

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS OF
VISTA IRRIGATION DISTRICT

May 11, 2022

A Regular Meeting of the Board of Directors of Vista Irrigation District was held on Wednesday, May 11, 2022 at the offices of the District, 1391 Engineer Street, Vista, California.

1. CALL TO ORDER

President Miller called the meeting to order at 9:00 a.m.

2. ROLL CALL

Directors present: Miller, Vásquez, Sanchez, and MacKenzie.

Directors absent: None.

Staff present: Brett Hodgkiss, General Manager; Lisa Soto, Secretary of the Board; Randy Whitmann, Director of Engineering; Frank Wolinski, Director of Operations and Field Services; Marlene Kelleher, Director of Administration; Shallako Goodrick, Finance Supervisor; Brent Reyes, Water Conservation Specialist; Mark Saltz, Water Resources Specialist; Robert Scholl, Engineering Services Manager; Alisa Nichols, Management Analyst; Brian Fisher, Information Technology Supervisor; Ramae Ogilvie, Administrative Assistant. General Counsel Elizabeth Mitchell of Burke, Williams & Sorensen was also present.

Other attendees: The first and second place winners of the Water Awareness Poster Contest and their family members were present for agenda Item 7. David Drum, a member of the public, was also present.

3. PLEDGE OF ALLEGIANCE

Director Vasquez led the pledge of allegiance.

4. APPROVAL OF AGENDA

22-05-45	<i>Upon motion by Director MacKenzie, seconded by Director Sanchez and unanimously carried (4 ayes: Vásquez, Sanchez, MacKenzie and Miller), the Board of Directors approved the agenda as presented.</i>
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5. ORAL COMMUNICATIONS

No public comments were presented on items not appearing on the agenda.

6. CONSENT CALENDAR

Director of Engineering Randy Whitmann provided brief clarification regarding Item 6.G, stating that the Developer removed portions of abandoned 14-inch steel and 18-inch concrete water mains and “cut and plugged” the remaining portions.

Regarding Item 6.C, Director of Administration Marlene Kelleher clarified that the District's Unrealized Loss is an accounting requirement that represents the value of the District's investments if not held to maturity, due to rising interest rates. She stated that the loss would only occur if the District had liquidated its investments at March 31, 2022 and that District intends to hold its investments until their maturity dates.

Director of Operations and Field Services Frank Wolinski provided clarification regarding Item 6.E, stating that the District's practice in recent years has been to outsource all of its traffic control needs; the agreement presented is for Fiscal Year 2023 (July 1, 2022 through June 31, 2023).

22-05-46 *Upon motion by Director MacKenzie, seconded by Director Vásquez and unanimously carried (4 ayes: Vásquez, Sanchez, MacKenzie and Miller), the Board of Directors approved the Consent Calendar, including Resolution Nos. 22-18 and 22-19 proclaiming May 15-21, 2022 Special Districts Week and approving disbursements, respectively.*

A. May 25, 2022 Board meeting

See staff report attached hereto. Staff recommended and the Board cancelled the May 25, 2022 Board of Directors meeting due to a lack of quorum.

B. Special Districts Week

See staff report attached hereto.

The Board adopted Resolution No. 22-18 proclaiming the week of May 15-21, 2022 as Special Districts Week, by the following roll call vote:

*AYES: Directors Miller, Vásquez, MacKenzie, and Sanchez
NOES: None
ABSTAIN: None
ABSENT: None*

Resolution No. 22-18 is on file in the official Resolution book of the District.

C. Treasurer's Report as of March 31, 2022

See staff report attached hereto. The Board noted and filed this informational report concerning the investments of the District.

D. Microsoft Software Licensing Agreement

See staff report attached hereto. Staff recommended and the Board authorized the General Manager to enter into a Microsoft Enterprise Agreement with SoftwareOne for the three-year period ending May 31, 2025 in an amount not to exceed \$150,904.

E. Traffic control services

See staff report attached hereto. Staff recommended and the Board authorize the General Manager to execute an agreement with Cecilia's Safety Service, Inc. to provide traffic control services for District jobs in an amount not to exceed \$550,000.

F. Waterline project approval and Grant of Right of Way

See staff report attached hereto. Staff recommended and the Board approved the waterline project and accepted Grant of Right of Way (H97) for a proposed gas station and commercial development consisting of approximately 4.5 gross acres owned by Hesperia Outpost, LP, located at the northeast corner of East Vista Way and Monte Mar Road (LN 2020-011; APN 173-065-25; DIV NO 1).

G. Quitclaim Deed, Quitclaim Deeds and Bill of Sale

See staff report attached hereto. Staff recommended and the Board approved Quitclaim Deed (693) and Quitclaim Deeds and Bills of Sale (687) and (690) quitclaiming portions of Easements (C7), (R7), (M25), and portions of abandoned 14-inch steel and 18-inch concrete water mains within a 187-lot single-family residential development known as San Marcos Highlands, consisting of approximately 289 gross acres owned by KB Home California LLC, a Delaware limited liability company, located at the northern end of Las Posas Road, San Marcos (LN 2017-018; I-3090; APNs 182-110-02, -03; 182-111-01; 184-101-35; 184-240-13, -14, -15, -33, -35, -36; 184-241-06, -07, -08 and -09; DIV NO 5).

H. Acknowledgement of Easements

See staff report attached hereto. Staff recommended and the Board acknowledged existing easements via Final Map for an 89-lot single-family residential development known as Skylark, consisting of approximately 91.65 gross acres owned by OCH-HS Lot Option Pool 02, LLC, located at the northern end of Las Posas Road, San Marcos (LN 2020-012; TSM 15-007; APN 184-241-03, 217-050-36, 38 & 218-011-10).

I. Minutes of Public Affairs Committee meeting on April 25, 2022

The minutes of Public Affairs Committee meeting on April 25, 2022 were approved as presented.

J. Minutes of Board of Directors meeting on April 20, 2022

The minutes of April 20, 2022 were approved as presented.

K. Resolution ratifying check disbursements

RESOLUTION NO. 22-19

BE IT RESOLVED, that the Board of Directors of Vista Irrigation District does hereby approve checks numbered 69229 through 69410 drawn on Union Bank totaling \$1,058,654.83.

FURTHER RESOLVED that the Board of Directors does hereby authorize the execution of the checks by the appropriate officers of the District.

PASSED AND ADOPTED unanimously by a roll call vote of the Board of Directors of Vista Irrigation District this 11th day of May 2022.

7. WATER AWARENESS POSTER CONTEST AWARDS

See staff report attached hereto.

Water Conservation Specialist Brent Reyes provided an overview of the Water Awareness Poster Contest (Contest) noting that this was the 30th year that the District had participated in the Contest. The

theme for this year's Contest was "Love Water, Save Water". He noted that the District received 176 entries this year with most of the elementary schools in the District's service area represented.

Mr. Reyes announced the award recipients and showed each winning entry via a PowerPoint presentation (attached hereto as Exhibit A). President Miller presented a 3rd place prize of \$25.00 to Valeria Martinez of Hannalei Elementary (who was not able to attend the meeting), a 2nd place prize of \$50.00 to Stevie Jones of Casita Center, and a 1st place prize of \$100.00 to Sophia Puckett of Empresa Elementary. The Board commended the students for their good work.

The students and their families left the meeting at this time.

8. DIVISION REPORTS

See staff report attached hereto.

Mr. Whitmann provided an update regarding the Flume Replacement Alignment Study, stating that District and City of Escondido (Escondido) staffs have been discussing proposed alignment alternatives including one in El Norte Parkway.

Mr. Whitmann updated the Board regarding the Edgehill (E) Reservoir Replacement and Pump Station project. He informed the Board that drone footage of the old reservoir's demolition as well as a time lapsed video showing project progress is available on the District's website. President Miller asked that staff share updated video as it becomes available.

General Manager Brett Hodgkiss updated the Board regarding the treatment of Harmful Algal Blooms (HABs) in Lake Henshaw, stating that the initial treatment, scheduled for the week of May 16, 2022, will be with a peroxide-based algaecide. He stated that a copper-based algaecide will be used for the next treatment when needed.

9. TAXPAYER PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT

See staff report attached hereto.

Management Analyst Alisa Nichols presented an overview of the Taxpayer Protection and Government Accountability Act (Act), explaining how it would affect the District. Most notably, she stated that any rates, fees and charges approved between January 1, 2022 and the effective date of the Act would be nullified unless they met the requirements set forth in the Act.

The Board discussed the matter briefly and took the following action:

22-05-47	<p><i>Upon motion by Director Sanchez, seconded by Director MacKenzie, the Board adopted Resolution No. 22-20 opposing the Taxpayer Protection and Government Accountability Act, by the following roll call vote:</i></p> <p><i>AYES: Directors Miller, Vásquez, MacKenzie, and Sanchez</i> <i>NOES: None</i> <i>ABSTAIN: None</i> <i>ABSENT: None</i></p> <p><i>Resolution No. 22-20 is on file in the official Resolution book of the District.</i></p>
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10. SCHOLARSHIP CONTEST

See staff report attached hereto.

Ms. Nichols stated that the District received 12 scholarship applications this year, 11 from Rancho Buena Vista High School and one from Mission Vista High School. She noted that the Public Affairs Committee met on April 25, 2022 to review and discuss the applications; the Committee's award recommendations are being presented for the Board's consideration. Ms. Nichols reviewed staff's methodology for promoting the contest; the Board discussed ways to increase participation in future contests. Directors Sanchez and Vásquez spoke about the Committee's application review process, selecting winners and assigning award amounts.

22-05-48 *Upon motion by Director Sanchez, seconded by Director Vasquez and unanimously carried (4 ayes: Vásquez, Sanchez, MacKenzie and Miller), the Board of Directors approved scholarship awards as follows: a \$2,500 scholarship to Emilie Taylor from Rancho Buena Vista High School (RBV); a \$2,000 scholarship to Samantha Bailey from RBV; a \$1,500 scholarship to Abigayle Paliotti from RBV; and \$1,000 scholarships to Mateo Sulejmani, Jennifer Galan and Kenneth Morales Reyes all from RBV and Grace Koumaras from Mission Vista High School.*

11. BOARD OF DIRECTORS' COMPENSATION

See staff report attached hereto.

Mr. Hodgkiss stated that 2015 was the last time the Board increased its compensation (per diem); Board compensation is currently \$200 per meeting. He noted that the Board could approve an increase of up to five percent for each calendar year following the operative date of the last adjustment; the maximum per diem allowable would be \$270 per meeting. The Board discussed that it had not increased its compensation in seven years, creating the opportunity for a future Board to increase its compensation to a level that may be at the maximum permitted by statute. It was acknowledged that even a nominal increase would serve to "reset the clock" and lessen the possibility of a large increase in the future. The following motion was made, a vote was taken, and the motion ultimately failed due to lack of majority in favor.

Moved by Director MacKenzie, and seconded by Director Sanchez, for the Board of Directors to set a public hearing for June 8, 2022 for the purpose of receiving comments on a District ordinance setting compensation for Board Directors.

Motion failed (2 ayes: MacKenzie, Miller; and 2 noes: Vásquez, Sanchez).

12. MATTERS PERTAINING TO THE ACTIVITIES OF THE SAN DIEGO COUNTY WATER AUTHORITY

See staff report attached hereto.

President Miller reported that at the recent meeting of the San Diego County Water Authority (Water Authority) two Directors (Jimmy Ayala and Jim Madaffer) were reappointed to terms ending in 2028.

President Miller reported on a letter from the Delta Watermaster, which concurred with several points made in the Dr. Michael Hanemann report assessing the impacts of the proposed detachments of Rainbow Municipal Water District and Fallbrook Public Utilities District from the Water Authority on the Delta water supply. President Miller said that he would provide the Board with a copy of the letter.

13. MEETINGS AND EVENTS

See staff report attached hereto.

Director Vásquez reported on his attendance at a meeting of the Southern California Water Coalition in which the discussion centered on how agriculture and business are saving water during California's drought.

Director Vásquez reported on his attendance at the Association of California Water Agencies (ACWA) where he attended meetings of the ACWA Groundwater and Water Quality committees. He reported briefly on sessions he attended at the conference including a presentation by Martha Guzman, Regional Administrator of the United States Environmental Protection Agency (EPA), who spoke about what EPA is doing to get federal infrastructure funding out to agencies that need it.

A break taken 10:35 a.m. until 10:41 a.m.

Director MacKenzie reported on her attendance at a meeting with representatives from the District, Escondido, the San Luis Rey Indian Water Authority, the Rincon Band of Luiseño Indians and the La Jolla Band of Luiseño Indians concerning matters related to implementation of the San Luis Rey Indian Water Rights Settlement. It was agreed in this meeting that the District and Escondido would treat HABs in Lake Henshaw so that water releases could be made over the Memorial Day weekend.

Director MacKenzie reported on her attendance at the recent ACWA Conference where she attended the ACWA Joint Powers Insurance Authority meeting in which it was noted that medical expenses have decreased by five percent, and cyberattacks are the number one business concern. She also reported on conference breakout sessions and meetings of the ACWA Local Government and Membership committees.

Director Mackenzie reported on a meeting she attended of the California Special Districts Association (CSDA) Legislative Committee in which the State budget was reviewed; it was noted that there is a line item in the budget to pay local governments for the unpaid, unfunded mandates. Director MacKenzie also reported on her attendance at a special meeting of the CSDA Finance Corporation in which two financings were approved.

Director Vásquez requested to attend the Southern California Branch, Groundwater Resources Association (GRA) meeting virtually on May 16, 2022 and the 2022 Groundwater Sustainability Agency (GSA) Summit in Sacramento on June 9, 2022.

Director MacKenzie requested to attend the California Local Agency Formation Commission (CALAFCO) Annual Conference in Newport Beach October 19-21, 2022, the ACWA Conference in Indian Wells November 29-December 1, 2022, and the Colorado River Water Users Association Conference (CRWUA) in Las Vegas December 14-16, 2022.

22-05-49	<i>Upon motion by Director MacKenzie, seconded by Director Sanchez and unanimously carried (4 ayes: Vásquez, Sanchez, MacKenzie and Miller), Board of Directors authorized Director Vásquez to attend the Southern California Branch, GRA meeting virtually on May 16, 2022 and GRA's 2022 GSA Summit in Sacramento on June 9, 2022; and Director MacKenzie to attend the CALAFCO Conference in Newport Beach October 19-21, 2022, the ACWA Conference in Indian Wells November 29-December 1, 2022, and the CRWUA Conference in Las Vegas December 14-16, 2022.</i>
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14. ITEMS FOR FUTURE AGENDAS AND/OR PRESS RELEASES

See staff report attached hereto.

