6B, Assistant Secretary of the Board Baca provided information on ACWA's upcoming membership meeting and the voter designation form.

Regarding Item 6C Director of Public Affairs and Water Planning Metzger explained the trend on water waste enforcement and citations in the last few months.

In regards to Item 6D General Manager Krause, Assistant General Manager Johnson and Legal Counsel Riddell provided information on AB361.

Vice President Cioffi moved for approval of Consent Calendar Items 6-A thru 6-G. After a second by Director Oygar, the motion carried unanimously by the following roll call vote:

**Approval of the
Consent Calendar
(Cont.)**

AYES: Ortega, Oygar, Stuart, Cioffi, Bloomer
NOES: None
ABSENT: None
ABSTAIN: None

19546. President Bloomer called upon Legal Counsel Riddell to present staff's Request Denial of Application for Leave to Present a Late Claim Filed on Behalf of Debra Duncan.

Action Items:
Request Denial of
Application for Leave
to Present a Late Claim
Filed on Behalf of
Debra Duncan

Mr. Riddell stated that the Attorney's acting on behalf of Debra Duncan are requesting permission of the Board to file the claim late on an incident that occurred on March 16, 2022. According to the Government Claims Act, claimants have a period of 6 months from the date of incident to file a claim. According to ACWA JPIA there is not a significant demonstration of excusable neglect due to mistake. Staff recommends that the Board deny the application for leave to present a late claim and direct staff to send notice that the application has been rejected.

Director Oygar moved for approval of staff's recommendation. After a second by Secretary-Treasurer Stuart, the motion carried unanimously by the following roll call vote:

AYES: Ortega, Oygar, Stuart, Cioffi, Bloomer
NOES: None
ABSENT: None
ABSTAIN: None

19547. President Bloomer called upon Secretary-Treasurer Stuart to present an overview of financial activities for the month of August 2022.

**Secretary-Treasurer's
Report (August)**

Secretary-Treasurer Stuart reported that the Operating Fund received \$4,077,262 in Water Sales Revenue Receipts, \$105,928 in Reclamation Sales Revenue Receipts, and \$24,600 in Construction Deposits. \$100,000 included in Miscellaneous cash receipts from Sentinel Energy Center. \$2,714,168 was paid out in Accounts Payable. Year-to-date Water Sales are 2% under budget, Year-to-date Total Revenues are 0.02% over budget; and Year-to-date Total Expenses are 5% under budget. There was a total of 23,474 active services as of August 31, compared to 23,439 active services as of July 31.

Operating Fund

Reporting on the General Fund, Mr. Stuart stated \$919,895 was received in Property Taxes, \$451,091 in Groundwater Assessments, \$61,254

General Fund

from CVWD for water management agreement reimbursement. \$1,182,054 was paid in State Water Project charges (YTD \$5,526,947).

**Secretary-Treasurer's
Report (August)**
(Cont.)
Wastewater Fund

Reporting on the Wastewater Fund, Mr. Stuart reported \$95,770 was received in Wastewater Revenue Receipts. \$71,571 was paid out in Accounts Payable.

19548. President Bloomer called upon General Manager Krause to provide an update on Agency operations.

**General Manager's
Report**

Mr. Krause provided an update on Agency operations for the past several weeks.

19549. At 9:00 a.m., President Bloomer convened into a Teleconference Closed Session for the purpose of Conference with Legal Counsel, (A) Existing Litigation, pursuant to Government Code Section 54956.9 (d) (1), Agua Caliente Band of Cahuilla Indians vs. Coachella Valley Water District, et al (Two Cases); (B) Existing Litigation, pursuant to Government Code Section 54956.9 (d) (1), Mission Springs Water District vs. Desert Water Agency; et al; and (C) Existing Litigation, Pursuant to Government Code Section 54956.9 (d) (1), AT&T vs. County of Riverside.

Closed Session:
A. Existing Litigation –
ACBCI vs. CVWD, et
al. (2 Cases)
B. Existing Litigation –
MSWD vs. DWA
Agency et al
C. Existing Litigation -
Possible Intervention in
Case: AT&T vs.
County of Riverside

19550. At 9:55 a.m., General Manager Krause reconvened the meeting into open session and announced there was no reportable action taken.

Reconvene – No
Reportable Action

19551. In the absence of any further business, General Manager Krause adjourned the meeting at 9:56 a.m.

Adjournment

Sylvia Baca
Assistant Secretary of the Board

STATE WATER CONTRACTORS MEETING

October 20, 2022

I. LEGISLATIVE REPORT

- (a) Governor Newsom vetoed 8% of bills sent to him. (Lower veto rate than Republican Governors.)
- (b) Governor vetoed SB 1065 requiring removal of abandoned vessels in the Delta. (Would have cost the State \$25 million, and there was no provision for funding the cost.)
- (c) In upcoming election Democrats are projected to easily retain a supermajority in both the Assembly and the Senate.
- (d) Upcoming issues:
 - Oroville pumped hydropower storage
 - Aqueduct subsidence funding
 - Groundwater banking
 - Sisk Dam funding (federal)
 - Aqueduct subsidence funding (federal)
 - Delta conveyance legislation (federal)
 - Water for California Act (federal)

II. GETTING TO KNOW TULARE LAKE BASIN WATER STORAGE DISTRICT

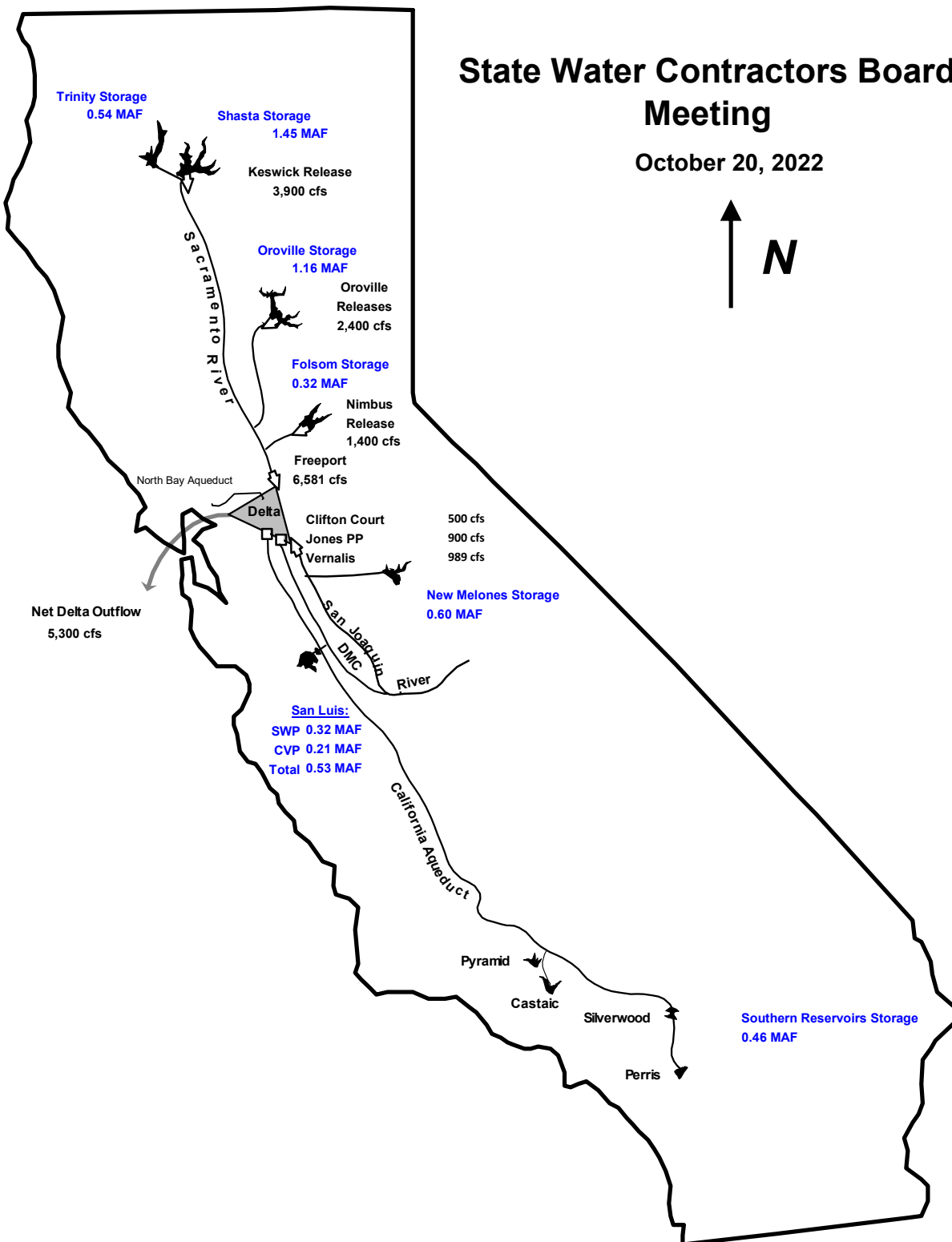
- (a) Landowner voter district (one vote per \$1.00 of assessed value). Fewer than 20 people reside within the District boundaries.
- (b) About 190,000 acres in District (170,000 irrigated).
- (c) No natural outflow from the basin.
- (d) Water supplies: 1/3 groundwater, 1/3 surface water, 1/3 SWP water.
- (e) District does not own or operate groundwater wells (only the landowners do).
- (f) The basin is in a state of critical overdraft.
- (g) Current SWP Table A amount is 87,471 AFY.
- (h) Agriculture is all row crops (cotton, tomatoes, safflower).
- (i) Assessments are based on land ownership; no taxes are assessed.

III. STATE WATER PROJECT OPERATIONS

- (a) 7-day forecast was for up to one inch of rain (no runoff expected but soil moisture).
- (b) Reservoir storage:
 - Oroville at 1.16 MAF (63% of average)
 - San Luis Reservoir total at 530 TAF; SWP share 320 TAF (59% of average)
 - Shasta at 1.45 MAF (54% of average)
 - Folsom at 320 TAF (70% of average)

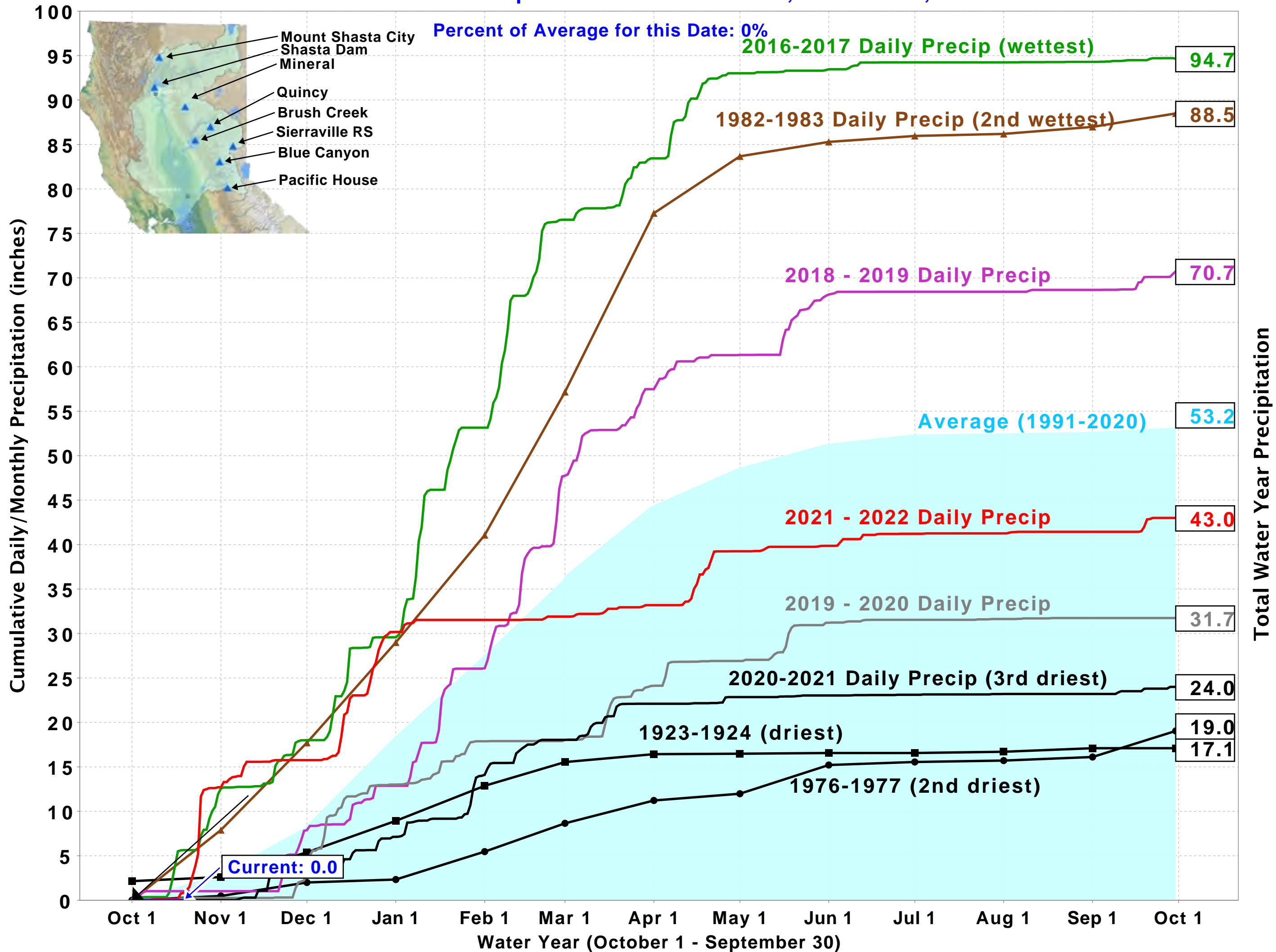
State Water Contractors Board Meeting

October 20, 2022

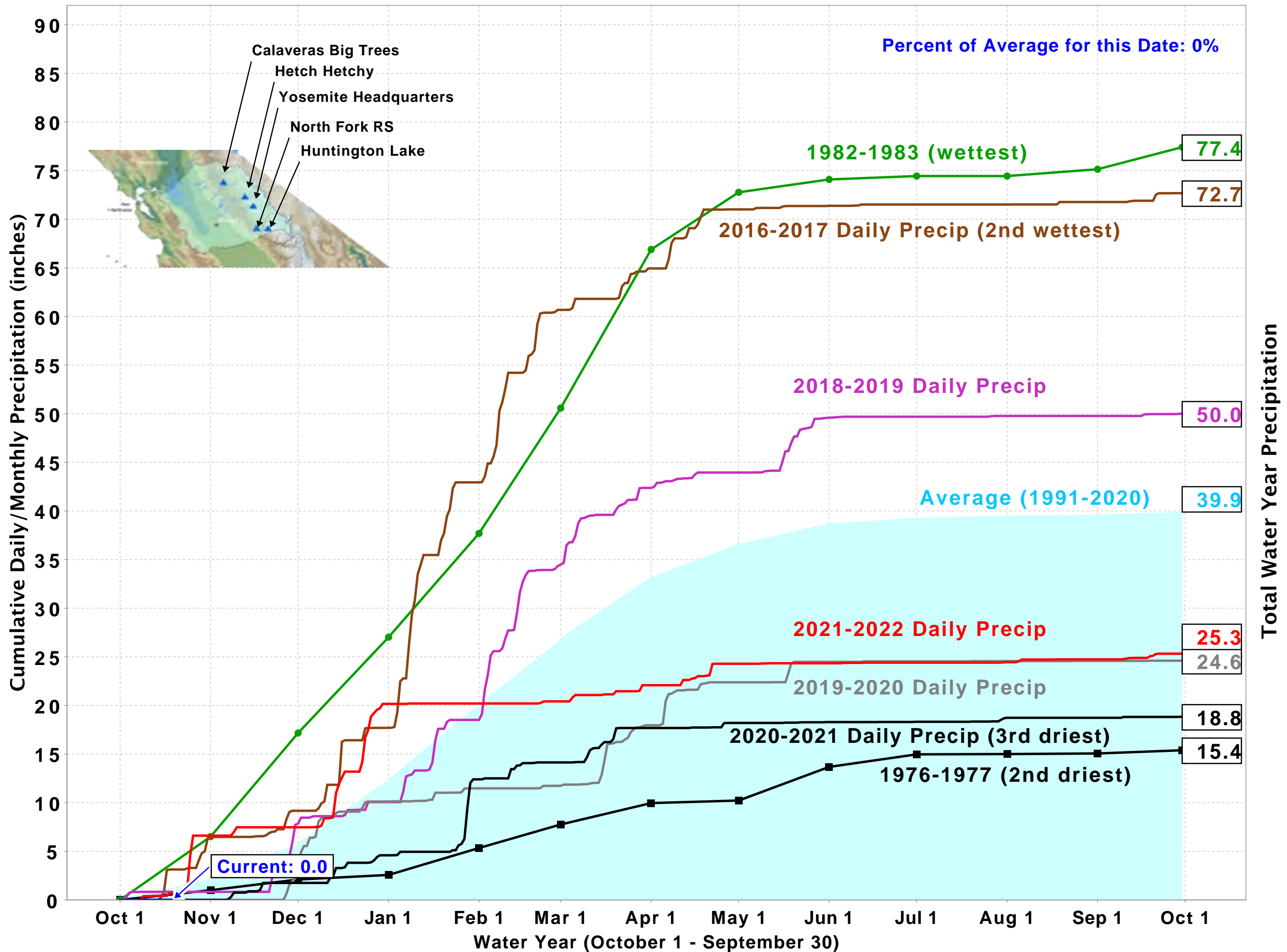


Data Compiled on:
10/19/2022

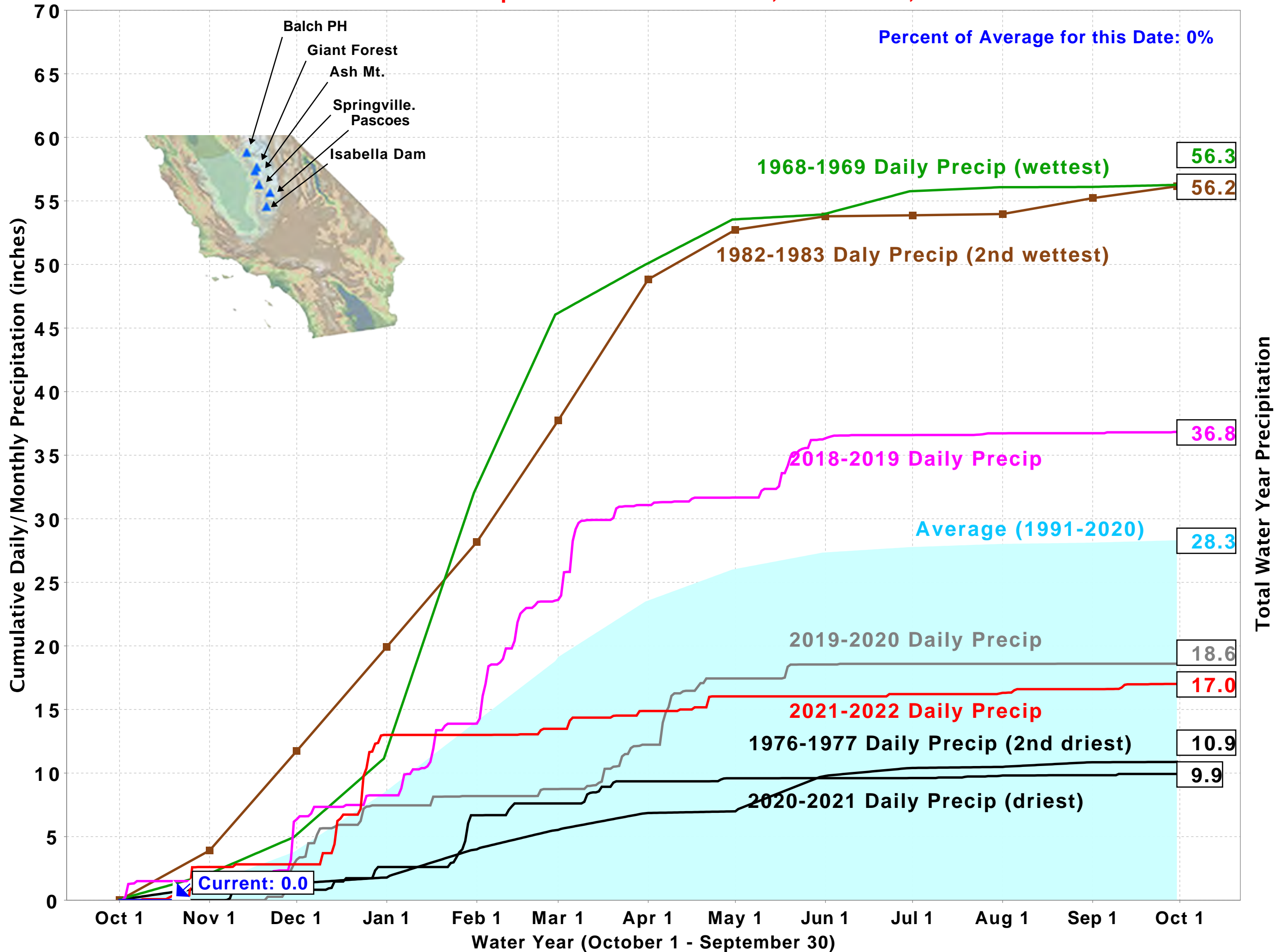
Northern Sierra Precipitation: 8-Station Index, October 19, 2022



San Joaquin Precipitation: 5-Station Index, October 19, 2022



Tulare Basin Precipitation: 6-Station Index, October 19, 2022

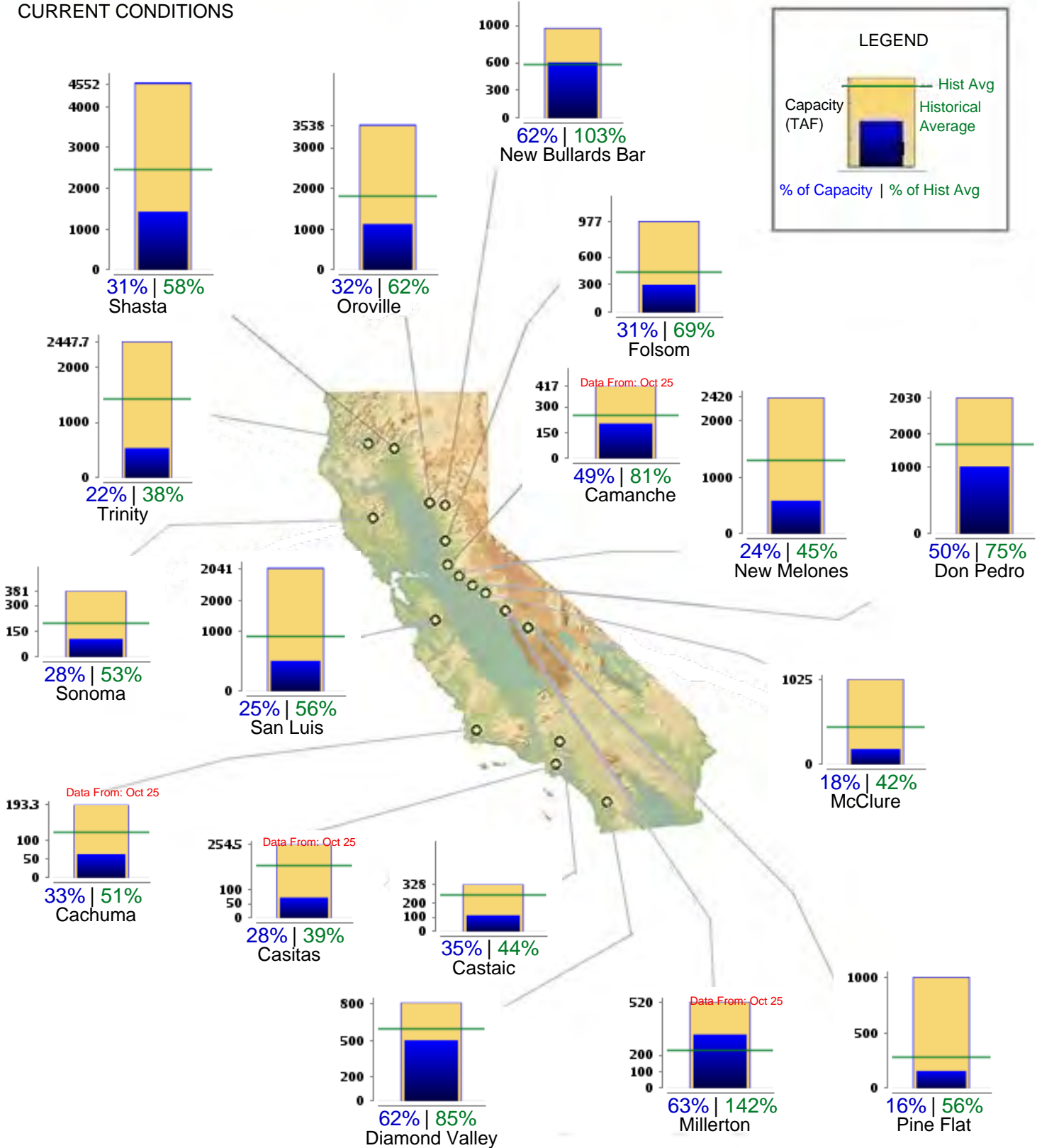




CALIFORNIA MAJOR WATER SUPPLY RESERVOIRS

CURRENT CONDITIONS

Midnight - October 26, 2022



Minutes
Executive Committee Meeting
October 27, 2022

Directors Present: James Cioffi, Joseph K. Stuart

Staff Present: Steve Johnson, Esther Saenz, Ashley Metzger, Sylvia Baca

Call to Order

1. Public Comments - None

2. Discussion Items

A. Review Agenda for November 1, 2022 Board Meeting

The proposed agenda for the November 1, 2002 meeting was reviewed.

