



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

*This meeting will be held virtually and in person. The link and the telephone option provided is for the convenience of the public.*

Toll Free: (253) 215-8782  
Meeting ID: 851 9817 5734  
Passcode: 071495  
or Via Computer:  
<https://dwa-org.zoom.us/j/85198175734?pwd=pNMgsdAQW1QhXkqTLJd3iurqTB0g7R.1>  
Meeting ID: 851 9817 5734

*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](mailto:sbaca@dwa.org) or may do so during the meeting. Comments will become part of the Board meeting record.*

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

*Esta reunión se llevará a cabo virtualmente y en persona. El enlace y la opción telefónica proporcionada es para la comodidad del público.*

Número gratuito: (253) 215-8782  
ID de reunión: 851 9817 5734  
código de acceso: 071495  
o a través de la computadora:  
<https://dwa-org.zoom.us/j/85198175734?pwd=pNMgsdAQW1QhXkqTLJd3iurqTB0g7R.1>  
ID de reunión: 851 9817 5734

*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](mailto:sbaca@dwa.org) o pueden hacerlo durante la reunión. Los comentarios pasarán a formar parte del registro de la reunión de la Junta.*

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

1. CALL TO ORDER ORTEGA
2. PLEDGE OF ALLEGIANCE ORTEGA
3. ROLL CALL HOFFMAN
4. **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. 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.
5. **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.

**6. 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. Receive and File Minutes of the February 28, 2024 Conservation & Public Affairs Committee Meeting
- B. Receive and File – February 2024 Outreach & Conservation Activities & Events
- C. Approve Minutes of the March 5, 2024 Regular Board Meeting
- D. Receive and File Minutes of the March 14, 2024 Executive Committee Meeting
- E. Request Authorization to Continue Emergency Repair Work at DWA Facilities Under Resolution No. 1312

**7. ACTION ITEMS:**

- A. Request Board Action on Customer Appeal – Belal El Bostany **JOHNSON**
- B. Request Adoption of Bill Position Recommendations **JOHNSON/REEB**
- C. Request Authorization for Finance Director to Execute Agreement for Management and Administrative Services with Regional Government Services for Strategic Planning Facilitation Services **SAENZ**

**8. DISCUSSION ITEMS:**

- A. Update on Phase 1 of 30" Avenida Caballeros Pipeline Replacement Project (Ramon Road to Tahquitz Canyon Way) **MOLHOEK**
- B. Request Authorization for Board Attendance at the Riverside County Water Task Force Event **JOHNSON**

**9. GENERAL MANAGER'S REPORT**

**JOHNSON**

**10. DIRECTORS REPORTS ON MEETINGS/EVENTS ATTENDED ON BEHALF OF THE AGENCY**

**11. DIRECTORS COMMENTS/REQUESTS**

**12. CLOSED SESSION**

- A. 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
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9 (d) (1)  
Name of Case: AT&T vs. County of Riverside
- C. CONFERENCE WITH LEGAL COUNSEL – POSSIBLE INTERVENTION IN EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9 (d) (4)  
Name of Case: Southern California Edison vs. California State Board of Equalization, et al  
One Case
- D. 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
- E. PUBLIC EMPLOYMENT  
Pursuant to Government Code Section 54957  
Unrepresented Employee: General Manager

**F. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Property: APN# 680-180-029

Agency Negotiators: Steve L. Johnson, General Manager and David Tate Asst. General Manager

Negotiating Parties: Desert Water Agency and The Palm Springs Surf Club

Under Negotiations: Possible Easement Agreement

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

**14. 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](http://www.dwa.org) and at the Agency's office located at 1200 South Gene Autry Trail, Palm Springs, CA.

Sylvia Baca, MMC, Assistant Secretary of the Board

**Minutes**  
**Conservation & Public Affairs Committee**  
February 28, 2024

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Directors Present: Paul Ortega, Steve Grasha  
Staff Present: Steve Johnson, David Tate, Clark Elliott, Xochitl Pena,  
Ernye Valenciano  
Consultant Present: Ashley Metzger  
Public Present: None

1. Public Comments - None

2. Discussion Items

A. Palm Springs Visitor Center

The Committee discussed the Spring Preserve in Las Vegas as a site with features that may be useful to consider for the expansion of the Palm Springs Visitor Center.

B. Upcoming Events

The Committee reviewed upcoming events.

C. Compensable events list

The Committee discussed current compensable events and alternatives that may provide more opportunities to engage with the public and other stakeholders.  
Staff shared information on event sponsorship.

D. Milestones and Memorials

The Committee considered options for a formal policy to guide Agency procedures when an employee or community member experiences injury, sickness or death in the family.

E. Public Affairs Budget

The Committee reviewed the current fiscal year's budget for Public Affairs expenses and the proposed budget for FY 24-25.

F. Regional Conservation Study update

Staff updated the Committee on the preliminary results of the Regional Conservation Study and discussed the direction of the study.

G. Urban Water Use Objective update

Staff provided an update on the draft Urban Water Use Objective regulations.

H. Conservation Programs

The Committee discussed incentive program participation.

I. Conservation Budget

The Committee reviewed the current fiscal year's budget for Conservation expenses and the proposed budget for FY 24-25.



## DESERT WATER AGENCY OUTREACH & CONSERVATION ACTIVITIES

FEBRUARY 2024

### Activities

- 2/1 Ashley Metzger was on a live segment with KESQ.
- 2/6 Staff attended CV Water Counts Academy.
- 2/8 Xochitl Pēna was on a live segment with KESQ.
- 2/8 Xochitl Pēna and Ashley Metzger attended a 2024 Legislative “next steps” meeting.
- 2/13 Clark Elliott attended a ONE-PS monthly meeting.
- 2/13 Ernye Valenciano attended CV Water Counts Academy.
- 2/14 Staff attended a CVRWMG Business meeting.
- 2/14 Xochitli Pēna attended a CAPIO 2024 State of Communications meeting.
- 2/15 Ashley Metzger was on a live segment with KESQ.
- 2/19 Ashley Metzger attended a Desert/Coachella/Metropolitan Coordination Call.
- 2/20 Ernye Valenciano & Xochitl Pēna attend CV Water Counts Academy.
- 2/22 Xochitli Pēna was on a live segment with KESQ.
- 2/22 Xochitli Pēna and Ashley Metzger attended a Legislative update meeting.
- 2/22 Xochitli Pēna attended an ACWA Communications Committee meeting.
- 2/23 Xochitli Pēna recorded a radio interview with Joey English.
- 2/23 Ashley Metzger attended a bi-monthly Save our Water (SOW) meeting.
- 2/27 Staff hosted a Tour with Desert Hot Springs High School students at the Mission Creek Replenishment Facility.
- 2/28 Staff attended a CV-SNMP monthly meeting.
- 2/29 Xochitli Pēna was on a live segment with KESQ.

### Public Information Releases/eblasts/Customer Notifications

- 2/15 Press Release – Desert Water Agency General Manager Mark Krause Retires
- 2/16 Latest News on website - Desert Water Agency General Manager Mark Krause Retires
- 2/16 Nextdoor – Leak Detection Survey for Desert Water Agency
- 2/22 Latest News on website – DWA Leak Detection Survey starts Feb. 26

### **Upcoming Events**

3/23 – ONE-PS Neighborhood Picnic at Ruth Hardy Park  
3/27 – Family Fun Fest at Palm Springs Stadium  
4/24 – DWA Spring tour

### **Conservation Programs**

#### **Grass Removal:**

27 Inspections  
12 Projects pre-approved  
17 Projects given final approval

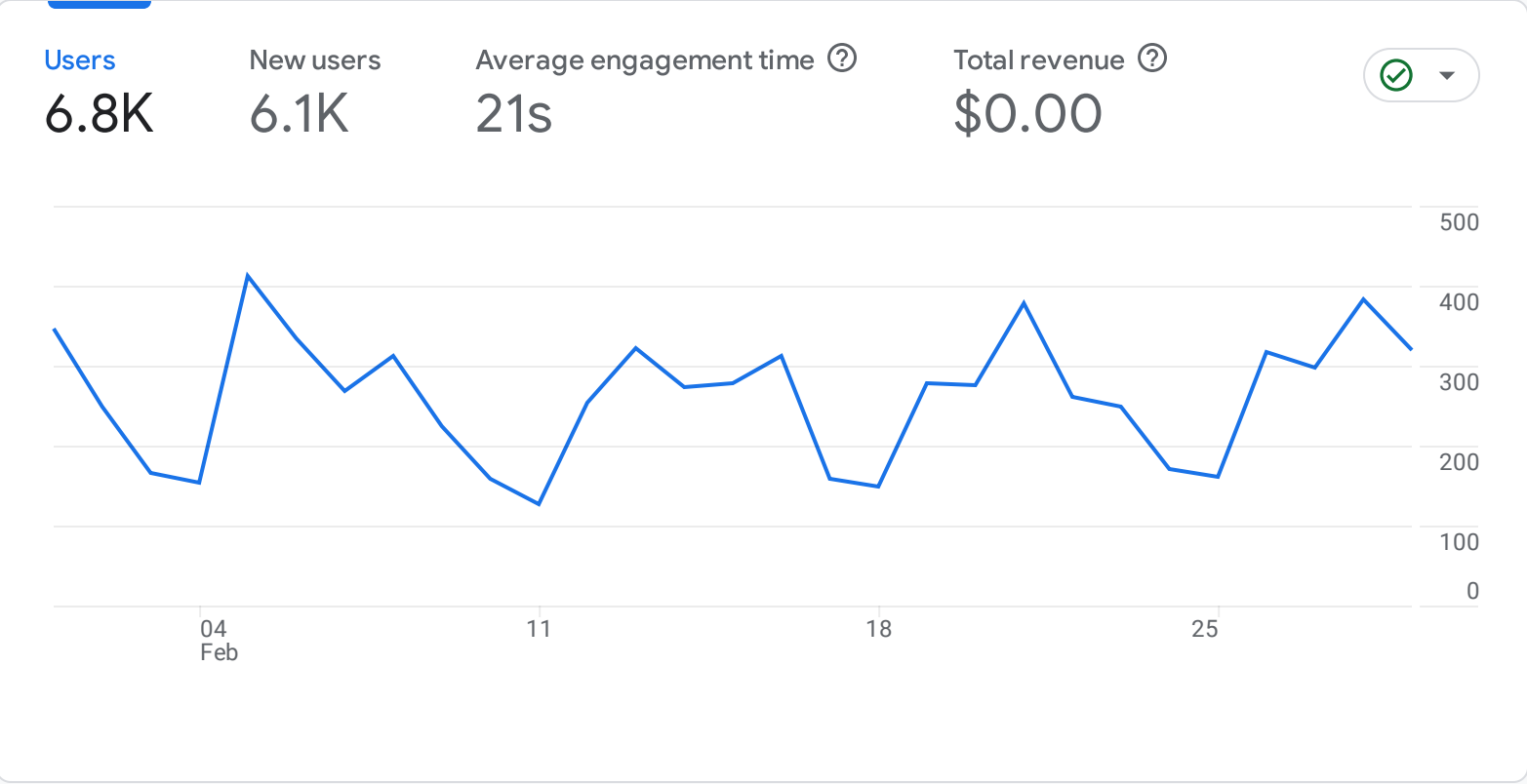
#### **Devices:**

18 Washing machine rebates requested  
14 Washing machine rebates approved  
  
10 Smart controller rebates requested  
12 Smart controller rebates approved  
  
0 Nozzles requested for rebate  
1290 Nozzles approved for rebate  
  
3 Toilet rebates requested (commercial)  
0 Toilet rebates approved (commercial)  
21 Toilet rebates requested (residential)  
17 Toilet rebates requested (residential)

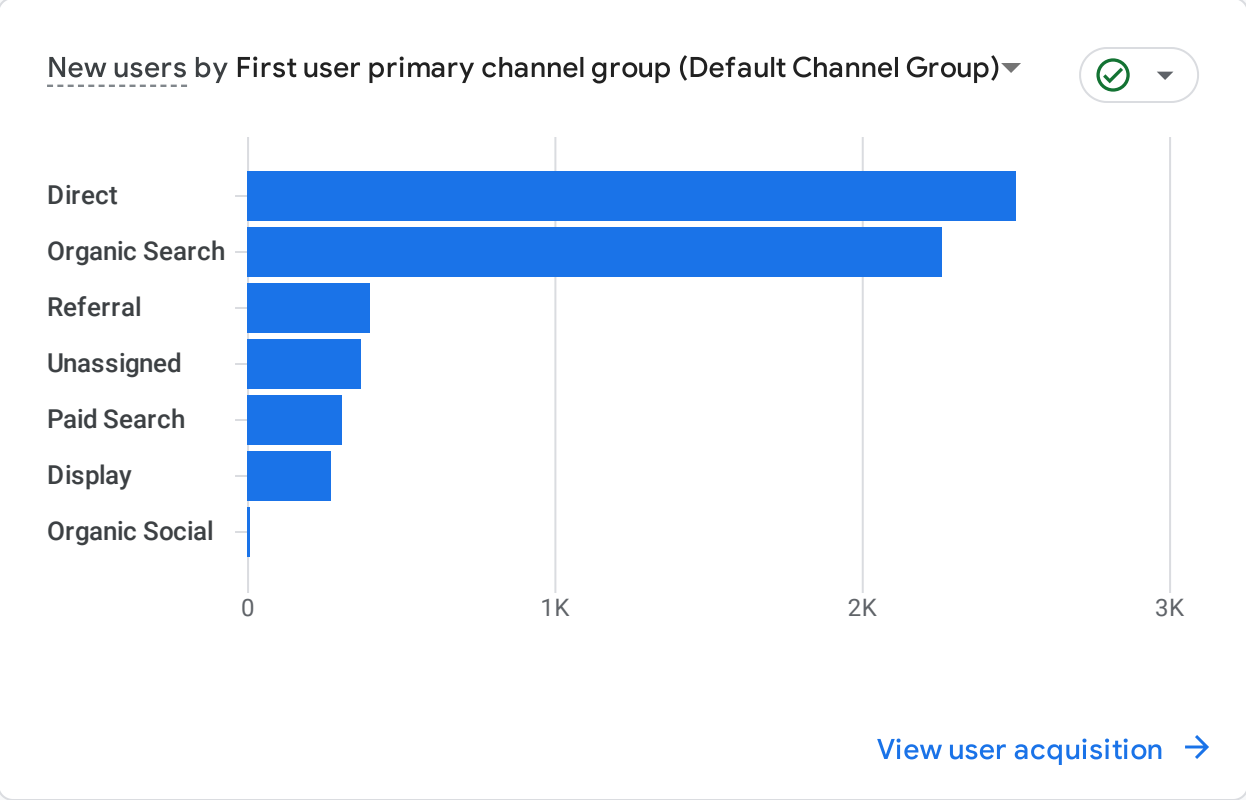
#### **Water waste:**

35 Total complaints submitted  
12 Contacts to customers  
14 Site inspections scheduled  
4 Citations  
1 Citations Waived

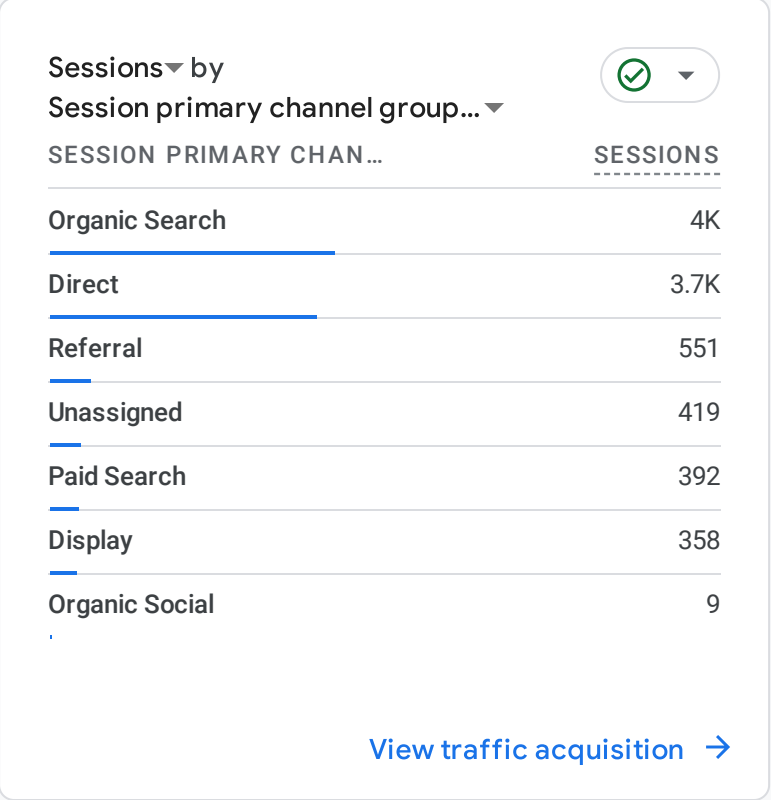
Reports snapshot



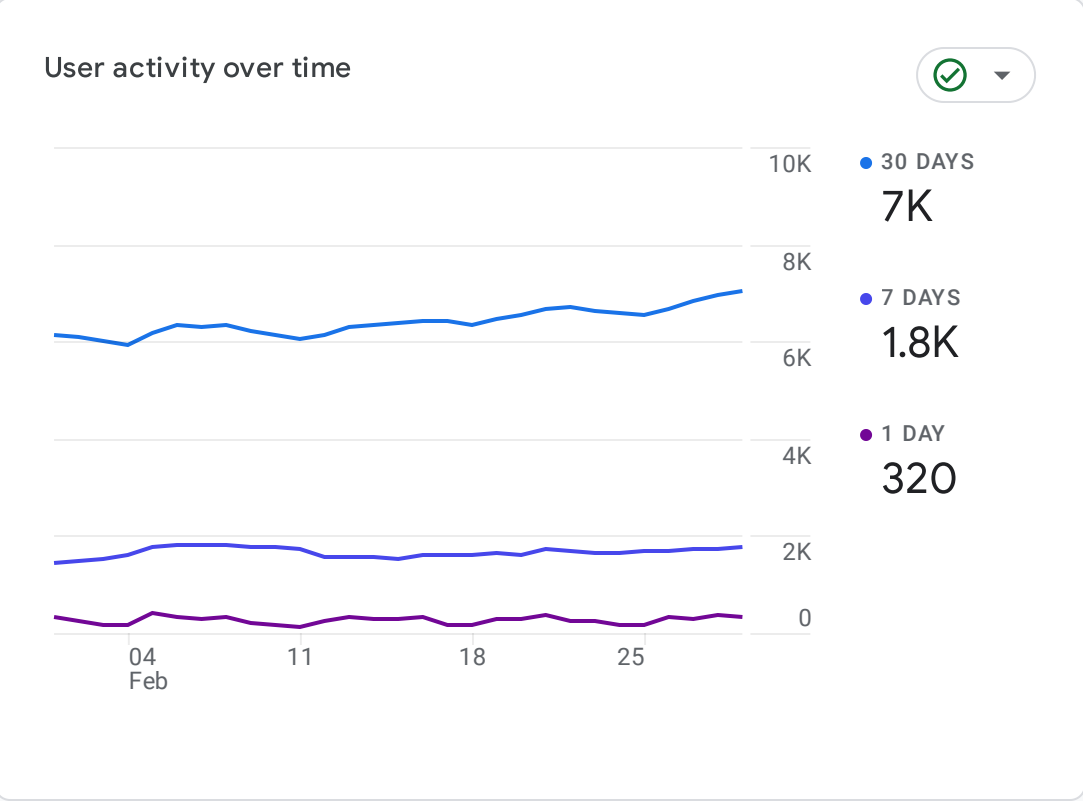
WHERE DO YOUR NEW USERS COME FROM?



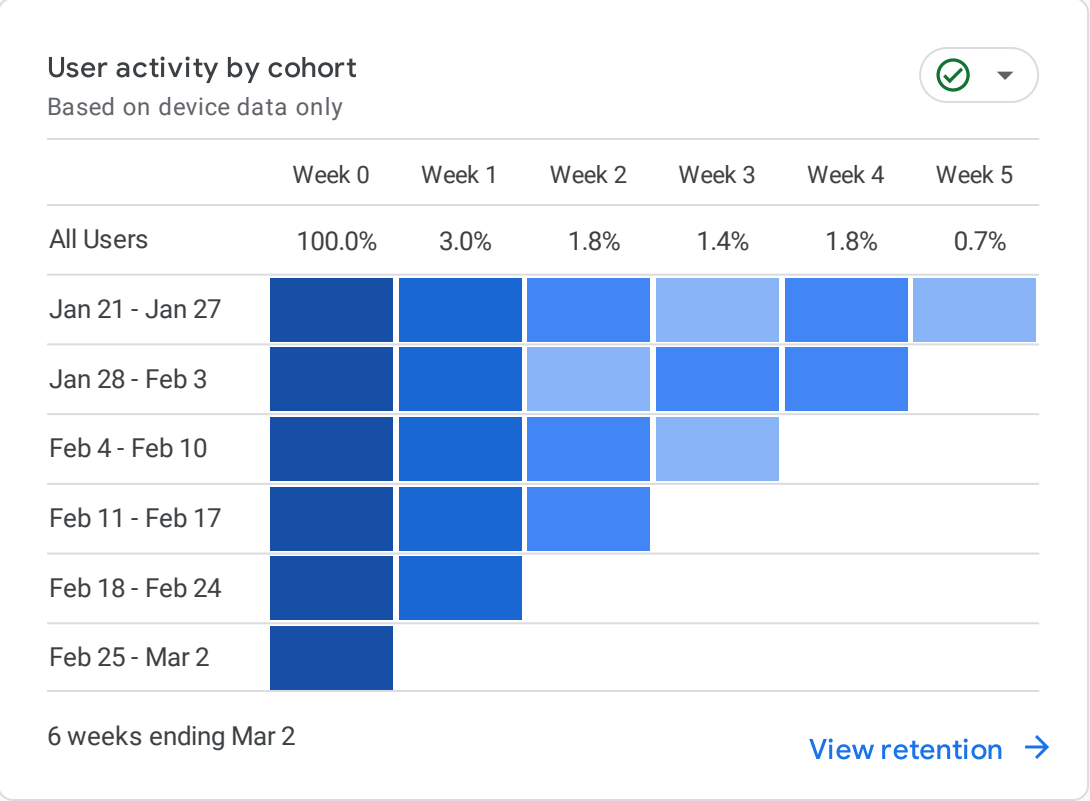
WHAT ARE YOUR TOP CAMPAIGNS?