Mr. Hodgkiss informed the Board that due to scheduling conflicts for the students (final exams) the week of the District’s June 8 Regular Board meeting, scholarship awards will be presented as part of the June 1 Special Board meeting agenda in which Division 3 candidate interviews will be conducted. He said an additional item may be placed on the June 1 agenda to move to Level 2 of the District’s Water Supply Response Program; Mr. Hodgkiss noted that scheduling of this items is dependent on the State Water Resources Control Board taking action on drought-related emergency regulations on May 24, 2022. Director MacKenzie stated that she will have to leave the June 1 Board meeting by no later than 1:15 p.m. in order to Chair another meeting that afternoon. The Board discussed the schedule for the June 1 Board meeting, and selected 8:00 a.m. as the meeting start time; Thursday afternoon was selected as an overflow date in case more time is needed to complete Division 3 candidate interviews.

The Board requested an email reminder regarding the 8:00 a.m. start time for the June 1 meeting.

15. COMMENTS BY DIRECTORS

Director Vásquez commented that he recently met with former City of Vista City Council member Frank Lopez, who introduced him to Richard Alvarez who is interested in the Division 3 vacancy.

Director Miller commented that he recently attended his first in-person meeting of the Metropolitan Water District (MWD). He stated that he plans to attend some MWD meetings in person and some virtually (as long as virtual attendance continues to be an option).

16. COMMENTS BY GENERAL COUNSEL

None were presented.

17. COMMENTS BY GENERAL MANAGER

Mr. Hodgkiss reminded the Board about services for Director Dorey on May 19, 2022 at 1:30 p.m.

18. ADJOURNMENT

There being no further business to come before the Board, at 11:18 a.m. President Miller adjourned the meeting.


Marty Miller, President

ATTEST:



Lisa R. Soto, Secretary
Board of Directors

VISTA IRRIGATION DISTRICT



STAFF REPORT

Agenda Item: 6.A

Board Meeting Date: May 11, 2022
Prepared By: Lisa Soto
Approved By: Brett Hodgkiss

SUBJECT: MAY 25, 2022 BOARD MEETING

RECOMMENDATION: Cancel the May 25, 2022 Board of Directors meeting due to lack of quorum.

PRIOR BOARD ACTION: On October 20, 2021, the Board established the 2022 Board meeting calendar.

FISCAL IMPACT: None.

SUMMARY: At the April 20, 2022 Board meeting, it was noted that two of four Board members would be unable to attend the May 25, 2022 meeting in-person at the District office or via teleconference from a location within the District's jurisdictional boundaries, thus creating a lack of quorum and necessitating the cancellation of said Board meeting.



STAFF REPORT

Board Meeting Date: May 11, 2022
Prepared By: Brett Hodgkiss

SUBJECT: SPECIAL DISTRICTS WEEK

RECOMMENDATION: Adopt Resolution No. 22-XX proclaiming the week of May 15, 2022 to May 21, 2022 as Special Districts Week.

PRIOR BOARD ACTION: On April 21, 2021, the Board adopted Resolution No. 21-19 proclaiming the week of May 16, 2021 to May 22, 2021 as Special Districts Week.

FISCAL IMPACT: None.

SUMMARY: Last year, Assembly Member Randy Voepel introduced Assembly Concurrent Resolution (ACR) 17, which proclaimed the week of May 16, 2021 to May 22, 2021 to be *Special Districts Week*; it encouraged all Californians to be involved in their communities and be civically engaged with their local government. On April 21, 2022, Assembly Member Rebecca Bauer-Kahan introduced ACR 180, which would proclaim the week of May 15, 2022 to May 21, 2022 (coinciding with Special Districts Legislative Days) to be *Special Districts Week*. Just like last year, the Assembly and Senate are encouraging Californians across the state to engage with their local communities and to be actively involved with their government, particularly with special districts and the areas they serve.

California Special Districts Association is requesting that special districts support legislature's efforts by taking various actions, including sending a letter of support for ACR 180 (attached) and adopting a resolution proclaiming the week of May 15, 2022 to May 21, 2022 to be Special Districts Week. A draft resolution of is attached for the Board's consideration.

ATTACHMENTS:

- ACR 180
- Letter of Support
- Resolution No. 22-XX

Assembly Concurrent Resolution

No. 180

Introduced by Assembly Member Bauer-Kahan

April 21, 2022

Assembly Concurrent Resolution No. 180—Relative to Special Districts Week.

LEGISLATIVE COUNSEL’S DIGEST

ACR 180, as introduced, Bauer-Kahan. Special Districts Week.

This measure proclaims the week of May 15, 2022, to May 21, 2022, to be Special Districts Week.

Fiscal committee: no.

1 WHEREAS, Special districts are local governmental entities
2 created by a community’s residents, funded by those residents,
3 and overseen by those residents, to provide specialized services
4 and infrastructure; and

5 WHEREAS, Today, just over 2,000 independent special districts
6 provide millions of Californians with essential services, including
7 services related to water, sanitation and water recycling, fire
8 protection, electricity, parks and recreation, health care, open space,
9 ports and harbors, flood protection, mosquito abatement,
10 cemeteries, resource conservation, airports, transit, road
11 maintenance, veterans’ facilities, and more; and

12 WHEREAS, Special districts first arose when San Joaquin
13 Valley farmers needed a way to access their local water supply;
14 and

15 WHEREAS, Under the Wright Act of 1887, the Turlock
16 Irrigation District became California’s first special district and

1 made it possible for local farmers to intensify and diversify
2 agriculture in California's central valley; and

3 WHEREAS, In the 20th century, special districts increased
4 dramatically in both number and scope, and during the periods of
5 prosperity and population growth that followed both world wars
6 when the demand for all types of public services increased, and
7 special districts met that need; and

8 WHEREAS, The statutory authorization for mosquito abatement
9 districts was enacted in 1915 to combat the salt marsh mosquitoes
10 around the San Francisco Bay and higher than average malaria
11 cases in rural counties; and

12 WHEREAS, Fire protection districts can trace their origins to
13 a 1923 state law, and in 1931 the Legislature authorized recreation
14 districts, the forerunners of today's recreation and park districts;
15 and

16 WHEREAS, Hospital districts arose in 1945 because of a
17 statewide shortage of hospital beds. In 1994, the Legislature then
18 expanded their breadth and renamed them health care districts in
19 recognition of the diverse, modern needs of California's
20 communities and the importance of proactive, affordable health
21 care beyond the walls of a hospital building; and

22 WHEREAS, Although originally created to provide individual
23 services, in 1961 the Legislature authorized special districts to
24 address multiple needs, when it provided for multipurpose,
25 community services districts; and

26 WHEREAS, Special districts vary in size and scope and serve
27 diverse communities throughout California, from small rural
28 neighborhoods, such as the Pine Cove Water District in the San
29 Jacinto Mountains in the County of Riverside, to large urban
30 regions, such as the East Bay Municipal Utility District spanning
31 much of the Counties of Alameda and Contra Costa; and

32 WHEREAS, Local residents own special districts and govern
33 them through locally elected or appointed boards. A series of
34 sunshine laws ensure special districts remain transparent and
35 accountable to the communities they serve, as these laws require
36 open and public meetings, public access to records, regular audits,
37 online posting of finances and compensation, and more; and

38 WHEREAS, To prevent overlapping services and ensure that
39 local agencies are operating effectively and efficiently to meet
40 community needs, special districts are formed, reviewed,

1 consolidated, or dissolved through a methodical local process that
2 includes the oversight of a local agency formation commission
3 and the consent of local voters; and

4 WHEREAS, In 1969, several independent special districts
5 formed a statewide association called the California Special
6 Districts Association, commonly referred to as the CSDA, to
7 promote good governance and improved essential local services
8 through professional development, advocacy, and other services
9 for all types of independent special districts; and

10 WHEREAS, The Legislature seeks to promote democratic
11 institutions, community-based services, local control, and
12 self-determination; and

13 WHEREAS, The Legislature seeks to promote and educate the
14 public about their local public service providers, including
15 awareness and understanding of special districts; now therefore,
16 be it

17 *Resolved by the Assembly of the State of California, the Senate*
18 *thereof concurring*, That the Legislature hereby proclaims the
19 week of May 15, 2022, to May 21, 2022, inclusive, to be Special
20 Districts Week and encourages all Californians to be involved in
21 their communities and be civically engaged with their local
22 government: and be it further

23 *Resolved*, That the Chief Clerk of the Assembly transmit copies
24 of this resolution to the author for appropriate distribution.



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Board of Directors

Marty Miller, *President*
Jo MacKenzie
Patrick H. Sanchez
Richard L. Vásquez

Administrative Staff

Brett L. Hodgkiss
General Manager
Lisa R. Soto
Board Secretary
Elizabeth A. Mitchell
General Counsel

April 28, 2022

The Honorable Rebecca Bauer-Kahan
California State Assembly
1021 O Street, Suite 6320
Sacramento, CA 95814

RE: Assembly Concurrent Resolution 180 (Bauer-Kahan) – Support [As Introduced]

Dear Assembly Member Bauer-Kahan:

Vista Irrigation District, a public agency that provides water service to roughly 133,000 people in the city of Vista, and portions of San Marcos, Escondido, Oceanside and unincorporated areas of San Diego County, is pleased to support Assembly Concurrent Resolution (ACR) 180, which would establish Special Districts Week from May 15 to May 21, 2022.

Special districts are formed by communities to provide a needed service, overseen by a local board, and funded by local revenue. By focusing on one service, or a small suite of services, these public entities are able to perform efficient, effective, sustainable service delivery and infrastructure development, while maintaining local accountability.

Special districts date back to 1887 and have a long, rich history of providing benefits to their residents. They vary in size to best meet local needs, ranging from servicing multi-county regions and sometimes millions of residents, to small rural communities. As a representative of the special district community, we are pleased to support ACR 180.

Vista Irrigation District would like to thank the author for introducing this resolution recognizing and commending special districts for the important work that they do throughout California. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brett Hodgkiss".

Brett Hodgkiss
General Manager

CC: Marcus Detwiler, Associate Legislative Representative, California Special Districts Association

RESOLUTION NO. 22-XX
RESOLUTION OF THE BOARD OF DIRECTORS
OF VISTA IRRIGATION DISTRICT
PROCLAIMING THE WEEK OF MAY 15, 2022 TO MAY 21, 2022
TO BE SPECIAL DISTRICTS WEEK

WHEREAS, special districts are local governmental entities created by a community's residents, funded by those residents, and overseen by those residents, to provide specialized services and infrastructure; and

WHEREAS, today, just over 2,000 independent special districts provide millions of Californians with essential services, including services related to water, sanitation and water recycling, fire protection, electricity, parks and recreation, health care, open space, ports and harbors, flood protection, mosquito abatement, cemeteries, resource conservation, airports, transit, road maintenance, veterans' facilities, and more; and

WHEREAS, special districts first arose when San Joaquin Valley farmers needed a way to access their local water supply; and

WHEREAS, under the Wright Act of 1887, the Turlock Irrigation District became California's first special district and made it possible for local farmers to intensify and diversify agriculture in California's central valley; and

WHEREAS, in the 20th century, special districts increased dramatically in both number and scope, and during the periods of prosperity and population growth that followed both world wars when the demand for all types of public services increased, and special districts met that need; and

WHEREAS, the statutory authorization for mosquito abatement districts was enacted in 1915 to combat the salt marsh mosquitoes around the San Francisco Bay and higher than average malaria cases in rural counties; and

WHEREAS, fire protection districts can trace their origins to a 1923 state law, and in 1931 the Legislature authorized recreation districts, the forerunners of today's recreation and park districts; and

WHEREAS, hospital districts arose in 1945 because of a statewide shortage of hospital beds. In 1994, the Legislature then expanded their breadth and renamed them health care districts in recognition of the diverse, modern needs of California's communities and the importance of proactive, affordable health care beyond the walls of a hospital building; and

WHEREAS, although originally created to provide individual services, in 1961 the Legislature authorized special districts to address multiple needs, when it provided for multipurpose, community services districts; and

WHEREAS, special districts vary in size and scope and serve diverse communities throughout California, from small rural neighborhoods, such as the Pine Cove Water District in the San Jacinto Mountains of the County of Riverside, to large urban regions, such as the East Bay Municipal Utility District spanning much of the Counties of Alameda and Contra Costa; and

WHEREAS, local residents own special districts and govern them through locally elected or appointed boards. A series of sunshine laws ensure special districts remain transparent and accountable to the communities they serve, as these laws require open and public meetings, public access to records, regular audits, online posting of finances and compensation, and more; and

WHEREAS, to prevent overlapping services and ensure that local agencies are operating effectively and efficiently to meet community needs, special districts are formed, reviewed, consolidated, or dissolved through a methodical local process that includes the oversight of a local agency formation commission and the consent of local voters; and

WHEREAS, in 1969, several independent special districts formed a statewide association called the California Special Districts Association, commonly referred to as the CSDA, to promote good governance and improved essential local services through professional development, advocacy, and other services for all types of independent special districts; and

WHEREAS, Vista Irrigation District seeks to promote democratic institutions, community-based services, local control, and self-determination; and

WHEREAS, Vista Irrigation District seeks to promote and educate the public about their local public service providers, including awareness and understanding of special districts.

NOW, THEREFORE, BE IT RESOLVED by the Vista Irrigation District Board of Directors that Vista Irrigation District hereby joins the California State Legislature in proclaiming the week of May 15, 2022, to May 21, 2022, inclusive, to be Special Districts Week and encourages all residents to be involved in their community and be civically engaged with their local government.

PASSED AND ADOPTED by the following roll call vote of the Board of Directors of the Vista Irrigation District this 11th day of May, 2022:

AYES:

NOES:

ABSTAIN:

ABSENT:

Marty Miller, President

ATTEST:

Lisa R. Soto, Secretary
Board of Directors
Vista Irrigation District



STAFF REPORT

Agenda Item: 6.C

Board Meeting Date: May 11, 2022
Prepared By: Shallako Goodrick
Reviewed By: Marlene Kelleher
Approved By: Brett Hodgkiss

SUBJECT: TREASURER’S REPORT AS OF MARCH 31, 2022

RECOMMENDATION: Informational report concerning the investments of the District.

SUMMARY: Attached for review by the Board of Directors is the Treasurer’s Report as of March 31, 2022. The report is formatted to provide information as required by the California Government Code and the Vista Irrigation District Investment Policy. The Treasurer’s Report contains both an investment summary and a detailed security listing. Also attached is a five-year cash flow forecast, which indicates the District’s investments are sufficiently liquid to meet anticipated cash flow needs.

DETAILED REPORT: Activity for the quarter included deposits and withdrawals from the District’s cash and cash equivalent accounts: checking, California Asset Management Program (CAMP), and Local Agency Investment Fund (LAIF). During the quarter, \$4.5 million of Treasury bills matured and \$4.5 million of new Treasury bills were purchased.

As of March 31, 2022, the net unrealized loss on the portfolio was as follows:

	<u>Unrealized Loss</u>
Treasury Bills	\$ (43,134)
LAIF	<u>(170,588)</u>
Net Unrealized Gain	<u><u>\$(213,722)</u></u>

All investment transactions have been made in accordance with the District’s Investment Policy.

