

## REGULAR MEETING OF THE BOARD OF DIRECTORS

IDYLLWILD WATER DISTRICT  
25945 Highway 243  
Idyllwild, CA 92549

March 21, 2018 - 6:00 P.M.

### AGENDA

#### CALL TO ORDER:

#### ROLL CALL:

#### PUBLIC COMMENTS:

Any person may address the Board at this time upon any subject not identified on this Agenda but within the jurisdiction of the District. Please note that for items not listed on the agenda, the Brown Act imposes limitations on what the Board may do at this time. The Board may not take action on the item at this meeting. As to matters on the Agenda, persons will be given an opportunity to address the Board when the matter is considered. If you wish to speak during public comment, please fill out a "Speaker Request Form" and give it to the Board Secretary. When the Board President calls your name, please immediately step to the podium and begin by giving your name and address for the record. Each speaker will be given four (4) minutes to address the Board.

1. **BOARD VACANCY** – The Board will appoint a qualified candidate to the Board of Directors to fill the vacant seat. If necessary the Board will interview the applicants prior to the appointment.

2. **CONSENT CALENDAR:**

Consent Calendar items are expected to be routine and non-controversial, to be acted upon by the Board at one time without discussion. If any Board member, staff member, or interested person requests that an item be removed from the Consent Calendar, it shall be removed so that it may be acted upon separately.

**A. MINUTES** – February 21, 2018 Regular Meeting Minutes

**B. FINANCIAL REPORTS FEBRUARY 2018**

1. Income statement for the Eighth month ending February 2018
2. District warrants for February 2018.

Check #	14608 – 14655	= \$	211,718.54
Gross Payroll		= \$	52,889.10
Federal/State PR taxes		= \$	16,681.56
LAIF Transfers		= \$	0.00
Transfers/charges		= \$	186.02

**C. OPERATIONS REPORT FOR THE EIGHTH MONTH – FEBRUARY 2018**

3. **LAFCO ELECTION** - The Board will consider its vote for the LAFCO Election.
4. **PUBLIC RECORDS ACT POLICY AND RESOLUTION NO. 743** - The Board will consider a Resolution to adopt a policy regarding Public Records requests. Idyllwild Water District does not currently have an adopted Public Records Act Policy. Historically Idyllwild Water District has complied with State Law as policy.
5. **BROWN ACT POLICY AND RESOLUTION NO. 744** – The Board will consider a Resolution to adopt a policy regarding the Brown Act. Idyllwild Water District does not currently have an adopted Brown Act Policy. Historically Idyllwild Water District has complied with State Law as policy.
6. **WATER SHORTAGE CONTINGENCY PLAN** – The Board will discuss the development of a Water Shortage Contingency Plan and provide direction to Staff.
7. **CAPITAL IMPROVEMENT PROJECT FOR FY 18/19** – The Board will discuss possible Capital Improvement Projects for Fiscal Year 2018/2019 and will provide direction to Staff.
8. **RESOLUTIONS NO. 745 & 746 WATER AND SEWER STAND-BY ASSESSMENTS** – The Board will set a date of May 16, 2018 for a Public Hearing for water & sewer stand-by assessment fees for Fiscal Year 2018/2019. The rate will remain the same at \$30 per acre for water/sewer availability for vacant.
9. **RESOLUTION NO. 747 OPPOSING SENATE BILL 623** – The Board will consider a Resolution in opposition of Senate Bill 623 that will add a public goods charge/tax to water.

#### **DIRECTORS COMMENTS :**

#### **GENERAL MANAGER'S COMMENTS:**

#### **ADJOURNMENT:**

To the next Board meeting is a Regular Meeting scheduled for April 18, 2018 at 6:00 p.m., to be held at the Idyllwild Water District Boardroom, 25945 Hwy. 243, Idyllwild, CA 92549.

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#### **Please remember during Public Comments:**

- Comments should be limited to 4 minutes or less
- Comments should be directed to the Board as a whole and not directed to individual Board members.

Americans with Disabilities Act: In compliance with the ADA, if you need special assistance to participate in a District meeting or other services offered by this District, please contact the District office @ 951-659-2143 or email: [admin@idyllwildwater.com](mailto:admin@idyllwildwater.com). Upon request, the agenda and documents in the agenda packet can be made available in appropriate alternative formats to persons with a disability. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the District staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting.

# Memo

**To: Board of Directors**

**From: General Manager**

**Date: March 21, 2018**

**Subject: ITEM #1 - CONSIDER FILLING A VACANCY ON THE BOARD OF DIRECTORS**

## Recommendation

Appoint a qualified candidate to fill the current vacancy on the Board of Directors.

## Background

As a result of the resignation of Geoffrey Caine, the Idyllwild Water District Board of Directors has a vacancy.

State law provides the District with several options for filling the vacancies:

- The remaining Board members may appoint qualified applicants to the position;
- The Board can call a special election to fill the positions; or
- The Board can default to the Board of Supervisors of Riverside County to appoint a qualified applicant to the position.

The Board, at its February 21, 2018 Regular Meeting, chose to appoint a qualified candidate as the most expeditious and fiscally prudent option.

The appointed board member will be required to stand for election at the next regularly scheduled election in August 2020 if they desire to continue on the Board.

Four residents have submitted letters of interest for the vacant position:

David Hunt

Leslie Gin

Susan Nash

Maygen Sandrini

Each interested resident will have a 3-minute opportunity to address the Board of Directors at the meeting prior to the Board decision process.

Attachments: Information submitted by the candidates

# David R. Hunt

## **Educational Background:**

C.S.U. San Bernardino — Administrative Services Cred.	2004
C.S.U. San Bernardino — M.A. Vocational Education	1999
U.C. Riverside — Multiple Subjects Credential Program	1986
Humboldt State University — B.A. Industrial Education	1981
College of the Redwoods —A.A. General Education	1979

## **Educational Credentials:**

Administrative Services Preliminary  
Designated Subjects — Supervision/Coordination  
Designated Subjects Vocational — Manufacturing Technology  
Single Subject — Industrial and Technology Education  
Multiple Subjects — General Subjects — Core Battery

## **Instructional Experience:**

Environmental Concepts/Solar/Wind C.T.E. Instructor (R.C.O.E.)	2011-Present'
Maintenance Mechanics C.T.E. Instructor (R.C.O.E.)	2008-Present
Solar/Wind/Manufacturing Coordinator/Instructor (M.S.J.C.)	2009-Present
Manufacturing Technology R.O.P. Instructor (R.C.O.E.)	1988-2008
Manufacturing Quality Assurance Development (M.S.J.C.)	2006-2007
Quality Assurance Technology Instructor (Palomar College)	2001-2003
Introductory Metals Instructor (Temecula Valley U.S.D.)	1999-2001
Machine Shop R.O.P. Instructor (R.C.O.E.)	1994-1998
Drafting/C.A.D. Instructor (Hemet Unified School District)	1994-1998

## **Industry Management Experience:**

Owner/Manager — The Bike Route, Idyllwild, CA	04-73 to <b>04-84</b>
Foreman — W.I. Barrett Manufacturing, Idyllwild, CA	<b>09-78</b> to 01-79
Manager — Strawberry Bike Shop, Hemet, CA	<b>03-79</b> to <b>04-84</b>
Methods Engineer — Deutsch Electronics, Banning, CA	<b>09-81</b> to <b>01-82</b>
Owner/Manager — Idyllwild Framesets, Hemet, CA	<b>03-86</b> to <b>09-94</b>
Foreman — Black Sheep Construction, Hemet, CA	<b>02-87</b> to <b>01-88</b>

## **Professional/Community Service:**

State of California Dept. of Education — Curriculum Advisory Committee  
University of California Curriculum Integration Institute—Geometry/Physics/CTE  
Manufacturing Skills Standards Council — Curriculum Development  
Riverside Community College — Manufacturing Program Advisory Committee  
San Bernardino Community College District — Curriculum Development  
Riverside County E.D.A. Manufacturing Industry Council  
Mount San Jacinto College — Manufacturing Engineering Advisory Committee  
R.C.O.E. — BTSA Support Provider, Mentor Teacher and Peer Coach  
Humboldt County Easter Seals Society — Head Counselor

Leslie M. Gin

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**Idyllwild Water District**

25945 Highway 243

Idyllwild, CA 92549

February 21, 2018

**RE: Open Board Position**

To Whom it May Concern,

I would like to be considered a candidate for the Idyllwild Water District Board vacant seat. I bring with me 40+ years of executive financial management experience and have sat on numerous public foundation boards in Phoenix and Tucson AZ; namely Dignity Health [formerly St. Josephs Hospital] for io years and Maricopa County Community College for 2/4 year terms.

I bring to the Idyllwild Water District a body of experience including budgeting and efficiency in cash management due to 4o years of executive financial management experience in banking. I have also succeeded in achieving consensus between multiple parties by employing conflict resolution skills which include active listening.

My community service contributions include an array of community organizations. In addition to building community I have acted as a liaison between underserved and overserved groups.

I've lived in Idyllwild for more than i8 months and would appreciate an opportunity to serve the water district. Please find my resume attached.

Sincerely,



Les Gin

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# *Leslie M. Gin*

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## **S u m m a r y**

- *Executive Banking professional with 38 years' experience with small business and commercial retail bank management.*
- *Founding President of the first Asian Bank in Arizona.*
- *Fiscally responsible for mortgage loans, small business commercial loans, deposit growth, home equity lines of credit, SBA loans, merchant services and wealth management.*
- *Real Estate sales residential, commercial and un-improved land.*
- *Series 6 & 63 investment licenses and Annuities License*

## **Professional History**

### **2009-2012 Comerica Bank, Scottsdale, AZ**

Deposit and loan consultant — specializing in home equity lines of credit and business development. Assisted in attainment of branch goals; mentored, trained and developed new personal bankers.

- **Met 400% of goal attainment for deposits and 120% of goal for home equity lines of credit in 2012.**

### **2003-2008 The Asian Bank of AZ, Phoenix, AZ**

Founder, President and CEO - This community bank was located in the Chinese Cultural Center, on target to attain \$20m in deposits by 2010, \$10m in small business loans, on a pace of \$5m/annum in home mortgages and SBA loans valued at \$10m. The parent bank was Capitol Bank Corp, Detroit, MI. Asian Bank operations were directly impacted by economic downturn and deposits were consolidated into Sunrise Bank of AZ currently part of First Fidelity Bank.

### **1998-2003 Wells Fargo Bank of AZ, Tucson AZ**

Vice-President, Branch and Manager, Sunrise and Swan Rd Banking Center. Responsible for deposits of \$400m, \$200m in commercial loans, \$20m in mortgage originations/annum, \$10m in SBA loans/annum, an investment portfolio totaling \$50m requiring securities and insurance licenses, responsible for all aspects of operations.

- **Consistently meeting and exceeding branch goals.**

### **1978-1997 JP Morgan Chase, Tucson, AZ**

Assistant Vice-President and Manager Camino Seco & Broadway Banking Center. Responsible for deposits of \$150m, \$10m in commercial loans, \$5m in mortgage originations/annum, \$15m in SBA loans/annum, an investment portfolio totaling \$25m requiring securities and insurance licenses, responsible for all aspects of operations.

- Consistently meeting and exceeding branch goals.

## Leslie M. Gin

### *Education*

**1969-1971**    **Pima Community College** — Engineering and Business Administration  
**1970-1972**    **University of Arizona** - Civil Engineering and Business Administration  
**1972-1974**    **Point Loma University** — Business Administration, Finance and Real-estate — Graduate BA

### *Boards and Commissions*

#### Tucson, AZ

**Metropolitan Education Commission** — Commissioner, representing the Asian Community 10 years  
**Pima Prevention Partnership** — Board member, 20 years to present  
**Arizona Collegiate High School** — Governing school board member 10 years to present  
**Pima Community College Bond Oversight Committee** — Member 4 years  
**Multi Leadership Development Alliance** — Board member 4 years  
**Fiesta Bowl Committee, College Basketball** — Board member 6 years  
**Tucson Chinese Association** — Board Member 15 years  
**Asian American Faculty Staff and Alumni Association, U of A** — Board member 10 years

#### Phoenix, AZ

**St Joseph's Hospital Foundation Board [aka Dignity Health]** — Board Member 12 years to present  
**Maricopa College Foundation Board** — Board Member 10 years  
**Phoenix Rotary 100** — Member 6 years  
**Asian Pacific Community in Action** — Board Member 12 years  
**Chinese American Citizens Alliance** — Vice President 12 years  
**Phoenix Chinese Week** — Vice President 8 years  
**Filipino Chamber of Commerce of AZ [PACA]** — Board member 12 years  
**Japanese American Citizens League** — Member at large 10 years  
**Arizona Asian Chamber of Commerce** — Treasurer 20 years

### *Community*

**Phoenix Rotary 100 Phoenix Country Club** — Member 6 years  
**Arizona Asian American Association** — Part time Festival cashier  
**Japanese American Summer Bowling League** Bowler  
**Chicano Por La Causa — Golf Tournament** - Hospitality coordinator  
**Victoria Foundation — Golf Tournament** Hospitality coordinator, Red Chili Tamale Fest, And Green Chili Roaster

### *Outreach*

**1982-present**    **Founder, Pan Asian Community Alliance**

**This organization was created to unite Asian Communities in Tucson, AZ, namely the Chinese, Filipino, Korean, Vietnamese, Thai, Indian, Japanese, Taiwanese, Sri Lankan and many more. I organized the community to fund and built PACA cultural center in 1983; the organization remains active in the Tucson community to this day.**



Susan Nash

March 6, 2018

Dr. C. Shelly  
Board of Directors  
Idyllwild Water District  
25945 Hwy. 243  
P.O. Box 397  
Idyllwild CA 92549

Idyllwild Water District Board of Directors:

I am very interested in being appointed to the Board of Directors of the Idyllwild Water District. The Idyllwild Watershed is facing numerous, often conflicting, demands on our limited water supply and sewer capacity. Human-induced Climate Change and the increasing severity and duration of drought in our watershed is real. The increased water and sewer demands from growth are real. Rather than spending any money on working towards Consolidation with Pine Cove and Fern Valley Water Districts, we are spending hundreds of thousands of dollars on attorney fees on seemingly fruitless litigation over water rights to Strawberry and other adjacent creeks.

**WE ARE ONE WATERSHED AND SHOULD BE WORKING ON THE GOAL OF SUSTAINABILITY FOR THE ENTIRE WATERSHED COMMUNITY TOGETHER.**

As a Board member I will work to make certain that all of the District's discretionary decisions are only discussed at our regularly scheduled monthly Board meetings, an audio of which shall be archived online. I will insist that the Board at the monthly meetings shall first approve discretionary actions taken by staff. Closed sessions shall be strictly limited to issues stated in the Brown Act and Special Meetings shall be reserved for one-item emergencies only.

I will insist that all procedural & substantive laws and regulations are strictly enforced. This includes but is not limited to the Brown Act, the Public Records Act, the California Environmental Quality Act, Forest Service permits and regulations, the Santa Ana Regional Quality Control Board,

I will seek to get to the bottom of why we cannot attract and keep employees who want to live on the Hill and stay with our district.

I am committed to working with Fern Valley and Pine Cove Water Districts. I will request quarterly joint meetings to work together to sustain the interconnected water systems in our mountain watershed.

#### EDUCATIONAL HISTORY

1963- High School  
1967 BS English Education  
1973 Masters English Education  
1978 Special Education Credential  
1985 Law degree, admitted to CA Bar

#### EMPLOYMENT HISTORY

1967-1968 English teacher (9-12)  
1978-1980 Special Education teacher  
1985-1987 Staff Attorney, California Court of Appeal, 4th district, div. 2.  
1987-2002 Deputy County Counsel, San Bernardino County  
2002 - present Private Environmental Law Practice

Sincerely,

Susan Nash

3/11/18

To Whom It May Concern:

My name is Maygen Sandrini and I am interested in the open seat on the Idyllwild Water District Board. I was in attendance at your last meeting in February and feel that I might be able to offer a different perspective and bring an element of diversity to your operation.

I have been living in Idyllwild on and off for almost 40 years, have grown up here, and know how passionate people are when it comes to the running of public services in our community. I've worked for various small businesses in town and currently for one of the larger operations on the hill, Idyllwild Arts Academy, who I believe is probably your biggest customer (judging from the way my students leave the faucets running in the bathrooms.) I am not a business owner and have no agenda regarding water. What I am is a working member of the public who simply wants her water to work when she turns on the faucet and to serve my community in a way that is different from the usual volunteer work.

I honestly have very little experience or what I would assume are the usual qualifications for this position, seeing as how I've never sat on a board, generally ignore town politics, and know little to nothing of the functionality of the water districts except to notice when my rates change. I realize that by pointing out my lack of qualifications I'm making myself a rather tough sell, but I'd like to suggest that an unbiased, fresh perspective might be useful in representing the thoughts and feelings of the majority of the general paying public who have the same basic expectations from the Idyllwild Water District as myself. Keeping things simple for the average customer (me) would be beneficial for all involved, as would having the presence of a member who simply wants to make logical, effective choices.

I realize this isn't a particularly strong argument in my favor, but I am certain my longtime working knowledge of the town and my clear, basic motivations can make me an asset, and I am willing to serve the community by being a member of your board if you think I might be suitable.

Thank you for your consideration, and please feel free to contact me with any questions,



Maygen Sandrini

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
IDYLLWILD WATER DISTRICT**

*The Board of Directors of the Idyllwild Water District met in regular session on February 21, 2018, in the Idyllwild Water District Board Room.*

**CALL TO ORDER:**

The meeting was called to order by President Schelly at 6:00 p.m.

**ROLL CALL:**

Directors present: President Charles Schelly, Vice President Peter Szabadi, Steve Kunkle and Catherine Dearing. General Manager Jack Hoagland, Chief Financial Officer Hosny Shouman and Board Secretary Erica Gonzales were also present.

Director Geoffrey Caine had an excused absence.

General public present: (8)

**PUBLIC COMMENT:**

**SUE NASH** – Read aloud an email sent to all Board members regarding concern about a comment made by JP Crumrine and Vice President Szabadi’s reaction to the comment. Asked for a public and published apology. The email is attached to these minutes.

**VICE PRESIDENT SZABADI** – Apologized for laughing.

**ITEM 1- CONSENT CALENDAR:**

**MINUTES** – January 17, 2018 Regular Meeting Minutes  
February 14, 2018 Special Meeting Minutes

**FINANCIAL REPORTS JANUARY 2018**

- A. Income statement for the Seventh month ending January 2018
- B. District warrants for January 2018.

Check #	14558 - 14605	= \$	149,700.44
Gross Payroll		= \$	64,247.06
Federal/State PR taxes		= \$	22,602.62
LAIF Transfers		= \$	0.00
Transfers/charges		= \$	191.00

**OPERATIONS REPORT AND GRAPHS FOR THE SIXTH MONTH ENDING JANUARY 2018.**

No mainline leaks were reported in January and there were no unmetered leaks. Foster Lake's level was at 4 feet at the end of January. There was 3.45" of precipitation in January and there has been 4.28" of precipitation for the fiscal year to date. The static water levels at the Foster Lake Wells were 13.3' below ground level, the downtown well #23 is currently static at 10' and the downtown well #24 is static at 18' below ground level respectively. Production for January was 794.856 cubic feet. January's unaccounted for water was 9.46% of water production. Fiscal year to date unaccounted for water average is 6.69% of water production.

**COMMENTS:**

**DIRECTOR KUNKLE** - Asked for a summary of the February 14, 2018 Special Meeting that he was unable to attend.

A MOTION was made by Vice President Szabadi to approve the Consent Calendar and Director Dearing seconded. The vote was as follows:

<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Peter Szabadi Catherine Dearing Steve Kunkle Charles Schelly</b>			<b>Geoffrey Caine</b>

**Consent Calendar was approved.**

**ITEM 2 – BOARD VACANCY**

Recommendation: That the Idyllwild Water District Board of Directors accept the resignation of Geoffrey Caine and determine to fill the vacancy on the Board of Directors by the appointment process and direct staff to take the required steps of advertisement of the vacancy.

Background: Geoffrey Caine resigned from the Idyllwild Water District Board of Directors effective March 1, 2018.

State law provides the District with several options for filling the vacancies:

- The remaining Board members may appoint a qualified applicant to the position;
- The Board can call a special election to fill the position; or

- The Board can default to the Board of Supervisors of Riverside County to appoint a qualified applicant to the position.

Considering that the Board of Directors might select the least costly and most timely option for filling the Board Vacancy, Staff will post notice of the vacancy and run an ad in the Town Crier advising of the vacancy. Both venues will solicit interested, qualified candidates to submit a letter of interest and any additional pertinent information to the President of the Board of Directors by March 14, 2018. The Board of Directors can then review the applicants and make a selection at the March 21, 2018 regular meeting.

**COMMENTS:**

**None.**

A MOTION was made by Vice President Szabadi to accept the resignation of Director Caine and to solicit for interested parties to appoint a new Director at the March 21, 2018 Regular Meeting and Director Dearing seconded. The vote was as follows:

<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Peter Szabadi</b> <b>Catherine Dearing</b> <b>Steve Kunkle</b> <b>Charles Schelly</b>			<b>Geoffrey Caine</b>

**Motion approved.**

**ITEM 3 – EMPLOYMENT CONTRACT WITH FRITZ WUTTKE**

Recommendation: That the Idyllwild Water District Board of Directors authorize an Employment Agreement (part-time) with Fritz Wuttke to be the District’s Wastewater Treatment Plant Chief Plant Operator.

Background: The District has been unable to recruit a permanent full-time Chief Plant Operator (CPO) for the Wastewater Treatment Plant. For the last two and one-half years the position has been filled on a contract basis by the Specialized Utility Services Program (SUSP) of the California Rural Water Association (CRWA).

With the awarding of Grade 2 Operator Certificates to two District employees, the SUSP monthly fee will drop to \$7,500 from \$12,500 (beginning in February 2018). The SUSP program offers Idyllwild Water District once a week on-site visits and phone/text availability all of the time as well as preparation of the monthly reports to the Regional Water Quality Control Board.

Fritz Wuttke is a Grade 3 Certified Wastewater Treatment Operator currently responsible for operation of the Pine Springs Ranch wastewater facilities (Garner Valley) as the Director of Plant Services. He will provide the services that SUSP is providing including overall supervision of the WWTP, report preparation and submittal and generally perform the duties described in the job description (Exhibit "A" of the attached agreement).

The status of Mr. Wuttke would be that of a District salaried employee. Our negotiated monthly salary is \$3,000 and he has declined District benefits.

The success of the staff members in earning their Grade 2 certification has enable the District to reduce the SUSP contract by \$5,000 per month (\$60,000 per year). Engaging Mr. Wuttke will save another \$4,500 per month (\$54,000 per year) for a total savings going forward of \$114,000 per year.

The agreement has been reviewed by District Counsel and staff have reviewed the proposed changes with the Regional Water Quality Control Board regulators.

**DISCUSSION:**

**SUE NASH** - Concerned about how much time Mr. Wuttke will be spending at the WWTP.

**TOM PAULEK** – Inquired as to when District’s current employees would be able to take on the Chief Plant Operator. Inquired as to whether or not this is in compliance with the Regional Board.

**DIRECTOR DEARING** – Asked if there were any way to create a contract with employees to guarantee the employee stays with the District after paying for their training and education.

**DIRECTOR KUNKLE** – Verified that Mr. Wuttke will also supervise the collection system.

A MOTION was made by Vice President Szabadi to authorize the General Manager to hire Mr. Fritz Wuttke under the attached terms and Director Dearing seconded. The vote was as follows:

**AYES**  
**Peter Szabadi**  
**Catherine Dearing**  
**Steve Kunkle**  
**Charles Schelly**

**NAYS**

**ABSTAIN**

**ABSENT**  
**Geoffrey Caine**

**Motion approved.**

#### **ITEM 4 – 457b CONTRIBUTION PLAN THIRD PARTY ADMINISTRATOR**

**Recommendation:** That the Board of Directors authorize the General Manager to execute an agreement with Carlson Quinn Strategic Retirement Consultants to act as the Third Party Administrator (TPA) for the District's 457b Retirement Plan for an annual fee of \$2,500.

**Background:** The Board of Directors selected a 457b Contribution Retirement Plan for all employees hired after December 31, 2013. The Plan was initiated January 1, 2014. Employees become vested in stages by a percentage each year (see Table 1) with full vesting occurring after six years. The IRS Plan requirements include an annual statement sent to all employees and former employees that currently have vested monies in the plan stating the amount contributed and the amount vested.

Because of a high turnover rate of employees in recent years the annual statement preparation has become very complicated. Hiring a Third Party Administrator for this plan is in the best interest of the District to insure compliance with the extensive IRS rules governing the use of such plans.

Staff solicited proposals from several potential firms to provide TPA services, but due to the small size of the District and the relatively small amount of funds under management only Carlson Quinn Strategic Retirement Consultants submitted a proposal (attached for information).

The Consultant will prepare all annual statements for the Plan and will be responsible for all Plan administrative aspects, i.e., when employees enroll or withdraw from the Plan.

The 401A Plan for employees hired before December 31, 2013 has a Third Party Administrator.

#### **DISCUSSION:**

**TOM PAULEK** – Inquired as to how Idyllwild Water District's pension plan compares to the other Water Districts on the hill.

A MOTION was made by Vice President Szabadi to authorize the General Manager to execute and agreement with Carlson Quinn Strategic Retirement Consultants to act as Third Party Administrator for the District's 457b Retirement Plan for an annual fee of \$2,500.00 and Director Dearing seconded. The vote was as follows:



**AYES**  
Peter Szabadi  
Catherine Dearing  
Steve Kunkle  
Charles Schelly

**NAYS**

**ABSTAIN**

**ABSENT**  
Geoffrey Caine

**Motion approved.**

**ITEM 5 – RESOLUTION NO. 743**

Recommendation: That the Idyllwild Water District Board of Directors adopt Resolution No. 743 Establishing a Public Records Request policy.

Background: Although the Idyllwild Water District endeavors to comply with State requirements regarding requests for Public Records, in an effort to increase transparency, Staff recommends the attached resolution and policy.

**DISCUSSION:**

**TOM PAULEK** – Concerned about the Agenda and material being posted online and being accessible to the public. Also would like the description of the item on the Agenda containing more information.

**VICE PRESIDENT SZABADI** – Concerned about the rates schedule for the policy.

A MOTION was made by Vice President Szabadi to table the item until next Regular Meeting on March 21, 2018 and Director Kunkle seconded. The vote was as follows:

**AYES**  
Peter Szabadi  
Steve Kunkle  
Catherine Dearing  
Charles Schelly

**NAYS**

**ABSTAIN**

**ABSENT**  
Geoffrey Caine

**Motion approved.**

**DIRECTOR’S COMMENTS:**

**PRESIDENT SCHELLY** – On the Public Records Policy, under Procedure A, would like that to be softened a bit.

**GENERAL MANAGER’S COMMENTS:**

**JACK HOAGLAND** – The District’s current water production capacity is about 421 gpm. Highest demand in the past has been 285 gpm. Have had little precipitation and Foster Lake is very low but wells are doing fine and is very comfortable with water production. The Oakwood Well is not satisfactorily connected to the distribution system. Staff is developing a solution to solve the problem.

Legal Counsel Christine Carson arrived at 7:25 pm.

**ADJOURN TO CLOSED SESSION:**

President Schelly Adjourned to Closed Session at 7:30 pm.

**1. Conference with Legal Counsel – Existing Litigation (Govt. Code § 54956.9) -**

Name of Case: (*Jeff Smith v. Idyllwild Water District*, Case No./Complaint No. 33-05-03, Water Rights Adjudicatory Proceeding before State Water Resources Control Board re: Strawberry Creek Diversion in Riverside County).

**RECONVENE INTO OPEN SESSION:**

The Board reconvened into Open Session at 8:40pm.

**REPORT ON CLOSED SESSION:**

General Manager Jack Hoagland reported that there was no reportable action.