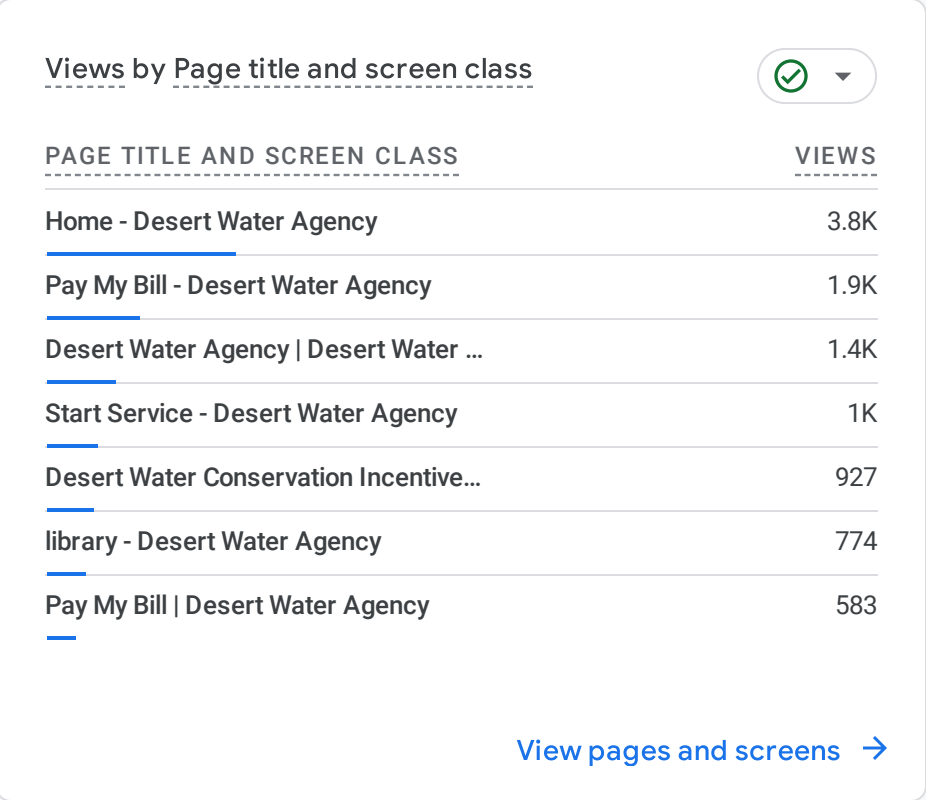
HOW ARE ACTIVE USERS TRENDING?



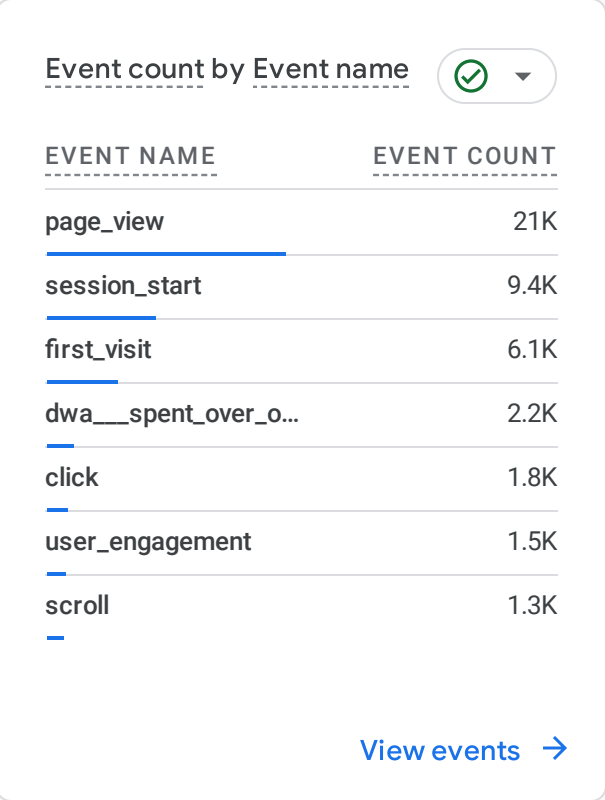
HOW WELL DO YOU RETAIN YOUR USERS?



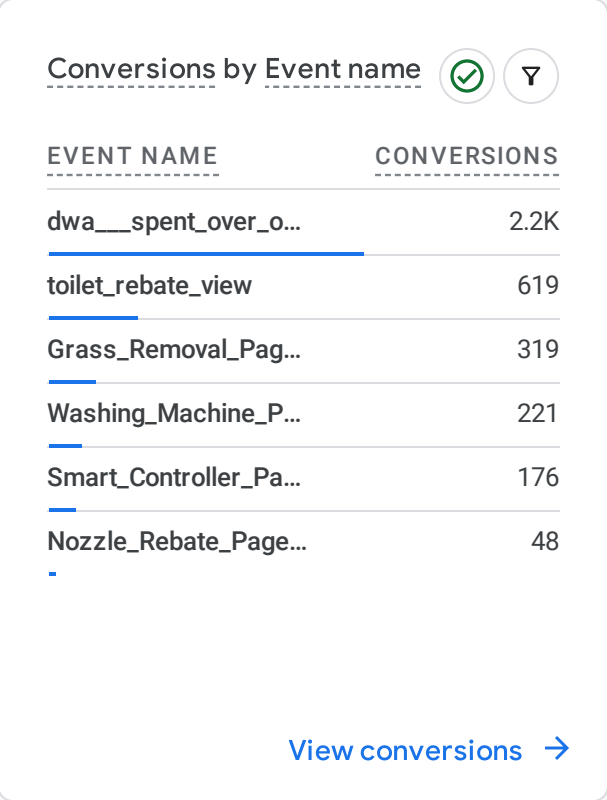
WHICH PAGES AND SCREENS GET THE MOST VIEWS?



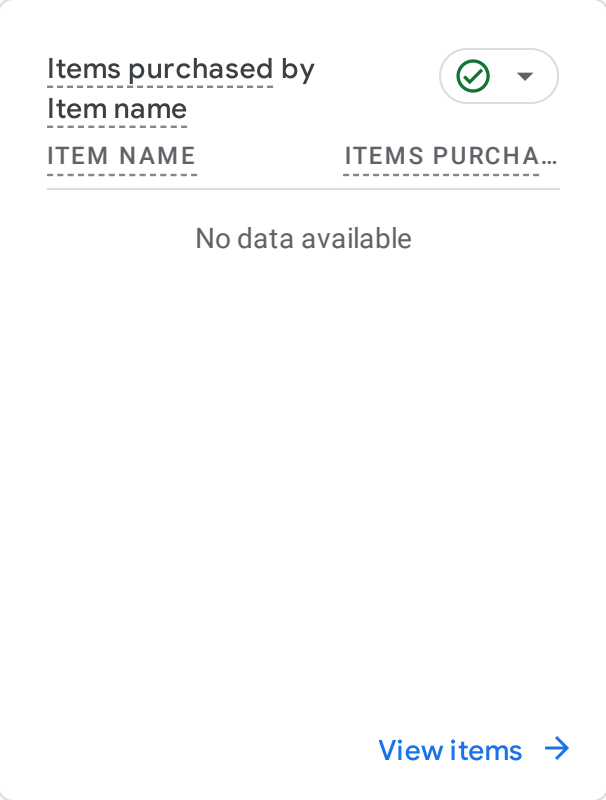
WHAT ARE YOUR TOP EVENTS?



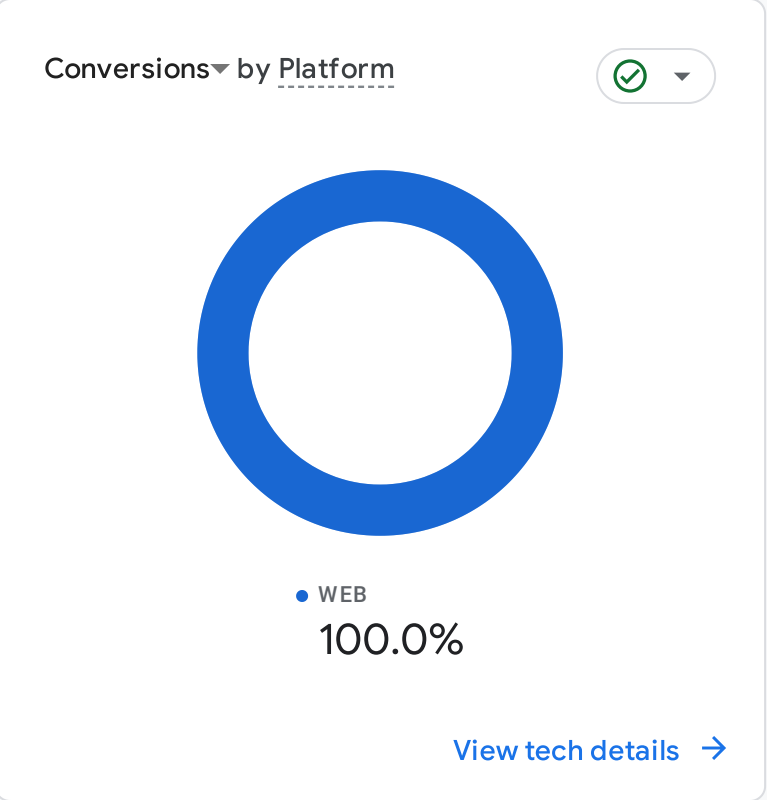
WHAT ARE YOUR TOP CONVERSIONS?



WHAT ARE YOUR TOP SELLING PRODUCTS?



HOW DOES ACTIVITY ON YOUR PLATFORMS COMPARE?



## Desert Water Agency Facebook & Instagram Analytics February 2024



facebook



**Desert Water Agency**

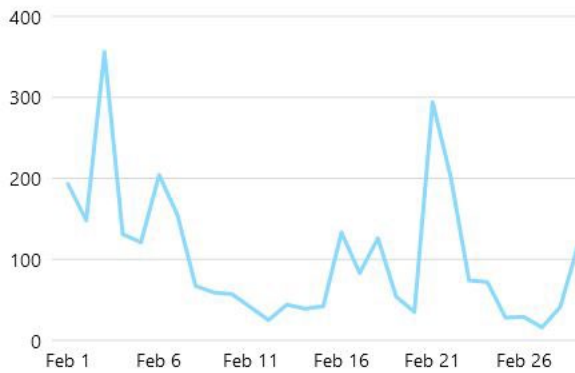
1.3K likes • 1.5K followers

### Reach

Export

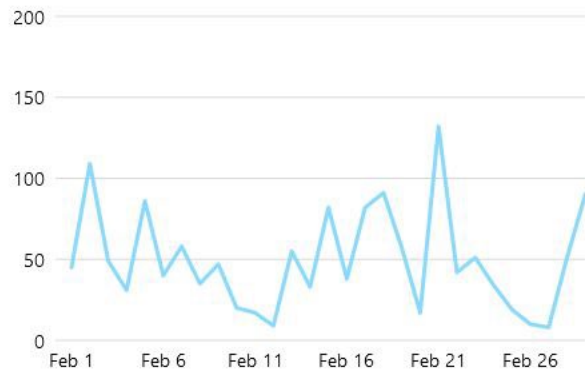
#### Facebook reach ⓘ

**1.8K** ↓ 1.2%



#### Instagram reach ⓘ

**449** ↓ 30.1%

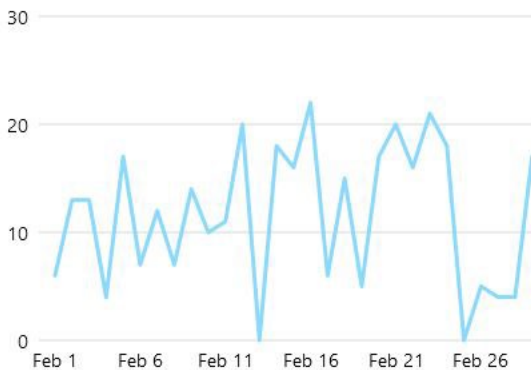


### Visits

Export

#### Facebook visits ⓘ

**338** ↑ 9.4%



























#### Instagram profile visits ⓘ

**122** ↓ 22.3%



## Desert Water Agency Facebook & Instagram Analytics February 2024

	Bighorn Sheep were spotted recently at one of our local water...	Boost	Thu Feb 29, 6:00pm	145 Reach	14 Likes	0 Comments	0 Shares
	Bighorn Sheep were spotted recently at one of o...	Boost unavailable	Thu Feb 29, 6:00pm	183 Reach	11 Reactions	0 Comments	0 Shares
	We have copies of the Lush and Efficient Desert-Friendly Land...	Boost	Wed Feb 28, 6:00pm	94 Reach	12 Likes	0 Comments	0 Shares
	We have copies of the Lush and Efficient Desert-F...	Boost unavailable	Wed Feb 28, 6:00pm	148 Reach	4 Reactions	0 Comments	1 Shares
	Enhance your desert garden with beautiful Lanta...	Boost unavailable	Fri Feb 23, 6:00pm	83 Reach	6 Reactions	0 Comments	0 Shares
	Enhance your desert garden with beautiful Lantana, ideal for v...	Boost	Fri Feb 23, 6:00pm	79 Reach	6 Likes	0 Comments	0 Shares
	General Manager Mark Krause retires today. This week, Kraus...	Boost	Wed Feb 21, 4:20pm	181 Reach	45 Likes	0 Comments	1 Shares
	General Manager Mark Krause retires today, This ...	Boost unavailable	Wed Feb 21, 4:20pm	584 Reach	44 Reactions	9 Comments	2 Shares
	The Palm Springs Modernism Week home tours a...	Boost unavailable	Sun Feb 18, 5:20pm	170 Reach	7 Reactions	0 Comments	0 Shares
	The Palm Springs Modernism Week home tours are a great so...	Boost	Sun Feb 18, 5:20pm	128 Reach	18 Likes	1 Comments	0 Shares
	For general questions, our website has a section called "Frequ...	Boost	Sat Feb 17, 6:00pm	123 Reach	12 Likes	0 Comments	0 Shares
	For general questions, our website has section cal...	Boost unavailable	Sat Feb 17, 6:00pm	82 Reach	4 Reactions	0 Comments	0 Shares
	To manage the health of our water system, it is cr...	Boost unavailable	Thu Feb 15, 6:00pm	98 Reach	7 Reactions	0 Comments	0 Shares
	To manage the health of our water system, it is crucial to main...	Boost	Thu Feb 15, 6:00pm	128 Reach	11 Likes	0 Comments	0 Shares
	If you are planning a local hike or adventure, make sure to pa...	Boost	Tue Feb 13, 7:00pm	89 Reach	13 Likes	0 Comments	0 Shares
	If you are planning a local hike or adventure, mak...	Boost unavailable	Tue Feb 13, 7:00pm	79 Reach	5 Reactions	0 Comments	0 Shares
	Installing a new water-efficient toilet can earn yo...	Boost unavailable	Fri Feb 9, 6:00pm	78 Reach	4 Reactions	0 Comments	0 Shares
	Installing a new water-efficient toilet can earn you up to 150 ...	Boost	Fri Feb 9, 6:00pm	77 Reach	4 Likes	0 Comments	1 Shares
	Take control of watering in 2024 with a smart irrigation contro...	Boost	Wed Feb 7, 6:00pm	98 Reach	11 Likes	0 Comments	0 Shares
	Take control of watering in 2024 with a smart irri...	Boost unavailable	Wed Feb 7, 6:00pm	69 Reach	5 Reactions	0 Comments	0 Shares
	With the ongoing rain, be sure to pack a jacket, drive safely, a...	Boost	Mon Feb 5, 6:00pm	135 Reach	11 Likes	0 Comments	1 Shares
	With the ongoing rain, be sure to pack a jacket, d...	Boost unavailable	Mon Feb 5, 6:00pm	193 Reach	4 Reactions	0 Comments	3 Shares
	We were honored to host regional water leaders ...	Boost unavailable	Fri Feb 2, 6:00pm	551 Reach	10 Reactions	2 Comments	3 Shares
	We were honored to host regional water leaders and Associati...	Boost	Fri Feb 2, 6:00pm	161 Reach	28 Likes	0 Comments	1 Shares

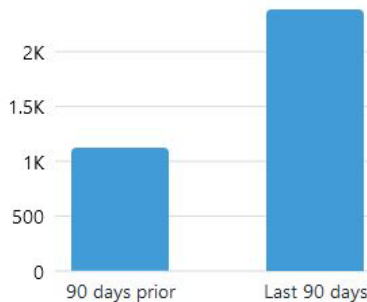
Desert Water Agency Facebook & Instagram Analytics February 2024

Reach

Post reach ⓘ

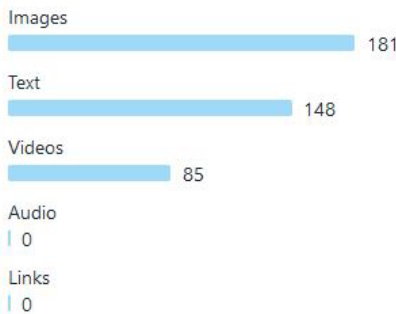
2.4K ↑ 112.8%

Total from last 90 days vs 90 days prior



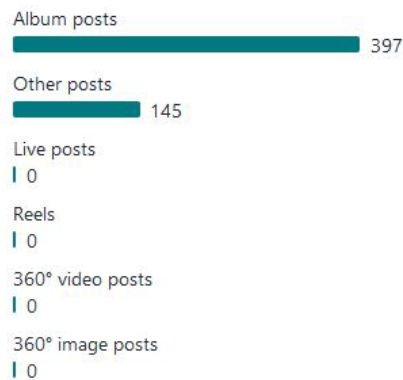
Median post reach per media type ⓘ

For posts created in the last 90 days



Median post reach per content format ⓘ

For posts created in the last 90 days

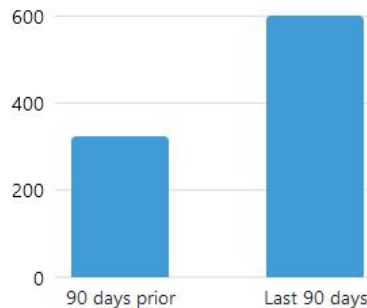


Engagement

Post reactions, comments and shares ⓘ

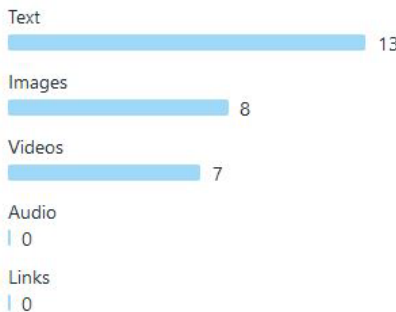
601 ↑ 85.5%

Total from last 90 days vs 90 days prior



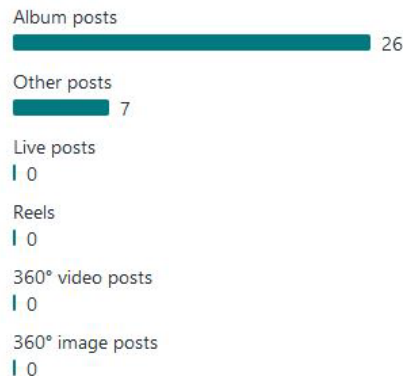
Median post reactions, comments and shares per media type ⓘ

For posts created in the last 90 days



Median post reactions, comments and shares per content format ⓘ

For posts created in the last 90 days





nextdoor



### Desert Water Agency

1200 S Gene Autry Trl, Palm Springs

Desert Water Agency is the water utility for the Palm Springs area including outlying county areas, Desert Hot Springs, part of Cathedral City and Palm Springs. It is our responsibility to provide a safe, reliable water supply to the area we serve while protecting See more...



### Desert Water Agency

42,273 members

27,682 claimed households

144 neighborhoods

Invite



### Desert Water Agency

Public Affairs & Water Planning Coordinator Ernye Valenciano • 16 Feb

### Re: Leak Detection Survey for Desert Water Agency

See more...



Posted to Subscribers of Desert Water Agency in 21 neighborhoods



7

Like

Comment

Share

# Desert Water Agency Twitter Analytics February 2024

←

Desert Water Agency

2,942 posts

DESERT WATER

Edit profile

Desert Water Agency

@DWAwater

Desert Water Agency is a public, non-profit agency and State Water Contractor, serving a 325-square-mile area in the Palm Springs area. Follow/RT not endorsement

Palm Springs, CA

dwa.org

Joined February 2014

1,445 Following

1,207 Followers

Your posts earned 565 impressions over this 29 day period

Date	Impressions
Feb 4	10
Feb 5	15
Feb 6	10
Feb 7	10
Feb 8	25
Feb 9	35
Feb 10	20
Feb 11	10
Feb 12	15
Feb 13	45
Feb 14	35
Feb 15	10
Feb 16	45
Feb 17	10
Feb 18	15
Feb 19	10
Feb 20	20
Feb 21	40
Feb 22	10
Feb 23	55
Feb 24	25
Feb 25	20
Feb 26	25
Feb 27	10
Feb 28	40

Posts	Top posts	Posts and replies	Promoted	Impressions	Engagements	Engagement rate
<div><div><div><div></div><div>DESERT WATER</div></div><div><div>Desert Water Agency @DWAwater · Feb 28</div><div>We have copies of the Lush and Efficient Desert-Friendly Landscaping guide for free at our office and on our website. Visit <a href="#">dwa.org/lushandefficie...</a> to download a copy or visit us to pick one up! 💧 <a href="#">pic.twitter.com/cSzqRH44CV</a></div><div>View post activity</div></div></div></div>				35	2	5.7%
<div><div><div><div></div><div>DESERT WATER</div></div><div><div>Desert Water Agency @DWAwater · Feb 23</div><div>Enhance your desert garden with beautiful Lantana, ideal for vibrant ground cover. These plants flower in the warm season, and are a low-maintenance way to add a burst of color to your lifel <a href="#">pic.twitter.com/y15u31WpxB</a></div><div>View post activity</div></div></div></div>				55	0	0.0%

YOUR POSTS

During this 29 day period, you earned 19 impressions per day.