B. Expense Reports

The September expense reports were reviewed.

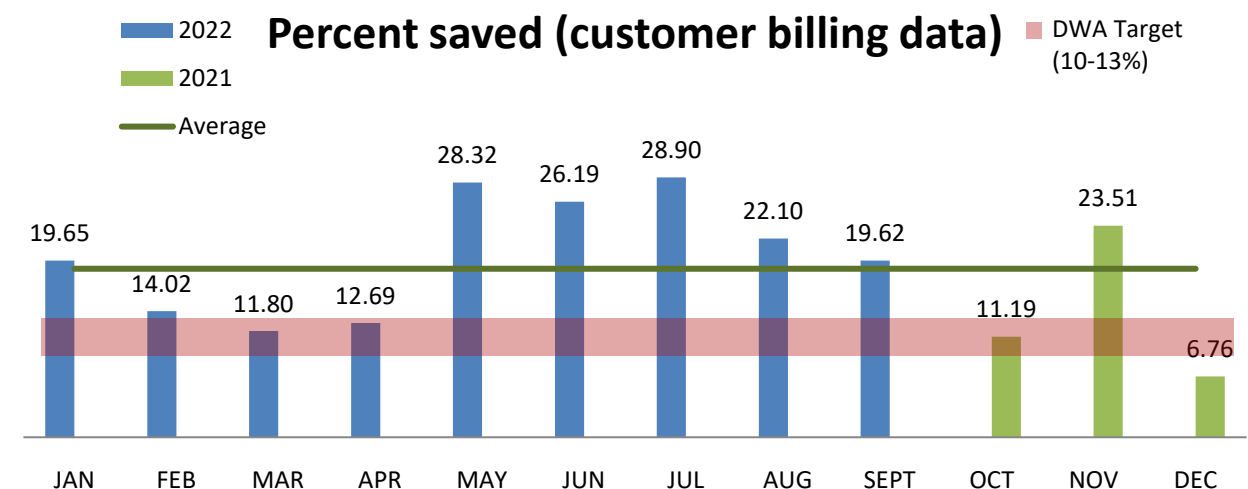
Adjourn

STAFF REPORT TO DESERT WATER AGENCY BOARD OF DIRECTORS

NOVEMBER 1, 2022

RE: SEPTEMBER 2022 WATER USE REDUCTION FIGURES

Desert Water Agency customers reduced water consumption per meter by 19.6% during September 2022 compared to the same month in 2013 – the baseline year the State Water Resources Control Board (State Water Board) used to measure statewide conservation achievements during the last drought.



Over the past 12 months, consumption per meter is trending 20.3% lower compared to 2013. DWA is asking its customers to voluntarily save 10-13% compared to 2013 to help achieve long-term sustainability.

The State Water Board has voted for water suppliers to implement Level 2 of their Water Shortage Contingency Plans to reduce water use by up to 20% with the Governor specifically requesting 15%. Water production (water from well and stream sources) was down 9.8% in September 2022 compared to September 2020 (the State's baseline). DWA is encouraging and incentivizing conservation to reach State water use reduction goals.

As part of its efforts, DWA has been reaching out to customers actively discouraging overseeding. The goal of this is to see greater reductions in water use in October and November than would be achieved without this measure. September 2022 use is the lowest on record since the height of the last drought in 2015 when three day per week watering was in place. On the following page is additional information for this month.

September 2022 conservation per meter percentage	19.62%
September 2022 consumption per meter	56.01 HCF
September 2013 consumption per meter	69.68 HCF
September 2022 gross conservation percentage	13.30%
September 2022 metered potable consumption	3085.95 AF
September 2013 metered potable consumption	3561.22 AF
The percentage of the Total Monthly Potable Water Production going to residential use only for the reporting month	81.33%
Population (projected based on number of active residential meters and inclusive of seasonal residents)	73,977
Estimated R-GPCD	349.17
Number of public complaints of water waste or violation of conservation rules received during the reporting month.	108
Number of contacts with customers for actual/alleged water waste or for a violation of conservation rules.	24
Number of field visits for water waste follow up.	38
Number of citations for violation of conservation rules.	22

**STAFF REPORT
TO
DESERT WATER AGENCY
BOARD OF DIRECTORS**

NOVEMBER 1, 2022

**RE: REQUEST APPROVAL OF CONTRACT EXTENSION WITH REEB
GOVERNMENT RELATIONS, LLC**

Since December of 2004, Desert Water Agency has maintained a Legislative Representation Contract with Robert J. Reeb, of Reeb Government Relations, LLC. That contract has been renewed every two years since that time to ensure Desert Water Agency's interests are effectively represented in Sacramento.

Attached for your review is a copy of the proposed contract renewal that will extend the Reeb Government Relations contract term through December 31, 2024. The proposed contract does not increase the Agency's cost for these services nor does it include any changes in scope from the contract approved in 2020.

Fiscal Impact:

Finance Director Saenz has reviewed this staff report. The two-year (2023-2024) contract total is \$192,000. The contract amount for the first half of calendar year 2023 is budgeted in the Fiscal Year 2022-2023 budget. If approved, the remainder of the contract will be obligated in future budgets.

Legal Review:

Legal Counsel has reviewed this contract.

Recommendation:

Staff recommends that the Board of Directors authorize the General Manager to execute the proposed contract with Reeb Government Relations, LLC, extending services to Desert Water Agency through December 31, 2024.

Attachment:

Reeb Government Relations, LLC Contract 2023-2024



LOBBYING FIRM RETENTION CONTRACT

The following constitutes a lobbying firm retention contract between **REEB GOVERNMENT RELATIONS, LLC** (“RGR” hereinafter), or its legal successor in interest, and **DESERT WATER AGENCY** (“DWA” hereinafter), or its legal successor in interest.

1. **SERVICES TO BE PERFORMED**— DWA engages the services of RGR as an independent contractor. RGR will provide advice and representation on behalf of DWA on California legislative and regulatory matters. Such services shall include:

- A. Representation in the State Capitol and with the Executive Branch in regard to the 2023-24 Regular Session of the California Legislature.
- B. Research and analysis of state legislative and regulatory issues and related initiatives; drafting legislation and amendments thereto relating to such issues.
- C. Legislative reporting services as may be required by DWA.
- D. Participation and attendance at DWA meetings to discuss current events, tasks under the scope of work and other business related to the governmental relations program. Attendance and participation at other meetings, upon request by DWA, including, but not limited to, meetings related to issues management and formation of lobbying coalitions.

RGR will work under the direction of the General Manager and will coordinate services to be performed with same.

Desert Water Agency
Lobbying Firm Retention Contract
Page 2 of 3

2. TERMS OF PAYMENT— DWA will pay RGR, according to terms and conditions set forth herein, a fee of ONE HUNDRED NINETY-TWO THOUSAND AND NO/100 DOLLARS (\$192,000.00) for the period of January 1, 2023 through December 31, 2024. This amount shall be paid in twenty-four (24) equal installments of EIGHT THOUSAND AND NO/100 DOLLARS (\$8,000.00) due on the first (1st) of each month from January 2023 through December 2024, inclusive. Payment shall cover all time expended by RGR personnel unless otherwise agreed to by RGR and DWA.

- A. Invoices shall be submitted monthly by RGR for payment by DWA. Payment is past due the next business day following the fifteenth of the month. If DWA has any valid reason for disputing any portion of an invoice, DWA will so notify RGR within seven (7) calendar days of receipt of invoice, and if no such notification is given, the invoice shall be deemed valid. The portion of RGR's invoice that is not in dispute shall be paid in accordance with the procedures set forth herein.
- B. DWA shall reimburse RGR all costs incurred in connection with the services rendered. Reimbursable costs shall include travel costs and other costs approved by the steering committee. Travel costs are defined as air travel, lodging, meals and incidentals, ground transportation, and all costs associated with travel. All travel expenses must receive DWA's prior approval. RGR shall provide to DWA substantiation of reimbursable costs incurred.
- C. A finance charge of 1.5% per month on the unpaid amount of an invoice will be charged on past due accounts. Payments by DWA will thereafter be applied first to accrued interest and then to the principal unpaid balance. Any attorney fees, court costs, or other costs incurred in collection of delinquent accounts shall be paid by DWA. If payment of invoices is not current, RGR may suspend performing further work.

3. INDEPENDENT CONTRACTOR—It is understood that RGR will function as an independent contractor and will hold itself out as such and will be without authority to obligate DWA for indebtedness, contracts, or other legal obligations.

4. POLITICAL REFORM ACT—RGR will be solely responsible for its filing and reporting obligations pursuant to the Political Reform Act of 1974, as it may be amended from time to time. DWA will be solely responsible for its filing and reporting obligations pursuant to the Political Reform Act of 1974, as it may be amended from time to time.

**Desert Water Agency
Lobbying Firm Retention Contract
Page 2 of 3**

5. GOVERNING LAW - This agreement shall be governed by and construed pursuant to the laws of the State of California.
6. ENTIRE AGREEMENT - This is the entire agreement of the parties and no other representations, promises or agreements, oral or otherwise, shall be of any force or effect. This agreement may be supplemented, amended or revised only in writing by agreement of the parties.
7. TERM OF CONTRACT—The engagement shall be subject to review at any mutually agreed upon time. Either party may terminate this engagement without cause by giving written notice at least sixty (60) days prior to the date of termination. DWA's obligation to pay any further monthly installments shall cease upon the date of the termination and DWA shall have no further monetary obligation to RGR as of that date of termination. The effective date of this agreement is January 1, 2023, and it shall terminate on December 31, 2024.

DESERT WATER AGENCY

P. O. Box 1710
Palm Springs CA 92263-1710

**REEB GOVERNMENT
RELATIONS, LLC**

1415 L Street, Suite 870
Sacramento CA 95814

By: Mark S. Krause
General Manager & Chief Engineer

By: Robert J. Reeb
Managing Officer

Date:

Date:

**STAFF REPORT
TO
DESERT WATER AGENCY
BOARD OF DIRECTORS**

NOVEMBER 1, 2022

**RE: REQUEST AUTHORIZATION FOR GENERAL MANAGER TO
EXECUTE AGREEMENT WITH REGIONAL GOVERNMENT
SERVICES**

Regional Government Services (RGS) is a public agency (Joint Powers Authority) that provides services to other governmental entities primarily in California. RGS offers public service expertise in finance, human resources, communications and engagement, water resources and more.

Staff would like to leverage RGS for executive level support in outreach, legislative affairs, conservation, grant writing/administration and water management with the option to include additional administrative support as needed.

The contract anticipates roughly 20 hours a week of support for 13 months, December 2022 through December 2023. The contract has a not-to-exceed amount of \$210,000 with a Lead Advisor hourly rate of \$178. The contract can be terminated with 30 days written notice. RGS will cease all billable work within 10 days of said notice.

Fiscal Impact:

Finance Director Saenz has reviewed this staff report. The contract amount is \$210,000 but the Agency anticipates a lower payroll obligation in Fiscal Year 2022-2023. The net financial impact is (\$31,675) which will be split between Fiscal Year 2022-2023 and Fiscal Year 2023-2024. The funding for the current fiscal year will come from the reduction in administrative and general expenses in the Operating and General Funds.

Legal Review:

Legal Counsel has reviewed the attached contract.

Recommendation:

Staff recommends that the Board of Directors authorize the General Manager to execute the RGS agreement for services provided through calendar year 2023.

Attachments:

Attachment #1: RGS Contract

Attachment #2: RGS Contract Cover Letter

RGS is committed to reducing paper waste by converting to electronic processes. Toward these waste reduction goals, RGS uses DocuSign to digitally sign and execute our Agreements. DocuSign provides a secure and legally binding digital signature process which eliminates the need for printing and distribution of documents for signature. Additionally, and especially under the current health and safety restrictions, RGS requests that agencies use electronic payment methods whenever possible to reduce mailing and paper expenses. RGS requests your assistance with meeting these waste reduction goals by joining us in the use of DocuSign and electronic payment methods during our collaboration.

Preamble: The agreement for services described below is also an agreement to engage in a relationship between organizations – Agency partners. In order to establish a mutually respectful relationship as well as a productive one, RGS has adopted the following values and business methods.

Our Values

- Expert Services: RGS serves exclusively public sector agencies with its team of public-sector experts.
- Innovation: RGS encourages and develops innovative and sustainable services to help each Agency meet its challenges through new modes of service provision.
- Customer Driven: RGS customizes solutions to achieve the right level and right kind of service at the right time for each Agency's **unique organizational needs**.
- Perseverance: Sometimes the best solutions are not immediately apparent. RGS listens, works with you, and sticks with it until a good fit with your needs is found.
- Open Source Sharing: RGS tracks emerging best practices and shares them, learning **openly from each other's** hard-won experience.
- Commitment: Government **agencies are the public's only choice for many services**. Public trust is earned and must be used wisely. And RGS will do its part. Each Agency should **and will know how RGS sets its rates**. RGS' pledge to you is that we will act with honesty, openness, and full transparency.

How RGS Does Business

When you work with RGS you can expect:

- RGS will strive to be explicit up front and put our understandings in writing. Before making assumptions, we hope to talk directly to prevent any misunderstandings.
- Ongoing interaction throughout our relationship to ensure that your needs are being met, and that projects progress appropriately and agreed-upon timelines are met.
- RGS is committed to honest interaction.
- When RGS employees are on your site, we expect them to treat people respectfully and be treated respectfully. If problems arise, we want to communicate early, accurately, and thoroughly to ensure that we find mutually acceptable solutions.
- As a public Agency, partnering is valued. We look out for each Agency's **interests** consistent with maintaining the public trust.
- To keep expectations realistic, it is important to understand that RGS is a governmental, joint powers authority evolving to meet changing local government needs. RGS has carefully constructed policies and procedures to allow maximum flexibility to meet your needs.

Agreement for Management and Administrative Services

This Agreement for Management Services (“Agreement”) is made and entered into as of the 1st day of December 2022, by and between the DESERT WATER AGENCY, a municipal agency (“Agency”), and Regional Government Services Authority (RGS), a joint powers authority, (each individually a “Party” and, collectively, the “Parties”).

RECITALS

THIS AGREEMENT is entered into with reference to the following facts and circumstances:

- A. That Agency desires to engage RGS to render certain services to it;
- B. That RGS is a management and administrative services provider and is qualified to provide such services to the Agency; and
- C. That Agency has elected to engage the services of RGS upon the terms and conditions as hereinafter set forth.

TERMS AND CONDITIONS

Section 1. Services. The services to be performed by RGS under this Agreement shall include those services set forth in the attached Exhibits, which are incorporated by this reference herein and made a part hereof as though it were fully set forth herein.

Where in conflict, the terms of this Agreement supersede and prevail over any terms set forth in the Exhibits.

- 1.1 Standard of Performance. RGS shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the types of services that RGS agrees to provide in the geographical area in which RGS operates.
- 1.2 Service Advisor. To ensure quality and consistency for the services provided, RGS also assigns a service advisor to Agency. The service advisor is available to assigned RGS staff and to Agency management and will check in regularly with both to address program/project directives. Typically service advisor time is not billed to Agency, with some exceptions where significant programmatic direction is provided.
- 1.3 Reassignment of Personnel. Assignment of personnel to provide the services described in the Exhibits is at the sole discretion of RGS. RGS is committed to maintaining key personnel assignments for the duration of the agreement. In the event that Agency or RGS, at any time during the term of this Agreement, desires the reassignment of personnel, Agency and RGS shall meet and discuss in good faith to address the issue of concern, including but not limited to reassigning such person or persons.
- 1.4 Time. RGS shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance described above and to provide the services described in the Exhibits.

Section 2. Term of Agreement and Termination.

- 2.1 Services shall commence on or about December 1, 2022, and this Agreement is anticipated to remain in force to December 31, 2023, at which time services may continue on a month-to-month basis until one party terminates the Agreement or if **Section 3 contains a “not to exceed” amount, until RGS charges for services** reach the not-to-exceed amount at which point the Agreement will automatically terminate unless amended. Services provided under the month-to-month provision are subject to current RGS staff rates in effect at the time of service. Once this Agreement has converted to a month-to month basis, it shall automatically terminate upon the ninety-first (91st) continuous day with no billable service hours. After the ninety-first (91st) day with no billable service hours, RGS shall provide Agency with written notice of the automatic termination of the Agreement.
- 2.2 This Agreement may be terminated by either Party, with or without cause, upon **30 days’ written notice. Agency has the sole** discretion to determine if the services performed by RGS are satisfactory to the Agency which determination shall be made in good faith. If Agency determines that the services performed by RGS are not satisfactory, Agency may terminate this Agreement by giving written notice to RGS. Upon receipt of notice of termination by either Party, RGS shall cease performing duties on behalf of Agency on the termination date specified and the compensation payable to RGS shall include only the period for which services have been performed by RGS.

Section 3. Compensation. Payment for services under this Agreement shall not exceed \$210,000 and shall be as provided in the Exhibits.

Section 4. Effective Date. This Agreement shall become effective on the date first herein above written.

Section 5. Relationship of Parties.

- 5.1 It is understood that the relationship of RGS to the Agency is that of an independent contractor and all persons working for or under the direction of RGS are its agents or employees and not agents or employees of Agency. The Agency and RGS shall, at all times, treat all persons working for or under the direction of RGS as agents and employees of RGS, and not as agents or employees of the Agency. Agency shall have the right to control RGS employees only insofar as the **results of RGS’ services rendered pursuant to this Agreement. In furtherance of** this Section 5.1, the Parties agree as follows:
- 5.1.1 Agency shall not request from RGS or from an RGS employee providing services pursuant to this Agreement **an RGS employee’s Social Security** Number or other similar personally identifying information.
- 5.1.2 Agency shall not report an RGS employee to a third party as an employee of Agency. For the purposes of **this Section 5.1, “third party” means** another government agency, private company, or individual.

5.1.3 In the event that a third-party requests information about an RGS employee—including but not limited to personally identifying information, hours or locations worked, tasks performed, or compensation—Agency shall inform RGS of the request prior to responding. If Agency possesses such information about an RGS employee, the Parties shall confer in good faith about an appropriate and legally compliant response to the request.

5.2 RGS shall provide services under this Agreement through one or more employees of RGS qualified to perform services contracted for by Agency. The positions of RGS staff that will coordinate services to the Agency are indicated in the Exhibits. The Executive Director or assigned supervising RGS staff will consult with Agency on an as-needed basis to assure that the services to be performed are meeting Agency's **objectives**. At any time the RGS employee may be providing services to one or more RGS clients concurrent with the services being provided under this Agreement.

5.3 Agency shall not have the ability to direct how services are to be performed, specify the location where services are to be performed, or establish set hours or days for performance of services, except as set forth in the Exhibits.

5.4 RGS employees may require **access to Agency's computer systems and networks** to complete the assigned services. RGS requires its employees to agree to appropriate system usage policies, which include a pledge not to use partner agency electronic equipment for anything other than partner agency work. (These policies can be provided to Agency upon request.)

5.5 Agency shall not have any right to discharge any employee of RGS from RGS employment.

5.6 RGS shall, at its sole expense, supply for its employees providing services to Agency **pursuant to this Agreement any and all benefits, such as worker's** compensation, disability insurance, vacation pay, sick pay, or retirement benefits; obtain and maintain all licenses and permits usual or necessary for performing the services; pay any and all taxes incurred as a result of the employee(s) compensation, including employment or other taxes; and provide Agency with proof of payment of taxes on demand.

Section 6. General Liability Coverage. RGS, pursuant to California Government Code Section 990, may satisfy its contractual liabilities with self-insurance and/or participate in a pooled risk purchasing program. RGS has and will continue to maintain a program of liability coverage against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by RGS and its agents, representatives, employees, and subcontractors.

6.1 **Workers' Compensation Coverage.**

6.1.1 General requirements. RGS shall, at its sole cost and expense, **maintain Workers' Compensation coverage and Employer's Liability** coverage with limits of not less than \$1,000,000.00 per occurrence.

6.1.2 Waiver of subrogation. **The Workers' Compensation coverage shall be** endorsed with or include a waiver of subrogation in favor of Agency for all work performed by RGS, its employees, agents, and subcontractors.

6.2 Commercial General, Automobile, and Professional Liability Coverages.

6.2.1 General requirements. RGS, at its own cost and expense, shall maintain commercial general and automobile liability coverage for the term of this Agreement in an amount not less than \$2,000,000 per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement. RGS shall additionally maintain commercial general liability coverage in an amount not less than \$2,000,000 aggregated for bodily injury, personal injury, and property damage.

6.2.2 Minimum scope of coverage. RGS coverage may not be written on ISO forms but will always provide coverage at least as broad as the latest version of the following: (A) *General Liability*: Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001); and (B) *Automobile Liability*: Insurance Services Office Business Auto Coverage form number CA 001, code 1 (any auto).

6.3 Professional Liability Insurance. RGS, at its own cost and expense, shall maintain for the period covered by this Agreement professional liability coverage for licensed professionals performing work pursuant to this Agreement in an **amount not less than \$2,000,000 covering the licensed professionals' errors and omissions.**

6.4 All Policies Requirements.

6.4.1 Coverage requirements. Each of the following shall be included in the coverage or added as an endorsement:

- a. Agency and its officers, employees, and agents, shall be covered as **additional covered parties with respect to RGS' general** commercial, and automobile coverage for claims, demands, and causes of action **arising out of or relating to RGS' performance of this Agreement and to the extent caused by RGS' negligent act, error, or omission.**
- b. **An endorsement to RGS' general commercial** and automobile coverages must state that coverage is primary with respect to Agency and its officers, officials, employees and agents.
- c. All coverages shall be on an occurrence or an accident basis, and not on a claims-made basis.

6.4.2 Acceptability of coverage providers. All coverages required by this section shall be acquired through providers with a Bests' rating of no less than A: VII or through sources that provide an equivalent level of reliability.

- 6.4.3 Verification of coverage. Prior to beginning any work under this Agreement, RGS shall furnish Agency with notifications of coverage and with original endorsements effecting coverage required herein. The notifications and endorsements are to be signed by a person authorized to bind coverage on its behalf. Agency reserves the right to require complete, certified copies coverage at any time.
- 6.4.4 Subcontractors. RGS shall include all subcontractors as insureds under its coverage or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.
- 6.4.5 Variation. During the term of this Agreement, RGS may change the insurance program in which it participates. RGS will provide reasonable notice of any such change to Agency and replacement copies of Certificates of Coverage and endorsements.
- 6.4.6 Deductibles and Self-Insured Retentions. RGS shall disclose any self-insured retention if Agency so requests prior to performing services under this Agreement or within a reasonable period of time of a request by Agency during the term of this Agreement.
- 6.4.7 Maintenance of Coverages. The coverages stated herein shall be maintained throughout the term of this Agreement and proof of coverage shall be available for inspection by Agency upon request.
- 6.4.8 Notice of Cancellation or Reduction in Coverage. In the event that any coverage required by this section is reduced, limited, or materially affected in any other manner, RGS shall provide written notice to Agency at RGS earliest possible opportunity and in no case later than five business days after RGS is notified of the change in coverage.

Section 7. Legal Requirements.

- 7.1 Governing Law. The laws of the State of California shall govern this Agreement.
- 7.2 Compliance with Applicable Laws. RGS and any subcontractors shall comply with all laws applicable to the performance of the work hereunder.
- 7.3 Reporting Requirements. If there is a statutory or other legal requirement for RGS to report information to another government entity, RGS shall be responsible for complying with such requirements.
- 7.4 Other Governmental Regulations. To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, RGS and any subcontractors shall comply with all applicable rules and regulations to which Agency is bound by the terms of such fiscal assistance program.

- 7.5 Licenses and Permits. RGS represents and warrants to Agency that RGS and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to provide the services contemplated by this Agreement. RGS represents and warrants to Agency that RGS and its employees, agents, and subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions.
- 7.6 Nondiscrimination and Equal Opportunity. RGS shall not discriminate on **the basis of a person's race, religion, color, national origin, age, physical or** mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided under this Agreement. RGS shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement.

Section 8. Keeping and Status of Records.

- 8.1 **Records Created as Part of RGS' Performance.** All final versions of reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that RGS prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of Agency. RGS hereby agrees to deliver those documents to Agency upon termination of the Agreement, if requested. It is understood and agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for Agency and are not necessarily suitable for any future or other use.
- 8.2 Confidential Information. RGS shall hold any confidential information received from Agency in the course of performing this Agreement in trust and confidence and will not reveal such confidential information to any person or entity, either during the term of the Agreement or at any time thereafter. Upon expiration of this Agreement, or termination as provided herein, RGS shall return materials which contain any confidential information to Agency. For purposes of this paragraph, confidential information is defined as all information disclosed to RGS which relates to Agency past, present, and future activities, as well as activities under this Agreement, which information is not otherwise of public record under California law. Agency shall notify RGS what information and documents are confidential and thus subject to this section 8.2.
- 8.3 RGS Books and Records. RGS shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to Agency under this Agreement for a minimum of 3 years, or for any longer period required by law, from the date of final payment under this Agreement.

8.4 Inspection and Audit of Records. Any records or documents that Section 8.3 of this Agreement requires RGS to maintain shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of Agency. Under California Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds \$10,000.00, the Agreement shall be subject to the examination and audit of the State Auditor, at the request of Agency or as part of any audit of Agency, for a period of three years after final payment under the Agreement.

Section 9. Non-assignment. This Agreement is not assignable either in whole or in part without the written consent of the other party.

Section 10. Amendments. This Agreement may be amended or modified only by written Agreement signed by both Parties.

Section 11. Validity. The invalidity, in whole or in part, of any provisions of this Agreement shall not void or affect the validity of any other provisions of this Agreement.

Section 12. Disputes. Should any dispute arise out of this Agreement, Agency agrees that it shall only file a legal action against RGS, and shall not file any legal action against any of the public entities that are members of RGS.