**ADJOURNMENT:** President Schelly Adjourned the meeting at 8:41 pm.

IDYLLWILD WATER DISTRICT

IDYLLWILD WATER DISTRICT

BY: \_\_\_\_\_  
DR. CHARLES SCHELLY-  
BOARD PRESIDENT

BY: \_\_\_\_\_  
ERICA GONZALES-  
BOARD SECRETARY

From: **Susan Nash** snashlaw@gmail.com   
Subject: **Outrageous Conduct: February 14, 2018 Idyllwild Water District Board Meeting**

Date: February 21, 2018 at 2:16 PM

To: JP Crumrine jp@towncrier.com, Becky Clark becky@towncrier.com, Jack Clark jack@towncrier.com, Chip Shelly schelly@idyllwildwater.com, Steve Kunkle kunkle@idyllwildwater.com, Geoffry Caine caine@idyllwildwater.com, Peter Szabadi szabadi@idyllwildwater.com, Catherine Dearing dearing@idyllwildwater.com  
Cc: Tom Paulek atpaul70@gmail.com, Susan Nash snashlaw@gmail.com



Dear Idyllwild Water District Board members and Idyllwild Town Crier Publishers and Editors:

At the February 14, 2017, Idyllwild Water District Board meeting, after Marge Muir and Susan Nash discussed the issue of certain sewer fees being charged to customers, the following exchange took place:

Chip Shelley: *Any other public comments. Mr. Crumrine.*

JP Crumrine: *Now that we're we're on this 21st century, just beginning the #Me Too era, I don't think the district should charge a hookup fee.*

Peter Szabadi: *Loud laughter*

Chip Shelley: *Well said. Any other public comments. No, very well then.*

Susan Nash: *That was outrageous*

Chip Shelley: *We'll go into the item #1 presentation and discussion.*

Peter Szabadi: *Yes, but it was funny.*

Susan Nash: *And that was outrageous too, Mr. Szabadi.*

As we all know, the #MeToo movement gives a voice and resources to women and children who have been raped and sexually assaulted.

Rape and sexual assault are not laughing matters.

I am asking everyone who participated in making the #MeToo movement, a source of help for victims of rape and sexual assault, a laughing matter, publish an apology in the Town Crier.

These comments and the reactions to these comments, are degrading to all women and children who are sexually abused, should not be made at a public meeting.

Sincere apologies are in order.

Thank you for your prompt response.

Susan Nash

**PLEASE NOTE NEW EMAIL!**

Susan Nash

P.O. Box 4036

Idyllwild CA 92549

909-228-6710

[snashlaw@gmail.com](mailto:snashlaw@gmail.com)

**IDYLLWILD WATER DISTRICT  
WATER FUND CONDENSED INCOME STATEMENT  
FOR FISCAL MONTH ENDING FEBRUARY 28, 2018**

CONDENSED CATEGORY	FOR THE MONTH OF		FEBRUARY	2018
	ACTUAL	BUDGET	VARIANCE	%
OPERATING REVENUES:				
BASE-RESIDENTIAL/COMMERCIAL	51,908	51,367	541	1.05%
SALES-RESIDENTIAL/COMMERCIAL	30,515	55,000	-24,485	-44.52%
OTHER OPERATING REVENUE	520	1,500	-980	-65.35%
OTHER NON- OPERATING REVENUE*	-1,410			
<b>TOTAL OPERATING REVENUES</b>	<b>81,532</b>	<b>107,867</b>	<b>-24,925</b>	<b>-23.11%</b>

OPERATING REVENUE BY CATEGORY	FOR THE MONTH OF		FEBRUARY	2018
	ACTUAL	BUDGET	F (U) VARIANCE	%
BASE RATE - RESIDENTIAL	44,457	44,021	436	0.99%
BASE RATE - COMMERCIAL	7,451	7,346	105	1.42%
SALES-RESIDENTIAL	11,034	25,000	-13,966	-55.86%
SALES-COMMERCIAL	19,481	30,000	-10,519	-35.06%
SALES-SEWER	0	0	0	0.00%
SALES-CONSTRUCTION/OTHER	0	0	0	0.00%
TRANSFER FEES	175	100	75	75.00%
TURN ON/OFF FEES	195	150	45	29.79%
LIEN & LIEN RELEASE FEES	0	0	0	0.00%
DELINQUENCY FEES	0	0	0	0.00%
WILL SERVE LETTER FEES	150	0	150	0.00%
OTHER MISCELLANEOUS	0	1,250	-1,250	0.00%
INSTALLATION FEES	-1,410	0	-1,410	0.00%
CAPACITY FEES	0	0	0	0.00%
<b>TOTAL OPERATING REVENUES</b>	<b>81,532</b>	<b>107,867</b>	<b>-26,335</b>	<b>-24.41%</b>

**IDYLLWILD WATER DISTRICT  
 WATER FUND CONDENSED INCOME STATEMENT  
 FOR FISCAL MONTH ENDING FEBRUARY 28, 2018**

FOR THE MONTH OF FEBRUARY 2018

CUBIC FEET OF SALES:	ACTUAL	BUDGET	VARIANCE	%
R1	435,473	585,000	-149,527	-25.56%
R2	22,790	46,000	-23,210	-50.46%
R3	70,920	82,000	-11,080	-13.51%
R4	35,260	75,000	-39,740	-52.99%
R5	10,400	22,000	-11,600	-52.73%
R6	86,730	155,000	-68,270	-44.05%
NC-WWTP	0	15,000		
TOTAL CUBIC FEET OF SALES	661,573	980,000	-303,427	-30.96%
NUMBER OF CUSTOMER BILLS:				
R1	1,540	1,537	3	0.20%
R2	30	30	0	0.00%
R3	55	51	4	7.84%
R4	13	13	0	0.00%
R5	4	4	0	0.00%
R6	2	2	0	0.00%
NC-WWTP	1	1	0	0.00%
S	10	10	0	0.00%
TOTAL NUMBER OF CUSTOMER BILLS	1,654	1,648	7	0.42%

\* s : Sewer Only Account

**IDYLLWILD WATER DISTRICT  
WATER FUND CONDENSED INCOME STATEMENT  
FOR FISCAL MONTH ENDING FEBRUARY 28, 2018**

	FOR THE MONTH OF		FEBRUARY	2018
BY CATEGORY	ACTUAL	BUDGET	F (U) VARIANCE	%
<b>WATER OPERATING EXPENSES:</b>				
1- WAGES AND SALARIES EXPENSES	43,904	50,000	6,096	12.19%
2- RETIREMENT PLAN AND LIFE INSURANCE	4,114	8,000	3,886	48.58%
3 -MEDICAL INSURANCE	13,313	11,500	-1,813	-15.77%
4 -UNIFORM EXPENSES	232	438	205	46.92%
5 -WORKER'S COMP INSURANCE	0	500	500	100.00%
6 -RETIREMENT MEDICAL INSURANCE	0	2,000	2,000	100.00%
7 -BOARD REIMBURSEMENT	225	500	275	55.00%
8 -OFFICE SUPPLIES	570	600	30	5.01%
9 -OFFICE CLEANING SERVICE	210	280	70	25.00%
10 -POSTAGE AND MAILING FEE	707	900	193	21.40%
11 -TRAINING AND EDUCATION	0	604	604	100.00%
12 -TRAVELING , MILEAGE, MEALS REIMBURSEMENT	56	629	573	91.12%
13 -DUES ,FEES , SUBSCRIPTIONS	155	771	616	79.95%
14 -COMPUTER SERVICES	1,086	1,000	-86	-8.61%
15 -LEGAL SERVICES	19,068	7,000	-12,068	-172.41%
16 -UTILITIES - ELECTRICITY	2,837	7,292	4,455	61.10%
17 -UTILITIES - GAS& FUEL	0	717	717	100.00%
18 -UTILITIES - PROPANE	761	325	-436	-134.27%
19 -UTILITIES - TELEPHONE INTERNET	729	761	32	4.16%
20 -UTILITIES - WASTE MANAGEMENT FEE	182	184	2	1.02%
32 -AUTO AND PROPERTY INSURANCE	0	1,712	1,712	100.00%
21 -STATE-COUNTY WATER SYSTEM FEES	8,198	4,000	-4,198	-104.95%
22 -GENERAL PLANT SERVICES	12,676	18,000	5,324	29.58%
23 - VEHICLES REPAIRS AND MAINTENANCE	81	1,500	1,419	94.61%
24 -WATER ENGINEERING AND CONSULTING	9,869	875	-8,994	-1027.86%
25 -LABORATORY SERVICES	949	1,042	92	8.87%
26 -WATER SECURITY SYSTEM	0	771	771	100.00%
27 -ADVERTISING AND PUBLISHING	176	542	365	67.46%
28 -PROPERTY TAX EXPENSES	0	233	233	100.00%
29- COMPENSATED TIME	0	1,833	1,833	100.00%
30 -BANK FEE CHARGE	186	200	14	6.99%
31 -WATER MAINTENCE AND SUPPLIES	0	1,042	1,042	100.00%
33 -ACCOUNTING AND AUDITING FEE	0	7,500	7,500	100.00%
<b>TOTAL OPERATING EXPENSES:</b>	<b>120,284</b>	<b>133,250</b>	12,965	9.73%
<b>TOTAL INCOME AND (LOSS)</b>	<b>(38,752)</b>	<b>(25,383)</b>		

**IDYLLWILD WATER DISTRICT  
SEWER FUND CONDENSED INCOME STATEMENT  
FOR FISCAL MONTH ENDING FEBRUARY 28 , 2018**

FOR THE MONTH OF FEBRUARY 2018

SEWER FUND OPERATING REVENUES

	ACTUAL	BUDGET	F (U) VARIANCE	%
BASE RATE-COMMERCIAL	36,223	36,185	38	0.11%
BASE RATE- RESIDENTIAL	16,868	16,868	0	0.00%
TRANSFER FEE	25	25	0	0.00%
FACILITY CHARGE FROM IAF	0	0	0	0.00%
INSPECTION FEE	0	0	0	0.00%
OTHER MISCE	50	0	50	#DIV/0!
<b>TOTAL OPERATING REVENUE</b>	<b>53,167</b>	<b>53,078</b>	<b>89</b>	<b>0.17%</b>

EQUIVALENT DWELLING UNITS (E.D.U'S)

RESIDENTIAL	456	456	0.0	0.00%
COMMERCIAL	937	937	0.0	0.00%
<b>TOTAL E.D.U'S</b>	<b>1,393</b>	<b>1,393</b>	<b>0.0</b>	<b>0.00%</b>

**IDYLLWILD WATER DISTRICT  
SEWER FUND CONDENSED INCOME STATEMENT  
FOR FISCAL MONTH ENDING FEBRUARY 28 , 2018**

FOR THE MONTH OF FEBRUARY 2018

CONDENSED BY CATEGORY	ACTUAL	BUDGET	F (U) VARIANCE	%
OPERATING REVENUES:				
BASE-RESIDENTIAL/COMMERCIAL	53,092	53,053	39	0.07%
OTHER OPERATING	75	25	50	200.00%
<b>TOTAL OPERATING REVENUES</b>	<b>53,167</b>	<b>53,078</b>	89	0.17%
<b>OPERATING EXPENSES:</b>				
1- WAGES AND SALARIES	13,359	14,000	641	4.58%
2- RETIREMENT AND LIFE INSURANCE	1,371	2,000	629	31.44%
3- MEDICAL INSURANCE	4,438	5,000	562	11.25%
4- UNIFORM EXPENSE	77	300	223	74.20%
5-WORKER'S COMPENSATION INSURANCE	0	145	145	100.00%
6- RETIREMENT MEDICAL INSURANCE	0	917	917	100.00%
7- BOARD REIMBURSEMENT	75	200	125	62.50%
8- OFFICE SUPPLIES	190	400	210	52.50%
9- OFFICE CLEANING SERVICES	70	150	80	53.33%
10- POSTAGE AND MAIL FEE	236	100	-136	-135.81%
11- EDUCATION AND TRAINING	0	200	200	100.00%
12- TRAVELING, MILAGE, MEAL REIMBURSMET	0	292	292	100.00%
13- DUE AND SUBSCRIPTION FEE	61	542	481	88.75%
14- COMPUTER SERVICES	295	1,000	705	70.46%
15- LEGAL SERVICES	6,356	500	-5,856	-1171.22%
16- UTILITIES - ELECTRICITY	4,928	4,000	-928	-23.20%
17- UTILITIES - GAS & FUEL	0	437	437	100.00%
18- UTILITIES - PROPANE	0	25	25	100.00%
19- UTILITIES - TELEPHONE&INTERNET	232	292	59	20.34%
20- UTILITIES - WASTE MANAGEMENT FEE	61	125	64	51.39%
21- VEHICLES REPAIRS AND MAINTENANCE	27	500	473	94.61%
22- SEWER ENGINEERING SERVICES	13,476	15,000	1,524	10.16%
22- SEWER MAINTENANCE AND SUPPLIES	0	200	200	100.00%
23- GENERAL PLANT SERVICES	758	500	-258	-51.50%
24- SEWER PERMIT AND LICENSE(State Fee)	0	500	500	100.00%
25- MINOR EQUIPMENT AND SUPPLIES	0	42	42	100.00%
26- SEWER LEASE	0	250	250	100.00%
27- ADVERTISING AND PUBLISHING	59	125	66	53.00%
28- LABORATORY SERVICES	3,221	500	-2,721	-544.10%
29- GENERAL AUTO AND LIBILITY INSURANCE	0	570	570	100.00%
30- SECURITY SYSTEM (ADT)	0	208	208	100.00%
31- ACCOUNTING & AUDITING FEE	0	2,000	2,000	100.00%
32- LINE CLEANING	0	0	0	0.00%
<b>Total Expenses</b>	<b>49,289</b>	<b>51,018</b>	1,729	3.39%
<b>Total INCOME OR (LOSS)</b>	<b>3,878</b>	<b>2,060</b>		



**IDYLLWILD WATER DISTRICT  
DISTRICT WARRANTS AND OTHER DISBURSEMENTS  
FOR THE MONTH ENDED FEBRUARY 28, 2018**

DATE	CHECK NUMBER	PAYEE	DESCRIPTION	AMOUNT
2/1/2018	14608	Aleshire & Wynder	Legal Fees	12,793.00
2/1/2018	14609	California Computer Options	Monthly Charge for IT	695.00
2/1/2018	14610	Central Communications	Monthly Charge for Answering Service	102.00
2/1/2018	14611	Chase Card Service	Sewer Supplies \$594.85, Training for Cody \$178.00	851.32
2/1/2018	14612	Frontier	Monthly Charge for Phone and Internet at WWTP and Foster Lake	403.50
2/1/2018	14613	Home Depot Credit	Supplies for Water and Sewer	376.81
2/1/2018	14614	InfoSend, Inc.	Printing and Mailing Fee for December Billing	943.24
2/1/2018	14615	S & J Supply Co.	Supplies for Water	5,232.35
2/1/2018	14616	SCE	Monthly Charge for Electricity	7,187.47
2/1/2018	14617	Streamline	Monthly Charge for Website Maintenance	200.00
2/1/2018	14618	Verizon Wireless	Monthly Charge for On Call and GM cell phones	156.57
2/7/2018	14619	Erica Gonzales	Reimburse Cash Drawer	55.89
2/7/2018	14620	Ferrellgas	Fill Propane Tanks	761.38
2/7/2018	14621	Forest Lumber	Supplies for Water and Sewer	190.58
2/7/2018	14622	Four Seasons Cleaning Services	Monthly Cleaning Charge for Office	280.00
2/7/2018	14623	Idyllwild Water District	To be deposited at Bank of Hemet for Payroll	36,000.00
2/7/2018	14624	Lawrence Roll Up Doors, Inc	Replace 2 Roll Up doors at Shop	4,906.54
2/7/2018	14625	Mission Linen & Uniform Services	Monthly Uniform and Luandering Fee	309.65
2/7/2018	14626	NAPA Auto Parts	Auto Parts	107.79
2/7/2018	14627	NBS	Installment of Rate Study Fee	3,585.00
2/7/2018	14628	Dig Alert	Monthly Charge and 3 New Tickets	14.95
2/7/2018	14629	USA Bluebook	Supplies for Sewer	10.89
2/7/2018	14630	B&W Pipe and Supply	Supplies for Water	96.42
2/7/2018	14631	Genesis Construction	Last Payment for Pipeline Project	36,845.54
2/14/2018	14632	ACWA/JPIA	Employee Medical Insurance for March 2118	17,750.70
2/14/2018	14633	E.S. Babcock	Labs for Water and Sewer	4,169.75
2/14/2018	14634	California Computer Options	IT Support	486.50
2/14/2018	14635	CR&R	Monthly Charge for Trash Pick up	243.05
2/14/2018	14636	Idyllwild Town Crier	Charge for Ad in December	235.00
2/14/2018	14637	Industrial Metal Supply Co.	Supplies for Water	80.31
2/14/2018	14638	Northern Safety & Industrial	Safety Supplies and Tools for Water	209.70
2/14/2018	14639	Richard Rafter	Refund remaining amount from Installation Deposit	470.00
2/14/2018	14640	Ron Kaufman	Refund remaining amount from Installation Deposit	650.00
2/14/2018	14641	SCE	Monthly Electricity Charge	577.21
2/14/2018	14642	Staples Credit Plan	Office Supplies	759.96
2/14/2018	14643	SUSP, Inc	Sewer Consulting Fee	12,580.00
2/14/2018	14644	Tenacity, LLC	Refund remaining amount from Installation Deposit	290.00
2/14/2018	14645	The SoCo Group, Inc	Fuel for Vehicles	3,106.26
2/14/2018	14646	USA Bluebook	Supplies for Sewer	1,215.30
2/14/2018	14647	Idyllwild Water District	To be deposited at Bank of Hemet for Payroll	35,000.00
2/21/2018	14648	Aleshire & Wynder	Legal Fees	12,634.50
2/21/2018	14649	Allstate Benefits	Monthly Life Insurance payment for employees	473.77
2/21/2018	14650	Engineering Resources of So. Cal	Land Survey for 2018 Pipeline Project	7,180.00
2/21/2018	14651	Industrial Metal Supply Co.	Supplies for Water	226.82
2/21/2018	14652	Northern Safety & Industrial	Safety Supplies and Tools for Water	150.72
2/21/2018	14653	S & J Supply Co.	Supplies for Water	721.93
2/21/2018	14654	T- Mobile	Monthly charge for Solar	31.81
2/21/2018	14655	Time Warner Cable	Monthly Charge for Phone and Internet at office	369.36
TOTAL DISTRICT WARRANTS				\$211,718.54
OTHER DISBURSEMENTS:				
TOTAL PAYROLL				52,889.10
NET PAYROLL CHECKS-DIRECT DEPOSIT				37,640.07
FEDERAL PAYROLL TAXES-ELECTRONIC TRANSFERS				11,458.47
STATE PAYROLL TAXES-ELECTRONIC TRANSFERS				5,223.09
L.A.I.F. ELECTRONIC TRANSFERS				0.00
BANK SERVICE CHARGES AND FEES				186.02
TOTAL DISTRICT WARRANTS & OTHER DISBURSEMENTS				\$264,793.66

## Operations Report for February 2018

Currently – No Stage

Production – February 739,527 c.f. , 142 avg. gpm

Foster Lake level – 3 ft.-

Water and Sewer installations -4 Water Meters

Leaks -0-

Mainline -0-/Unmetered -0/Metered -0

February Water Loss = 4.90%-- 6.51% Y.T.D.

Production

Drinking water storage- 3.325 MG

14 wells available/6 utilized/0 Full Time/6 Part Time

Wastewater Treatment Plant

February 2018-Average daily flow 88,084 gpd/Average weekend flow 99,548 gpd

February 2017-Average daily flow 151,432 gpd/Average weekend flow 159,638 gpd

Precipitation

February 2018 – 0.03” Y.T.D. – 4.31” February 2017 – 4.51” Y.T.D. 2017 – 27.24”

Diversion -0-

### STATIC WELL LEVELS

	<b>JANUARY 2018</b>	<b>FEBRUARY 2018</b>	<b>FEBRUARY 2017</b>	<b>FEBRUARY 2016</b>
<b>Foster Lake (Average 3 wells)</b>	13.3’ Static	14’ Static	4’ Static	39’ Static
<b>Well # 26 (Nature Center)</b>	43’ Static	43’ Static	92’ Static	119’ Static
<b>Well # 27 (Nature Center)</b>	41’ Static	41’ Static	76’ Static	109’ Static
<b>Well #28 (Rockdale)</b>	120’ Static	119’ Static	131’ Static	141’ Static
<b>Downtown Wells* #23 &amp; #24</b>	10’ Static 18’ Static	10’ Static 17’ Static	8’ Static 13’ Static	12.5’ Static
<b>FV1A</b>	4’ Static	4’ Static	366’ Pumping	393’ Pumping
<b>FV2</b>	68’ Static	310’ Pumping	247’ Pumping	46’ Static

\*Downtown Wells Static level is an average for 2016. February 2017 and 2018 both well levels are included

ID'YLLWILD WATER DISTRICT  
 MONTHLY WATER RE-CAP SUMMARY  
 FOR THE MONTH OF: **February**

DATE: **03-05-2018**

IN DISTRICT STORAGE SUPPLY	<u>188,391</u>	C.F.	
FOSTER LAKE STORAGE SUPPLY	<u>256,186</u>	C.F.	<u>444,577</u>
			TOTAL STORAGE SUPPLY
INCREASE	_____	C.F.	
DECREASE	_____	C.F.	
SUPPLIES TO SYSTEM	<u>739,527</u>	C.F.	
I.W.D. FLUSHING	_____	C.F.	
FOSTER LAKE LEVEL	<u>3 Ft</u>	MAXIMUM OF 18'	

**STATIC GROUND WATER LEVELS:**

F.L. AREA	<u>14</u>	FEET	Static
F.V. AREA:			
F.V.1A	<u>4</u>	FEET	Static
F.V.#2	<u>310</u>	FEET	Pumping
CREEK AREA	<u>23- 10'</u>	FEET	24- 17' Static
WELL #26	<u>43</u>	FEET	Static
WELL #27	<u>41</u>	FEET	Static

STORAGE SUPPLIES(MAXIMUM OF 3.702 MILLION GALLONS) 89 %

MAINLINE LEAK REPAIRS \_\_\_\_\_

STRAWBERRY CREEK DIVERSION	<u>0</u>	C.F.	<u>0</u>	A.F.
FERN VALLEY 1A WELL	<u>0</u>	C.F.	<u>0</u>	A.F.
STRATTON WELL #23 DRAW	<u>0</u>	C.F.	<u>0</u>	A.F.
OAKWOOD WELL DRAW(PRIVATE)			<u>0</u>	A.F.
WELL #26 (COUNTY OF RIVERSIDE)			<u>0</u>	A.F.
WELL #27 (COUNTY OF RIVERSIDE)			<u>0</u>	A.F.

**COMMENTS:**

	LEVEL	VOLUME
SOUTHRIDGE TANKS (3,509 CF/FOOT)	<u>18.9</u>	<u>66,320 CF</u>
GOLDEN ROD TANK (891 CF/FOOT)	<u>22.9</u>	<u>20,403 CF</u>
WILDWOOD TANK (919 CF/FOOT)	<u>11.9</u>	<u>10,936 CF</u>
ROCKDALE TANK (2,718 CF/FOOT)	<u>23.2</u>	<u>63,057 CF</u>
FOSTER LAKE TANKS (11,698 CF/FOOT)	<u>21.9</u>	<u>256,186 CF</u>
SEWER PLANT USAGE		
DELANO TANK (1,337 CF/FOOT)	<u>20.7</u>	<u>27,675 CF</u>
HYDRANT SALES IN CUBIC FEET		

Idyllwild Water District Well Production Data

Month: March Year: 2018

Date: 03-05-2018

	Well Name	#	Acre Feet	Cubic Feet	PT/FT	Status	GPM
1	Horizontal	1	0			OFF	10
2	Foster Lake	2	8.7	378,950	FT	ON	90.8
3	Foster Lake	4	0	0	PT	ON	11.9
4	Foster Lake	5				OUT OF SERVICE	No Water
5	Foster Lake	8				OUT OF SERVICE	
6	Foster Lake	9				OUT OF SERVICE	
7	Foster Lake	10	.93	40,659	PT	ON	10
8	Foster Lake	11				OUT OF SERVICE	
9	Foster Lake	12				OFF	
10	Foster Lake	13	2.99	129,960	PT	ON	50.2
11	Foster Lake	15				OFF	
12	Foster Lake	16				OFF	Not Hooked Up
13	Nature Ctr	26				OFF	25.6
14	Nature Ctr	27				OFF	No Water
15	Stratton	23	1.8	78,810	PT	ON	41.8
16	Curtis	24	0.0	0	PT	ON	44.9
17	Donahoo	25				OFF	
18	Golden Rod		.49	21,340	PT	ON	17.7
19	Fern Valley	1A	0	0	PT	ON	
20	Fern Valley	2	4.1	180,525	FT	ON	19.4
21	Rockdale	28				OFF	
22	Dutch Flats	1				OUT OF SERVICE	No Pump
23	Dutch Flats	2				OFF	
24	Dutch Flats	3				OUT OF SERVICE	

Total Cubic Feet: 830,244 CF

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Cedar Glen 4" Meter                    458,852 CF                    10.5 AF  
739,527 CF  
Supplies to System

In District Production                    280,675 CF                    6.4 AF  
Wells 13-19

16.9 AF  
Total AF

Production Days 27  
Minutes                    38,880                    142 GPM

MONTHLY RE-CAP

(General Manager copy)

MONTH FEBRUARY YEAR 2018 DATE 03-05-18 INIT JJ

Production days 27

Avg. GPM production 142

Total number of sources available 14

Total number of sources used 6 Full Time 0 Part Time 6

Sources used, Well No's. 2, 10, 13, 23, FV2, Golden Rod

Total GPM available 250 ( $\pm$ ) 15 GPM

Total supplies to system 739,527 CF 16.9 AF

Hydrant water sales \_\_\_\_\_ CF

Potable water in storage 3.325 MG (3.7 MG max) 89 %

Foster Lake level 3 Feet

Strawberry Creek diversion draw 0 AF

Fern Valley 1-A pumped to Lake \_\_\_\_\_ AF

Distribution system flushing including fire dept. use \_\_\_\_\_ CF

Static water levels:

Foster Lake area 14 ft

Fern Valley Area: F.V.1A 4 ft st F.V. #2 310 ft pL

Creek area 23- 10 ft st, 24- 17 ft st

Well #26 43 ft st

Well #27 41 ft st

Notes: Well #28- 119 ft Static

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# Memo

**To: Board of Directors**

**From: General Manager**

**Date: March 21, 2018**

**Subject: ITEM #3 - CONSIDER VOTING FOR LAFCO SPECIAL DISTRICT REPRESENTATIVE**

## Recommendation

Authorize the President to vote in the election for a representative to the Local Agency Formation Commission (LAFCO) for the Special District-West seat.

## Background

LAFCO is the agency that determines the boundaries and powers of agencies within the county. It also periodically reviews the operations and efficiencies of the agencies within the county through Municipal Service Reviews (MSR) every five-years. The MSR for water districts is just beginning and the process will take 9-12 months.

The seven member LAFCO governing board consists of two county supervisors, two representatives from cities (council members), two board members from special districts and a representative of the public. Special districts within the County have agreed to have one representative from the western portion of the County and one from the eastern (or desert) portion of the county. Information on the candidates is attached.

Staff recommends voting in the following order:

Phil Williams - 1

David Hoffman - 2

Angel Garcia - 3

Please see the attached information which describes "Instant Runoff Voting" (IRV).

Attachments: Information regarding the LAFCO election process, the LAFCO Ballot, and information about the candidates



## BALLOT INSTRUCTIONS

### A. REGULAR SPECIAL DISTRICT MEMBER OF THE LOCAL AGENCY FORMATION COMMISSION (LAFCO)-WESTERN RIVERSIDE COUNTY

### B. SPECIAL DISTRICT APPOINTEE TO THE CONSOLIDATED COUNTYWIDE REDEVELOPMENT OVERSIGHT BOARD

To Special District Selection Committee Members:

**Please read these instructions carefully before completing your ballot.** As previously announced, a physical meeting of the Special District Selection Committee (SDSC) is not feasible at this time, therefore, the selection proceedings are being conducted by mail/email. A nomination period for each of the positions in the title above was opened February 2, 2018 and closed March 5, 2018.

**LAFCO Regular Special District Member – Western County:** Enclosed you will find your ballot. A total of three nominations were received for this position. Although candidates were restricted to the western area of the County, all members of the SDSC may cast ballots for this position. Pursuant to procedures adopted by the Selection Committee in 2016, the election for the LAFCO position will be conducted using Instant Runoff Voting (IRV). IRV eliminates the requirement for the expensive and lengthy process of sending out a second runoff ballot to achieve a majority. An example demonstrating how IRV works is attached.

Please fill out your ballot by ranking each nominee in the order of preference, using "1" for your first choice, "2" for your second choice and so on. Please note ranking more than one candidate will not work against your first choice candidate, however, voting for only one candidate is allowed. Do not mark the same number beside more than one candidate and do not skip numbers.