Engagements

Showing 29 days with daily frequency

Engagement rate

3.3%






Feb 29 6.9% engagement rate

Link clicks

2

Feb 29 0 link clicks



	<b>Desert Water Agency</b> @DWAwater · Feb 21 General Manager Mark Krause retires today. This week, Krause was honored for three decades of dedication and eight years as GM. DWA also recognized three former board members for their combined 53 years guiding DWA. We wish them all the best! <a href="https://pic.twitter.com/Gpqw-HaigA0">pic.twitter.com/Gpqw-HaigA0</a> <a href="#">View post activity</a>	41	1	2.4%
	<b>Desert Water Agency</b> @DWAwater · Feb 17 For general questions, our website has section called "Frequently Asked Questions". Visit <a href="https://dwa.org/frequently-ask...">dwa.org/frequently-ask...</a> to learn more, or call us for answers on your specific questions. <a href="https://pic.twitter.com/YILz0MvF6E">pic.twitter.com/YILz0MvF6E</a> <a href="#">View post activity</a>	32	1	3.1%
	<b>Desert Water Agency</b> @DWAwater · Feb 15 To manage the health of our water system, it is crucial to maintain the strength, well-being, and safety of our team. Safety is our #1 priority! <a href="https://pic.twitter.com/GOTJxWbhUh">pic.twitter.com/GOTJxWbhUh</a> <a href="#">View post activity</a>	44	1	2.3%
	<b>Desert Water Agency</b> @DWAwater · Feb 13 If you are planning a local hike or adventure, make sure to pack the water. Remember, hydrating is a year-round type of thing! <a href="https://pic.twitter.com/xbAFFxBm9y">pic.twitter.com/xbAFFxBm9y</a> <a href="#">View post activity</a>	37	0	0.0%
	<b>Desert Water Agency</b> @DWAwater · Feb 9 Installing a new water-efficient toilet can earn you up to 150 dollars! Single flush toilets must be 1.1 gal per flush (gpf) or less. Dual flush toilets must be 1.1/1.6 gpf or less. Learn more about our incentive guidelines by visiting <a href="https://dwa.org/toilets">dwa.org/toilets</a> . <a href="https://pic.twitter.com/ibWxHV1dOx">pic.twitter.com/ibWxHV1dOx</a> <a href="#">View post activity</a>	52	0	0.0%

On average, you earned **0 link clicks** per day

Retweets without comments

0

Feb 29  
0 Retweets without comments

On average, you earned **0 Retweets without comments** per day

Likes

7

Feb 29  
2 likes

On average, you earned **0 likes** per day

Replies

0

Feb 29  
0 replies

On average, you earned **0 replies** per day

	<b>Desert Water Agency</b> @DWAwater · Feb 7 Take control of watering in 2024 with a smart irrigation controller that adjust based on the weather, and your plants' watering needs. Visit <a href="https://dwa.org/save">dwa.org/save</a> to learn more! <a href="https://pic.twitter.com/6CcGgXga4F">pic.twitter.com/6CcGgXga4F</a> <a href="#">View post activity</a>	30	1	3.3%
	<b>Desert Water Agency</b> @DWAwater · Feb 5 With the ongoing rain, be sure to pack a jacket, drive safely, and shut-off sprinklers for up to 48 hours following a rain event. 🌧️ <a href="https://pic.twitter.com/d7zD8yuTex">pic.twitter.com/d7zD8yuTex</a> <a href="#">View post activity</a>	40	0	0.0%
	<b>Desert Water Agency</b> @DWAwater · Feb 2 We were honored to host regional water leaders and Association of California Water Agencies (ACWA) @ACWAwater for a tour this week. We enjoyed great weather, vistas and connections. <a href="https://pic.twitter.com/H7Oq083oIE">pic.twitter.com/H7Oq083oIE</a> <a href="#">View post activity</a>	61	5	8.2%
	<b>Desert Water Agency</b> @DWAwater · Jan 31 CV Water Counts Academy launched its first class this week, providing students with dinner and the opportunity to gain knowledge from local experts in the field of water. <a href="https://pic.twitter.com/xmqTY10oWZ">pic.twitter.com/xmqTY10oWZ</a> <a href="#">View post activity</a>	39	2	5.1%

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

**6-C**

**March 5, 2024**

Board: Paul Ortega, President  
Jeff Bowman, Vice President  
Kristin Bloomer, Director  
Gerald McKenna, Secretary-Treasurer  
Steve Grasha, Director

DWA Staff: Steve Johnson, General Manager  
David Tate, Assistant General Manager  
Esther Saenz, Finance Director  
Kris Hopping, Human Resources Director  
Sylvia Baca, Asst. Secretary of the Board  
Jamie Hoffman, Senior Admin. Assistant  
Eddie Gonzalez, Facilities & Safety Officer  
Sarah Rapolla, Sr. Water Resources Specialist

Consultants via Teleconference: Mike Riddell, Best Best & Krieger  
Ashley Metzger, Regional Government Services

President Ortega opened the meeting at 8:00 a.m. and asked Vice President Bowman to lead the Pledge of Allegiance. **Pledge of Allegiance**

President Ortega called upon Senior Administrative Assistant Hoffman to conduct the roll call: **Roll Call**

Present: Grasha, Bloomer, McKenna, Bowman, Ortega

President Ortega opened the meeting for public comment for items not listed on the Agenda. **Public Comment on Items Not Listed on the Agenda**

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

President Ortega opened the meeting for public comment for items listed on the Agenda. **Public Comment on Items Listed on the Agenda**

There was no one from the public wishing to address the Board for items listed on the Agenda.

President Ortega called for approval of the Consent Calendar. He noted that Consent Calendar Items 6-A through 6-E 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.

- A. Approve Minutes of the February 20, 2024 Regular Board Meeting
- B. Receive and File – Minutes of the February 29, 2024 Executive Committee Meeting
- C. Receive and File – Water Use Reduction Figures for January 2024
- D. Receive and File Memo on February 15, 2024 State Water Contractors' Meeting
- E. Request Authorization to Continue Emergency Repair Work at DWA Facilities Under Reso. No. 1312

**Approval of the Consent Calendar**

- A. Approve Minutes of 2/20/24 Regular Board Mtg.
- B. Receive & File Minutes of the 2/29/24 Executive Comm. Mtg.
- C. Receive & File Water Use Reduction Figures for January 2024
- D. Receive & File Memo on 2/15/24 State Water Contractors' Meeting
- E. Request Authorization to Continue Emergency Repair Work at DWA Facilities Under Reso. No. 1312

Director Grasha moved for approval of Consent Calendar Items 6A through 6E. After a second by Director Bloomer, the motion carried by the following roll call vote:

AYES: Grasha, Bloomer, McKenna, Bowman, Ortega  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

Human Resources Director Hopping presented the staff report.

Discussion between Board and Staff ensued on the proposed adoption of the resolution and how it will affect the Agency in the coming years.

**Action Items:**

- 7A- Request Adoption of Resolution No. 1321 Adopting a Retiree Medical Benefit for Employees of DWA Hired after 5/1/2007

Director Grasha moved for Adoption of Resolution No. 1321 adopting a retiree medical benefit for employees of Desert Water Agency hired after May 1, 2007. After a second from Director Bloomer, the motion carried by the following roll call vote:

AYES: Grasha, Bloomer, McKenna, Bowman, Ortega  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

Human Resources Director Hopping presented the staff report.

**Action Items:**  
(Cont.)

In response to Director Grasha, Human Resources Director Hopping stated that the Agency conducts a salary survey on the General Manager's position annually.

7B- Request Adoption of Revised Position Classification & Salary Chart Dated February 2024

Director Bloomer moved to accept and adopt the revised Salary Classification listing and Salary Chart as presented. After a second by Vice President Bowman, the motion carried by the following roll call vote:

AYES: Grasha, Bloomer, McKenna, Bowman, Ortega  
NOES: None  
ABSENT: None  
ABSTAIN: None

Senior Water Resources Specialist Rapolla presented the staff report.

7C- Request Authorization for GM to Enter into Agreement No. 0049 with the DWR for Construction, Development, Operation, and Maintenance of Water Quality Monitoring Wells in the Indio and Mission Creek Subbasins

Director Bloomer moved to authorize the General Manager to enter into Agreement No. 0049 with the Department of Water Resources (DWR) for construction, development, operation, and maintenance of water quality monitoring wells in the Indio and Mission Creek Subbasins. After a second by Secretary-Treasurer McKenna, the motion carried by the following roll call vote:

AYES: Grasha, Bloomer, McKenna, Bowman, Ortega  
NOES: None  
ABSENT: None  
ABSTAIN: None

Secretary-Treasurer McKenna provided the financial highlights for January 2024.

**Secretary-Treasurer's Report (January 2024)**

General Manager Johnson provided an update on Agency operations for the past several weeks.

**General Manager's Report**

Director Grasha noted his attendance at the February 21-23 UWI Conference, the February 27 CVWD Board meeting, the February 28 Conservation & Public Affairs Committee meeting, and the February 29 AWWA Roundtable and Executive Committee meeting.

**Directors Reports on Mtgs/Events Attended on Behalf of the Agency**

Director Bloomer noted her attendance at the February 21 Tribal Mediation, the February 21-23 UWI Conference, and the February 26-29 ACWA Conference in Washington, D.C.

Secretary-Treasurer McKenna noted his attendance at the February 20 MSWD Board meeting, the February 21-23 UWI Conference, and the February 26-29 ACWA Conference in Washington, D.C.

**Directors Reports on Mtgs/Events Attended on Behalf of the Agency (Cont.)**

Vice President Bowman noted his attendance at the February 21 Tribal Mediation, and the February 28 Agua Caliente Water Authority meeting.

President Ortega noted his attendance at the February 21-23 UWI Conference, the February 28 Conservation & Public Affairs Committee meeting, the February 29 Executive Committee meeting, and the March 1 ACWA Region 9 meeting.

Director Grasha noted the upcoming April 12 Region 9 meeting and tour and went on to thank staff on a job well done presenting at the last MSWD meeting.

**Directors Comments/Requests**

Director Bloomer noted that she will not be at the upcoming April 2 Board meeting.

Secretary-Treasurer McKenna noted that the conservation percentages are state mandated. He went on to express his interest in offering water testing for our customers to provide them with more confidence in drinking our tap water.

President Ortega welcomed General Manager Johnson and Assistant General Manager Tate on their first official Board meeting in their new roles.

At 9:40 a.m., President Ortega convened into Closed Session for the purpose of Conference with Legal Counsel, (A) Existing Litigation, Pursuant to Government Code Section 54956.9 (d) (1), Mission Springs Water District vs. Desert Water Agency; (B) Existing Litigation, Pursuant to Government Code Section 54956.9 (d) (1), AT&T vs. County of Riverside; (C) Conference with Legal Counsel, Possible Intervention in Existing Litigation, Pursuant to Government Code Section 54956.9 (d) (4), Southern California Edison vs. California State Board of Equalization, et al; (D) 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), (E) Public Employment, Pursuant to Government Code Section 54957, Unrepresented Employee: General Manager, and (F) Conference with Real Property Negotiators, pursuant to Government Code Section 54956.8 Property: APN# 680-180-029, Agency Negotiators: Steve Johnson, General Manager and David Tate, Assistant General Manager, Negotiating Parties: Desert Water Agency and The Palm Springs Surf Club, Under Negotiations: Possible Easement Agreement.

**Closed Session:**

A. Existing Litigation – MSWD vs. DWA, et al  
B. Existing Litigation - AT&T vs. County of Riverside  
C. Possible Intervention in Existing Litigation – So. Cal. Edison vs. CA State Board of Equalization, et al  
D. Existing Litigation – ACBCI vs. CVWD, et al. (2 Cases)  
E. Public Employment – Unrepresented Employee: General Manager  
F. Conference with Real Property Negotiators – Pursuant to Government Code Section 54956.8 APN# 680-180-029

At 10:23 a.m., President Ortega reconvened the meeting into open session and announced there was no reportable action. **Reconvene – No Reportable Action**

In the absence of any further business, President Ortega adjourned the meeting at 10:24 a.m. **Adjournment**

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Sylvia Baca, MMC  
Assistant Secretary of the Board

DRAFT

**Executive Committee Meeting Minutes**  
March 14, 2024

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Directors Present: Paul Ortega, Gerald McKenna  
Staff Present: Steve Johnson, David Tate, Esther Saenz,  
Sylvia Baca, Jamie Hoffman

1. Call to Order
2. Public Comments  
None
3. Discussion Items
  - A. Review Agenda for March 19, 2024 Board Meeting  
The proposed agenda for the March 19, 2024 meeting was reviewed.
  - B. Expense Reports  
The January and February expense reports were reviewed.
  - C. March 29 Riverside County Water Task Force Event  
Staff provided the Committee with information on the upcoming virtual event. The Committee requested this item be placed on the upcoming Board agenda for discussion.
  - D. 2024 Board Conference Schedule Update  
Staff provided the Committee with updated agendas/schedules. The Committee approved travel dates for the following: ACWA Legislative Symposium, April CSDA Leadership Academy, and CSDA Legislative Days.

Adjourn

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

**MARCH 19, 2024**

**RE: REQUEST BOARD AUTHORIZATION TO CONTINUE  
EMERGENCY REPAIR WORK AT DWA FACILITIES UNDER  
RESOLUTION NO. 1312**

On September 19, 2023, the Board adopted Resolution No. 1312 declaring a local emergency that requires emergency repairs to Agency facilities due to Tropical Storm Hilary. As required by the resolution, the following is an update on the repairs:

The following repair work has been done:

**Whitewater Headworks:**

- Graded road into site.
- Repaired 4" pump and re-established water supply to customers, at reduced delivery flow rate.
- Cleaned out concrete settling structure and transmission main.
- Replaced the fence surrounding the settling structure.
- Working with FEMA on disaster relief.

**Mission Creek Groundwater Replenishment Facility:**

- Completed aerial survey and CAD mapping of work zone area.
- Installed K-Rail barriers to secure the site from vehicular traffic.
- Prepared grading plan for the removal of the sediment in the debris basin.
- 2/20/2024 Board authorization to enter into grading contract with Weaver Grading.
- Scheduling grading contractor to relocate sediment to widen existing levee and install rip-rap slope protection.
- Working with FEMA on disaster relief.

The General Manager has determined that the damage to Agency facilities warrants the continuation of work under a Local Emergency, as outlined in Resolution No. 1312.

**Fiscal Impact:**

The declaration of work under a Local Emergency does not have a fiscal impact, rather, it allows the Agency to expedite repairs according to the Uniform Public Construction Cost Accounting Act.

**Legal Review:**

N/A

**Recommendation:**

Staff recommends, as required by Resolution No. 1312, the Board's concurrence that the continued work to repair Agency facilities shall occur under the Board's declaration of a Local Emergency.



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

**MARCH 19, 2024**

**RE: CUSTOMER APPEAL – BELAL EL BOSTANY**

On December 17, 2019, the Board of Directors adopted Resolution No. 1224 “Policy on Discontinuation of Residential Water Service for Nonpayment”, which became effective on February 1, 2020. This resolution was in accordance with Senate Bill 998 that was adopted by the California Legislature in 2018, which imposes new and expanded customer protections regarding discontinuation of residential water service for nonpayment and related matters.

Section 5 of Resolution No. 1224 addresses the procedures to contest or appeal a bill, in particular Section 5.3 (Appeal to Board of Directors).

“Any customer whose timely complaint or request for an investigation pursuant to this Section 5 has resulted in an adverse determination by the Agency may appeal the determination to the Board of Directors by filing a written notice of appeal with the Agency Secretary within ten (10) business days of the Agency’s mailing of its determination. Upon receiving the notice of appeal, the Agency Secretary will set the matter to be heard at an upcoming Board meeting and mail the customer written notice of the time and place of the hearing at least ten (10) days before the meeting. The decision of the Board shall be final.”

The appellant, Belal El Bostany is appealing his current water bill that includes two fees for cutting off a lock on a closed account and a meter reset fee for the reason(s) listed:

1. Because this is a construction site, he was not aware that the workers at the site had cut the locks twice.
2. Oversight and his accountant did not receive the water bills.

**Appeal Summary/Procedures:**

1. 02/21/23 – Account was turned off and locked off for non-payment.
2. 03/06/23 – Account was closed.
3. 08/02/23 – Field Services found lock cut and meter turned on (lock cutting fee of \$166 applied to account). Field Service Rep turns the meter off and installs a new lock.
4. 10/03/23 – Field Services found lock cut and meter turned on. Field Service Rep pulls meter and installs service stop plug. (lock cutting fee of \$166 and meter reset fee of \$210 applied to account).

5. 02/20/24– Customer files dispute with DWA for two lock cutting fees and meter reset fee.
6. 02/21/24 – Water bill Dispute Denial Letter mailed to customer.
7. 02/29/24 – Customer files official appeal notification.
8. Staff has provided the Board with the correspondence for this appeal. (Attachment 1).
9. Staff records of the account (Attachment 2).
10. The appellant, if in attendance, will be invited by the Board President to speak concerning the appeal.
11. After hearing the appellant, the Board will decide whether to grant or deny the appeal.

Fiscal Impact:

If the Board decides to deny appeal, there will be no fiscal impact. If the Board decides to grant the appeal, the Agency may remove the three fees from the account in the amount of \$542.

Legal Review:

N/A

Staff Recommendation:

Based on the actions discovered at the property, Staff recommends that the Board of Directors deny the appeal of Belal El Bostany.

Attachments:

Attachment #1 – Appeal form

Attachment #2 – Account Records

**From:** [Desert Water Agency](#)  
**To:** [Appeal](#)  
**Cc:** [OutReach; Conservation](#)  
**Subject:** Desert Water Agency - Appeal  
**Date:** Thursday, February 29, 2024 2:57:15 PM  
**Attachments:** [DSTANY.pdf](#)

---

Hello,

We just received this appeal from the website.

Name: Belal Elbostany

Email : [REDACTED]

Phone : [REDACTED]

Property Address: [REDACTED]

Date of decision/bill appealed: 02/21/2024

Why appealing? : As you may already know, this site is under construction. Unfortunately, I am not at the site most of the time to see what takes place on a day to day basis. I would kindly ask you to wave the fees for the locks and the meter placing as I was not aware of the problem. We had an oversight where the accountant did not receive the water bills and for this reason we fell behind on our payments. In addition, the general contractor would regularly send his workers to the job site. I now know that it was most likely the workers who cut off the locks.

I want to extend a sincere apology and assure you that I was not aware the workers had cut the city locks. Please reconsider a reduction in the fees that have been assessed as I have been struggling financially to finish the construction.

Sincerely,

Belal El Bostany

What do you want DWA to do?: Reverse a late fee, Reverse another charge or citation, Credit/discount my bill

Please let us know what you'd like DWA to do.:

Thank You!

Paul Ortega, President (Division 4)  
Jeff Bowman, Vice President (Division 3)  
Gerald McKenna, Secretary-Treasurer (Division 2)  
Kristin Bloomer, Director (Division 5)  
Steve Grasha, Director (Division 1)



Mark S. Krause, General Manager-Chief Engineer  
Best, Best & Krieger, General Counsel  
Krieger & Stewart, Consulting Engineers

Belal Elbostany  
[REDACTED]

Mailed & emailed  
2/21/24

February 21, 2024

**RE: WATER BILL DISPUTE**  
[REDACTED]

Dear Mr. Elbostany,

Thank you for reaching out to us. We understand your concern about the additional broken lock and meter reset charges on your bill.

Per our conversation on Friday, February 16<sup>th</sup>, 2024, and after doing some research, we originally locked the meter when the account was turned off for non-payment on February 21<sup>st</sup>, 2023. We then found the lock cut the first time on August 2<sup>nd</sup>, 2023, and the first \$166 fee was assessed. The second time the lock was found cut was on October 3<sup>rd</sup>, 2023, and a second \$166 was then assessed. We pulled the meter and a meter reset fee of \$210 is now applied. While Desert Water Agency does not typically waive those fees, we have a new program to help eligible low-income customers that might need additional assistance.

- DWA's Help2Others or LIHWAP programs (Details for United Way: [www.unitedwayofthedesert.org/help2others](http://www.unitedwayofthedesert.org/help2others) (760)323-2731, Details for LIHWAP: (951)955-4900)

If you are not satisfied with this solution, please fill out an appeal form ([www.dwa.org/appeal](http://www.dwa.org/appeal)) within 10 business days of this letter and our Board of Directors will review your appeal at a public board meeting. If no appeal is submitted, the decision above will be final.

If you have any questions, please feel free to contact me directly at EXT 128.

Sincerely,

Garrett Nelson  
Field Service Supervisor

**Priscila Ramirez**

---

**From:** Desert Water Agency <no-reply@dwa.org>  
**Sent:** Tuesday, February 20, 2024 11:07 AM  
**To:** Disputes  
**Subject:** Desert Water Agency - Dispute



Hello, We received this bill dispute from the website. Please note, we have 10 business days (per our policy) to respond to the customer. Name: belal elbostany Email : [REDACTED] Phone : [REDACTED] Property Address: [REDACTED] Name on DWA account: Same as above What is the person disputing?: Billing, fees or taxes Date of the bill or decision you're disputing: Details to review: my service was disconnected, and a lock was placed. on the meter i was not aware of the lock been placed. i have been charged for broken lock 2 times. and meter removal \$166 for each lock and \$200 for the meter installation someone else been breaking my lock. and using my water i will pay balance in full. to bring the account to current but i am asking for the extra charges to be waved. as i was not aware of any of the action that happened. thank you. See attached uploads from the person disputing. Thank you!

FILE MAINTENANCE FOR CARDFILE

ACCOUNT NUMBER:

[REDACTED]

STATUS:

SERVICE ADDRESS:

[REDACTED]

PALM SPRINGS

CA 92262

DATE OWNER AND TENANT INFORMATION

	#2nd Time		#1st Time	LINE TO ADD
100323	CUT LOCK AGAIN/MTR PLLD			
50391	PULLED PER VIC	2/21/23 ONP&LKD	8/2/23 CUT LOCK	
10383	0: RETHA BRADFORD	-OFF 1-30-89		

MISC INFORMATION

CHARGED OFF 5-89

10/17/23LNFLD

ENTER - TO UPDATE FILE CMD 5 - TO ERASE SCREEN CMD 7 - TO END JOB



ACCOUNT# [REDACTED] SPECIAL READ TURN OFF

DATE 3/06/23 PHONE( ) COUNTER( ) MAIL( ) PHONE

NAME BELAL ELBOSTANY ELBOSTANY, BELAL

SERVICE ADD [REDACTED]  
PALM SPRINGS CA 92262-0000

FORWARD % BELAL ELBOSTANY

FORWARD ADD [REDACTED] PH [REDACTED] CA [REDACTED]

\*\*\*\*\*

METER# [REDACTED] SIZE 1 IN B SERVICE# [REDACTED] AMT DUE CURR 58.53

ERT# [REDACTED]

CURR READ 79 DATE LAST READ 3/01 DATE LAST PAY 11/21/22 ARR 250.18

COMMENT ONP&LKD@8:55 \$473.13 B4 T/ON PR TOT BILL 308.71

\*\*\*\*\*

\* DEP REQD. 100.00 DEP PD. .00 DEP DUE 100.00 \*

\*\*\*\*\*

ORDERED OFF BY READ DATE 3/06/23

REMARKS ONR

PRES READ BY DATE TIME

\*\*\* ( ACTION REQUIRED ) \*\*\* 48-HR TAG REMARKS

\* \* \*

\* TURN OFF \* \*

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ALPHA

NEW OWNER

BILL TO %

BILL TO

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STATUS ( ) \* CHECK PAYMENT \* CASH \*  
\* AMT CK# \* AMT \* ACCOUNT NUMBER [REDACTED]  
\* \* \*  
\* DATE \* DATE \* EXT 1 BY PRISCIL  
\* \* \*  
\* BY \* BY \*  
\*\*\*\*\*



# DESERT WATER



Office: 1200 S Gene Autry Trail  
Palm Springs

Hours: Weekdays: 8 a.m. - 5 p.m.