Section 13. Venue/**Attorneys' Fees**. Any suit or action initiated by either party shall be brought in Alameda County, California. In the event of litigation between the Parties hereto to enforce any provision of the Agreement, the prevailing Party shall be entitled to **reasonable attorney's fees** and costs of litigation.

Section 14. Mediation. Should any dispute arise out of this Agreement, the Parties shall meet in mediation and attempt to reach a resolution with the assistance of a mutually acceptable mediator. Neither Party shall be permitted to file legal action without first meeting in mediation and making a good faith attempt to reach a mediated resolution. The costs of the mediator, if any, shall be paid equally by the Parties. If a mediated settlement is reached, neither Party shall be deemed the prevailing party for purposes of the settlement and each Party shall bear its own legal costs.

Section 15. RESERVED.

Section 16. Entire Agreement. This Agreement, including the Exhibits, comprises the entire Agreement.

Section 17. Indemnification.

17.1 **RGS' indemnity obligations.**

RGS shall indemnify, defend, and hold harmless Agency and its legislative body, **boards and commissions, officers, and employees ("Indemnitees") from and** against all claims, demands, and causes of action by third parties, including but not limited to **attorneys' fees, arising out of RGS' performance of this Agreement, to the extent caused by RGS' negligent act, error, or omission.** Nothing herein shall be interpreted as obligating RGS to indemnify Agency against its own negligence or willful misconduct.

Training disclaimer

Agency understands and acknowledges that RGS advisors may, as part of the scope of services under this Agreement, provide training on various matters including human resources, accounting, or management practices. The advice and guidance included in such training does not, and is not intended to, constitute legal advice; instead, all information, content, and materials provided are based on industry best practices, but may not be applicable in all situations. Agency staff should not act or refrain from acting on the basis of the information provided as part of a training without first seeking legal advice from counsel in its relevant jurisdiction and/or appropriate Agency approval. **RGS' obligation to indemnify, defend, and hold harmless indemnities pursuant to this section 17.1 for professional errors and omissions shall not exceed \$500,000.**

17.2 **Agency's indemnity obligations.** Agency shall indemnify, defend and hold harmless RGS and its officers, directors, employees and agents from any and all claims and lawsuits where such persons are named in the lawsuit solely because of a duty any of them performs in accordance with the services outlined in Exhibit B.

It is the intent of the parties here to define indemnity obligations that are related to or arise out of **Agency's actions as a governmental entity. Thus,** Agency shall be required to indemnify and defend only under circumstances where a cause of action is stated against RGS, its employees or agents:

- a. which is unrelated to the skill they have used in the performance of the duties delegated to them under this Agreement;
- b. when the allegations in such cause of action do not suggest the active fraud or other misconduct of RGS, its employees, or agents; or
- c. where an Agency employee, if he had been acting in a like capacity, otherwise would be acting within the scope of that employment.

Whenever Agency owes a duty hereunder to indemnify RGS, its employees or agents, Agency further agrees to pay RGS a reasonable fee for all time spent by any RGS employee, or spent by any person who has performed work pursuant to this Agreement, for the purpose of preparing for or testifying in any suit, action, or legal proceeding in connection with the services the assigned employee has provided under this Agreement.

17.3 Obligations and indemnity related to defined benefit retirement plan participation.

- a. RGS and Agency acknowledge and agree that, if Agency participates in a defined benefit plan (such as CalPERS, a pension plan, or Social Security) (**"Retirement Program"**), **it is possible that the Retirement** Program may find that RGS employees providing services pursuant to this Agreement are employees of Agency and should be registered with the Retirement Program as employees of Agency, which possibility is the same as if Agency were contracting with a private consulting firm. Pursuant to Section 5.1 of this Agreement, Agency has an obligation to treat all persons working for or under the direction of RGS as agents and employees of RGS, and not as agents or employees of Agency. Agency agrees not to ask RGS employees for personally identifying information.
- b. **In the event that the Agency's Retirement Program initiates an inquiry** that includes examination of whether individuals providing services under this Agreement **to Agency are Agency's employees, Agency shall inform** RGS within five days and share all communications and documents from the Retirement Program that it may legally share. In the event that either RGS or Agency files an appeal or court challenge, RGS and Agency each agree to cooperate with each other in responding to the inquiry and any subsequent administrative appeal or court challenge of an adverse determination. Notwithstanding Section 17.1 of this Agreement, RGS and Agency shall each bear their own costs in responding to an inquiry by a Retirement Program, including but not limited to costs of an administrative appeal or court challenge.
- c. In the event that any RGS employee or subconsultant providing services under this Agreement is determined by a court of competent jurisdiction or the **Agency's** Retirement Program to be eligible for enrollment in the Retirement Program as an employee of the Agency, to the fullest extent of the law, Agency shall indemnify, defend, and hold harmless RGS for any Retirement Program contribution payment that Agency is required as a result to make to the Retirement Program as well as for the payment of any penalties and interest on such payments.

Section 18. Notices. All notices required by this Agreement shall be given to Agency and RGS in writing, by first class mail, postage prepaid, or by email transmission addressed as follows:

Agency: Desert Water Agency
1200 S Gene Autry Trail Palm Springs,
California, 92264

RGS: Regional Government Services Authority
P. O. Box 1350
Carmel Valley, CA 93924
Email: contracts@rgs.ca.gov

Notice by email transmission shall be deemed given upon verification of receipt if received before 5:00p.m. on a regular business day or else on the next business day.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed on the date first written by their respective officers duly authorized on their behalf.

DATED: _____ Agency

By: _____
Mark Krause, General Manager

DATED: _____ Regional Government Services Authority

By: _____
Richard H. Averett, Executive Director

Administrative Edits:

- *Section 1.3, added language confirming commitment to maintaining key personnel*
- *Section 15 – removed and reserved*

Exhibit A

Compensation.

1. Fees. Agency agrees to pay to RGS the hourly rates set forth in the tables below for each RGS employee providing services to Agency, **which are based in part on RGS' full cost of compensation and support for the RGS employee(s) providing the services herein described.**

RGS and Agency acknowledge and agree that compensation paid by Agency to RGS under this **Agreement is based upon RGS' costs of providing the services required hereunder.** The Parties further agree adjustments to the hourly bill **rate shown below for "RGS Staff" will be made** on July 1 of each year, when **RGS' hourly bill rates will be adjusted by the percentage change in the Consumer Price Index (Bureau of Labor Statistics, CPI for urban wage earners and clerical workers in the San Francisco-Oakland-San Jose area) ("CPI")** for the twelve months through the end of December of the prior year. Irrespective of the movement of the CPI, RGS will not adjust its hourly rates downward; nor will RGS adjust its hourly rates upward in excess of a five percentage (5%) change, **excepting instances where there was no increase in the prior year's hourly rates.** In that event, RGS will adjust its hourly rates by the full percentage change in the CPI for the twelve months through the end of December of the prior year.

2. Reimbursement of RGS' Direct Costs. Agency shall reimburse RGS for direct external costs. Direct external costs, including such expenses as travel or other costs incurred for the exclusive benefit of the Agency are not included in the hourly bill rate and, will be invoiced to Agency when received and without mark-up. These external costs will be due upon receipt.
3. Terms of Payment. **RGS shall submit invoices monthly for the prior month's services.** Invoices shall be sent approximately 10 days after the end of the month for which services were performed and are due and shall be delinquent if not paid within 30 days of receipt. Delinquent payments will be subject to a late payment carrying charge computed at a periodic rate of one-half of one percent per month, which is an annual percentage rate of six percent, which will be applied to any unpaid balance owed commencing 7 days after the payment due date. Additionally, in the event the Agency fails to pay any undisputed amounts due to RGS within 15 days after payment due date, then Agency agrees that RGS shall have the right to consider said default a total breach of this Agreement and the duties of RGS under this Agreement may be terminated by RGS upon 5 working **days'** advance written notice.

Payment Process/Address. RGS prefers invoices be paid electronically. Please contact RGS for electronic payment instructions —

Jefferson Kise, MBA, RGS Finance and Operations Manager
(831) 308-2718 | jkise@rgs.ca.gov

Should it be necessary for payments to be made by check then please use the following address:

Regional Government Services Authority
PO Box 1350 | Carmel Valley, CA 93924

[EXHIBIT A CONTINUES ON FOLLOWING PAGE]

AGENCY CONTACTS

Agency Billing Contact. Invoices are sent electronically only. Please provide the contact person to whom invoices should be sent:

NAME	EMAIL
Carol Ann Vega	accountspayable@dwa.org

Agency Insurance Contact. Please provide the contact person to whom the certificate of coverage should be sent:

NAME	EMAIL
Esther Saenz, Finance Director	esaenz@dwa.org

RGS STAFF

CLASSIFICATION	HOURLY RATE*
Chief Operating Officer	\$140 to \$230
Deputy Chief Operating Officer	\$135 to \$205
Senior/Lead Advisor	\$130 to \$200
Advisor	\$120 to \$170
Project Advisor	\$110 to \$130
Project Coordinator	\$90 to \$125
Technical Specialist	\$80 to \$120

*The Hourly Rate does not include direct external costs which will be invoiced to Agency with no markup and will fall outside of the not-to-exceed (if established) for services provided.

Exhibit B

Scope of Services. Subject to the terms and conditions of this Agreement, Regional Government Services Authority (RGS) shall assign an RGS employee or employees to perform the functions as described below:

1. Provide immediate ongoing outreach, water conservation and water resources consulting services, which include ad hoc consultation and initiation of work on identified priority projects, including but not limited to:
 - Counsel, develop and implement outreach projects (research, crisis communications, media relations, advertising and sponsorship recommendations, development of collateral and recruitment support, internal communications, etc.)
 - Assist DWA in branding and organizational principles.
 - Design and execute water conservation projects, as requested (monthly water conservation figures, Annual Water Supply and Demand Assessments, Water Use Efficiency objectives, Landscape Aerial Measurements, water waste enforcement, etc.)
 - Facilitate and coordinate water resources program activities (Coachella Salt Nutrient Management Plan, Sustainable Ground Water Management Act, Urban Water Management Plan, Area of Benefit Analyses, etc.) including participating in meetings on behalf of DWA and various review and analyses.
 - Analyze a variety of information and recommend appropriate management action; provide written documentation of analysis and recommendations as needed.
 - May coach Agency employees and facilitate development of effective skills and relationships.
 - Develop and/or update policies, procedures, forms and templates, as needed.
 - Confer with Agency management and draft recommendations for effective program-related restructuring, talent acquisition, performance objectives and metrics and other strategic guidance for successful program outcomes.
 - Create implementation plans and timelines for key projects.
 - Present and/or develop presentations to Agency Board of Directors as requested.
2. RGS shall assign an RGS Senior Advisor as the Agency's lead advisor and other Advisors as needed to provide additional services as described below, as requested by Agency and authorized by the RGS lead advisor.
 - Services may be within any of the RGS service areas, including but not limited to: Human Resources, Benefit Administration, Project and Transitional Management, ERP Implementation Guidance, Communication and Engagement Services, Land Use Planning Services, Finance Consultation, Training Design and Delivery, Strategic Planning and Facilitation Services, Emergency Management Consultation.
 - Services to be engaged in writing, which can range from an email from the General Manager or Assistant General Manager to an amendment to this agreement.
3. RGS Advisors will:
 - Be reasonably available to perform the services during the normal work week.
 - Meet regularly and as often as necessary for the purpose of consulting about the scope of work performed with the appropriate Agency project manager and with the RGS lead.
 - Perform services remotely, or at Agency offices or at other locations at their discretion.

October 21, 2022

Delivered via email to MKrause@dwa.org

Mark Krause, General Manager
Desert Water Agency
1200 S. Gene Autry Trail
Palm Springs, CA 92264

SUBJECT: RGS AGREEMENT FOR MANAGEMENT AND ADMINISTRATIVE SERVICES

Dear Mr. Krause:

Thank you for the opportunity to provide transitional services to the Desert Water Agency. We appreciate your innovation and flexibility during a time of change. As our organizations are new to each other, I am writing both to introduce RGS to you and to ensure clear expectations about our partnership.

RGS is a virtual government agency and has developed a unique network of geographically distributed Advisors who work in teams primarily through various remote access technologies to deliver services to partner agencies, reducing overhead and expanding our ability to provide high-quality services throughout the state. Services for Desert Water Agency will be led by Lead Advisor Ashley Metzger, and this assignment is expected to remain consistent throughout the term of the agreement. At this time, Ashley is also the primary service provider; however, our agreement provides for a range of emergent needs. Should additional resources be recommended by Ashley to meet Agency objectives, or requested by you to deliver additional services, RGS is willing and able to assign available and qualified Advisors at any time.

Ashley has made me aware of several situationally specific relationship parameters for RGS' work with your agency, and we are committed to respecting them, as follows:

- 1) For the duration of the agreement, RGS will not assign the DWA Lead Advisor (Ashley Metzger) to any other water agencies in the Coachella Valley or to any entities that are known to us to be in litigation with Desert Water Agency. Avoiding the potential for conflicts is of utmost importance to the RGS team.
- 2) Once DWA expresses a desire to cease its relationship with RGS in writing, the RGS team will work to transfer over any residual deliverables and stop all billable work within 10 business days. Contractually, we have allowed for 30 days should planned activity or meetings be essential to Agency success, and we are prepared to provide specific closure or transition services for the full 30 day period if the Agency desires us to do so. RGS will provide final invoices as soon as is feasible after the last day worked.

If you have any questions regarding our services or would like to discuss how the relationship with RGS can best support your needs, please contact me at (650) 587-7315 or via e-mail at sselivanoff@rgs.ca.gov. I look forward to a successful partnership with you and the DWA team.

Sincerely,



Sophia Selivanoff, Deputy Executive Director
REGIONAL GOVERNMENT SERVICES

**STAFF REPORT
TO
DESERT WATER AGENCY
BOARD OF DIRECTORS
NOVEMBER 1, 2022**

RE: 2022 LEGISLATIVE ANNUAL REPORT

This is the 18th year that Reeb Government Relations has had the honor and privilege to work with Desert Water Agency (DWA or Agency) in advancing the interests of the Agency, its taxpayers, and customers, in state-level legislative and regulatory affairs in Sacramento.

The State Capitol showed signs of returning to pre-pandemic normalcy with COVID-19 case numbers declining as winter turned to spring and spring turned to summer. Virtual meetings remain a popular option for legislators and legislative staff. As the session progressed, legislators and their staff were more accessible for in-person meetings. Legislative committee hearings also began to allow in-person attendees while being simulcast online, providing multiple avenues for our firm to provide comments to policy and fiscal committees.

The new Swing Space building opened and houses offices for the legislature, governor, lieutenant governor, and some committee offices. The Legislative Office Building, located next door, still provides office spaces for caucus staffs and committee staffs. Moving between the State Capitol, where many committees continue to hold hearings, and hearing rooms in the Swing Space presents a challenge for legislators, legislative staff, and members of the Third House. The Senate and Assembly Chambers, located in the historic capitol building, remain in use. The State Capitol Annex is being prepared for demolition and a new annex will be constructed in its place. The construction project is slated to be completed in five years.

State Budget

On January 10, 2022, Governor Gavin Newsom announced his proposed 2022-2023 State Budget, which he titled "*the California Blueprint*." The \$286.4 billion proposal, which included a \$45.7 billion surplus, centered on several key priorities which were christened as the state's "greatest existential threats" including continued COVID-19 public health response, wildlife resilience, clean energy, homelessness, the high cost of living, crime prevention, broadband infrastructure expansion, education, and the ongoing drought. The Governor's proposed budget included a one-time \$750 million General Fund investment in the drought resilience and response expenditures, building on the 2021 State Budget's \$5.2 billion investment in the state's water infrastructure.

Drought conditions persisted throughout the state through winter and into spring 2022. The May Revision of the 2022-2023 State Budget reflected worsening conditions with the inclusion of a \$1.6 billion drought relief package, a significant increase from the \$750 million in the Governor's January proposal. This drought package also included \$250 million set aside as a contingency for drought response. While the January proposal offered funding for immediate drought relief, the May Revision sought to provide additional funding to improve drinking water and water supply reliability. Specifically, the drought package included \$530 million for drinking water and water supply reliability, including investments in groundwater cleanup, water recycling, and water infrastructure needs; \$553 million to provide immediate drought support; \$280 million to support habitat and nature-based drought solutions; and \$187 million to support agricultural water conservation practices.

The Legislature passed a budget bill on June 14 to meet the constitutional deadline of June 15, but the passage was a pro forma exercise as negotiations between the Governor and the Legislature would continue for another two weeks. A final 2022 State Budget cleared the Legislature June 28, 2022, and was signed by the governor on June 30, 2022, along with over two dozen budget-implementing trailer bills. The 2022 State Budget includes total spending of \$308 billion, \$234.4 billion of which is from the General Fund. The state budget includes \$37.2 billion in total reserves. The budget also includes a \$53.9 billion climate package dedicated to responding to and preparing for current and future climate change impacts, such as extreme drought and wildfires.

The 2022 State Budget includes total spending of \$308 billion, \$234.4 billion of which is from the General Fund. The state budget includes \$37.2 billion in total reserves, including \$3.4 in the regular operating reserve. The budget also includes a \$39 billion climate spending, over a 6-year period, dedicated to responding and preparing for current and future climate change impacts, such as extreme drought and wildfires bringing the state's multi-year climate investment to \$53.9 billion.

The budget reverts \$200 million Coronavirus Fiscal Recovery Fund of 2021, to be appropriated to the Department of Community Services and Development to supplement available funding for the federal Low-Income Household Water Assistance Program.

The State Water Project will benefit from the second year of a \$200 million 2-year commitment of funding for conveyance subsidence damage repairs in the San Joaquin Valley. Other state budget items include \$15 million to DWR for continued work on the aqueduct solar panel pilot study; \$100 million for Oroville Pump Storage (another \$140

million scheduled for FY 2023-24); and \$700 million for investments in statewide strategic electricity reliability assets.

Hotter and drier weather conditions spurred by climate change could reduce California's water supply by up to 10% by the year 2040. To replace and replenish what we will lose to thirstier soils, vegetation, and the atmosphere, Governor Gavin Newsom on Thursday, August 11, announced California's latest actions to increase water supply and adapt to more extreme weather patterns caused by climate change. The actions, outlined in a strategy document published by the Administration called "California's Water Supply Strategy, Adapting to a Hotter, Drier Future" calls for investing in new sources of water supply, accelerating projects, and modernizing how the state manages water through new technology.

To help make up for the water supplies California could lose over the next two decades, the strategy prioritizes actions to capture, recycle, de-salt and conserve more water. These actions include:

- Creating storage space for up to 4 million acre-feet of water, which will allow us to capitalize on big storms when they do occur and store water for dry periods.
- Recycling and reusing at least 800,000 acre-feet of water per year by 2030, enabling better and safer use of wastewater currently discharged to the ocean.
- Freeing up 500,000 acre-feet of water through more efficient water use and conservation, helping make up for water lost due to climate change.
- Making new water available for use by capturing stormwater and desalinating ocean water and salty water in groundwater basins, diversifying supplies, and making the most of high flows during storm events.

These actions are identified broadly in the Newsom Administration's Water Resilience Portfolio – the state's master plan for water released in 2020 – but they will be expedited given the urgency of climate-driven changes. To advance the infrastructure and policies needed to adapt, the strategy enlists the help of the Legislature to streamline processes so projects can be planned, permitted, and built more quickly, while protecting the environment. The challenge, as always, will be to secure sufficient state funds to assist local agencies to implement the actions identified in the Newsom strategy.

According to the latest finance bulletin from the California Department of Finance, preliminary General Fund cash receipts for September were \$2.785 billion (14.7%) lower than the 2022 Budget Act forecast of \$18.906. Cash receipts for the first three months of the 2022-23 fiscal year, which began on July 1, were \$4.781 billion (11.1%) below the forecast of \$42.946 billion. Combined with a \$2.186-billion shortfall relative to what was forecast for the 2021-22 fiscal year, the cumulative General Fund deficit reached \$7 billion through September. Shortfalls in September continued to be driven by lower proceeds from personal income tax, according to the bulletin. The budget forecast called for \$13.317 billion in personal income tax receipts for September. The final number fell a little over \$3 billion short, a shortfall of about 23 percent.

September is a significant month for personal income tax cash receipts, as many taxpayers pay their third quarter estimated payments. Yet estimated payments fell significantly below projections, coming in \$2.246 billion (42.3%) below the Budget Act forecast. September was also the fourth consecutive month that withholding receipts fell

below projections, with a \$892 million (11.3%) shortfall; following a combined shortfall of \$1.869 billion (8.3%) from June to August.

California real gross domestic product (GDP) contracted at a 0.5-percent seasonally adjusted annualized rate in the second quarter of 2022, following a contraction of 9.5 percent (revised) in the first quarter, as wages and salaries (including bonuses and options) declined from an unusually high level in the fourth quarter of 2021 to a steadier level in the first quarter of 2022. Two consecutive quarters of contraction traditionally signals a recession; however, California's real GDP grew 3.4 percent from the fourth quarter of 2019 (just before the COVID -19 Pandemic) through the second quarter of 2022. Financial data for the second half of 2022 will reveal whether the state economy will contract or stabilize heading into 2023 and the next budget writing cycle.

Finally, according to Bloomberg, California is poised to overtake Germany as the world's 4th largest economy, continuing to outperform the nation and other countries in GDP growth, companies' market value, renewable energy and more.

"While critics often say California's best days are behind us, reality proves otherwise – our economic growth and job gains continue to fuel the nation's economy," said Governor Newsom. "California's values and entrepreneurial spirit have powered this ascent to becoming the 4th biggest economy in the world, and we'll continue doubling down on industries of the future, like renewables and clean energy. I feel tremendous pride in California's resilience, leadership, and our formula for success."

Western Drought Persists and Intensifies

Governor Newsom declared a drought emergency in 2021 after two consecutive dry water-years, significantly below-average snowpack, minimal precipitation, and exceedingly warm temperatures resulted in unprecedented losses of runoff to rivers, streams, and reservoirs. Though the initial emergency declaration applied only to two counties, the governor expanded the declaration as the drought worsened. By October 2021, the governor extended the drought emergency statewide, and urged Californians to reduce their water use by 15 percent compared to 2020 levels.

California, along with the entire Western United States, is now in its third consecutive year of drought, further straining dwindling water supplies and burdening existing water infrastructure. Despite record-breaking storms early in the winter, the state experienced the driest January, February, and March on record in over 100 years. In response to worsening drought conditions, the State Water Board began issuing curtailment warnings to water rights holders throughout the state, similar to 2021. Alongside warnings of curtailment orders, the State Water Board urged water rights holders to plan for potential shortages by reducing water use and enacting water conservation measures, such as reducing irrigated acreage, using innovative irrigation techniques, managing herd size, and diversifying water portfolios.

By April 2022, DWR reported snowpack conditions to be far below average and predicted well-below average water storage conditions and below normal or historically low runoffs. Dry conditions persisted throughout the spring and summer months of 2022. By July 2022, the California Drought Update reported that snowpack had already melted for the year, and runoff into the state's streams and reservoirs had peaked. The U.S. Drought

Monitor also reported that most of California remained in either severe or moderate drought, with several reservoir storage levels at either below average or critically low levels. The effects of climate change could lead to droughts becoming more frequent, intense, and longer. This potential elevates the importance of the State of California to commit to investing a greater proportion of revenues in water infrastructure.

Extreme heat events this past summer created the potential for rolling blackouts and revealed weaknesses in the transmission grid coupled with reduced hydroelectric power generation and other factors. Governor Newsom asked the Legislature in August to enact a large package of legislation to advance renewable energy goals, while taking steps to improve electricity reliability. One of the latter bills provided a \$1.4 billion loan to Pacific Gas & Electric Company to keep the Diablo Canyon Nuclear Generation Facility in operation an additional five years. Suddenly, energy policy and the need to stabilize the state's electricity supply and reliability overtook the need to invest in drought response actions.

The water and drought resilience package signed by Newsom in August providing \$15 billion to fight climate change, wildfire and drought included big-ticket items in the package included \$5.2 billion over three years to support immediate drought response and long-term water resilience; \$3.7 billion over three years to build resilience against the state's multi-faceted climate risks, including extreme heat and sea level rise; \$3.9 billion over three years for electric vehicle investment and infrastructure; \$1.5 billion for wildfire response and forest resilience, and \$1.1 billion over two years to support sustainable agriculture practices.

Agency Activity on the Legislative Front

The Agency began the year actively monitoring and engaging in direct lobbying on over 40 bills. Below, we highlight a handful of bills the Agency was active on this year.

COVID-19 Vaccination Statewide Mandate

Assembly Bill 1993, by Assemblymember Buffy Wicks (D-Oakland), would mandate all businesses to require their employees and independent contractors to receive the COVID-19 vaccine. The bill would require new hires of a business to have at least one dose of the vaccine by their first day on the job, and the second within 45 days. Under the bill's provisions, regular testing would be required for employees with medical or religious exemptions, definitions for which would be determined by the California Division of Occupational Safety and Health (CalOSHA) and the California Department of Public Health (CDPH). The bill would subject non-compliant businesses to fines and penalties.

The author introduced the legislation in response to the US Supreme Court decision blocking President Biden's nationwide vaccine mandate for large employers which left vaccine rules and implementation up to individual states. According to the author, the bill would be a bold step to increase California's full vaccination and booster rate for eligible individuals and ensure a safe workplace through a standardized, statewide vaccine protocol.

Knowledge about the COVID-19 virus, however, has evolved rapidly since the pandemic began. AB 1993 provided that the vaccination mandate would remain operative until the

CDC and Prevention's Advisory Committee on Immunization Practices determined that COVID-19 vaccinations are no longer necessary for the health and safety of individuals. CDC, while it encouraged persons 5 years and older to obtain COVID-19 vaccinations, had not determined such vaccinations as "necessary"

The Agency opposed AB 1993 because it would require the Agency to enforce the vaccine mandate on its employees and independent contractors, effectively making vaccination status a determining qualification for employment. Guidance to employers on what constitutes a medical condition or disability, or a sincerely held religious belief, would not have been provided until after the law took effect.