The following is a five-year summary of the District’s investment portfolio:

	<u>3/31/18</u>	<u>3/31/19</u>	<u>3/31/20</u>	<u>3/31/21</u>	<u>3/31/22</u>
Total Portfolio	\$29,997,674	\$31,164,888	\$43,294,920	\$42,658,125	\$47,011,883
Unrealized Gain (Loss)	\$71,655	\$241,041	\$386,211	\$39,062	\$(213,722)
Weighted Average Maturity	101 Days	121 Days	87 Days	87 Days	79 Days
Portfolio Interest Rate	1.54%	2.45%	1.50%	0.18%	0.38%

ATTACHMENTS:

- Treasurer’s Report
- Securities Detail
- Cash Flow Projection

Vista Irrigation District
TREASURER'S REPORT
March 31, 2022

<u>Category</u>	<u>Maturity Value</u>	<u>Percentage Permitted by Board Policy</u>	<u>Actual Percentage</u>	<u>Weighted Average Maturity (in Days)</u>	<u>Current Interest Rate</u>
Cash and Cash Equivalents					
Checking/Petty Cash	\$ 1,153,204	n/a	2.4%	0	0.00%
California Asset Management Program	11,190,551	40%	23.8%	1	0.39%
Local Agency Investment Fund	15,168,128	40%	32.3%	1	0.42%
	<u>27,511,883</u>		<u>58.5%</u>	<u>1</u>	<u>0.39%</u>
Securities					
U.S. Treasury	19,500,000	100%	41.5%	189	0.37%
Total Portfolio	<u><u>\$ 47,011,883</u></u>		<u><u>100.0%</u></u>	<u><u>79</u></u>	<u><u>0.38%</u></u>

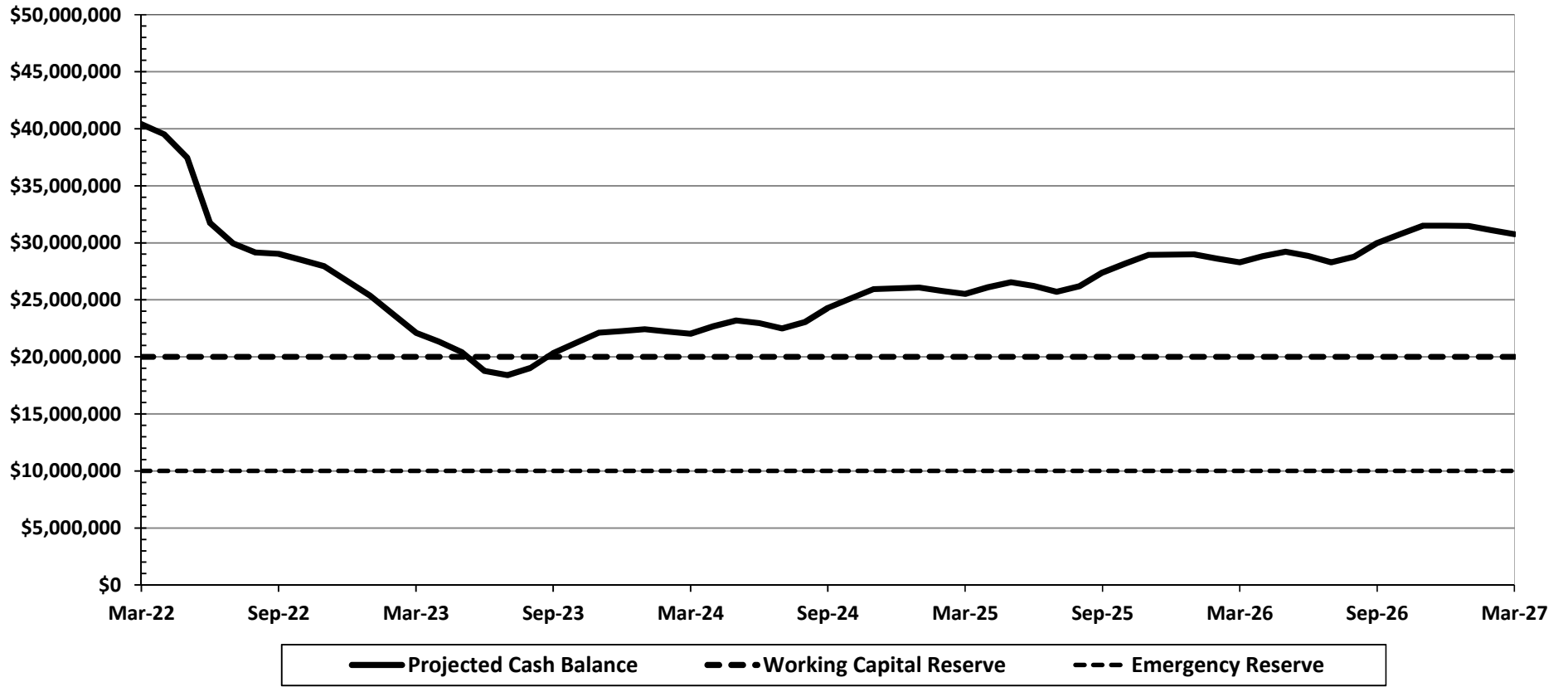
Notes:

- ◆ This report excludes accrued interest and employee flexible spending accounts.
- ◆ California Asset Management Program (CAMP) is a California Joint Powers Authority (JPA) established to provide California public agencies with professional investment services. The CAMP pool is a permitted investment for all local agencies under California Government Code Section 53601(p). The market valuation is provided by PFM Asset Management LLC.
- ◆ Local Agency Investment Fund (LAIF) is a pool of funds invested for California governmental agencies and is managed by the State Treasurer's Office of the State of California. The market valuation is provided by the State Treasurer's Office.
- ◆ The above portfolio is in full compliance with the District's Investment Policy.
- ◆ The District's investment portfolio is adequate to meet the District's cash flow requirements for the next six months.

Vista Irrigation District
SECURITIES DETAIL
March 31, 2022

Issuer	Investment Type	Interest Rate	Maturity Date	Days to Maturity	Maturity Value	Cost	Market Value	Unrealized Gain (Loss)
U.S. Treasury	Treasury Bill	0.066%	04/21/22	21	\$ 1,500,000	\$ 1,499,014	\$ 1,499,905	\$ 891
U.S. Treasury	Treasury Bill	0.056%	05/19/22	49	1,500,000	1,499,166	1,499,517	351
U.S. Treasury	Treasury Bill	0.071%	06/16/22	77	1,500,000	1,498,938	1,498,725	(213)
U.S. Treasury	Treasury Bill	0.076%	07/14/22	105	1,500,000	1,498,863	1,497,441	(1,422)
U.S. Treasury	Treasury Bill	0.081%	08/11/22	133	1,500,000	1,498,787	1,495,584	(3,203)
U.S. Treasury	Treasury Bill	0.076%	09/08/22	161	1,500,000	1,498,863	1,494,125	(4,738)
U.S. Treasury	Treasury Bill	0.091%	10/06/22	189	1,500,000	1,498,635	1,492,287	(6,348)
U.S. Treasury	Treasury Bill	0.162%	11/03/22	217	1,500,000	1,497,573	1,491,323	(6,250)
U.S. Treasury	Treasury Bill	0.244%	12/01/22	245	1,500,000	1,496,360	1,488,894	(7,466)
U.S. Treasury	Treasury Bill	0.397%	12/29/22	273	1,500,000	1,494,085	1,486,335	(7,750)
U.S. Treasury	Treasury Bill	0.642%	01/26/23	301	1,500,000	1,490,445	1,483,758	(6,687)
U.S. Treasury	Treasury Bill	1.171%	02/23/23	329	1,500,000	1,482,634	1,481,004	(1,630)
U.S. Treasury	Treasury Bill	1.632%	03/23/23	357	1,500,000	1,475,885	1,477,216	1,331
		<u>0.367%</u>		<u>189</u>	<u>\$ 19,500,000</u>	<u>\$ 19,429,248</u>	<u>\$ 19,386,114</u>	<u>\$ (43,134)</u>

**Vista Irrigation District
CASH FLOW PROJECTION
through March 2027**



Emergency Reserve	\$10 million
Working Capital Reserve	\$10 million
Total Reserves	<u>\$20 million</u>



STAFF REPORT

Agenda Item: 6.D

Board Meeting Date: May 11, 2022
Prepared By: Brian Fisher
Reviewed By: Marlene Kelleher
Approved By: Brett Hodgkiss

SUBJECT: MICROSOFT SOFTWARE LICENSING AGREEMENT

RECOMMENDATION: Authorize the General Manager to enter into a Microsoft Enterprise Agreement with SoftwareOne for the three-year period ending May 31, 2025 in an amount not to exceed \$150,904.

PRIOR BOARD ACTION: On May 15, 2019, the Board authorized the General Manager to enter into a Microsoft Enterprise Agreement (MEA) with SoftwareOne for \$35,353 annually for three years ending May 31, 2022, for a total contract price of \$106,059.

FISCAL IMPACT: Annual fees are \$50,302 for the next three years, for a total contract price of \$150,904.

SUMMARY: Microsoft regularly provides product upgrades, maintenance releases and patches. With this agreement, the District purchases the right to continued upgrades without interruption, 24 x 7 technical support, unlimited web support, access to the most recent software versions, simplified license tracking and reduced risks of license noncompliance.

DETAILED REPORT: The District has utilized an MEA since 2004; the current agreement expires on May 31, 2022. The agreement, which has a term of three years, offers the District the ability to have a level pay program for software maintenance and upgrades on District computers and servers. The annual cost are higher than the prior agreement because the District plans to migrate from the Microsoft Office 2016 Suite to Microsoft Office 365 during this licensing period. The decision to migrate platforms at this time is based on recommendations from consultants hired when an email breach was attempted at the District earlier in the year and support for the Microsoft Office 2016 Suite is ending in a few years. The Microsoft Office 365 license allows the District to remain on the Microsoft Office 2016 Suite until the migration to all Microsoft Office 365 products occurs.

The County of Riverside has been the leader in the negotiations and procurement of the statewide cooperative license purchase agreements for statewide Microsoft Enterprise software and services; over 300 governmental agencies in California utilize this enterprise agreement. The County of Riverside's volume of licenses for Microsoft products allowed them to obtain deep discounts by going through a competitive bidding process resulting in SoftwareOne being selected as a Microsoft reseller for licensing purposes.

Pursuant to the District's Purchasing Policy, staff recommends taking advantage of the cooperative purchasing of the County of Riverside in choosing SoftwareOne as the vendor for these licensing services.

ATTACHMENT: SoftwareOne quote under the County of Riverside's MEA

SoftwareONE - software quote				
Quoted by Jason Carmer				
Phone 214-580-5899 jason.carmer@SoftwareONE.com				
Please fax your POs to our Client Assistance Center at 800-366-9994 or email to: statestore@SoftwareONE.com - Call 800-400-9852, option 2, to check status on orders.				
<u>Quoted to:</u>		Vista Irrigation District		
		Brian Fisher		
Date:	4/21/2022	BFisher@vidwater.org		
Quote#:	44672			
Expires:	5/21/2022	EA 56518430 - Expires 5/31/2022		
Important: Please provide the email address of the recipient designated to receive a SoftwareONE "order confirmation"				
Quantity	Part #	Description	Unit Price	Ext. Price
6	6QK-00001	Azure prepayment. Anything over the \$6000 per year will be billed monthly by SoftwareONE in arrears around the 15th of the following month	\$1,200.00	\$7,200.00
95	AAD-33200	M365 E3 FromSA Unified ShrdSvr ALNG SubsVL MVL PerUsr	\$317.04	\$30,118.80
4	7MK-00002	Project Plan3 FrmSA Shared All Lng Subs VL MVL Per User	\$234.00	\$936.00
10	7NQ-00292	SQLSvrStdCore ALNG SA MVL 2Lic CoreLic	\$579.00	\$5,790.00
11	9K3-00002	VisioPlan2FrmSA ShrdSvr ALNG SubsVL MVL PerUsr	\$117.00	\$1,287.00
1	MX3-00117	VSEntSubMSDN ALNG SA MVL	\$1,058.88	\$1,058.88
29	9EA-00278	WinSvrDCCore ALNG SA MVL 2Lic CoreLic	\$124.32	\$3,605.28
16	9EM-00270	WinSvrSTDCore ALNG SA MVL 2Lic CoreLic	\$19.08	\$305.28
		Please type "electronic software delivery" on your PO		
Sub-Total				\$50,301.24
Tax		ESD - nontaxable		\$ -
Shipping				No Charge
		Annual Installment		\$ 50,301.24
Prices good for 30 days		Total 3-year commitment	\$ 150,903.72	
Pass-Through Warranty and Other Rights. As a reseller, end-user warranties and liabilities (with respect to any third party hardware and software products provided by SoftwareONE) shall be provided as a pass-through from the manufacturer of such products. All software products are subject to the license agreement of the applicable software supplier, as provided with the software packaging or in the software at time of shipment.				



STAFF REPORT

Agenda Item: 6.E

Board Meeting Date: May 11, 2022
Prepared By: Frank Wolinski
Approved By: Brett Hodgkiss

SUBJECT: TRAFFIC CONTROL SERVICES

RECOMMENDATION: Authorize the General Manager to execute an agreement with Cecilia’s Safety Service, Inc. to provide traffic control services for District jobs in an amount not to exceed \$550,000.

PRIOR BOARD ACTION: None.

FISCAL IMPACT: This agreement is proposed for an amount not to exceed \$550,000.

SUMMARY: The District advertised and solicited bids from licensed C-31 contractors to perform traffic control services throughout the District’s service area. In response, the District received four qualified bids; Cecilia’s Safety Service, Inc. responded with the lowest overall bid based on labor rates for flagging and traffic plan services.

DETAILED REPORT: Over the last 13 years, the District has used outside traffic control services in an effort to minimize costs, better utilize District staff and reduce outage duration during construction and repair. Outsourcing these services provides our customers and field crews with a safe and efficient work environment and also transfers associated risk. In March 2022, the District advertised and solicited bids from four contractors to perform traffic control services. The District received four responsive bids from Bechtel Services, Cecilia’s Safety Service, Inc., North County Traffic Control, Inc. and Statewide Safety Systems.

As Cecilia’s Safety Service, Inc. and Bechtel Services submitted overlapping rates, staff reviewed billed rates for traffic control services over the last five fiscal years (2017-2021). It was determined that 89 percent of labor was billed at the regular hourly rate, nine percent at the overtime hourly rate and two percent at the weekend and holiday hourly rate. Based on the five years of historical data and the proposed hourly rates submitted by each contractor, Cecilia’s Safety Services, Inc. would provide the lowest cost of service on an annual basis.

All traffic jurisdictions within the District’s service area require an approved set of traffic control plans and require certified flaggers on all projects. The licensed contractor will be required to prepare traffic control plans and provide certified flaggers for each project.