Inquires: 760-323-4971

Web Site: [www.dwa.org](http://www.dwa.org)

Desert Water Agency  
P.O. Box 1710  
Palm Springs, CA  
92263-1710

BELAL ELBOSTANY

## ACCOUNT INFORMATION

Account No:

Service Address:

Read Date: 3/6/2023

Previous Reading: 79 HCF

Current Reading: 79 HCF

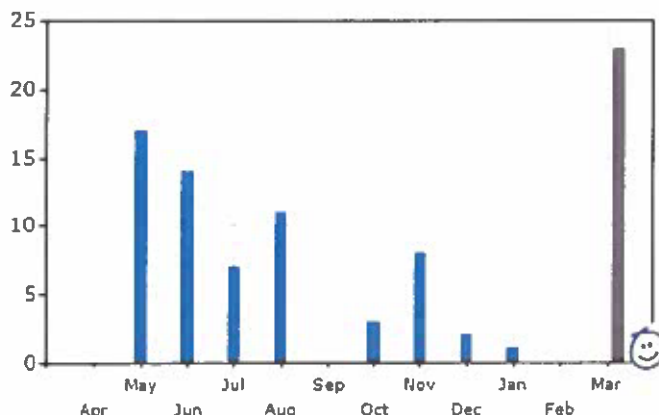
Consumption: 0 HCF (0 gallons)

100 cubic feet (HCF) = 748 gallons [bill code: C v1]

## \*\*\* CLOSING BILL \*\*\*

## PREVIOUS vs. CURRENT USE

How are you doing  
on conservation?



Current (HCF)	n/a	17	14	7	11	0	3	8	2	1	0	0
Previous (HCF)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0
How do you compare?	You used less than similar customers.											23

Previous Balance: \$785.26  
Payments Received: \$0.00  
Past Due: \$785.26  
Consumption: \$0.00  
Water Service: \$5.60  
Current Charges: \$5.60  
Total Charges Due: \$790.86

100 cubic feet (HCF) = 748 gallons

# DESERT WATER



Desert Water Agency  
P.O. Box 1710 Palm Springs, CA  
92263-1710

RETURN THIS PORTION WITH YOUR CHECK  
MADE PAYABLE TO DESERT WATER AGENCY.  
PLEASE DO NOT SEND CASH. PLEASE DO NOT STAPLE.

BELAL ELBOSTANY

## CLOSING BILL

Account Number:

Payment Due Date: 3/20/2023

Total Amount Due: \$790.86

Amount Enclosed \$

Thank You!



Check here if there are any changes  
to your contact information



Check here to enroll in e-billing

(Please pay the total amount due to avoid a \$25 Late Fee)

Update your information on the back page



User	PRISCIL	Account #	Name	NOHDRDTL
Date	Code	Amount	Balance	Comment
9/16/22	PR		483.24	PayPln 25.00
10/03/22	WB	41.21	524.45	WATER BILL
11/01/22	WB	54.01	578.46	WATER BILL
11/01/22	LF	25.00	603.46	LATE FEE
11/21/22	PR		603.46	PayPln 6.69
11/21/22	CR	60.00-	543.46	CASH RECEIVED
12/01/22	WB	38.65	582.11	WATER BILL
12/01/22	LF	25.00	607.11	LATE FEE
1/03/23	WB	36.09	643.20	WATER BILL
1/03/23	LF	25.00	668.20	LATE FEE
2/01/23	SN		668.20	SHUT-OFF NOTICE
2/01/23	WB	33.53	701.73	WATER BILL
2/01/23	LF	25.00	726.73	LATE FEE
3/01/23	SN		726.73	SHUT-OFF NOTICE
3/01/23	WB	33.53	760.26	WATER BILL
3/01/23	LF	25.00	785.26	LATE FEE
3/06/23	PP		785.26	PAYPLAN DELETED
3/03/23	FW	5.60	790.86	CLOSING WATER
3/03/23	DA		790.86	APPLY DEP. AMT.
			790.86	ENDING BALANCE

Cmd1-Back CMD2 Forward CMD3-Meter READS CMD6-Print CMD7-END History

# DESERT WATER



## NOTICE OF WATER DISCONNECTION

Account Holder: BELAL ELBOSTANY

Account Number: [REDACTED]

Meter Number: [REDACTED]

Service Address:

[REDACTED]  
PALM SPRINGS, CA 92262

*OLD-New Bill*

**Past Due: \$303.13**

**Shut Off Date: 3/20/2023**

**Total Amount Due: \$372.25**

***Make payment before 5 p.m. on 3/19/2023 to avoid water shut off and reconnection fees.***

Desert Water Agency granted payment arrangements and the customer has failed to either; (1) pay the unpaid charges by the extension date; (2) pay an amount due under an amortization schedule; or (3) pay an amount due under an alternative payment schedule.

To avoid disconnection of water service, Desert Water Agency must receive payment for 'Total Amount Due' before 5 p.m. on the business day prior to the Shut Off Date listed above. If you have any questions, please contact Desert Water Agency Field Services at (760) 323-4971 ext. 129.

### Ways to pay:

**Telephone\*:** (866) 665-9550

**Online\*:** [www.dwa.org/billpay](http://www.dwa.org/billpay)

**In Person:** 1200 Gene Autry Trail South, Palm Springs

\*Processing fees may apply for these methods.

# DESERT WATER



Office: 1200 S Gene Autry Trail  
Palm Springs

Hours: Weekdays: 8 a.m. - 5 p.m.

Inquires: 760-323-4971

Web Site: [www.dwa.org](http://www.dwa.org)

Desert Water Agency  
P.O. Box 1710  
Palm Springs, CA  
92263-1710

BELAL ELBOSTANY

## ACCOUNT INFORMATION

Account No:

Service Address:

Read Date: 3/1/2023

Previous Reading: 79 HCF

Current Reading: 79 HCF

Consumption: 0 HCF (0 gallons)

100 cubic feet (HCF) = 748 gallons [bill code: F v1]

## \*\*\*FINAL NOTICE\*\*\*

Our records indicate that you are past due on your account. Unless you recently made a payment, your water account is now delinquent and is scheduled for shut off on your next Payment Due Date. To keep water service on, please pay the Total Charges Due before the Payment Due Date listed below. For payment options, please contact us at (760) 323-4971 ext. 129

Previous Balance: \$250.18

Payments Received: \$0.00

Past Due: \$250.18

Consumption: \$0.00

Water Service: \$33.53

Late Fee: \$25.00

Current Charges: \$58.53

Payment Plan (7 of 48): \$10.59

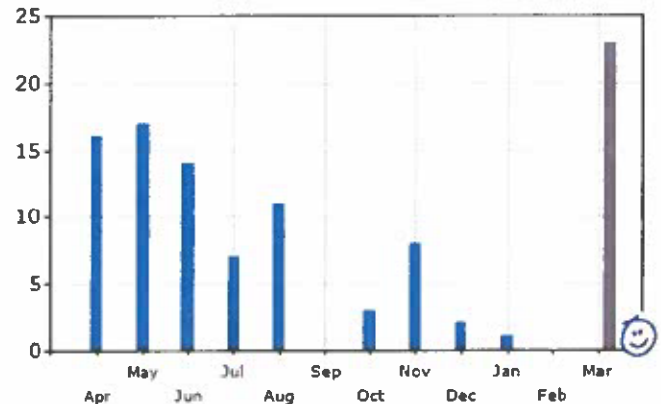
Payment Plan Past Due: \$52.95

Total Payment Plan Due: \$63.54

Total Charges Due: \$372.25

## PREVIOUS vs. CURRENT USE

How are you doing  
on conservation?



Current (HCF)	16	17	14	7	11	0	3	8	2	1	0	0
Previous (HCF)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0

How do you compare?

You used less than similar customers.

23

100 cubic feet (HCF) = 748 gallons

(Return stub below dotted line for payment)

# DESERT WATER



Desert Water Agency  
P.O. Box 1710 Palm Springs, CA  
92263-1710

RETURN THIS PORTION WITH YOUR CHECK  
MADE PAYABLE TO DESERT WATER AGENCY.  
PLEASE DO NOT SEND CASH. PLEASE DO NOT STAPLE.

BELAL ELBOSTANY

Account Number:

Payment Due Date: 3/20/2023

Total Amount Due: \$372.25

Amount Enclosed \$

Thank You!

Update your information on the back page

Payment Plan Total: \$504.34

Payment Plan Payments: (\$27.79)

Payment Plan Balance: \$476.55



# DESERT WATER



## NOTICE OF WATER DISCONNECTION

Account Holder: BELAL ELBOSTANY

Account Number: [REDACTED]

Meter Number: [REDACTED]

Service Address:

[REDACTED]  
PALM SPRINGS, CA 92262

Past Due: \$234.01

Shut Off Date: 2/20/2023

Total Amount Due: \$303.13

**Make payment before 5 p.m. on 2/19/2023 to avoid water shut off and reconnection fees.**

Desert Water Agency granted payment arrangements and the customer has failed to either; (1) pay the unpaid charges by the extension date; (2) pay an amount due under an amortization schedule; or (3) pay an amount due under an alternative payment schedule.

To avoid disconnection of water service, Desert Water Agency must receive payment for 'Total Amount Due' before 5 p.m. on the business day prior to the Shut Off Date listed above. If you have any questions, please contact Desert Water Agency Field Services at (760) 323-4971 ext. 129.

### Ways to pay:

Telephone\*: (866) 665-9550

Online\*: [www.dwa.org/billpay](http://www.dwa.org/billpay)

In Person: 1200 Gene Autry Trail South, Palm Springs

\*Processing fees may apply for these methods.

0079 SS Locked OFF

RR 2-21-23 8:55

TANNEO LATE LAMET 2/2/23 3:20 PM

Bill 303.13  
Dep 100.-  
+ 100 70.-  
473.13

# DESERT WATER



## NOTICE OF WATER DISCONNECTION

NO #  
1/11

Account Holder: BELAL ELBOSTANY

Account Number: [REDACTED]

Meter Number: [REDACTED]

Service Address:

[REDACTED]  
PALM SPRINGS, CA 92262

**Past Due: \$162.33**

**Shut Off Date: 1/20/2023**

**Total Amount Due: \$234.01**

*Make payment before 5 p.m. on **1/19/2023** to avoid water shut off and reconnection fees.*

Desert Water Agency granted payment arrangements and the customer has failed to either; (1) pay the unpaid charges by the extension date; (2) pay an amount due under an amortization schedule; or (3) pay an amount due under an alternative payment schedule.

To avoid disconnection of water service, Desert Water Agency must receive payment for 'Total Amount Due' before 5 p.m. on the business day prior to the Shut Off Date listed above. If you have any questions, please contact Desert Water Agency Field Services at (760) 323-4971 ext. 129.

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**In Person:** 1200 Gene Autry Trail South, Palm Springs

\*Processing fees may apply for these methods.

# DESERT WATER



Office: 1200 S Gene Autry Trail  
Palm Springs

Hours: Weekdays: 8 a.m. - 5 p.m.

Inquires: 760-323-4971

Web Site: [www.dwa.org](http://www.dwa.org)

Desert Water Agency  
P.O. Box 1710  
Palm Springs, CA  
92263-1710

BELAL ELBOSTANY

## ACCOUNT INFORMATION

Account No:

Service Address:

Read Date: 2/1/2023

Previous Reading: 79 HCF

Current Reading: 79 HCF

Consumption: 0 HCF (0 gallons)

100 cubic feet (HCF) = 748 gallons

[bill code: F v1]

## \*\*\*FINAL NOTICE\*\*\*

Our records indicate that you are past due on your account. Unless you recently made a payment, your water account is now delinquent and is scheduled for shut off on your next Payment Due Date. To keep water service on, please pay the Total Charges Due before the Payment Due Date listed below. For payment options, please contact us at (760) 323-4971 ext. 129

Previous Balance: \$191.65

Payments Received: \$0.00

Past Due: \$191.65

Consumption: \$0.00

Water Service: \$33.53

Late Fee: \$25.00

Current Charges: \$58.53

Payment Plan (6 of 48): \$10.59

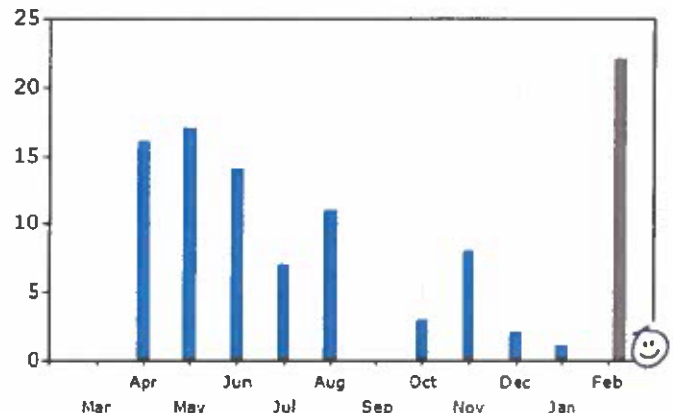
Payment Plan Past Due: \$42.36

Total Payment Plan Due: \$52.95

Total Charges Due: \$303.13

## PREVIOUS vs. CURRENT USE

How are you doing on conservation?



Current (HCF)	0	16	17	14	7	11	0	3	8	2	1	0
Previous (HCF)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
How do you compare?	You used less than similar customers.											22

100 cubic feet (HCF) = 748 gallons

(return stub below dotted line for payment)

# DESERT WATER



Desert Water Agency  
P.O. Box 1710 Palm Springs, CA  
92263-1710

Account Number:

Payment Due Date: 2/20/2023

Total Amount Due: \$303.13

Amount Enclosed \$

Thank You!

RETURN THIS PORTION WITH YOUR CHECK  
MADE PAYABLE TO DESERT WATER AGENCY.  
PLEASE DO NOT SEND CASH. PLEASE DO NOT STAPLE.

BELAL ELBOSTANY

Payment Plan Total: \$504.34

Payment Plan Payments: (\$27.79)

Payment Plan Balance: \$476.55



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

**MARCH 19, 2024**

**RE: REQUEST ADOPTION OF BILL POSITION RECOMMENDATIONS**

The attached legislative packet provides a description of legislation and proposed positions, which are tied to DWA's recently adopted Legislative and Regulatory Policy Platform. The Legislative Committee has reviewed the packet.

Mr. Reeb will be attending today's meeting and will provide a brief overview of the recommendations.

Fiscal Impact:  
None

Legal Review:  
N/A

Recommendation:  
Staff recommends that the Board of Directors review and adopt positions on the bills included in the packet that Mr. Reeb prepared.

Attachments:

Attachment #1 – Recommended State Bill Positions

## Desert Water Agency 2023 - 2024 Legislative Session, Second Year

### **AB 805** (Arambula D) Sewer service: disadvantaged communities.

**Current Text:** Amended: 1/22/2024 [html](#) [pdf](#)

**Introduced:** 2/13/2023

**Last Amend:** 1/22/2024

**Status:** 1/30/2024-Read third time. Urgency clause adopted. Passed. Ordered to the Senate. (Ayes 76. Noes 0.). In Senate. Read first time. To Com. on RLS. for assignment.

**Is Urgency:** Y

**Is Fiscal:** Y

**Location:** 1/30/2024-S. RLS.

**Summary:** Under current law, the State Water Resources Control Board and the 9 California regional water quality control boards regulate water quality in accordance with the Porter-Cologne Water Quality Control Act and the federal Clean Water Act. Current law authorizes a regional board to order the provision of sewer service by a receiving sewer system, as defined, to a disadvantaged community served by an inadequate onsite sewage treatment system, as defined. This bill would authorize the state board to require a sewer service provider to contract with an administrator designated or approved by the state board for administrative, technical, operational, legal, or managerial services to assist a designated sewer system with the provision of adequate sewer service, as defined. The bill would also authorize the state board to order a designated sewer system to accept those services, including full management and control of all aspects of the designated sewer system, from an administrator. The bill would define "designated sewer system" for these purposes as a sewer system that serves a disadvantaged community and that the state board finds to be either an inadequate sewage treatment system or a sewer system that has demonstrated difficulty in maintaining technical, managerial, and financial capacity to prevent fraud and mismanagement, or a sewer system that voluntarily accepts financial assistance for the provision of adequate sewer service.

**Notes:** AB 685 (Eng, Statutes of 2012) declares that it is the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

California Health and Safety Code Section 116682 authorizes the SWRCB, where a public water system or a state small water system within a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water, to order consolidation with a receiving water system. Current law provides that the consolidation may be physical or operational; and authorizes the SWRCB to contract with an administrator to provide administrative and managerial services to a designated public water system to assist with the provision of an adequate and affordable supply of safe drinking water.

This bill was gutted and amended on January 22 to authorize the State Water Board to require a sewer service provider to contract with an administrator designated or approved by the state board to ensure that residents of disadvantaged communities receive adequate sewer service. The bill would also authorize the Board to use funds in the State Water Pollution Cleanup and Abatement Account (Abatement Account) to issue grants to appointed administrators to cover their costs. Costs to repair infrastructure are not allowable expenditures from this account.

The bill defines "adequate sewer service" to mean sanitary sewer service provided by a sewer service provider that does not have the potential to cause a violation of water quality objectives, impair present or future beneficial uses of water, cause pollution, nuisance, or contamination of waters of the state, or unreasonably degrade the waters of the state.

"Designated sewer system" means a sewer system that serves a disadvantaged community and that the state board finds to be either an inadequate sewage treatment system or a sewer system that has demonstrated difficulty in maintaining technical, managerial, and financial capacity to prevent fraud and mismanagement. "Designated sewer system" also includes a voluntary participant.

This legislation somewhat mirrors the State Water Board's authority to appoint administrators to failing water systems, but this new authority regarding sewer systems could be considered premature as the State Water Board is currently conducting a wastewater needs assessment intended to assess wastewater infrastructure conditions in the state to use that data to develop a comprehensive risk framework to prioritize funding, expected to be completed in 2027. This bill would authorize a funding source prior to understanding infrastructure and funding needs. This legislation would provide more limited authority to the state board regarding an inadequate sewage treatment system as compared to a failing public water system in that the state board would not be authorized to force a consolidation under this legislation.

The Community Water Center, an environmental and social justice NGO, is the sponsor of this legislation. ACWA has taken a "Not Favor" position on the bill, with California Association of Sanitation



Agencies leading opposition efforts. The bill is an urgency measure requiring 2/3 vote for passage. This legislation would authorize the state board to require a sewer service provider to contract with an administrator designated or approved by the state board for administrative, technical, operational, legal, or managerial services, or any combination of those services, to assist the designated sewer system with the provision of adequate sewer service. It is unlikely that this legislation would impact the Agency given that the Agency only owns and operates a sewerage collection system and does not own or operate treatment works and other sanitary disposal systems.

Desert Water Agency Legislative & Regulatory Platform: Policy Directive 1, Policy Directive 4

Current Position: Not Yet Considered

Recommended Position: Watch

**AB 1785 (Pacheco D) California Public Records Act.**

**Current Text:** Introduced: 1/3/2024 [html](#) [pdf](#)

**Introduced:** 1/3/2024

**Status:** 1/16/2024-Referred to Com. on JUD.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 1/16/2024-A. JUD.

**Summary:** The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. The act prohibits a state or local agency from posting the home address or telephone number of any elected or appointed official on the internet without first obtaining the written permission of that individual. This bill would define "home address," for purposes of the above provision, to include an assessor's parcel number, which may be converted to a physical address through reference to other information made available online by the state or local agency.

**Notes:** The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. The act prohibits a state or local agency from posting the home address or telephone number of any elected or appointed official on the internet without first obtaining the written permission of that individual.

This bill would define "home address" to include an assessor's parcel number, which may be converted to a physical address through reference to other information made available online by the state or local agency. This bill will ensure the privacy of an elected or appointed official can be properly maintained.

Desert Water Agency Legislative & Regulatory Platform: Policy Directive 3

Current Position: Not Yet Considered

Recommended Position: Favor

**AB 1820 (Schiavo D) Housing development projects: applications: fees and exactions.**

**Current Text:** Amended: 2/20/2024 [html](#) [pdf](#)

**Introduced:** 1/11/2024

**Last Amend:** 2/20/2024

**Status:** 2/21/2024-Re-referred to Com. on H. & C.D.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 1/29/2024-A. H. & C.D.

**Summary:** Current law requires a housing development project be subject only to the ordinances, policies, and standards adopted and in effect when the preliminary application was submitted. This bill would authorize a development proponent that submits a preliminary application for a housing development project to request a preliminary fee and exaction estimate, as defined, and would require the local agency to provide the estimate within 10 business days of the submission of the preliminary application.

**Notes:** Current law requires a city or county to deem an applicant for a housing development project to have submitted a preliminary application upon providing specified information about the proposed project to the city or county from which approval for the project is being sought. Current law requires a public agency that receives an application for a development project to, within 30 calendar days, determine in writing whether the application is complete and immediately transmit its determination to the applicant for the development project.

Current law requires a city, county, or special district that has an internet website to make specified information available on its internet website, including a current schedule of fees, exactions,

affordability requirements it has imposed that are applicable to a proposed housing development project, and an archive of impact fee nexus studies, cost of service studies, or equivalent, conducted by that city, county, or special district on or after January 1, 2018. Current law requires a city or county to request from a development proponent, upon issuance of a certificate of occupancy or the final inspection, whichever occurs last, the total amount of fees and exactions associated with the project for which the certificate was issued.

This bill would authorize a development proponent to request for a preliminary fee and exaction estimate when submitting a preliminary application for a housing development project, and would require the local agency to provide the estimate within 10 business days of the submission of the preliminary application. The bill would also require a public agency that determines an application for a housing development project is complete to provide the development proponent with an itemized list and total sum amount of all fees and exactions that will apply to the project within 10 days of the above-described determination of completeness transmitted to the applicant.

As amended on February 20, the bill would additionally clarify that its provisions are not to be construed as imposing any obligation on any entity, including a development proponent, other than a city, county, or special district, and require a request from the city or county for the total amount of fees and exactions associated with a proposed housing development project to clearly state that the request does not create any obligation to respond, and that the development proponent will not be subjected to any consequences for not responding or for the content of a response.

The bill would include within the definition of a "fee," Chapter 7 of the Mitigation Fee Act, which includes fees for water and sewer connections, and capacity charges.

Connection and capacity fees are based on the cost of providing service, including various factors, such as cost of infrastructure to service new development and procuring water supplies. Water and wastewater agencies do not possess land use authority and do not receive the applications for housing development projects, as the applications are submitted to the city or county; nor do they determine if the application is complete. In addition, the preliminary applications and applications for housing developments submitted to cities and counties would not provide the information special districts would need to calculate the water or sewer connection fees and capacity charges. Typically, fees for water or sewer connections and capacity charges are assessed upon receiving an application for a new service connection. Providing a final cost of the fees once an application is deemed complete would not be feasible. Agencies with land use authority that provide utility services may be better equipped to provide an estimate when preliminary applications are submitted. However, as noted above, these applications lack the information to allow agencies to calculate connection and capacity fees, likely making the bill problematic even for these agencies.

The Agency should consider requesting the bill be amended to delete "special districts" from the provisions of the bill, as well as Chapter 7 (commencing with Section 66012) of the Mitigation Fee Act from the definition of "fee".