**Countywide Redevelopment Oversight Board:** Your ballot also includes candidates for this position. Five nominations were received. Election for this position will not utilize IRV. The candidate receiving the highest number of votes will be the primary appointee to the Oversight Board. The candidates receiving the second and third



highest vote tallies will be the first and second alternates, respectively. Therefore, you are to select only one candidate for this position.

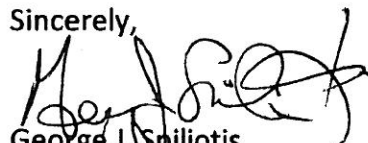
**General Instructions and Information:**

- Completed ballots must be delivered to the LAFCO office at **3850 Vine St., Suite 240, Riverside, CA 92507** prior to **5:00 p.m. Monday, April 9, 2018.**
- Only the presiding officer or another board member authorized by your board of directors to vote may cast the ballot. Board members designated by their district board to vote in place of the presiding officer must provide that authorization (in the form of a resolution or minute order) to LAFCO no later than the time the ballot is cast. District managers or other staff members may not vote.
- The voting member must print his or her name on the ballot as well as sign and date the certification indicating he or she is authorized to vote for the district. Failure to do so will invalidate the ballot.
- We must receive a ballot with an original signature. Photocopies will not be accepted. However, if you have previously authorized us to deliver your ballot materials via email, you may return a scanned copy of the signed ballot by email to [evaldez@lafco.org](mailto:evaldez@lafco.org).
- The duties and other information related to appointments to the Redevelopment Oversight Board were previously transmitted. This and other information can be reviewed on the Riverside LAFCO website, [www.lafco.org](http://www.lafco.org). A link to Special District Selection Committee Proceedings is included in Featured Items on our home page.

Finally, these positions ensure special districts are appropriately represented on our local boards. Appointments are only valid if ballots representing a quorum, from 29 of our 56 independent special districts, are returned. In the case of the Redevelopment Oversight Board, **if we fail to make a timely local appointment, the Governor is authorized to fill that position and local special districts will not be represented.** Please return your ballots in a timely manner.

If you have any questions, please contact our office at 951 369-0631.

Sincerely,



George J. Spiliotis  
Executive Officer

March 6, 2018

# INSTANT RUNOFF ELECTION PROCESS

## **Introduction**

In 2016, the Special District Selection Committee voted to utilize instant runoff voting (IRV) for all future elections to appoint members to the Riverside Local Agency Formation Commission (LAFCO). IRV is a method of conducting elections with three or more candidates whereby a majority determines the winner without the need to have a second ballot/runoff proceeding. A separate runoff election could cause a delay of more than 90 days, as well as causing LAFCO additional expense. The explanation below and example that follows illustrates how the instant runoff voting method will be used for determining the winner in a fictional election for the Porcupine Lodge Board of Directors. A process similar to the one explained below will be utilized to determine the LAFCO Special District Member.

## **Ballot Specifications and Directions to Voters**

The ballot will allow a voter to rank candidates in order of preference. All nominated candidates are listed on the ballot.

Voters will vote for candidates by indicating their first-choice candidate, their second-choice candidate and so on. The voter will indicate his/her first choice by marking or circling the number "1" beside a candidate's name, the second choice by marking or circling the number "2" by that candidate's name, the third choice by marking the number "3," and so on, for as many choices as the voter wishes. Voters are free to rank only one candidate, however, doing so does not offer any additional advantage to that candidate, as ranking additional candidates cannot help defeat a voter's first-choice candidate. Voters must not mark the same number beside more than one candidate or skip rank numbers.

## **Ballot Counting**

The ballots cast will be tabulated and the result declared by the official responsible for conducting the election. Votes will be counted for each candidate using the following procedure:

- The first choice marked on each ballot shall be counted. If any candidate receives a majority of the first choices, that candidate shall be declared elected.
- A majority is a number of votes greater than half of the total number of ballots received.
- If no candidate receives a majority of first choices, the candidate who received the fewest first choices shall be eliminated and each vote cast for that candidate shall be transferred to the next-ranked candidate on that voter's ballot. If, after this transfer of votes, any candidate has a number of votes constituting a majority, that candidate shall be declared elected.
- If no candidate receives a majority of votes from the continuing ballots after a candidate has been eliminated and his/her votes have been transferred to the next-ranked candidate, the continuing candidate with the fewest votes from the continuing ballots shall be eliminated. All votes cast for that candidate shall be

transferred to the next-ranked continuing candidate on each voter's ballot. This process of eliminating candidates and transferring their votes to the next-ranked continuing candidates shall be repeated until a candidate receives a majority of the votes from the continuing ballots. This candidate shall be declared elected.

**Example:**

Three candidates are running for the Porcupine Lodge Board of Directors: Paul Alto, Mort Bragg and Samantha Cruz.

60 ballots are cast, therefore a candidate needs a majority of 31 votes to win the election:

- Alto is ranked #1 by 15 voters
- Bragg is ranked #1 by 25 voters
- Cruz is ranked #1 by 20 voters

In the first round no one receives the required majority of 31 votes.

Alto, as the candidate receiving the fewest first choice (#1) votes, is eliminated. Those 15 ballots that had Alto ranked as their first choice are reviewed for their second (#2) choice. On those 15 ballots:

- Bragg is ranked #2 on 9 of those 15 ballots
- Cruz is ranked #2 on 4 of the 15 ballots.
- Two of the ballots did not pick a second choice candidate.

These second choice votes are added to the results of the first choice count as follows:

- Bragg has 25 plus 9 for a total of 34 votes
- Cruz has 20 plus 4 for a total of 24 votes

Thus, Bragg wins with 34 votes (the required majority was 31) and Cruz is second with 24 votes.

# BALLOT

Name of District (Required): \_\_\_\_\_

Certification of voting member:

I, \_\_\_\_\_ hereby certify that I am (check one):  
Print Name Here (Required)

- the presiding officer of the above named district.
- a member of the board of the above named district authorized by the board to vote in place of the presiding officer. [Authorization  previously transmitted  attached]

\_\_\_\_\_  
Signature (Required)

\_\_\_\_\_  
Date (Required)

*Ballot must be received by LAFCO by 5:00 p.m., Monday, April 9, 2018 at 3850 Vine Street, Suite 240, Riverside, CA 92507.*

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**Part A**  
**Regular Special District Member of the Local Agency Formation**  
**Commission—Western Riverside County**  
(Term running May 7, 2018 through May 2, 2022)

Please rank the candidates in preferential order, "1" being the first preference, "2" being the second, etc.:

**Circle rank for  
each candidate**

<b>Angel Garcia</b> , Rancho California Water District	<b>1 2 3</b>
<b>Phil Williams</b> , Elsinore Valley Municipal Water District	<b>1 2 3</b>
<b>David Hoffman</b> , Beaumont-Cherry Valley Water District	<b>1 2 3</b>

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**Part B**  
**Special District Member of the Countywide Redevelopment Oversight Board**  
(Term begins July 1, 2018, no fixed expiration)

**Select one  
only**

<b>Brian Tisdale</b> , Northwest Mosquito and Vector Control District	<input type="checkbox"/>
<b>Joseph Tessari</b> , Northwest Mosquito and Vector Control District	<input type="checkbox"/>
<b>Phil Williams</b> , Elsinore Valley Municipal Water District	<input type="checkbox"/>
<b>Karen Alexander</b> , Northwest Mosquito and Vector Control District	<input type="checkbox"/>
<b>Russ Martin</b> , Mission Springs Water District	<input type="checkbox"/>



**Rancho  
Water**

March 8, 2018

John Hoagland  
Idyllwild Water District  
P.O. Box 397  
Idyllwild, CA 92549-

**RE: CONSIDERATION OF RANCHO CALIFORNIA WATER DISTRICT  
DIRECTOR ANGEL GARCIA FOR RIVERSIDE COUNTY LAFCO  
SPECIAL DISTRICT ELECTION – WESTERN REPRESENTATIVE**

Board of Directors

**Ben R. Drake**  
President

**Bill J. Wilson**  
Senior Vice President

**Carol Lee Brady**

**Angel Garcia**

**Lisa D. Herman**

**Danny J. Martin**

**William E. Plummer**

Officers

**Jeffrey D. Armstrong**  
General Manager

**Eva Plajzer, P.E.**  
Assistant General Manager  
Engineering and Operations

**Richard R. Aragon, CPFO**  
Assistant General Manager  
Chief Financial Officer/Treasurer

**Jason A. Martin**  
Director of Administration

**Eileen Dienzo**  
Director of Human Resources

**Andrew L. Webster, P.E.**  
Chief Engineer

**Kelli E. Garcia**  
District Secretary

**James B. Gilpin**  
Best Best & Krieger LLP  
General Counsel

Dear Jack:

I am writing to encourage you to cast your vote for Angel Garcia for Riverside LAFCO Special District Western representative.

Angel is one of our newest members on the Rancho California Water District Board of Directors; he serves on the Finance & Audit Committee, Planning & Administration Committee, Ad-Hoc Technology Committee, and jointly as Board representative to the County of Riverside and City of Temecula.

Angel is a product of public education and Palomar College; he graduated at 19 years old from UC Riverside, where he was taught the intricacies of local government from Past League of Cities President and Retired Riverside Mayor Ron Loveridge.

Angel has served as a Legislative intern for a State Legislature and US Representatives, where he conducted legislative research and handled constituent inquiries. His professional background has been in Strategic Communications, Public Affairs, and Non-profits.

As a pillar of the community, Angel has been an advocate for transparency in government and effective delivery of services. He believes in preserving special districts local control and will be fair, impartial, and accessible. Angel has our full Board's support and I have no doubt he will serve our County well. Thank you for your support.

Regards,

**RANCHO CALIFORNIA WATER DISTRICT**

Jeff Armstrong  
General Manager

Dear Colleagues,

It has been both an honor and a privilege to represent special districts on the Riverside County Local Agency Formation Commission (LAFCO) since 2003. I have been on the Board of the Elsinore Valley Municipal Water District since 2001 and have served on numerous committees including Engineering and Operations, Legislation, Conservation and Outreach, Finance and Administration.

In addition I have also served on Boards of the Lake Elsinore and San Jacinto Watersheds Authority, San Jacinto River Watershed Council, and the Association of California Water Agencies along with **Lake Elsinore Oversight Board**.

I was born and raised in Lake Elsinore, am fourth generation real estate broker, with 34 years of experience in property sales in the Lake Elsinore and surrounding areas. I have also been a licensed General Building Contractor since 1984.

I believe I am in a unique position to continue making valuable contributions and continue to represent special districts on the commission. I am ready, willing and able to represent special districts and carry out the mission of both LAFCO and the Oversight Board, to help implement State policy of encouraging orderly growth and development through the regulation of local public agency boundaries in accordance with the state mandate.

I humbly ask for your continued support and thank you for the opportunity to represent you on the Riverside County LAFCO Commission and Oversight Board.

Sincerely,

A handwritten signature in cursive script that reads "Phil".

Phil Williams, Director EVMWD

Biography of David Hoffman taken from the Beaumont-Cherry Valley Water District website

David was born and raised in Southern California. He moved with his parents and family to the Inland Empire in 1968. There he worked at his family-owned business. He attended school at San Bernardino Valley College and later at Cal State San Bernardino.

David has carried in the entrepreneurial spirit that he gained from his own father. David started All Seasons Hay Co. in 1982 and continues to work there.

David's interests include classic and collector cars, sports, and grandchildren. He has served as a Director on the Beaumont-Cherry Valley Water District for more than three years. As a director, he has been involved in many residential and commercial project evaluations regarding land use and overall impact on the community. He has also served as chairman of the Finance and Audit Committee, which oversees millions of dollars of water district funds.

He has been a member of the Calimesa Chamber of Commerce and was recently awarded Business of the Year by the Chamber.

He assisted the Beaumont Chamber of Commerce in presenting the annual Cherry Festival and helped the City of Yucaipa with the annual Winterfest.

David's goals in serving the community are:

1. Maintain transparent, honest and efficient government
2. Strive to meet the desires of the general public
3. Maintain a local development plan that will reflect the area character while providing for responsible managed growth.

# Memo

**To:** Board of Directors

**From:** General Manager

**Date:** March 21, 2018

**Subject:** ITEM #4 RESOLUTION NO. 743 – The Board will consider a resolution to adopt a policy regarding Public Record requests.

Recommendation: That the Idyllwild Water District Board of Directors adopt Resolution No. 743 Establishing a Public Records Request policy.

Background: Although the Idyllwild Water District endeavors to comply with State requirements regarding requests for Public Records, in an effort to increase transparency, Staff recommends the attached resolution and policy.

Attachment: Resolution 743





## PUBLIC RECORDS POLICY

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### POLICY

Public records of Idyllwild Water District (the "District") shall be open to inspection during regular office hours of the District to the extent required by law, and except as otherwise provided herein.

### DEFINITIONS

- A. The term "public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the District, regardless of physical form or characteristics, kept in the ordinary course of the District's business, except those records which are exempt from disclosure by the California Public Records Act (Govt. Code § 6250 *et seq.* "Act").
- B. The term "writing" means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof and any record thereby created regardless of the manner in which the record has been stored.

### PROCEDURE

- A. Any person desiring to inspect any public record may identify himself or herself and shall identify the specific records desired to be inspected. The District shall, in accordance with Government Code Section 6253.1, assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records to the extent reasonable.
- B. Any person may obtain a copy of any identifiable public record unless exempt from public disclosure. Upon request, an exact copy shall be provided unless impracticable to do so.
- C. Upon a request for a copy of records, the District shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons. In unusual circumstances, this time limit may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a

determination is expected. No notice will specify a date that would result in an extension for more than 14 days. When the agency responds with its determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, to the extent reasonably necessary to the proper processing of the request:

(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.

(4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

- D. Upon any request for a copy of public records which reasonably describes an identifiable record or information produced therefrom and which is not otherwise exempt from disclosure, the District shall make the records promptly available to any person upon payment of fees covering the direct costs of duplication. A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.
- E. Should any request for public records contain exempt information including, but not limited to that listed under Government Code sections 6253.5 and 6254, any reasonable segregable portion of such record shall be provided to any person requesting such record after deletion of the portions which are exempt from disclosure by law.
- F. Inspection of public records shall be made only in a District office, and no document shall be removed therefrom. A representative of the District will be present during the inspection of any records.
- G. The public records policy of the District shall at all times be subject to the California Public Records Act as it may be amended from time to time, and if there is any conflict between that Act and this policy, the Act shall prevail.

#### Copies Requested Pursuant to the Political Reform Act of 1974

- A. Notwithstanding the other provisions of the District's Public Records Policy, public records requested pursuant to the Political Reform Act of 1974 (Gov. Code § 81000 *et seq.*), shall be open for public inspection and reproduction during regular business hours, and not later than the second business day following the day on which such document was received from a public officeholder or other person subject to the Political Reform Act.

- B. No conditions whatsoever shall be placed on those persons desiring to inspect or reproduce reports or statements filed pursuant to the Political Reform Act, nor shall any information or identification be required from such persons.
- C. Copies shall be provided at a cost of ten cents (\$0.10) per page, and the District may charge a retrieval fee not to exceed five dollars (\$5) per request for copies of reports and statements which are five (5) or more years old. A request for more than one (1) report or statement or report and statement at the same time will be considered as a single request.

#### District Copy Cost Schedule

- A. The charge for copies of any specifically described and identified public records not exempt from disclosure is \$0.10 per page for sheets which can be copied at the District using available equipment. Larger size copies, those needing special handling, or requests for a significant number of copies will be contracted to a local copy vendor and the requestor will be invoiced for the actual costs. Persons requesting copies may also provide their own copy service so long as the original records do not leave the District office and the District determines the method of copying will not damage District records.
- B. Records stored by the District in electronic format will be provided in the same electronic format when requested in writing by any person. Direct costs incurred by District in providing certain electronic data, including direct costs of redacting confidential information or information not otherwise subject to disclosure, shall be paid by the recipient. The District is not required to produce records in an electronic format when requested records are not available in electronic format at the time of the request.

**RESOLUTION NO. 743**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE IDYLLWILD WATER DISTRICT ESTABLISHING A POLICY FOR RESPONDING TO PUBLIC RECORD REQUESTS**

**WHEREAS**, local government agencies establish policies for the response to public requests for documents that are considered Public Records consistent with State law; and

**WHEREAS**, Idyllwild Water District has endeavored to comply with State law but has determined that adopting a policy will clarify the District's commitment to transparency.

**NOW THEREFORE**, be it resolved by the Board of Directors of the Idyllwild Water District that requests by the public for public records will be addressed as described in the attached policy, which is attached and hereby adopted and made a part hereof.

**ADOPTED THIS 21ST DAY OF MARCH, 2018**

---

Dr. Charles Schelly- Board President

**ATTEST:**

I, Erica Gonzales, secretary of the Idyllwild Water District hereby certify that the foregoing resolution was duly and regularly introduced and adopted by the Board of Directors of said Idyllwild Water District at its meeting held on the 21st day of March, 2018. By the following vote, to wit:

AYES:            NAYS:            ABSTAIN:            ABSENT:

In witness whereof I have hereunto set my hand and affixed the official seal of the Idyllwild Water District this 21<sup>st</sup> day of March, 2018.

---

Erica Gonzales- Board Secretary

# Memo

**To:** Board of Directors

**From:** General Manager

**Date:** March 21, 2018

**Subject:** ITEM #5 RESOLUTION NO. 744 – The Board will consider a resolution to adopt a policy regarding compliance with the Ralph M. Brown Act.

Recommendation: That the Idyllwild Water District Board of Directors adopt Resolution No. 744 Establishing a Brown Act compliance policy.

Background: Although the Idyllwild Water District endeavors to comply with State requirements regarding meetings of the Board of Directors, in an effort to increase transparency and to commit to compliance, Staff recommends the attached resolution and policy.

Attachment: Resolution 744

# **Idyllwild Water District**

## **Brown Act Compliance Policy**

### **Agendas**

The General Manager, in cooperation with Idyllwild Water District (District) Board of Directors (Board) President, shall prepare an agenda for each Regular and Special meeting of the Board in accordance with the Ralph M. Brown Act (California Government Code Section 54950). Any Director may request any item to be placed on the agenda by contacting the General Manager at least fourteen business days prior to the date of the meeting.

Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled Board meeting, subject to the following conditions:

1. The request must be in writing and be submitted to the General Manager, together with supporting documents and information, if any, at least fourteen business days prior to the date of the meeting:
2. The General Manager shall be the sole judge of whether the public request is or is not a “matter directly related to District business.” The public member requesting the agenda item may appeal the General Manager’s decision at the next Regular Board meeting. Any Director may request that the item be placed on the agenda of the Board’s next regular meeting.
3. No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy.
4. The Board may place limitations on the total time to be devoted to a public request issue at any meeting, and may limit the time allowed for any one person to speak on the issue at the meeting.

This policy does not prevent the Board from receiving public comments at Regular and Special meetings of the Board on matters which are not on the agenda that a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting, other than providing brief general directions to staff regarding the matter if appropriate.

At least 72 hours prior to the time of all Regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and /or action by the Board, shall be posted in a place that is freely accessible to members of the public (California Government Code 54954.2 (a)(1)). If the District maintains a website, the agenda shall be posted on the website for public information at the same time. All information made available to the Board

(except confidential information allowed by State law per legal counsel authority) shall be available for public review prior to the board meeting.

The agenda for a Special meeting shall be posted at least 24 hours before the meeting in the same location as for Regular Meeting agendas (California Government Code Section 54956).

The General Manager, for the meetings described herein, shall determine the order in which agenda items shall be considered for discussion and/or action by the Board, subject to re-ordering by the Board at the meeting.

## Meetings

1. **Regular Meetings** of the District Board of Directors shall be held on the third Wednesday of each calendar month at 6:00 p.m. in the District Boardroom.
2. **Special Meetings** of the Board may be called by the Board President or by a majority of the Board by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television stations, requesting notice in writing and posting a notice on the District's website. The notice shall be delivered personally or by any other means at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the Special meeting and the business to be transacted or discussed. No other business shall be considered by the Board at these meetings.
3. **Emergency Meetings** in the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the board may hold an Emergency Special meeting without complying with the 24 hour notice. An emergency situation means a crippling disaster which severely impairs public health, safety, or both, as determined by the Board President or a majority of the Board. Newspapers of general circulation in the District, radio and television stations which have requested notice of Special meetings shall be notified by at least one hour prior to the emergency meeting. In the event that telephone services are not functioning, the notice requirement of one hour is waived, but the Board, or its designee, shall notify such newspapers, radio stations, or television stations of the fact of the holding of the Emergency Special meeting, and of any action taken by the Board, as soon after the meeting as possible.

Closed session may be held during an Emergency meeting by a unanimous vote of the members present, and all other rules governing Special meetings shall be observed with the exception of the 24 hour notice. The minutes of the Emergency meeting, a list of persons the Board or designee notified or attempted to notify, a copy of the roll call

vote(s), and any actions taken at such meeting shall be posted for a minimum of ten days in the District office as soon after the meeting as possible.

4. **Adjourned Meetings.** A majority vote by the Board of Directors may terminate any Board meeting at any place in the agenda and adjourn the meeting to any time and place specified in the order of adjournment, except that if no Directors are present at any Regular or Adjourned Regular meeting, the General Manager may declare the meeting adjourned to a stated time and place, and he/she shall cause a written notice of adjournment to be given.
5. **Standing Committee Meetings.** The meetings of standing Committees (comprised of one Board member less than a quorum), are subject to the notice and open meeting provision of the Brown Act.

The Board Secretary shall ensure that all required and appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate for all persons.

## Compliance

To the extent there is any conflict between the foregoing and the Brown Act as amended, and in all other matters covered by the Ralph M. Brown Act (California Government Code 54950 et seq.) Idyllwild Water District will comply with the Brown Act and any duly enacted amendments thereto.



**RESOLUTION NO. 744**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE IDYLLWILD WATER DISTRICT ESTABLISHING A POLICY FOR COMPLIANCE WITH THE RALPH M. BROWN ACT**

**WHEREAS**, local government agencies establish policies for the conduct of public meetings to be in compliance with the State law known as the “Open Meeting Law” or Ralph M. Brown Act; and

**WHEREAS**, Idyllwild Water District has endeavored to comply with State law but has determined that adopting a policy will clarify the District’s commitment to compliance and transparency.

**NOW THEREFORE**, be it resolved by the Board of Directors of the Idyllwild Water District that meetings of the Board of Directors will be held in compliance with the attached policy, which is attached and hereby adopted and made a part hereof.

**ADOPTED THIS 21ST DAY OF MARCH, 2018**

---

Dr. Charles Schelly- Board President

**ATTEST:**

I, Erica Gonzales, secretary of the Idyllwild Water District hereby certify that the foregoing resolution was duly and regularly introduced and adopted by the Board of Directors of said Idyllwild Water District at its meeting held on the 21st day of March 2018. By the following vote, to wit:

AYES:            NAYS:            ABSTAIN:            ABSENT:

In witness whereof I have hereunto set my hand and affixed the official seal of the Idyllwild Water District this 21<sup>st</sup> day of March, 2018.

---

Erica Gonzales- Board Secretary

# Memo

**To: Board of Directors**

**From: General Manager**

**Date: March 21, 2018**

**Subject: ITEM #6 – WATER SHORTAGE CONTINGENCY PLAN**

## Recommendation

That the Board of Directors review the draft Water Shortage Contingency Plan (WSCP) and provide direction to staff

## Background

The State has recommended that all water agencies have a WSCP. Idyllwild Water District's Ordinance No. 64 is currently effectively the District's WSCP (copy attached for reference).

An ad hoc committee consisting of Directors Kunkle and Caine provided staff with some initial direction in the production of the attached DRAFT WSCP.

Staff is now seeking further direction related to the restrictions at various stages and the basis for criteria in entering/leaving the various stages. Financial impacts and fee variation will require input from the Rate Study currently being developed by NBS Financial.

Attachments: Ordinance No. 64

Draft WSCP

## ORDINANCE NO. 64

### AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE IDYLLWILD WATER DISTRICT FINDING THE NECESSITY OF, AND PROVIDING FOR THE IMPLEMENTATION AND ENFORCEMENT OF A WATER CONSERVATION MEASURES TO MITIGATE THE EFFECTS OF DROUGHT AND RESCINDING AND REPLACING ORDINANCE NO. 62 AND ALL AMENDMENTS THERETO

#### RECITALS

**WHEREAS**, the total water supply available to the Idyllwild Water District ("DISTRICT") is dependent upon local rainfall and snowmelt from the higher elevations of the San Jacinto Mountains; and

**WHEREAS**, there is no source of imported water available to the District to supplement its local water supplies; and

**WHEREAS**, the DISTRICT periodically experiences years in which the amount of precipitation is insufficient to fully replenish the DISTRICT's water supplies. When such "dry" periods extend into subsequent years, the DISTRICT's ability to meet the minimum water supply requirements necessary to protect the public's health, safety and general welfare is severely compromised; and

**WHEREAS**, the Board of Directors of the DISTRICT has been informed and advised that to ensure sufficient water supplies to meet basic needs of human consumption, sanitation and fire protection, the DISTRICT must implement and enforce water conservation measures in order to mitigate the effects of drought on the community; and

**WHEREAS**, it is the purpose of this Ordinance to establish a multi-staged water shortage emergency plan and to provide for its implementation and enforcement.

**NOW, THEREFORE**, the Board of Directors of the Idyllwild Water District does hereby ordain as follows:

#### **Section 1. Purpose and Scope**

The purpose of this Ordinance is to establish a multi-staged water shortage emergency plan to minimize the effect of a drought on the customers of the DISTRICT and thereby:

- (i) Protect the health, safety and welfare of the residents and customers of the DISTRICT; and
- (ii) Assure the maximum beneficial use of the water supplies of the DISTRICT; and
- (iii) Ensure sufficient water supplies to meet the basic needs of human consumption, sanitation and fire protection.

#### **Section 2. Authority**

The DISTRICT has the power and authority to enact this Ordinance pursuant to the following state laws:

a. Water Code Section 31026, which authorizes the DISTRICT to (i) restrict the use of DISTRICT water during any emergency caused by drought or other threatened or existing water shortage, (ii) to prohibit the waste of DISTRICT water or the use of DISTRICT water during such periods, and (iii) to prohibit the use of such water during such periods for specific uses which the DISTRICT may from time to time find to be nonessential; and

b. Water Code Section 375, which authorizes the DISTRICT to adopt and enforce a water conservation program to reduce the quantity of water used by the inhabitants of the DISTRICT for the purpose of conserving the water supplies of the DISTRICT; and

c. Water Code Section 350, which gives the Board of Directors the authority to declare a water shortage emergency condition whenever the Board finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the DISTRICT to the extent that there would be insufficient water for human consumption, sanitation and fire protection.

**Section 3. Adoption of Three-Stages Water Shortage Emergency Plan**

There is hereby enacted a DISTRICT-wide water conservation measures consisting of three stages (hereafter, "the Plan"), as follows:

Water Conservation Stage I-Voluntary Compliance, which specifies that users of DISTRICT water voluntarily limit the amount of water used to that amount necessary for domestic and business purposes. Will serve letters shall be limited to a total of up to 10 EDU's at the discretion of the Board during a Water Conservation Stage 1. The limit of 10 EDU's applies from the initial declaration of conservation stages, until the end of conservation stages.

Water Conservation Stage 2 — Mandatory Compliance, which requires each user to take specific actions to reduce water consumption, and which provides for an increased water rate. Will serve letters for new water meters shall be issued only if available within the 10 EDU's allowed within Stage 1 until the return to Stage I or 0. Increases to customer meter size for additions requiring that fire sprinklers be installed are allowed with General Manager approval.

Water Conservation Stage 3 — Mandatory Emergency Restrictions, which requires each user of DISTRICT water to take specific actions to further reduce the consumption of DISTRICT water, and which provides for a further increase in the water rate. There will be NO issuance of will serve letters for new water meters during a Stage 3 Water Conservation Stage, nor may un-used EDUs be issued.

The General Manager may declare NO STAGE if: Foster Lake is full; Foster Lake Wells are above 50'; Downtown wells are above 15'; average rainfall/precipitation exceeds 26" and storage tanks recharge to 95% tank capacity.

Details of the water conserving measures are provided in Section 5 below. Enforcement measures, which include notices of violation, disincentive surcharges and the installation of flow-restricting devices and termination of water service, are provided in Sections 6, 7 and 12 below. A development agreement with a user of DISTRICT water may provide for issuance of will serve letters as provided in the agreement. The restrictions on water use do not apply to water used to meet the medical needs of the customer. The restrictions on landscape irrigation do not apply to those utilizing a rainwater storage system. The restrictions on landscape irrigation do not apply to users of recycled water.