The bids were as follows:

Company	Regular	Overtime	Weekend & Holidays	Traffic Plans
Cecilia’s Safety Service	\$ 95.00/hour	\$ 95.00/hour	\$115.00/hour	\$ 35.00/sheet
Bechtel Services	\$ 94.21/hour	\$130.61/hour	\$167.01/hour	\$ 95.00/sheet
North County Traffic Control	\$ 97.00/hour	\$ 97.00/hour	\$120.00/hour	\$ 100.00/sheet
Statewide Safety Systems	\$115.00/hour	\$115.00/hour	\$155.00/hour	\$ 300.00/sheet



STAFF REPORT

Agenda Item: 6.F

Board Meeting Date:	May 11, 2022
Prepared By:	Robert Scholl
Reviewed By:	Randy Whitmann
Approved By:	Brett Hodgkiss

SUBJECT: WATERLINE PROJECT APPROVAL AND GRANT OF RIGHT OF WAY

RECOMMENDATION: Approve this waterline project and accept Grant of Right of Way (H97) for a proposed gas station and commercial development consisting of approximately 4.5 gross acres owned by Hesperia Outpost, LP, located at the northeast corner of East Vista Way and Monte Mar Road (LN 2020-011; APN 173-065-25; DIV NO 1).

PRIOR BOARD ACTION: None.

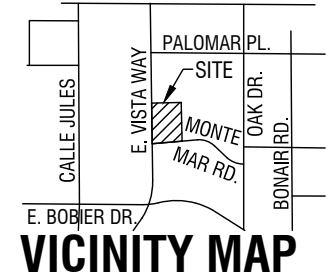
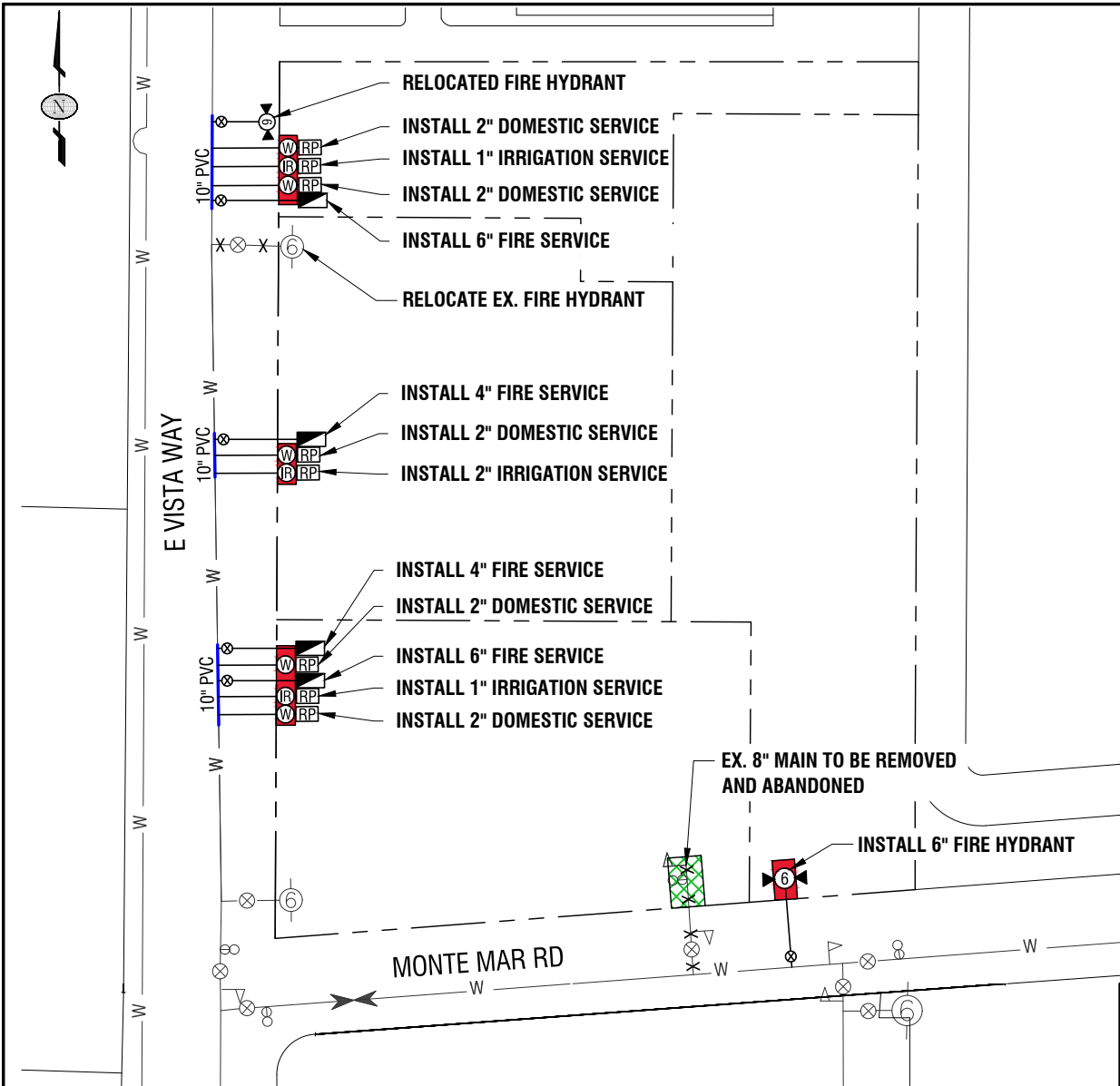
FISCAL IMPACT: None.

SUMMARY: The District has signed the improvement plans for this development; approval of this project will allow the General Manager to execute a construction agreement with the owner and acceptance of Grant of Right of Way (H97) will secure the District a specific easement for the installation of the proposed waterline facilities.

DETAILED REPORT: Under District inspection, the owner's contractor will replace approximately 77 feet of 10-inch waterline, and install one 2-inch irrigation service, two 1-inch irrigation services, five 2-inch domestic water services, two 4-inch fire services, two 6-inch fire services, two 6-inch fire hydrants, and make connections as approved on the plans. The owners will also submit applications and pay the necessary fees to the District for water meters.

Approval of this project and acceptance of Grant of Right of Way (H97) will allow the owner to proceed with the development of their project.

ATTACHMENT: Map



LEGEND

- NTS
- EXISTING**
- W — WATER MAIN
 - X - W X - WATER MAIN TO BE REMOVED AND ABANDONED
 - ⊗ BLOW OFF
 - ▽ AIR VENT
 - ⊗ VALVE
 - ⊗ 6 FIRE HYDRANT
 - X - X - X - 6 SEVER FIRE HYDRANT
 - ▨ EASEMENT (C51)
- PROPOSED PUBLIC**
- W — PVC (DR14) WATER
 - ⊗ 6 FIRE HYDRANT
 - W — DOMESTIC SERVICE
 - IR — IRRIGATION SERVICE
 - ▨ GRANT OF RIGHT OF WAY (H97)
- PROPOSED PRIVATE**
- ▨ RPDA
 - RP — RP

VISTA IRRIGATION DISTRICT		
MONTE MAR		
PROJECT APPROVAL & GRANT OF RIGHT OF WAY		
APN 173-065-25	T.B.	
SCALE: NONE	L.N. 2020-011	
APPD. BY RS	DATE 5/02/22	W.O.
DRAWN BY JS	DATE 4/29/22	
SHEET 1 of 1	MAP G10	
REVISED: 5/2/22 Jose Sanchez		

OWNER:
 HESPERIA OUTPOST, LP.
 P.O. BOX 1958
 CORONA, CA 92878-1958
 951-280-3833
 CONTACT: JACK KOFDARALI

ENGINEER:
 EBI ENGINEERING
 530 TECHNOLOGY DR. SUITE 100
 IRVINE, CA 92618
 (760) 273-2500



STAFF REPORT

Agenda Item: 6.G

Board Meeting Date:	May 11, 2022
Prepared By:	Robert Scholl
Reviewed By:	Randy Whitmann
Approved By:	Brett Hodgkiss

SUBJECT: QUITCLAIM DEED, QUITCLAIM DEEDS AND BILLS OF SALE

RECOMMENDATION: Approve Quitclaim Deed (693) and Quitclaim Deeds and Bills of Sale (687) and (690) quitclaiming portions of Easements (C7), (R7), (M25), and portions of abandoned 14-inch steel and 18-inch concrete water mains within a 187-lot single-family residential development known as San Marcos Highlands, consisting of approximately 289 gross acres owned by KB Home California LLC, a Delaware limited liability company, located at the northern end of Las Posas Road, San Marcos (LN 2017-018; I-3090; APNs 182-110-02, -03; 182-111-01; 184-101-35; 184-240-13, -14, -15, -33, -35, -36; 184-241-06, -07, -08 and -09; DIV NO 5).

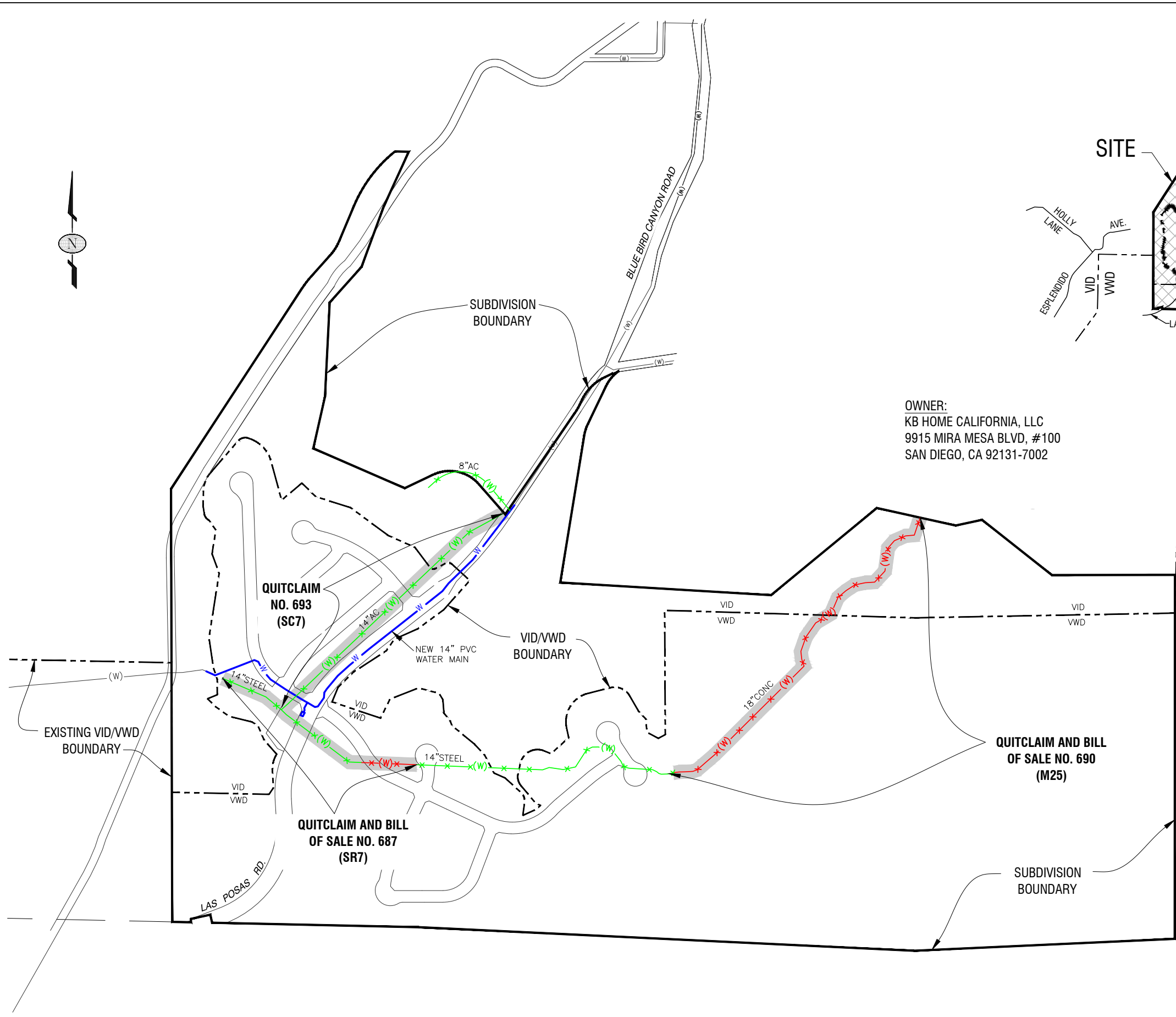
PRIOR BOARD ACTION: On September 16, 2020, the Board accepted Grant of Right of Way (V102) for relocated water facilities within the development. The Board consented to the Grant of Right of Way to Vallecitos Water District over a portion of Specific Easement (V102) on March 3, 2021, acknowledged existing easements via City of San Marcos TSM 13-001-1 on April 17, 2021 and approved the waterline project on May 18, 2021. The Board also accepted Grant of Right of Way (K63) for an additional access point into the development on November 17, 2021.

FISCAL IMPACT: None.

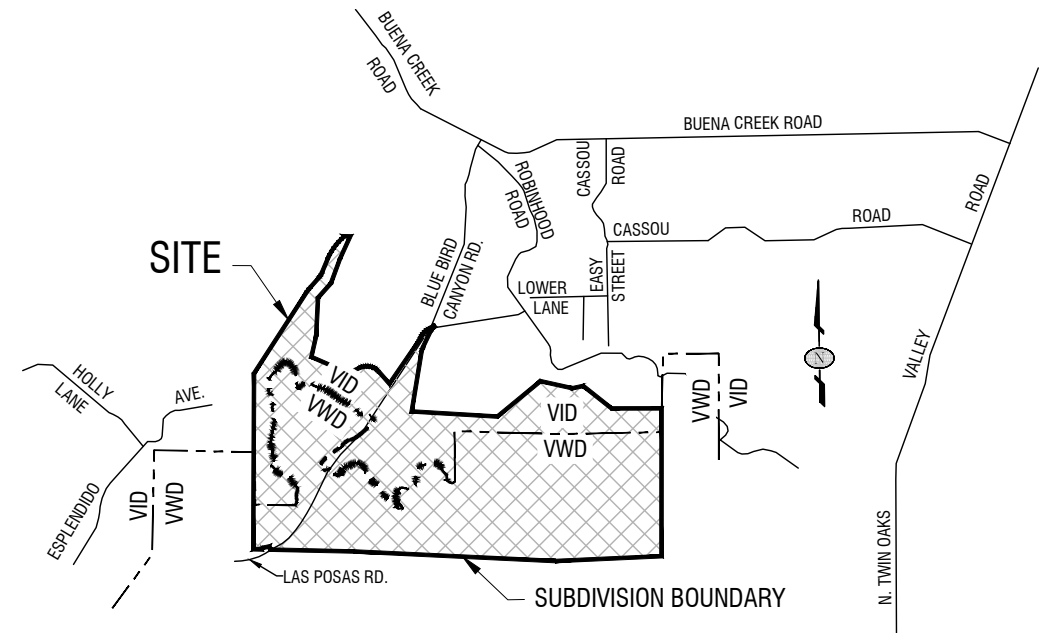
SUMMARY: The owner, KB Home California LLC, is in the process of developing a 187-lot single-family residential development known as San Marcos Highlands that will be served water from Vallecitos Water District. The District has a 14-inch asbestos cement (AC) and steel transmission pipeline that transects the development and is being relocated into public right of way. The 14-inch pipeline, along with an 8-inch Nipponite AC pipeline and portions of a previously abandoned 14-inch steel/18-inch concrete pipeline within and adjacent to the development, have been removed and disposed of. The remaining portions of the abandoned 14-inch steel/18-inch concrete pipeline, located within open space areas, have been cut and plugged with concrete at the ends/property line and abandoned in place.