Desert Water Agency Legislative & Regulatory Platform: Policy Directive 1, Policy Directive 2, Policy Directive 3, Policy Directive 4

Current Position: Not Yet Considered

Recommended Position: Oppose Unless Amended

**AB 1827 (Papan D) Local government: fees and charges: water: higher-consumptive water parcels.**

**Current Text:** Introduced: 1/12/2024 [html](#) [pdf](#)

**Introduced:** 1/12/2024

**Status:** 1/29/2024-Referred to Com. on L. GOV.

**Is Urgency:** N

**Is Fiscal:** N

**Location:** 1/29/2024-A. L. GOV.

**Summary:** The California Constitution specifies various requirements with respect to the levying of assessments and property-related fees and charges by a local agency, including requiring that the local agency provide public notice and a majority protest procedure in the case of assessments and submit property-related fees and charges for approval by property owners subject to the fee or charge or the electorate residing in the affected area following a public hearing. This bill would provide that the fees or charges for property-related water service imposed or increased, as specified, may include the incrementally higher costs of water service due to specified factors, including the higher water usage demand of parcels. The bill would provide that the costs associated with higher water usage demands, the maximum potential water use, or a projected peak water usage demand may be allocated using any method that reasonably assesses the water service provider's cost of serving those parcels that are increasing potential water usage demand, maximum potential water use, or project peak water use demand.

**Notes:** The Coastkeepers Alliance is the sponsor of this legislation. The Coastkeepers Alliance sponsored AB 755 from 2023 by the same author, which Governor Newsom signed into law. AB 755 requires an urban retail water supplier to conduct a water usage demand analysis as part of a cost-of-service analysis conducted to set fees and charges for water service that are consistent with applicable law. The new law requires the supplier to identify, within the water usage demand analysis, the costs of water service for the highest users incurred by the supplier, and the average annual volume of water delivered to high water users. The new law also requires the costs of water service for the highest users and the average annual volume of water delivered to high water users to be made publicly available by posting the information in the supplier's cost-of-service analysis. By requiring a higher level of service of public entities, the bill imposed a state-mandated local program. The new law specifies that if the Commission on State Mandates determines that it contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

The California Constitution specifies various requirements with respect to the levying of assessments and property-related fees and charges by a local agency. Proposition 218, enacted in November 1996, amended the California Constitution by placing restrictions on how local agencies use fees, charges, or special assessments ("property-related services") to cover the cost of providing services, including for water service. In order to assess a fee, water agencies must ensure it meets five standards under Proposition 218: that a fee or charge (1) not exceed the cost of providing the service for which it is charged or (2) be used for any purpose other than that for which it is charged; (3) that a fee not exceed the proportional cost of providing a service to an individual property; (4) that no fee be imposed for a service unless that service is actually used by or available to a property owner; and (5) that no fee or charge may be imposed for general governmental services that are available to the public in the same manner as it is to property owners.

To comply with Proposition 218, water agencies have to undertake a detailed cost study to establish the basis upon which the amount of a proposed fee or charge is calculated, notify customers of a proposed fee or charge, and hold a public hearing on the proposed fee or charge. If a majority of the property owners that will be subject to the proposed fee or charge protest the fee or charge, a local agency may not impose the fee or charge. Proposition 26, enacted in November 2010, places additional burdens on local agencies by broadening the definition of "tax" as "any levy, charge, or exaction of any kind" except for charges imposed to confer a specific benefit or service to the payer. It also places the burden of proof on a local agency to demonstrate that a charge is not greater than the cost of providing the service for which it is charged in the event of a challenge.

The bill is a response to court ruling related to budget based rates. A 2015 California Court of Appeal, Fourth District, decision held that the City of San Juan Capistrano's ("City") tiered water rate was unconstitutional and a violation of California's Proposition 218. The court's decision in Capistrano Taxpayers Association, Inc. v. City of San Juan Capistrano ("Decision") largely eliminated reliance on a tiered rate structure suppliers have come to rely on to curtail excess water usage. Suppliers using a tiered water rate schedule need to demonstrate that those rates are based on the actual cost of providing service to each tier. The decision noted that a public agency has the burden to prove compliance with Proposition 218 when establishing or increasing a fee. The court stated that the City could impose tiered rates based on usage levels if it could show that such rates correlated to the actual cost of providing water at those tiered levels. The court noted that the City did not "try to calculate the actual costs of service for the various tiers." The California Supreme Court denied a petition to depublish the decision.

The Association of California Water Agencies (ACWA) opposed AB 755 arguing that it conflicts with the "Making Conservation a Way of Life" legislation [AB 1668 (Friedman) and SB 606 (Hertzberg)] from 2018 and increases legal risk for water systems. ACWA asserted that the bill "would require water systems to include hypotheticals into a [cost-of-service analysis], introducing an admission of uncertainty into their rate analyses, which could in turn be used to challenge rates under Prop. 218. This problem would be compounded if the system introduced or modified efficiency goals after the [cost-of-service analysis] was completed or adopted. This will ultimately contribute to greater litigation risk and overall revenue uncertainty which will not help a system achieve increased water conservation goals."

ACWA supports this legislation.

This legislation would amend the Proposition 218 Implementation Act, which was enacted soon after the ballot measure was approved by state voters in 1996. The statutory provisions may interpret the proposition to provide greater clarity regarding its implementation, but the statutory provisions cannot amend or alter the constitutional language or requirements. This legislation provides statutory authority for a retail water supplier to impose or increase fees or charges for property-related water service that include the incrementally higher costs of water service due to any of the following: (1) The higher water usage demand of parcels, (2) The maximum potential water use of parcels, (3) Projected

peak water usage, or (4) Any combination of paragraphs (1) to (3), inclusive. This legislation provides that the costs associated with higher water usage demands, the maximum potential water use, or a projected peak water usage demand may be allocated using any method that reasonably assesses the water service provider's cost of serving those parcels that are increasing potential water usage demand, maximum potential water use, or project peak water use demand. This legislation, then, seems to restate the holding in the City of San Juan Capistrano decision. The need for so doing is unclear.

Desert Water Agency Legislative & Regulatory Platform: Policy Directive 1, Policy Directive 3, Policy Directive 4

Current Position: Not Yet Considered

Recommended Position: Watch

**AB 2153 (Lowenthal D) California Public Records Act: public agency employees: notice requirements: personnel and medical information.**

**Current Text:** Introduced: 2/6/2024 [html](#) [pdf](#)

**Introduced:** 2/6/2024

**Status:** 2/20/2024-Referred to Com. on JUD.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 2/20/2024-A. JUD.

**Summary:** The California Public Records Act requires public records to be open to inspection at all times during the office hours of the state or local agency that retains those records, and provides that every person has a right to inspect any public record, except as provided. Current law requires each agency, upon a request for records, to determine within 10 days whether that request, in whole or in part, seeks copies of disclosable public records in the agency's possession and to promptly notify the person making the request of its determination and reasons for that determination. Under current law, the act generally does not require disclosure of personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. Current law requires an agency, if it determines a request seeks disclosable public records, to state the estimated date and time when the records will be made available. Current law permits the prescribed time limits of the act to be extended in unusual circumstances. In this connection, "unusual circumstances" include, among other reasons, the need to search for and collect the requested records from field facilities or other establishments separate from the office processing the request. This bill would require each agency, upon receipt of a request for a copy of, or the inspection of, any personnel, medical, or similar records of a public agency employee or any record that would disclose a public agency employee's personal identity in connection with the performance of that employee's work duties, to promptly and prior to the release of the records, provide written notice of the request to that public agency employee.

**Notes:** The California Public Records Act (CPRA) requires that all public agencies respond to requests for documents by the public, unless an exemption applies. One such exemption is personnel records; however, this exception is narrowly tailored to exempt only "[p]ersonnel, medical or similar files, the disclosure of which would constitute an invasion of personal privacy and personnel records when, from the facts of the particular case, the public agency can demonstrate that the public interest served by not disclosing the record outweighs the public interest served by disclosure of the record." (Cal. Gov't Code § 6254(c) and § 6255(a)) Thus, when a CPRA request seeks the disclosure of personnel files, the responding agency may only refuse to provide records that fit into either of those exemptions. A public agency therefore must perform an analysis to determine whether (1) the requested contents of the personnel files implicate personal privacy, and (2) the invasion of privacy is unwarranted under the circumstances.

This bill would require each agency, upon receipt of a request for a copy of, or the inspection of, any personnel, medical, or similar records of a public agency employee or any record that would disclose a public agency employee's personal identity in connection with the performance of that employee's work duties, to promptly and prior to the release of the records, provide written notice of the request to that public agency employee.

This bill would impose a new duty for the Agency, however our firm does not believe the impact on Agency personnel in terms of the time required to comply with the requirement will be significant. Our firm will monitor the progress of the legislation and bring amendments to the attention of Agency staff.

Desert Water Agency Legislative & Regulatory Platform: Policy Directive 3

Current Position: Not Yet Considered

Recommended Position: Watch

**AB 2257 (Wilson D) Local government: property-related water and sewer fees and assessments:**

**remedies.**

**Current Text:** Introduced: 2/8/2024 [html](#) [pdf](#)

**Introduced:** 2/8/2024

**Status:** 2/26/2024-Referred to Coms. on JUD. and L. GOV.

**Is Urgency:** N

**Is Fiscal:** N

**Location:** 2/26/2024-A. JUD.

**Summary:** The California Constitution specifies various requirements with respect to the levying of assessments and property-related fees and charges by a local agency. The California Constitution includes a public notice and a majority protest procedure in the case of assessments and procedures for submitting property-related fees and charges for approval by property owners subject to the fee or charge or to the electorate residing in the affected area following a public hearing. Current law, known as the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with these requirements. This bill would prohibit, if a local agency complies with specified procedures, a person or entity from bringing a judicial action or proceeding alleging noncompliance with the constitutional provisions for any new, increased, or extended fee or assessment, as defined, unless that person or entity has timely submitted to the local agency a written objection to that fee or assessment that specifies the grounds for alleging noncompliance, as specified.

**Notes:** The Association of California Water Agencies is the sponsor of this legislation.

William T. Chisum and Andreas L. Booher, of Kronick Moskovitz Tiedeman & Girard, wrote a legal alert regarding a 2019 California Supreme Court opinion in *Plantier v. Ramona Municipal Water District*, addressing whether certain property owners had exhausted administrative remedies before litigating a Proposition 218 challenge against a local public agency's method for applying rates to provide a property-related service. According to Chisum and Booher:

"The Court held that where a property owner challenges the method by which the local agency applies its rates to particular customers—but not the rates themselves—the owner may challenge the method without first having participated in the Proposition 218 protest hearing called to raise the rates. The District argued that Plaintiffs were barred from bringing suit because they had failed to exhaust their administrative remedies by participating in a Proposition 218 protest hearing conducted to approve an increase in the District's rates per EDU. Consistent with its hearing notice, the District's hearing addressed only the proposed change in the per-EDU rates and not the methodology by which the District calculated the number of EDUs for which each customer would be charged the new rates. The District argued that Plaintiffs were able to raise their EDU-calculation challenges during the District's Proposition 218 hearing but failed to participate.

"The trial court held for the District, finding that Proposition 218's public protest hearing created an unexhausted administrative remedy. The Court of Appeals reversed the trial court decision, holding that Plaintiffs were not required to participate in the Proposition 218 protest hearing for raising per-EDU rates in order to challenge the District's method for assigning EDUs to customers. The appellate court reasoned that changing the number of EDUs applied to commercial customers was different from increasing the rate assigned to an EDU, which was the subject of the public hearing notice. Accordingly, the appellate court reasoned that the District could not have changed its EDU-allocation method at the rate hearing even if Plaintiffs had objected to the allocation method at the hearing. The hearing was about raising per-EDU rates, not changing the allocation of EDUs to commercial customers, the appellate court found.

"In affirming the appellate court decision, the California Supreme Court concluded that Plaintiffs were not challenging the District's new per-EDU rates and, therefore, were not required to exhaust their administrative remedies by participating in the Proposition 218 hearing on the proposed per-EDU rates increase. The Court explained that while exhaustion of administrative remedies is generally required before a claim can be validly brought before the courts, where the remedy is inadequate to resolve the dispute, plaintiffs may be excused for failing to exhaust that remedy. The Court held that a remedy is only adequate if it "establishes clearly defined machinery for the submission, evaluation, and resolution of complaints by the aggrieved parties."

"The Court reasoned that even if rate protest hearings under Proposition 218 were considered an administrative remedy, the District's protest hearing would not have provided an adequate remedy for the Plaintiffs' challenge to the methodology for calculating the number of EDUs assigned to their properties—because the hearing was limited to the per-EDU rate increase and did not encompass the EDU calculation or allocation method. Due to that limited hearing scope, the Court found Plaintiffs could not obtain an adequate remedy by participating."

This legislation creates an "exhaustion of remedies" procedure for Proposition 218. The exhaustion of remedies principle is a fundamental concept of administrative law governing the relationship between agencies and courts. It requires individuals to raise concerns about proposed agency actions to the agencies themselves, in the first instance, rather than to the courts. Proposition 218 does not provide

a requirement to exhaust administrative remedies as none are provided in the constitutional provisions. Instead, property owners are provided an opportunity to protest the proposed imposition of a property-related fee or charge.

This legislation would amend the Proposition 218 Omnibus Implementation Act, which contains statutory enactments intended to interpret Proposition 218. For example, subdivision (d) of section 53753 of the Government Code states: "At the time, date, and place stated in the notice mailed pursuant to subdivision (b), the agency shall conduct a public hearing upon the proposed assessment. At the public hearing, the agency shall consider all objections or protests, if any, to the proposed assessment. At the public hearing, any person shall be permitted to present written or oral testimony. The public hearing may be continued from time to time." Subdivision (e) of Section 4 (Article XIIID) provides that the local agency "shall conduct a public hearing upon the proposed assessment not less than 45 days after mailing the notice of the proposed assessment to record owners of each identified parcel. At the public hearing, the agency shall consider all protests against the proposed assessment and tabulate the ballots. The agency shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property."

Subdivision (f) of Section 4 (Article XIIID) provides that in any legal action contesting the validity of any assessment, the burden shall be on the agency to demonstrate that the property or properties in question receive a special benefit over and above the benefits conferred on the public at large and that the amount of any contested assessment is proportional to, and no greater than, the benefits conferred on the property or properties in question. This legislation would bar a legal action contesting the validity of any assessment unless the plaintiff submits a timely written objection prior to the close of the protest hearing or ballot tabulation hearing, with certain exceptions. It is unclear whether the proposed addition of a statutory procedural requirement interprets Proposition 218 or adds a requirement to Proposition 218 without amending the constitutional provision itself.

The benefit to local agencies and property owners provided by this legislation is that a clear process will be established for local agencies to communicate an opportunity for property owners to submit written objections to a proposed fee or charge through an administrative review process, provide property owners the opportunity to identify concerns with the proposed fee or charge in a timely manner, enable local agencies to correct deficiencies, if any, and hopefully avoid litigation following governing body action regarding imposing or increasing property-related fees and charges.

Desert Water Agency Legislative & Regulatory Platform: Policy Directive 1, Policy Directive 2, Policy Directive 3

Current Position: Not Yet Considered

Recommended Position: Support

**AB 2626 (Dixon R) Advanced Clean Fleets regulations: local governments.**

**Current Text:** Introduced: 2/14/2024 [html](#) [pdf](#)

**Introduced:** 2/14/2024

**Status:** 3/4/2024-Referred to Coms. on TRANS. and NAT. RES.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 3/4/2024-A. TRANS.

**Summary:** Current law requires the State Air Resources Board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants and sources of air pollution that the state board has found necessary, cost effective, and technologically feasible. Pursuant to its authority, the state board has adopted the Advanced Clean Fleets Regulation, which imposes various requirements for transitioning local, state, and federal government fleets of medium- and heavy-duty trucks, other high-priority fleets of medium- and heavy-duty trucks, and drayage trucks to zero-emission vehicles. The Advanced Clean Fleets Regulation authorizes entities subject to the regulation to apply for exemptions from its requirements under certain circumstances. This bill would extend the compliance dates for local government set forth in the Advanced Clean Fleets Regulation by 10 years. The bill would prohibit the state board from taking enforcement action against a local government for violating the Advanced Clean Fleets Regulation if the alleged violation occurs before January 1, 2025.

**Notes:** Executive Order No. N-79-20 establishes the goal of transitioning medium- and heavy-duty vehicles in California to zero-emission vehicles (ZEVs) by 2045 for all operations where feasible and by 2035 for drayage trucks, and requires the California Air Resources Board (CARB) to develop and propose medium- and heavy-duty vehicle (MDHD) regulations to meet that goal.

In April 2023, CARB approved the Advanced Clean Fleets (ACF) regulations which will require fleet owners operating vehicles for private services, federal fleets, and state and local government fleets,



to begin their transition toward ZEVs. Under the regulations, state and local government agencies that own, lease, or operate MDHD trucks must ensure that 50 percent of new truck purchases between 2024 and 2026 are ZEVs, and that all purchases are ZEVs after 2027.

Specific counties and agencies with fewer than 10 vehicles are exempted until 2027. The regulations additionally exempt emergency vehicles from this requirement. Other exemptions and extensions include: (1) Daily usage exemption. Fleet owners may request an exemption to purchase a new ICE, if no new BEV is available to purchase that can meet the demonstrated daily usage needs of any existing vehicles of the same configuration in the fleet; (2) ZEV purchase exemption. Fleet owners may request exemptions to purchase a new ICE vehicle if a needed configuration is not available to purchase as a ZEV or NZEV; (3) ZEV Infrastructure delay. Fleet owners may request extensions if they experience delays due to circumstances beyond their control on a project to install ZEV fueling infrastructure. This includes delays in ZEV infrastructure construction and site electrification; (4) Mutual aid exemption. Fleet owners with mutual aid agreements may request this exemption to purchase new internal combustion engines not to exceed 25% of the total number of vehicles in the fleet; (5) Backup vehicle exemption. Fleet owners may purchase a new or used ICE vehicle and exclude it from the ZEV purchase requirement, if the vehicle is designated as a backup vehicle; and (6) Intermittent snow removal vehicle exemption. Fleet owners receive an exemption from the ZEV purchase requirements until January 1, 2030.

The legislature passed AB 1594 (Garcia) last year to authorize public agency utilities to purchase replacements for traditional utility-specialized vehicles that are at the end of life, as determined by the CARB in consultation with public agency utilities, when needed to maintain reliable service and respond to major foreseeable events, including severe weather, wildfires, natural disasters, and physical attacks.

This bill would extend the compliance dates for local government purchase of MDHD ZEV vehicles by 10 years; and would prohibit the state board from taking enforcement action against a local government for violating the ACF Regulation if the alleged violation occurs before January 1, 2025.

Desert Water Agency Legislative & Regulatory Platform: Policy Directive 1, Policy Directive 3, Policy Directive 4

Current Position: Not Yet Considered

Recommended Position: Favor

**AB 2947 (Lackey R) Water: turfgrass conversion.**

**Current Text:** Introduced: 2/16/2024 [html](#) [pdf](#)

**Introduced:** 2/16/2024

**Status:** 2/17/2024-From printer. May be heard in committee March 18.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 2/16/2024-A. PRINT

**Summary:** The Water Conservation in Landscaping Act provides for a model water efficient landscape ordinance that is adopted and updated at least every 3 years by the Department of Water Resources, unless the department makes a specified finding. This bill would prohibit the department, when it allocates funding for turf replacement programs, from excluding urban water suppliers' turfgrass conversion rebate programs if the rebate program requires the recipient of a rebate to achieve a net water savings and to use the most efficient turfgrass irrigation equipment, as provided. The bill would require an urban water supplier that offers a turfgrass conversion rebate program to report annually to the department on the number of turfgrass conversions that are funded through the program and the estimated water savings from the program.

**Notes:** According to the California Department of Water Resources (DWR):

"About 40% of the water Californians use at home is used outdoors. Large water savings can be gained by efficient landscape design, installation, management, and maintenance. This is accomplished by choosing climate adapted plants, improving soil conditions, using, and maintaining high efficiency irrigation equipment and managing the irrigation schedule to fit the plants water needs as they are influenced by local climate."

The state has provided grant funding to local agencies to assist with local rebate programs that provided grants for commercial, institutional, a residential properties to convert natural turf lawns to landscape designs that use less water or eliminate outdoor water use for the area converted. This legislation would require DWR to make state grant funds available for local rebate programs that replace a certain type of turf with turf or other groundcover that will result in less irrigation water being applied to the area converted. The legislation provides statements of findings and declarations in support of converting turf that results in lower outdoor water use without eliminating outdoor water use.

Current Position: Not Yet Considered

Recommended Position: Watch

**AB 3121 (Hart D) Urban retail water suppliers: written notice: conservation order: dates.**

**Current Text:** Introduced: 2/16/2024 [html](#) [pdf](#)

**Introduced:** 2/16/2024

**Status:** 2/17/2024-From printer. May be heard in committee March 18.

**Is Urgency:** N

**Is Fiscal:** N

**Location:** 2/16/2024-A. PRINT

**Summary:** Current law authorizes the State Water Resources Control Board, on and after January 1, 2025, to issue a written notice to an urban retail water supplier that does not meet its urban water use objective. Current law authorizes the board, on and after January 1, 2026, to issue a conservation order to an urban retail water supplier that does not meet its urban water use objective. This bill would instead provide that the date the board is authorized to issue a written notice to January 1, 2026 and a conservation order to January 1, 2027.

**Notes:** Current law authorizes the State Water Resources Control Board, on and after January 1, 2025, to issue a written notice to an urban retail water supplier that does not meet its urban water use objective. Current law authorizes the board, on and after January 1, 2026, to issue a conservation order to an urban retail water supplier that does not meet its urban water use objective.

SB 606 (Hertzberg) and AB 1668 (Friedman) were enacted in 2018 and establish a framework for long-term improvements in urban water use efficiency and drought planning as California adapts to climate change impacts. The legislation requires that long-term urban water use efficiency standards be set so that urban retail water suppliers' urban water use objectives, together with other water uses excluded from the long-term standards, would exceed the statewide 2020 water conservation targets required pursuant to SB X7-7 (California Water Code (WC) §10609.2(d)).

The 2018 legislation requires the Department of Water Resources (DWR), in coordination with the State Water Resources Control Board (Board), to conduct necessary studies and investigations and develop the following recommendations for adoption by the Board: (1) Standard for outdoor residential water use (WC §10609.6); (2) Standard for commercial, industrial and institutional outdoor irrigation of landscape areas with dedicated irrigation meters or equivalent technologies (WC §10609.8); (3) Appropriate variances for unique uses that have a significant effect on urban retail water supplier's urban water use objective (WC §10609.14); (4) Guidelines and methodologies for calculating the urban water use objective (WC §10609.16); and (5) Performance measures for commercial, industrial and institutional water use (WC §10609.10).

The Board, in coordination with DWR, is required to adopt long-term standards, appropriate variances, guidelines, and methodologies for calculating urban water use objectives by June 30, 2022 (WC §10609.2). These standards, variances, and performance measures will become effective following the Board's adoption of the recommendations through a public rulemaking process.