**Section 4. Procedure for Declaring Water Shortage Emergency**

The Plan shall be implemented as follows:

- a. Utilizing precipitation records and water level data for Foster Lake and local wells or other water shortage emergency conditions, the General Manager shall determine whether a water shortage exists or is anticipated.
- b. As soon as it is reasonably practicable to do so, the General Manager shall report the findings and conclusions to the Board of Directors and make such recommendations as may be appropriate including, without limitation, a recommendation that the Board of Directors conduct a public hearing for the purpose of announcing that a water shortage is anticipated or exists and authorizing the General Manager to implement the appropriate Water Conservation Stage. Notice of the time and place of hearing shall be published in an adjudicated publication at least 7 days prior to the date of the hearing.
- c. After implementation, the General Manager shall periodically report to the Board of Directors, with information and data concerning the effectiveness of water conservation measures enforcement activities and, if appropriate, recommendations for further action.

**Section 5. Water Conservation Stages**

a. Implementation by General Manager. In the event the Board of Directors declares the existence of a water shortage and authorizes the implementation of the DISTRICT's water conservation measures, the General Manager shall thereupon be authorized to implement and enforce the following Water Conservation Stages. The determination of which Stage to implement shall be made by the General Manager and shall be based upon the best available information regarding present and predicted

precipitation, the availability of water in storage and the rate of consumption by DISTRICT users. It shall not be necessary to implement a Stage I (or II) alert prior to implementing a Stage II (or III) alert; the Stages may be implemented in any reasonable order.

b. Public Notice Procedure for Implementation of an initial water shortage. The General Manager, after consultation with, and the concurrence of, the Board of Directors, may declare a Water Conservation Stage to be effective on the sixth day following the publication of the declaration at least once in an adjudicated publication, and posted in at least three public places within the DISTRICT.

The General Manager shall also provide mailed notice of the declaration of the initial stage to each customer of the DISTRICT; provided, however, the failure to receive mailed notice prior to the effective date of the declaration shall not invalidate the declaration, nor shall it prevent enforcement of this Ordinance. Following the initial declaration of a water conservation measures, notice of the declaration of stage will be placed once in an adjudicated publication and a notice will be placed on billing cards.

c. Three Stages.

Water Conservation Stage 1 — Voluntary Compliance

In the event the General Manager determines to implement Water Conservation Stage 1, users of DISTRICT water shall voluntarily reduce the amount of water used to that amount minimally necessary for household use (drinking, cooking and bathing) and for business necessity. The necessity for implementation will be determined by following the current IWD Resolution defining the ability to meet minimum water supply requirements.

Such reductions will include, but are not limited to, immediately repairing leaks, preventing irrigation water runoff, (such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures) refraining from washing sidewalks, driveways and parking areas, and refraining from sprinkling unplanted areas with potable water for dust control. In addition to these restrictions, the following steps will be implemented in Stage 2 and Stage 3.

Water Conservation Stage 2 — Mandatory Compliance

In the event the General Manager determines to implement Water Conservation Stage 2, users of DISTRICT water shall be required to:

(a) Limit irrigation of outdoor plants and gardens to the period between 6:00 p.m. and 8:00 a.m. two days a week, hand watering with an automatic shut-off nozzle is permitted; however, all runoff water shall be contained; and

(b) Cease filling or refilling swimming pools, except that a small amount of water may be used to replace evaporation losses in a filled pool; and

(c) Wash motor vehicles and equipment only from a bucket using a hose with an automatic shutoff nozzle; and

(d) Not use potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system; and

(e) Make immediate repairs to any and all leaking water lines and faucets in household plumbing and yard piping; and

(f) Not use outdoor irrigating 48 hours before anticipated measurable precipitation or 48 hours thereafter; and

(g) Restaurants shall only provide drinking water to patrons upon request; and

(h) Not use potable water for filling of irrigation storage tanks. (Filling of irrigation storage tanks with potable water during any conservation stage is discouraged.)

Water Conservation Stage 3 — Mandatory Emergency Restrictions

In the event the General Manager determines to implement Water Conservation Stage III, the following prohibitions and restrictions shall apply:

a. No potable water shall be used for irrigating outdoor plants, trees or other landscaping of any kind, in any amount, at any time; and

b. No water shall be added to uncovered swimming pools, hot tubs or spas to replace evaporative losses or for any other purpose; and

- c. No water shall be taken from fire hydrants for any reason except for fire emergencies or for the maintenance of system water quality; and
- d. Potable water use for construction purposes shall be minimized; and
- e. No potable water shall be used for dust control, or for washing any structure, sidewalk, driveway or parking area, or for washing motor vehicles and equipment except from a bucket using a hose with a shutoff nozzle.
- f. Water users shall make repairs within 48 hours to any leaking line or faucet in household plumbing or yard piping.
- g. Irrigation water lines shall be turned off to eliminate accidental loss of potable water.

**Section 6. Water Conservation Measures Rate Structure**

In the event the Board of Directors declares a water shortage and orders the action of water conservation measures, water rates shall be established by Resolution, including identification of a Water Conservation tier.

**Section 7. CEQA**

The specific actions authorized herein are exempt from the California Environmental Quality Act, State Guidelines, Section 15269 (c) for the reason that such actions are necessary to prevent or mitigate an emergency.

**Section 8. Rescission; Incompatible Provisions**

DISTRICT Ordinance No. 62 and all amendments thereto, are hereby rescinded in their entirety. In addition, to the extent any provision of this Ordinance is incompatible or at variance with any prior-adopted ordinance or resolution, the provisions of this Ordinance shall take precedence and all prior ordinances and resolutions shall be interpreted to harmonize with and not change the provisions of this Ordinance.

**Section 9. Judicial Review**

Any judicial action or proceeding to attack, review, set aside, void or annul this Ordinance or any determination made pursuant thereto shall be commenced within 90 days after the date of adoption of this Ordinance or the date of any determination made pursuant thereto. California Code of Civil Procedure, Section 1094.6 is hereby adopted and made applicable to any judicial review of any decision made by the Board of Directors, the General Manager, or agents, representatives or employees of the District.

**Section 10. Severability**

If any section, subsection, sentence, clause or phrase is for any reason held to be invalid or unconstitutional by decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. The Board of Directors hereby declares that it would have passed those sections, subsections, clauses and phrases irrespective that one or more may be declared invalid or unconstitutional.

**Section 11. Publication; Effective Date**

This Ordinance shall be published in its entirety at least once in adjudicated publication within 10 days after its adoption, shall be posted in three public places and shall become effective 30 days after it is adopted.

**Section 12. Fines and Penalties:**

- A) **Violations:** Violations of the water use restrictions and prohibitions of Water Conservation Stages II and III shall be penalized as follows:

First Violations- Notice of Violation: The General Manager is authorized and directed to issue, or cause the issuance of a written warning notice of violation to any water user who fails or refuses to comply with the water use restrictions and prohibitions set forth herein. The notice shall specify a reasonable period of time in which compliance shall be achieved. Each notice of violation shall be addressed to the customer on record for the premises where the violation was observed; delivery may be by regular mail or by personal delivery.

Second Violation- Disincentive Surcharge: If, within the same 12-month period, a water user commits a second violation, an excessive water use disincentive surcharge shall be imposed. The surcharge shall be in the amount of two times the amount of the total water billing for the period in which the violation occurred, and shall be added to the next water bill to the premises.

Third Violation- Disincentive Surcharge and/or Water Service Restriction: If, within the same 12-month period, a water user commits a third violation, an excessive water use disincentive surcharge of three times the total water billing for the period in which the violation occurred shall be added to the next water bill and the General Manger shall cause the installation of a water flow restricting device on the customer's water meter.

Fourth- Termination of Water Service and Referral to District Attorney: If, within the same 12-month period, a water user commits a fourth violation, the General Manager shall terminate water service to the premises in accordance with the DISTRICT's Rules and Regulations. In addition, the General Manger shall refer the matter to the Riverside County District Attorney's office for the misdemeanor prosecution as authorized by Water Code, Section 377.

**B) Failure to Pay:** Failure to pay any water bill, including all or any portion of an excessive water use disincentive surcharge, shall be subject to the delinquency provisions or the DISTRICTS' Rules and Regulations which provide, in relevant part, that water service may be terminated for failure to pay.

PASSED APPROVED AND ADOPTED this 21<sup>st</sup> day of October, 2015 on the following vote

AYES	NOES	ABSTAIN	ABSENT
Jim Billman			
John Cook			
Mike Freitas			
Dean Lattin			
Warren Monroe			

IDYLLWILD DISTRICT  
By   
President Board of Directors


ATTEST  


Secretary

CERTIFICATION

I am Secretary to the Board of Directors of the Idyl'wild Water District, and I hereby certify that the foregoing Ordinance was duly adopted by the Board of Directors at its regular meeting of October 21, 2015, and that the foregoing copy of the Ordinance is a true and correct copy of the original Ordinance adopted by the Board of Directors and maintained in the DISTRICT's office

IDYLLWILD WATER DISTRICT

By  Secretary, Board of Directors



# Idyllwild Water District Water Shortage Contingency Plan

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## **Section 1: Purpose and Principles of Plan**

### **1.1 Water Code Sections 10632 and 10826**

The Idyllwild Water District (IWD/District) has developed a Water Shortage Contingency Plan (WSC Plan) in accordance with California Water Code Section 10632. Section 10632 states that water agencies must develop an urban water shortage contingency plan in the event of drought, water supply reductions, failure of a water distribution system, other emergencies, or regulatory statutes, rules, regulations or policies reducing water supplies by state and federal agencies with jurisdiction over the District. The contingency plan must demonstrate the ability of an agency to meet demands under a supply shortage of up to 50 percent. Emphasis is placed on protection of public health, sanitation, fire protection, and the general public welfare.

As such, this WSC Plan adopts regulations and restrictions on outdoor water use through Water Shortage Stage 4 and on indoor water use in Water Shortage Stage 5, including residential, commercial, and institutional customers.

### **1.2 Principles of District's Water Shortage Contingency Plan**

The overall principle of the District's WSC Plan is to reliably meet water demands during shortages caused by droughts, supply reductions, and emergency conditions. The WSC Plan recognizes the following priorities for potable water:

- Public safety, health and welfare
- Economic sustainability
- Quality of life for the District's customers
- Statutory and regulatory requirements

The potable water use regulated and/or prohibited under this WSC Plan is considered non-essential use. Continued use of such water during times of water shortage or other emergency supply conditions are deemed to constitute a waste of water and will be subject to appropriate monetary assessments and fines as described in Section 4 of this WSC Plan.

In the event that the reduction in water sales as a result of implementation of the WSC Plan negatively impacts the coverage of the District's fixed costs obligations, the District will utilize a portion of its drought reserves to partially offset revenue losses from the reduced sales (see Section 5 of this WSC Plan).

### **1.3 Public Notice and Coordination with Other Water Agencies**

The District will periodically provide the public with information about the WSC Plan, including its implementation. Such information will include, but not be limited to, stages of action, restrictions on water use, water use reductions, water-saving tips, and potential Allocation Surcharges, monetary assessments and fines for noncompliance of prohibited activities for water conservation, water use efficiency, and failure to achieve water use reductions defined in the WSC Plan and the Water Conservation Policy. The District may use the local newspaper, the Town Crier, the District website and direct mail notice to provide the information. Coordination with neighboring Water districts is important in order to achieve a consistent message.

## **Section 2: Authorization and Application of WSC Plan**

### **2.1 Authorization of WSC Plan**

The water shortage contingency measures of this WSC Plan shall apply to all persons, customers, and property using water provided by the District. The terms “persons” and “customers” used in this WSC Plan include individuals, home and property owners, corporations, businesses, agencies, associations, and all other legal entities

A declaration of a water shortage condition as outlined below shall become effective immediately, and shall be made by public announcement and published in a newspaper of general circulation.

While Stage 1 Water Supply Watch measures remain in effect at all times, three basic conditions can trigger the declaration of further Water Shortage Stages of the WSC Plan. At the time a water shortage condition is identified, the General Manager shall recommend the appropriate Shortage Stage and corresponding water usage decrease based on an analysis of current and available water supplies and anticipated demands. Except as provided below, the Board shall consider and adopt a resolution declaring the appropriate Shortage Stage and measures to be implemented thereto.

#### **Condition No. 1: Long- and Short-Term Water Supply Deficiencies**

The District’s General Manager shall request the Board of Directors (Board) to authorize and implement provisions of the WSC Plan when the demand for District water is anticipated to be in excess of District’s available water supply. The request shall be made at a regular or special meeting of the Board where findings will dictate the necessity, if any, to implement the measures of the WSC Plan. The Board will have the authority to adopt a resolution to initiate or terminate the appropriate shortage stage and any of the measures described in the WSC Plan.

#### **Condition No. 2: Immediate Emergency Water Shortage Response**

An immediate emergency water shortage is defined as an unexpected or catastrophic event including, but not limited to, a regional power outage, earthquake or other disaster, or major other event that prevents or interrupts adequate water to be delivered to customers. By adopting this WSC Plan, the Board authorizes the General Manager to declare the extent of the immediate water shortage emergency and to indicate which measures of the WSC Plan are needed.

#### **Condition No. 3: Emergency Declaration of State or Federal Agency**

Upon the declaration of a water shortage emergency by resolution or other appropriate authoritative process of a state or federal agency with jurisdiction over the District, the District shall respond to the requirements set forth in the governing statutes, rules, regulations, or documents.

### **2.2 Criteria for Water Shortage Stages**

The District staff will continue to monitor water demands and supplies on a regular basis, including but not limited to, availability and reliability of supply production facilities, Foster Lake level, Diversion capacity, and daily demand, and shall determine when conditions warrant a recommendation to the Board of Directors for initiation or termination of each shortage stage and water conservation measures to be implemented thereto of the WSC Plan as follows:

**Stage 1 – Water Supply Watch Criteria:** The term Water Watch acknowledges that while near term supply and storage conditions may from time to time improve due to wet weather, there are continued long-term challenges that warrant continued wise and efficient use of water. In addition, our alpine climate, average rainfall of 26-inches in our service area, the uncertain characteristics of the fractured granite mountainous groundwater supply and the absence of any potential supplemental water supply sources, make ongoing efficient water use imperative. Under Stage 1 conditions, customers are requested to continue to use water efficiently and practice sensible voluntary water conservation. It should also be noted that water waste is in violation of California Law and District's Water Conservation Policy at any Stage.

**Stage 2 – Water Supply Alert Criteria:** There is a possibility that the District may not be able to reliably meet all of the water demands of its customers. This may mean local groundwater levels are lower than normal, or the District is mandated by a state or federal regulatory agency with jurisdiction over the District to reduce water use. Additional voluntary water use reduction measures will be called upon during this stage. Some nonessential outdoor water-use in the residential, commercial, and institutional sectors may result in increased water supply costs being passed through to the highest usage Tiers.

**Stage 3 – Water Supply Warning Criteria:** Water supply shortages for the District are evident, expected to continue and possibly worsen, or the District is mandated by a state or federal regulatory agency with jurisdiction over the District to reduce water use. Some restrictions on certain non-essential outdoor Residential, Commercial, and Institutional water use will be implemented, and increased water supply costs in the higher usage Tiers will be passed through to customers. The District will work to achieve an appropriate balance of water use decreases to Residential customers by reducing the quantity of pre-paid Tier 1 water for residential customers. Monetary assessments and/or fines for non-compliance with restrictions will be imposed.

**Stage 4 – Extreme Water Supply Warning Criteria:** Water supply shortages exist and are expected to worsen, or the District is mandated by a state or federal regulatory agency with jurisdiction over the District to reduce water use. Complete restriction of non-essential outdoor water use will be implemented. The District will work to achieve an appropriate balance of water use decreases to all customer classes including residential, institutional, and commercial. The District will pass through increased water supply costs in Tiers 3 and 4 and reductions in all tiers of residential usage and Tiers 2, 3, and 4 of commercial and institutional usage. Significant monetary assessments and/or fines for non-compliance of such restrictions will be imposed.

**Stage 5 – Water Supply Emergency Criteria:** Water supply shortages are expected to worsen, or the District is mandated by a state or federal regulatory agency with jurisdiction over the District to reduce water use. This may be because of an emergency resulting in the inability of the District's water distribution system to deliver all of the District's supply. Restrictions on all non-essential outdoor and indoor water use will be implemented. The District will work to achieve an appropriate balance of water use decreases to all customer classes as water shortages may increase. Further reductions in usage Tiers for all customer classes will be imposed as well as passing through increased water supply costs for Tiers 2, 3, and 4. Monetary assessments and/or fines for non-compliance of such restrictions will be imposed.

## Section 3: Supply Shortage Contingency Measures

Section 3 presents the shortage contingency measures the District may impose during each Shortage Stage for its residential, commercial and institutional customers.

Through timely communication, using various local media outlets, the District will provide updates regarding supply conditions and WSC Plan Stages. The District is not responsible for any customer issues that may arise from the implementation of the WSC Plan or adjustment in timing of the WSC Plan's Stages.

### 3.1 Stage 1: Water Supply Watch

Under Stage 1 conditions, customers are requested to continue to use water efficiently and practice sensible voluntary water conservation. Water waste violates California Law and the District's Water Conservation Policy at this and any other Shortage Stage.

In order to comply with requirements of state legislation and Water Conservation Best Management Practices, it shall be a violation of the District's Water Conservation Policy at any time to make, cause, or permit the use of water for residential, commercial, institutional or any other purpose in a manner constituting water waste.

#### All Customer Classes

Customers shall abide by the following **water conservation requirements at all times** in all water Shortage Stages:

1. Refrain from hosing down driveways and other hard surfaces, except for health or sanitary reasons.
2. Repair faucets, toilets, pipes and other potential sources of water leaks as soon as practical.
3. Irrigate landscape between 6 p.m. and 9 a.m. This provision does not apply when:
  - a. Manually watering during the establishment period of a new landscape;
  - b. Manual spot watering is done to address landscape issues;
  - c. Temperatures are predicted to fall below freezing;
  - d. Testing/repairing an irrigation system;
  - e. Using drip irrigation systems; and
  - f. A longer watering window is needed due to system constraints.
4. Adjust and operate all landscape irrigation systems in a manner that will maximize irrigation efficiency and avoid over watering or watering of hardscape and resulting runoff.
5. Prevent excessively irrigating any lawn or landscape area that would cause the sheeting of water to flow; eliminate water runoff from lawns or landscape areas into any drainage courses, streets, or streams.
6. Do not use decorative fountains unless they are equipped with a re-circulating system.
7. When installing plumbing fixtures, use low-flow devices, except for those that require high-flow fixtures for health and/or sanitary reasons. Where possible, install pool and spa covers to minimize water loss due to evaporation during non-operating days.
8. Do not allow water to run while washing vehicles, including autos, trucks, trailers, motor homes, boats or others. Use a hose with an automatic shutoff valve to avoid runoff into drainage courses, streets or streams. Use a hose equipped with an automatic shutoff valve or other device that causes it to cease dispensing water immediately when not in use.

9. When installing new landscaping, refer to the Water Use Classification of Landscape Species (WUCOLS) or the Idyllwild Garden Club list of local and drought tolerant plants suitable for the area. Plant low water California Friendly® Native Landscapes. Non-functional turf areas are not recommended. Turf lined channels are only permitted when justified by environmental regulations.
10. Refrain from watering during rain, or high winds by turning off irrigation timers.
11. Refrain from irrigation for two (2) days following a measurable rainfall.
12. No irrigation of turf or high water use plants within public street medians and parkways.

All existing and future District customers in violation of these water conservation requirements, or with excessive runoff that would cause water to flow from property into any drainage courses, streets, or streams are subject to fines. Fines are detailed in Section 4 and in the Water Conservation Policy in Appendix A.

### **3.2 Stage 2: Water Supply Alert**

- Stage 1 water conservation requirements remain in effect for all customer classes
- Additional voluntary water use reduction measures for all customer classes
- Water supply cost increase of 50% in Tier 4 (See Table 1)
- Mandatory restrictions are imposed

#### **All Customer Classes**

Additional **voluntary water use reduction measures** are requested of **all customer classes** as follows:

#### Outdoor Voluntary Water Use Reduction Measures

1. Eliminate sprinkler overspray from driveways and sidewalks. Divide irrigation runtimes into multiple cycles to eliminate runoff water that leaves the landscaped area.
3. Tune-up your irrigation system by checking for and repairing leaks and damaged sprinklers.
4. Use a broom instead of a hose to clean driveways, sidewalks and other hardscape surfaces, except for California Department of Health Services prescribed health or sanitary reasons.
5. Install pool and spa covers to minimize evaporative water loss.
6. Customers, including but not limited to, parks, school grounds, and commercial landscaping are restricted to irrigation applications between 6 p.m. and 9 a.m. These irrigators are advised to adjust automatic irrigation timers according to changing weather patterns and landscape requirements.

#### Indoor Voluntary Water Use Reduction Measures

7. Wash only full loads of laundry and/or dishes.
8. Shorten showers and turn off faucets while brushing teeth or shaving.

No monetary assessments (see Section ) or mandatory restrictions will be imposed during Stage 2. However, water supply cost increases of 50% will be added to Tier 4 for all customer classes (See Table 1). All existing and future District customers in violation of the Stage 1 water conservation requirements in effect at all times, or with excessive runoff that would cause water to flow from property into any drainage courses, streets, or streams are subject to fines. Fines are detailed in Section 4 and in the Water Conservation Policy in Appendix A.

### **3.3 Stage 3: Water Supply Warning – Mandatory Water Waste Reduction**

- Stage 1 water conservation requirements remain in effect for all customer classes.
- Stage 2 indoor voluntary water use reduction measures remain in effect

- Mandatory outdoor water use reduction measures for all customer classes
- Pre-paid water allocations for residential customers are reduced 10% and Tier 3 usage rates are increased 25% and Tier 4 usage rates are increased to 175% (See Table 1) reflecting higher production costs under lowered water supply conditions.
- Fines for non-compliance are imposed

The General Manager shall recommend the appropriate Shortage Stage and corresponding water use decrease based on an analysis of current available water supplies and anticipated demands. The Board shall consider and may adopt appropriate water use reductions.

**Stage 3:** Any pre-paid water allocation will be reduced 10%, Tier 4 usage rates are increased to 175%, and Tier 3 usage rates to 125% to reflect higher production costs of lower efficiency water supply resources (See Table 1).

### **All Customer Classes**

**Stage 3 mandatory outdoor water use reduction measures for all customer classes** are as follows:

#### Outdoor Mandatory Water Use Reduction Measures

1. Irrigate lawns and landscape only between 6:00 p.m. and 9:00 a.m.
2. No application of potable water to outdoor landscapes (turf and ornamental landscapes) during a rainfall event and up to 48 hours after measurable rainfall. Measureable rainfall for the region is defined as greater than or equal to 0.5 inches.
3. Do not allow irrigation water to leave the landscaped area.
4. No significant landscaping shall be installed or renovated.
5. Use a broom instead of a hose to clean driveways, sidewalks and other hardscape surfaces, except for California Department of Health Services prescribed health or sanitary reasons.
6. Eliminate sprinkler overspray from driveways and sidewalks. Divide irrigation runtimes into multiple cycles to eliminate runoff water that leaves the landscaped area.
7. Tune-up irrigation system by checking for and repairing leaks and damaged sprinklers.
8. Do not allow hoses to run while washing motor vehicles (including autos, trucks, trailers, motor homes, boats or others). Use a hose equipped with an automatic shutoff valve or other device that causes it to cease dispensing water immediately when not in use.

### **Commercial and Institutional Customers**

**Stage 3 mandatory water use reduction measures for all C&I customers** are as follows:

9. C&I are advised to adjust automatic irrigation timers according to changing weather patterns and landscape requirements.
10. Drinking water shall not be served other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food and drink are served and/or purchased.
11. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each bathroom using clear and easily understood language.

Fines for non-compliance will be imposed for flagrant or repeat violations, in addition to other monetary assessments for excessive use (see Section 4). All existing and future District customers in violation of the Stage 1 water conservation requirements in effect at all times, consistent with Section 2 General Provisions of the District's Water Conservation Policy, or with excessive runoff that would cause water to flow from property into any drainage courses, streets, or streams, are subject to fines. Fines are detailed in Section 4 and in the Water Conservation Policy in Appendix A.

### **3.4 Stage 4: Extreme Water Supply Warning – Mandatory Outdoor Water Elimination**

- Stage 1 water conservation requirements remain in effect for all customer classes
- Stage 2 and 3 mandatory water use reduction measures remain in effect for all customer classes
- Stage 2 Indoor voluntary water use reduction measures remain in effect
- Outdoor watering and/or irrigation is prohibited
- Pre-paid water allocations are reduced 30%, Tier 4 usage rates are increased to 200%, Tier 3 usage rates are increased to 175%, Tier 2, 3 and 4 usage allocations are reduced (See Table 1) reflecting higher production costs under lowered water supply conditions.
- Variances for health and safety only
- No new water meters allowed, except for health and safety, unless water demand is offset through any combination of permanent demand reduction or new supply development for the District by the new customer.
- Fines for non-compliance are imposed, in addition to other monetary assessments for excessive use

The General Manager shall recommend the appropriate Shortage Stage and corresponding water use decrease based on analysis of current available water supplies and anticipated demands. The Board shall consider and may adopt appropriate water budget reductions.

**Stage 4:** Any pre-paid water allocation will be reduced 30%, and Tier 4 usage rates are increased to 200%, Tier 3 usage rates are increased to 175%, Tier 2, 3 and 4 usage allocations are reduced (See Table 1) reflecting higher production costs under lowered water supply conditions.

#### **All Customer Classes**

**Stage 4 additional mandatory water use reduction measures for all customer classes** are as follows:

##### Outdoor Mandatory Water Use Elimination

1. Washing of personal vehicles at home (including autos, trucks, trailers, motor homes, boats or others) is prohibited.
2. Outdoor watering and/or irrigation is prohibited at all times
3. No water for decorative fountains may be used, even if it has a recirculating system.
4. No filling or water level maintenance of outdoor pools.
5. Upon the declaration of a water shortage emergency, no new water meters allowed, except for health and safety, unless water demand is offset through any combination of permanent demand reduction or new supply development for the District by the new customer. Achieving net zero water increase is when potable water use of proposed development is no greater than current demand within the District's service area prior to installation of the new meters.

#### **Commercial and Institutional**

**Stage 4 additional mandatory water use reduction measures for all C&I** are as follows:

6. No new hydrant-construction or temporary construction meter permits will be issued by the District.

Fines for non-compliance will be imposed for flagrant or repeat violations, in addition to other monetary assessments for excessive use (see Section 4). All existing and future District



customers in violation of the water conservation requirements in effect at all times, consistent with Section 2 General Provisions of the District's Water Conservation Policy, or with excessive runoff that would cause water to flow from property into any drainage courses, streets, or streams are subject to fines. Fines are detailed in Section 4 and in the Water Conservation Policy in Appendix A.

### **3.5 Stage 5: Water Supply Emergency – Mandatory Outdoor Water Elimination and Indoor Water Reduction**

- Stage 1 water conservation requirements remain in effect for all customer classes.
- Stages 2, 3 and mandatory water use reduction measures remain in effect for all customer classes
- Additional mandatory water use reduction measures for all customer classes
- Pre-paid water allocations are reduced, Tier 2, 3, and 4 usage rates are increased and Tier 2, 3, and 4 use allocations are reduced
- Variances for health and safety only
- The District recommends the installation of pool and spa covers to minimize evaporative water loss.
- No new water meters allowed, except for health and safety
- Fines for non-compliance are imposed

The General Manager shall recommend the appropriate Shortage Stage and corresponding water budget decrease based on analysis of current available water supplies and anticipated demands. The Board shall consider and may adopt appropriate water use reductions.

#### **All Customer Classes**

**Stage 5 additional mandatory measures for all customers** are as follows:

##### Outdoor Mandatory Water Use Reduction Measures

1. No irrigation of lawns, landscapes and/or ornamental gardens.
3. Water for refilling recreational swimming pools and spas is prohibited.
4. No replacement water may be provided for ponds or lakes. Aeration equipment should be managed in such a way as to eliminate evaporative loss of water.
5. Turn off all decorative fountains, even if it has a recycling (recirculating) system, and consider using any remaining water to irrigate landscape. Make sure to empty completely so standing water does not attract insects.
6. Eliminate use of misting devices.

##### Indoor Mandatory Water Use Reduction Measures

7. Wash only full loads of laundry and/or dishes.
8. Fix leaky faucets, toilets, showerheads, pipes and other water plumbing immediately.
9. Shorten showers and turn off faucets while brushing teeth or shaving.