While it is unclear whether such a mandate would negatively impact the Agency's ability to fulfill its mission, the provisions of AB 1993 could prove burdensome. AB 1993 was double referred to the Assembly Labor and Employment Committee and Judiciary Committee for consideration. The bill's first hearing was canceled at the request of the author. The bill died in the Assembly after failing to meet the April 29 legislative deadline for policy committees to hear and report to fiscal committees fiscal bills introduced in their house.

State Water Resources Control Board – Environmental Justice

Assembly Member Robert Rivas (D-Salinas) introduced two pieces of legislation that sought to tackle environmental justice issues through the State Board. According to the United States Environmental Protection Agency, environmental justice refers to "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies."

Assembly Bill 2108

Current law specifies that the State Board shall consist of five members with specified experience and qualifications, each appointed by the Governor. As introduced, AB 2108 would require that one of the persons appointed by the Governor be qualified in the field of water supply and water quality relating to environmental justice or tribal communities. The bill would also require that at least one person appointed to each regional water board have specialized experience representing disadvantaged or tribal communities; and further, that the person shall have a proven history of advocacy. The bill would additionally require the water boards to incorporate environmental justice analysis and community outreach into their permitting process.

DWA opposed the appointment of one person to the State Board and at least one person to each regional board who has specialized experience to represent disadvantaged or tribal communities. The Agency was particularly concerned with the provision that would require such person to have a proven history of advocating for the environmental justice or tribal rights of the communities, since this advocacy role is inconsistent with state law and policy relating to water rights and water quality. Since its creation in 1967, the State Water Board has followed its original mandate to balance, to the extent possible, all uses of California's water resources, and to ensure the reasonable protection of beneficial uses and the prevention of nuisance. In other words, the State Board has a duty to represent the best interests of all Californians [Antidegradation Policy, 1968].

The Agency questioned the need to require the appointment of a person who has specialized experience to represent disadvantaged or tribal communities given recent legislative enactments and State Board initiatives. AB 2108 includes the following finding and declaration:

For example, the state's Human Right to Water policy provides that "every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes." The State Water Board is required to consider this policy when revising, adopting, or establishing policies, regulations, and grant criteria when those policies, regulations, and criteria are pertinent to the human right to water. The State Water Boards also created the Safe and Affordable Funding for Equity and Resilience (SAFER) Program to comprehensively implement the state's Human Right to Water commitment by ensuring the estimated 1 million Californians being served contaminated water have solutions for safe, affordable drinking water.

More recently, the State Water Board adopted Resolution No. 2021-0550 "CONDEMNING RACISM, XENOPHOBIA, BIGOTRY, AND RACIAL INJUSTICE AND STRENGTHENING COMMITMENT TO RACIAL EQUITY, DIVERSITY, INCLUSION, ACCESS, AND ANTI-RACISM," which outlines several actions the Water Boards have taken to address environmental injustices, such as developing climate change response programs that address the disproportionate impacts on vulnerable or disadvantaged communities.

Finally, since 2018, the Water Boards' staff have been actively engaged in CalEPA's racial equity team, which is implementing CalEPA's "Plan to Achieve Racial Equity" to: (1) improve access to data and information on racial equity; (2) improve communication with communities and partners; (3) improve language access; (4) advance racial equity trainings for the CalEPA workforce; and (5) improve workforce hiring, retention, and promotion practices to advance racial equity within the environmental protection role that each board, department, and office shares with CalEPA.

Given the State Water Board's existing, and proven, commitment to pursuing environmental justice through all the drinking water and water quality programs under their purview, the Agency requested that the bill be amended to delete the provision that would specify a member of the state board be qualified in the field of water supply and water quality relating to disadvantaged or tribal communities; or, at a minimum, to delete provisions that require the member to have a proven history of advocacy.

AB 2108 was amended on May 19, 2022, to, among other things, remove the provision that required the member with specialized experience in the field of water supply and water quality relating to disadvantaged or tribal communities to also possess a proven history of advocacy. The Agency removed its opposition to the bill based on this amendment.

On August 25, 2022, the bill was further amended in the Senate to delete the requirement that at least one of the persons appointed to the State Water Board be qualified in the field of water supply and water quality relating to disadvantaged or tribal communities; and that at least one person appointed to each regional board have specialized experience to represent environmental justice or tribal communities.

The bill passed the Senate on August 29 with a 31 to 9 vote, with Senator Melendez voting “NO” on the measure; and the Assembly the following day with a 55 to 18 vote, with Assemblymember Eduardo Garcia voting “AYE” on the measure and Assemblymember Mayes abstaining from voting. AB 2108 was signed into law on September 16. (Chapter 347, Statutes of 2022)

As enacted, the bill will now require the State Board and Regional Boards to make programmatic findings on potential environmental justice, tribal impact, and racial equity considerations when issuing regional or reissuing statewide waste discharge requirements or waivers of waste discharge requirement; as well as require the boards to engage communities impacted by proposed discharges of waste throughout the waste discharge planning, policy, and permitting process.

Assembly Bill 2113

AB 2113 sought to reform the State Water Board’s Cleanup and Abatement Account (CAA) with a stated intent to ensure that fines and penalties paid by water quality violators are sent back to the impacted communities for cleanup of the affected waterways. The bill would create four new accounts within the Waste Discharge Permit Fund and, subject to a future legislative act, transfer up to 50 percent of the annual proceeds from the CAA to the Water Recovery Account, one of the accounts created by the legislation, to bring impaired waters into attainment with water quality standards to the maximum extent possible.

AB 2113 contained provisions from AB 377 (2021) by the same author that was held in Assembly Appropriations Committee. DWA opposed AB 377. As introduced, AB 377 would have required all California surface waters to be fishable, swimmable, and drinkable by January 1, 2050. The bill, among other provisions, would prohibit the state board and regional boards from authorizing an NPDES discharge, waste discharge requirement, or waiver of a waste discharge requirement that causes or contributes to an exceedance of a water quality standard, or from authorizing a best management practice permit term to authorize a discharge that causes or contributes to an exceedance of a water quality standard in receiving waters. AB 377 also proposed to transfer money from the State Water Pollution Cleanup and Abatement Account to a new account to fund an impaired waterways enforcement program.

The CAA was created by Water Code Sections 13440-13443 to provide grants for the cleanup or abatement of a condition of pollution when there are no viable responsible parties available to undertake the work. The CAA is supported by court judgments and administrative civil liabilities assessed by the State Board and the regional boards. The boards collectively determine priorities for annual expenditures from CAA. In 2017, for example, the priority for funding addressed potential water quality impacts resulting from wildfire.

AB 2113 would not have only transferred 50 percent of CAA to the Waterway Recovery Account, but would also transfer, subject to a future legislative act, an additional 15 percent of CAA to the Citizen Monitoring Account, to fund a state board program to increase water quality monitoring; to the Community Capacity Building Account, to create and fund a community capacity program to increase environmental justice community

participation in state board outreach and regulatory processes; and to the Stormwater Innovation Account, for activities relating to stormwater best management practices. While all of these purposes are laudable, they should rely on existing funds used to address priority cleanup actions.

The Agency took an “oppose” position on AB 2113 as the transfer of funds from the CAA to the new accounts proposed to be created would reduce state investments in water quality improvement projects. The State Water Board also estimated ongoing annual costs of \$7.5 million in staff and contracting costs from the General Fund to administer the four new accounts to be created by the bill and to implement the corresponding requirements associated with each of the accounts.

AB 2113 died in the Assembly’s Appropriations Committee on May 19, 2022, where it was held on the Suspense File.

Groundwater Sustainability Agency: Groundwater Extraction Permit

Assembly Bill 2201, by Assemblymember Steve Bennett (D-Ventura), would require local agencies that permit groundwater wells to obtain written verification stating that a proposed well will not undermine sustainable groundwater management or cause well interference prior to approving a permit application for a groundwater well. Specifically, the bill would prohibit a county, city, or any other water well permitting agency from approving a permit for a new groundwater well or for an alteration to an existing well in a basin subject to the act and classified as medium- or high-priority unless specified conditions are met, including that it obtains a written verification from the groundwater sustainability agency that manages the basin or area of the basin where the well is proposed to be located, determining that, among other things, the extraction by the proposed well is consistent with any sustainable groundwater management program established in any applicable groundwater sustainability plan adopted by that groundwater sustainability agency or an alternate plan approved or under review by the Department of Water Resources.

The Indio basin is not subject to critical overdraft and have not experienced the well interference and subsidence problems as in other areas of the state. AB 2201, however, would impose an unwarranted mandate on DWA that will result in a pro forma process that yields little in the way of analysis or effect. The foundational element of the Sustainable Groundwater Management Act (SGMA) is local control; to provide local groundwater agencies with the authority and the technical and financial assistance necessary to sustainably management groundwater, and to manage groundwater basins through the actions of local governmental agencies to the greatest extent feasible, while minimizing state intervention to only when necessary to ensure that local agencies manage groundwater in a sustainable manner.

As a GSA, the Agency already has the authority under SGMA to regulate groundwater extraction: (1) To impose spacing requirements on new groundwater well construction to minimize well interference and impose reasonable operating regulations on existing groundwater wells to minimize well interference, including requiring extractors to operate on a rotation basis; and (2) To control groundwater extractions by regulating, limiting, or suspending extractions from individual groundwater wells or extractions from groundwater wells in the aggregate, construction of new groundwater wells, enlargement

of existing groundwater wells, or reactivation of abandoned groundwater wells, or otherwise establishing groundwater extraction allocations. The unfunded mandates included in AB 2201 would have been unnecessary.

The Agency held an “oppose unless amended” position against AB 2201, criticizing the scope of the bill applying to all medium- and high-priority basins in the state, and requesting that the bill be amended to limit its application only to basins subject to critical overdraft. This amendment was not accepted.

AB 2201 narrowly passed the Senate on a 22-16 vote with Senator Melendez voting against the measure. The legislation died in the Assembly after failing to meet the August 31 deadline for the Legislature to pass bills. The bill was last located on concurrence pending Assembly approval of amendments taken in the Senate.

Open Meeting Legislation

This year, in an attempt to provide additional flexibility and protections to legislative bodies when conducting meetings, the Legislature introduced a number of bills to further modify the Brown Act’s provisions relating to open meetings. The Agency actively engaged in three of these measures: AB 2449, AB 2647, and AB 1944.

Assembly Bill No. 2449

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend and participate. The act allows for meetings to occur via teleconferencing subject to the following requirements: (1) that the legislative body notice each teleconference location of each member that will be participating in the public meeting; (2) Each teleconference location be accessible to the public; (3) Members of the public be allowed to address the legislative body at each teleconference location; (4) that the legislative body post an agenda at each teleconference location; and (5) At least a quorum of the legislative body participate from locations within the boundaries of the local agency’s jurisdiction.

After the COVID-19 pandemic required the public, including elected officials, to stay home and prevent the spread the virus, Governor Newsom issued an executive order that temporarily added flexibility to the Brown Act’s teleconferencing provisions, allowing local agencies to continue conducting business while still providing the public the opportunity to participate in the meetings. AB 361 (Chapter 165, Statutes of 2021) authorized, until January 1, 2024, local agencies to use teleconferencing without complying with the aforementioned teleconferencing requirements when a declared state of emergency is in effect or in situations related to public health.

AB 2449, by Assemblymember Blanca Rubio (D-Baldwin Park), would, until January 1, 2026, authorize a local agency to use teleconferencing without complying with the Brown Act’s requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location that is clearly identified on the agenda, open to the public, and situated within the local agency’s jurisdiction. The bill would require the legislative body to meet

certain requirements, such as providing a two-way audio-visual platform to allow the public to remotely attend the meeting and address the legislative body. Under this exception, the bill would authorize a member to participate remotely for just cause or due to emergency circumstances.

The bill's definition of "*just cause*" includes any of the following: childcare or caregiving need that requires the member to participate remotely; a contagious illness that prevents a member from attending in person; a need related to a physical or mental disability not otherwise accommodated; and travel while on official business. The bill defines "*emergency circumstances*" as a physical or family medical emergency that prevents a member from attending in person.

The Agency maintained a "support" position on AB 2449 as the bill ensures that the Brown Act will apply the flexibility of Governor Newsom's executive orders to those situations when members of a legislative body are unable to attend a public meeting in person. The Brown Act ensures that officials and their constituents can have open and transparent meetings relying on videoconferencing technology.

The bill passed the Senate on August 24, on a 36 to 3 vote, with Senator Melendez voting "NO" on the measure; and the Assembly the following day on a 67 to 2 vote, with Assemblymembers Mayes and E. Garcia voting "AYE" on the measure. AB 2449 was signed into law on September 13. (Chapter 285, Statutes of 2022).

The provisions of the bill are set to take effect on January 1, 2023. The flexibility provided by the bill will expire on January 1, 2026; after which time, unless extended or otherwise modified by future legislation, local agencies would return to the teleconferencing requirements previously established under the Brown Act.

Assembly Bill No. 1944

Assembly Member Alex Lee (D-San Jose) also sought to waive some of the Brown Act's teleconferencing requirements with the introduction of Assembly Bill 1944.

AB 1944, until January 1, 2030, would allow members of a legislative body to use teleconferencing without identifying each teleconference location in the notice and agenda of the meeting and without making each teleconference location accessible to the public under the following circumstances: (1) the legislative body holds a meeting and has determined, by majority vote, members will not be required to identify the address of any private location from which the member elects to teleconference; and (2) at least a quorum of members of the legislative body participates from a single physical location that is clearly identified in the agenda, open to the public, and within the boundary of the territory of the local agency's jurisdiction.

The bill would also require that a legislative body using teleconferencing provide both a video stream accessible to the public and an option for members of the public to address the legislative body remotely during the public comment period. The bill would require legislative bodies to identify any member that will participate remotely in the agenda.

The Agency supported AB 1944 as the bill would resolve concerns by local agency governing board members that should they participate in a teleconferenced meeting at

their private residence, they would not be required to post an agenda for the meeting at their front door, publicize their private address, and allow members of the public to attend the meeting at their private residence.

AB 1944 passed the Assembly with a 44 to 12 vote, with 22 Members abstaining from voting. Assemblymembers Mayes and E. Garcia voted "AYE" on the measure. The bill died in the Senate after failing to meet the August 12 legislative deadline for fiscal committees to meet and report bills to the Senate Floor (J.R. 61(b)(14)).

Assembly Bill No. 2647

The Brown Act states that any writing or document that has been distributed to a majority of a legislative body less than 72 hours before a meeting must also be distributed to the public at the same time. To meet these requirements, many local governments often post meeting documents and materials online.

In *Sierra Watch v. Placer County*, 69 Cal. App. 5th 1, 9, 2021, the Third District Court of Appeal held that neither placing the materials in a public office that is closed, nor posting the materials online at the same time the members receive them, satisfy the Brown Act requirement to make meeting materials available for public inspection. Such a decision impaired the ability of local agencies to serve the public as it either requires public agencies to keep an office open to the public during evenings and/or weekends when writing is distributed to their legislative body or withhold late breaking information until an office is open.

Assembly Bill 2647, introduced by Assembly Member Marc Levine (D-Marin County) and sponsored by the League of California Cities, would authorize a local agency to make those writings that have been distributed to a majority of a local legislative body less than 72 hours before a meeting available for public inspection on its internet website in order to satisfy California Public Records Act and Ralph M. Brown Act requirements.

The bill specifies that posting documents online meets the Act's requirements as long as the local agency meets the following requirements: (1) an initial staff report or similar document containing an executive summary and the staff recommendation, if any, relating to that agenda item is made available for public inspection at the designated office or location at least 72 hours before the meeting; (2) the agency immediately posts those writings on its internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting; (3) the agency lists the web address of its internet website on the agendas for all meetings of the legislative body; and (4) the agency makes physical copies of those writings available for public inspection, beginning the next regular business hours for the local agency, at a public office or location designated by that agency for this purpose. If these requirements are not satisfied, then the exemption provided by AB 2647 would not apply.

DWA supported AB 2647, as the bill would remedy the possible repercussions of the *Sierra Watch vs. Placer County* decision, providing much-needed flexibility to local agencies when posting agendas and meeting materials and allowing them to do so in an expeditious, transparent, and cost-effective manner.

AB 2647 passed both the Assembly and Senate with bipartisan support, with Senator Melendez and Assemblymembers Mayes and E. Garcia voting “AYE” on the bill. The bill was enrolled and presented to the Governor on August 29, 2022. The bill was signed into law on September 30, 2022 (Chapter 971, Statutes of 2022).

Connection and Capacity Fees

The Mitigation Fee Act requires a local agency that establishes, increases, or imposes a fee as a condition of approval of a development project to, among other things, determine a reasonable relationship between the fee’s use and the type of development project on which the fee is imposed. Current law requires a local agency that conducts an impact fee nexus study to follow certain standards and practices, as specified. Existing law also requires a local agency to hold at least one open and public meeting prior to levying a new fee or service charge.

AB 2536, by Assembly Member Tim Grayson (D-Concord), would require a local agency, prior to levying a new fee or capacity charge or approving an increase in an existing fee or capacity charge, to evaluate the amount of the fee or capacity charge. The bill would require the evaluation to include evidence to support that the fee or capacity charge does not exceed the estimated reasonable cost of providing service. The bill would require all information constituting the evaluation to be made publicly available at least 14 days prior to a specified meeting. The bill would also recast the provisions of the Mitigation Fee Act to apply to a city, county, or special district that conducts an impact fee nexus study.

This legislation would require a study to include information that supports the local agency's adoption of a facility capacity charge (FCC) as required in subdivision (a) of Section 66001. The latter provides that in any action establishing, increasing, or imposing a fee as a condition of approval of a development project by a local agency, the local agency shall do all of the following: (1) Identify the purpose of the fee; (2) Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the public facilities for which the fee is charged; (3) Determine how there is a reasonable relationship between the fee’s use and the type of development project on which the fee is imposed; and (4) Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

FCCs imposed by the Agency are not imposed as a condition of approval of a development project. These fees are collected at the time a new development occurs within a publicly owned water or wastewater system to recover the appropriate costs for facilities built to serve future water users. Additionally, FCCs are not tied to any single facility or to the construction of a project necessary to provide service to those on which the fee is imposed. In other words, the facilities necessary to provide the service have already been constructed and paid for by a combination of cash, debt issuance, and FCCs imposed and paid for by other development projects.

AB 2536 also presented problems regarding the Agency’s connection fees, which are based on the estimated reasonable cost of connecting the development project to the water or wastewater system. “Fee” is defined in paragraph (5) of subdivision (b) of Section

66013 to mean a fee for the physical facilities necessary to make a water connection or sewer connection, including, but not limited to, meters, meter boxes, and pipelines from the structure or project to a water distribution line or sewer main, and 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. Including connection fees under the bill, however, is problematic as the imposition of a connection fee is unrelated to the existing level of service for any particular public facility and is unrelated to a proposed new level of service.

The Agency opposed AB 2536, seeking amendments to exempt water and sewer connection fees and capacity charges from its provisions. Assembly Member Grayson amended his legislation to remove the provisions objectionable to the Agency. The bill eventually passed the Assembly on a 70 to 0 vote, with 8 Members abstaining; and the Senate with a 37 to 0 vote, with 3 Senators abstaining. Senator Melendez and Assemblymembers Mayes and E. Garcia voted "AYE" on the measure.

Governor Newsom signed the bill into law on July 19, 2022. (Chapter 128, Statutes of 2022).

Water Conservation Rebates Tax Exemption

Current law allows taxpayers to exclude from gross income financial incentives received from participating in any conservation or energy efficiency programs. While the law previously allowed taxpayers to exclude from their income any financial incentives they received from a local water agency to remove their turf, this program expired in 2019 after bills that would have extended the sunset date were held in suspense in Assembly.

Assembly Bill 2142, by Assemblymember Jesse Gabriel (D-Encino), would re-establish the exemption for turf replacement rebates from gross income tax. Specifically, between January 1, 2022, and January 1, 2027, this bill would provide an exclusion from gross income tax for any amount received as a rebate, voucher, or other financial incentive issued by a public water system, local government, or state agency, for participation in a turf replacement water conservation program.

DWA supported AB 2142. The state is currently in its third consecutive year of another history-making drought, making water conservation more important as water supplies continue to dwindle. Conservation rebates have long proven to be successful and cost-effective tools for increasing participation in water conservation, allowing public utilities to save money while simultaneously building local climate resilience, regardless of water supply conditions. The Agency, like many others, offers its own rebates on water-efficient household products, appliances, and landscaping. The 2022 – 2023 state budget also prioritized bolstering conservation efforts across the state with the Department of Water Resources (DWR) receiving \$75 million to help fund turf replacement programs, and \$50 million for the continued implementation of the Save Our Water public education and outreach campaign.

Programs that promote turf replacement or any kind of water efficient landscaping require the participation of consumers to truly impact water conservation throughout the state. Taxing water efficiency rebates, however, disincentivizes customers from participating in

such programs, which, in turn, reduce overall water conservation throughout the state. Additionally, given the pending implementation of the urban water use objective, which includes residential outdoor irrigation, urban water suppliers will benefit from the removal of taxes from turf replacement rebate programs.

The bill enjoyed bipartisan support in both houses of the Legislature, passing the Assembly with a 76 to 0 vote, and the Senate with a 40 to 0 vote, receiving the support of Senator Melendez and Assemblymembers Mayes and E. Garcia. Governor Newsom signed AB 2142 into law on September 28, 2022 (Chapter 674, Statutes of 2022).

California building Standards Commission: Recycled Water Systems

Current law requires the California Building Standards Commission to conduct research to assist in the development of mandatory green building standards for the installation of recycled water systems for newly constructed commercial and public buildings, in consultation with the State Water Resources Control Board and other interested parties.

Assembly Bill 2811, by Assembly Member Steve Bennett (D-Ventura) and sponsored by California State Pipe Trades, would require, commencing January 1, 2024, all newly constructed nonresidential buildings be constructed with dual plumbing to allow the use of recycled water for all applicable nonpotable water demands if that building is located within an existing or planned recycled water service area. The bill would require all newly constructed nonresidential buildings with a total gross floor area of 100,000 square feet or more be constructed with dual plumbing to allow the use of nonpotable water sources for all applicable nonpotable water demands and provide for the collection, onsite treatment, and reuse of available onsite rainwater, graywater, and foundation drainage.

The bill would establish exemptions to these requirements, including waiver by the board on a project-by-project basis if the board finds that strict compliance would have a significant adverse impact on public health, downstream water rights, water quality, operation of a sewer collection or treatment system, or plant life, fish, or wildlife. Finally, the bill would also require the State Water Board, on or before January 1, 2025, to establish a program for large onsite treated nonpotable water systems, as defined, for local jurisdictions that do not have a local program for onsite treated nonpotable water systems.

DWA opposed AB 2811 arguing that the determination of the best use for recycled water should be left to local agencies that plan for and invest in recycled water treatment and distribution facilities, as these agencies possess more expertise about the needs of their communities. The Agency has invested significant revenue to produce and deliver recycled water to customers within its respective service area. DWA expressed concern that the establishment of a state program for onsite treated nonpotable water system will not only override local planning and decision making, but could result in stranded investments in local recycled water production and distribution facilities.

The bill died in the Assembly without a hearing after failing to meet the April 29 deadline for policy committees to hear and report to fiscal committee bills introduced in their house. (J.R. 61(b (5))). AB 2811 was last located in the Assembly Environmental Safety and Toxic Materials Committee.

Clean Energy, Jobs, and Affordability Act of 2022

Senate Bill 100 (Chapter 312, Statutes of 2018) established the 100 Percent Clean Energy Act of 2017 which increases the Renewables Portfolio Standard (RPS) requirement from 50 percent by 2030 to 60 percent, and created the policy of planning to meet all of the state's retail electricity supply with a mix of RPS-eligible and zero-carbon resources by December 31, 2045, for a total of 100 percent clean energy.

Senate Bill 1020, by Senator John Laird (D-Santa Cruz), revises state policy to include interim targets to reach SB 100 goals, specifically to provide that eligible renewable energy resources and zero-carbon resources supply 90 percent of all retail sales of electricity to California end-use customers by December 31, 2035, and 95 percent of all retail sales of electricity to California end-use customers by December 31, 2040. The bill also requires each state agency to ensure that zero-carbon resources and eligible renewable energy resources supply 100 percent of electricity procured to serve their agency by December 31, 2030.

DWA joined the State Water Contractors (SWC) and the Association of California Water Agencies (ACWA) in opposing SB 1020, as the bill would accelerate the target for 100 percent renewable and zero-carbon resources for the State Water Project (SWP) from 2045 to 2030, and which would not provide any cost offset or opportunities to mitigate the more than \$2.6 billion in estimated new costs on water customers of state water contracting agencies. DWA, SWC and ACWA requested the bill be amended to:

- (1) Establish December 31, 2035, as the renewable/zero-carbon resources target date, with an 85 percent interim milestone established on December 31, 2030;
- (2) Require that the bill's provision requiring eligible renewable resources to be *"capable of being dispatched by the California balancing authority and operated for the benefit of balancing area"* be a consideration made by DWR in its procurement engagement, rather than a statutory requirement; and
- (3) Provide appropriate state investments and cost offset mechanisms that would be accessible by the SWP and the SWC. More specifically on this last requested amendment, front-end investments, and funding for SWP infrastructure improvements such as those considered in the clean energy funding package (like Oroville pumped hydropower storage) and initiatives identified in the SB 49 report to ensure SWP achievement of zero-carbon emissions.

While the bill's author had taken amendments earlier in the legislative process to address several concerns raised by the organizations; concerns remained about the water affordability impacts attributable to the accelerated renewable/zero-carbon resources target for the SWP. The State Water Project is the single largest producer and consumer of electricity in California. Today, approximately 70 percent of the SWP energy base load is achieved through renewable/zero-carbon resources, including 50 percent from self-generation and 20 percent from contracted renewable energy, making it one of the cleanest energy portfolios in the State for a utility its size.