The owner has requested that the portions of District Easements (C7), (R7) and (M25) over the property be quitclaimed; the easements are no longer needed. Approval of Quitclaim Deed (693) and Quitclaim Deeds and Bills of Sale (687) and (690) will transfer ownership of remaining abandoned pipelines to the owner and allow them to proceed with the development of this project.

ATTACHMENT: Map



OWNER:
 KB HOME CALIFORNIA, LLC
 9915 MIRA MESA BLVD, #100
 SAN DIEGO, CA 92131-7002



VICINITY MAP
 NTS

LEGEND

- SUBDIVISION BOUNDARY
- EXISTING VID/VWD BOUNDARY
- EXISTING WATER MAIN
- ABANDONED PIPE TO REMAIN
- ABANDONED PIPE THAT WAS REMOVED AND DISPOSED OF
- QUITCLAIM/ BILL OF SALE AREA
- NEW WATER MAIN

APNS: 182-110-02, -03, 182-111-01,
 184-101-14, 184-240-13, -14, -15, -32, -33,
 184-241-05, -06, -07 & -08.

VISTA IRRIGATION DISTRICT		
SAN MARCOS HIGHLANDS		
QUITCLAIM DEED, QUITCLAIM DEEDS & BILLS OF SALE		
APN	T.B.	
SCALE: NONE	L.N. 2017-018	
APPD. BY RS	DATE 5/03/22	W.O.
DRAWN BY JB	DATE 5/03/22	
SHEET 1 of 1	MAP K19	
REVISED: 5/3/22 Jeanette Bradshaw		

Z:\Engineering\JOBS\I-Jobs\13090_San Marcos Highlands\LN 2017-018 San Marcos Highlands\QCBS\13090 SMH Quitclaim Staff Report.DWG



STAFF REPORT

Agenda Item: 6.H

Board Meeting Date:	May 11, 2022
Prepared By:	Robert Scholl
Reviewed By:	Randy Whitmann
Approved By:	Brett Hodgkiss

SUBJECT: ACKNOWLEDGEMENT OF EASEMENTS

RECOMMENDATION: Acknowledge existing easements via Final Map for an 89-lot single-family residential development known as Skylark, consisting of approximately 91.65 gross acres owned by OCH-HS Lot Option Pool 02, LLC, located at the northern end of Las Posas Road, San Marcos (LN 2020-012; TSM 15-007; APN 184-241-03, 217-050-36, 38 & 218-011-10).

PRIOR BOARD ACTION: The Board accepted Grant of Right of Way (T10) and Grant of Right of Way (E9) and (E10) on May 6, 1930 and July 5, 1939 respectively.

FISCAL IMPACT: None.

SUMMARY: The owner, OCH-HS Lot Option Pool 02, LLC (Lennar Homes), is in the process of developing an 89-lot single-family residential development known as Skylark that will be served water from Vallecitos Water District. Specific Easements (E9) and (E10) as well as Blanket Easement (T10) currently encumber the property. Only Specific Easement (E10) contains any District facilities (a 14-inch steel transmission pipeline).

As part of the subdivision, the owner is required to reserve a biological conservation easement over dedicated open space areas within the project. Staff has reviewed and coordinated with the owner and City of San Marcos to verify District Specific Easements (E9) and (E10) will not overlap or be impacted by the biological conservation easement. Acknowledgement of Specific Easements (E9) and (E10) and Blanket Easement (T10) will allow the owner to record the map with the County Recorder.

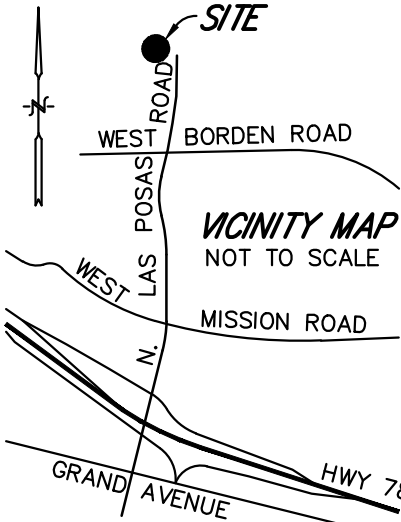
ATTACHMENT: Map

OWNER/DEVELOPER

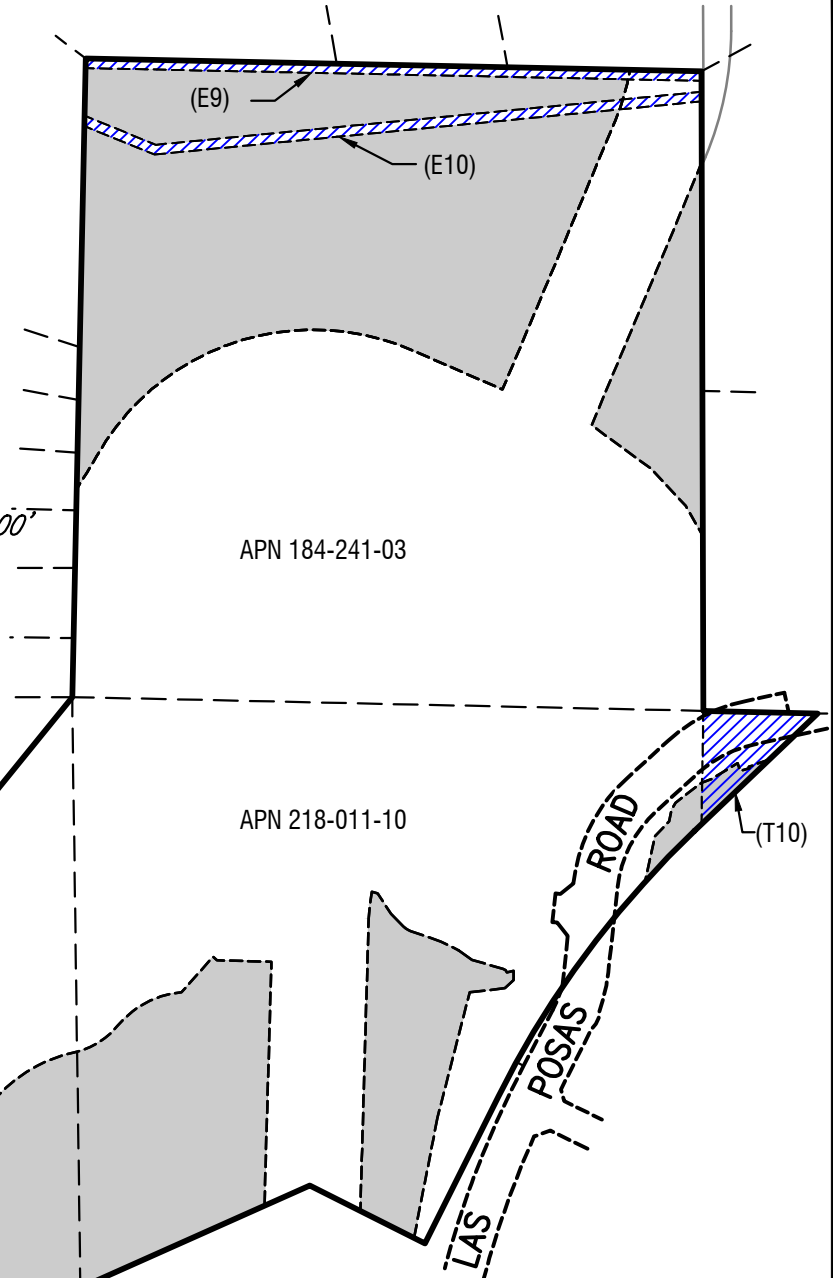
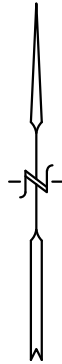
OCS-HS LOT OPTION POOL 02, L.P.
 C/O LENNAR HOMES OF CA, INC.
 ATTN: MCKENNA LAYNE
 16465 VIA ESPRILLO SUITE 150
 SAN DIEGO, CA 92127

ENGINEER

EXCEL ENGINEERING
 440 STATE PLACE
 ESCONDIDO, CA 92029



SCALE: 1"=400'



LEGEND

- SUBDIVISION BOUNDARY
- BIOLOGICAL CONSERVATION EASEMENT
- DISTRICT EASEMENTS

VISTA IRRIGATION DISTRICT

SKYLARK

ACKNOWLEDGEMENT OF EASEMENTS

APN: 184-241-03, 218-011-10 & 217-050-36 & 38		T.B.
SCALE: 1"=400'		L.N. 2020-012
APPD. BY	DATE	W.O.
DRAWN BY: EXCEL	DATE: 4/29/22	
SHEET 1 OF 1	MAP K19	



Cash Disbursement Report

Payment Dates 4/7/2022 - 4/27/2022

Payment Number	Payment Date	Vendor	Description	Amount
69229 - 69230	04/13/2022	Refund Checks 69229 - 69230	Customer Refunds	129.02
69231	04/13/2022	Refund Check 69231	Customer Refund	2,370.48
69232	04/13/2022	Refund Check 69232	Customer Refund	137.76
69233	04/13/2022	ACWA/JPIA	Workers Compensation 03/2022	47,906.67
69234	04/13/2022	Escondido Metal Supply	Steel	422.19
69235	04/13/2022	AC Plumbing	Meter Tie-Backs (3) - Mira Sol Dr	4,225.00
69236	04/13/2022	Amazon Capital Services	Warehouse Supplies	38.39
69237	04/13/2022	American Water Works Association	Annual Network Licenses Dues 04/2022 - 03/31/23	1,672.00
69238	04/13/2022	Auto Specialist Warehouse	Caliper Core	(240.00)
	04/13/2022		Brake Hardware	17.84
	04/13/2022		Brake Pads & Rotors - Truck 73	240.75
	04/13/2022		Front Hub/Bearing Assembly - Truck 73	243.91
	04/13/2022		Axle Kit	12.38
69239	04/13/2022	Boot Barn Inc	Footwear Program	170.21
	04/13/2022		Footwear Program	178.58
	04/13/2022		Footwear Program	180.00
	04/13/2022		Footwear Program	141.95
69240	04/13/2022	Bryan and the Bee's	Live Bee Removal (1)	175.00
69241	04/13/2022	Burke, Williams & Sorensen, LLP	Legal 03/2022	4,632.00
69242	04/13/2022	Clinical Lab of San Bernardino Inc	Stage II Samples	920.00
69243	04/13/2022	Core & Main	Fire Hydrant Spool 6x24 DI (3)	672.23
	04/13/2022		Corp Stop 2" MIP X FIP (5)	1,396.43
	04/13/2022		Fire Hydrant 6" Break Off Spool LB400 (4)	1,095.49
	04/13/2022		Tubing 2" Copper Soft 20' (40)	1,050.03
	04/13/2022		Angle Ball Valve 2" FNPT X MNPT (CurbStop)(2)	679.81
	04/13/2022		Fire Hydrant LB400 Check Valve (4)	7,772.35
	04/13/2022		Ell 2" Brass Street 90 Degree (10)	294.98
	04/13/2022		Fire Hydrant Rod 15"x.5" Break Off SS (4)	272.79
	04/13/2022		Nipple 2x12 Brass (3)	134.93
	04/13/2022		Sleeve 8"x12" Galvanized Top Sections (125)	1,488.44
	04/13/2022		Lid 10" Slotted Valve (VID) (7)	488.30
69244	04/13/2022	Direct Energy	Electric 03/2022 - Henshaw Buildings & Grounds	128.40
	04/13/2022		Electric 03/2022 - Henshaw Well Field	19,505.28
69245	04/13/2022	EDCO Waste & Recycling Services Inc	40yd Dumpster	469.43
69246	04/13/2022	FedEx	Express Shipping	118.69

Payment Number	Payment Date	Vendor	Description	Amount
	04/13/2022		Express Shipping	121.33
69247	04/13/2022	Warren Environmental & Coatings LLC	Warren 2 part Potable Epoxy (45)	6,378.79
69248	04/13/2022	Glennie's Office Products Inc	Office Supplies	160.11
	04/13/2022		Office Supplies	67.07
69249	04/13/2022	Grainger	Electrical Gloves	274.18
	04/13/2022		Fire Hose Adapter (3)	204.36
	04/13/2022		Spray Paint (8)	61.12
69250	04/13/2022	Hach Company	TDS Standards (3)	340.39
69251	04/13/2022	Hanna Plumbing	Gaskets	15.13
	04/13/2022		Valve & Plate for Shower	121.22
	04/13/2022		Faucet Seat - Shower	48.71
69252	04/13/2022	Hawthorne Machinery Co	Control Handle, Throttle Spring, Water Filter - B16	728.55
	04/13/2022		Throttle Cable, Hardware - B16	398.29
	04/13/2022		Wire Harness - B16	51.32
	04/13/2022		Backhoe Bucket	1,616.57
69253	04/13/2022	Home Depot Credit Services	Diamond Blades	52.44
	04/13/2022		Forms	90.11
	04/13/2022		Saw Horses	64.92
	04/13/2022		Circular Saw	(173.60)
	04/13/2022		Circular Saw	193.88
	04/13/2022		Circular Saw, Blades	197.78
	04/13/2022		Plywood	42.38
	04/13/2022		Maintenance Supplies	55.69
	04/13/2022		Putty Knives	70.73
	04/13/2022		Parts Bins, Cleanout Caps	25.72
	04/13/2022		Anchor Adhesive	48.98
	04/13/2022		Safety Barriers	285.29
	04/13/2022		Mop Head	(9.19)
	04/13/2022		Drill Bits & Screws	111.82
	04/13/2022		Supplies for Beehive Flume Roof Repair	1,286.35
	04/13/2022		Post, Protective Barrier	1,315.80
	04/13/2022		Concrete Grout	18.80
	04/13/2022		Supplies for Beehive Flume Roof Repair	83.34
	04/13/2022		Ball Peen Hammer	18.37
	04/13/2022		T-Posts	607.80
	04/13/2022		T-Posts	505.48
	04/13/2022		Maintenance Supplies	232.08
69254	04/13/2022	IDEXX Distribution Corporation	Bac-T Bottles	851.16
69255	04/13/2022	J&W Lumber	Redwood Lumber	58.73
69256	04/13/2022	Major League Pest	Monthly Pest Control	225.00