The board released proposed regulations to implement the framework, informed by studies and recommendations by DWR in August 2023 and expects to adopt final regulations in the summer of 2024. Regulations would then take effect October 1, 2024, over two years beyond the June 30, 2022 statutory deadline.

The Office of the Legislative Analyst released a report on January 4, 2024, that found that the proposed regulations will create challenges for water suppliers in several key ways, in many cases without compelling justifications. The report, titled "Assessing Early Implementation of Urban Water Use Efficiency Requirements" found that the proposed regulations would add complexity, could be difficult to achieve, add significant costs, could disproportionately affect lower-income customers, and impose aggressive timelines.

The LAO offered many recommendations to improve the proposed regulations, including extending some deadlines.

This bill would delay the Board's authority for issuing written notices and conservation orders for failure to meet urban water use objectives by one year, respectively.

This bill is similar to SB 1330 (Archuleta) in that the latter measure also, among other provisions, seeks to delay when the Water Board may issue written notices and conservation orders for failure to meet urban water use objectives. SB 1330 delays the board's authority to issue a written notice from January 1, 2025, to January 1, 2027 and a conservation order from January 1, 2026 to January 1,



2030.

The Agency should consider taking a “watch” position on this measure and a support position on SB 1330 as moving compliance and enforcement deadlines by one year does not match up with the 2-year delay between the 2018 law deadline for the state board to adopt regulations (June 30 of 2022) and the current schedule of adopting them this August with the effective date of October 2024.

Desert Water Agency Legislative & Regulatory Platform: Policy Directive 1, Policy Directive 2, Policy Directive 3, Policy Directive 4

Current Position: Not Yet Considered

Recommended Position: Watch

## **ACA 16** **(Bryan D) Environmental rights.**

**Current Text:** Introduced: 1/25/2024 [html](#) [pdf](#)

**Introduced:** 1/25/2024

**Status:** 1/26/2024-From printer. May be heard in committee February 25.

**Is Urgency:**

**Is Fiscal:** Y

**Location:** 1/25/2024-A. PRINT

**Summary:** The California Constitution declares various inalienable rights of the people, including the right to enjoy and defend life and liberty, acquire, possess, and protect property, and pursue and obtain safety, happiness, and privacy. This measure would amend the California Constitution to declare that the people have a right to clean air and water and a healthy environment.

**Notes:** The California Constitution declares various inalienable rights of the people, including the right to enjoy and defend life and liberty, acquire, possess, and protect property, and pursue and obtain safety, happiness, and privacy.

This measure would amend the California Constitution to declare that the people have a right to clean air and water and a healthy environment.

The bill is sponsored by the Center for Biological Diversity, Center for Community Action and Environmental Justice, Community Water Center, Human Impact Partners, Green Amendments for the Generations, Climate Equity Policy Center, and Sunrise Movement LA.

According to the bill Author and sponsors, California has led the nation in combating the effects of climate change for many years— from statutorily protecting the right to affordable drinking water, to advancing statewide air quality and emissions standards. Despite these efforts, the state’s Constitution still has no permanent environmental language in it. In fact, many other states are ahead of California in their efforts to establish the right to a healthy environment for all of their residents. These “Green Amendments” are becoming commonplace for states seeking to further protect and affirm environmental rights. Most recently, in 2021, the state of New York proposed to amend its constitution to add environmental language. To date, Nevada, New Mexico, Hawaii, Connecticut, Texas, Maine, Tennessee, West Virginia, and Washington all have introduced green amendment language. ACA 16 will codify the right to clean air, water, and a healthy environment for every Californian providing a foundation for the laws the legislature has fought to pass, and a permanent guidepost for our longevity and sustainability.

The Agency should consider taking a 'not favor' position on this measure as it raises concerns about Prop 218 and Prop 26 regarding property related fees and charges. If there is a constitutional right to clean water, it creates potential conflict with paying for a commodity (property related service). It is unclear whether the measure would extend to water quality in waters of the state, or just to drinking water?

The California legislature adopted the Human Right to Water in 2012. AB 685, by Assembly Member Eng, declared that it is the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. The bill required all relevant state agencies, to consider this state policy when revising, adopting, or establishing policies, regulations, and grant criteria when those policies, regulations, and grant criteria are pertinent to the uses of water described above. The bill was opposed by EID.

This legislation and AB 685 are similar to AB 1242 (Ruskin) from 2009, which ACWA officially opposed. That bill was ultimately vetoed by Governor Schwarzenegger who, in his veto message, highlighted the unnecessary duplication of provisions already contained in California law, and cited the potential for “costly and constant litigation.”

Similar concerns are raised by this measure.

Current Position: Not Yet Considered

Recommended Position: Not Favor

**SB 903**

**(Skinner D) Environmental health: product safety: perfluoroalkyl and polyfluoroalkyl substances.**

**Current Text:** Amended: 2/21/2024 [html](#) [pdf](#)

**Introduced:** 1/4/2024

**Last Amend:** 2/21/2024

**Status:** 2/29/2024-Re-referred to Coms. on E.Q. and JUD.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 2/29/2024-S. E.Q.

**Summary:** Current law, commencing January 1, 2025, prohibits the manufacture, distribution, sale, or offering for sale in the state of any new, not previously used, textile articles that contain regulated perfluoroalkyl and polyfluoroalkyl substances (PFAS). Current law, commencing January 1, 2025, prohibits the manufacture, sale, delivery, holding, or offering for sale in commerce of any cosmetic product that contains intentionally added PFAS. This bill would, beginning January 1, 2030, prohibit a person from distributing, selling, or offering for sale a product that contains intentionally added PFAS, as defined, unless the Department of Toxic Substances Control has made a determination that the use of PFAS in the product is a currently unavoidable use, the prohibition is preempted by federal law, or the product is used. The bill would specify the criteria and procedures for determining whether the use of PFAS in a product is a currently unavoidable use, for renewing that determination, and for revoking that determination. The bill would require the department to maintain on its internet website a list of each determination of currently unavoidable use, when each determination expires, and the products and uses that are exempt from the prohibition. The bill would impose a civil penalty for a violation of the prohibition, as specified. The bill would establish the PFAS Penalty Account and require all civil penalties received to be deposited into that account and, upon appropriation by the Legislature, to be used for the administration and enforcement of these provisions, as specified. This bill would, by January 1, 2027, require the department to adopt regulations to carry out the provisions of this bill.

**Notes:** According to the United States Environmental Protection Agency, PFAS are a large group of man-made chemicals used in consumer products and industrial processes. In use since the 1940s, PFAS are resistant to heat, oils, stains, grease, and water—properties which contribute to their persistence in the environment. Best known are PFOA, formerly used to make DuPont's Teflon, and PFOS, formerly in 3M's Scotchgard. Very low exposure to some PFAS chemicals has been linked to cancer, thyroid disease, weakened childhood immunity and many other health problems. Tests of tap water, military bases and industrial sites have found PFAS contamination in more than 5,021 locations in 50 states, the District of Columbia and two territories. Drinking water for up to 200 million Americans may be contaminated with PFAS. The Central Basin has a cluster of drinking water wells that have been contaminated.

On March 14, 2023, EPA announced the proposed National Primary Drinking Water Regulation (NPDWR) for six PFAS including perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO-DA, commonly known as GenX Chemicals), perfluorohexane sulfonic acid (PFHxS), and perfluorobutane sulfonic acid (PFBS). The proposed PFAS NPDWR does not require any actions until it is finalized. EPA expects that if fully implemented, the rule will prevent thousands of deaths and reduce tens of thousands of serious PFAS attributable illnesses.

On February 1, 2024, EPA announced it will be proposing to modify the definition of hazardous waste as it applies to cleanups at permitted hazardous waste facilities. This modification would assure that EPA's regulations clearly reflect EPA's and authorized states' authority to require cleanup of the full range of substances that the Resource Conservation and Recovery Act (RCRA) intended, including emerging chemicals of concern, such as PFAS, that may present substantial hazards, at permitted facilities. Currently, the regulations do not clearly and accurately reflect the full authorities granted to EPA by Congress.

EPA is also proposing to amend its RCRA regulations to add multiple PFAS compounds as hazardous constituents. These PFAS would be added to the list of substances identified for consideration in facility assessments and, where necessary, further investigation and cleanup through the corrective action process at hazardous waste treatment, storage and disposal facilities. According to the announcement of the proposed rules:

"These proposed rules would strengthen protections for communities and drinking water supplies located near the 1,740 permitted hazardous waste facilities across the nation. Corrective action under RCRA requires facilities that treat, store or dispose of hazardous waste to protect health and the environment by investigating and cleaning up hazardous releases into soil, groundwater, surface

water, and air. Hazardous waste cleanups are a crucial part of EPA's focus on environmental justice and help to protect public health in part by addressing disparities in access to a clean and safe environment."

Manufacturer 3M announced last year that it would stop making them by the end of 2025. The American Chemistry Council, an association that represents chemical makers, said that PFOA and PFOS were phased out of production by its members more than eight years ago. "We support restrictions on their use globally, and we support drinking water standards for PFOA and PFOS based on the best available science," the council said in an email to CNN. It does, however, say it has "serious concerns" about the science that the EPA used to create the rule that it calls "conservative."

At the federal level, the US Food and Drug Administration phased out the use of certain PFAS chemicals in 2016. The FDA and manufacturers also agreed in 2020 to phase out some PFAS chemicals from food packaging and other items that came into contact with food.

This legislation would, beginning January 1, 2030, prohibit a person from distributing, selling, or offering for sale a product that contains intentionally added PFAS, as defined, unless the Department of Toxic Substances Control has made a determination that the use of PFAS in the product is a currently unavoidable use, the prohibition is preempted by federal law, or the product is used. The bill would specify the criteria and procedures for determining whether the use of PFAS in a product is a currently unavoidable use, for renewing that determination, and for revoking that determination. The bill would require the department to maintain on its internet website a list of each determination of currently unavoidable use, when each determination expires, and the products and uses that are exempt from the prohibition. The bill would impose a civil penalty for a violation of the prohibition, as specified. The bill would establish the PFAS Penalty Account and require all civil penalties received to be deposited into that account and, upon appropriation by the Legislature, to be used for the administration and enforcement of these provisions, as specified.

This bill would, by January 1, 2027, require the department to adopt regulations to carry out the provisions of this bill. The bill would require the regulations to establish and provide for the assessment of an application fee. The bill would create the PFAS Oversight Fund and require all application fees to be deposited into the fund. The bill would require moneys in the account, upon appropriation by the Legislature, to be used to cover the department's reasonable costs of administering this legislation if enacted.

Desert Water Agency Legislative & Regulatory Platform: Policy Directive 2

Current Position: Not Yet Considered

Recommended Position: Favor

**SB 908 (Cortese D) Public records: legislative records: electronic messages.**

**Current Text:** Introduced: 1/8/2024 [html](#) [pdf](#)

**Introduced:** 1/8/2024

**Status:** 1/9/2024-From printer. May be acted upon on or after February 8.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 1/8/2024-S. RLS.

**Summary:** Would prohibit an elected or appointed official or employee of a public agency from creating or sending a public record using a nonofficial electronic messaging system unless the official or employee sends a copy of the public record to an official electronic messaging system, as specified. By imposing additional duties on local agencies, the bill would create a state-mandated local program.

**Notes:** This legislation proposes to incorporate the holding of the California Supreme Court in *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608: "Consistent with the Legislature's purpose in enacting CPRA, and our constitutional mandate to interpret the Act broadly in favor of public access (Cal. Const., art. I, § 3, subd. (b)(2)), we hold that a city employee's writings about public business are not excluded from CPRA simply because they have been sent, received, or stored in a personal account."

The Court recognized that "public access to information must sometimes yield to personal privacy interests. When enacting CPRA, the Legislature was mindful of the right to privacy (§ 6250 ), and set out multiple exemptions designed to protect that right." The Court offered some guidance on this question:

"Whether a writing is sufficiently related to public business will not always be clear. For example, depending on the context, an email to a spouse complaining "my coworker is an idiot" would likely not be a public record. Conversely, an email to a superior reporting the coworker's mismanagement of an agency project might well be. Resolution of the question, particularly when writings are kept in personal accounts, will often involve an examination of several factors, including the content itself; the

context in, or purpose for which, it was written; the audience to whom it was directed; and whether the writing was prepared by an employee acting or purporting to act within the scope of his or her employment."

The Court offered that to qualify as a public record under CPRA, at a minimum, a writing must relate in some substantive way to the conduct of the public's business, writing:

"This standard, though broad, is not so elastic as to include every piece of information the public may find interesting. Communications that are primarily personal, containing no more than incidental mentions of agency business, generally will not constitute public records. For example, the public might be titillated to learn that not all agency workers enjoy the company of their colleagues, or hold them in high regard. However, an employee's electronic musings about a colleague's personal shortcomings will often fall far short of being a "writing containing information relating to the conduct of the public's business." (§ 6252, subd. (e).)"

This legislation seems consistent with the holding in *City of San Jose v. Superior Court*. If enacted, this legislation will require DWA, to the extent such guidance is not in place, to prepare and adopt guidance for electronic records relating to agency business that is located on an employee's personal communication devices and accounts. Even a requirement that all communications related to public business be conducted on an agency device and account will require agency personnel to parse communications to determine those subject to disclosure and those that fall under a California Public Records Act exemption.

The state is not required to reimburse the agency for costs imposed by this legislation because reimbursement is not required pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

Desert Water Agency Legislative & Regulatory Platform: Policy Directive 3

Current Position: Not Yet Considered

Recommended Position: Watch

**SB 937 (Wiener D) Development projects: permits and other entitlements: fees and charges.**

**Current Text:** Introduced: 1/17/2024 [html](#) [pdf](#)

**Introduced:** 1/17/2024

**Status:** 2/21/2024-Referred to Coms. on L. GOV. and HOUSING.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 2/21/2024-S. L. GOV.

**Summary:** The Planning and Zoning Law requires each county and each city to adopt a comprehensive, long-term general plan for its physical development, and the development of specified land outside its boundaries, that includes, among other mandatory elements, a housing element. The Permit Streamlining Act, among other things, requires a public agency that is the lead agency for a development project to approve or disapprove that project within specified time periods. Current law extended by 18 months the period for the expiration, effectuation, or utilization of a housing entitlement, as defined, that was issued before, and was in effect on, March 4, 2020, and that would expire before December 31, 2021, except as specified. Current law provides that if the state or a local agency extended the otherwise applicable time for the expiration, effectuation, or utilization of a housing entitlement for not less than 18 months, as specified, that housing entitlement would not be extended an additional 18 months pursuant to these provisions. This bill would extend by 18 months the period for the expiration, effectuation, or utilization of a housing entitlement, as defined, that was issued before January 1, 2024, and that will expire before December 31, 2025, except as specified. The bill would toll this 18-month extension during any time that the housing entitlement is the subject of a legal challenge.

**Notes:** This bill is sponsored by the California Housing Consortium and the Housing Action Coalition.

The Mitigation Fee Act regulates fees for development projects, fees for specific purposes, including water and sewer connection fees, and fees for solar energy systems, among others. The act requires local agencies to comply with various conditions when imposing fees, extractions, or charges as a condition of approval of a proposed development or development project. The act defines fee to mean a monetary exaction other than a tax or special assessment that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project. The act exempts local agency utility connection fees and capacity charges from this definition. This legislation would remove that exception and would specify that water districts and sanitation districts are included in the definition of a local agency for purposes of the act.

The Mitigation Fee Act prohibits a local agency that imposes fees or charges on a residential development for the construction of public improvements or facilities from requiring the payment of those fees or charges until the date of the final inspection or the date the certificate of occupancy is issued, whichever occurs first. The act authorizes a local agency to require the payment sooner if specified conditions are met, including if the fees or charges are to reimburse the local agency for expenditures previously made. The act exempts units reserved for occupancy by lower income households included in a residential development proposed by a nonprofit housing developer, as specified, from the authorization to require an earlier payment, but authorizes a city or county to require for those exempt units the posting of a performance bond or a letter of credit from a federally insured, recognized depository institution to guarantee payment of any fees or charges. The act, if a fee or charge is not fully paid prior to issuance of a building permit for construction, authorizes the local agency to require the property owner to execute a contract to pay the fee or charge.

This legislation would instead prohibit a local agency from requiring the payment of those fees or charges until the date the certificate of occupancy is issued, and would prohibit the local agency from charging interest or other fees on any amount deferred. The bill would remove the authorization for a local agency to require the payment sooner if the fees or charges are to reimburse the local agency for expenditures previously made. Since water service must be provided prior to construction of residential dwelling units or commercial buildings, this legislation would require local agencies to carry the cost burden of serving a proposed subdivision well before any revenue is received for the facilities, possibly for many years after approval of a final map and initiation of required water and wastewater infrastructure. This legislation places the burden of costs to service new development on the existing customers of the local agency utility.

By requiring local agencies to comply with specified requirements when imposing fees, extractions, or charges as a condition of approval of a proposed development or development project, the bill would impose a state-mandated local program. Ironically, this legislation provides that the state does not have to reimburse local agencies because they have the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act. The manner in which such fees would be imposed given the provisions of this legislation is unclear.

Desert Water Agency Legislative & Regulatory Platform: Policy Directive 1, Policy Directive 3, Policy Directive 4

Current Position: Not Yet Considered

Recommended Position: Oppose

**SB 1034 (Seyarto R) California Public Records Act: state of emergency.**

**Current Text:** Introduced: 2/6/2024 [html](#) [pdf](#)

**Introduced:** 2/6/2024

**Status:** 2/14/2024-Referred to Com. on JUD.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 2/14/2024-S. JUD.

**Summary:** The California Public Records Act requires state and local agencies to make their records available for public inspection, except as specified. Current law requires each agency, within 10 days of a request for a copy of records, to determine whether the request seeks copies of disclosable public records in possession of the agency and to promptly notify the person of the determination and the reasons therefor. Current law authorizes that time limit to be extended by no more than 14 days under unusual circumstances, and defines "unusual circumstances" to include certain circumstances. This bill would revise the unusual circumstances under which the time limit may be extended to include the need to search for, collect, appropriately examine, and copy records during a state of emergency proclaimed by the Governor when the state of emergency has affected the agency's ability to timely respond to requests due to decreased staffing or closure of the agency's facilities.

**Notes:** This legislation would provide a local agency additional time to respond to a public records act request during a state of emergency proclaimed by the Governor when the state of emergency has affected the agency's ability to timely respond to requests due to decreased staffing or closure of the agency's facilities. The time to respond to a request for records created during and related to the state of emergency shall not be extended unless the request involves one or more of the unusual circumstances, set forth under existing law: (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request; (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request; (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein; and (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.



Current Position: Not Yet Considered

Recommended Position: Favor

**SB 1110 (Ashby D) Urban retail water suppliers: informational order: conservation order.**

**Current Text:** Introduced: 2/13/2024 [html](#) [pdf](#)

**Introduced:** 2/13/2024

**Status:** 2/21/2024-Referred to Com. on N.R. & W.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 2/21/2024-S. N.R. & W.

**Summary:** Current law authorizes the State Water Resources Control Board, on and after January 1, 2024, to issue informational orders pertaining to water production, water use, and water conservation to an urban retail water supplier that does not meet its urban water use objective. Current law requires the board to consider certain information in determining whether to issue an informational order. This bill would require the board to additionally consider lower cost actions the water supplier has implemented or will implement in order to help the water supplier achieve overall water supply resiliency in determining whether to issue an informational order.

**Notes:** The "Making Water Conservation a Way of Life" laws enacted in 2018 authorize the State Water Resources Control Board, on and after January 1, 2024, to issue informational orders pertaining to water production, water use, and water conservation to an urban retail water supplier that does not meet its urban water use objective. Informational orders are intended to obtain information on supplier activities, water production, and conservation efforts in order to identify technical assistance needs and assist urban water suppliers in meeting their urban water use objectives. Existing law provides that in determining whether to issue an informational order, the board shall consider the degree to which the urban retail water supplier is not meeting its urban water use objective, information provided in the report required by Section 10609.24, and actions the urban retail water supplier has implemented or will implement in order to help meet the urban water use objective.

The Water Code chapter that sets forth the "Urban Water Use Objectives and Water Use Reporting" requirements [Sections 10609 - 10609.38] "establishes a method to estimate the aggregate amount of water that would have been delivered the previous year by an urban retail water supplier if all that water had been used efficiently. This estimated aggregate water use is the urban retail water supplier's urban water use objective. The method is based on water use efficiency standards and local service area characteristics for that year. By comparing the amount of water actually used in the previous year with the urban water use objective, local urban water suppliers will be in a better position to help eliminate unnecessary use of water; that is, water used in excess of that needed to accomplish the intended beneficial use." Paragraph (1) of subdivision (c) of Section 10609 specifies the intent of the Legislature that "Local urban retail water suppliers should have primary responsibility for meeting standards-based water use targets, and they shall retain the flexibility to develop their water supply portfolios, design and implement water conservation strategies, educate their customers, and enforce their rules."

This legislation would require the state board, in determining whether to issue an informational order, to also consider "lower cost actions the water supplier has implemented or will implement in order to help the water supplier achieve overall water supply resiliency." First, it is unclear whether the achievement of "overall water supply resiliency" equals meeting the urban water use objective. Second, the 2018 laws do not provide a cost-effectiveness standard for local agencies to implement actions to meet the urban water use objective. In other words, to the extent a supplier is not meeting its urban water use objective, existing law requires the implementation of actions regardless of cost effectiveness.

Section 10609.25 of the Water Code, as part of the first report submitted to the Department of Water Resources by an urban retail water supplier, requires each urban retail water supplier to provide a narrative that describes the water demand management measures that the supplier plans to implement to achieve its urban water use objective by January 1, 2027. Again, there is no distinction between actions based on a measure of cost effectiveness.

Existing law, on and after January 1, 2026, authorizes the state board to issue a conservation order to an urban retail water supplier that does not meet its urban water use objective. A conservation order may consist of, but is not limited to, referral to the department for technical assistance, requirements for education and outreach, requirements for local enforcement, and other efforts to assist urban retail water suppliers in meeting their urban water use objective. This legislation would add an additional consideration for the state board in deciding whether to issue a conservation order, and that would be a consideration of the water supplier's overall water supply management portfolio, including lower cost actions the water supplier has implemented or will implement in order to help



water supplier achieve overall water supply resiliency.

The Office of the Legislative Analyst released a report on January 4, 2024, that was required under the 2018 laws. One of the findings stated:

"The new framework is estimated to result in cumulative costs in the low tens of billions of dollars from 2025 through 2040. These costs will be borne primarily by suppliers, wastewater agencies, and customers. Particularly in the near term, suppliers' costs will increase as they attempt to implement the new requirements, such as from providing incentives for residents to make behavioral changes like converting their lawns to more drought tolerant landscapes. Whether the benefits of the new rules ultimately will outweigh the costs is unclear. While an assessment from SWRCB estimates a cumulative net benefit of \$2.5 billion, an independent review conducted by a private consulting firm—which raises credible questions about SWRCB's estimates—projects net costs of \$7.4 billion. Moreover, even if benefits outweigh costs in the long run, whether they merit the amount of work and costs to implement the requirements as currently proposed is uncertain."