In its letter, SWC and ACWA stated that while their organization and members support the objectives of SB 1020, water ratepayers simply cannot afford to shoulder extreme increases in water rates over such a short period of time without assistance from the State. In 2023, total SWP energy costs are projected at approximately \$415 million, which represents about 26 percent of total SWP costs. Over the next decade, annual power costs, including progress toward the 2045 renewable/zero-carbon resources target, are expected to rise by more than 40 percent. The 2030 target embodied in SB 1020 would increase the cost to achieve the 100 percent target by approximately \$2.6 billion.

The bill was amended on August 29 to require each state agency to ensure that zero-carbon resources and eligible renewable energy resources supply 100 percent of electricity procured on its behalf by December 31, 2035, as opposed to 2030 (proposed amendment no. 1 above); and to delete the requirement that the eligible renewable energy resources and zero-carbon resources be capable of being dispatched by the California balancing authority and operated for the benefit of the balancing area (Proposed amendment no. 2 above). The bill, as last amended, did not provide any cost offset or opportunities to mitigate the increased costs to water customers of state water contracting agencies imposed by the bill. State Water Contractors nevertheless removed opposition to SB 1020 as the August 29 amendments significantly reduced contractor exposure to significant increased costs with the 2035 compliance date.

The bill passed the Assembly on August 29 on a 54 to 17 vote, with Assemblymembers Mayes and E. Garcia voting “AYE” on the measure; and the Senate the following day on a 31 to 9 vote, with Senator Melendez voting “NO”. Governor Newsom signed SB 1020 into law on September 16, 2022. (Chapter 361, Statutes of 2022)

Indoor Residential Water Use Standard

Current law sets the standard for indoor residential water use at 55 gallons per capita daily (gpcd) until January 1, 2025. Beginning on January 1, 2025, until January 1, 2030, the standard for indoor residential water use was set at the greater of 52.5 gpcd or a standard recommended by the Department of Water Resources (DWR), in coordination with the State Water Board. DWR and the Board were required to conduct necessary studies and investigations to recommend to the Legislature a standard for indoor residential water use. The studies and investigation were also required to include an analysis of the benefits and impacts of how changing the standard for indoor residential water use will impact water and wastewater management, including potable water usage, wastewater, recycling and reuse systems, infrastructure, operations, and supplies. Further, these studies were to include collaboration with, and input from, a broad group of stakeholders, including environmental groups, experts in indoor plumbing and water, wastewater, and recycled water agencies.

Senate Bill 1157, by Senator Robert Hertzberg (D-Van Nuys), proposed to instead require that from January 1, 2025, to January 1, 2030, the standard for indoor residential water use be 47 gpcd and beginning January 1, 2030, the standard be 42 gpcd. The Association of California Water Agencies and member agencies like DWA opposed SB 1157 for several reasons, not the least of which was the failure of DWR to conduct quantitative analyses on the effects of a reduced indoor residential water use standard—the initial reduction to 52.5 gpcd—on sewer collection, wastewater treatment, and recycled water production and use.

SB 1157 passed the Senate on a 28-9 vote with Senator Melendez voting “NO.”

As is often the case when legislation moves to the second house of the legislature, Assembly Member Rebecca Bauer-Kahan, chair of the Assembly Water, Parks & Wildlife Committee insisted that SB 1157 require DWR, in coordination with the board, to conduct necessary studies and investigations to assess and quantify the economic benefit and impacts of the 2030 indoor residential use standard on water, wastewater, and recycled water systems; and to summarize the findings of those studies and investigations in a report to the Legislature by October 1, 2028. The bill would additionally require DWR, in coordination with the board, on or before January 1, 2028, to submit a report to the Legislature on the progress of urban retail water suppliers towards achieving their urban water use objective.

DWA believes that improving urban water use efficiency where feasible is important now and into the future. Even before the latest drought, per capita water use in California had declined significantly—from 231 gallons per day in 1990 to 180 gallons per day in 2010—reflecting substantial efforts to reduce water use through tiered rate pricing and mandatory installation of water-saving technologies in new housing like low-flow toilets and shower heads. In 2015, per capita use fell to 146 gallons per day in response to drought-related conservation requirements. Per capita use has since rebounded slightly. Much of the recent savings came from reducing landscape watering, which makes up half of all urban water use.

SB 1157 failed to honor agreements that were made during negotiations over AB 1668 (Chapter 15, Statutes of 2018). AB 1668 established 2025 and 2030 standards for indoor residential water use and required a thorough investigation and public engagement process to inform the State Board's and DWR's joint recommendations to the Legislature. The final report released in November 2021, however, did not satisfy the requirements of existing law. In fact, DWR acknowledged in Section 7.5 of the report that while water supply, wastewater and recycled water systems could all be affected by changes to indoor residential water use standards, “quantitative benefit and impact analyses were not conducted for [the] study.”

Despite the incomplete studies and the lack of a public engagement process in developing DWR's report—contrary to the requirements and agreed upon provisions of AB 1668—SB 1157 sought to further reduce indoor residential water use standards without a clear understanding as to how the implementation of such standards will affect drinking water, wastewater, and recycled water systems. Our firm argued on behalf of DWA that a 25 percent reduction in residential indoor water use (the difference between 55 gpcd in 2020 and 42 gpcd in 2030) would result in increased water rates, could increase harmful sanitary system overflows, could have a deleterious effect on wastewater treatment processes due to increased salinity in the wastewater stream, reduce recycled water production, and effect and compliance with waste discharge requirements.

For example, a minor increase in salinity concentrations renders ineffective the traditional sedimentation and aeration processes utilized by wastewater treatment plants. Elevated levels of salinity within the wastewater process present several challenges. Increased salinity negatively affects the organisms responsible for removing pollutants. The amounts of dissolved oxygen required by these organisms to grow also decreases as

salinity within the system increases. This leaves the activated sludge less effective at removing pollutants from the wastewater. Furthermore, the cost to treat wastewater increases as equipment and processes are altered. And, more importantly, increased salinity concentrations will render recycled water useless for many applications. DWR and the State Water Board should have addressed these impacts in their indoor residential water use report last year, but they failed to do so.

SB 1157 establishes a stringent 42 gallons per capita per day residential indoor water use standard—in effect, the water necessary for human consumption, cooking, and sanitary purposes. SB 1157 sets the new standard for the baseline tier among the tiered water-rate schedules in effect for urban retail water customers. The inability of a customer to keep water usage in that lowest range leads to higher water costs the more one exceeds the SB 1157 standard. The DWR 2021 report indicates that the burden of living within this new lower standard will fall greatest on low-income and senior citizen households because these persons live in older less efficient housing stock and own older less efficient indoor water using appliances. Seniors do not work outside of the home for 8 hours a day. Residential water use for a significant segment of our population will remain above the SB 1157 standard, thus making water less affordable for millions of Californians. This is antithetical to the Human Right to Water policy.

While WaterReuse Association, California Chapter; California Association of Sanitation Agencies; and California Municipal Utilities Association all removed their opposition to SB 1157 following the amendments in Assembly Water, Parks & Wildlife Committee, our firm, and others worked diligently to keep ACWA in an oppose unless amended position. Our firm collaborated with several other lobbying firms representing about 20 ACWA members to aggressively oppose SB 1157 when it cleared the Assembly Appropriations Committee without further amendments to provide more clarity regarding the issues to be studied prior to reducing the indoor residential standard as well as specifying concerns that could lead to the issuance of a variance to the lower standard. Our work paid off when SB 1157 failed passage on the Assembly Floor. A motion to reconsider the measure was granted, so our efforts to stop the legislation continued. Unfortunately, Governor Newsom, in a closed-door meeting with the Assembly Democratic Caucus, called for SB 1157 to be sent to him for signature. Despite our best efforts, SB 1157 passed the Assembly with a 45 to 21 vote, with Assemblymember E. Garcia voting “AYE” on the measure, and Assemblymember Mayes – along with other 13 Members – abstaining from voting. SB 1157 passed the Senate on concurrence on a 29-10 vote with Senator Melendez voting “NO.”

SB 1157 was signed into law on September 28. (Chapter 679; Statutes of 2022)

Governor Newsom did issue a signature letter for the bill, wherein he asked the State Board to consider the effects of the lower standards on recycled water systems. We will work with ACWA and other stakeholders in an effort to ensure the DWR study will be comprehensive and that the State Board will consider variances where appropriate.

Low-Income Water Rate Assistance Program

Senate Bill 222, by Senator Bill Dodd (D-Napa), would require the State Water Board to implement a state-wide Low Income Water Rate Assistance (W-LIRA) Program that

would provide financial assistance for both drinking water and wastewater services to low-income residential ratepayers.

SB 222 was originally introduced in 2021. While the author's intent behind the bill was commendable, the Agency took an "oppose unless amended" position on the bill last year due to several significant concerns. Our firm participated in an ACWA working group which identified key amendments to improve some of the original bill's attributes, such as: (1) using an existing benefit distribution system instead of developing costly new programs; (2) specifying a progressive funding source; (3) creating a formulaic LIRA program eligibility criterion and includes reasonable public process opportunities relative to the development of program documents; (4) no new mandates for public water system data collection regarding local rates/rate structures; and (5) specifying cost limits on both State administration and State implementation; and worked with the Assembly Appropriations Committee to secure amendments. While some of the sought amendments were taken in the last legislative session, significant concerns with the measure still remained preventing the Agency from removing its opposition on the bill.

On September 3, 2021, SB 222 was ordered to the Assembly inactive file at the request of Assembly Member Robert Rivas (D-Salinas) who was acting at the request of the Newsom Administration.

SB 222 was removed from the Inactive File in June 2022, and ordered to third reading.

DWA participated with ACWA to seek amendments to the bill to ensure that the W-LIRA program that would be established by the bill would be efficient in determining and enrolling eligible households, administering the program, and providing auditing results. Despite being amended twice since June, SB 222 still failed to address several fundamental concerns with the measure—many of which were voice since the bill's introduction. These concerns include, but are not limited to, the following:

- The bill proposes that local water agencies share the responsibility of enrollment work with the state. It is insufficient, however, to have thousands of local water agencies, most of which do not have customer income information, to manage program enrollment. The Agency joined ACWA and a coalition of water agencies in seeking amendment to have one state agency with access to customer income information, like the State Water Board, manage enrollment into the program, which would not only clarify the bill's enrollment provisions, but also decrease administrative costs for the program. The author, however, rejected the enrollment amendments that the coalition had been suggesting since July.
- The \$2,000 per year cap on reimbursement for eligible water systems is woefully inadequate and will result in local costs being added to local water rates—defeating the purpose of the LIRA program. Additionally, small water systems lack the staff and sophisticated billing software to accommodate the complexity of the LIRA program as set out in SB 222.
- The bill does not set a cap on first-year administrative costs for the program; thus, the State Water Board could spend any amount during the first year on "reasonable costs" instead of ensuring more of the funding goes towards actual water rate assistance. The Agency joined ACWA's coalition in suggesting a 20 percent cap for the first year, but the author rejected the amendment.

- Despite several amendments, the bill still lacks a funding source for the program, which meant that funding would be determined by the Legislature each year—something that the Agency has consistently requested since the bill's introduction last year.

Even through the last days of the legislative session, our firm worked on behalf of the Agency to make the case for the aforementioned amendments. Despite our efforts, the final version of SB 222 passed the Assembly Floor on August 29, 2022, on a 52-13 vote, with Assemblymember Mayes voting “NO” and Assemblymember E. Garcia voting “AYE” on the measure. The Senate passed the bill the following day on a 31-8 vote, with Senator Melendez voting “NO”.

Our firm continued to voice the Agency's concerns with SB 222 directly to Governor Newsom, submitting a veto request to the Governor on September 7, 2022, explaining that DWA, along with other water agencies, support the development of a LIRA program; however, the program sought to be established by SB 222 lacked a funding source and would be inefficient and costly to implement.

Governor Newsom vetoed SB 222 on September 28, 2022, stating:

“This bill establishes a Water Rate Assistance Program and Water Rate Assistance Fund to provide water affordability assistance for drinking and wastewater services to low-income ratepayers. The State Water Resources Control Board would be required to administer the program, and community water systems and wastewater systems would be subsequently required to provide rate assistance to residential ratepayers. This is a permanent program that would not be implemented or initiated until funding is provided. At this time, there is no sustainable, ongoing funding identified. Lowering costs and making sure that Californians have access to safe and affordable drinking water is a top priority of this administration. The last two budgets have provided billions in rebates, debt relief, assistance grants, and free support services. For water costs alone, the 2021-22 Budget provided \$1 billion to the State Water Board for the California Water and Wastewater Arrearage Payment Program, which cleared unpaid water and wastewater debts resulting from the pandemic. This year, our 2022-23 budget added an additional \$200 million to the Low-Income Household Water Assistance Program at the Department of Community Services and Development. These are programs that were both approved and funded by the Legislature. I commend the author and stakeholders for their work during this Legislative session to craft a vision for such a program. However, this bill does not have any funding identified, and because it is an ongoing program that would require all community water systems and wastewater systems to participate, signing this policy would result in significant General Fund pressures in the billions of dollars to continuously provide such assistance. With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing. The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with significant fiscal impact, such as this measure, should be

considered and accounted for as part of the annual budget process. For these reasons, I cannot sign this bill.”

Water Rights Appropriation: Watershed Hydrology

Senate Bill 1205, by Senator Benjamin Allen (D-Santa Monica), would require the State Water Board to develop and adopt regulations to provide greater specificity as to the methods and practices for determining water availability in the issuance and administration of water right permits and licenses, including consideration of the effects of climate change upon watershed hydrology as part of the preparation of water availability analyses. The bill would require the Board to consult with the Department of Water Resources (DWR), the Department of Fish and Wildlife, and qualified hydrologists and climate change scientists in preparing the regulations.

The bill was introduced in response to the February 3, 2022, release of a document titled, *“Updating California Water Laws to Address Drought and Climate Change,”* written by a group of law professors, and others, from California institutions under the auspices of the Planning and Conservation League (PCL). The document presented 11 recommendations to the Legislature. SB 1205 would enact Recommendation #10, which calls for the Legislature to “mandate and fully fund the State Board’s prompt development and adoption of regulations to provide greater specificity as to the methods and practices for determining water availability in the issuance and administration of water rights permits and licenses.”

The Agency took an “oppose unless amended” position on SB 1205 and requested that the language in the bill be amended to (a) provide greater specificity in regard to its provisions, and (b) remove the reference to the effects of climate change on watershed hydrology.

Though the Agency supports the development and adoption of improved methods and practices to determine water availability, especially in consideration of climate change’s impacts on our state’s water resources and management infrastructure, scientists currently indicate that the effects of climate change on watershed hydrology are still undetermined. According to the Third National Climate Assessment, although rising temperatures will lead to less snowpack, drier soil conditions, and increased evapotranspiration, scientists predict that California will not experience a significant increase or decrease in precipitation. Water availability analyses are more appropriate for real-time determinations, but have little, if any, relevance to the long-range effects of climate change.

Additionally, water rights permits are 40-year permits, making the application of SB 1205 to the issuance of water rights permits challenging. As for the administration of water rights, better real-time information, improved snow sensing, precipitation forecasting, and Forecast Informed Reservoir Operation, among other approaches, will be needed to determine water availability more accurately in any given water year.

SB 1205 was amended on June 30, 2022, to state that the State Board would be required to develop and adopt regulations to “govern consideration of climate change in water in water availability analyses used in the board’s review of applications for water rights permits.” The bill was amended again on August 24, 2022, to (1) prohibit the Board from

refusing to accept or delay processing or approval of an application on the grounds that the regulations developed have not yet been adopted; and (2) require the Board to consider the feasibility of accurately assessing the effects of climate change on watershed hydrology during the development of the regulations.

ACWA moved to a “support” position and DWA dropped its opposition to the legislation after the August 24 amendments to SB 1205. On the last day of Session, the Assembly passed the measure on a 65 to 1 vote, with Assemblymembers Mayes and E. Garcia voting “AYE” on the bill; and the Senate on a 33 to 0 vote, with Senator Melendez abstaining from voting.

Governor Newsom signed SB 1205 into law on September 16. (Chapter 369, Statutes of 2022).

DWA an Effective Advocate on Behalf of Customers and Ratepayers

This completes the 18th year of a commitment on the part of DWA's Board of Directors to aggressively pursue advocacy efforts in the State Capitol relying on Reeb Government Relations to be its voice.

All constitutional offices, the entire Assembly, and half of the Senate will be on the state ballot for the California general election that will take place on November 8, 2022. This will be the first state election following the decennial census and new district lines for the Senate and Assembly will be reflected in the election. The new district maps now place the Agency within Senate District 19 and Assembly District 47; with the southern boundary of the Agency's Division 5, including part of the unincorporated Community of Mountain Center, falling within Senate District 32 and Assembly District 36.

The Senate is seeing a shakeup this year due to a combination of term limits and new district maps following the 2020 Census. Senators serve staggered, four-year terms, and the 20 even number districts are on the ballot this year. As such, Senate District 19 is not up for election until 2024, leaving the majority of the Agency's territory without formal representation for the next two years. Traditionally, the Senate President pro tem will appoint a sitting Senator to address constituent and other issues in the unrepresented area.

The California Assembly will be seeing a large turnover after this year's election, as their house experienced a “Great Resignation” this past year with 25 members of the Assembly seeking work elsewhere midway or announcing their retirement at the end of the current session.

The new 47th Assembly District is considered a key race with 39.9% of voters registered as Democrat, 33.8% as Republican, and 18.5% stating no party preference. The race in this Democratic-leaning district is to fill the seat now held by Chad Mayes, the only independent in the Legislature, who is not seeking re-election. The Democratic Party's pick for the seat is Christy Holstege, the outgoing Palm Springs mayor who describes herself as a “Social Justice Attorney” and who garnered 46.5% of the vote during the primaries. Finishing second, with a 34.5% of the vote, in the 4-candidate primary was Republican Greg Wallis, who served as Assemblymember Mayes' District Director in the Member's Rancho Mirage Office.

Incumbent Democratic Assemblymember Eduardo Garcia is running against Republican Certified Financial Planner Ian M. Weeks for the 36 Assembly District. The District is considered a safe Democratic seat.

There could be an early challenge from within the Assembly Democratic Caucus to Speaker Anthony Rendon, who wants to remain Speaker until the latter portion of his final 2-year term in the Assembly. Assembly Member Robert Rivas from Salinas mounted an unsuccessful challenge to Rendon earlier this year. Both Rendon and Rivas are contributing campaign funds in key Assembly races in an effort to influence the speakership votes by incoming new members. On the Senate side, a more traditional transition in the office of the president pro tem is anticipated, yet the timing and the Senators who may be interested in succeeding Senator Toni Atkins remains unknown.

The Governor's Water Supply Strategy, coming on the heels of his Water Resilience Portfolio, calls for significant state investment in water infrastructure. Correcting subsidence damage to conveyance facilities and joint facilities at San Luis Reservoir alone calls for federal, state, and local contributions that could exceed \$2 billion over the next decade. The state's Central Valley Flood Protection Plan 2022 Update calls for \$190 million ongoing General Fund support for operations and maintenance and \$2.5 billion in capital improvements per decade for the next three decades. Given the projected declining state revenues over the next few years, there will be pressure on the Governor and Legislature to consider placing a general obligation resources bond on the 2024 state ballot. Our firm will be actively engaged in discussions and drafting such a bond, focusing on issues of importance to the State Water Project and the Agency as a retail water supplier.

**STAFF REPORT
TO
DESERT WATER AGENCY
BOARD OF DIRECTORS**

NOVEMBER 1, 2022

**RE: REVIEW OF TELECONFERENCING REGULATIONS PURSUANT
TO AB 2449**

The Brown Act establishes rules and procedures for all meetings of the Board of Directors for the Desert Water Agency (the “Agency”). In particular, the Brown Act provides certain procedures through which the Agency’s governing body (the Board of Directors) may hold a teleconference meeting where one or more Directors attend from a remote location via phone call or videoconferencing. This memorandum provides a summary and outline of the requirements for teleconferencing under the Brown Act, both while the state of emergency remains active and after it has been rescinded. In short, there are three possible avenues for holding teleconference meetings after the Legislature’s recent adoption of AB 2449: (1) meeting under the “traditional” (more stringent) teleconference rules; (2) meeting wholly or partially remotely under relaxed teleconferencing standards while the state of emergency continues to exist, or state/local officials continue to impose or recommend social distancing measures; or (3) having less than a quorum of the Directors attend remotely (under relaxed teleconferencing standards) when necessary for “just cause” or personal emergency reasons. Each of these is discussed in more depth below.

Note that AB 361 does not expire until December 31, 2022, and the state of emergency will not be lifted until February 2023, so the Board may continue to meet remotely by relying on AB 361 through the end of the year. In addition, the Board may at any time return to fully in person meetings and offer the public the continued ability to attend remotely (via teleconference or by video after the Board room is equipped to provide for participation by video). The Brown Act’s requirements operate as a “floor,” but the Agency is always allowed to take steps to offer increased access to meetings, such as televising or live webcasting them.

1. “TRADITIONAL” TELECONFERENCING RULES

Government Code section 54953(b)(1) sets forth certain baseline requirements for holding a meeting where one or more Directors are attending by teleconference. As a general rule, unless attendance is remote because of a declared state of emergency or recommended social distancing measures (see section 2) or because a Director has “just cause” or is experiencing a personal emergency (see section 3), these are the procedures that will apply:

- The agenda must identify each location from which a Director will be calling in, even if this is the Director's home or place of business (for this reason, we suggest having the Director call in from a location they don't mind sharing the address for, like a public library meeting room or other public space).
- An agenda must be posted at each location a Director is calling in from.
- Each teleconference location must be accessible to the public, and any members of the public who do show up at the teleconference location(s) must be allowed to address the Board directly from that location.
- At least a quorum of the Board must participate from locations within the Agency's territory, whether that means attending in person at the ordinary meeting location or teleconferencing from a location within the area that the Agency has jurisdiction over (and, this inherently means that if less than a quorum are attending remotely, they may do so from areas outside of the Agency).
- The rights of the public attending the meeting must be protected, meaning the public must be allowed to "access" the meeting (whether in person or remotely) and make public comments on matters before the Board.
- All votes during the meeting must be taken by rollcall, and no secret ballots are permitted.
- The Board must publicly report when an action is taken during the meeting, and how each Director voted (or whether there were abstentions or absences) on that item.

2. TELECONFERENCING RULES DURING STATE OF EMERGENCY OR WHILE STATE/LOCAL OFFICIALS CONTINUE TO RECOMMEND SOCIAL DISTANCING MEASURES

Under Government Code section 54953(e), if the Board is meeting during a proclaimed state of emergency, or while state or local officials are recommending social distancing measures for public safety reasons, certain teleconference rules described in section 1 are relaxed or waived. This set of rules mirrors those that were implemented in 2020 and remained in place on a temporary basis during the COVID-19 pandemic; the State has now codified a version of this rule in the event that COVID-19 continues to constitute a state of emergency or support the recommendation of social distancing measures. Recently, the Governor announced that the current state of emergency will lift on February 28, 2023. The new amendments to the Brown Act take effect January 1, 2023 and provide that a public body may continue meeting under the relaxed teleconference requirements as long as a state of emergency exists or while the body can continue to support findings that state or local officials are recommending social distancing measures for health and safety reasons.¹ To qualify for these relaxed rules, one of these situations must be present:

¹ For instance, Cal OSHA continues to recommend social distancing, which can support a finding of continued remote meetings, although these recommendations are also set to sunset Dec. 31, 2022. (<https://www.dir.ca.gov/dosh/coronavirus/Revisions-FAQ.html>). Riverside County's website also still references social distancing as an appropriate way to slow the spread of COVID-19, but the Agency will have to assess whether it believes this is a sufficient basis upon which to rely to hold remote meetings once the state lifts its own social distancing requirements. (<https://www.ruhealth.org/ph-covidvaccine#:~:text=Always%20practice%20social%20distancing%20by,are%20sick%20if%20you%20can>).

- The Board is meeting during a state of emergency, and local officials are imposing or recommending social distancing measures.
- The Board is meeting during a state of emergency for the express purpose of determining by a majority vote of the Board whether meeting in person would present imminent risks to the health or safety of attendees.
- The Board is meeting during a state of emergency and has determined, by majority vote, that meeting in person would present imminent risks to the health or safety of attendees.
- State or local officials continue to recommend or impose social distancing measures, and the Board is willing to make findings that, based on those recommended measures, meeting in person would pose a health or safety risk to attendees.

If one of these criteria is present, the Board may use teleconferencing subject to these relaxed requirements:

- Comply with ordinary agenda-posting requirements (72 hours for a regular meeting, 24 hours for a special meeting), although the agenda does not need to identify each teleconference location, the Directors attending remotely do not need to post an agenda at their location, and the public does not need to be permitted to access and provide comments at each Director's remote location.
- The agenda must still provide the opportunity for public access and comment through some means – for instance, if the Board will be meeting via Zoom, the agenda must provide a call-in number or video access link for the public. The Board is not required to provide a physical location from which the public can attend or comment in person.
- The rights of the public attending the meeting must be protected, meaning the public must be allowed to “access” the meeting (including by telephone or internet) and make public comments (in real time) on matters before the Board.
- If a disruption occurs such that the public is prevented from accessing the meeting (i.e., the Zoom link stops working, or the public cannot hear the audio of the meeting, or the internet goes out in general), the Board must take no further action on agendized items until access to the meeting is restored.
- When hearing and acting on agendized items, the Board must make sure it allows members of the public enough time to make comments (in practice, this means the Board should wait a minute or so each time it calls for public comment, to make sure anyone who wants to comment has time to unmute themselves and do so).
- All votes during the meeting must be taken by rollcall, and no secret ballots are permitted.
- The Board must publicly report when an action is taken during the meeting, and how each Director voted (or whether there were abstentions or absences) on that item.
- If the Board wants to continue to meet remotely because the state of emergency remains ongoing or local/state officials continue to recommend social distancing measures, after the first meeting the Board must make certain findings by majority vote every 30 days for the duration of using this teleconference exception (i.e., adopt a resolution at the first meeting of each month to reconfirm that a state of

emergency exists, or social distancing measures continue to be recommended, and so the Board will continue to meet remotely to protect the health and safety of attendees, as was the case for remote meetings during the COVID-19 pandemic).