#### **Commercial & Institutional Customers**

**Stage 5 additional mandatory water use reduction measures for all C&I customers** are as follows:

10. No water for commercial car washes.
11. All hydrant construction and temporary construction meter permits will be rescinded by the District.
12. No planting of new landscaping (seed, sod, or other plant materials).

Fines for non-compliance will be imposed for flagrant or repeat violations, in addition to other monetary assessments for excessive use (see Section 4 ). All existing and future District customers in violation of the water conservation requirements in effect at all times, consistent with Section 2 General Provisions of the District's Water Conservation Policy, or with excessive runoff that would cause water to flow from property into any drainage courses, streets, or streams are subject to fines. Fines are detailed in Section 4 and in the Water Conservation Policy in Appendix A.

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## **Section 4: Enforcement and Variances**

Measures called for in the stages of the District's WSC Plan will be primarily enforced through fines and monetary assessments. In extreme cases, certain types of outdoor water service may be discontinued until the emergency situation is over.

### **4.1 Fines**

The District's Water Conservation Policy (Policy) (Appendix A) declares that because of the prevailing conditions in the State, it is necessary and appropriate for the District to adopt, implement and enforce a water conservation program to ensure sufficient water for human consumption, sanitation, and fire protection. The District further finds that waste or unreasonable use or unreasonable method of use of water shall be prevented and that water conservation practices shall be encouraged at all times.

### **Water Waste Provisions**

The Policy establishes general provisions of conservation and water use efficiency that are in effect at all times. These general provisions are consistent with the WSC Plan and include the following:

1. Refrain from hosing down driveways and other hard surfaces, except for health and sanitary reasons.
2. Repair faucets, toilets, pipes and other potential sources of water leaks.
3. Irrigate landscape only between 6 p.m. and 9 a.m.
4. Adjust and operate all landscape irrigation systems in a manner that will maximize irrigation efficiency and avoid over watering or watering of hardscape and resulting runoff.
5. Prevent excessively irrigating any lawn or landscape area that would cause the sheeting of water to flow; eliminate water runoff from lawns or landscape areas into any drainage courses, streets, or streams.
6. Do not use decorative fountains unless they are equipped with a recirculating system.
7. When installing plumbing fixtures, use low-flow devices, except for those that require high-flow fixtures for health and/or sanitary reasons.
8. Where possible, install pool and spa covers to minimize water loss due to evaporation during non-operating days.
9. Do not allow water to run while washing vehicles. Use a hose with an automatic shutoff valve to avoid runoff into drainage courses, streets or streams.

It is important to note that conservation measures in addition to these general provisions are required to be taken by customers as part of higher WSC Plan Stages.

### **Enforcement**

Water users who violate of any of the general provisions or additional measures required as part of the applicable WSC Plan Stage are subject to the enforcement of this Water Conservation Policy.

Violations which are related to the malfunction of water conveying hardware or devices are subject to the following enforcement:

- a. For a first violation, the District shall issue a written notice of fact of such violation to the customer. The customer shall then be allowed a period of 10 days following issuance of the written notice to correct the violation described therein before a second violation will be issued.

b. For a second violation, the District shall issue a written notice of fact of such violation to the customer. The customer shall then be allowed a period of 10 days following issuance of the written notice to correct the violation described therein before a third violation will be issued.

c. For a third violation, the District shall issue a written notice of fact of such violation to the customer when a second violation has not been corrected within a period of 10 days following issuance of the second violation notice. A fine in the amount of \$50.00 shall be added to the customer's water bill upon issuance of a third violation. The customer shall be allowed a period of 5 days following issuance of the written notice to correct the third violation before a fourth violation will be issued.

d. For a fourth violation the District shall issue a written notice of fact of such violation to the customer when a third violation has not been corrected within a period of 5 days following issuance of the third violation notice. A fine in the amount of \$100.00 shall be added to the customer's water bill upon issuance of a fourth violation. The customer shall be allowed 5 days following issuance of the written notice to correct the fourth violation before a fifth violation will be issued.

e. For a fifth violation the District shall issue a written notice of fact of such violation to the customer when a fourth violation has not been corrected within a period of 5 days following issuance of the fourth violation notice. A fine in the amount of \$200.00 shall be added to the customer's water bill upon issuance of a fourth violation. The customer shall be allowed 5 days following issuance of the written notice to correct the fifth violation before a sixth violation will be issued.

f. For a sixth violation, the District shall issue a written notice of fact of such violation to the customer when the fifth violation has not been corrected within a period of 5 days following issuance of the fifth violation notice. A fine of \$500.00 per day shall be added to the customer's water bill following the issuance of the sixth violation notice until the violation is corrected.

Violations that are **not** related to the malfunction of water conveying hardware or devices, but are related to actions taken by a water user including, but not limited to, hosing down driveways, are subject to the same enforcement procedures outlined above with the exception that the expected timeframe for correction of the violation is immediate.

Customers shall pay all water bills and fines in accordance with the due dates stated on their bills. An Appeals Process is offered to customers that disagree with the fines assessed. If the appeal is upheld in favor of the customer, appropriate monies will be refunded. Details of the Appeals Process are included in the Policy (Appendix A).

#### **4.2 Variances**

The District may, in writing, grant a temporary variance from any fines, Allocation Surcharges and monetary assessments, or restrictions imposed by the WSC Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance, and under the following conditions, which are consistent with Section 5 of the District's Water Conservation Policy (see Appendix A):.

1. Compliance with the WSC Plan cannot be technically accomplished during the duration of a water supply shortage or other condition for which the WSC Plan Shortage Stage is in effect.
2. Alternative methods or technology used as part of a District-sanctioned trial or test study can be implemented which will achieve the same level of reduction in water use.
3. Doctor-approved health circumstances, illness or injury will be considered on a case-by- case basis.
4. No variances will be issued, beginning in Shortage Stage 3 of the WSC Plan, for filling swimming pools, establishing or expanding a landscape area, or leaks not repaired within 48 hours.
5. Variances will be considered for health and safety issues only in Shortage Stages iv and 5.

A written variance shall be accepted by the District, and may be denied at the sole discretion of the District.

All variances must be requested in writing any time after WSC Plan's staged implementation. The following information must be provided:

1. Name, contact phone number, service address and customer account number of petitioner;
2. Purpose of water use (e.g., domestic, commercial, agriculture);
3. Specific provision(s) of the WSC Plan from which the petitioner is requesting relief;
4. Detailed statement as to how the provision of the WSC Plan adversely affects the petitioner or what damage or harm will occur;
5. Description of the relief requested;
6. Period of time for which the variance is sought; and
7. Any alternative water use restrictions (e.g., indoor use) that the petitioner is taking or proposes to take to meet the intent of the WSC Plan.

## **Section 5: Revenue and Rate Impacts**

The District has a Cash Reserve Policy to deal with risk. One element of that reserve policy will be a Drought Reserve. The Drought Reserve takes into account changes in the District's water supply operational costs and the potential reduced revenues from lower water sales. This reserve will be used to minimize any potential rate impacts caused by the implementation of the District's WSC Plan.

Any monetary assessments and fines collected through non-compliance of the WSC Plan will be partially used to replenish this Drought Reserve, implement additional water supply capital improvements, contribute to increased administration costs, and pay for additional costs incurred by the District through the use of lower efficiency water supply resources.

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## Section 6: District's Emergency Actions

The Water Code Section 10632 requires actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.

The District operates in an area where the probability of an earthquake is high. Depending on the severity, an earthquake may damage the water system. The District's Emergency Response Plan provides a framework for an organized response to an earthquake emergency. The primary objectives of the WSC Plan are to maintain the functionality of the water distribution system, assess the system and if necessary make rapid repair to any damage, and prevent any further damage. The District's response to an earthquake will be directed by the General Manager.

The following are the District Response Phases in the event of an Earthquake:

- Phase I – Inspection: A rapid inspection to determine injuries and any damage which might affect the distribution system.
- Phase II – Report Back: Emergency communications flow: additional inspection procedures.
- Phase III – Repair: Coordination of maintenance forces.
- Phase IV – Management Procedures: Key Management responsibilities for the emergency.
- Phase V – Operating/Maintenance/Engineering: Outlines procedures for division staff.

Prior to Phase I inspections, system operators and inspectors report to the Emergency Operations Center to receive assigned inspection routes. The Emergency Operations Center creates a communications hub for the District to efficiently manage their available resources. For example, personnel inspecting Foster Lake Dam, wastewater treatment facilities, and wells receive their assignments from and report their findings to the Emergency Operations Center. The Emergency Response Plan contains the areas that are inspected with driving directions for specific inspection routes. If inspections reveal damage to any of the areas, the necessary repairs are made. Communications are ongoing at all phases of the response to an earthquake. The District has a radio system to insure communications will be available during an emergency. The Emergency Response Plan also includes an analysis of the potential of an electrical power outage. The District depends on electricity to boost water to higher elevations via pumping stations. In an emergency involving a power outage, the District will utilize emergency generators to provide customers with a reliable source of water.

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**Idyllwild Water District**  
***Appendix A***  
**WATER CONSERVATION POLICY**  
**Adopted June 21, 2017**

TABLE OF CONTENTS

Section

1. Findings and Declaration of Policy
2. General Provision
3. Penalties and Restitutions
4. Appeals and Process
5. Variance Conditions
6. Definitions of Terms

**Section 1. Findings and Declaration of Policy**

The Idyllwild Water District (District) finds and determines that because of the prevailing conditions in the State it is necessary and appropriate for the District to adopt, implement, and enforce a Water Conservation Policy to ensure sufficient water for human consumption, sanitation, and fire protection. The District further finds the waste or unreasonable use, or unreasonable method of use of water shall be prevented and that water conservation practices shall be encouraged at all times.

In times of drought or water supply cutbacks, provisions of this Policy may be modified in accordance with State of California Regulations, as well as Idyllwild Water District's Water Shortage Contingency Plan (WSC Plan). This Policy is in effect at all times and defers updates and implementation strategies, regarding water conditions and supplies to the WSC Plan for timely communications and media outreach when stage alerts are executed.

## Section 2. General Provisions

In order to comply with requirements of state legislation and Best Management Practices, it shall be a violation of this Policy at any time to make, cause, or permit the use of water for residential, commercial, industrial, agricultural, institutional, or any other purpose in a manner constituting waste. Customers shall abide by all requirements outlined in the applicable Shortage Stage of the WSC Plan including, but not limited to the following requirements at all times:

1. Refrain from hosing down driveways and other hard surfaces, except for health or sanitary reasons.
2. Repair faucets, toilets, pipes and other potential sources of water leaks.
3. Irrigate landscape only between 6 p.m. and 9 a.m. This provision does not apply when:
  - a. Manually watering during the establishment period of a new landscape;
  - b. Supervised spot watering is done to address landscape issues;
  - c. Temperatures are predicted to fall below freezing;
  - d. Testing/repairing an irrigation system;
  - e. Using drip and point-to-point irrigation systems; and
  - f. A longer watering window is needed due to system constants.
4. Adjust and operate all landscape irrigation systems in a manner that will maximize irrigation efficiency and avoid over watering or watering of hardscape and the resulting runoff.
5. Prevent excessively irrigating any lawn or landscape area that would cause the sheeting of water to flow; eliminate water runoff from lawns or landscape areas into any drainage courses, streets, or streams.
6. Do not use decorative fountains unless they are equipped with a re-circulating system.
7. When installing plumbing fixtures, use low-flow devices, except for those that require high-flow fixtures for health and/or sanitary reasons.
8. Where possible, install pool and spa covers to minimize water loss due to evaporation during non-operating days.
9. Do not allow water to run while washing vehicles. Use a hose with an automatic shutoff valve to avoid runoff into drainage courses, streets or streams.
10. When installing new landscaping, refer to the Water Use Classification of Landscape Species (WUCOLS). Plant low-water California Friendly® Landscapes and/or the Idyllwild Garden Club list of local and drought tolerant plants suitable for the area. Non-functional turf areas are not recommended. Turf lined channels are only permitted when justified by environmental regulations.
11. Refrain from watering during rain, or high winds by turning off irrigation timer.

### **Section 3. Administrative Fines**

All persons in violation of Section 2 General Provisions of this Policy or with excessive runoff that causes water to flow from property into any drainage courses, streets, or streams are subject to the following:

- a. For a first violation, the District shall issue a written notice of fact of such violation to the customer. The customer shall then be allowed a period of 10 days following issuance of the written notice to correct the violation described therein before a second violation will be issued.
- b. For a second violation, the District shall issue a written notice of fact of such violation to the customer. The customer shall then be allowed a period of 10 days following issuance of the written notice to correct the violation described therein before a third violation will be issued.
- c. For a third violation, the District shall issue a written notice of fact of such violation to the customer when a second violation has not been corrected within a period of 10 days following issuance of the second violation notice. A fine in the amount of \$50.00 shall be added to the customer's water bill upon issuance of a third violation. The customer shall be allowed a period of 5 days following issuance of the written notice to correct the third violation before a fourth violation will be issued.
- d. For a fourth violation the District shall issue a written notice of fact of such violation to the customer when a third violation has not been corrected within a period of 5 days following issuance of the third violation notice. A fine in the amount of \$100.00 shall be added to the customer's water bill upon issuance of a fourth violation. The customer shall be allowed 5 days following issuance of the written notice to correct the fourth violation before a fifth violation will be issued.
- e. For a fifth violation the District shall issue a written notice of fact of such violation to the customer when a fourth violation has not been corrected within a period of 5 days following issuance of the fourth violation notice. A fine in the amount of \$200.00 shall be added to the customer's water bill upon issuance of a fourth violation. The customer shall be allowed 5 days following issuance of the written notice to correct the fifth violation before a sixth violation will be issued.
- f. For a sixth violation, the District shall issue a written notice of fact of such violation to the customer when the fifth violation has not been corrected within a period of 5 days following issuance of the fifth violation notice. A fine of \$500.00 per day shall be added to the customer's water bill following the issuance of the sixth violation notice until the violation is corrected.

Customers shall pay all water bills and fines in accordance with the due dates on their water bills. An Appeals Process is offered to customers that disagree with fines outlined in this section of the Policy. If the appeal is upheld in favor of the customer, appropriate monies will be refunded. Details of the appeals process are included in Section of this Policy.

The District shall use the revenues derived from the implementation of this section of the Policy for water use efficiency programs.

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## **Section 4. Appeals Process**

Any customer may appeal the imposition of fines of this Policy, by filing a written request with the District Planning Department for an appeals hearing. The District must receive the request within 30 days of the fine notice. A request for a hearing shall set forth, in detail, all facts supporting the request.

The District shall, within 15 days of receiving a request for an appeal hearing provide written notice to the customer of the hearing date, time, and place. The hearing date shall not be more than 30 days from the mailing of such notice by certified mail, unless a later date is agreed to by the customer.

At the hearing, a District staff member will represent the District. The customer will have the opportunity to present information supporting his or her position concerning the required irrigation evaluation or penalty charges. After the hearing, the District staff shall deliver a written report to the General Manager setting forth findings of fact, conclusions, and a recommendation on whether to uphold, modify, or reverse the original fines. Upon receipt of the written report, the General Manager shall issue his decision within 15 calendar days of the hearing. The written decision of the General Manager shall be sent to the customer by certified mail. The General Manager's decision shall be final on the 16th day after it is mailed, unless a request for a hearing is filed with the Board of Directors no later than 5:00 p.m. on the 15th day following such mailing.

Any customer may appeal a decision made by the General Manager, prior to the date that the General Manager's order becomes final, by filing a written request for a hearing with the Board of Directors. The request for the Board of Directors' hearing shall set forth in detail all the issues in dispute and all facts supporting the request. No later than 30 days after receipt of the request for a hearing, the Board of Directors shall either set the matter for a hearing, or deny the request for the hearing. Whether to grant or deny a request for a hearing on an appeal to the General Manager's decision shall be within the sole discretion of the Board of Directors.

If required, a hearing shall be held by the Board of Directors within 30 days of the date the request for a hearing was granted, unless a later date is agreed to by the customer and the Board of Directors. The Board of Directors shall make a determination whether to uphold, modify, or reverse the General Manager's decision. The order of the Board of Directors shall be final upon its adoption. The written decision and order of the Board of Directors shall be sent to the customer by certified mail within 15 days after the close of the hearing.

If the matter is not heard within the required time, due to actions or inactions of the customer or the Board of Director's decision to deny the request for the hearing, the General Manager's decision shall be final.

## Section 5. Variance Conditions

A variance may be issued by the District, in writing, to grant a temporary variance for water uses otherwise prohibited under this Policy if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance, and under the following conditions:

1. Compliance with this Policy cannot be technically accomplished during the duration of a water supply shortage or other condition for which the Policy is in effect.
2. Alternative methods or technology used as part of District sanctioned trial or test study can be implemented which will achieve the same level of reduction in water use.
3. Doctor-approved health circumstances, illness or injury will be considered on a case-by-case basis.
4. No variances will be issued, beginning in Stage 4 of the WSCP, for filling swimming pools, establishing or expanding a landscape area, leaks not repaired within 48 hours, and existing outdoor water budgets.
5. Variances will be considered for health and safety issues only in Shortage Stages 4 and 5.

A written variance shall be accepted by the Planning Department, and may be denied at the sole discretion of the District.

## Section 6. Definitions of Terms

**Appellant** - means the customer appealing a decision of the District for relief from the requirements of this Policy.

**Appeal Process** - refers to a set of procedures allowing an appellant the opportunity to present facts and details, supporting his or her position concerning fines of this policy.

**Best Management Practices** – defines the best and most proven water conservation methods for urban water users in California.

**Board of Directors** - means the Board of Directors of the Idyllwild Water District.

**California Friendly® Landscapes** – refers to landscape that features low-water using plants, state-of-the-art irrigation and controllers, sustainable landscaping techniques/ maintenance plan.

**Customer** - means any person, firm, partnership, association, corporation, or local political entity using water obtained from the water system of Idyllwild Water District.

**District** – refers to Idyllwild Water District.

**Excessive Runoff** - over irrigation of landscaped areas, leaks, or any other type of action that would cause water to flow into any drainage courses, streets, or streams.

**Non-Functional Turf Areas** – (not recommended) a landscape turf area used for aesthetic purposes.

**Variance Conditions** – refers to a conflict requesting a temporary variation for water use.

**Waste** - means any unreasonable or non-beneficial use of water, or any unreasonable method of use of water, including, but not limited to, the specific uses prohibited and restricted by this policy as hereinafter set forth.

**Water Use Classification of Landscape Species (WUCOLS)** – is a guide to help landscape professionals identify irrigation water needs of landscape species. It can be used either for the selection of species or to assist in developing irrigation schedules. It is not intended to be used as a required or approved list by IWD for selection of plant.

In times of drought or water supply cutbacks, provisions of this Policy may be modified in accordance with the Idyllwild Water District's Water Shortage Contingency Plan, or action taken by the Board of Directors.

# Memo

**To: Board of Directors**

**From: General Manager**

**Date: March 21, 2018**

**Subject: ITEM #7 - CONSIDER CAPITAL IMPROVEMENT PROJECTS FOR FISCAL YEAR 2018/19**

## Recommendation

Review staff recommendations and provide direction for budget development..

## Background

To facilitate development of the Fiscal Year (FY) 2018-19 Budget, staff is providing the attached proposed Capital Projects and expenditures for the Board of Directors review, comment and direction

Attachments: FY 2018-19 Proposed Capital Projects

10-Year Projection of Capital Projects and Costs



## Fiscal Year 2017-18 Proposed Capital Budget

### Water - Capital Expenditures

-Various Fire Hydrant improvements	\$20,000.00
-Install 200 Water Meter Radio Read Set-ups (Commercial)	\$40,000.00
-Replace 2 Wells (tentatively #8 and #11)	\$15,000.00
-Replace Outlet Gate Operator at Foster Lake	\$7,000.00
-Replace 200 Meters (195-0.625-inch, 5-other sizes)	\$14,000.00
-Resurface Shop paved lot	<u>\$50,000.00</u>
Total	\$146,000.00

### Water – Capital Improvement Program

-Replace 2,600 feet of 8-inch water line	\$520,000.00
-Replace 950 feet of 6-inch, 4-inch and 2-inch water lines	\$118,750.00
-Replace Aeration System	<u>\$60,000.00</u>
Total	\$698,750.00
Water Total	\$844,750.00

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### Wastewater – Capital Expenditures

-Install Effluent Flow, pH and EC Monitoring	\$30,000.00
-Application for WWTP replacement SRF Funding	<u>\$15,000.00</u>
Total	\$45,000.00

### Wastewater – Capital Improvement Program

-Clean and Video HWY 243 portion of Collection System	\$30,000.00
-Install Influent Screen and Dewatering Equipment	<u>\$100,000.00</u>
Total	\$130,000.00
Wastewater Total	\$175,000.00

# 2018-2027 10-Year CIP Summary of Projections

<u>Year</u>	<u>Water</u>		<u>Sewer</u>	<u>Notes</u>
<b>2018</b> \$	844,750	\$	175,000	
<b>2019</b> \$	599,500	\$	80,000	
<b>2020</b> \$	695,000	\$	30,000	
<b>2021</b> \$	154,875	\$	75,000	
<b>2022</b> \$	824,000	\$	75,000	
<b>2023</b> \$	512,500	\$	75,000	
<b>2024</b> \$	700,000	\$	75,000	
<b>2025</b> \$	262,500	\$	75,000	
<b>2026</b> \$	800,000	\$	75,000	
<b>2027</b> \$	<u>262,500</u>	<u>\$</u>	<u>75,000</u>	
<b>Total</b> \$	5,655,625	\$	810,000	

## 2018 - 2027 10-Year CIP Plan Proposed Pipeline Improvements

<u>Street</u>	<u>From</u>	<u>To</u>	<u>Size</u>	<u>Footage</u>
<b>2018</b>				
Contract				
South Circle	Bicknell	Village Drive	8"	1200
Village Drive	South Circle	North Circle	8"	1400
Staff				
Inspiration Lane	Double View	End	4"	400
Lookout Lane	Double View	End	6"&2"	<u>550</u>
		2018 Total		3550
<b>2019</b>				
Staff				
Alt 1 - Oakwood	Pine Crest	Jameson	6"	<u>800</u>
		2019 Total		800
<b>2020</b>				
Contract				
Valley View	Crestview	South Ridge Reservoir	8"	1050
Ridge View	Hwy 243	Village Drive	8"	780
Staff				
Village View	South Ridge Road	End Forest View	6"	<u>800</u>
		2020 Total		2630
<b>2021</b>				
Staff				
Azalea	Point of Rocks	End	4"	200
Green Oaks Ct	Rockdale	End	6"&4"	<u>325</u>
		2021 Total		525
<b>2022</b>				
Contract				
Lower Pine Crest	Riv. County Plygrnd Rd.	Harold K Smith	8"	1400
North Cir-So. Circle	North interconnection		8"	1100
Elk Lane (Liner)	Crestview	Marian View Dr		<u>950</u>
Staff				
To be determined				<u>800</u>
		2022 Total		4250
<b>2023</b>	To be determined			500
<b>2024</b>				
Deerfoot Lane	Double View	Double View (Loop)		2500
<b>2025</b>	To be determined			500
<b>2026</b>	To be determined			3000
<b>2027</b>	To be determined			500

## 2018 - 2027 10-Year CIP Plan- Water Supply, Storage, Miscellaneous

<u>Project</u>	<u>Estimate</u>
<b>2018</b>	
Install 200 Water meter Radio Read set ups (Commercial )	\$ 40,000
Replace 200 Meters (195-0.625-inch, 5 other sizes)	\$ 14,000
Replace 2 Wells (8 and 11)	\$ 15,000
Replace Gate Operator at Foster Lake	\$ 7,000
Replace Aeration System	\$ 60,000
Resurface Shop Paved Lot	\$ 50,000
Fire hydrant replacement materials (10 hydrants)	\$ 20,000
Total 2018	\$ 206,000
<b>2019</b>	
Install 300 Water meter Radio Read set ups	\$ 25,500
Replace 200 Meters (195-0.625-inch, 5 other sizes)	\$ 14,000
Complete One Well	\$ 40,000
Fire hydrant replacement materials (10 hydrants)	\$ 20,000
Recoat Reservoir Tanks (6 tanks-exterior)	\$ 400,000
Total 2019	\$ 499,500
<b>2020</b>	
Install 500 Water meter Radio Read set ups	\$ 45,000
Replace 200 Meters (195-0.625-inch, 5 other sizes)	\$ 14,000
Fire hydrant replacement materials (10 hydrants)	\$ 20,000
Remove Silt from Foster Lake	\$ 150,000
Total 2020	\$ 229,000
<b>2021</b>	
Install 650 Water meter Radio Read set ups	\$ 55,250
Replace 200 Meters (195-0.625-inch, 5 other sizes)	\$ 14,000
Fire hydrant replacement materials (10 hydrants)	\$ 20,000
Total 2021	\$ 89,250
<b>2022</b>	
Fire hydrant replacement materials (10 hydrants)	\$ 20,000
Replace 200 Meters (195-0.625-inch, 5 other sizes)	\$ 14,000
Total 2022	\$ 34,000
<b>2023 - To be determined+2nd Wildwood Tank(0.1MG)</b>	\$ 450,000
<b>2024 - To be determined</b>	\$ 200,000
<b>2025 - To be determined</b>	\$ 200,000
<b>2026 - To be determined</b>	\$ 200,000
<b>2027 - To be determined</b>	\$ 200,000

2018-2027 10-Year CIP  
Wastewater

	<u>Project</u>	<u>Estimate</u>
<b>2018</b>		
Influent Screen and Dewaterer	\$	100,000
Clean & Video Hwy 243 Portion of collection system	\$	30,000
Application for WWTP replacement SRF Funding	\$	15,000
Effluent Flow, pH and EC Monitoring	\$	30,000
	Total \$	<u>175,000</u>
<b>2019</b>		
Design/Environmental Review Replacement Facility	\$	80,000
	Total \$	<u>80,000</u>
<b>2020</b>		
Collection System Digital Map	\$	30,000
	Total \$	<u>30,000</u>
<b>2021</b>	\$	75,000
<b>2022</b>	\$	75,000
<b>2023</b>	\$	75,000
<b>2024</b>	\$	75,000
<b>2025</b>	\$	75,000
<b>2026</b>	\$	75,000
<b>2027</b>	\$	75,000

# Memo

**To: Board of Directors**

**From: General Manager**

**Date: March 21, 2018**

**Subject: ITEM #8 – CONSIDER RESOLUTIONS NO. 745 AND 746 SETTING PUBLIC HEARINGS FOR WATER AND SEWER STAND-BY FEES FOR FY 2018-19**

Recommendation: That the Idyllwild Water District Board of Directors approve Resolutions No. 745 and 746 setting Public Hearings for May 16, 2018 to consider imposing stand-by fees for undeveloped properties in the Water Service area (\$30/acre or portion thereof) and unimproved properties in Improvement District No. 1 (sewer service area) (\$30/acre or portion thereof) for fiscal year 2018-19.

Background: Undeveloped parcels with access to water and/or sewer service receive a benefit provided by the prior development by neighboring parcels of the infrastructure necessary for future connection to the available utilities. The stand-by fee assessment of \$30 per acre or portion thereof assists in fairly apportioning the costs of maintenance of the existing infrastructure. The District is not proposing to change the fee amount from that imposed in prior years. The fee amounts to \$2.50 per month for most undeveloped parcels (\$5 for undeveloped parcels in Improvement District No. 1).

The adoption of these Resolutions will only establish the date for the Public Hearings for the Board of Directors to consider imposing the fees.