The goal of this legislation is unclear given that existing law provides flexibility for the supplier to achieve the urban water use objective and does not address whether actions the supplier implements are higher cost or lower cost actions.

Desert Water Agency Legislative & Regulatory Platform: Policy Directive 2, Policy Directive 3

Current Position: Not Yet Considered

Recommended Position: Watch

**SB 1162 (Cortese D) Public contracts: skilled and trained workforce requirement.**

**Current Text:** Introduced: 2/14/2024 [html](#) [pdf](#)

**Introduced:** 2/14/2024

**Status:** 2/21/2024-Referred to Com. on L., P.E. & R.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 2/21/2024-S. L., P.E. & R.

**Summary:** Current law establishes requirements that apply when a public entity is required by statute or regulation to obtain an enforceable commitment that a bidder, contractor, or other entity will use a skilled and trained workforce to complete a contract or project. Current law also authorizes a public entity to require that a bidder, contractor, or other entity use a skilled and trained workforce, regardless of whether they are required to do so by a statute or regulation. Current law requires a public entity to include a notice in all bid documents and construction contracts when the use of a skilled and trained workforce is required. Current law specifies that the failure of a public entity to include that notice does not excuse a public entity from the requirement to obtain an enforceable commitment that a bidder, contractor, or other entity will use a skilled and trained workforce or, if the requirement is imposed by a statute or regulation, the bidder, contractor, or other entity from that obligation to use a skilled or trained workforce. This bill would specify that the above described provisions apply to a commitment from or obligation on a bidder, contractor, subcontractor, or other entity.

**Notes:** Existing law authorizes a public entity to obtain an enforceable commitment that a bidder, contractor, or other entity will use a skilled and trained workforce to complete a contract or project. "Public entity," as used in this part, means the state, county, city, city and county, district, public authority, public agency, municipal corporation, or any other political subdivision or public corporation in the state.

This legislation would additionally authorize a public entity to obtain an enforceable commitment from a subcontractor.

Desert Water Agency Legislative & Regulatory Platform: Policy Directive 3

Current Position: Not Yet Considered

Recommended Position: Favor

**SB 1210 (Skinner D) New housing construction: electrical, gas, sewer, and water service connections: charges.**

**Current Text:** Introduced: 2/15/2024 [html](#) [pdf](#)

**Introduced:** 2/15/2024

**Status:** 2/29/2024-Referred to Coms. on E., U. & C. and L. GOV.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 2/29/2024-S. E. U., & C.

**Summary:** Current law defines the term “public utility” for certain purposes to include, among other corporations, every gas corporation, electrical corporation, water corporation, and sewer system corporation, where the service is performed for, or the commodity is delivered to, the public or any portion thereof. This bill would, for new housing construction, prohibit a connection, capacity, or other point of connection charge from a public utility, as defined, or a special district, as defined, for electrical, gas, sewer, or water service from exceeding 1% of the reported building permit value of that housing unit. The bill would require a public utility or special district to issue an above-described charge over a period of at least 10 years commencing on the date when the housing unit is first occupied, as specified. The bill would require a public utility to publicly report on its internet website the amount of any charge issued each year pursuant the above-described provision by the housing unit’s address.

**Notes:** This legislation, for new housing construction, prohibits a connection, capacity, or other point of connection charge from a public utility or special district for electrical, gas, sewer, or water service from exceeding 1 percent of the reported building permit value of that housing unit.

This legislation also would require a special district providing water or sewer service to impose a connection fee or capacity charge over a period of at least 10 years commencing on the date when the housing unit is first occupied. If the housing unit is sold before the expiration of that period, the subsequent owners of the housing unit shall continue paying the charge over the remainder of that period.

This legislation will have a negative impact on the financial condition of the agency. It will place the burden of serving new housing on existing property owners and customers. The legislation also lacks provisions regarding enforceable conditions for subsequent property owners (or mortgage holders) and procedures for collecting payments from property owners (annual payment directly to the special district, inclusion in escrow payments, inclusion on property tax bill). Although the goal of the legislation is to make new housing more affordable, there is no guarantee that the market price of a new home will reflect the fact that a connection fee or capacity charge was not paid by the developer.

Desert Water Agency Legislative & Regulatory Platform: Policy Directive 1, Policy Directive 2, Policy Directive 3, Policy Directive 4

Current Position: Not Yet Considered

Recommended Position: Oppose

**SB 1330 (Archuleta D) Urban retail water supplier: water use.**

**Current Text:** Introduced: 2/16/2024 [html](#) [pdf](#)

**Introduced:** 2/16/2024

**Status:** 2/29/2024-Referred to Com. on N.R. & W.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 2/29/2024-S. N.R. & W.

**Summary:** Current law requires the Department of Water Resources, in coordination with the State Water Resources Control Board, to conduct necessary studies and investigations, and recommend for adoption by the board appropriate variances for unique uses that can have a material effect on an urban retail water supplier’s urban water use objective. Current law requires the department, in recommending variances, to also recommend a threshold of significance for each recommended variance. Current law requires an urban retail water supplier to request and receive approval by the board for inclusion of a variance in calculating their water use objective. Current law requires the board to post specified information on its internet website relating to variances, including a list of all urban retail water suppliers with approved variances. This bill would require the board to adopt variances recommended by the department for unique uses that can have a material effect on an urban retail water supplier’s urban water use objective. The bill would provide that variances adopted by the board shall not be subject to a threshold of significance. The bill would require an urban retail water supplier to self-certify the amount of water included in its urban water use objective that is attributable to a variance. The bill would require the board to randomly audit a select number of variances each year to ensure the self-certifications are based on variances adopted by the board.

**Notes:** SB 1330 would enact changes to the “Making Water Conservation a Way of Life” laws based on recommendations by Office of the Legislative Analyst in a report issued January 4, 2024.

SB 606 (Hertzberg) and AB 1668 (Friedman) were enacted in 2018 and establish a framework for longterm

improvements in urban water use efficiency and drought planning as California adapts to climate change impacts. The legislation requires that long-term urban water use efficiency standards be set so that urban retail water suppliers’ urban water use objectives, together with other water uses excluded from the long-term standards, would exceed the statewide 2020 water conservation targets required pursuant to SB X7-7 (California Water Code (WC) §10609.2(d)).

The 2018 legislation requires the Department of Water Resources (DWR), in coordination with the State Water Resources Control Board (Board), to conduct necessary studies and investigations and develop the following recommendations for adoption by the Board: (1) Standard for outdoor residential water use (WC §10609.6); (2) Standard for commercial, industrial and institutional outdoor irrigation of landscape areas with dedicated irrigation meters or equivalent technologies (WC §10609.8); (3) Appropriate variances for unique uses that have a significant effect on urban retail water supplier's urban water use objective (WC §10609.14); (4) Guidelines and methodologies for calculating the urban water use objective (WC §10609.16); and (5) Performance measures for commercial, industrial and institutional water use (WC §10609.10).

The Board, in coordination with DWR, is required to adopt long-term standards, appropriate variances, guidelines, and methodologies for calculating urban water use objectives by June 30, 2022 (WC §10609.2). These standards, variances, and performance measures will become effective following the Board's adoption of the recommendations through a public rulemaking process.

The board released proposed regulations to implement the framework, informed by studies and recommendations by DWR in August 2023 and expects to adopt final regulations in the summer of 2024. Regulations would then take effect October 1, 2024, over two years beyond the June 30, 2022 statutory deadline.

The Office of the Legislative Analyst released a report on January 4, 2024, that found that the proposed regulations will create challenges for water suppliers in several key ways, in many cases without compelling justifications. The report, titled "Assessing Early Implementation of Urban Water Use Efficiency Requirements" can be found at [here](#). The LAO found that the proposed regulations would add complexity, could be difficult to achieve, add significant costs, could disproportionately affect lower-income customers, and impose aggressive timelines.

The LAO offered many recommendations to improve the proposed regulations. Several of the recommendations would require legislative enactments to amend the 2018 legislation. SB 1330 includes LAO recommendations regarding the following: (1) Simplify the Process for Applying for Variances and Decrease Threshold, (2) Clarify Who Should Collect Landscape Data in the Future; (3) Give Suppliers the Option of Reporting on a Calendar- or Fiscal-Year Basis; (4) Maintain Flexibility in Calculation for Irrigable Landscapes, Allowing Inclusion of Some Landscapes That Are Not Currently Irrigated; and (5) Extend Some Deadlines.

Three clients of our firm, Bellflower-Somerset MWC, Rowland Water District, and Walnut Valley Water District are cosponsors of this legislation.

Desert Water Agency Legislative & Regulatory Platform: Policy Directive 2, Policy Directive 3, Policy Directive 4

Current Position: Not Yet Considered

Recommended Position: Support

### **SB 1393 (Niello R) Advanced Clean Fleets Regulation Appeals Advisory Committee.**

**Current Text:** Introduced: 2/16/2024 [html](#) [pdf](#)

**Introduced:** 2/16/2024

**Status:** 2/29/2024-Referred to Coms. on E.Q. and TRANS.

**Is Urgency:** N

**Is Fiscal:** Y

**Location:** 2/29/2024-S. E.Q.

**Summary:** The California Global Warming Solutions Act of 2006 establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases and requires the state board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions from those sources. Pursuant to its authority, the state board has adopted the Advanced Clean Fleets Regulation, which imposes various requirements for transitioning local, state, and federal government fleets of medium- and heavy-duty trucks, other high-priority fleets of medium- and heavy-duty trucks, and drayage trucks to zero-emission vehicles. The Advanced Clean Fleets Regulation authorizes entities subject to the regulation to apply for exemptions from its requirements under certain circumstances. This bill would require the state board to establish the Advanced Clean Fleets Regulation Appeals Advisory Committee by an unspecified date for purposes of reviewing appeals of denied requests for exemptions from the requirements of the Advanced Clean Fleets Regulation. The bill would require the committee to include representatives of specified state agencies, other state and local government representatives, and representatives of private fleet owners, the electric vehicle manufacturing industry, and electrical corporations, as provided. The bill would require the committee to meet monthly and would require recordings of its meetings to be made publicly available on the state board's internet website. The bill would require the committee to consider, and make a recommendation on, an

appeal of an exemption request denial no later than 60 days after the appeal is made. The bill would require specified information relating to the committee's consideration of an appeal to be made publicly available on the state board's internet website.

**Notes:** Last year, the Legislature approved and Governor Newsom signed into law AB 1594. EID supported enactment of AB 1594. The new law requires that any state regulation that seeks to require, or otherwise compel, the procurement of medium- and heavy-duty zero-emission vehicles shall authorize public agency utilities to purchase replacements for traditional utility-specialized vehicles that are at the end of life, as determined by the State Air Resources Board in consultation with public agency utilities, when needed to maintain reliable service and respond to major foreseeable events, including, but not limited to, severe weather, wildfires, natural disasters, and physical attacks, without regard to the model year of the vehicle being replaced. For the purposes of determining the daily usage of a medium- or heavy-duty vehicle, a public agency utility may provide comprehensive usage data for a class of vehicles that does not exclusively rely on the lowest mileage reading and does not exclude the highest usage days.

The California Air Resources Board (CARB) has adopted the Advanced Clean Fleets Regulation, which imposes various requirements for transitioning local, state, and federal government fleets of medium- and heavy-duty trucks, other high-priority fleets of medium- and heavy-duty trucks, and drayage trucks to zero-emission vehicles. The Advanced Clean Fleets Regulation authorizes entities subject to the regulation to apply for exemptions from its requirements under certain circumstances.

This legislation would require CARB to establish the Advanced Clean Fleets Regulation Appeals Advisory Committee by an unspecified date for purposes of reviewing appeals of denied requests for exemptions from the requirements of the Advanced Clean Fleets Regulation. The bill would require the committee to include representatives of specified state agencies, other state and local government representatives, and representatives of private fleet owners, the electric vehicle manufacturing industry, and electrical corporations, as provided. The bill would require the committee to meet monthly and would require recordings of its meetings to be made publicly available on the state board's internet website. The bill would require the committee to consider, and make a recommendation on, an appeal of an exemption request denial no later than 60 days after the appeal is made. The bill would require specified information relating to the committee's consideration of an appeal to be made publicly available on the state board's internet website. The bill would require the state board to consider a recommendation of the committee at a public meeting no later than 60 days after the recommendation is made.

Water agencies throughout the state have a keen interest in the manner in which the Advanced Clean Fleets Regulation will be implemented, particularly the ability of public agency utilities to purchase replacements for traditional utility-specialized vehicles that are at the end of life. This legislation would establish an advisory committee that would consider an appeal of a CARB denial for an exemption request, which would provide a review by a neutral entity of a CARB decision. The advisory committee cannot compel CARB to rescind its denial of an exemption.

This legislation is focused on transit fleets and would not provide water utilities access to the proposed advisory committee. Our firm believes the proposed advisory committee process should be available to all entities subject to the Advanced Clean Fleet Regulations.

Desert Water Agency Legislative & Regulatory Platform: Policy Directive 1, Policy Directive 3, Policy Directive 4

Current Position: Not Yet Considered

Recommended Position: Support if Amended

**Total Measures: 19**

**Total Tracking Forms: 19**

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

**MARCH 19, 2024**

**RE: REQUEST AUTHORIZATION FOR FINANCE DIRECTOR TO  
EXECUTE AGREEMENT FOR MANAGEMENT AND  
ADMINISTRATIVE SERVICES WITH REGIONAL GOVERNMENT  
SERVICES FOR STRATEGIC PLANNING FACILITATION  
SERVICES**

In September 2023, the Desert Water Agency Board of Directors directed staff to begin the process of establishing a Strategic Plan for the Agency. On November 2, 2023, the Executive Committee discussed contracting with a qualified Strategic Planning Services provider to facilitate the development of mission and vision statements and facilitate discussions for the development of a strategic plan document spanning five years that is a digestible, concise strategic plan document for the use and guidance of the Agency's Management and Board of Directors.

With direction from the Executive Committee, staff developed a Request for Proposal (RFP) and submitted it to five recommended service providers. Three proposals were received and evaluated by an evaluation team comprised of management and Staff utilizing the evaluation criteria outlined within the RFP.

Evaluation Criteria

<b>Criteria</b>	<b>Weight</b>
Understanding of Need/Project Approach	40%
Experience	20%
Fee	25%
Schedule	10%
References	5%
<b>Total</b>	<b>100%</b>

Regional Government Services (RGS) was identified as the service provider with the best understanding of the Agency's needs as well as the most desirable project approach. In addition, RGS submitted the lowest cost proposal, though it was not the main determining factor.

## Fee Proposals

<b>Service Provider</b>	<b>Total</b>	<b>Per Hour</b>
Regional Government Services	\$27,182	\$158
Shawn Comboy Executive	\$105,250	\$340
Woodard & Curran	\$88,830	\$376

On February 1, 2024, the Executive Committee reviewed the evaluation results and supported Staff's recommendation and requested Staff proceed with contract negotiations.

### Fiscal Impact:

The contract cost is estimated at \$27,200. Funds are available in the 2023/2024 budget for consulting services.

### Legal Review:

N/A

### Recommendation:

Staff recommends the Board of Directors authorize the Finance Director to execute the Management and Administrative Services Agreement with Regional Government Services for Strategic Planning Facilitation Services as outlined in Appendix B of the agreement.

### Attachments:

1. Regional Government Services Proposal
2. Agreement for Management and Administrative Services





### **RGS Is Committed to Reducing Paper Waste by Use of Electronic Processes**

RGS requests your assistance with meeting these waste reduction goals by joining us in the use of digital signature and electronic payment methods during our collaboration to reduce mailing and paper expenses.

As a convenience, RGS offers DocuSign to digitally sign our Agreements, providing a secure and legally binding digital signature process that eliminates the need for printing and distribution of documents.

**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 19<sup>th</sup> day of March 2024, 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. 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. For the avoidance of doubt, however, RGS retains sole control as to assignment of its personnel.
- 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 the Effective Date, and this Agreement is anticipated to remain in force to June 30, 2024, 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 (91<sup>st</sup>) continuous day with no billable service hours. After the ninety-first (91<sup>st</sup>) 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 and/or RGS has not resolved the performance issues to the satisfaction of the Agency, 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 the 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 \$27,182 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**. Agency confirms that RGS employees are not assuming and are not expected to assume any Agency staff position(s).
- 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** The provisions of this Agreement are not intended to create, nor shall they in way be interpreted or construed to create a joint venture, partnership, or any other similar relationship between the parties.
- 5.7** 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. Employment Offers to RGS Staff.** Should Agency desire to offer permanent or temporary employment to an RGS employee who is either currently providing RGS services to Agency or has provided RGS services to Agency within the previous six months, said Agency will be charged a fee equal to the full-time cost of the RGS employee for one month, using the most recent RGS bill rate for the RGS employee's services to Agency. This fee is to recover RGS' expenses in recruiting the former and replacement RGS staff.

**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 reasonable 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 business 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, if any.

**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, CA 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: \_\_\_\_\_  
Esther Saenz, Finance Director

DATED: \_\_\_\_\_

**Regional Government Services Authority**

By: \_\_\_\_\_  
Sophia Selivanoff, Executive Director

## 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.

RGS will reach out to your invoicing contact to establish and provide electronic payment instructions.

However, should you have questions or need other payment options, please contact:

Lindsay Rice, RGSA Accounting Manager  
(650) 587-7300X12 | [lrice@rgs.ca.gov](mailto:lrice@rgs.ca.gov)

***[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
Accounts Payable	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 RATES

TITLE	HOURLY RATE*
Strategic Services Consultant	\$176
Senior Advisor	\$150
Advisor	\$128
Technical Specialist	\$114
Administrative Specialist	\$102

*\*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) will perform the strategic planning facilitation functions as described below. Services will primarily be provided remotely; some may be provided onsite at RGS' discretion. Projects and activities may be modified upon the request of the Agency depending on emergent needs and issues. Agency will only be billed for the actual hours worked.

### **PHASE ONE: KICK-OFF MEETING**

Activity consists of a single meeting of key process stakeholders.

#### **Deliverables:**

- Project meeting dates and timelines
- Interview questions for the Board, Senior Managers, and external stakeholder groups
- A list of external stakeholders and contact information
- An internal contact who can assist with scheduling meetings
- List of questions to be used in an employee survey
- Obtain for review a copy of applicable documentation
- Document a clear understanding of the form, format, and terminology for the final product.

### **PHASE TWO: DATA COLLECTION AND ANALYSIS**

Data will be collected in three ways:

- One-on-one interviews with Board members and senior DWA staff (e.g. General Manager, Finance Director, Human Resources Director)
- Focus groups for external stakeholders conducted remotely
- Surveys for all employees (If preferred by DWA, RGS could conduct focus groups for employee's vs conducting a survey. However, it would incur additional costs)

#### **Task One: Conduct interviews with Board and executive staff.**

- Questions will be finalized with the Ad Hoc committee.

#### **Deliverables:**

Summary of Board and Executive Staff Interviews

#### **Task Two: Conduct stakeholders focus groups**

RGS will conduct up to three focus groups via Zoom. Focus group composition would be discussed and finalized with the Ad Hoc Committee. One of the focus groups would be for the public and two focus groups would be directed toward "partner agencies".

#### **Deliverables:**

Summary of input/feedback from focus groups

#### **Task Three: Gather employee input**

Employee input will be gathered via electronic survey, questions will be finalized with the Ad Hoc committee.

Deliverables:

- Email drafted for GM to announce the survey and distribute the survey link
- Analysis and report of survey results
- Final SWOT analysis to be used as the basis for the strategic plan

**PHASE THREE: DEVELOP STRATEGIC PLAN FRAMEWORK****Task One A: Meet with Board to draft mission and vision.**

The purpose of this meeting is for RGS to receive Board interests and input on the mission and vision statements for DWA. DWA Board will come to a general agreement on the mission and vision. If not, RGS will take the input and ideas and work with the Ad Hoc Committee to develop the mission and vision statements.

Deliverables:

- Summary of Board input
- Draft mission and vision statements

**Task One B: Finalize mission and values statements**

If needed, RGS will facilitate a second meeting with the Board to finalize the mission and values.

Deliverables:

- Final mission and vision statements

**Task Two: Develop strategic priorities with Ad Hoc Committee**

During this meeting, RGS will provide a summary of input received from various stakeholder groups to the Ad-Hoc Committee and will facilitate the development of key strategic priorities based on the data collected and how success will be measured.

It is recommended the Ad Hoc Committee include key internal staff in this meeting.

Deliverables:

- Report summarizing data gathered
- PowerPoint presentation summarizing input and SWOT analysis
- Three to five strategic priorities for use as the framework for the strategic plan

**Task Three: Develop Goals and Objectives**

RGS will conduct a 6-hour in-person meeting with the Ad Hoc Committee and key internal staff to develop goals/objectives that will drive the implementation of the DWA Strategic Plan.

Deliverables:

- Identification of goals/objectives that align with the strategic priorities and meet the “SMART” criteria

## **Task Four: Meet with Ad Hoc Committee to Prepare for Board Strategic Planning Session**

During this meeting, RGS will provide a summary of the input received from various stakeholder groups, information required for the Executive Staff and Board of Directors to make informed decisions, and the final agenda for the Board strategic planning meeting.

### Deliverables:

- Report summarizing input
- PowerPoint presentation summarizing data collected
- Additional information the Board may need to make informed decisions about the strategic plan
- Final agenda for the Board strategic planning meeting
- Clarity on the role of staff during the strategic planning process

## **PHASE FOUR: FACILITATE BOARD OF DIRECTOR'S STRATEGIC PLANNING WORKSHOP**

### **Task One: Facilitate Board Strategic Planning Workshop**

The DWA Board's strategic planning workshop will be conducted in person and completed in one 6-hour session. The purpose of the workshop will be to:

- a) Create context by sharing data collection and analysis
- b) Present final mission and vision statements
- c) Receive Board input and feedback on the strategic plan elements completed by staff

Standard best practices for conducting meetings will be followed, including establishing ground rules, and clarifying decision-making processes.

### Deliverables:

- Six-hour Board strategic planning workshop
- Board feedback/input on strategic vision, mission, and strategic plan

### **Task Two: Integrate Board input/feedback**

During this meeting RGS will ensure Board direction, input, and feedback are articulated in the draft strategic plan.

### Deliverable:

- Integration of Board input and feedback to the strategic plan

## **PHASE FIVE: FINAL DOCUMENTATION AND PRESENTATION OF STRATEGIC PLAN TO BOARD**

Final documentation of the strategic plan will include DWA's mission, vision, strategic priorities, and goals/objectives.