3. TELECONFERENCING RULES FOR “JUST CAUSE” OR PERSONAL EMERGENCY

Under the recent AB 2449 amendments to the Brown Act (i.e., Government Code section 54953(f)), which take effect January 1, 2023, if one or more Directors need to attend a meeting remotely for reasons consisting of an emergency or “just cause,” certain teleconference rules described in section 1 are relaxed or waived. To qualify for these relaxed rules, one of these situations must be present:

- A Director has notified the Board (at the earliest possible opportunity, up to the beginning of the meeting) that they have just cause for attending remotely. Just cause is specifically defined as (1) a childcare or caregiving need for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner; (2) a contagious illness; (3) a need related to a physical or mental disability for which the Board cannot otherwise make a reasonable accommodation; or (4) travel while on official business of the Agency or another state or local agency. A Director may only rely on this remote attendance option for two meetings per calendar year.
- A Director requests (at the earliest possible opportunity) to be allowed to participate remotely due to emergency circumstances, and the Board takes action (at the earliest possible opportunity, including at the beginning of the meeting) to approve the request.
- Taken together, no Director may use either the just cause or personal emergency remote attendance exceptions (or a combination thereof) to attend meetings remotely for more than 3 consecutive months, or 20% of the Board’s regular meetings within a calendar year.

If one of these criteria is present, the Board may use teleconferencing subject to these relaxed requirements:

- Comply with ordinary agenda-posting requirements (72 hours for a regular meeting, 24 hours for a special meeting), although the agenda does not need to identify each teleconference location, the Directors attending remotely do not need to post an agenda at their location, and the public does not need to be permitted to access and provide comments at each Director’s remote location.
- At least a quorum of the Directors are participating in person from a single physical location clearly identified on the agenda (i.e., the Board’s ordinary in-person meeting location), and the location is open to the public for in-person attendance.
- The Board provides the public with either a two-way audiovisual attendance option (such as Zoom) or a two-way telephone conference line and a live webcast of the meeting (the key is the public must be able to access both audio and visual of the meeting).

- When a Director has given notice of remote attendance prior to the agenda being published, the agenda must identify the ways in which the public can access and provide comments (in real time) at the meeting (in-person, by conference call or audiovisual platform, etc.)
- Any Director attending remotely must do so by both audio and visual means (call-in only is not permitted).
- All votes during the meeting must be taken by rollcall, and no secret ballots are permitted.
- The Board must publicly report when an action is taken during the meeting, and how each Director voted (or whether there were abstentions or absences) on that item.
- Before any action is taken at the meeting, any Director who is attending remotely due to just cause or an emergency must publicly disclose whether any individuals age 18 or older are present in that remote location with the Director, and the general nature of the relationship (i.e., “my wife is also in the room with me”).

CONCLUSION

The Board may opt to hold a full or partial teleconference meeting under any of the three scenarios described in this memorandum. Our office is available to advise on specific questions that may arise, including when the state of emergency, just cause, or personal emergency exemptions are available, and which agenda requirements apply in certain circumstances, so please do not hesitate to reach out with any questions or concerns.

ATTACHMENTS

- Comparison Table of Three Scenarios
- AB 2449 Bill Text

Comparison of Teleconferencing Regulations

“Traditional” Teleconferencing Rules	State of Emergency or Recommended Social Distancing Measures	“Just Cause” or Personal Emergency
Government Code 54953 – Brown Act	Government Code 54953 – Brown Act Current condition – will be lifted on February 28, 2023.	AB 2449 amendments to Brown Act – takes effect January 1, 2023 thru January 1, 2026.
Applicable at all times	“Relaxed” teleconferencing requirements.	Available when a Director has an emergency or other “just cause”. A Director may only rely on “just cause” option for two meetings per calendar year. Taken together, no Director may use either the just cause or personal emergency option, or a combination thereof, for more than three consecutive months, or 20% of the Board’s regular meetings within a calendar year.
Agenda must identify each location from which a Director will be calling in.	Comply with ordinary agenda-posting requirements.	Comply with ordinary agenda-posting requirements.
Agenda must be posted at each location a Director is calling in from.	Agenda does not need to identify each teleconference location and Director(s) attending remotely do not need to post agenda at their location.	Agenda does not need to identify each teleconference location and Director(s) attending remotely do not need to post agenda at their location.
Each teleconference location must be accessible to the public and any member of the public who shows up at the teleconference location(s) must be allowed to address the Board directly from that location.	Public does not need to be permitted to access and provide comments at each Director’s location. Agenda must provide opportunity for public access and comment through some means. Not required to provide a physical location from which the public can attend or comment in person.	Public does not need to be permitted to access and provide comments at each Director’s location.
	Rights of public must be protected, must be allowed to access meeting by telephone or internet and make real time comments. If disruption occurs that prevents public from accessing meeting, Board must take no further action on agenda items until access to meeting is restored.	The Board must provide the public either a two-way audiovisual attendance option or a two-way telephone conference line and a live webcast meeting (the public must be able to access both audio and visual of the meeting).

“Traditional” Teleconferencing Rules	State of Emergency or Recommended Social Distancing Measures	“Just Cause” or Personal Emergency
All votes during the meeting must be taken by rollcall...no secret ballots are permitted.	All votes during the meeting must be taken by rollcall...no secret ballots are permitted.	The Director attending remotely must participate through both audio and visual technology (call-in only is not permitted, must be on camera)
The Board must publicly report when an action is taken during the meeting, and how each Director voted.	The Board must publicly report when an action is taken during the meeting, and how each Director voted.	All votes during the meeting must be taken by rollcall...no secret ballots are permitted. Board Secretary must publicly report when an action is taken during the meeting, and how each Director voted.
	If the Board wants to continue to meet remotely because the state of emergency remains ongoing or local/state officials continue to recommend social distancing measures, after the first meeting the Board must make certain findings by majority vote every 30 days for the duration of using this teleconference exception (i.e., make findings at the first meeting of each month to reconfirm that a state of emergency exists, or social distancing measures continue to be recommended, and therefore the Board will continue to meet remotely to protect the health and safety of attendees, as was the case for remote meetings during the COVID-19 pandemic).	The teleconferencing Director shall publicly disclose whether any other individuals 18 years of age or older are present in the room at the remote location, and the general nature of the member's relationship with any such individuals.

**AB-2449 Open meetings: local agencies: teleconferences.** (2021-2022)

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Date Published: 09/14/2022 09:00 PM

Assembly Bill No. 2449

CHAPTER 285

An act to amend, repeal, and add Sections 54953 and 54954.2 of the Government Code, relating to local government.

[Approved by Governor September 13, 2022. Filed with Secretary of State September 13, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2449, Blanca Rubio. Open meetings: local agencies: teleconferences.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act generally requires posting an agenda at least 72 hours before a regular meeting that contains a brief general description of each item of business to be transacted or discussed at the meeting, and prohibits any action or discussion from being undertaken on any item not appearing on the posted agenda. The act authorizes a legislative body to take action on items of business not appearing on the posted agenda under specified conditions. The act contains specified provisions regarding providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health.

This bill would revise and recast those teleconferencing provisions and, until January 1, 2026, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. Under this exception, the bill would authorize a member to participate remotely under specified circumstances, including participating remotely for just cause or due to emergency circumstances. The emergency circumstances basis for remote participation would be contingent on a request to, and action by, the legislative body, as prescribed. The bill, until January 1, 2026, would authorize a legislative body to consider and

take action on a request from a member to participate in a meeting remotely due to emergency circumstances if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The bill would define terms for purposes of these teleconferencing provisions.

This bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 54953 of the Government Code, as amended by Section 3 of Chapter 165 of the Statutes of 2021, is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e).

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) The legislative body of a local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(B) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(D) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(E) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(g) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(h) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(i) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(j) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).

(D) Travel while on official business of the legislative body or another state or local agency.

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (f), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "State of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(6) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(7) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(8) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(9) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(k) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 2. Section 54953 of the Government Code, as added by Section 4 of Chapter 165 of the Statutes of 2021, is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d).

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by

which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(f) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(g) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(h) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(i) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (f).

(D) Travel while on official business of the legislative body or another state or local agency.

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (e), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(6) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(7) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(8) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(j) This section shall become operative January 1, 2024, shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 3. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2026.

SEC. 4. Section 54954.2 of the Government Code is amended to read:

54954.2. (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item

generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) For a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda including, but not limited to, an agenda posted in an integrated agenda management platform, shall be posted in an open format that meets all of the following requirements:

(i) Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.

(ii) Platform independent and machine readable.

(iii) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

(C) A legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site and an integrated agenda management platform shall not be required to comply with subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an Internet Web site with the agendas of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state shall be the first agenda available at the top of the integrated agenda management platform.

(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii), and (iii) of subparagraph (B).

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) "Integrated agenda management platform" means an Internet Web site of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

(ii) "Legislative body" has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or

political subdivision established by the state.

(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(4) To consider action on a request from a member to participate in a meeting remotely due to emergency circumstances, pursuant to Section 54953, if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made. The legislative body may approve such a request by a majority vote of the legislative body.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

(e) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 5. Section 54954.2 is added to the Government Code, to read:

54954.2. (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) For a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda including, but not limited to, an agenda posted in an integrated agenda management platform, shall be posted in an open format that meets all of the following requirements:

(i) Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.

(ii) Platform independent and machine readable.

(iii) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

(C) A legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site and an integrated agenda management platform shall not be required to comply with subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an Internet Web site with the agendas of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state shall be the first agenda available at the top of the integrated agenda management platform.

(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii), and (iii) of subparagraph (B).

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) "Integrated agenda management platform" means an Internet Web site of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

(ii) "Legislative body" has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state.

(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body

at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

(e) This section shall become operative January 1, 2026.

SEC. 6. The Legislature finds and declares that Sections 1 and 2 of this act, which amend Section 54953 of the Government Code, impose a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hospital room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 7. The Legislature finds and declares that Sections 1 and 2 of this act, which amend Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings.

DESERT WATER AGENCY
STATEMENT OF CASH RECEIPTS AND EXPENDITURES

OPERATING ACCOUNT

SEPTEMBER 2022

INVESTED
RESERVE FUNDS
\$49,457,431.98

BALANCE	SEPTEMBER 1, 2022	(\$1,164,549.46)	
WATER SALES		\$4,450,588.09	
RECLAMATION SALES		93,889.47	
WASTEWATER RECEIPTS		107,500.03	
POWER SALES		0.00	
METERS, SERVICES, ETC.		32,738.00	
REIMBURSEMENT – GENERAL FUND		389,389.93	
REIMBURSEMENT – WASTEWATER FUND		44,376.59	
ACCOUNTS RECEIVABLE – OTHER		63,987.38	
CUSTOMER DEPOSITS – SURETY		5,792.00	
CUSTOMER DEPOSITS – CONST.		25,200.00	
LEASE REVENUE		1,807.91	
INTEREST RECEIVED ON INV. FDS.		9,218.75	
FRONT FOOTAGE FEES		0.00	
BOND SERVICE & RESERVE FUND INT		0.00	
MISCELLANEOUS		<u>31,346.83</u>	
TOTAL RECEIPTS		\$5,255,834.98	
PAYMENTS			
PAYROLL CHECKS		\$455,542.37	
PAYROLL TAXES		197,075.82	
ELECTRONIC TRANSFERS		170,389.78	
CHECKS UNDER \$10,000.00		298,095.75	
CHECKS OVER \$10,000.00 – SCH. #1		1,702,878.97	
CANCELLED CHECKS AND FEES		<u>(101,406.38)</u>	
TOTAL PAYMENTS		<u>\$2,722,576.31</u>	
NET INCOME		\$2,533,258.67	
BOND SERVICE ACCOUNT			
MONTHLY WATER SALES		\$0.00	
EXCESS RETURNED BY B/A		<u>\$0.00</u>	
BOND SERVICE FUND			\$0.00
INVESTED RESERVE FUNDS			
FUNDS MATURED		\$949,000.00	
FUNDS INVESTED – SCH. #3		<u>3,046,000.00</u>	
NET TRANSFER			<u>(\$2,097,000.00)</u>
BALANCE	SEPTEMBER 30, 2022	(\$728,290.79)	\$51,554,431.98

DESERT WATER AGENCY
Operating Fund
Schedule #1 - Checks Over \$10,000



September 2022

Check #	Name	Description	Amount
132234	ACWA/JPIA	Cyber Liability Program -7/1/2022-6/30/2023	\$ 12,405.35
132255	Singer Lewak LLP	ERP Consulting- August 2022	\$ 31,546.16
132263	ACWA/JPIA	Health, dental & vision insurance premiums - October 2022	\$ 208,372.46
132277	Singer Lewak LLP	Reissued -Cancelled Ck #132172	\$ 100,130.33
132278	Big Bear Electric LLC	Reissued -Cancelled Ck #131763	\$ 19,877.19
132284	Desert Water Agency - Wastewater	Wastewater revenue billing - August 2022	\$ 96,402.36
132296	Beck Oil Inc	Fuel purchase	\$ 14,552.18
132297	Best Best & Krieger LLP	Legal fees	\$ 35,807.57
132311	Core & Main LP	Water service supplies	\$ 14,652.98
132319	Down to Earth Landscaping	Landscape maintenance	\$ 51,077.92
132393	Thatcher Company of California	Water service supplies	\$ 116,327.65
132321	Droplet Technologies LLC	Licensing-9/1/2022-8/31/2023 (Annual)	\$ 17,500.00
132328	Ferguson Waterworks	Water service supplies	\$ 129,658.18
132336	Granite Construction Company	Sand concrete cold mix	\$ 10,607.77
132343	Inland Water Works Supply Co.	Water service supplies	\$ 86,797.25
132347	Krieger & Stewart Inc.	Engineering Services	\$ 71,666.40
132366	Polydyne Inc	Water service supplies	\$ 18,480.96
132389	Southern Calif Edison	Power	\$ 563,246.26
132396	American Trainco LLC	Operation Training	\$ 13,900.00
132404	Z&L Paving	Paving	\$ 48,434.00
132406	Sunrise Palms HOA	Grass Removal Rebate	\$ 28,962.00
132410	Riviera Gardens HOA	Grass Removal Rebate	\$ 12,474.00
Total			\$ 1,702,878.97

Monthly Investment Portfolio Report

As of 09/30/2022

AGG- Operating Fund (213426)

Dated: 10/18/2022

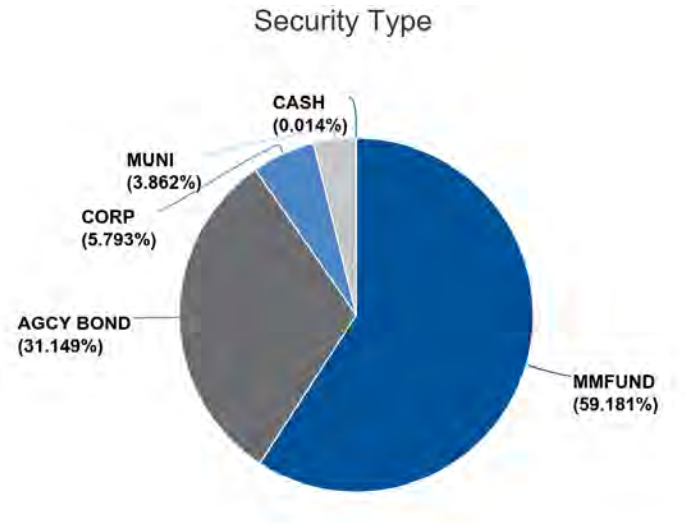


Chart calculated by: PAR Value

MMFUND

Description, Broker	Settle Date	Next Call Date	Effective Maturity	Final Maturity	PAR Value	Original Cost	Market Value	Yield to Maturity
LAIF Money Market Fund LAIF - OP	---	---	09/30/2022	09/30/2022	30,645,958.08	30,645,958.08	30,645,958.08	---
LAIF Money Market Fund LAIF - OP	---	---	09/30/2022	09/30/2022	30,645,958.08	30,645,958.08	30,645,958.08	---

AGCY BOND

Description, Broker	Settle Date	Next Call Date	Effective Maturity	Final Maturity	PAR Value	Original Cost	Market Value	Yield to Maturity
FEDERAL FARM CREDIT BANKS FUNDING CORP UnionBanc OP	04/29/2021	04/28/2023	04/28/2025	04/28/2025	1,000,000.00	999,500.00	909,494.00	4.360%
FEDERAL HOME LOAN BANKS UnionBanc OP	06/28/2021	12/30/2022	09/30/2024	09/30/2024	1,000,000.00	1,000,000.00	925,040.00	4.354%
FEDERAL HOME LOAN BANKS UnionBanc OP	09/30/2021	12/30/2022	09/30/2026	09/30/2026	1,000,000.00	1,000,000.00	882,410.00	4.248%
FEDERAL HOME LOAN BANKS UnionBanc OP	09/24/2021	---	09/13/2024	09/13/2024	1,130,000.00	1,125,513.90	1,046,929.18	4.342%
FEDERAL HOME LOAN BANKS UnionBanc OP	04/29/2022	04/29/2024	04/29/2027	04/29/2027	2,000,000.00	2,000,000.00	1,887,208.00	4.444%
FEDERAL HOME LOAN BANKS UnionBanc OP	05/24/2022	05/24/2024	05/24/2027	05/24/2027	2,000,000.00	2,000,000.00	1,901,308.00	4.487%
FEDERAL HOME LOAN BANKS UnionBanc OP	05/23/2022	11/23/2022	05/23/2025	05/23/2025	2,000,000.00	2,000,000.00	1,936,188.00	4.592%
FEDERAL HOME LOAN MORTGAGE CORP UnionBanc OP	08/20/2020	08/20/2023	08/20/2025	08/20/2025	1,000,000.00	1,000,000.00	899,796.00	4.354%
FEDERAL HOME LOAN MORTGAGE CORP UnionBanc OP	05/26/2022	11/26/2022	08/26/2024	08/26/2024	2,000,000.00	2,000,000.00	1,948,206.00	4.482%

Monthly Investment Portfolio Report

As of 09/30/2022

AGG- Operating Fund (213426)

Dated: 10/18/2022

Description, Broker	Settle Date	Next Call Date	Effective Maturity	Final Maturity	PAR Value	Original Cost	Market Value	Yield to Maturity
FEDERAL NATIONAL MORTGAGE ASSOCIATION UnionBanc OP	06/30/2020	12/30/2022	06/30/2025	06/30/2025	1,000,000.00	1,000,000.00	906,733.00	4.366%
FEDERAL NATIONAL MORTGAGE ASSOCIATION UnionBanc OP	08/12/2020	11/12/2022	08/12/2025	08/12/2025	1,000,000.00	1,000,000.00	898,512.00	4.365%
FEDERAL NATIONAL MORTGAGE ASSOCIATION UnionBanc OP	12/16/2020	12/14/2022	06/14/2024	06/14/2024	1,000,000.00	1,000,500.00	935,948.00	4.310%
--- UnionBanc OP	---	---	10/04/2025	10/04/2025	16,130,000.00	16,125,513.90	15,077,772.18	4.421%

CORP

Description, Broker	Settle Date	Next Call Date	Effective Maturity	Final Maturity	PAR Value	Original Cost	Market Value	Yield to Maturity
AMAZON.COM INC UnionBanc OP	05/16/2022	03/13/2027	04/13/2027	04/13/2027	2,000,000.00	1,987,040.00	1,888,090.00	4.683%
JPMORGAN CHASE BANK, NATIONAL ASSOCIATION UnionBanc OP	06/22/2021	---	12/23/2024	12/23/2024	1,000,000.00	1,000,000.00	900,760.00	5.189%
--- UnionBanc OP	---	---	07/18/2026	07/18/2026	3,000,000.00	2,987,040.00	2,788,850.00	4.845%

MUNI

Description, Broker	Settle Date	Next Call Date	Effective Maturity	Final Maturity	PAR Value	Original Cost	Market Value	Yield to Maturity
UNIVERSITY CALIF REVS UnionBanc OP	05/16/2022	03/15/2027	05/15/2027	05/15/2027	2,000,000.00	1,795,920.00	1,724,720.00	4.658%
UNIVERSITY CALIF REVS UnionBanc OP	05/16/2022	03/15/2027	05/15/2027	05/15/2027	2,000,000.00	1,795,920.00	1,724,720.00	4.658%

CASH

Description, Broker	Settle Date	Next Call Date	Effective Maturity	Final Maturity	PAR Value	Original Cost	Market Value	Yield to Maturity
Cash UnionBanc OP	---	---	09/30/2022	09/30/2022	7,100.00	7,100.00	7,100.00	0.000%
Cash UnionBanc OP	---	---	09/30/2022	09/30/2022	7,100.00	7,100.00	7,100.00	0.000%

Summary

Description, Broker	Settle Date	Next Call Date	Effective Maturity	Final Maturity	PAR Value	Original Cost	Market Value	Yield to Maturity
---	---	---	01/08/2024	01/08/2024	51,783,058.08	51,561,531.98	50,244,400.26	4.501%

* Grouped by: Security Type. * Groups Sorted by: Ending Market Value + Accrued. * Filtered By: Description ≠ "Receivable". * Weighted by: Ending Market Value + Accrued.

DESERT WATER AGENCY
STATEMENT OF CASH RECEIPTS AND EXPENDITURES

GENERAL ACCOUNT

SEPTEMBER 2022

INVESTED
RESERVE FUNDS
\$203,422,640.87

BALANCE	SEPTEMBER 1, 2022	\$497.59	
* TAXES - RIVERSIDE COUNTY		0.00	
* INTEREST EARNED - INV. FUNDS		251,118.31	
GROUNDWATER REPLEN. ASSESSMENT		132,294.50	
REIMBURSEMENT - OPERATING FUND		0.00	
REIMBURSEMENT - CVWD MGMT AGRMT		0.00	
STATE WATER PROJECT REFUNDS		0.00	
REIMB - CVWD - WHITEWATER HYDRO		0.00	
POWER SALES - WHITEWATER		0.00	
MISCELLANEOUS		200.00	
TOTAL RECEIPTS		\$383,612.81	
PAYMENTS			
CHECKS UNDER \$10,000.00		60.00	
CHECKS OVER \$10,000.00 - SCH. #1		2,498,650.93	
CANCELLED CHECKS AND FEES		55.00	
TOTAL PAYMENTS		<u>\$2,498,765.93</u>	
NET INCOME		(\$2,115,153.12)	
INVESTED RESERVE FUNDS			
FUNDS MATURED		3,545,847.90	
FUNDS INVESTED - SCH. #2		<u>3,446,421.60</u>	
NET TRANSFER		\$99,426.30	(\$99,426.30)
BALANCE	SEPTEMBER 30, 2022	(\$2,015,229.23)	\$203,323,214.57
* INCLUSIVE TO DATE		TAXES	INTEREST
RECEIPTS IN FISCAL YEAR		\$929,828.43	\$568,640.56
RECEIPTS IN CALENDAR YEAR		\$30,551,396.21	\$1,328,236.51

DESERT WATER AGENCY

General Fund

Schedule #1 - Checks Over \$10,000

DESERT WATER



September 2022

Check #	Name	Description	Amount
9693	State of California Department of Water Resources	State Water Project - June 2022 Variable Entitlement	\$ 15,859.00
9695	State of California Department of Water Resources	State Water Project - Yuba	\$ 151,360.00
9696	State of California Department of Water Resources	State Water Project - September 2022	\$ 1,942,042.00
9697	Deser Water Agency	Operating Fund Reimbursement	\$ 389,389.93
Total			\$ 2,498,650.93

Monthly Investment Portfolio Report

As of 09/30/2022

AGG- General Fund (213428)