**IDYLLWILD WATER DISTRICT  
STAND-BY ASSESSMENT  
UNIMPROVED LOTS  
FOR 68-4871 FUND  
EFFECTIVE JULY 1, 2018**

<b>68-4871 ASSESSMENT NUMBER</b>	<b>68-4871 ASSESSMENT AMOUNT</b>
557-050-001-5	778.80
557-130-002-3	198.00
557-130-003-4	30.00
557-140-001-3	445.20
557-150-001-4	50.70
557-150-002-5	57.60
557-150-004-7	37.20
557-150-012-4	30.00
557-161-001-8	69.30
557-161-010-6	47.40
557-161-016-2	30.00
557-161-015-1	30.00
557-162-005-5	30.00
557-162-006-6	30.00
557-162-008-8	30.00
557-162-011-0	30.00
557-170-012-6	35.10
557-170-014-8	30.00
557-170-015-9	30.00
557-170-016-0	30.00
557-170-022-5	57.60
557-170-024-7	82.50
557-180-005-1	87.30
557-190-001-8	30.00
557-190-004-1	51.60
557-190-007-4	36.60
557-190-012-8	30.00
557-190-014-0	33.00
557-190-015-1	34.20
557-201-001-1	30.00
557-201-005-5	30.00
557-201-008-8	30.00
557-201-015-4	30.00
557-203-001-7	30.00
557-203-003-9	30.00

**IDYLLWILD WATER DISTRICT  
STAND-BY ASSESSMENT  
UNIMPROVED LOTS  
FOR 68-4871 FUND  
EFFECTIVE JULY 1, 2018**

<b>68-4871 ASSESSMENT NUMBER</b>	<b>68-4871 ASSESSMENT AMOUNT</b>
557-211-001-2	30.00
557-211-006-7	30.00
557-212-003-7	30.00
557-212-011-4	30.00
557-212-013-6	100.50
557-212-017-0	30.00
557-212-018-1	30.00
557-212-020-2	30.00
557-212-022-4	30.00
557-220-005-4	30.00
557-220-007-6	30.00
557-220-011-9	30.00
557-220-012-0	30.00
557-220-015-3	30.00
557-220-017-5	30.00
557-220-018-6	30.00
557-220-019-7	30.00
557-220-020-7	30.00
557-220-021-8	30.00
557-220-022-9	30.00
557-220-023-0	30.00
557-230-010-9	30.00
557-230-011-0	30.00
557-230-012-1	56.70
557-230-015-4	56.70
557-230-025-3	30.00
557-230-026-4	30.00
557-230-028-4	30.00
557-230-043-9	30.00
557-230-045-1	30.00
559-030-002-8	198.60
560-132-003-4	30.00
560-132-005-6	30.00
560-133-001-5	30.00
560-133-002-6	30.00
560-133-003-7	30.00



**IDYLLWILD WATER DISTRICT  
STAND-BY ASSESSMENT  
UNIMPROVED LOTS  
FOR 68-4871 FUND  
EFFECTIVE JULY 1, 2018**

<b>68-4871 ASSESSMENT NUMBER</b>	<b>68-4871 ASSESSMENT AMOUNT</b>
560-133-006-0	30.00
560-162-042-2	30.00
560-171-002-4	30.00
560-171-003-5	30.00
560-171-005-7	30.00
560-171-006-8	30.00
560-171-008-0	30.00
560-171-015-6	30.00
560-171-020-0	30.00
560-171-021-7	30.00
560-172-002-7	30.00
560-172-003-8	30.00
560-172-007-2	30.00
560-172-012-6	30.00
560-172-018-2	30.00
560-172-024-7	30.00
561-020-025-5	709.80
561-020-027-7	302.10
561-031-001-7	39.00
561-032-001-0	56.10
561-032-002-1	30.00
561-032-013-1	30.00
561-041-004-1	30.00
561-041-005-2	30.00
561-041-007-4	30.00
561-043-005-8	30.00
561-043-013-5	30.00
561-050-005-0	30.00
561-050-011-5	33.60
561-061-001-0	51.00
561-062-002-4	30.00
561-063-001-6	30.00
561-064-005-3	30.00

**IDYLLWILD WATER DISTRICT  
STAND-BY ASSESSMENT  
UNIMPROVED LOTS  
FOR 68-4871 FUND  
EFFECTIVE JULY 1, 2018**

<b>68-4871 ASSESSMENT NUMBER</b>	<b>68-4871 ASSESSMENT AMOUNT</b>
561-064-008-6	30.00
561-064-009-7	30.00
561-064-011-8	30.00
561-064-013-0	30.00
561-065-004-5	30.00
561-080-020-6	30.00
561-080-025-1	30.00
561-092-010-4	30.00
561-092-013-7	30.00
561-092-014-8	30.00
561-093-006-4	30.00
561-093-013-0	30.00
561-093-014-1	30.00
561-093-015-2	30.00
561-093-016-3	30.00
561-093-017-4	30.00
561-093-018-5	30.00
561-093-019-6	30.00
561-094-006-7	30.00
561-101-014-5	30.00
561-101-015-6	30.00
561-101-017-8	30.00
561-101-019-0	30.00
561-101-023-3	30.00
561-102-007-2	30.00
561-102-010-4	30.00
561-102-018-2	30.00
561-111-005-8	30.00
561-111-008-1	30.00
561-111-011-3	30.00
561-111-021-2	30.00
561-112-011-6	30.00
561-112-019-4	30.00
561-112-024-8	30.00
561-121-011-4	30.00
561-121-032-3	30.00
561-121-033-4	30.00

**IDYLLWILD WATER DISTRICT  
STAND-BY ASSESSMENT  
UNIMPROVED LOTS  
FOR 68-4871 FUND  
EFFECTIVE JULY 1, 2018**

<b>68-4871 ASSESSMENT NUMBER</b>	<b>68-4871 ASSESSMENT AMOUNT</b>
561-121-036-7	30.00
561-121-037-8	30.00
561-121-042-2	30.00
561-121-043-3	30.00
561-122-002-9	30.00
561-122-018-4	30.00
561-123-002-2	30.00
561-123-007-7	30.00
561-123-009-9	30.00
561-123-016-5	30.00
561-123-019-8	30.00
561-131-005-0	30.00
561-131-016-0	30.00
561-131-022-5	30.00
561-131-029-2	30.00
561-131-040-1	30.00
561-131-042-3	30.00
561-132-011-8	30.00
561-141-006-2	30.00
561-141-009-5	30.00
561-141-012-7	30.00
561-141-013-8	30.00
561-142-005-4	30.00
561-142-009-8	30.00
561-142-011-9	30.00
561-142-021-8	30.00
561-142-022-9	30.00
561-151-005-2	30.00
561-151-006-3	30.00
561-151-007-4	30.00
561-151-008-5	30.00
561-151-009-6	30.00
561-151-010-6	30.00
561-151-012-8	30.00

**IDYLLWILD WATER DISTRICT  
STAND-BY ASSESSMENT  
UNIMPROVED LOTS  
FOR 68-4871 FUND  
EFFECTIVE JULY 1, 2018**

<b>68-4871 ASSESSMENT NUMBER</b>	<b>68-4871 ASSESSMENT AMOUNT</b>
561-151-014-0	30.00
561-151-028-3	30.00
561-151-029-4	30.00
561-151-036-0	30.00
561-152-002-2	30.00
561-152-004-4	30.00
561-154-004-0	30.00
561-155-003-2	30.00
561-155-005-4	30.00
561-155-007-6	30.00
561-161-003-1	30.00
561-162-004-5	30.00
561-163-012-5	30.00
561-164-031-5	30.00
561-164-032-6	30.00
561-165-007-7	30.00
561-166-002-5	30.00
561-166-006-9	30.00
561-166-014-6	30.00
561-171-018-6	30.00
561-171-028-5	30.00
561-171-033-9	30.00
561-172-007-9	30.00
561-172-014-5	30.00
561-181-014-3	30.00
561-181-023-1	30.00
561-181-024-2	30.00
561-181-029-7	30.00
561-181-034-1	30.00
561-181-035-2	30.00
561-181-036-3	30.90
561-191-008-9	30.00
561-191-020-9	30.00
561-191-022-1	30.00
561-192-004-8	30.00
561-201-007-8	30.00

**IDYLLWILD WATER DISTRICT  
STAND-BY ASSESSMENT  
UNIMPROVED LOTS  
FOR 68-4871 FUND  
EFFECTIVE JULY 1, 2018**

<b>68-4871 ASSESSMENT NUMBER</b>	<b>68-4871 ASSESSMENT AMOUNT</b>
561-201-008-9	30.00
561-201-009-0	33.30
561-202-001-5	30.00
561-203-003-0	30.00
561-203-005-2	30.00
561-204-002-2	30.00
561-210-015-3	161.10
561-210-018-6	151.50
561-220-008-8	30.00
561-220-018-7	30.00
561-220-025-3	30.00
563-020-002-8	180.00
563-030-001-8	30.00
563-030-011-7	30.00
563-041-002-3	30.00
563-042-015-8	30.00
563-043-002-9	30.00
563-043-003-0	30.00
563-043-005-2	30.00
563-044-001-1	30.00
563-044-002-2	30.00
563-044-005-5	30.00
563-044-006-6	30.00
563-044-013-2	30.00
563-051-007-9	30.00
563-053-003-1	30.00
563-053-014-1	30.00
563-061-005-8	30.00
563-062-003-9	30.00
563-062-005-1	30.00
563-062-010-5	30.00
563-062-011-6	30.00
563-062-012-7	30.00
563-062-014-9	30.00

**IDYLLWILD WATER DISTRICT  
STAND-BY ASSESSMENT  
UNIMPROVED LOTS  
FOR 68-4871 FUND  
EFFECTIVE JULY 1, 2018**

<b>68-4871 ASSESSMENT NUMBER</b>	<b>68-4871 ASSESSMENT AMOUNT</b>
563-062-018-3	30.00
563-062-019-4	30.00
563-062-029-3	30.00
563-062-030-3	30.00
563-064-001-3	30.60
563-071-001-5	30.00
563-072-005-2	30.00
563-073-003-3	30.00
563-073-005-5	30.00
563-074-003-6	30.00
563-074-004-7	30.00
563-075-002-8	30.00
563-075-004-0	30.00
563-075-009-5	30.00
563-081-002-7	46.50
563-082-001-9	30.00
563-082-005-3	30.00
563-082-007-5	30.00
563-082-008-6	30.00
563-082-011-8	30.00
563-091-001-7	30.00
563-091-003-9	30.00
563-091-005-1	30.00
563-100-015-7	30.00
563-100-022-3	30.00
563-212-006-5	30.00
563-212-007-6	30.00
563-212-013-1	30.00
563-212-022-4	30.00
563-212-024-1	30.00
563-212-026-3	30.00
563-212-027-4	30.00
563-213-022-2	30.00
563-213-029-9	30.00
563-221-001-8	30.00
563-221-002-9	30.00
563-221-004-1	30.00

**IDYLLWILD WATER DISTRICT  
STAND-BY ASSESSMENT  
UNIMPROVED LOTS  
FOR 68-4871 FUND  
EFFECTIVE JULY 1, 2018**

<b>68-4871 ASSESSMENT NUMBER</b>	<b>68-4871 ASSESSMENT AMOUNT</b>
563-221-007-4	30.00
563-222-003-3	30.00
563-222-022-0	30.00
563-231-014-1	30.00
563-231-016-3	30.00
563-232-004-5	30.00
563-232-008-9	30.00
563-233-010-3	30.00
563-233-016-9	30.00
563-234-005-2	30.00
563-241-007-6	30.00
563-241-009-8	30.00
563-241-014-2	30.00
563-241-017-5	37.20
563-242-011-2	30.00
563-242-014-5	30.00
563-250-006-3	30.00
563-250-017-3	39.00
563-250-031-5	30.00
563-261-010-0	30.00
563-263-012-8	30.00
563-263-016-2	30.00
563-264-004-4	30.00
563-264-010-9	30.00
563-264-012-1	30.00

**IDYLLWILD WATER DISTRICT  
STAND-BY ASSESSMENT  
UNIMPROVED LOTS  
FOR 68-4871 FUND  
EFFECTIVE JULY 1, 2018**

<b>68-4871 ASSESSMENT NUMBER</b>	<b>68-4871 ASSESSMENT AMOUNT</b>
563-265-014-6	30.00
563-272-009-4	30.00
563-272-011-5	30.00
563-272-014-8	30.00
563-274-002-3	30.00
563-281-001-4	30.00
563-281-017-9	30.00
563-282-002-8	30.00
563-282-003-9	30.00
563-282-004-0	30.00
563-282-006-2	30.00
563-292-007-4	30.00
563-300-012-2	30.00
563-300-028-7	30.00
563-300-030-8	30.00
563-300-043-0	30.00
563-312-002-0	30.00
563-312-003-1	30.00
563-312-004-2	30.00
563-312-012-9	30.00
563-312-035-0	74.10
563-323-003-5	30.00
563-323-005-7	30.00
563-323-007-9	30.00
563-323-008-0	30.00
563-323-012-3	30.00
563-330-005-9	98.70
563-330-007-2	575.70
565-051-015-0	30.00
565-052-002-1	30.00
565-052-003-2	30.00
565-052-006-5	30.00



**IDYLLWILD WATER DISTRICT  
STAND-BY ASSESSMENT  
UNIMPROVED LOTS  
FOR 68-4871 FUND  
EFFECTIVE JULY 1, 2018**

<b>68-4871 ASSESSMENT NUMBER</b>	<b>68-4871 ASSESSMENT AMOUNT</b>
565-062-016-5	30.00
565-062-023-1	30.00
565-070-002-7	30.00
565-070-005-0	76.50
565-070-014-8	30.00
565-070-020-3	67.50
565-070-023-6	30.00
565-070-025-8	75.60
565-080-002-8	30.00
565-080-009-5	30.00
565-080-026-0	30.00
565-080-044-6	30.00
565-080-051-2	30.00
565-080-058-9	30.00
565-091-014-3	30.00
565-091-016-5	30.00
565-091-026-4	30.00
565-101-018-7	30.00
565-102-030-0	30.00
565-111-013-3	30.00
565-111-015-5	30.00
565-111-017-7	30.00
565-111-037-5	30.00
565-111-038-6	30.00
565-113-010-6	30.00
565-161-022-6	30.00
565-161-028-2	30.00
565-162-012-0	30.00
565-162-020-7	30.00
565-162-025-2	51.60
565-171-010-6	30.00
565-171-014-0	30.00
565-171-016-2	30.00
565-171-019-5	30.00

**IDYLLWILD WATER DISTRICT  
STAND-BY ASSESSMENT  
UNIMPROVED LOTS  
FOR 68-4871 FUND  
EFFECTIVE JULY 1, 2018**

<b>68-4871 ASSESSMENT NUMBER</b>	<b>68-4871 ASSESSMENT AMOUNT</b>
565-172-019-8	30.00
565-172-020-8	30.00
565-172-024-2	30.00
565-180-005-0	30.00
565-180-006-1	30.00
565-180-008-3	30.00
565-180-011-5	30.00
565-180-012-6	30.00
565-180-014-8	30.00
565-180-015-9	30.00
565-180-017-1	30.00
565-180-018-2	30.00
565-180-021-4	30.00
565-191-004-3	30.00
565-191-006-5	30.00
565-191-015-3	48.90
565-191-017-5	30.00
565-192-001-3	30.00
565-192-007-9	60.30
565-192-018-9	30.00
565-192-019-0	30.00
565-192-023-3	30.00
565-192-031-0	30.00
565-192-038-7	30.00
565-222-001-5	30.00
565-222-003-7	30.00
565-222-004-8	30.00
565-222-006-0	30.00
565-224-001-1	30.00
565-224-002-2	30.00
565-224-007-7	30.00
565-225-004-7	30.00
565-225-005-8	30.00
565-226-024-8	30.00
565-231-010-1	30.00
565-231-011-2	30.00
565-232-001-6	30.00

**IDYLLWILD WATER DISTRICT  
STAND-BY ASSESSMENT  
UNIMPROVED LOTS  
FOR 68-4871 FUND  
EFFECTIVE JULY 1, 2018**

<b>68-4871 ASSESSMENT NUMBER</b>	<b>68-4871 ASSESSMENT AMOUNT</b>
565-232-003-8	30.00
565-232-004-9	30.00
565-233-008-6	30.00
565-233-025-1	30.30
565-233-026-2	30.00
565-242-003-9	30.00
565-242-014-9	30.00
565-242-015-0	30.00
565-242-016-1	30.00
565-242-018-3	30.00
565-242-021-5	30.00
565-242-041-3	30.00
565-242-043-5	30.00
565-243-001-0	30.00
565-243-002-1	30.00
565-243-008-7	30.00
565-243-013-1	30.00
565-260-002-4	90.90
565-260-007-9	92.70
565-280-001-5	219.00
565-281-001-8	30.00
565-281-002-9	30.00
565-290-006-1	30.00
565-290-008-3	30.00
565-290-010-4	30.00
565-290-011-5	51.90
565-290-015-9	30.00
565-290-017-1	39.00
565-290-023-6	30.00
565-300-001-6	363.00
565-300-005-0	86.40
557-180-016-1	108.60
557-220-024-2	30.00
557-220-025-2	30.00
557-220-028-5	42.60
561-092-002-7	30.00
563-213-010-1	30.00

**IDYLLWILD WATER DISTRICT  
STAND-BY ASSESSMENT  
UNIMPROVED LOTS  
FOR 68-4871 FUND  
EFFECTIVE JULY 1, 2018**

<b>68-4871 ASSESSMENT NUMBER</b>	<b>68-4871 ASSESSMENT AMOUNT</b>
563-213-021-1	30.00
563-213-041-9	111.00
563-222-052-7	30.00
563-222-055-0	30.00
563-222-057-2	30.00
563-272-015-9	30.00

**SUMMARY OF TOTALS BY FUND:**

**68-4871**  
**TOTAL AMOUNT** 18,720.60

**68-4871**  
**TOTAL COUNT** 453

**68-4871**  
**AVERAGE AMOUNT  
PER COUNT** \$41.33

RESOLUTION NO. 745

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE IDYLLWILD WATER DISTRICT  
PROPOSING A WATER STANDBY CHARGE ON ALL UNIMPROVED LANDS WITHIN THE DISTRICT AND  
SCHEDULING A PUBLIC HEARING THEREON

The Board of Directors of the IDYLLWILD WATER DISTRICT ("District") hereby resolves as follows:

1. The Board of Directors of the District proposes to implement a water service standby, or availability, charge on all unimproved lands within Idyllwild Water District for the fiscal year July 1, 2018 to June 30, 2019, in accordance with, and pursuant to, Water Code Section 31032.1 et seq.
2. The charge is proposed to be \$30.00 per acre per year for each acre of unimproved land and \$30.00 per year for each parcel of land that is less than 1 acre in size. "Unimproved land" is defined as those parcels of land upon which a water meter has not been set by the Idyllwild Water District.
3. All charges proposed to be levied shall be collected on the tax roll of Riverside County in the same manner, by the same persons and at the same time as, together with and not separately from, the general taxes for the District, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties.
4. The General Manager shall cause a written report to be prepared and filed with the Secretary of the District which shall contain a description of each parcel of real property and an amount of the charge for each parcel for the year.
5. A Public Hearing on the said written report shall be conducted by the Board of Directors of the District at 6:00 p.m., on May 16, 2018, in the meeting room in the offices of the District, located at 25945 Hwy. 243, Idyllwild, California 92549. At this hearing, the Board of Directors shall hear and consider all public testimony. At the close of the Public Hearing, the Board of Directors may adopt, revise, change, reduce or modify the proposed charge.
6. The General Manager is hereby authorized and directed to cause a notice of the filing of the written report and of the time and place of the Public Hearing thereon to be published in accordance with Government Code, Section 6066 prior to the date set for the Hearing in the Idyllwild Town Crier, a newspaper of local general circulation and shall post a similar notice in no less than three public places within the District.

Adopted this 21<sup>st</sup> day of March, 2018.

IDYLLWILD WATER DISTRICT

By: \_\_\_\_\_  
CHARLES SCHELLY, President  
Board of Directors

ATTEST:

I, ERICA GONZALES, Secretary of the IDYLLWILD WATER DISTRICT, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted by the Board of Directors of the IDYLLWILD WATER DISTRICT at its meeting of March 21, 2018, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

In witness whereof, I have executed by statement and affix the official seal of the IDYLLWILD WATER DISTRICT this 21<sup>st</sup> day of March.

IDYLLWILD WATER DISTRICT

\_\_\_\_\_  
ERICA GONZALES, Secretary

**IDYLLWILD WATER DISTRICT  
 STAND-BY ASSESSMENT  
 UNIMPROVED LOTS  
 FOR 68-4872 FUND  
 EFFECTIVE JULY 1, 2018**

**FINAL**

<b>68-4872 ASSESSMENT NUMBER</b>	<b>68-4872 ASSESSMENT AMOUNT</b>
--	--

557-130-002-3	198.00
557-140-001-3	445.20
561-020-010-1	33.00
561-020-016-7	30.00
561-020-025-5	709.80
561-020-027-7	302.10
561-031-001-7	39.00
561-032-001-0	56.10
561-032-002-1	30.00
561-032-013-1	30.00
561-041-005-2	30.00
561-041-007-4	30.00
561-043-005-8	30.00
561-043-013-5	30.00
561-050-005-0	30.00
561-050-011-5	33.60
561-061-001-0	51.00
561-062-002-4	30.00
561-063-001-6	30.00
561-064-005-3	30.00
561-064-008-6	30.00
561-064-009-7	30.00
561-064-011-8	30.00
561-064-013-0	30.00
561-065-004-5	30.00
561-080-020-6	30.00
561-080-025-1	30.00
561-092-010-4	30.00
561-092-013-7	30.00
561-092-014-8	30.00

561-093-006-4	30.00
561-111-005-8	30.00
561-111-008-1	30.00
561-121-011-4	30.00
561-131-003-8	30.00
561-131-005-0	30.00
561-131-016-0	30.00
561-131-022-5	30.00
561-131-042-3	30.00
561-141-012-7	30.00
561-142-005-4	30.00
561-142-030-6	30.00
561-220-008-8	30.00
561-220-018-7	30.00
561-220-025-3	30.00
563-100-015-7	30.00
563-100-022-3	30.00
563-221-001-8	30.00
563-222-022-0	30.00
563-222-025-3	30.00
563-223-002-5	30.00
563-223-003-6	30.00
563-232-004-5	30.00
563-232-008-9	30.00
563-233-010-3	30.00
563-233-016-9	30.00
563-234-005-2	30.00
563-235-009-9	30.00
563-242-011-2	30.00
563-242-014-5	30.00
563-242-017-8	30.00
563-250-006-3	30.00
563-250-017-3	39.00
563-250-031-5	30.00
563-261-007-8	30.00
563-261-010-0	30.00

563-262-001-5	30.00
563-263-012-8	30.00
563-263-016-2	30.00
563-264-004-4	30.00
563-264-010-9	30.00
563-264-012-1	30.00
563-265-002-5	30.00
563-265-014-6	30.00
563-281-001-4	30.00
563-292-007-4	30.00
563-292-013-9	37.80
563-300-012-2	30.00
563-300-019-9	30.00
563-300-023-2	30.00
563-300-028-7	30.00
563-300-030-8	30.00
563-300-043-0	30.00
563-312-035-0	74.10
563-323-003-5	30.00
563-323-005-7	30.00
563-323-007-9	30.00
563-323-008-0	30.00
563-323-012-3	30.00
563-330-005-9	98.70
563-330-007-2	575.70
565-062-016-5	30.00
565-062-023-1	30.00
565-070-002-7	30.00
565-070-005-0	76.50
565-070-014-8	30.00
565-070-020-3	67.50
565-070-023-6	30.00
565-070-025-8	75.60
565-080-002-8	30.00
565-080-009-5	30.00
565-080-020-4	30.00
565-080-026-0	30.00
565-080-030-3	30.00
565-080-044-6	30.00
565-080-051-2	30.00
565-080-058-9	30.00
565-091-026-4	30.00
565-101-005-5	30.00
565-101-018-7	30.00



565-242-041-3	30.00
561-092-002	30.00

68-4872	
TOTAL AMOUNT	5,762.70

68-4872	
TOTAL COUNT	112

68-4872	
AVERAGE AMOUNT PER COUNT	\$51.45

RESOLUTION NO. 746

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE IDYLLWILD WATER DISTRICT/IMPROVEMENT DISTRICT #1  
PROPOSING A SEWER STANDBY CHARGE ON ALL UNIMPROVED LANDS WITHIN THE DISTRICT AND  
SCHEDULING A PUBLIC HEARING THEREON

The Board of Directors of the IDYLLWILD WATER DISTRICT - IMPROVEMENT DISTRICT #1 ("District") hereby resolves as follows:

1. The Board of Directors of the District proposes to implement a sewer and waste service standby, or availability, charge on all unimproved lands within Improvement District #1 for the fiscal year July 1, 2018 to June 30, 2019, in accordance with, and pursuant to, Water Code Section 31032.1 et seq.
2. The charge is proposed to be \$30.00 per acre per year for each acre of unimproved land and \$30.00 per year for each parcel of land that is less than 1 acre in size. "Unimproved land" is defined as those parcels of land upon which no permanent structures are connected to the Improvement District #1 collection system..
3. All charges proposed to be levied shall be collected on the tax roll of Riverside County in the same manner, by the same persons and at the same time as, together with and not separately from, the general taxes for the District, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties.
4. The General Manager shall cause a written report to be prepared and filed with the Secretary of the District which shall contain a description of each parcel of real property and an amount of the charge for each parcel for the year.
5. A Public Hearing on the said written report shall be conducted by the Board of Directors of the District at 6:00 p.m., on May 16, 2018, in the meeting room in the offices of the District, located at 25945 Hwy., Idyllwild, California 92549. At this Hearing, the Board of Directors shall hear and consider all public testimony. At the close of the Public Hearing, the Board of Directors may adopt, revise, change, reduce or modify the proposed charge.
6. The General Manager is hereby authorized and directed to cause a notice of the filing of the written report and of the time and place of the public hearing thereon to be published in accordance with Government Code, Section 6066 prior to the date set for the Hearing in the Idyllwild Town Crier, a newspaper of local general circulation, and shall post a similar notice in no less than three public places within the District.

Adopted this 21<sup>st</sup> day of March, 2018.

IDYLLWILD WATER DISTRICT/IMPROVEMENT DISTRICT #1

By: \_\_\_\_\_  
CHARLES SCHELLY, President Board of Directors

ATTEST:

I, ERICA GONZALES, Secretary of the IDYLLWILD WATER DISTRICT, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted by the Board of Directors of the IDYLLWILD WATER DISTRICT at its meeting of March 21, 2018, by the following vote:

AYES:                      NAY:                      ABSTAIN:                      ABSENT:

In witness whereof, I have executed by statement and affix the official seal of the IDYLLWILD WATER DISTRICT this 21<sup>st</sup> day of March, 2018.

IDYLLWILD WATER DISTRICT/IMPROVEMENT DISTRICT #1

\_\_\_\_\_  
ERICA GONZALES, Secretary

# Memo

**To: Board of Directors**

**From: General Manager**

**Date: March 21, 2018**

**Subject: ITEM #9 – CONSIDER RESOLUTION NO. 747 OPPOSING SB 623 – CREATING A STATEWIDE WATER TAX**

**Recommendation:** That the Idyllwild Water District Board of Directors approve Resolution No. 747 noting the Idyllwild Water District's opposition to SB623 and authorizing the staff to take the ACWA recommended actions to indicate the District's position.

**Background:** Senate Bill 623 was introduced in the 2017 legislative session, was strongly opposed, became a two-year bill. SB623 (current draft attached) calls for the imposition of a tax of various amounts each month (\$0.95 on 1-inch and smaller water meters) throughout the State. The proceeds of the tax would be used to provide safe and reliable water supplies to disadvantaged communities.

Attached are materials from the Association of California Water Agencies (ACWA) providing analysis of the bill and describing ACWA's position (Idyllwild Water District is a member of ACWA). ACWA has requested member agencies adopt individual resolutions of opposition to demonstrate the breadth and depth of opposition to not only the Bill but the concept as well.

The Administration, since the Bill cannot garner majority support in the Legislature, is trying to implement the Tax through adoption within a trailer bill to the FY 2018-19 State Budget.

Attachments: SB 623 (see particularly Article 5, pages 6-8 of 13)

Resolution No. 747

ACWA Outreach Alert

Press-Enterprise Opinion

**SB-623 Water quality: Safe and Affordable Drinking Water Fund.** (2017-2018)

**SECTION 1.** Article 6.5 (commencing with Section 14615) is added to Chapter 5 of Division 7 of the Food and Agricultural Code, to read:

**Article 6.5. Fertilizer Safe Drinking Water Fee**

**14615.** (a) It is the intent of the Legislature to require licensees of bulk fertilizing materials, and to authorize licensees of packaged fertilizing materials, to pass the fertilizer safe drinking water fee on to the end user of the fertilizer.

(b) For purposes of this article, the following definitions apply:

(1) "Bulk fertilizing material" has the same meaning as applies to "bulk material" in Section 14517.

(2) "Fertilizing material" has the same meaning as defined in Section 14533.

(3) "Fund" means the Safe and Affordable Drinking Water Fund established by Section 116767 of the Health and Safety Code.

(4) "Packaged" has the same meaning as defined in Section 14551.

**14616.** (a) In addition to the assessments provided in Section 14611, a licensee whose name appears on the label of bulk or packaged fertilizing materials shall pay to the secretary a fertilizer safe drinking water fee of five mills (\$.005) per dollar of sales for all sales of fertilizing materials to be deposited into the fund.