### Deliverables:

- Five-year strategic plan document
- Presentation of the strategic plan to the Board

Certificate Of Completion

Envelope Id: 4204C37CE0F94B828472782365D94F3A	Status: Sent
Subject: Complete with DocuSign: 2024-03-19 Desert Water Agency (Strg Plng).pdf	
Source Envelope:	
Document Pages: 16	Signatures: 0
Certificate Pages: 2	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Anna Marie Will
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	P.O. Box 1350
	Carmel Valley, CA 93924
	awill@rgs.ca.gov
	IP Address: 73.235.96.116

Record Tracking

Status: Original	Holder: Anna Marie Will	Location: DocuSign
3/12/2024 2:36:33 PM	awill@rgs.ca.gov	

Signer Events	Signature	Timestamp
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Esther Saenz, DWA Finance Director		Sent: 3/12/2024 3:15:18 PM
ESaenz@dwa.org		Viewed: 3/12/2024 3:16:32 PM
Security Level: Email, Account Authentication (None)		
Electronic Record and Signature Disclosure: Not Offered via DocuSign		
Sophia Selivanoff		Sent: 3/12/2024 2:38:08 PM
sselivanoff@rgs.ca.gov		
Executive Director		
Security Level: Email, Account Authentication (None)		
Electronic Record and Signature Disclosure: Not Offered via DocuSign		

In Person Signer Events	Signature	Timestamp
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Editor Delivery Events	Status	Timestamp
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Agent Delivery Events	Status	Timestamp
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Intermediary Delivery Events	Status	Timestamp
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Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Esther Saenz, DWA Finance Director	<div>COPIED</div>	Sent: 3/12/2024 2:38:09 PM
ESaenz@dwa.org		Viewed: 3/12/2024 2:48:24 PM
Security Level: Email, Account Authentication (None)		
Electronic Record and Signature Disclosure: Not Offered via DocuSign		

Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Envelope Updated	Security Checked	3/12/2024 3:15:17 PM

Envelope Summary Events	Status	Timestamps
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Envelope Updated	Security Checked	3/12/2024 3:15:17 PM
Payment Events	Status	Timestamps



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

**MARCH 19, 2024**

**RE: UPDATE ON PHASE I OF 30" AVENIDA CABALLEROS PIPELINE  
REPLACEMENT PROJECT (RAMON ROAD TO TAHQUITZ  
CANYON WAY)**

The 2020/2021 Capital Improvement Budget includes Work Order No. 20-160 for a replacement pipeline project (approximately 2,500 linear feet of 30" ductile iron pipe), with a budget amount of \$3,545,000, to include engineering, construction, inspection, and overhead costs.

The project was divided into two phases. Phase I includes the installation of approximately 1,870 linear feet of 30" ductile iron pipe by traditional open trench method. Based on bidding documents, the project is estimated to be completed within 150 days of commencement. Phase II of the project will proceed once the required permits are issued by the Army Corp of Engineers (See Attachment #1).

On May 4, 2023, Desert Water Agency received seven bids for the project. Weka, Inc. submitted the lowest bid, approximately 9.36% lower than the second lowest bid. On May 16, 2023, the Board awarded the contract to Weka, Inc.

Due to material delays, staff anticipated construction to begin in Fall 2023, with completion expected in Spring 2024.

On December 20, 2023, the Agency and Weka, Inc. held a pre-construction meeting where various aspects of the project were discussed. Shortly after the pre-construction meeting, Weka informed the Agency that there would be a delay in procuring the large valves for the project, extending the project start date estimate to February 2024. On January 2, 2024, Weka, Inc. informed the Agency they would be mobilizing the week of January 22.

On January 25, 2024, the Agency issued Weka, Inc a Notice to Proceed letter indicating that the Contractor had 150 calendar days (in accordance with the contract) to complete the project. A required Completion Date of June 23, 2024, was given to the contractor (See Attachment #2). After June 23, 2024, per the contract, the Agency may charge the Contractor \$1,500 per day of liquidated damages.

On March 7, 2024, Weka, Inc. began mobilizing for construction on Avenida Caballeros and is scheduled to complete the project by the Completion Date of June 23, 2024.

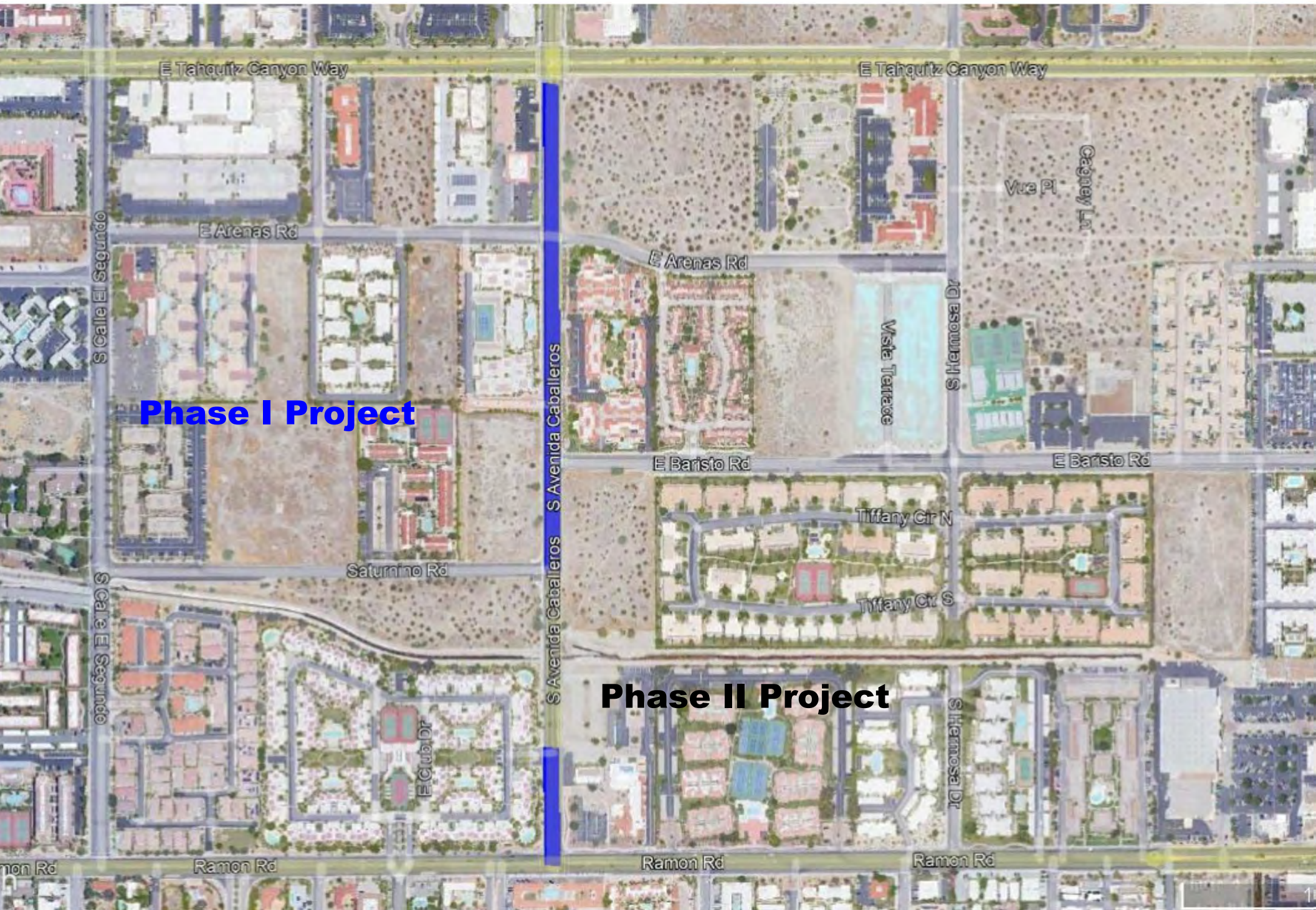
Fiscal Impact:  
None at this time

Legal Review:  
N/A

Recommendation:  
Staff recommends that the Board of Directors take no action at this time.

Attachments:  
Attachment #1 – Avenida Caballeros Aerial Image  
Attachment #2 – Notice to Proceed







Paul Ortega, President (Division 4)  
Jeff Bowman, Vice President (Division 3)  
Gerald McKenna, Secretary-Treasurer (Division 2)  
Kristin Bloomer, Director (Division 5)  
Steve Grasha, Director (Division 1)



Mark S. Krause, General Manager-Chief Engineer  
Best, Best & Krieger, General Counsel  
Krieger & Stewart, Consulting Engineers

January 25, 2024

Weka, Inc.  
236 W. Orange Show Road Suite 114  
San Bernardino, CA 92408

**RE: NOTICE TO PROCEED FOR CONSTRUCTING 30" AVENIDA CABALLEROS  
PIPELINE REPLACEMENT (RAMON ROAD TO TAQUITZ CANYON WAY)**

Dear Mr. Himle:

In accordance with the contract documents for the above-reference project, you are hereby notified to commence work and contract work shall be complete within 150 calendar days after this date of Notice to Proceed.

The required date of completion for all work is therefore June 23, 2024.

Please let us know if you have any questions.

Sincerely,

**DESERT WATER AGENCY**

David Tate  
Operations and Engineering Manager

DT/ldj

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

**MARCH 14, 2024**

**RE: REQUEST AUTHORIZATION FOR BOARD ATTENDANCE  
AT THE RIVERSIDE COUNTY WATER TASK FORCE EVENT**

Attached for the Board's consideration is a copy of the March 29 flyer titled "Have we reached a tipping point" which will discuss large scale investments in water projects. This is a Riverside County Water Task Force free event that will be held virtually.

At its March 14 meeting, the Executive Committee requested this event be brought to the Board for review and to approve any Board Members wishing to attend.

Fiscal Impact:

None. The budget includes Board meetings and conferences.

Legal Review:

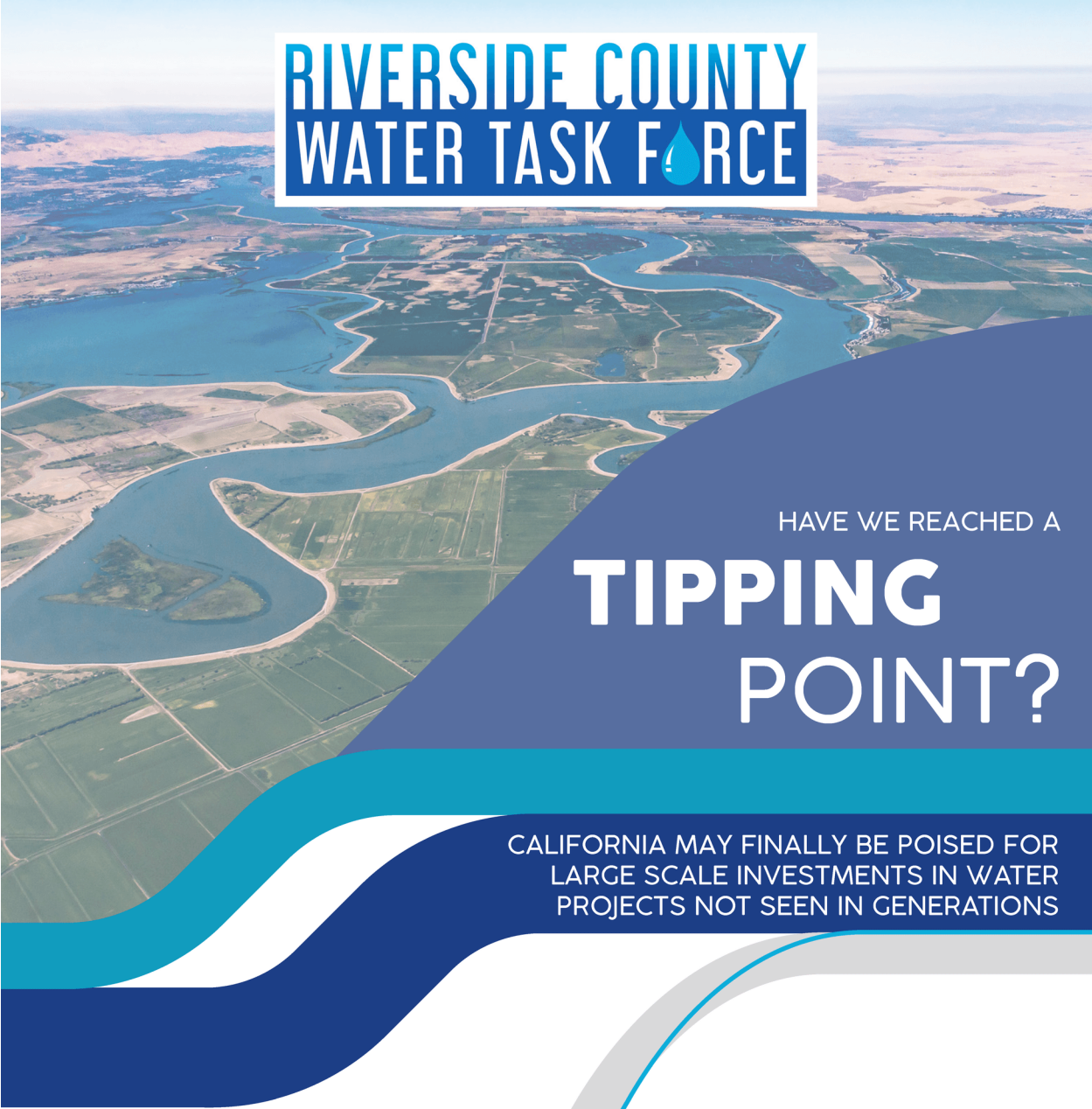
N/A

Recommendation:

Staff recommends that the Board approve and authorize those Board Members who are interested in attending this event in service to the Board.

Attachments:

Attachment#1 – Riverside County Water Task Force flyer



# RIVERSIDE COUNTY WATER TASK FORCE

HAVE WE REACHED A

# TIPPING POINT?

CALIFORNIA MAY FINALLY BE POISED FOR  
LARGE SCALE INVESTMENTS IN WATER  
PROJECTS NOT SEEN IN GENERATIONS

DATE: MARCH 29, 2024  
TIME: 7:30 A.M.  
RSVP: [WWW.WMWD.COM/RCWTF](http://WWW.WMWD.COM/RCWTF)

SPEAKERS  
TO BE ANNOUNCED

PRESENTED BY:





## GENERAL MANAGER'S REPORT MARCH 19, 2024

### **VIP Tour with DHS City Manager**

DWA Board and staff hosted a tour on March 12 for Desert Hot Springs City Manager Frank J. Luckino. The tour included visits to the Mission Creek Groundwater Replenishment Facility, Well 39, the Reclamation Plant, and the DWA lab.



## **SWRCB Releases Revised Draft Regulation on Making Water Conservation a California Way of Life**

On March 12, 2024, the State Water Resources Control Board (SWRCB) released a revised draft regulation on Making Water Conservation a California Way of Life. The SWRCB will hold a workshop regarding the revised draft regulation on March 20, 2024.

The revised draft regulation includes four key changes that SWRCB staff highlighted among other changes based on feedback that they received in the latter half of 2023.

1. Delaying and extending the reduction in the outdoor standard.
2. Including the 20% allowance for outdoor areas that DWR categorized as Irrigable, Not Irrigated (INI) until the State provides new Landscape Area Measurement data.
3. Delaying the compliance deadline with the objective to 2027.
4. Simplifying the alternative compliance pathways and making them more broadly available.

DWA staff will review the revised draft regulation, how it impacts DWA's compliance, and develop a comment letter. The comment period for the revised draft regulation ends on March 27, 2024.

The SWRCB noted that they expect the new regulation to go into effect in January of 2025. While this may not trigger compliance issues until 2027, it would require reporting.

# SYSTEM LEAK DATA 2024

Feb 27, 2024 - Mar 10, 2024

Street Name	Number of Leaks	Pipe Diameter (inches)	Install Date	Material	Coatling/Linning	Planned Replacement
AVENIDA CABALLEROS	3	14"	1953	Steel - SP	UL	2020/2021
PALM CANYON DR E (SOUTH SIDE)	3	6"	1953	Steel - SP	UL	
PALM CANYON DR S	2	10"	1938	Steel - SP	UL	
DEL LAGO RD	2	6"	1957	Steel - SP	UL	
SEPULVEDA RD	2	4"	1947	Steel - SP	UL	
VISTA CHINO	1	20"	1949	Steel - SP	UL	2022/2023
LURING DR	1	4"	1957	Steel - SP	UL	2021/2022
PALM CANYON DR E	1	12"	1958	Steel - SP	UL	
WARM SANDS DR, CAMINO PAROCELA, PAROCELA PL	1	4"	1946	Steel - SP	UL	
CAMINO PAROCELA	1	6"	1951	Steel - SP	UL	
TRAMVIEW RD	1	6"	1962	Steel - SP	CML	
WHITEWATER CLUB DR	1	6"	1958	Steel - SP	UL	
VENTURA RD	1	6"	1958	Steel - SP	UL	
MCMANUS DR	1	4"	1946	Steel - SP	UL	
PALM CANYON DR E	1	6"	1955	Steel - SP	UL	
FARRELL DR	1	6"	1957	Steel - SP	UL	
ALEJO RD	1	12"	1960	Steel - SP	CML	
WAVERLY DR	1	10"	1958	Steel - SP	UL	
PATENCIO RD	1	6"	1951	Steel - SP	UL	
STEVENS RD	1	8"	1951	Steel - SP	UL	
Total Leaks In System						
27						

### Planned Replacement

- 2020/2021
- 2021/2022
- 2022/2023

### SYSTEM INFORAMTION

Oldest Pipe in the System (Year of Installation): 1935, 89 years old  
Average Year of Installation of Unlined Steel Pipe (Systemwide): 1953, 71 years old  
**Total Length of Unlined Pipe Systemwide (Linear Feet): 262,196 ft**  
\*Average Length of Pipe Replaced Annually (Linear Feet): 15,000 ft  
**\*Projected Time Frame for 100% Replacement of Unlined Steel Pipe: 16 years**  
Year Agency Transitioned to Cement Lined Steel Pipe: 1960

\*Please note this figure represents the average linear footage of pipeline replaced annually given an average annual budget of \$3 million



# SYSTEM LEAKS

Feb 27, 2024 - Mar 10, 2024

111

SEPULVEDARD

VISTA CHINO

STEVENS RD

PATENCIO RD

PALM CANYON DR

CAMINO PAROCELA

AVENIDA CABALLEROS

WARM SANDS DR,  
CAMINO PAROCELA  
PAROCELA PL

N Sunrise Way

DEL LAGO RD

FARRELL DR

E Via Escuela

VENTURA RD

WHITEWATER CLUB DR

E Vista Chino

ALEJO RD

MCMANUS DR

E Amado Rd

E Tahquamen Canyon Way

E Baristo Rd

E Ramon Rd

E Camino Parocela

E Sunny Dunes Rd

E Sonora Rd

E Palm Canyon Dr

Demuth Park

Seven Lakes  
Country Club

PALM CANYON DR  
E (SOUTH SIDE)

WAVERLY DR

Coachella Valley

Desert Princess  
Country Club

Cimarron Golf  
Resort

Cathedral

McCallum

Baristo Rd

Ramon Rd Ramo

Pueblo Trl

Dinah Shore Dr

Cathedral Canyon Golf  
Club

## Planned Replacement

- 2020/2021
- 2021/2022
- 2022/2023
- Winter 2024

0

0.5

1

2

Miles

Canyon

1404 ft

## **Human Resource's Meetings and Activities**

### Meetings:

02/20/2024	DWA Board Meeting	DWA Offices
02/26/2024	DWA Staff Meeting	DWA Offices
03/04/2024	DWA Staff Meeting	DWA Offices
03/05/2024	DWA Board Meeting	DWA Offices
03/11/2024	DWA Staff Meeting	DWA Offices

### Activities:

02/20/2024	Tyler Implementation Meeting	Virtual Meeting
02/21/2024	Tyler Implementation Meeting	Virtual Meeting
02/22/2024	Tyler Implementation Meeting	Virtual Meeting
02/27/2024	Conducted Water Service Worker I Interviews	DWA Offices
02/28/2024	Conducted Water Service Worker I Interviews	DWA Offices
02/29/2024	Conducted New Employee Orientation	DWA Offices
02/29/2024	Attended DWA Safety Meetings	DWA Offices
03/04/2024	Conducted DOT Random Testing	DWA Offices
03/06/2024	Tyler Implementation Meeting	Virtual Meeting
03/07/2024	Tyler Implementation Meeting	Virtual Meeting
03/08/2024	Conducted New Employee Orientation	DWA Offices
03/18/2024	Tyler Implementation Meeting	Virtual Meeting

## **General Manager's Meetings and Activities**

### Meetings:

03/06/24	Tribal Mediation Meeting	Conf Call
03/06/24	DCP Update	Conf Call
03/06/24	CVWD/DWA Tribal Mediation Coordination Meeting	Conf Call
03/07/24	Legislative Committee Meeting	DWA
03/07/24	Tribal Mediation Technical Team	Conf Call
03/07/24	I.T. Department Update	Conf Call
03/07/24	SCE EV Charging Station Incentive Meeting	Conf Call
03/11/24	Staff Department Heads Weekly Meeting	DWA
03/11/24	Tribal Mediation Small Group Meeting	Conf Call
03/12/24	Facilities Tour with DHS City Manager	DWA
03/12/24	Mission Creek Subbasin GM Quarterly Meeting	Conf Call
03/13/24	ESRI GIS Workshop	DWA
03/13/24	DWR GSA Workshop	Conf Call
03/14/24	Executive Committee Meeting	DWA
03/14/24	CVWD/DWA Tribal Mediation Coordination Meeting	Conf Call
03/14/24	Tribal Mediation Technical Team Meeting	Conf Call
03/15/24	SWC Update	Conf Call
03/18/24	Staff Department Heads Weekly Meeting	DWA
03/18/24	Tribal Mediation Small Group Meeting	Conf Call
03/18/24	DWA/CVWD/MWD Coordination Meeting	Conf Call
03/19/24	DWA Bi-Monthly Board Meeting	DWA

### Activities:

- 1) DWA Surface Water Rights
- 2) Water Supply Planning – DWA Area of Benefit
- 3) Sites Reservoir Finance
- 4) DCP Financing
- 5) Lake Perris Seepage Recovery Project Financing
- 6) Recycled Water Supply - Strategic Planning
- 7) AQMD Rule 1196
- 8) DWA Organizational Restructuring
- 9) DWA Tax Rate Analysis
- 10) DWA Remote Meter Reading Fixed Network
- 11) Whitewater River Surface Water Recharge
- 12) Replacement Pipelines Projects
- 13) DC Project – Finance JPA Committee (Standing)
- 14) DWA/CVWD/MWD Operations Coordination (Standing)
- 15) DWA/CVWD/MWD Exchange Agreement Coordination Committee (Standing)
- 16) ACBCI Water Rights Lawsuit
- 17) Whitewater Hydro Operations Coordination with Recharge Basin O&M
- 18) Whitewater Spreading Basins – BLM Permits
- 19) Delta Conveyance Project Cost Allocation
- 20) MCSB Delivery Updates
- 21) SWP East Branch Enlargement Cost Allocation
- 22) RWQCB Update to the SNMP