Payment Number	Payment Date	Vendor	Description	Amount
69257	04/13/2022	Mallory Safety and Supply, LLC	Jacket Rain XL (2)	213.25
	04/13/2022		Jacket Rain LG (1)	106.63
	04/13/2022		Pant Rain MED (1)	97.43
	04/13/2022		Pant Rain LG (2)	194.85
69258	04/13/2022	Moodys	Dump Fees (2)	600.00
69259	04/13/2022	NAPA Auto Parts	Filters, Diesel Decals	35.93
	04/13/2022		Oil	23.77
69260	04/13/2022	Industrial Metal Supply	Aluminum Plate - Beehive Flume Roof	497.81
69261	04/13/2022	North County Auto Parts	Brake Assembly Lube	29.02
	04/13/2022		Chemicals, Oil	208.61
	04/13/2022		Wiper Blades	17.41
	04/13/2022		Spark Plugs	(19.40)
69262	04/13/2022	Pacific Pipeline Supply	Ell 8" DI POxFL 45 Degree (1)	305.27
	04/13/2022		4" Push On Angles (2)	316.57
69263	04/13/2022	Paychex of New York LLC	Onboarding/Recruiting/Flex Benefit Svc 04/2022	812.50
69264	04/13/2022	Powerland Equipment, Inc	Battery - Riding Mower	92.58
	04/13/2022		Blades, Air Filter	102.82
69265	04/13/2022	Ramco Petroleum	Fuel 03/2022	3,476.10
69266	04/13/2022	RC Auto & Smog	Rear Struts & Alignment - Ford Expedition	826.75
69267	04/13/2022	Rincon del Diablo MWD	MD Reservoir Water Service 03/2022	64.01
69268	04/13/2022	San Diego Co Superintendent of Schools	County Office of Education Splash Lab Presentation	750.00
69269	04/13/2022	San Diego Door Controls, Inc	Roll Up Door Repairs	2,267.48
69270	04/13/2022	San Diego Gas & Electric	Gas Use 03/2022	1,128.91
	04/13/2022		Electric 03/2022 - Henshaw Buildings & Grounds	367.55
	04/13/2022		Electric 03/2022 - Henshaw Wellfield	19,251.50
	04/13/2022		Electrical Use 03/2022 - VID Headquarters	3,485.47
	04/13/2022		Electric 03/2022 - T&D	110.34
	04/13/2022		Electric 03/2022 - Reservoirs	71.50
	04/13/2022		Electric 12/07/21 - 03/09/22 - E43 Regulator	72.56
69271	04/13/2022	Save Our Heritage Organisation	WCRH O&M Contribution 04/2022 - 06/2022	3,000.00
69272	04/13/2022	Schneider Electric Systems, Inc	0-300 Pressure Transmitters (3)	3,681.01
69273	04/13/2022	SiteOne Landscape Supply, LLC	Drain Box & Drain Box Cover	100.62
69274	04/13/2022	Sloan Electric Company	Motor Protection Relays	2,132.34
69275	04/13/2022	Southern California Water Coalition	Membership Dues 01/2022 - 12/2022	1,000.00
69276	04/13/2022	Southern Counties Lubricants, LLC	Grease Cartridges (2)	87.72
69277	04/13/2022	Spok, Inc	Pagers	49.72
69278	04/13/2022	Sunbelt Rentals	Excavator Rental - Beehive Flume	937.17
	04/13/2022		Sewer Snake Rental	57.21
69279	04/13/2022	Sunrise Materials Inc	Pallet Deposit (2)	75.78
	04/13/2022		Delivery Fee (1)	156.95

Payment Number	Payment Date	Vendor	Description	Amount
	04/13/2022		Redwood Lath Bundles (6)	383.21
	04/13/2022		8" x 2" x 16" Cap Blocks (240)	766.41
	04/13/2022		Cement 10lb Quikrete (24)	891.53
	04/13/2022		Cement 50lb Quikrete (10)	623.97
69280	04/13/2022	The UPS Store 0971	Shipping 03/2022	1,415.06
69281	04/13/2022	Bend Genetics, LLC	HABs Lab Analysis	5,519.00
	04/13/2022		HABs Lab Analysis	4,984.50
69282	04/13/2022	Midas Service Experts	Tires (4) - Truck 43	1,171.96
	04/13/2022		Tire (1) - Truck 8	153.02
69283	04/13/2022	The San Diego Union-Tribune LLC	Legal Notice - Redistricting	248.25
69284	04/13/2022	TS Industrial Supply	Vise Parts	119.09
	04/13/2022		Striping Paint White #710 (12)	78.20
	04/13/2022		Striping Paint White #750 (12)	78.20
	04/13/2022		Construction Marking Paint White #255 (12)	54.30
	04/13/2022		Striping Paint Asphalt Black #770 (12)	78.20
	04/13/2022		Sea 1" Teflon Tape (20)	24.90
	04/13/2022		Survey Fluorescent Marking Paint #222 (36)	190.56
	04/13/2022		Counter Brush / Horsehair Plastic (2)	17.08
	04/13/2022		Hand Brush / Utility Scrub / 8" (2)	8.81
	04/13/2022		Wood Wedges 2" x 4" x 12" (40)	126.65
	04/13/2022		Wire brush / 4" x 19" / Wood Handle (5)	18.67
69285	04/13/2022	UniFirst Corporation	Uniform Service	328.83
69286	04/13/2022	Verizon Wireless	SCADA Remote Access 02/21/22 - 03/20/22	379.39
69287	04/13/2022	Vulcan Materials Company and Affiliates	Cold Mix	2,391.27
69288	04/13/2022	VWR International LLC	Water Quality Supplies	582.94
	04/13/2022		Glassware for Lab	356.24
	04/13/2022		Sample Bottles	459.75
69289	04/13/2022	Watts Regulator Company	DPD Reagents (3)	598.58
69290 - 69297	04/20/2022	Refund Checks 69290 - 69297	Customer Refunds	2,889.64
69298	04/20/2022	Escondido Metal Supply	Steel Materials	164.56
69299	04/20/2022	Allied Electronics Inc	Panel Door Indicators & Switches - E Reservoir	1,359.57
69300	04/20/2022	Answering Service Care, LLC	Answering Service	509.00
69301	04/20/2022	Auto Specialist Warehouse	Front Brake Pads - Truck 45	89.20
	04/20/2022		Brake Parts - Truck 45	14.61
69302	04/20/2022	BHA Inc	Survey of Henshaw Dam 03/2022	1,575.00
69303	04/20/2022	Boot World Inc	Footwear Program	58.43
	04/20/2022		Footwear Program	145.44
69304	04/20/2022	HosePower USA	Dust Caps	157.83
69305	04/20/2022	Brown and Caldwell	Flume Replacement Alignment Study 02/2022	79,784.28
69306	04/20/2022	California Department of Justice	Fingerprinting	98.00

Payment Number	Payment Date	Vendor	Description	Amount
69307	04/20/2022	Cecilia's Safety Service Inc	Traffic Control - Townsite Dr/Newport Terrace	2,565.00
	04/20/2022		Traffic Control - Townsite Dr	4,037.50
	04/20/2022		Traffic Control - Raintree Dr	1,163.75
	04/20/2022		Traffic Control - Hill Drive	807.50
	04/20/2022		Traffic Control - Paseo De Anza	760.00
	04/20/2022		Traffic Control - Sycamore Avenue	3,415.00
69308	04/20/2022	City of San Diego	Annual AED Agreement	175.00
69309	04/20/2022	CleanCapital HC4 Borrower LLC	Solar Energy Use 03/2022	7,110.67
69310	04/20/2022	Columbia Bank	E Reservoir Replacement & Pump Station 03/22 - Retainage	23,030.00
69311	04/20/2022	CoreLogic Solutions Inc	Real Quest Online Service 03/2022	393.98
69312	04/20/2022	Department of Water Resources	Henshaw Dam Fee FY 22/23	19,243.00
69313	04/20/2022	Diamond Environmental Services	Portable Restroom Service	137.56
	04/20/2022		Portable Restroom Service	85.69
69314	04/20/2022	Streamline	Website Hosting, Maintenance & Support	300.00
69315	04/20/2022	Equipco Rentals	Rental of Water Quality Monitoring System	1,301.59
69316	04/20/2022	Flyers Energy, LLC	Fuel Use	207.68
69317	04/20/2022	Gateway Pacific Contractors, Inc	E Reservoir Replacement & Pump Station 03/2022	437,570.00
69318	04/20/2022	Grainger	Relays, Relay Sockets	366.32
	04/20/2022		Switches	333.74
69319	04/20/2022	Habitat Restoration Sciences, Inc	Ground Maintenance - Pechstein Reservoir	5,815.00
	04/20/2022		Ground Maintenance - Twin Oaks Flume	3,725.00
69320	04/20/2022	Hach Company	Lab Supplies	504.36
69321	04/20/2022	HDR	CP Services 02/2022 - Pleasant Valley Siphon	3,357.29
69322	04/20/2022	HELIX Environmental Planning, Inc	Flume Replacement Alignment Study 03/2022	142.50
69323	04/20/2022	IPMA-HR	Annual Membership Renewal	417.00
69324	04/20/2022	Joe's Paving	Trench Repair - Mira Sol	14,821.50
69325	04/20/2022	Jan-Pro of San Diego	Janitorial Service 04/2022	4,497.00
	04/20/2022		Janitorial Service 03/2022 - COVID 19	1,408.00
69326	04/20/2022	Leon Perrault Trucking & Materials	Trucking & Materials 03/2022	11,775.00
69327	04/20/2022	McMaster-Carr Supply Company	Aluminum Plate (1)	26.71
	04/20/2022		Mounting Nuts	74.82
69328	04/20/2022	Medical Eye Services	Vision Insurance 05/2022 - Cobra	8.78
	04/20/2022		Vision Insurance 05/2022 - Cobra	42.72
	04/20/2022		Vision Insurance 05/2022 - Cobra	8.78
	04/20/2022		Vision Insurance 05/2022 - Employees	1,551.80
	04/20/2022		Vision Insurance 05/2022 - P Dorey	14.24
	04/20/2022		Vision Insurance 05/2022 - P Sanchez	14.24
	04/20/2022		Vision Insurance 05/2022 - J MacKenzie	14.24
	04/20/2022		Vision Insurance 05/2022 - M Miller	14.24
	04/20/2022		Vision Insurance 05/2022 - R Vasquez	14.24

Payment Number	Payment Date	Vendor	Description	Amount
69329	04/20/2022	VelocityEHS	Management of Safety Data Sheet	2,808.70
69330	04/20/2022	Murraysmith, Inc	Deodar Reservoir Rehabilitation Design 02/2022	14,160.10
69331	04/20/2022	NAPA Auto Parts	Filters - G25	110.74
69332	04/20/2022	Industrial Metal Supply	Aluminum Plates (3) - Beehive Flume	733.78
69333	04/20/2022	North County Auto Parts	Brake Hardware	12.17
	04/20/2022		Shop Supplies	26.75
	04/20/2022		Alternator Core	(33.56)
69334	04/20/2022	One Source Distributors	Gas Detector Repair	277.11
	04/20/2022		Gas Detector Repair	515.00
69335	04/20/2022	Parkhouse Tire Inc	Tires (4) - B16	1,157.32
	04/20/2022		Tires (2) - Truck 7	1,092.84
69336	04/20/2022	Red Wing Shoe Store	Footwear Program (1)	175.40
69337	04/20/2022	Rutan & Tucker LLP	Legal 02/2022	1,116.40
69338	04/20/2022	San Diego County Water Authority	Council of Water Utilities Mtg 5/17/22 -R Vasquez	55.00
	04/20/2022		Council of Water Utilities Mtg 5/17/22 -B Hodgkiss	55.00
69339	04/20/2022	SAW Environmental	Consulting Services - Quality Assurance Manual	960.00
69340	04/20/2022	Southern Counties Lubricants, LLC	Oil for Well Drippers	1,206.03
	04/20/2022		Fuel Use 03/16/22 - 03/31/22	8,708.01
69341	04/20/2022	Standard Plumbing Supply Company Inc	Material for Sewer Repair	106.31
	04/20/2022		Material for Sewer Repair	19.50
69342	04/20/2022	Shred-it	Shredding Service	147.83
69343	04/20/2022	Bend Genetics, LLC	HABs Lab Analysis	4,984.50
69344	04/20/2022	Midas Service Experts	Tire (1) - Truck 35	158.45
69345	04/20/2022	TS Industrial Supply	T-Post Driver (1)	346.34
	04/20/2022		Rivet Buster (1)	1,500.35
	04/20/2022		Tape 3" Caution (3)	31.66
	04/20/2022		Towel Wypall X80 (6)	253.95
	04/20/2022		Hat Hard Full Brim with Ratchet Head Gear (5)	151.55
	04/20/2022		Goggles WR40 Cup (3)	86.87
	04/20/2022		Sling Lifting 2"x8' Heavy Duty (2)	69.50
	04/20/2022		Wrench Three Socket (1)	242.33
	04/20/2022		Blade 14" Diamond Concrete (3)	701.46
	04/20/2022		Sling Lifting 2"x6' Heavy Duty (2)	57.05
	04/20/2022		Shovel Square Point (3)	94.66
	04/20/2022		Gauge 300lb Pressure Oil (2)	46.11
69346	04/20/2022	Tyler Technologies Inc	Maintenance 05/2022 - 04/2023	1,547.82
69347	04/20/2022	Underground Service Alert of Southern California	New DigAlert Tickets (247)	417.55
	04/20/2022		Safe Evacuation Board Fees	131.88
69348	04/20/2022	UniFirst Corporation	Uniform Service	359.01
69349	04/20/2022	Vista Brake & Smog	Tires (4) - Truck 33	1,203.41