(b) This section shall remain in effect only until January 1, 2033, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2033, deletes or extends that date.

**14616.** (a) In addition to the assessments provided in Section 14611, a licensee whose name appears on the label of bulk or packaged fertilizing materials shall pay to the secretary a fertilizer safe drinking water fee of two mills (\$.002) per dollar of sales for all sales of fertilizing materials to be deposited into the fund.

(b) The secretary may reduce the fertilizer safe drinking water fee as necessary to not exceed the anticipated funding need in the most recent assessment of funding need adopted by the State Water Resources Control Board pursuant to subdivision (b) of Section 116769 of the Health and Safety Code. By October 1 of each year, the secretary shall notify all licensees of the amount of the fertilizer safe drinking water fee to be assessed in the following calendar year.

(c) This section shall become operative on January 1, 2033.

**14617.** (a) (1) A licensee whose name appears on the label who sells or distributes bulk fertilizing materials shall charge an unlicensed purchaser the fertilizer safe drinking water fee as a charge that is separate from, and not included in, any other fee, charge, or other amount paid by the purchaser. This fee shall be included on the bill of sale as a separate line item.

(2) A licensee whose name appears on the label of packaged fertilizing materials may include the fertilizer safe drinking water fee as a charge that is separate from, and not included in, any other fee, charge, or other amount paid by the purchaser.

(b) The secretary may prescribe, adopt, and enforce regulations relating to the administration and enforcement of this article.

(c) The secretary may retain up to 2 percent of the moneys collected pursuant to this article for reasonable costs associated with the implementation and enforcement of this article.

**SEC. 2.** Article 14.5 (commencing with Section 62215) is added to Chapter 2 of Part 3 of Division 21 of the Food and Agricultural Code, to read:

**Article 14.5. Dairy Safe Drinking Water Fee**

**62215.** (a) *It is the intent of the Legislature that the dairy safe drinking water fee be paid for all milk purchased in the state, regardless of grade.*

(b) *For purposes of this article, the following definitions apply:*

(1) *"Fee" means the dairy safe drinking water fee.*

(2) *"Manufacturing milk" has the same meaning as defined in Section 32509.*

(3) *"Market milk" has the same meaning as defined in Section 32510.*

(4) *"Milk" includes market milk and manufacturing milk.*

**62216.** (a) *Beginning January 1, 2020, each handler, including a producer-handler, subject to the provisions of a stabilization and marketing plan shall deduct the sum of \$0.01355 per hundredweight of milk from payments made to producers for milk, including the handler's own production, as a dairy safe drinking water fee.*

(b) *The secretary shall adopt regulations necessary for the proper administration and enforcement of this section by January 1, 2020.*

(c) *This section shall remain in effect only until January 1, 2035, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2035, deletes or extends that date.*

**62216.** (a) *Each handler, including a producer-handler, subject to the provisions of a stabilization and marketing plan shall deduct the sum of \$0.00678 per hundredweight of milk from payments made to producers for milk, including the handler's own production, as a dairy safe drinking water fee.*

(b) *The secretary may reduce the fee, and may adjust the fee reduction from time to time, as necessary to not exceed the anticipated funding need in the most recent assessment of funding need adopted by the State Water Resources Control Board pursuant to subdivision (b) of Section 116769 of the Health and Safety Code.*

(c) *The secretary shall adopt regulations necessary for the proper administration and enforcement of this section.*

(d) *This section shall become operative on January 1, 2035.*

**62217.** (a) *A handler shall pay the dairy safe drinking water fee to the secretary on or before the 45th day following the last day of the month in which the milk was received.*

(b) *The secretary shall remit the moneys paid to him or her pursuant to this article to the State Water Resources Control Board for deposit into the Safe and Affordable Drinking Water Fund established by Section 116767 of the Health and Safety Code. The secretary may retain up to 2 percent of the total amount that is paid to the secretary for the purposes of covering administrative costs borne by the secretary for implementing this section.*

(c) *The secretary may require handlers, including cooperative associations acting as handlers, to make reports at any intervals and in any detail that he or she finds necessary for the accurate collection of the fee.*

(d) *For the purposes of enforcing this article, the secretary, through his or her duly authorized representatives and agents, shall have access to the records of every producer and handler. The secretary shall have at all times free and unimpeded access to any building, yard, warehouse, store, manufacturing facility, or transportation facility in which any milk or milk product is produced, bought, sold, stored, bottled, handled, or manufactured.*

(e) *Any books, papers, records, documents, or reports made to, acquired by, prepared by, or maintained by the secretary pursuant to this article that would disclose any information about finances, financial status, financial worth, composition, market share, or business operations of any producer or handler, excluding information that solely reflects transfers of production base and pool quota among producers, is confidential and shall not be disclosed to any person other than the person from whom the information was received, except pursuant to the final order of a court with jurisdiction, or as necessary for the proper determination of any proceeding before the secretary.*

**SEC. 3.** *Chapter 4.6 (commencing with Section 116765) is added to Part 12 of Division 104 of the Health and Safety Code, to read:*

**CHAPTER 4.6. Safe and Affordable Drinking Water****Article 1. Legislative Findings and Declarations**

**116765.** *The Legislature finds and declares all of the following:*

(a) Section 106.3 of the Water Code declares that it is the 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.

(b) For all public water systems, the operation and maintenance costs to supply, treat, and distribute potable water that complies with federal and state drinking water standards on a routine and consistent basis may be significant.

(c) All public water systems are currently required to set, establish, and charge a schedule of rates and fees that are sufficient to recover the operation and maintenance costs required to supply, treat, and distribute potable water that complies with federal and state drinking water standards on a routine and consistent basis.

(d) Hundreds of public water systems in the state cannot charge rates and fees that are affordable and sufficient to recover the full operation and maintenance costs required to supply, treat, and distribute potable water that complies with federal and state drinking water standards on a routine and consistent basis due to a combination of low income levels of customers, high treatment costs for contaminated water sources, and a lack of economies of scale that result in high unit costs for water service. Many schools that serve as their own regulated public water systems and have contaminated water sources cannot afford the full operation and maintenance costs required to provide water that meets federal and state drinking water standards.

(e) Nearly all state or federal drinking water project funding sources prohibit the use of that funding for operation and maintenance costs, and as a result, those systems that cannot afford required operation and maintenance costs are unable to access funding for capital projects to meet federal and state drinking water standards.

(f) As a result, hundreds of thousands of Californians, particularly those living in small disadvantaged communities, may be exposed to unsafe drinking water in their homes and schools, which impacts human health, household costs, and community economic development.

(g) A significant number of California residents rely on state small water systems and domestic wells to provide their drinking water.

(h) State small water systems and domestic wells are not currently subject to any comprehensive federal or state requirements for chemical water quality monitoring. Many local agencies do not require any monitoring beyond what is required by state law, and there are wide discrepancies among local jurisdictions in well monitoring programs.

(i) The state small water systems and individual domestic wells face a serious threat of contamination because they often draw their water from shallow groundwater sources and have fewer or no chemical monitoring requirements.

(j) To ensure that the right of every Californian to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes is protected, it is in the interest of the State of California to identify where Californians are at high risk of lacking reliable access to safe drinking water or are known to lack reliable access to safe drinking water, whether they rely on a public water system, state small water system, or domestic well for their potable water supply.

(k) Long-term sustainability of drinking water infrastructure and service provision is necessary to secure safe drinking water for all Californians and therefore it is in the interest of the state to discourage the proliferation of new, unsustainable public water systems and state small water systems, to prevent waste, and to encourage consolidation and service extension when feasible.

(l) It is in the interest of all Californians to establish a fund with a stable source of revenue to provide financial support, particularly for operation and maintenance, necessary to secure access to safe drinking water for all Californians, while also ensuring the long term sustainability of drinking water service and infrastructure.

## **Article 2. Definitions**

**116766.** For the purposes of this chapter:

(a) "Administrator" has the same meaning as defined in Section 116686.

(b) "Board" means the State Water Resources Control Board.

(c) "Community water system" has the same meaning as defined in Section 116275.

(d) "Customer" has the same meaning as defined in Section 10612 of the Water Code.

(e) "Disadvantaged community" has the same meaning as defined in Section 116275.

(f) "Domestic well" means a groundwater well used to supply water for the domestic needs of an individual residence or water systems with no more than four service connections.

(g) "Fund" means the Safe and Affordable Drinking Water Fund established pursuant to Section 116767.

(h) "Fund implementation plan" means the fund implementation plan adopted pursuant to Section 116769.

(i) "Nontransient noncommunity water system" has the same meaning as defined in Section 116275.

(j) "Public water system" has the same meaning as defined in Section 116275.

(k) "Replacement water" includes, but is not limited to, bottled water, point-of-use, or point-of-entry treatment units.

(l) "Safe drinking water" has the same meaning as defined in Section 116681.

(m) "Service connection" has the same meaning as defined in Section 116275.

(n) "Small community water system" has the same meaning as defined in Section 116275.

(o) "State small water system" has the same meaning as defined in Section 116275.

### **Article 3. Safe and Affordable Drinking Water Fund**

**116767.** The Safe and Affordable Drinking Water Fund is hereby established in the State Treasury. Notwithstanding Section 13340 of the Government Code, all moneys in the fund are continuously appropriated to the board without regard to fiscal years, in accordance with this chapter. Moneys in the fund at the close of the fiscal year shall remain in the fund and shall not revert to the General Fund.

**116768.** (a) The board shall administer the fund for the purposes of this chapter to provide a stable source of funding to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure. The board shall prioritize the use of this funding to assist disadvantaged communities and low-income individual domestic well users. In order to maximize the use of other funding sources for capital construction projects when available, the board shall prioritize use of this funding for costs other than those related to capital construction costs, except for capital construction costs associated with consolidation and service extension to reduce the ongoing unit cost of service and to increase sustainability of drinking water infrastructure and service delivery. Beginning January 1, 2019, an expenditure from the fund shall be consistent with the annual fund implementation plan.

(b) In accordance with subdivision (a), the board shall expend moneys in the fund for grants, loans, contracts, or services to assist eligible applicants with any of the following:

(1) The provision of replacement water, as needed, to ensure immediate protection of health and safety as a short-term solution.

(2) The development, implementation, and sustainability of long-term solutions, including, but not limited to, technical assistance, planning, construction, and operation and maintenance costs associated with replacing, blending, or treating contaminated drinking water sources, consolidating water systems, or extending drinking water services to other public water systems, domestic wells, or state small water systems. Technical assistance and planning costs may include, but are not limited to, analyses to identify, and efforts to further, opportunities to reduce the unit cost of providing drinking water through organizational and operational efficiency improvements, system consolidation and service extension, implementation of new technology, and other options and approaches to reduce costs.

(3) Identifying and providing outreach to Californians who are eligible to receive assistance from the fund.

(4) Testing the drinking water quality of domestic wells serving households with an income equal to or less than 200 percent of the federal poverty level in high risk areas identified pursuant to Article 4 (commencing with Section 116770).

(c) Eligible applicants for funding include public water systems; public agencies, including, but not limited to, local educational agencies; nonprofit organizations; federally recognized Indian tribes; state Indian tribes listed on the Native American Heritage Commission's California Tribal Consultation List; administrators; and groundwater sustainability agencies.

(d) The board may expend moneys from the fund for reasonable costs associated with administration of the fund. Beginning July 1, 2020, the board may expend no more than 5 percent of the annual expenditures from the fund for reasonable costs associated with administration of the fund.



(e) *The board may undertake any of the following actions to implement the fund:*

(1) *Provide for the deposit of any of the following available and necessary moneys into the fund:*

(A) *Federal contributions.*

(B) *Voluntary contributions, gifts, grants, or bequests.*

(C) *Settlements from parties responsible for contamination of drinking water supplies.*

(2) *Enter into agreements for contributions to the fund from the federal government, local or state agencies, and private corporations or nonprofit organizations.*

(3) *Provide for appropriate audit, accounting, and fiscal management services, plans, and reports relative to the fund.*

(4) *Direct portions of the fund to a subset of eligible applicants as required or appropriate based on funding source and consistent with the annual fund implementation plan.*

(5) *Take additional incidental action as may be appropriate for adequate administration and operation of the fund.*

(f) *In administering the fund, the board shall make reasonable efforts to ensure all of the following:*

(1) *That parties responsible for contamination of drinking water supplies affecting an eligible applicant can be directly or easily identified by the board to pay or reimburse costs associated with contamination.*

(2) *That funds are used to secure the long-term sustainability of drinking water service and infrastructure, including, but not limited to, requiring adequate technical, managerial, and financial capacity of eligible applicants as part of funding agreement outcomes. Funding shall be prioritized to implement consolidations and service extensions when feasible, and administrative and managerial contracts entered into pursuant to Section 116686 where applicable. Funds shall not be used to delay, prevent, or avoid the consolidation or extension of service to public water systems where it is feasible and the least-cost alternative. The board may set appropriate requirements as a condition of funding, including, but not limited to, a system technical, managerial, or financial capacity audit, improvements to reduce costs and increase efficiencies, an evaluation of alternative treatment technologies, and a consolidation or service extension feasibility study. As a condition of funding, the board may require a domestic well with nitrate contamination where ongoing septic system failure may be causing or contributing to contamination of a drinking water source to conduct an investigation and project to address the septic system failure if adequate funding sources are identified and accessible.*

(3) *That funds are not used to subsidize large-scale nonpotable use, to the extent feasible.*

(g) *At least once every 10 years, the board shall conduct a public review and assessment of the Safe and Affordable Drinking Water Fund, including, but not limited to, the effectiveness of the fund, the appropriateness of fees deposited into the fund, and any actions needed to carry out the purposes of this chapter. The board shall post the information it gathers on its Internet Web site and shall submit the information to the Legislature in compliance with Section 9795 of the Government Code.*

**116769.** *By July 1 of each year, the board shall do all of the following:*

(a) *Prepare and make available a report of expenditures from the fund.*

(b) *Adopt, after a public hearing, an assessment of funding need, based on available data, that includes all of the following:*

(1) *Identification of systems and populations potentially in need of assistance, including all of the following:*

(A) *A list of systems that consistently fail to provide an adequate supply of safe drinking water. The list shall include, but is not limited to, all of the following:*

(i) *Any public water system that consistently fails to provide an adequate supply of safe drinking water.*

(ii) *Any community water system that serves a disadvantaged community that must charge fees that exceed the affordability threshold established in the Clean Water State Revolving Fund Intended Use Plan in order to supply, treat, and distribute potable water that complies with federal and state drinking water standards.*

(iii) *Any state small water system that consistently fails to provide an adequate supply of safe drinking water.*

(B) A list of programs that assist, or that will assist, households supplied by a domestic well that consistently fails to provide an adequate supply of safe drinking water. This list shall include the number and approximate location of households served by each program without identifying exact addresses or other personal information.

(C) A list of public water systems and state small water systems that may be at risk of failing to provide an adequate supply of safe drinking water.

(D) An estimate of the number of households that are served by domestic wells or state small water systems in high risk areas identified pursuant to Article 4 (commencing with Section 116770). The estimate shall identify approximate locations of households, without identifying exact addresses or other personal information, in order to identify potential target areas for outreach and assistance programs.

(2) An analysis of anticipated funding needed for known projects, services, or programs by eligible applicants, consistent with the fund implementation plan, including any funding needed for existing long-term funding commitments from the fund. The board shall identify and consider other existing funding sources able to support any projects, services, or programs identified, including, but not limited to, local funding capacity, state or federal funding sources for capital projects, funding from responsible parties, and specialized funding sources contributing to the fund.

(3) An estimate of the funding needed for the next fiscal year based on the amount available in the fund, anticipated funding needs, other existing funding sources, and other relevant data and information.

(c) (1) Adopt, after a public hearing, a fund implementation plan with priorities and guidelines for expenditures of the fund.

(2) The board shall work with a multistakeholder advisory group that shall be open to participation by representatives of entities paying into the fund, public water systems, technical assistance providers, local agencies, nongovernmental organizations, residents served by community water systems in disadvantaged communities, state small water systems, domestic wells, and the public, to establish priorities for the plan.

**Article 4. Information on High Risk Areas**

116770. (a) (1) By January 1, 2019, the board, in consultation with local health officers and other relevant stakeholders, shall use available data to make available a map of aquifers that are at high risk of containing contaminants and that exceed primary federal and state drinking water standards that are used or likely to be used as a source of drinking water for a state small water system or a domestic well. The board shall update the map at least annually based on any newly available data.

(2) The board shall make the map of high risk areas, as well as the data used to make the map, publicly accessible on its Internet Web site in a manner that does not identify exact addresses or other personal information and that complies with the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The board shall notify local health officers and county planning agencies of high risk areas within their jurisdictions.

(b) (1) A local health officer or other relevant local agency shall provide all results of, and data associated with, water quality testing performed by certified laboratories for a state small water system or domestic well that is in the possession of the local health officer or other relevant local agency in an electronic format to the board by January 1, 2019.

(2) On and after January 1, 2019, a local health officer or other relevant local agency shall require all results of, and data associated with, water quality testing performed by a certified laboratory for a state small water system or domestic well that is submitted to the local health officer or other relevant local agency to also be submitted directly to the board in electronic format.

**Article 5. Safe and Affordable Drinking Water Fee**

116771. (a) (1) Until July 1, 2020, there is hereby imposed a safe and affordable drinking water fee on each person or entity that purchases water from a public water system, as follows:

(A) For a customer with a water meter that is less than or equal to one inch in size, the fee shall be ninety-five cents (\$0.95) per month.

(B) For a customer with a water meter that is greater than one inch and less than or equal to two inches in size, the fee shall be four dollars (\$4) per month.

(C) For a customer with a water meter that is greater than two inches and less than or equal to four inches in size, the fee shall be six dollars (\$6) per month.

(D) For a customer with a water meter that is greater than four inches in size, the fee shall be ten dollars (\$10) per month.

(E) For a customer without a water meter, the fee shall be ninety-five cents (\$0.95) per month.

(2) A customer that self-certifies under penalty of perjury to the public water system collecting the fee that he or she meets either of the following criteria shall be exempt from the payment of the fee:

(i) The customer's household income is equal to or less than 200 percent of the federal poverty level.

(ii) The customer operates a deed-restricted multifamily housing development that is required to provide housing exclusively to tenants with household incomes equal to or less than 200 percent of the federal poverty level.

(3) (A) A customer that is already enrolled in a program offered by a public water system that is designed specifically to reduce the cost of water service incurred by customers who meet established income guidelines is exempt from the payment of the fee.

(B) A connection or meter that is used exclusively for fire flow or uses nonpotable water, including, but not limited to, recycled water, is exempt from the fee.

(4) A customer that has multiple connections or meters serving a single address shall only pay a single monthly fee based on the customer's largest metered connection.

(b) (1) (A) Beginning July 1, 2020, each person or entity that purchases water from a public water system shall be assessed a fee according to a fee schedule established by the board for the purposes of the Safe and Affordable Drinking Water Fund.

(B) The fee schedule shall not exceed the amounts established in paragraph (1) of subdivision (a).

(C) The board shall review and revise the fee schedule each fiscal year as necessary to not exceed the anticipated funding need in the most recent assessment of funding need.

(D) The fee schedule shall establish that a customer that has multiple connections or meters serving a single address shall only pay a single monthly fee pursuant to this section, based on its largest metered connection.

(E) (i) The fee schedule shall exempt any connection or meter that is used exclusively for fire flow or utilizes nonpotable water, including, but not limited to, recycled water.

(ii) By July 1, 2020, the board, in consultation with the Public Utilities Commission, shall adopt regulations to exempt households with incomes equal to or less than 200 percent of the federal poverty level from the fee established in the fee schedule pursuant to this subdivision. The Public Utilities Commission shall provide consultation, as well as relevant data, from the California Alternate Rates for Energy or CARE program established pursuant to Section 739.1 of the Public Utilities Code and from the water utility low-income rate payer assistance programs developed pursuant to Section 739.8 of the Public Utilities Code to the board to aid in development and implementation of the regulations for exemption pursuant to this clause.

(2) (A) Beginning July 1, 2022, the fee schedule shall be set at an amount that does not result in the total uncommitted amount in the fund exceeding two times the anticipated funding need in the most recent assessment of funding need.

(B) For purposes of this paragraph, "total uncommitted amount in the fund" does not include moneys in the fund from the fertilizer safe drinking water fee established by Article 6.5 (commencing with Section 14615) of Chapter 5 of Division 7 of the Food and Agricultural Code until January 1, 2033, and does not include moneys in the fund from the dairy safe drinking water fee established by Article 14.5 (commencing with Section 62215) of Chapter 2 of Part 3 of Division 21 of the Food and Agricultural Code until January 1, 2035.

(c) A public water system shall collect the fee from each of its customers and may retain an amount, as approved by the board, as reimbursement for the reasonable costs incurred by the public water system associated with the collection of the fee. For small community water systems, reasonable public water system administrative cost reimbursement shall not exceed five hundred dollars (\$500) or 2 percent of the total revenue collected, whichever is greater. For all other public water systems, reasonable public water system administrative cost reimbursement shall not exceed 1 percent of the total revenue from the fees collected. The public water system shall remit the remainder to the board on an annual schedule.

(d) The board may approve an exemption for a community water system and its customers from the requirements of this section if the board finds that the amount that would be required to be remitted to the board pursuant to this section would be de minimis.

(e) Notwithstanding any other provision of this article, a fee shall not be imposed pursuant to this article on a person or entity that is itself a public water system if that public water system is only purchasing water from a public water system to supply its own customers that are themselves being assessed the fee.

(f) All moneys remitted to the board under this article shall be deposited in the Safe and Affordable Drinking Water Fund. The moneys remitted to the board under this article shall not be available for appropriation or borrowed for use for any purpose not established in this chapter unless that use of the moneys receives an affirmative vote of two-thirds of the membership in each house of the Legislature.

**116772.** (a) A public water system may apply to the board to authorize the public water system to use an alternative method to calculate the amount owed by each customer for the charge imposed by Section 116771 by submitting an application, in a form prescribed by the board, that demonstrates both of the following:

(1) That the method required by statute, regulation, or fee schedule adopted by the board would be impractical for the public water system to collect.

(2) That the method proposed by the public water system would provide an approximately equivalent level of total revenue and is consistent with the fee restrictions in this article, including, but not limited to, amount maximums and exemptions.

(b) The board shall review any application submitted pursuant to subdivision (a) to determine whether the justifications demonstrated pursuant to paragraphs (1) and (2) of subparagraph (a) are valid. If the board denies the application, that denial shall be in writing and shall not be reviewable. If the board approves the application, the public water system may use the alternative method for an amount of time prescribed by the board, not to exceed five years.

(c) There is not a limit on the number of applications the board is authorized to approve pursuant to this section to establish or renew an alternative method of fee calculation.

**116773.** (a) The board, in consultation with the California Department of Tax and Fee Administration, shall administer and collect the fees imposed by this article in accordance with the Fee Collection Procedures Law (Part 30 (commencing with Section 55001) of Division 2 of the Revenue and Taxation Code).

(b) For purposes of administration of the fee imposed by this article, the following references in the Fee Collection Procedures Law shall have the following meanings:

(1) "Board" or "State Board of Equalization" means the State Water Resources Control Board.

(2) "Fee" means the safe and affordable drinking water fee imposed pursuant to this article.

(3) "Feepayer" means a customer liable to pay the fee.

(c) The board, in consultation with the California Department of Tax and Fee Administration, may prescribe, adopt, and enforce regulations relating to the administration and enforcement of this article, including, but not limited to, collections, reporting, refunds, and appeals.

(d) The initial regulations adopted by the board to implement this article shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and shall not rely on the statutory declaration of emergency in subdivision (e).

(e) Except as provided in subdivision (d), the regulations adopted pursuant to this section, any amendment to those regulations, or subsequent adjustments to the annual fees or adoption of fee schedule, shall be adopted by the board as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Any emergency regulations adopted by the board, or adjustments to the annual fees made by the board pursuant to this section, shall remain in effect until revised by the board.

**SEC. 3. SEC. 4.** Section 13050 of the Water Code is amended to read:

**13050.** As used in this division:

(a) "State board" means the State Water Resources Control Board.

(b) "Regional board" means any California regional water quality control board for a region as specified in Section 13200.

(c) "Person" includes any city, county, district, the state, and the United States, to the extent authorized by federal law.

(d) "Waste" includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.

(e) "Waters of the state" means any surface water or groundwater, including saline waters, within the boundaries of the state.

(f) "Beneficial uses" of the waters of the state that may be protected against quality degradation include, but are not limited to, domestic, municipal, ~~agricultural~~ *agricultural*, and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

(g) "Quality of the water" refers to chemical, physical, biological, bacteriological, radiological, and other properties and characteristics of water which affect its use.

(h) "Water quality objectives" means the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area.

(i) "Water quality control" means the regulation of any activity or factor which may affect the quality of the waters of the state and includes the prevention and correction of water pollution and nuisance.

(j) "Water quality control plan" consists of a designation or establishment for the waters within a specified area of all of the following:

(1) Beneficial uses to be protected.

(2) Water quality objectives.

(3) A program of implementation needed for achieving water quality objectives.

(k) "Contamination" means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. "Contamination" includes any equivalent effect resulting from the disposal of waste, whether or not waters of the state are affected.

(l) (1) "Pollution" means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following:

(A) The waters for beneficial uses.

(B) Facilities which serve these beneficial uses.

(2) "Pollution" may include "contamination."

(m) "Nuisance" means anything which meets all of the following requirements:

(1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

(2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

(3) Occurs during, or as a result of, the treatment or disposal of wastes.

(n) "Recycled water" means water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefor considered a valuable resource.

(o) "Citizen or domiciliary" of the state includes a foreign corporation having substantial business contacts in the state or which is subject to service of process in this state.

(p) (1) "Hazardous substance" means either of the following:

(A) For discharge to surface waters, any substance determined to be a hazardous substance pursuant to Section 311(b)(2) of the Federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.).

(B) For discharge to groundwater, any substance listed as a hazardous waste or hazardous material pursuant to Section 25140 of the Health and Safety Code, without regard to whether the substance is intended to be used, reused, or discarded, except that "hazardous substance" does not include any substance excluded from Section 311(b)(2) of the Federal Water Pollution Control Act because it is within the scope of Section 311(a)(1) of that act.

(2) "Hazardous substance" does not include any of the following:

(A) Nontoxic, nonflammable, and noncorrosive stormwater runoff drained from underground vaults, chambers, or manholes into gutters or storm sewers.

(B) Any pesticide which is applied for agricultural purposes or is applied in accordance with a cooperative agreement authorized by Section 116180 of the Health and Safety Code, and is not discharged accidentally or for purposes of disposal, the application of which is in compliance with all applicable state and federal laws and regulations.

(C) Any discharge to surface water of a quantity less than a reportable quantity as determined by regulations issued pursuant to Section 311(b)(4) of the Federal Water Pollution Control Act.

(D) Any discharge to land which results, or probably will result, in a discharge to groundwater if the amount of the discharge to land is less than a reportable quantity, as determined by regulations adopted pursuant to Section 13271, for substances listed as hazardous pursuant to Section 25140 of the Health and Safety Code. No discharge shall be deemed a discharge of a reportable quantity until regulations set a reportable quantity for the substance discharged.

(q) (1) "Mining waste" means all solid, semisolid, and liquid waste materials from the extraction, beneficiation, and processing of ores and minerals. Mining waste includes, but is not limited to, soil, waste rock, and overburden, as defined in Section 2732 of the Public Resources Code, and tailings, slag, and other processed waste materials, including cementitious materials that are managed at the cement manufacturing facility where the materials were generated.

(2) For the purposes of this subdivision, "cementitious material" means cement, cement kiln dust, clinker, and clinker dust.

(r) "Master recycling permit" means a permit issued to a supplier or a distributor, or both, of recycled water, that includes waste discharge requirements prescribed pursuant to Section 13263 and water recycling requirements prescribed pursuant to Section 13523.1.

(s) (1) "Agricultural operation" means either of the following:

(A) A discharger that satisfies both of the following conditions:

(i) The discharger is an owner, operator, or both, of land that is irrigated to produce crops or pasture for commercial purposes or a nursery.

(ii) The discharger is enrolled or named in an irrigated lands regulatory program order adopted by the state board or a regional board pursuant to Section 13263 or 13269.

(B) A discharger that satisfies both of the following conditions:

(i) The discharger is an owner, operator, or both of a facility that is used for the raising or harvesting of livestock.

(ii) The discharger is enrolled or named in an order adopted by the state board or a regional board pursuant to Section 13263 or 13269 that regulates the discharges of waste from a facility identified in clause (i) to protect ground and surface water.