Dated: 10/18/2022

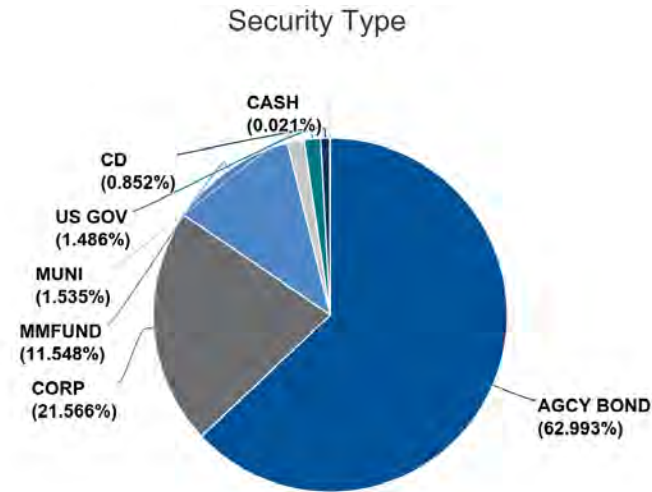


Chart calculated by: PAR Value

AGCY BOND

Description, Broker	Settle Date	Next Call Date	Effective Maturity	Final Maturity	PAR Value	Original Cost	Market Value	Yield to Maturity
FEDERAL AGRICULTURAL MORTGAGE CORP Alamo Capital	09/14/2022	---	04/21/2025	04/21/2025	1,000,000.00	977,400.00	957,631.00	4.393%
FEDERAL AGRICULTURAL MORTGAGE CORP Piper Sandler	02/23/2022	02/23/2023	02/23/2027	02/23/2027	3,000,000.00	3,000,000.00	2,742,285.00	4.263%
FEDERAL FARM CREDIT BANKS FUNDING CORP Alamo Capital	08/04/2020	10/17/2022	08/04/2025	08/04/2025	3,000,000.00	3,000,005.00	2,706,381.00	4.366%
FEDERAL FARM CREDIT BANKS FUNDING CORP Alamo Capital	10/15/2020	10/17/2022	10/15/2024	10/15/2024	3,000,000.00	2,995,500.00	2,771,484.00	4.339%
FEDERAL FARM CREDIT BANKS FUNDING CORP Alamo Capital	01/05/2021	10/17/2022	04/05/2024	04/05/2024	3,000,000.00	3,000,000.00	2,826,027.00	4.266%
FEDERAL FARM CREDIT BANKS FUNDING CORP Alamo Capital	02/12/2021	10/17/2022	11/12/2024	11/12/2024	3,000,000.00	3,000,000.00	2,756,712.00	4.352%
FEDERAL FARM CREDIT BANKS FUNDING CORP UnionBanc GF	12/22/2020	12/22/2022	12/22/2025	12/22/2025	3,000,000.00	3,000,000.00	2,657,862.00	4.291%
FEDERAL FARM CREDIT BANKS FUNDING CORP Piper Sandler	10/15/2020	10/17/2022	10/15/2024	10/15/2024	3,000,000.00	3,000,000.00	2,773,221.00	4.339%
FEDERAL FARM CREDIT BANKS FUNDING CORP Piper Sandler	12/28/2020	10/17/2022	12/21/2023	12/21/2023	3,000,000.00	3,000,000.00	2,858,067.00	4.213%
FEDERAL FARM CREDIT BANKS FUNDING CORP Piper Sandler	11/05/2021	10/20/2022	10/20/2026	10/20/2026	3,000,000.00	2,988,000.00	2,655,432.00	4.253%
FEDERAL FARM CREDIT BANKS FUNDING CORP Piper Sandler	02/16/2022	---	02/16/2027	02/16/2027	3,000,000.00	2,999,286.00	2,713,983.00	4.207%
FEDERAL FARM CREDIT BANKS FUNDING CORP Stifel	10/16/2020	10/17/2022	03/28/2024	03/28/2024	3,000,000.00	3,000,000.00	2,830,053.00	4.252%
FEDERAL HOME LOAN BANKS Alamo Capital	04/09/2021	11/18/2022	11/18/2024	11/18/2024	3,000,000.00	2,989,263.00	2,754,807.00	4.353%
FEDERAL HOME LOAN BANKS Alamo Capital	09/30/2021	12/30/2022	09/30/2026	09/30/2026	3,000,000.00	3,000,000.00	2,645,124.00	4.247%

Monthly Investment Portfolio Report

As of 09/30/2022

AGG- General Fund (213428)

Dated: 10/18/2022

Description, Broker	Settle Date	Next Call Date	Effective Maturity	Final Maturity	PAR Value	Original Cost	Market Value	Yield to Maturity
FEDERAL HOME LOAN BANKS Alamo Capital	12/30/2021	12/30/2022	12/30/2024	12/30/2024	3,000,000.00	3,000,005.00	2,801,379.00	4.511%
FEDERAL HOME LOAN BANKS Alamo Capital	09/13/2022	---	06/14/2024	06/14/2024	1,190,000.00	1,182,431.60	1,166,573.66	4.333%
FEDERAL HOME LOAN BANKS UnionBanc GF	12/30/2020	10/17/2022	12/30/2025	12/30/2025	3,000,000.00	3,000,000.00	2,659,515.00	4.299%
FEDERAL HOME LOAN BANKS UnionBanc GF	06/28/2021	12/30/2022	09/30/2024	09/30/2024	3,000,000.00	3,000,000.00	2,775,120.00	4.354%
FEDERAL HOME LOAN BANKS UnionBanc GF	09/30/2021	12/30/2022	09/30/2026	09/30/2026	3,000,000.00	3,000,000.00	2,647,230.00	4.248%
FEDERAL HOME LOAN BANKS UnionBanc GF	04/29/2022	04/29/2024	04/29/2027	04/29/2027	3,000,000.00	3,000,000.00	2,830,812.00	4.444%
FEDERAL HOME LOAN BANKS UnionBanc GF	06/23/2022	12/23/2022	06/23/2026	06/23/2026	3,000,000.00	3,000,000.00	2,917,029.00	5.030%
FEDERAL HOME LOAN BANKS Piper Sandler	01/28/2021	10/17/2022	03/28/2024	03/28/2024	3,000,000.00	3,000,000.00	2,828,772.00	4.252%
FEDERAL HOME LOAN BANKS Piper Sandler	02/17/2021	11/17/2022	02/17/2026	02/17/2026	3,000,000.00	3,000,000.00	2,656,158.00	4.304%
FEDERAL HOME LOAN BANKS Piper Sandler	02/26/2021	11/26/2022	11/26/2024	11/26/2024	3,000,000.00	3,000,000.00	2,752,260.00	4.355%
FEDERAL HOME LOAN BANKS Piper Sandler	04/22/2021	10/29/2022	04/29/2024	04/29/2024	3,000,000.00	3,000,000.00	2,822,880.00	4.278%
FEDERAL HOME LOAN BANKS Piper Sandler	09/30/2021	12/30/2022	09/30/2026	09/30/2026	3,000,000.00	3,000,000.00	2,648,280.00	4.248%
FEDERAL HOME LOAN BANKS Piper Sandler	09/30/2021	12/30/2022	09/30/2026	09/30/2026	3,000,000.00	3,000,000.00	2,645,124.00	4.247%
FEDERAL HOME LOAN BANKS Piper Sandler	04/25/2022	07/25/2023	07/25/2025	07/25/2025	3,000,000.00	3,000,000.00	2,904,114.00	4.556%
FEDERAL HOME LOAN BANKS Stifel	02/25/2021	11/25/2022	11/25/2024	11/25/2024	3,000,000.00	3,000,000.00	2,755,623.00	4.355%
FEDERAL HOME LOAN BANKS Stifel	03/30/2021	12/30/2022	09/30/2024	09/30/2024	2,000,000.00	2,000,000.00	1,854,238.00	4.355%
FEDERAL HOME LOAN BANKS Stifel	06/28/2021	12/28/2022	02/28/2024	02/28/2024	3,000,000.00	3,000,000.00	2,837,460.00	4.246%
FEDERAL HOME LOAN MORTGAGE CORP Alamo Capital	09/30/2020	12/30/2022	09/30/2025	09/30/2025	3,000,000.00	3,000,000.00	2,669,907.00	4.352%
FEDERAL HOME LOAN MORTGAGE CORP Alamo Capital	05/12/2022	11/12/2022	11/12/2024	11/12/2024	3,000,000.00	3,000,000.00	2,910,246.00	4.496%
FEDERAL HOME LOAN MORTGAGE CORP UnionBanc GF	08/20/2020	08/20/2023	08/20/2025	08/20/2025	3,000,000.00	3,000,000.00	2,699,388.00	4.354%
FEDERAL HOME LOAN MORTGAGE CORP Piper Sandler	06/25/2020	06/25/2023	06/25/2025	06/25/2025	3,000,000.00	3,000,000.00	2,719,191.00	4.366%
FEDERAL HOME LOAN MORTGAGE CORP Piper Sandler	08/26/2020	11/26/2022	08/26/2024	08/26/2024	3,000,000.00	3,000,000.00	2,791,245.00	4.344%
FEDERAL HOME LOAN MORTGAGE CORP Stifel	10/28/2020	10/28/2022	10/28/2024	10/28/2024	3,000,000.00	3,000,000.00	2,768,004.00	4.342%
FEDERAL HOME LOAN MORTGAGE CORP Stifel	11/30/2020	11/30/2022	05/30/2024	05/30/2024	3,000,000.00	3,000,000.00	2,812,644.00	4.282%
FEDERAL HOME LOAN MORTGAGE CORP Stifel	05/26/2022	11/26/2022	05/26/2027	05/26/2027	3,000,000.00	3,000,000.00	2,914,980.00	4.990%
FEDERAL NATIONAL MORTGAGE ASSOCIATION Alamo Capital	08/25/2020	---	08/25/2025	08/25/2025	3,000,000.00	2,985,965.00	2,679,759.00	4.328%
FEDERAL NATIONAL MORTGAGE ASSOCIATION UnionBanc GF	07/15/2020	01/15/2023	07/15/2025	07/15/2025	3,000,000.00	3,000,000.00	2,716,320.00	4.364%
FEDERAL NATIONAL MORTGAGE ASSOCIATION UnionBanc GF	08/12/2020	11/12/2022	08/12/2025	08/12/2025	3,000,000.00	3,000,000.00	2,695,536.00	4.365%
FEDERAL NATIONAL MORTGAGE ASSOCIATION UnionBanc GF	12/16/2020	12/14/2022	06/14/2024	06/14/2024	3,000,000.00	3,001,500.00	2,807,844.00	4.310%
FEDERAL NATIONAL MORTGAGE ASSOCIATION Piper Sandler	12/14/2020	12/14/2022	06/14/2024	06/14/2024	3,000,000.00	3,000,000.00	2,807,844.00	4.310%
---	---	---	06/06/2025	06/06/2025	127,190,000.00	127,119,355.60	117,144,544.66	4.361%

Monthly Investment Portfolio Report

As of 09/30/2022

AGG- General Fund (213428)

Dated: 10/18/2022

CORP

Description, Broker	Settle Date	Next Call Date	Effective Maturity	Final Maturity	PAR Value	Original Cost	Market Value	Yield to Maturity
3M CO Stifel	06/05/2020	03/15/2025	04/15/2025	04/15/2025	3,000,000.00	3,258,120.00	2,830,536.00	5.045%
APPLE INC Alamo Capital	09/16/2019	08/11/2024	09/11/2024	09/11/2024	1,000,000.00	990,552.00	951,036.00	4.453%
APPLE INC UnionBanc GF	01/27/2021	08/11/2024	09/11/2024	09/11/2024	3,000,000.00	3,150,000.00	2,853,108.00	4.453%
APPLE INC Stifel	09/24/2020	04/11/2025	05/11/2025	05/11/2025	2,000,000.00	2,055,740.00	1,833,244.00	4.544%
APPLE INC Stifel	03/26/2021	01/08/2026	02/08/2026	02/08/2026	1,000,000.00	986,200.00	880,916.00	4.568%
APPLE INC Stifel	06/21/2022	11/09/2026	02/09/2027	02/09/2027	3,000,000.00	2,953,920.00	2,855,490.00	4.581%
BANK OF NEW YORK MELLON CORP Alamo Capital	05/06/2020	03/24/2025	04/24/2025	04/24/2025	1,000,000.00	1,020,005.00	920,796.00	4.922%
CATERPILLAR FINANCIAL SERVICES CORP Alamo Capital	12/17/2020	---	09/14/2023	09/14/2023	3,000,000.00	3,012,276.47	2,888,862.00	4.453%
CHEVRON CORP Stifel	07/08/2020	01/03/2024	03/03/2024	03/03/2024	3,000,000.00	3,239,700.00	2,930,913.00	4.581%
CITIBANK NA Stifel	06/24/2020	12/23/2023	01/23/2024	01/23/2024	3,000,000.00	3,297,000.00	2,964,528.00	4.584%
EXXON MOBIL CORP UnionBanc GF	11/22/2019	01/01/2023	03/01/2023	03/01/2023	2,000,000.00	2,055,180.00	1,989,984.00	3.931%
EXXON MOBIL CORP UnionBanc GF	08/11/2022	12/01/2025	03/01/2026	03/01/2026	3,000,000.00	2,976,180.00	2,831,088.00	4.849%
JOHN DEERE CAPITAL CORP Alamo Capital	02/08/2021	---	01/15/2026	01/15/2026	3,000,000.00	3,000,000.00	2,638,464.00	4.694%
MICROSOFT CORP Stifel	02/10/2021	08/03/2025	11/03/2025	11/03/2025	3,000,000.00	3,337,530.00	2,879,457.00	4.532%
MICROSOFT CORP Stifel	12/20/2019	02/01/2023	05/01/2023	05/01/2023	2,000,000.00	2,034,620.00	1,982,006.00	3.940%
TOYOTA MOTOR CREDIT CORP Alamo Capital	10/21/2019	---	10/07/2024	10/07/2024	1,500,000.00	1,499,994.00	1,422,906.00	4.697%
TOYOTA MOTOR CREDIT CORP Alamo Capital	07/18/2022	---	04/14/2025	04/14/2025	2,044,000.00	2,035,824.00	1,976,823.94	4.790%
VISA INC Stifel	01/30/2020	11/11/2022	12/14/2022	12/14/2022	2,000,000.00	2,065,680.00	1,995,092.00	3.971%
WALMART INC Stifel	06/18/2020	10/15/2024	12/15/2024	12/15/2024	2,000,000.00	2,173,300.00	1,930,828.00	4.307%
---	---	---	11/28/2024	11/28/2024	43,544,000.00	45,141,821.46	41,556,077.94	4.530%

MMFUND

Description, Broker	Settle Date	Next Call Date	Effective Maturity	Final Maturity	PAR Value	Original Cost	Market Value	Yield to Maturity
LAIF Money Market Fund LAIF - GF	---	---	09/30/2022	09/30/2022	23,316,322.65	23,316,322.65	23,316,322.65	---
RBC BANK DEPOSIT PROGRAM Alamo Capital	09/19/2022	---	09/30/2022	09/30/2022	207.10	207.10	207.10	---
---	---	---	09/30/2022	09/30/2022	23,316,529.75	23,316,529.75	23,316,529.75	---

MUNI

Description, Broker	Settle Date	Next Call Date	Effective Maturity	Final Maturity	PAR Value	Original Cost	Market Value	Yield to Maturity
CALIFORNIA ST UNIV REV Alamo Capital	09/09/2022	---	11/01/2026	11/01/2026	1,000,000.00	909,590.00	876,420.00	4.481%

Monthly Investment Portfolio Report

As of 09/30/2022

AGG- General Fund (213428)

Dated: 10/18/2022

Description, Broker	Settle Date	Next Call Date	Effective Maturity	Final Maturity	PAR Value	Original Cost	Market Value	Yield to Maturity
EL CAJON CALIF UnionBanc GF	02/08/2021	---	04/01/2024	04/01/2024	300,000.00	302,583.00	282,030.00	5.119%
EL CAJON CALIF UnionBanc GF	02/08/2021	---	04/01/2023	04/01/2023	400,000.00	402,124.00	391,488.00	4.987%
MONTEREY PK CALIF PENSION OBLIG UnionBanc GF	02/16/2021	---	06/01/2025	06/01/2025	400,000.00	403,156.00	359,680.00	4.965%
MONTEREY PK CALIF PENSION OBLIG UnionBanc GF	02/16/2021	---	06/01/2024	06/01/2024	550,000.00	552,255.00	513,502.00	4.810%
MONTEREY PK CALIF PENSION OBLIG UnionBanc GF	02/16/2021	---	06/01/2023	06/01/2023	450,000.00	450,643.50	437,292.00	4.697%
---	---	---	12/15/2024	12/15/2024	3,100,000.00	3,020,351.50	2,860,412.00	4.766%

US GOV

Description, Broker	Settle Date	Next Call Date	Effective Maturity	Final Maturity	PAR Value	Original Cost	Market Value	Yield to Maturity
UNITED STATES TREASURY UnionBanc GF	05/27/2021	---	11/15/2023	11/15/2023	3,000,000.00	3,005,156.25	2,867,343.75	4.319%
UNITED STATES TREASURY UnionBanc GF	05/27/2021	---	11/15/2023	11/15/2023	3,000,000.00	3,005,156.25	2,867,343.75	4.319%

CD

Description, Broker	Settle Date	Next Call Date	Effective Maturity	Final Maturity	PAR Value	Original Cost	Market Value	Yield to Maturity
Ally Bank Piper Sandler	06/02/2022	---	06/02/2026	06/02/2026	245,000.00	245,000.00	236,587.92	4.114%
Capital One Bank (USA), National Association Piper Sandler	06/08/2022	---	06/08/2027	06/08/2027	245,000.00	245,000.00	234,450.30	4.168%
Capital One, National Association Piper Sandler	06/08/2022	---	06/08/2027	06/08/2027	245,000.00	245,000.00	234,450.30	4.168%
Discover Bank Piper Sandler	06/07/2022	---	06/07/2027	06/07/2027	245,000.00	245,000.00	234,456.92	4.168%
JPMorgan Chase Bank, National Association Alamo Capital	02/08/2021	01/16/2023	01/16/2026	01/16/2026	250,000.00	250,000.00	222,066.75	4.248%
Morgan Stanley Bank, N.A. Piper Sandler	06/09/2022	---	06/09/2027	06/09/2027	245,000.00	245,000.00	233,410.03	4.168%
Morgan Stanley Private Bank, National Association Piper Sandler	06/09/2022	---	06/09/2027	06/09/2027	245,000.00	245,000.00	233,410.03	4.168%
---	---	---	02/05/2027	02/05/2027	1,720,000.00	1,720,000.00	1,628,832.25	4.171%

CASH

Description, Broker	Settle Date	Next Call Date	Effective Maturity	Final Maturity	PAR Value	Original Cost	Market Value	Yield to Maturity
Cash Alamo Capital	---	---	09/30/2022	09/30/2022	21,000.00	21,000.00	21,000.00	0.000%
Cash UnionBanc GF	---	---	09/30/2022	09/30/2022	21,300.00	21,300.00	21,300.00	0.000%
Cash ---	---	---	09/30/2022	09/30/2022	42,300.00	42,300.00	42,300.00	0.000%

Summary

Description, Broker	Settle Date	Next Call Date	Effective Maturity	Final Maturity	PAR Value	Original Cost	Market Value	Yield to Maturity
------------------------	-------------	----------------	--------------------	----------------	-----------	---------------	--------------	-------------------

Description, Broker	Settle Date	Next Call Date	Effective Maturity	Final Maturity	PAR Value	Original Cost	Market Value	Yield to Maturity
---	---	---	12/18/2024	12/18/2024	201,912,829.75	203,365,514.56	189,416,040.35	4.407%

* Grouped by: Security Type. * Groups Sorted by: Ending Market Value + Accrued. * Filtered By: Description ≠ "Receivable". * Weighted by: Ending Market Value + Accrued.

DESERT WATER AGENCY
STATEMENT OF CASH RECEIPTS AND EXPENDITURES

WASTEWATER ACCOUNT

SEPTEMBER 2022

INVESTED
RESERVE FUNDS
\$1,645,083.28

BALANCE	SEPTEMBER 30, 2022	\$96,757.85		
ACCOUNTS RECEIVABLE - OTHER		\$0.00		
CUSTOMER DEPOSITS - CONSTRUCTION		0.00		
INTEREST EARNED - INVESTED FUNDS		0.00		
WASTEWATER REVENUE		96,402.36		
SEWER CAPACITY CHARGES		0.00		
MISCELLANEOUS		<u>0.00</u>		
TOTAL RECEIPTS		\$96,402.36		
PAYMENTS				
CHECKS UNDER \$10,000.00		\$9,222.42		
CHECKS OVER \$10,000.00 - SCH. #1		107,023.03		
CANCELLED CHECKS AND FEES		<u>0.00</u>		
TOTAL PAYMENTS		<u>\$116,245.45</u>		
NET INCOME		(\$19,843.09)		
INVESTED RESERVE FUNDS				
FUNDS MATURED		\$20,000.00		
FUNDS INVESTED – SCH. #2		<u>96,000.00</u>		
NET TRANSFER		.	(\$76,000.00)	\$76,000.00
BALANCE	SEPTEMBER 30, 2022		\$914.76	\$1,721,083.28

DESERT WATER AGENCY
Wastewater Fund
Schedule #1 - Checks Over \$10,000

DESERT WATER



September 2022

Check #	Name	Description	Amount
3434	Deser Water Agency	Operating Fund Reimbursement	\$ 44,376.59
3436	Coachella Valley Water District	Wastewater Revenue Billing for August 2022	\$ 62,646.44
Total			\$ 107,023.03

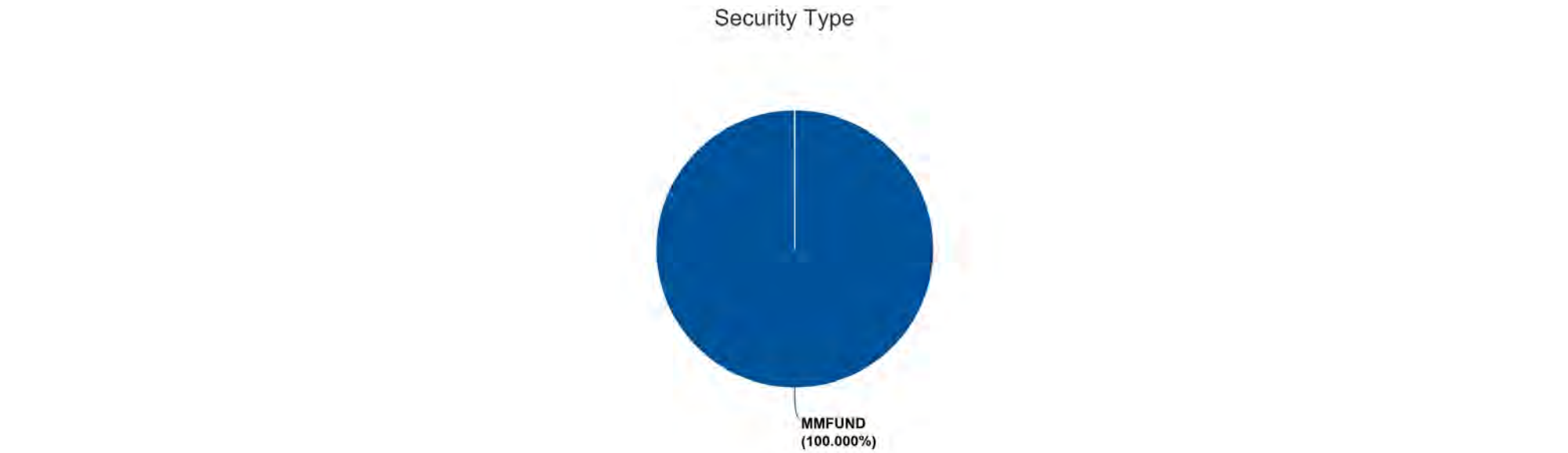


Chart calculated by: PAR Value

MMFUND

Description, Broker	Settle Date	Next Call Date	Effective Maturity	Final Maturity	PAR Value	Original Cost	Market Value	Yield to Maturity
LAIF Money Market Fund LAIF - WW	---	---	09/30/2022	09/30/2022	1,721,083.28	1,721,083.28	1,721,083.28	---
LAIF Money Market Fund LAIF - WW	---	---	09/30/2022	09/30/2022	1,721,083.28	1,721,083.28	1,721,083.28	---

* Grouped by: Security Type. * Groups Sorted by: Ending Market Value + Accrued. * Filtered By: Description ≠ "Receivable". * Weighted by: Ending Market Value + Accrued.

DESERT WATER AGENCY

Investment Portfolio Reporting Requirements

*as required by DWA Resolution 1273, Section VII
& California Government Code Section 53646*

as of

September 30, 2022

Statement of Compliance

The Desert Water Agency portfolio is in compliance with the Agency's investment policy and guidelines for investment of Agency funds as outlined in DWA Resolution 1273.

Statement of Agency's Ability to Meet Six-Month Expenditure Requirements

Desert Water Agency has the ability to meet its expenditure requirements for the next six months.

Description of Investments

Agency Bonds

Securities issued by a government-sponsored enterprise or by a federal government department other than the U.S. Treasury.

Bank Deposits

Agency funds on deposit in the General Fund, Operating Fund and Wastewater Fund active checking accounts for use in meeting the daily cash flow requirements of the Agency.

Certificate of Deposits (CD)

Interest bearing time deposit. FDIC insured up to \$250,000 per depositor, per FDIC-insured bank.

Corporate Notes

Debt securities issued by a for-profit company.

Money Market Funds

High quality, short-term debt instruments, cash and cash equivalents. Utilized for overnight holding of investment proceeds prior to reinvesting or transferring to Agency checking accounts.

Municipal Bonds

Fixed income securities issued by states, cities, counties, special districts and other governmental entities.

Treasury Notes

Fixed income securities issued by the federal government with maturities between two and ten years backed by the full faith and credit of the United States government.

Funds Managed by Contracted Parties - LAIF

The Desert Water Agency has contracted with the California Local Agency Investment Fund (LAIF) for investment of Agency funds. LAIF is a voluntary program created by Section 16429.1 et seq. of the California Government Code. LAIF is an investment alternative for California's local governments and special districts. This program offers local agencies the opportunity to participate in a major portfolio, which invests hundreds of millions of dollars, using the investment expertise of the state Treasurer's Office professional investment staff at no additional cost to the taxpayer or ratepayer. All Agency funds invested with LAIF are available for withdrawal upon demand and may not be altered, impaired or denied in any way (California Government Code Section 16429.4).

Market Value Source

Current market values are provided by Clearwater Analytics for all investment types other than LAIF. LAIF market values are recorded at PAR value.