Payment Number	Payment Date	Vendor	Description	Amount
69350	04/20/2022	Water District Jobs	Recruitment Advertising (1)	145.00
	04/20/2022		Recruitment Advertising (2)	290.00
69351	04/20/2022	WorkPartners OHS	Physicals (2)	375.00
69352	04/27/2022	Refund Check 69352	Customer Refund	2,783.06
69353 - 69354	04/27/2022	Refund Checks 69353 - 69354	Customer Refunds	158.88
69355	04/27/2022	Refund Check 69355	Customer Refund	640.54
69356	04/27/2022	Cultura	Arm Pads for Chairs (8)	397.50
69357	04/27/2022	Airgas USA LLC	Wire Cup Brush (2)	37.48
69358	04/27/2022	Amazon Capital Services	Shade Umbrellas (2)	342.64
	04/27/2022		Toner for Color Printer	74.67
	04/27/2022		Bottle Jack Bracket	194.50
	04/27/2022		Battery Charger Post Adapters	25.95
69359	04/27/2022	AT&T	Voice & Data Service	1,102.53
69360	04/27/2022		3680/CALNET 3/13/22-4/12/22 - Phones	406.75
	04/27/2022		0230/CALNET 3/13/22-4/12/22 - Teleconference	12.87
69361	04/27/2022	Boot World Inc	Footwear Program (2)	315.74
69362	04/27/2022	Bryan and the Bee's	Live Bee Removal (1)	175.00
	04/27/2022		Live Bee Removal (1)	175.00
69363	04/27/2022	Canon Solutions America, Inc	Canon Services & Supplies	26.64
69364	04/27/2022	CDW Government Inc	8GB RAM Memory	37.56
	04/27/2022		VMware Support and Subscription - Enterprise	2,872.16
	04/27/2022		VMware Support and Subscription - VCenter STD	1,498.17
	04/27/2022		VMware Support and Subscription - Standard	626.00
69365	04/27/2022	Cecilia's Safety Service Inc	Traffic Control - Independence Way	950.00
	04/27/2022		Traffic Control - Beverly Dr	1,377.50
	04/27/2022		Traffic Control - Guajome Lake Rd	2,517.50
	04/27/2022		Traffic Design - Sycamore Ave	70.00
69366	04/27/2022	City of Oceanside	Weese Treatment - 02/2022	24,460.71
69367	04/27/2022	Core & Main	Flange 6" DI Blind 8-hole (1)	83.36
	04/27/2022		Lid 10" Slotted Valve (VID) (10)	697.56
69368	04/27/2022	County of San Diego	Permit Fees 03/2022	948.50
69369	04/27/2022	Craneworks Southwest Inc	Topped off Hydraulic Cylinder - Truck 67	187.06
69370	04/27/2022	Direct Energy	Electric 03/2022 - VID Headquarters	1,235.77
69371	04/27/2022	DIRECTV	Direct TV Service	107.99
69372	04/27/2022	FedEx	Express Shipping	38.33
69373	04/27/2022	Ferguson Waterworks	Tee 8x6 DI POxFL (2)	584.90
	04/27/2022		Coupling 1"x1" Female Flare x Super Grip (5)	68.20
	04/27/2022		DFW Meter Box Lid 3.5 DFW36C (VID Stamp)	493.62
	04/27/2022		DFW Meter Box Lid 4.5 486SA (VID Stamp) (4)	194.63
	04/27/2022		DFW Meter Box Lid Small D1324 (VID Stamp) (39)	2,469.72

Payment Number	Payment Date	Vendor	Description	Amount
	04/27/2022		Clamp Repair 1" x 6" Full Circle SS Copper (2))	170.43
69374	04/27/2022	Coast Fitness Repair Shop	Fitness Room Maintenance	200.00
69375	04/27/2022	Fredricks Electric Inc	Replaced Parking & Interior Lamps	4,919.30
69376	04/27/2022	Glennie's Office Products Inc	Office Supplies	67.07
69377	04/27/2022	Grainger	Warehouse Supplies	129.69
	04/27/2022		Warehouse Supplies	11.47
69378	04/27/2022	Groundwater Resources Assoc of CA	Membership Dues	100.00
	04/27/2022		Membership Dues	100.00
69379	04/27/2022	Habitat Restoration Sciences, Inc	Mowing of Flume Roads	5,040.00
69380	04/27/2022	Hach Company	PH Standards	104.95
69381	04/27/2022	Hanna Plumbing	Tool to Repair Shower	30.31
69382	04/27/2022	InfoSend Inc	Data Processing/Mailing Service 03/2022	6,190.91
	04/27/2022		Backflow Notices	421.10
	04/27/2022		Support & Storage 03/2022	1,648.75
69383	04/27/2022	Inland Kenworth (US) Inc	Dash Switch	76.47
69384	04/27/2022	Jackson & Blanc	Quarterly HVAC Maintenance	3,592.50
69385	04/27/2022	Joe's Paving	Asphalt Repair - Mora Sol Dr	27,442.75
	04/27/2022		Patch Paving	3,954.50
	04/27/2022		Phase I Base Pave - Mason/E Vista Way	9,578.00
	04/27/2022		Patch Paving - Mason Dr	580.00
69386	04/27/2022	Ken Grody Ford Carlsbad	Coolant Reservoir	207.38
69387	04/27/2022	Lawnmowers Plus Inc	Parts & Blades	47.37
69388	04/27/2022	Lawson Products	Hardware - Garage	434.58
69389	04/27/2022	Lightning Messenger Express	Messenger Service 4/1/22 & 4/15/22	123.00
69390	04/27/2022	McMaster-Carr Supply Company	Pilot Device Hole Punch	96.90
69391	04/27/2022	Mission Resource Conservation District	Customer Irrigation Audits (2)	201.48
69392	04/27/2022	Moodys	Dump Fees (3)	900.00
69393	04/27/2022	MRC, Smart Technology Solutions	Managed Print Services	529.34
69394	04/27/2022	Multiquip	Tools to Repair Rammer	658.07
69395	04/27/2022	Mutual of Omaha	LTD/STD/Life Insurance 05/2022	6,464.91
69396	04/27/2022	North County Auto Parts	Lock Ease Spray	4.75
	04/27/2022		Spark Plugs (4) - Hedge Trimmers	19.40
	04/27/2022		Carb Cleaner	53.52
	04/27/2022		Spark Plugs (4) - Hedge Trimmers	24.16
	04/27/2022		Steering Wheel Cover - Truck 13	16.05
69397	04/27/2022	North County Industrial Park	Association Fees 05/2022	879.30
69398	04/27/2022	San Diego Gas & Electric	Electric 03/2022 - Cathodic Protection & TD	254.17
	04/27/2022		Electric 03/2022 - Reservoirs	133.06
	04/27/2022		Electric 02/2022 - Pump Stations	12,036.16
	04/27/2022		Electric 03/2022 - Plants	120.45

Payment Number	Payment Date	Vendor	Description	Amount
69399	04/27/2022	Scelzi Enterprises, Inc	Bumper Assembly w/lights - Truck 33	1,341.60
	04/27/2022		Service Body Cabinet Doors (2) - Truck 47	1,880.84
69400	04/27/2022	SiteOne Landscape Supply, LLC	PVC Fittings	140.16
	04/27/2022		Weed Barrier Fabric Staples	13.67
	04/27/2022		Slope Erosion Benda-Board	200.73
	04/27/2022		Weed Barrier Cloth	350.03
69401	04/27/2022	Southland Pipe Corp.	16" Weld Flanges (2)	549.53
69402	04/27/2022	Summit Erosion Control	Gravel Bag / Poly/ 30 lb / 3/4" (400)	519.60
	04/27/2022		Delivery Fee (1)	264.00
	04/27/2022		Pallet, Cardboard & Shrinkwrap Fee (4)	69.28
69403	04/27/2022	Bend Genetics, LLC	HABs Lab Analysis	1,920.00
69404	04/27/2022	TS Industrial Supply	Whip Hoses for Air Jack Hammer	147.21
	04/27/2022		Water Cooler Mounting Rack	56.56
	04/27/2022		Chipping Gun	165.38
69405	04/27/2022	Johnson Controls Security Solutions LLC	Quarterly Security & Fire Monitoring/Maintenance	3,142.62
69406	04/27/2022	UniFirst Corporation	Uniform Service	328.83
69407	04/27/2022	Valley CM, Inc	E Reservoir Replacement & Pump Station 03/2022	39,996.60
69408	04/27/2022	Verizon Wireless	Cell Phones 03/16/22 - 04/15/22	1,486.88
69409	04/27/2022	Vista Lock & Safe Co	Padlocks (24)	460.17
69410	04/27/2022	Water District Jobs	Recruitment Advertising - Systems Operator	145.00
Grand Total:				1,058,654.83



STAFF REPORT

Agenda Item: 7

Board Meeting Date:	May 11, 2022
Prepared By:	Brent Reyes
Reviewed By:	Breona Paz/Marlene Kelleher
Approved By:	Brett Hodgkiss

SUBJECT: WATER AWARENESS POSTER CONTEST AWARDS

RECOMMENDATION: Award prizes to the winners of the Water Awareness Poster Contest as follows: 1st place prize of \$100.00 to Sophia Puckett of Empresa Elementary, 2nd place prize of \$50.00 to Stevie Jones of Casita Center, and 3rd place prize of \$25.00 to Valeria Martinez of Hannalei Elementary.

PRIOR BOARD ACTION: At its May 18, 2021 meeting, the Board awarded prizes to the winners of the Water Awareness Poster Contest as follows: 1st place prize of \$100 to Emaline Kennedy of Grapevine Elementary, 2nd place prize of \$50 to Paul Gomez of Empresa Elementary School and 3rd place prize of \$25 to Matthew Potter of Alamosa Park Elementary School.

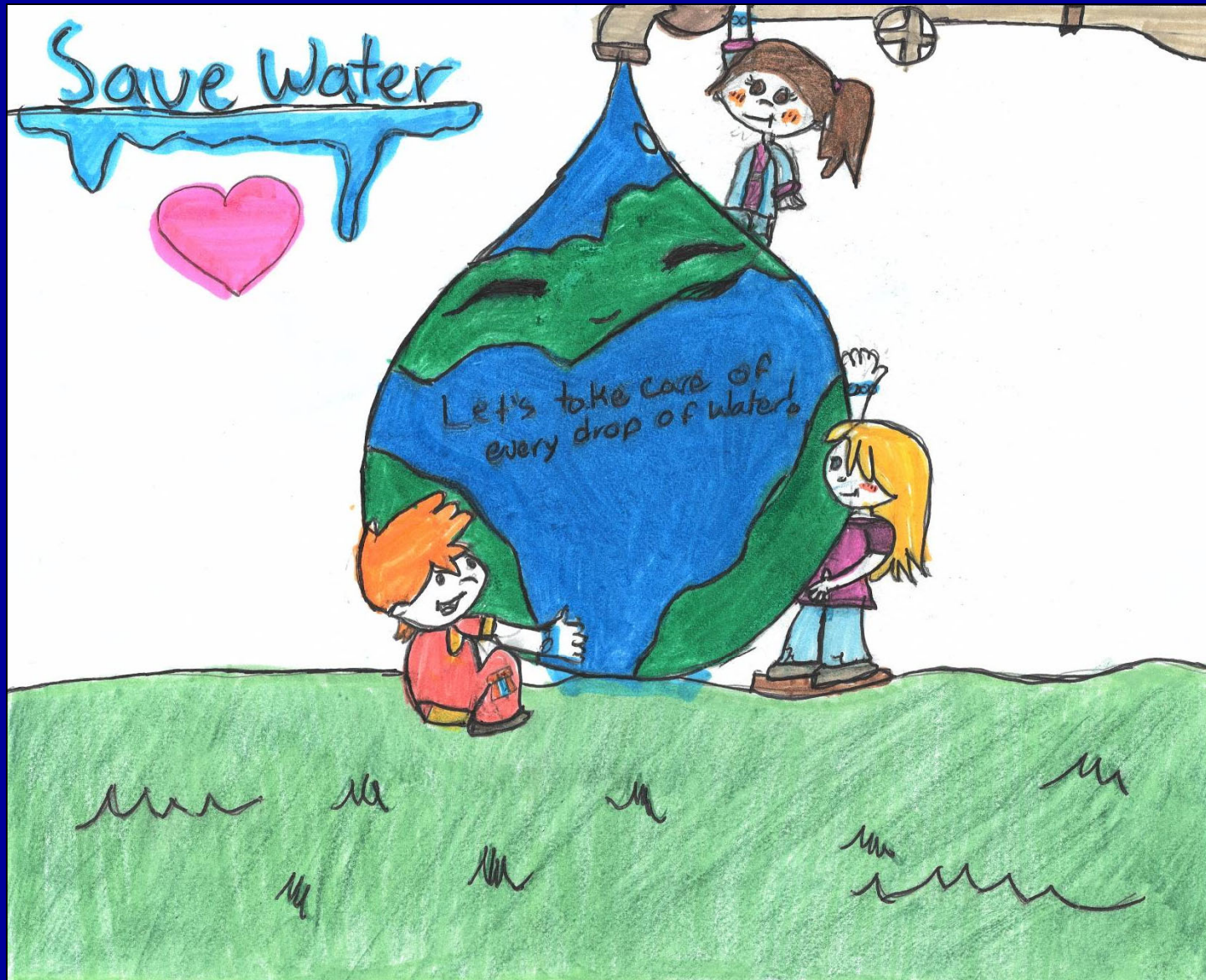
FISCAL IMPACT: \$325, including student awards and teacher gift bags.

SUMMARY: A poster contest for fourth graders is sponsored annually by the North County Water Agencies, a group of thirteen northern San Diego county water agencies dedicated to promoting water conservation and awareness; this is the 30th year the District has participated in the contest. This year’s theme was “Love Water, Save Water”. The District received 176 entries; a panel made up of three District employees selected the winners based on the theme, quality of artwork, originality, and design.

Place	Student	School	Award
1 st	Sophia Puckett	Empresa Elementary	\$100.00
2 nd	Stevie Jones	Casita Center	\$ 50.00
3 rd	Valeria Martinez	Hannalei Elementary	\$ 25.00

All three posters will appear in the 2023 Water Awareness Calendar published by the North County Water Agencies. The District’s first place winner’s poster will be featured on the cover or with a month in the calendar, and the second and third place winner’s posters will be shown as thumbnails in the calendar. Teachers of the winning students will receive a gift bag in recognition of their efforts.

3rd Place- Valeria Martinez



2nd Place- Stevie Jones



1st Place— Sophia Puckett





STAFF REPORT

Agenda Item: 8

Board Meeting Date: May 11, 2022
Prepared By: Randy Whitmann, Don Smith, Frank Wolinski & Marlene Kelleher
Approved By: Brett Hodgkiss

SUBJECT: DIVISION REPORTS

RECOMMENDATION: Note and file informational report.

PRIOR BOARD ACTION: None.

FISCAL IMPACT: None.

SUMMARY: Previous month's and anticipated activities are reported by each division.

OPERATIONS & FIELD SERVICES

April

- Water Quality Calls/Incidents for April – received one taste and odor call and one discolored water call. Both calls were investigated, and all samples taken were within normal water quality parameters.
- Inspected and tested three new backflow devices that were integrated into the District's cross-connection control program.
- Pechstein beam reinforcement project – intermediate beam reinforcement assemblies are being fabricated.
- Continued mainline replacement of Nipponite and steel pipe on Vista Grande – install approximately 5,000' of various sizes of PVC pipe, 37 services and 4 hydrant laterals. Approximately 60% complete.
- Completed mainline replacement of steel main on Mira Sol Drive – installed approximately 2,100' of various sizes of PVC pipe, 27 services and 3 hydrant laterals.

May

- Submit draft 2022 Consumer Confidence Report to the State Water Resources Control Board (State Board) for review.
- Submit Annual Report to the State Board Division of Drinking Water.
- Begin work on the Triennial Public Health Goal report.
- Continue mainline replacement of Nipponite and steel pipe on Vista Grande – install approximately 5,000' of various sizes of PVC pipe, 37 services and 4 hydrant laterals.
- Continue mainline replacement of Nipponite and steel pipe on San Clemente Avenue – install approximately 3,100' of various sizes of PVC pipe, 29 services and 4 hydrant laterals.