(2) "Agricultural operation" does not include any of the following:

(A) An off-farm facility that processes crops or livestock.

(B) An off-farm facility that manufactures, synthesizes, stores, or processes fertilizer.

(C) Any portions of land or activities occurring on those portions of land that are not covered by an order adopted by the state board or a regional board identified in clause (ii) of subparagraph (A) or clause (ii) of subparagraph (B) of paragraph (1).

**SEC. 5.** Article 4.5 (commencing with Section 13278) is added to Chapter 4 of Division 7 of the Water Code, to read:

**Article 4.5. Discharges of Nitrate to Groundwater from Agricultural Operations**

**13278.** (a) For the purposes of this article, the Legislature finds all of the following:

(1) Implementation of currently known best management practices for some crops can reduce but not always completely prevent nitrogen in organic and synthetic fertilizers that transform to nitrates from reaching groundwater at concentrations above the water quality objectives established pursuant to this division.

(2) It is acknowledged that discharges of nitrate from agricultural operations could reach groundwater and could cause or contribute to exceedances of drinking water standards for nitrate, and could cause conditions of pollution or of nuisance in those waters as defined and applied in accordance with this division, or both.

(3) Nitrate contamination of groundwater impacts drinking water sources for hundreds of thousands of Californians and it is necessary to protect current and future drinking water users from the impacts of nitrate contamination.

(4) Despite progress in controlling discharges of nitrogen that lead to nitrate formation, some groundwater sources of drinking water will continue to be adversely impacted by nitrates and it is important to have in place a program for mitigating these impacts.

(5) The regional boards will continue to regulate discharges to reduce nitrogen loading and protect beneficial uses of water and groundwater basins; the state board, regional boards, and courts will ensure compliance with those orders; and dischargers will pay for mitigation of pollution by funding replacement water for affected communities.

(b) The Legislature declares its intent in establishing this article

to limit enforcement actions that a regional board or the state board could otherwise initiate during that 15-year period against an agricultural operation paying the agricultural assessment, while maintaining the overall framework of this division to protect beneficial uses, implement water quality objectives in waters of the state, and regulate activities and factors that affect water quality to attain the highest water quality that is reasonable.

**13278.1.** (a) An agricultural operation shall not be subject to enforcement undertaken or initiated by the state board or a regional board under Chapter 5 (commencing with Section 13330) for causing or contributing to an exceedance of a water quality objective for nitrate in groundwater or for causing or contributing to a condition of pollution or nuisance for nitrates in groundwater if an agricultural operation that discharges or threatens to discharge, or has discharged or previously threatened to discharge, nitrate to groundwater demonstrates that it has satisfied all of the following mitigation requirements:

(1) The agricultural operation has timely paid any applicable fertilizer safe drinking water fee established by Article 6.5 (commencing with Section 14615) of Chapter 5 of Division 7 of the Food and Agricultural Code or dairy safe drinking water fee established by Article 14.5 (commencing with Section 62215) of Chapter 2 of Part 3 of Division 21 of the Food and Agricultural Code into the Safe and Affordable Drinking Water Fund established by Section 116767 of the Health and Safety Code. For the purposes of this paragraph, "timely paid" means that an agricultural operation has paid all applicable fees, assessments, or charges, no later than 90 days after their respective due dates, since the application of the fee, assessment, or charge to the agricultural operation.

(2) Except as provided in subdivision (b), the agricultural operation is in compliance with all applicable provisions prescribed by a regional board or the state board in an order adopted pursuant to Section 13263 or 13269, including, but not limited to, the following:

(A) Requirements to implement best practicable treatment or control.

(B) Best efforts, monitoring, and reporting requirements.

(C) Timelines.

(3) The agricultural operation is in compliance with an applicable program of implementation for achieving groundwater quality objectives for nitrate that is part of an applicable water quality control plan adopted by the state board or a regional board pursuant to Article 3 (commencing with Section 13240).

(b) (1) The mitigation requirement contained in paragraph (2) of subdivision (a) does not include any generalized prohibition contained in an order adopted under Section 13263 or 13269 on causing or contributing, or threatening to cause or contribute, to an exceedance of a water quality objective for nitrate in groundwater or a condition of pollution or nuisance for nitrate in groundwater.

(2) (A) An agricultural operation is not in compliance with the mitigation requirement in paragraph (2) of subdivision (a) if the agricultural operation has been subject to an enforcement action under Chapter 5 (commencing with Section 13330) within the preceding 12 months for any violation of an order adopted under Section 13263 or 13269 authorizing discharges from agricultural operations.

(B) Subparagraph (A) does not apply to an enforcement action commenced after January 1, 2016, and before January 1, 2018, inclusive, alleging that a discharge from an agricultural operation caused or contributed, or threatened to cause or contribute, to an exceedance of a water quality objective for nitrate in groundwater, conditions of pollution or nuisance for nitrate in groundwater, or both.

(3) An agricultural operation does not qualify for the enforcement exemption set forth in this subdivision if the operation fails to continue to make applicable payments into the Safe and Affordable Drinking Water Fund to the extent that the agricultural operation maintains a continuance of farming operation.

(c) Both of the following apply to a discharge of nitrogen by an agricultural operation that occurs when the discharger is in full compliance with the mitigation requirements:

(1) The discharge shall not be admissible in a future enforcement action against the agricultural operation by the state board or a regional board pursuant to Chapter 5 (commencing with Section 13300) to support a claim that the agricultural operation is causing or contributing, or threatening to cause or contribute, to an exceedance of a water quality objective for nitrate in groundwater or a condition of pollution or nuisance for nitrate in groundwater.

(2) The discharge shall not be considered by the state board or a regional board to apportion responsibility and shall not be used by any person to diminish responsibility in any enforcement action initiated pursuant to Chapter 5 (commencing with Section 13300) with respect to discharges of nitrogen, regardless of source, that did not occur in compliance with the mitigation requirements.

(d) Nothing in this section alters the state board's or a regional board's authority to require or conduct investigations, to require reports on or to establish other requirements for best practicable treatment or control, or to require monitoring and reporting requirements to protect water quality.

(e) This section shall not be deemed to change or alter a water quality objective that is part of a water quality control plan adopted by the state board or a regional board pursuant to Article 3 (commencing with Section 13240).

(f) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

**13278.2.** (a) An agricultural operation shall not be subject to enforcement undertaken or initiated by the state board or a regional board under Section 13304 for creating or threatening to create a condition of pollution or nuisance for nitrates in groundwater if an agricultural operation that discharges or threatens to discharge, or has discharged or previously threatened to discharge, nitrate to groundwater demonstrates that it has satisfied all of the following mitigation requirements:

(1) The agricultural operation has timely paid any applicable fertilizer safe drinking water fee established by Article 6.5 (commencing with Section 14615) of Chapter 5 of Division 7 of the Food and Agricultural Code or dairy safe drinking water fee established by Article 14.5 (commencing with Section 62215) of Chapter 2 of Part 3 of Division 21 of the Food and Agricultural Code into the Safe and Affordable Drinking Water Fund established by Section 116767 of the Health and Safety Code. For the purposes of this paragraph, "timely paid" means that an agricultural operation has paid all applicable fees, assessments, or charges, no later than 90 days after their respective due dates, since the application of the fee, assessment, or charge to the agricultural operation.

(2) Except as provided in subdivision (b), the agricultural operation is in compliance with all applicable provisions prescribed by a regional board or the state board in an order adopted pursuant to Section 13263 or 13269, including, but not limited to, the following:

(A) Requirements to implement best practicable treatment or control.

(B) Best efforts, monitoring, and reporting requirements.

(C) Timelines.

(3) The agricultural operation is in compliance with an applicable program of implementation for achieving groundwater quality objectives for nitrate that is part of an applicable water quality control plan adopted by the state board or a regional board pursuant to Article 3 (commencing with Section 13240).



*(b) (1) The mitigation requirement contained in paragraph (2) of subdivision (a) does not include any generalized prohibition contained in an order adopted under Section 13263 or 13269 on causing or contributing, or threatening to cause or contribute, to an exceedance of a water quality objective for nitrate in groundwater or a condition of pollution or nuisance for nitrate in groundwater.*

*(2) An agricultural operation is not in compliance with the mitigation requirement in paragraph (2) of subdivision (a) if the agricultural operation has been subject to an enforcement action under Chapter 5 (commencing with Section 13330) within the preceding 12 months for any violation of an order adopted under Section 13263 or 13269 authorizing discharges from agricultural operations.*

*(3) An agricultural operation does not qualify for the enforcement exemption set forth in this subdivision if the operation fails to continue to make applicable payments into the Safe and Affordable Drinking Water Fund to the extent that the agricultural operation maintains a continuance of farming operation.*

*(c) Both of the following apply to a discharge of nitrogen by an agricultural operation that occurs when the discharger is in full compliance with the mitigation requirements:*

*(1) The discharge shall not be admissible in a future enforcement action against the agricultural operation by the state board or a regional board pursuant to Chapter 5 (commencing with Section 13300) to support a claim that the agricultural operation is causing or contributing, or threatening to cause or contribute, to an exceedance of a water quality objective for nitrate in groundwater or a condition of pollution or nuisance for nitrate in groundwater.*

*(2) The discharge shall not be considered by the state board or a regional board to apportion responsibility and shall not be used by any person to diminish responsibility in any enforcement action initiated pursuant to Chapter 5 (commencing with Section 13300) with respect to discharges of nitrogen, regardless of source, that did not occur in compliance with the mitigation requirements.*

*(d) Nothing in this section alters the state board's or a regional board's authority to require or conduct investigations, to require reports on or to establish other requirements for best practicable treatment or control, or to require monitoring and reporting requirements to protect water quality.*

*(e) This section shall not be deemed to change or alter a water quality objective that is part of a water quality control plan adopted by the state board or a regional board pursuant to Article 3 (commencing with Section 13240).*

*(f) (1) This section shall become operative on January 1, 2028.*

*(2) This section shall remain in effect only until January 1, 2033, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2033, deletes or extends that date.*

**13278.3.** *By January 1, 2027, the state board shall conduct a public review of regulatory and basin plan amendment implementation programs to evaluate progress toward achieving water quality objectives with respect to nitrates in groundwater and assess compliance with adopted timelines, monitoring requirements, and implementation of best practicable treatment or control.*

**13278.4.** *Nothing in this article limits the liability of a discharger under any other law, including, but not limited to, Part 3 (commencing with Section 3479) of Division 4 of the Civil Code.*

**SEC. 6.** *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

*However, if the Commission on State Mandates determines that this act contains other 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.*

 **OUTREACH ALERT**

LEGISLATION | SAFE DRINKING WATER

March 7, 2018

## **Action Still Needed to Oppose State Tax on Drinking Water in Budget Trailer Bill and SB 623**

*Newly Revised Toolkit Replaces Previous Materials*

ACWA is strongly urging members to take specific actions to oppose a budget trailer bill that is proposing a state tax on drinking water unless it is amended to remove the proposed tax. The budget trailer bill is very similar to SB 623 (Monning), which ACWA continues to oppose unless it is amended as well. With the budget trailer bill being heard in the Assembly and Senate next week, immediate ACWA member action in this area is critical.

Please review the immediate actions ACWA is requesting all member agencies take.

Additionally, ACWA has revised its No Water Tax Toolkit to ensure compliance with applicable laws. Please replace any previous materials and instead use the revised items detailed below.

### **Status of the Budget Trailer Bill**

The Brown Administration, in coordination with the proponents of SB 623, is attempting to advance last year's SB 623 proposal (with some changes that do not affect ACWA's position) in a budget trailer bill. Although a bill number for the budget trailer bill is not yet available, the Administration has posted the first version of the language. If the Administration is not successful with the budget trailer bill, Sen. Monning will try to move SB 623.

ACWA's State Legislative Committee took an oppose-unless-amended position on the budget trailer bill on Friday, Feb. 9.

The budget trailer bill is scheduled for hearings on Wednesday, March 14 in Assembly Budget Subcommittee #3 and on Thursday, March 15 in Senate Budget Subcommittee #2.

## **ACWA's Approach – Advancing a Better Solution**

Some disadvantaged communities and low-income residents in some parts of the state do not have access to safe drinking water. This is a social issue for the state. The intent behind SB 623 and the budget trailer bill is to fill gaps in funding for safe drinking water for such communities and residents. ACWA agrees with that intent but strongly opposes the proposed tax on drinking water.

Instead, ACWA is advocating for a package of funds that is comprised of existing federal safe drinking water funds, general obligation bond funds, the assessments related to nitrate proposed in the budget trailer bill and in SB 623 and some funding from the state's general fund.

## **ACWA Advocacy Efforts**

ACWA continues to lead the Drinking Water Tax Oppose-Unless-Amended Coalition that is meeting with assembly members and senators. The coalition includes both urban and agricultural water agency members of ACWA. The agricultural water agency members that have joined the coalition have expressed their concern that if the proposed tax is enacted, it would serve as a precedent for future taxes on water – both agricultural and urban.

## **Take Action Now**

ACWA is requesting that all member agencies take the following actions, if you have not already done so:

1. **Join ACWA's Coalition.** To date, 132 member agencies have signed onto the ACWA-led oppose-unless-amended coalition letter. The coalition's March 7 letter is available on ACWA's website at [www.acwa.com/no-water-tax](http://www.acwa.com/no-water-tax). Please contact ACWA State Relations Analyst Melissa Sparks ([melissas@acwa.com](mailto:melissas@acwa.com)) to add your agency's name to ACWA's coalition letter. Coalition members will be listed on coalition letters related to the budget trailer bill and SB 623.
2. **Send Separate Oppose-Unless-Amended Letters on Behalf of Your Agency.** In addition to signing onto the coalition letter, please send letters that your agency strongly opposes any effort to establish a state drinking water tax as follows:

- a. **Budget Subcommittee Letters (Letter 1)** – Using this sample letter (<https://www.acwa.com/wp-content/uploads/2018/02/Sample-Letter-1-for-Budget-Subcommittees-FINAL-02-13-18.docx>), please send a letter to the senators on the Senate Budget Subcommittee No. 2 and the assembly members of the Budget Subcommittee No. 3. Please cc Sen. William Monning and Kim Craig, a representative from the Governor’s Office. The contact information for the Assembly and Senate Budget Subcommittees and cc list is provided below.
  
- b. **Local Legislator Letters (Letter 2)** – Using this sample letter (<https://www.acwa.com/wp-content/uploads/2018/02/Sample-Letter-2-for-Legislators-02-13-18.docx>), please send letters to the senators and assembly members from your district. Your local legislators’ contact information can be found online at [http://www.legislature.ca.gov/legislators\\_and\\_districts/legislators/your legislator.html](http://www.legislature.ca.gov/legislators_and_districts/legislators/your_legislator.html).

Please send a copy of your agency’s final letters to ACWA Senior Regional Affairs Representative Brandon Ida ([brandoni@acwa.com](mailto:brandoni@acwa.com)).

3. **Provide Testimony at Two Upcoming Hearings.** Please send a representative from your agency to provide basic testimony (i.e. name, agency, and position) in opposition at the following upcoming hearings:
  - a. **The Assembly Budget Subcommittee No. 3 (Resources & Transportation) on Wednesday, March 14, 2018 at 9:30 a.m. in Capitol Room 447.**
  
  - b. **The Senate Budget Subcommittee No. 2 (Resources, Environmental Protection, Energy & Transportation) on Thursday, March 15, 2018 at 9:30 a.m. in Capitol Room 112.**

Please confirm if your agency plans to attend the hearings by emailing ACWA State Relations Analyst Melissa Sparks ([melissas@acwa.com](mailto:melissas@acwa.com)). More information will be provided to agencies that confirm participation.

4. **Call Your Legislators.** Please call your local assembly members and senators and alert them to the proposed tax on drinking water in the budget trailer bill and ask them to vote against the budget trailer bill (and SB 623 if it is moved). Your legislators' contact information can be found online at [http://www.legislature.ca.gov/legislators\\_and\\_districts/legislators/your\\_legislator.html](http://www.legislature.ca.gov/legislators_and_districts/legislators/your_legislator.html). Suggested talking points are included in the revised toolkit.

## Contact Information for Member Agency Letters

### Assembly Budget Subcommittee No. 3

#### **Assembly Member Richard Bloom (D-Santa Monica)**

Phone: (916) 319-2050

Fax: (916) 319-2150

Email: [assemblymember.bloom@assembly.ca.gov](mailto:assemblymember.bloom@assembly.ca.gov)

#### **Assembly Member Vince Fong (R-Bakersfield)**

Phone: (916) 319-2034

Fax: (916) 319-2134

Email: [assemblymember.fong@assembly.ca.gov](mailto:assemblymember.fong@assembly.ca.gov)

#### **Assembly Member Kevin Mullin (D-South San Francisco)**

Phone: (916) 319-2022

Fax: (916) 319-2122

Email: [assemblymember.mullin@assembly.ca.gov](mailto:assemblymember.mullin@assembly.ca.gov)

#### **Assembly Member Jim Patterson (R-Fresno)**

Phone: (916) 319-2023

Fax: (916) 319-2123

Email: [assemblymember.patterson@assembly.ca.gov](mailto:assemblymember.patterson@assembly.ca.gov)

#### **Assembly Member Cristina Garcia (D-Bell Gardens)**

Phone: (916) 319-2058

Fax: (916) 319-2158

Email: [assemblymember.garcia@assembly.ca.gov](mailto:assemblymember.garcia@assembly.ca.gov)

## **Senate Budget Subcommittee No. 2**

### **Senator Bob Wieckowski (D-Fremont)**

Phone: (916) 651-4010

Fax: (916) 651-4910

Email: [senator.wieckowski@senate.ca.gov](mailto:senator.wieckowski@senate.ca.gov)

### **Senator Mike McGuire (D-Healdsburg)**

Phone: (916) 651-4002

Fax: (916) 651-4902

Email: [senator.mcguire@senate.ca.gov](mailto:senator.mcguire@senate.ca.gov)

### **Senator Jim Nielsen (R-Red Bluff)**

Phone: (916) 651-4004

Fax: (916) 651-4904

Email: [senator.nielsen@senate.ca.gov](mailto:senator.nielsen@senate.ca.gov)

### **Senator Tony Mendoza (D-Artesia)**

Phone: (916) 651-4032

Fax: (916) 651-4932

Email: [senator.mendoza@senate.ca.gov](mailto:senator.mendoza@senate.ca.gov)

## **cc List for Letters**

### **Senator William Monning, author of SB 623 (D-Carmel)**

Phone: (916) 651-4017

Fax: (916) 651-4917

Email: [senator.monning@senate.ca.gov](mailto:senator.monning@senate.ca.gov)

### **Kim Craig, Office of the Governor**

Email: [kim.craig@gov.ca.gov](mailto:kim.craig@gov.ca.gov)

## **Revised Toolkit**

In addition to the **immediate** requested actions listed above, ACWA also urges its members to use the following revised materials to help educate key audiences about the possible negative consequences of this proposed tax. ACWA is advising members to replace previously distributed materials with the following items.

- **Educate Key Audiences.** Talk to your customers, the media, local leaders and other key stakeholders about the investments your agency has made to ensure safe drinking water in your community and why these types of investments can be financially out of reach for rural, low-income communities. Educate them about the potential negative impacts of this tax on your agency and the customers who would pay it, and why ACWA's alternative funding package is a more appropriate funding solution. ACWA has updated its talking points (<https://www.acwa.com/wp-content/uploads/2018/02/No-Water-Tax-Talking-Points-for-Members-03-07-18.pdf>) and fact sheet (<https://www.acwa.com/wp-content/uploads/2018/02/No-Water-Tax-Fact-Sheet-03-07-18.pdf>) to assist members with this outreach. A sample letter to help educate your local community leaders also is available: (<https://www.acwa.com/wp-content/uploads/2018/02/No-Water-Tax-Sample-Letter-for-Local-Leaders-03-07-18.docx>).
- **Authorize ACWA to Place a Local Op-Ed.** Last year, op-eds played a critical role in shaping opinions on SB 623's proposed drinking water tax. Similar efforts will be needed this year to oppose both the budget trailer bill and SB 623. ACWA is writing and coordinating placement of op-eds throughout the state. If your elected officials would like to add their name to an op-ed, please contact ACWA Communications Specialist Will Holbert ([willh@acwa.com](mailto:willh@acwa.com)).
- **Educate Using Social Media and Other Platforms.** ACWA members are encouraged to support ACWA's coalition efforts by sharing educational messages on their social media accounts, websites, newsletters, or other platforms. Members should be aware that the use of the hashtag #NoWaterTax may be construed as an advocacy position rather than education.
- **Pass a Resolution.** ACWA members interested in adopting a resolution in opposition to a drinking water tax may use this sample resolution: (<https://www.acwa.com/wp-content/uploads/2018/03/No-Water-Tax-Sample-Resolution-03-07-18.pdf>).

These tools and other resources have been posted on ACWA's website at:

<https://www.acwa.com/no-water-tax>. Login is required to access members-only tools.

## **ACWA's Legislative Symposium**

ACWA's Legislative Symposium is March 14 at the Sacramento Convention Center. ACWA will host a Safe and Affordable Drinking Water program to discuss SB 623 and the budget trailer bill. Sen. William Monning (D-Carmel), the author of SB 623, has confirmed his attendance to speak on the panel and we encourage member agencies to attend and engage in this discussion.

Please note that the Legislative Symposium is the same day as the Assembly Budget Subcommittee No. 3 hearing, so please plan to have more than one representative in Sacramento to cover both events.

While online registration for the Legislative Symposium has closed, onsite registration will be available beginning at 9 a.m.

### **Questions**

For questions about the budget trailer bill, SB 623 or ACWA's advocacy on these measures, please contact ACWA Deputy Executive Director for Government Relations Cindy Tuck ([cindyt@acwa.com](mailto:cindyt@acwa.com)) at (916) 441-4545.

For questions about ACWA's No Water Tax Toolkit, please contact ACWA Director of Communications Heather Engel ([heathere@acwa.com](mailto:heathere@acwa.com)) at (916) 441-4545.



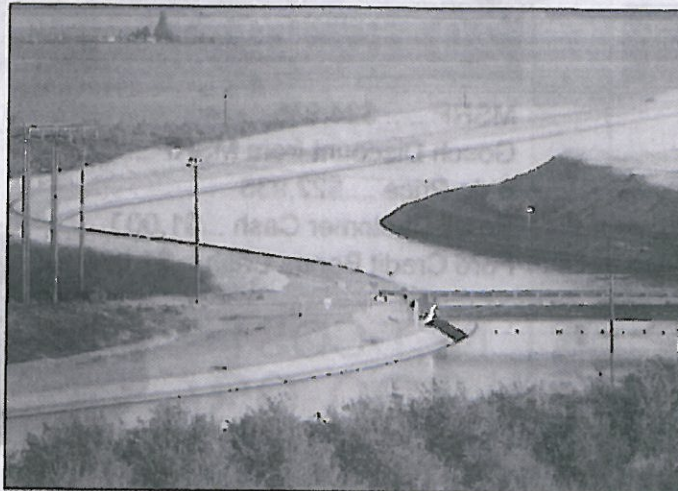
# Loss of local control in water fight

By Jon Coupal

Throughout his tenure as governor, Jerry Brown has consistently pursued new revenue for transportation, housing and water. The Legislature, whose default reaction to any problem is to raise taxes on middle-class Californians, has only been too happy to oblige. As a result, California drivers were hit last year with an annual \$5 billion gas and car tax and property owners were burdened with a new tax on real estate recording documents to fund affordable housing. As if those tax hikes were not bad enough, now comes the third in a trifecta of tax insults: a new tax on water used by homes and businesses. That's right, the Legislature is preparing to tax a public good that is essential to life, a precedent-setting tax that is unheard of anywhere else in the nation.

Supporters of the bill will argue that the tax is needed because roughly one million people (mostly in the Central Valley) don't have access to consistently clean drinking water. This is a legitimate problem due to decades of neglecting basic infrastructure, contamination of water supplies and the failure to make access to water delivery the priority it deserves.

But raising taxes is the wrong solution to this problem. It is unconscionable that California, which has a record-high \$130 billion General Fund budget with a \$6 billion surplus, can't provide clean drinking water to a million peo-



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In this Oct. 2, 2009 file photo, in California's Westland Water District of the Central Valley, canals carry water to Southern California.

ple using existing resources. Is this not the first role of government, providing a public good essential to life? Moreover, why should taxpayers in Los Angeles, San Francisco and Sacramento have to pay higher water bills for a problem that is mostly limited to groundwater contamination in the Central Valley?

Most Californians haven't even heard of this proposed tax hike. But that's only because the Legislature is going out of its way to keep it hidden. Originally introduced as Senate Bill 623, the bill failed to advance last year because of widespread opposition. Nearly all residential homeowners would pay a dollar a month if this tax went through. The tax works on a sliding scale based on meter size — heavy commercial and industrial water users could pay up to \$10/

month. Not content to just abandon the bill, the governor has now decided to drop this tax in a budget trailer bill. These bills, often dozens of pages long with multiple topics, is the perfect place to hide a tax. If the bill moves forward, taxpayer advocates will watch carefully to ensure that the two-thirds vote requirement for tax hikes is enforced. Because most budget bills only need a majority vote, a lawsuit will quickly follow if the higher threshold is not met.

Our concern is that the governor has become so obsessed playing the "hide the tax" game that he hasn't bothered to look at other alternative funding sources to solve this problem. If using a \$6 billion surplus is off the table, there's an option to tap into federal funding which is available for precisely this purpose. Or there

are billions of dollars of unspent bond funds, including the recently voter-approved Propositions 1 and 84 that can be used to provide clean drinking water. Bond dollars are perhaps the best vehicle to provide major infrastructure improvements needed in the Central Valley.

And speaking of the Central Valley, that is where most of the construction activity is taking place on America's biggest boondoggle — high-speed rail. That ill-fated project is sucking up billions in cap-and-trade dollars. Wouldn't it be better to divert that funding to something as important as clean water?

Fortunately, there is a large and growing coalition pushing back against the proposed tax. For example, the Association of California Water Agencies and hundreds of local water agencies across California oppose the water tax because it deprives them of local control. The statewide tax would represent a diversion of local ratepayer dollars to an out-of-control state bureaucracy that has little accountability. Local water agencies, while certainly not perfect, are better suited to manage their funds without giving statewide taxpayer subsidies to Sacramento.

The passage of a statewide water tax would establish a dangerous precedent. If it passes, does anyone seriously believe that Sacramento politicians and bureaucrats will be satisfied? We don't.

*Jon Coupal is president of the Howard Jarvis Taxpayers Association.*

Press Enterprise  
SUNDAY MARCH 11, 2018

OPINION H-5

**IDYLLWILD WATER DISTRICT  
RESOLUTION NO. 747**

**RESOLUTION OF THE BOARD OF DIRECTORS IN OPPOSITION TO A  
PUBLIC GOODS CHARGE ON WATER**

WHEREAS, proposals to impose a public goods charge or similar permanent statewide tax on water are under consideration; and

WHEREAS, a public goods charge or other permanent tax on water bills is not the appropriate mechanism to fund water solutions or address water quality and water supply problems faced by some disadvantaged communities; and

WHEREAS, assessing a public goods charge would unfairly penalize local water agencies that have already made, and continue to make, investments in water management programs and infrastructure and would make it more difficult and costly for local agencies to fund critical local water efficiency and supply projects; and

WHEREAS, while there is a clear need to fund sensible long-term solutions and assist disadvantaged communities that do not have safe drinking water, a tax on water bills paid by a subset of Californians is not the solution; and

WHEREAS, local water managers are best suited to identify ways to spend locally-generated revenues at their respective agencies; an additional tax on water bills paid in order to send money to Sacramento, where a portion will be carved out to fund another layer of administration, is not efficient and is not an appropriate solution or sound policy;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE IDYLLWILD WATER DISTRICT DOES RESOLVE that Idyllwild Water District opposes any effort by the state Legislature to impose a statewide public goods charge or other tax on water bills; and

BE IT FURTHER RESOLVED that Idyllwild Water District opposes the use of the budget trailer bill process or other last-minute attempt to circumvent the appropriate legislative policy committee process to advance policy issues without full disclosure and transparency; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to our state legislative representatives and key members of the Administration.

Adopted by the Board of Directors at a Regular Meeting held on March 21, 2018 by the following roll call vote:

Ayes:

Noes:

Abstain:

Absent:

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Charles Schelly, President  
Board of Directors  
Idyllwild Water District

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of Resolution No. 747 adopted by the Board of Directors of Idyllwild Water District at its Regular Meeting held March 21, 2018.

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Erica Gonzales, Secretary  
Idyllwild Water District