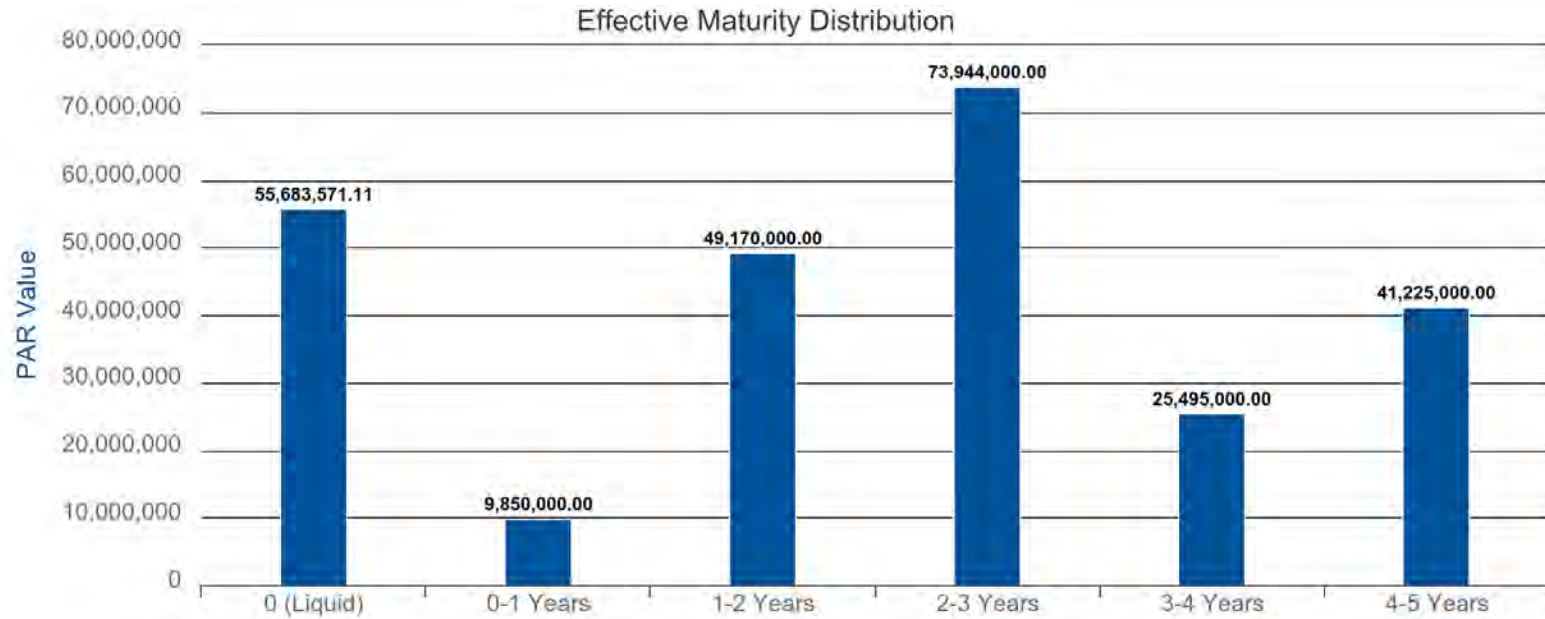
Esther Saenz
Finance Director
Desert Water Agency

Effective Maturity Distribution Summary

As of 09/30/2022

AGG-ALL (219610)

Dated: 10/18/2022



0 (Liquid)

DWA Fund	Account	Identifier	Description	Security Type	PAR Value	Ending Effective Maturity	Final Maturity
General Fund	---	---	---	MMFUND	23,316,529.75	09/30/2022	09/30/2022
Operating Fund	LAIF - OP	LAIFMMF	LAIF Money Market Fund	MMFUND	30,645,958.08	09/30/2022	09/30/2022
Wastewater Fund	LAIF - WW	LAIFMMF	LAIF Money Market Fund	MMFUND	1,721,083.28	09/30/2022	09/30/2022
---	---	---	---	MMFUND	55,683,571.11	09/30/2022	09/30/2022

0-1 Years

DWA Fund	Account	Identifier	Description	Security Type	PAR Value	Ending Effective Maturity	Final Maturity
General Fund	---	---	---	---	9,850,000.00	05/01/2023	05/01/2023
General Fund	---	---	---	---	9,850,000.00	05/01/2023	05/01/2023

1-2 Years

DWA Fund	Account	Identifier	Description	Security Type	PAR Value	Ending Effective Maturity	Final Maturity
General Fund	---	---	---	---	45,040,000.00	04/18/2024	04/18/2024
Operating Fund	UnionBanc OP	---	---	AGCY BOND	4,130,000.00	08/13/2024	08/13/2024
---	---	---	---	---	49,170,000.00	04/28/2024	04/28/2024

2-3 Years

Effective Maturity Distribution Summary

AGG-ALL (219610)

As of 09/30/2022

Dated: 10/18/2022

DWA Fund	Account	Identifier	Description	Security Type	PAR Value	Ending Effective Maturity	Final Maturity
General Fund	---	---	---	---	65,944,000.00	02/23/2025	02/23/2025
Operating Fund	UnionBanc OP	---	---	---	8,000,000.00	04/28/2025	04/28/2025
---	---	---	---	---	73,944,000.00	03/02/2025	03/02/2025

3-4 Years

DWA Fund	Account	Identifier	Description	Security Type	PAR Value	Ending Effective Maturity	Final Maturity
General Fund	---	---	---	---	25,495,000.00	01/21/2026	01/21/2026
General Fund	---	---	---	---	25,495,000.00	01/21/2026	01/21/2026

4-5 Years

DWA Fund	Account	Identifier	Description	Security Type	PAR Value	Ending Effective Maturity	Final Maturity
General Fund	---	---	---	---	32,225,000.00	01/04/2027	01/04/2027
Operating Fund	UnionBanc OP	---	---	---	9,000,000.00	04/12/2027	04/12/2027
---	---	---	---	---	41,225,000.00	01/26/2027	01/26/2027

Summary

Account	Identifier	Description	Security Type	PAR Value	Ending Effective Maturity	Final Maturity
---	---	---	---	255,367,571.11	10/02/2024	10/02/2024

* Grouped by: Effective Maturity Distribution -> DWA Fund. * Groups Sorted by: Effective Maturity Distribution -> DWA Fund. * Filtered By: Security Type not in "CASH". * Weighted by: Ending Market Value + Accrued.

DESERT WATER AGENCY
Monthly Investment Portfolio Report

Abbreviations & Definitions

Investment Type Abbreviations	
AGCY BOND	US Agency Obligation ¹
CORP	Medium Term Notes (Corporate Notes) ²
MMFUND	Local Agency Investment Fund (LAIF) ³ & Cash Funds in Transit ⁴
MUNI	Municipal Bonds/Local Agency Bonds ⁵
CD	Negotiable Certificates of Deposit ⁶
US GOV	U.S. Treasury notes, bills bonds or other certificates of indebtedness ⁷

Definitions	
Settle Date	The date of original purchase
Next Call Date	The next eligible date for the issuer to refund or call the bond or note
Effective Maturity	The most likely date that the bond will be called based on current market conditions
Final Maturity	The date the bond matures, DWA receives the full PAR value plus the final interest payment
PAR Value	The principal amount DWA will receive when a bond is either called or matures
Original Cost	The original cost to purchase the bond (includes premium/discount)
Market Value	The current value of the bond at current market rates
Yield to Maturity	The total anticipated return on a bond held to maturity expressed as an annual rate

NOTES:

¹ DWA Investment Policy, Resolution 1273, Schedule 1, Item 2

² DWA Investment Policy, Resolution 1273, Schedule 1, Item 14

³ DWA Investment Policy, Resolution 1273, Schedule 1, Item 9

⁴ Cash funds in transit are a result of maturities/calls/coupon payments that are held in the Agency's money market account with the broker/custodian until transferred to the Agency's bank. DWA Investment Policy, Resolution 1273, Schedule 1, Item 15

⁵ DWA Investment Policy, Resolution 1273, Schedule 1, Item 3

⁶ DWA Investment Policy, Resolution 1273, Schedule 1, Item 10

⁷ DWA Investment Policy, Resolution 1273, Schedule 1, Item 1

DESERT WATER AGENCY - OPERATING FUND								
COMPARATIVE EARNINGS STATEMENT								
MONTH 22-23 SEPTEMBER	/-----THIS MONTH-----/ THIS YEAR	LAST YEAR	BUDGET	/-----FISCAL YEAR TO DATE-----/ THIS YEAR	LAST YEAR	BUDGET	/--VARIANCE--/ YTD	PCT
OPERATING REVENUES								
WATER SALES	4,061,629.28	3,744,188.81	4,097,200.00	12,191,836.23	11,411,408.46	12,403,300.00	211,463.77-	2-
RECLAMATION SALES	109,296.39	127,684.23	96,800.00	342,625.79	395,666.84	305,600.00	37,025.79	12
POWER SALES	.00	14,574.71	9,250.00	743.45	16,206.04	27,750.00	27,006.55-	97-
OTHER OPER REVENUE	76,492.98	291,986.24	229,208.00	667,619.49	620,642.03	654,224.00	13,395.49	2
TOTAL OPER REVENUES	4,247,418.65	4,178,433.99	4,432,458.00	13,202,824.96	12,443,923.37	13,390,874.00	188,049.04-	1-
OPERATING EXPENSES								
SOURCE OF SUPPLY EXP	1,784,446.27	1,859,793.72	1,898,660.00	1,847,350.00	1,886,595.20	2,098,780.00	251,430.00-	12-
PUMPING EXPENSE	584,194.70	771,253.44	476,700.00	1,582,134.39	157,197.74	1,440,700.00	141,434.39	10
REGULATORY WATER TREAT	144,746.11	105,924.38	72,810.00	247,802.51	221,273.00	218,430.00	29,372.51	13
TRANS & DIST EXPENSE	325,889.25	243,827.75	359,770.00	780,918.76	648,733.42	1,079,310.00	298,391.24-	28-
CUSTOMER ACT EXPENSE	74,364.25	111,412.42	105,760.00	198,009.48	232,028.61	317,280.00	119,270.52-	38-
ADMIN & GEN EXPENSE	843,611.39	827,212.97	1,183,047.00	4,557,156.70	4,091,948.32	4,400,541.00	156,615.70	4
REGULATORY EXPENSE	21,357.99	11,766.14	35,530.00	54,160.76	22,297.97	106,590.00	52,429.24-	49-
SNOW CREEK HYDRO EXP	2,395.02	6,181.51	5,000.00	9,385.67	10,529.35	15,000.00	5,614.33-	37-
RECLAMATION PLNT EXP	81,573.21	99,999.86	114,080.00	227,947.99	232,131.30	342,240.00	114,292.01-	33-
SUB-TOTAL	3,862,578.19	4,037,372.19	4,251,357.00	9,504,866.26	7,502,734.91	10,018,871.00	514,004.74-	5-
OTHER OPER EXPENSES								
DEPRECIATION	522,822.94	516,494.57	553,900.00	1,562,891.14	1,551,110.32	1,661,700.00	98,808.86-	6-
SERVICES RENDERED	10,450.99	12,184.98	14,200.00	48,936.55	23,230.51	42,600.00	6,336.55	15
DIR & INDIR CST FOR WO	187,986.47-	220,424.57-	280,580.00-	853,031.76-	839,703.87-	841,740.00-	11,291.76-	1
TOTAL OPER EXPENSES	4,207,865.65	4,345,627.17	4,538,877.00	10,263,662.19	8,237,371.87	10,881,431.00	617,768.81-	6-
NET INCOME FROM OPERATIONS	39,553.00	167,193.18-	106,419.00-	2,939,162.77	4,206,551.50	2,509,443.00	429,719.77	17
NON-OPERATING INCOME (NET)								
RENTS	1,807.91	14,338.37	15,775.00	24,024.33	43,015.11	47,325.00	23,300.67-	49-
INTEREST REVENUES	68,382.18	9,585.56	48,600.00	190,293.21	31,328.51	145,800.00	44,493.21	31
OTHER REVENUES	27,454.50	156,620.00	.00	29,434.50	377,230.01	.00	29,434.50	0
GAINS ON RETIREMENT	.00	.00	6,310.00	.00	.00	6,310.00	6,310.00-	100-
DISCOUNTS	33.03	.00	33.00	1,355.49	145.10	99.00	1,256.49	0
PR. YEAR EXPENSES	.00	.00	.00	.01	1,229.84-	.00	.01	0
OTHER EXPENSES	.00	.00	4,630.00-	.00	.00	13,890.00-	13,890.00	100-
LOSS ON RETIREMENTS	.00	35,269.77-	9,000.00-	.00	35,269.77-	27,000.00-	27,000.00	100-
TOTAL NON-OPER INCOME	97,677.62	150,657.26	57,088.00	245,107.54	443,973.99	158,644.00	86,463.54	55
TOTAL NET INCOME	137,230.62	16,535.92-	49,331.00-	3,184,270.31	4,650,525.49	2,668,087.00	516,183.31	19

GENERAL MANAGER'S REPORT November 1, 2022

Damaged Hydrant at 68956 Perez Rd

On October 18th at approximately 7:15 p.m. Construction stand-by staff responded to a damaged fire hydrant located at 68956 Perez Rd. Staff re-installed the fire hydrant and put the hydrant back in service. A police report was filed. The water loss was a fully open 6-inch fire hydrant bury which flowed for approximately 25 minutes. The water loss from this damaged hydrant was approximately 230,278 gallons (308 HCF).

Top of the fire hydrant bury flange.

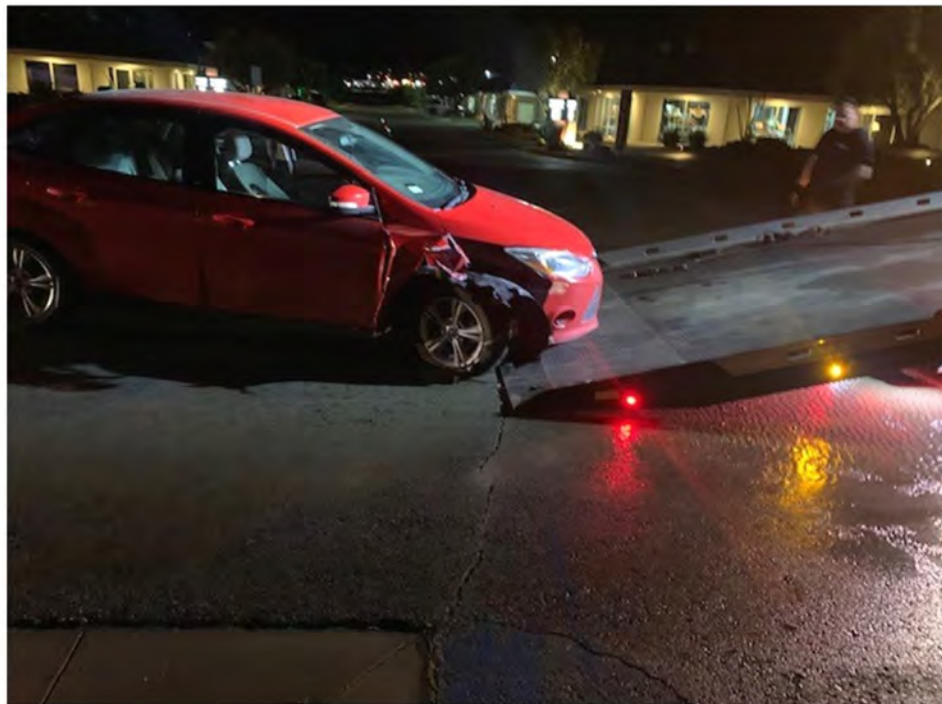


Damaged fire hydrant.



Damaged Hydrant at 68956 Perez Rd
Cont.

Vehicle that damaged the fire hydrant.



Fire hydrant & bury.



State Water Board Adopts Water Loss Performance Standards

As a part of its compliance requirements through SB 555 on water loss and AB 1668 and SB 606 on water use objectives, the State Water Board (SRWCB) formally adopted a resolution for water loss performance standards on October 19, including an [updated water loss model](#).

The State Water Board has been working with water agencies and other interested parties on iterations of the regulation and the economic model used to compute water loss objectives for several years.

In March of 2022, Desert Water Agency requested model default value changes to better reflect local data and circumstances. The SWRCB staff approved those changes via email and they were implemented as shown in SWRCB documents released in September. These changes drastically changed DWA's water loss objective.

DWA's standard is 77.3 gallons per connection per day (gpcd), which was equivalent to current leakage - this means DWA will likely not require any reduction in the near future but must maintain its leakage. Prior to this change, DWA was looking at a drastic reduction from current leakage (77.3 gpcd) to roughly 22 gpcd.

This regulation is one step of many for the development of DWA's overall water use objective. DWR has submitted recommendations to the SWRCB for indoor and outdoor budgets as well as commercial landscape standards and variances. SWRCB needs to take action on those regulations with formal rulemaking.

The new regulations that will make up agencies' water use objectives are slated to be developed and go into effect by January of 2024.

Veteran's Day Holiday/DWA Offices Closed

Reminder: DWA offices will be closed on Friday, November 11 in observance of Veteran's Day.



SYSTEM LEAK DATA					
(PERIOD BEGINNING OCT 11, 2022 THRU OCT 24, 2022)					
STREET NAME	NUMBER OF LEAKS	PIPE DIAMETER (INCHES)	YEAR INSTALLED	PIPE MATERIAL	PIPE CONSTRUCTION
CYPRESS RD	2	4	1957	STEEL	BARE/UNLINED
VIA VAQUERO RD	2	4	1958	10GA	BARE/UNLINED
SUNNY DUNES RD	1	6	1946	10GA	BARE/UNLINED
PATENCIO RD	1	6	1951	10GA	BARE/UNLINED
AVENIDA EVELITA	1	6	1946	10GA	BARE/UNLINED
TERRY LN	1	4	1956	10GA	BARE/UNLINED
CERRITOS RD	1	8	1959	10GA	BARE/UNLINED
CHUPEROSA RD	1	4	1957	10GA	BARE/UNLINED
ANDREAS RD	1	6	1958	10GA	BARE/UNLINED
VIA NEGOCIO	1	4	1955	10GA	BARE/UNLINED
NICOLA RD E	1	4	1955	10GA	BARE/UNLINED
CAMINO SAN MIGUEL	1	4	1946	10GA	BARE/UNLINED
PALM CANYON DR E	1	6	1955	10GA	BARE/UNLINED
CALLE SAN RAPHAEL	1	4	1946	12GA	BARE/UNLINED
FRANCIS DR	1	6	1957	STL	BARE/UNLINED
TOTAL LEAKS IN SYSTEM:		17			

Streets highlighted in green are included as part of the
2020/2021 Replacement Pipeline Project

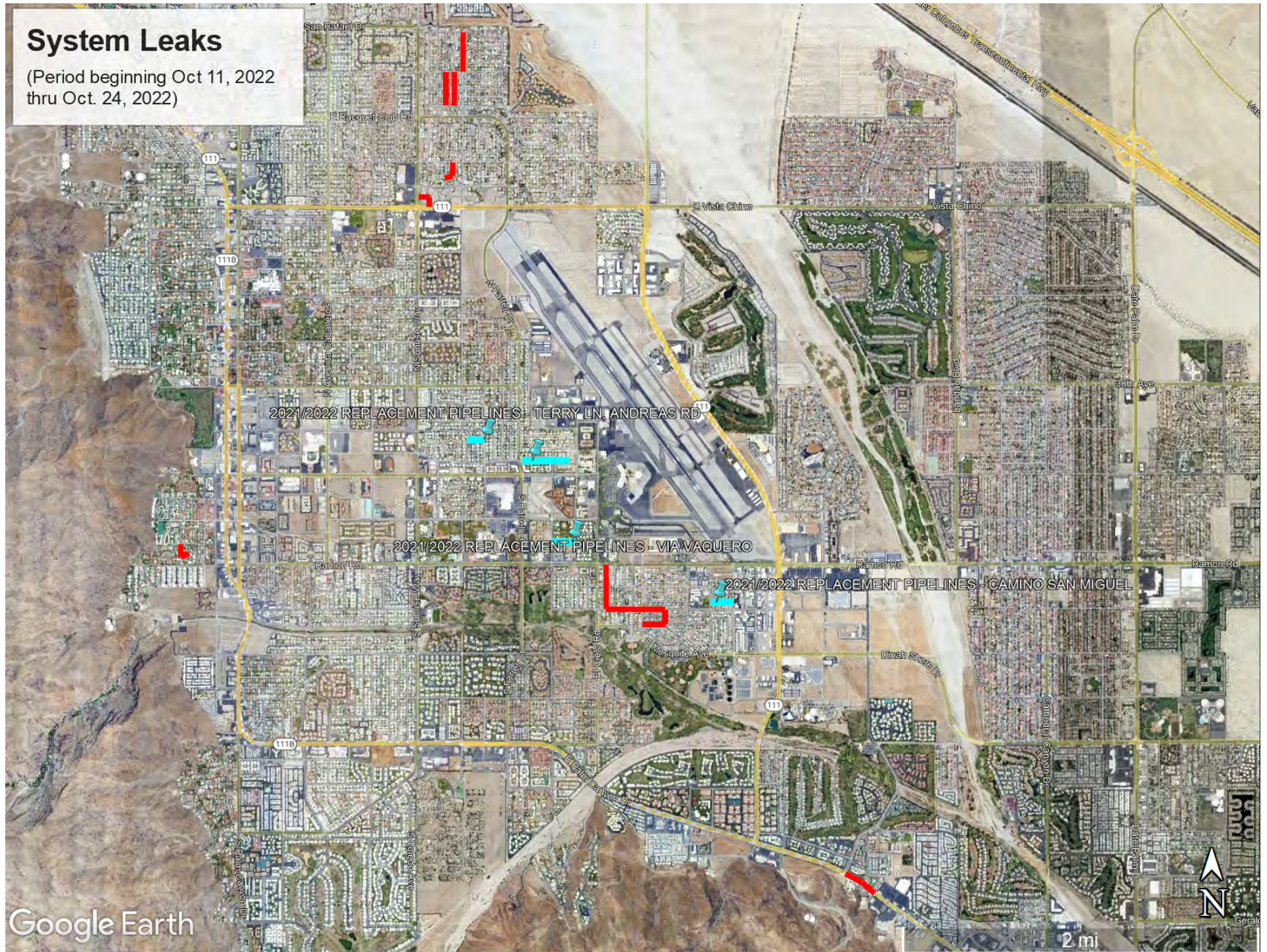
Streets highlighted in blue are being proposed as part of the
2021/2022 Replacement Pipeline Project

Streets highlighted in salmon are being proposed as part of the
2022/2023 Replacement Pipeline Project

SYSTEM INFORMATION:	
OLDEST PIPE IN THE SYSTEM (YEAR OF INSTALLATION):	1935
AVERAGE YEAR OF INSTALLATION OF UNLINED STEEL PIPE (SYSTEMWIDE):	1952
AVERAGE AGE OF UNLINED STEEL PIPE (SYSTEMWIDE):	66 YEARS
AVERAGE AGE OF PIPELINE AT THE TIME OF REPLACEMENT:	68 YEARS
TOTAL LENGTH OF PIPE IN SYSTEM OLDER THAN 70 YEARS (LINEAR FEET):	117,721
TOTAL LENGTH OF UNLINED PIPE SYSTEMWIDE (LINEAR FEET):	297,672
*AVERAGE LENGTH OF PIPE REPLACED ANNUALLY (LINEAR FEET):	15,000
PROJECTED TIME FRAME FOR 100% REPLACEMENT OF UNLINED STEEL PIPE:	16 YEARS
PROJECTED TIME FRAME FOR 100% REPLACEMENT OF PIPE OLDER THAN 70 YEARS:	9 YEARS
YEAR AGENCY TRANSITIONED TO CEMENT LINED STEEL PIPE:	1960
<p>*PLEASE NOTE THIS FIGURE REPRESENTS THE AVERAGE LINEAR FOOTAGE OF PIPELINE REPLACED ANNUALLY GIVEN AN AVERAGE ANNUAL BUDGET OF \$3 MILLION.</p>	

System Leaks

(Period beginning Oct 11, 2022
thru Oct. 24, 2022)



General Manager's Meetings and Activities

Meetings:

10/18/22	DWA Bi-Monthly Board Meeting	Conf Call
10/19/22	Tribal Mediation – DWA/CVWD Attorneys & Staff	Conf Call
10/20/22	SWC Monthly Board Meeting	Conf Call
10/20/22	SWC DCFA Board Monthly Board Meeting	Conf Call
10/21/22	Sites Reservoir Committee Meeting	Conf Call
10/24/22	DWA2.0 Project Manager Interview	Conf Call
10/24/22	DWA IT Project Updates	Conf Call
10/26/22	DCP Update	Conf Call
10/27/22	Executive Committee Meeting	Conf Call
10/27/22	Sites Reservoir Participation Meeting	Conf Call
10/28/22	Sites Reservoir Joint Workshop	Conf Call
11/01/22	DWA Bi-Monthly Board Meeting	Conf Call

Activities:

- 1) 2022 DWA Voting District Boundaries
- 2) DWA Board Handbook
- 3) DWA Rate Study
- 4) DWA Surface Water Rights
- 5) COVID 19 Water and Sewer Arrearages
- 6) Water Supply Planning – DWA Area of Benefit
- 7) Sites Reservoir Finance
- 8) DCP Financing
- 9) Lake Perris Seepage Recovery Project Financing
- 10) Recycled Water Supply - Strategic Planning
- 11) Recycled Water Rate
- 12) AQMD Rule 1196
- 13) DWA Digital Transformation Project
- 14) DWA Organizational Restructuring
- 15) DWA Tax Rate Analysis
- 16) DWA Staff Succession Planning
- 17) Palm Springs Aerial Tramway Water Supply 2022
- 18) SWP Contract Extension Amendment
- 19) DWA Remote Meter Reading Fixed Network
- 20) State and Federal Contractors Water Authority and Delta Specific Project Committee (Standing)
- 21) Whitewater River Surface Water Recharge
- 22) Replacement Pipelines 2021-2022
- 23) DC Project – Finance JPA Committee (Standing)
- 24) DWA/CVWD/MWD Operations Coordination/Article 21/Pool A/Pool B/Yuba Water (Standing)
- 25) DWA/CVWD/MWD Exchange Agreement Coordination Committee (Standing)
- 26) SWP 2022 Water Supply
- 27) ACBCI Water Rights Lawsuit
- 28) Whitewater Hydro Operations Coordination with Recharge Basin O&M

Activities:

(Cont.)

- 29) Whitewater Spreading Basins – BLM Permits
- 30) Delta Conveyance Project Cost Allocation
- 31) MCSB Delivery Updates
- 32) Well 6 Meaders Cleaners RWQB Meetings
- 33) SWP East Branch Enlargement Cost Allocation
- 34) WQCB Update to the SNMP