**Electrical Energy Use at VID Headquarters
 March 2022**

	Current Month Production	Average of Last 12 Months	Total, Fiscal Year-to-Date
Description	(kWh)	(kWh)	(kWh)
Solar Production (\$0.18 per kWh)	38,051	32,317	271,483
Power purchased from Direct Energy (\$0.05 per kWh)	4,000	10,391	118,048
TOTAL ELECTRICAL ENERGY USE	42,051	42,708	389,531

ENGINEERING DIVISION

April

- The District has replaced approximately 9.67 miles of Nipponite pipe since 2002. Of the 6.25 miles of Nipponite pipe remaining in the system, replacement of 0.85 miles is currently in design and 0.26 miles is in construction.
- The District has replaced approximately 7,125 feet (1.35 miles) of pipe (steel – 4,640 feet, PVC – 870 feet, non-Nipponite asbestos cement – 585 feet and Nipponite – 1,030 feet) in FY 2022.
- Edgehill (E) Reservoir Replacement and Pump Station – Gateway Pacific completed reservoir demolition and continued site excavation and grading operations.
- Deodar Reservoir Rehabilitation – Murraysmith completed yard piping condition assessment inspections and continued design work.
- Flume Replacement Alignment Study – Brown and Caldwell continued coarse screening analysis of the six alignments. On-going tasks include:
 - Evaluation matrix development – risk versus cost analysis and scoring based on schedule, community impacts, land ownership, constructability, environmental, permitting, system hydraulics, operations/maintenance, and project affordability/implementation.
 - Review pipeline operating pressures and flow control alternatives.
 - Coordinating with the Harmful Algal Blooms (HABs) consulting team to develop scenarios to input into the ‘To Flume/Not To Flume’ cost analysis model (e.g. include additional capital/operating costs for the local water system and potential impacts to yield).
- Projects along Flume
 - The Villages – 380 dwelling unit residential subdivision along Country Club Lane, between Nutmeg Street and Pamela Lane in Escondido. Project includes storm drain work along the Jones Siphon in addition to the relocation of an 18-inch transmission main feeding the Bennett service area. Project requires District review and approval of two tract maps, encroachment permit, joint use agreement, grant of right of way, improvement plan, and quitclaim and bill of sale. The Board has approved all items except the quitclaim and bill of sale.

May

- Mainline Replacement Projects in design (current projects): Lonsdale Ln.*, Plumosa Ave., Via Christina, Rush Ave.*, Angeles Vista Dr., Portia Ave.*, Torano Dr., Lado De Loma Dr.*, Camino Culebra*, Camino Loma Verde*, Eddy Dr., Rancho Vista Rd., Camino Patricia, Camino Corto, Goetting Wy., Nevada Ave., N. Citrus Ave., Lemon Ave., Hillside Terrace, Mar Vista Dr., Miramar Dr., Buena Creek Rd., Rock Springs Rd. at Nordahl Rd., Estrelita Dr., Victory Dr. (Total length = 5.03 miles).
- Mainline Replacement Projects in planning (future projects): Queens Way, Alta Vista Dr., Catalina Ave.*, Friendly Dr.*, E. Vista Wy., Nordahl Rd.*, HN Line - Gopher Canyon Rd. to Fairview Dr., Buena Creek Rd.*, Robinhood Rd.*, Lower Ln.*, Easy St.*, West AB Line – Esplendido Ave. and Bella Vista Dr.*, Colavo Dr.*, Broadway*, Oak Dr.*, Olive Ave.*, Rancho Vista Rd., Bandini Pl., McGavran Dr., Oro Avo Dr., Shale Rock Rd., La Mirada Dr., Crescent Dr.*, Descanso Ave., San Clemente Ave.* (Total length = 9.63 miles).
- Edgehill (E) Reservoir Replacement and Pump Station – Gateway Pacific to continue site excavation and grading operations, perform reservoir subgrade preparation and mobilize concrete reservoir formwork.
- Flume Replacement Alignment Study – Brown and Caldwell to continue coarse screening analysis of the six alignments and coordination with the HABs study to analyze potential impacts on project feasibility.
- Deodar Reservoir Rehabilitation – Murraysmith to submit yard piping condition assessment report and continue design work.

*Nipponite pipe

ADMINISTRATION DIVISION

April

- Issued news releases on the passing of Director Paul Dorey and the Board of Directors vacancy in Division 3.
- Continued coordinating development of the District budget.
- Participated in the Special Districts Policy and Interpretation committee, providing feedback and updates to the State of California Special District Uniform Accounting and Reporting Procedures manual.
- Continued recruitments for Construction Worker and Engineering Specialist I/II positions.
- Began recruitment for Systems Operator I/II/III position.
- Coordinated training on proper use of respiratory protection equipment and fit testing for field personnel.

May

- Continue coordinating development of the District budget.
- Present information on water supply conditions at the Vista Chamber of Commerce Government Affairs meeting.
- Mail notice regarding the availability of the Consumer Confidence Report (annual water quality report) on-line beginning July 1, 2022 with water bills.
- Continue recruitments for Construction Worker, Engineering Specialist I/II and Systems Operator I/II/III positions.

WATER RESOURCES DIVISION

VID Water Production March 2022

Description	Current Month Production		Average Production of Last 12 Months		Total, Fiscal Year-to-Date
	(mgd)	(af)	(mgd)	(af)	(af)
<i>VID's EVWTP Water Production</i>					
Local Water	2.78	264.60	1.08	99.31	472.60
SDCWA Raw Water	3.89	369.90	9.55	892.66	8,325.70
Subtotal (EVWTP Water Production)	6.67	634.50	10.63	991.97	8,798.30
Oceanside Contract Water	0.44	42.00	0.85	78.85	936.20
SDCWA Treated Water	6.47	615.90	4.17	389.84	3,013.30
TOTAL WATER PRODUCTION	13.59	1,292.40	15.65	1,460.66	12,747.80

Lake Henshaw and Warner Ranch Wellfield statistics are summarized as follows:

Lake Henshaw

Storage as of April 25, 2022:	4,418 af (9% of 51,832 af capacity)
Current releases:	0 cfs
Change in storage for month of March:	555 af (loss)
Total releases for month of March:	1,190 af
Hydrologic year-to-date rain total:	16.38 inches (April 25, 2022)
Percent of yearly average rain:	67% (30-year average: 24.54 inches)
Percent of year-to-date average rain:	69% (30-year average through April: 23.82 in.)

Warner Ranch Wellfield

Number of wells running in March:	12
Total production for month of March:	721 af
Average depth to water table (March):	84 ft (see attached historical water table chart)

April

- Performed sampling for Harmful Algal Blooms in Lake Henshaw on April 4, 11, 18 and 25; results for anatoxin-a and microcystin have been below the “Caution” advisory threshold. Currently, water is not being released from Lake Henshaw.
- San Pasqual Undergrounding Project construction activities: excavation of tunnel across riparian area; construction of soil nail retaining wall adjacent to desilting basin; and removal of existing canal in the half mile south of the desilting basin.
- Continued reconfiguring fencing in three pastures to protect water quality.

May

- Continue reconfiguring fencing in three pastures to protect water quality.

ATTACHMENTS: Lake Henshaw Resort, Inc., Activity Reports – February 2022
VID's Warner Wellfield – Water Table Depth vs. Monthly Wellfield Production

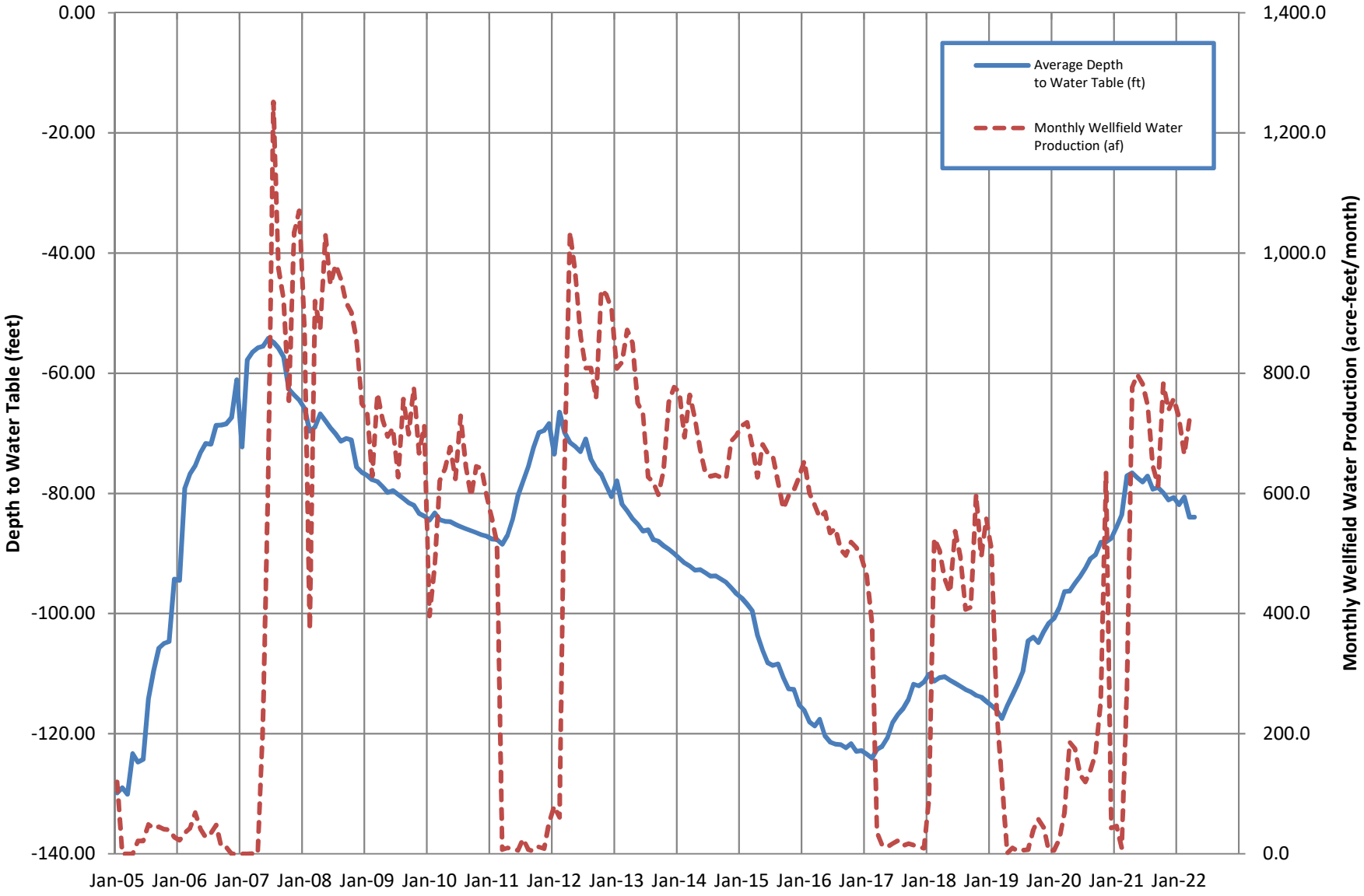


**LAKE HENSHAW RESORT, INC.
ACTIVITY REPORT
AS OF FEBRUARY 28, 2022**

	2021 Feb	2021 Mar	2021 Apr	2021 May	2021 Jun	2021 Jul	2021 Aug	2021 Sep	2021 Oct	2021 Nov	2021 Dec	2022 Jan	2022 Feb	12 MO AVG
Fishing Permits	180	243	948	681	587	500	585	450	283	232	75	76	165	402
Boat Launches	2	3	37	23	9	6	3	5	2	4	2	0	0	8
Motor Boats (full day rental)	6	13	46	51	51	53	49	25	11	4	20	2	5	28
Motor Boats (half day rental)	1	5	1	3	7	7	4	2	3	1	1	0	0	3
Campground/Head Count	34	220	462	1,857	964	1,821	1,205	1,566	406	247	33	43	143	747
Campground/Cars, Trucks, etc.	25	101	235	820	374	822	478	588	216	84	16	19	59	318
Campground/Recreational Vehicles	5	14	12	15	0	25	8	5	0	5	0	0	12	8
Mobile Home/Spaces	68	68	68	69	69	70	70	70	70	70	71	68	68	69
M.H.P. Daily (Visitors/Head Count)	0	0	0	0	0	0	0	0	0	0	0	12	0	1
M.H.P. (Residents/Head Count)	95	95	95	96	96	91	91	97	97	97	98	95	95	95
Storage	7	6	6	6	6	6	6	6	6	6	6	7	7	6
Cabins	55	133	185	143	170	169	191	102	149	165	67	67	78	135
Hunters	0	0	0	0	0	0	0	0	0	0	97	0	0	8

VID's Warner Wellfield

Water Table Depth vs. Monthly Wellfield Production





STAFF REPORT

Agenda Item: 9

Board Meeting Date: May 11, 2022
Prepared By: Alisa Nichols
Reviewed By: Marlene Kelleher
Approved By: Brett Hodgkiss

SUBJECT: TAXPAYER PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT

RECOMMENDATION: Adopt Resolution No. 22-XX opposing the Taxpayer Protection and Government Accountability Act.

PRIOR BOARD ACTION: None.

FISCAL IMPACT: The Taxpayer Protection and Government Accountability Act (Ballot Initiative 21-0042A1 or Initiative) may limit and/or prevent the implementation of new rates, fees and charges that fund District operations and investments in critical infrastructure. Additionally, any rates, fees and charges approved between January 1, 2022 and the effective date of the Initiative would be nullified unless they fulfill the requirements of the measure. The District's rates and charges adopted on January 19, 2022 and fees and charges other than water rates ratified on February 2, 2022 would have to meet the new requirements to remain effective if the Initiative were to be approved.

SUMMARY: Approval of the Initiative would result in the loss of billions of dollars annually in critical state and local funding, restricting the ability of local agencies, such as the District, and the State of California to fund critical services and infrastructure by adopting new and stricter rules for raising taxes, fees, assessments, and property-related fees. The Initiative also exposes previously established fees indexed to inflation or other metrics to new standards and legal challenges.

DETAILED REPORT: This statewide Initiative, sponsored by the California Business Roundtable, proposes to amend the State Constitution to change the rules for how state and local governments can impose taxes, fees, and other charges and would result in the loss of local funding, restricting the ability of local agencies to fund services and infrastructure by:

- Adopting new and stricter rules for raising taxes, fees, assessments, and property-related fees.
- Expanding the definition of a tax to include some charges local governments currently treat as fees.
- Amending the State Constitution, including portions of Propositions 13, 218, and 26, among other provisions, to create new grounds to challenge funding sources and disrupt fiscal certainty.
- Increasing the vote threshold requirements for the newly expanded tax definitions and establishing new requirements to specify allowable uses and duration of new state and local tax revenues.
- Restricting the ability of local governments to issue fines and penalties for violations of local environmental, water quality, public health, public safety, and other laws and ordinances, which could potentially impact District unauthorized water use charges and water conservation fees.
- Expanding the burden of state and local governments to provide clear and convincing evidence that a levy is a fee—which is not subject to a vote by the electorate—and not a tax under the new definition and increasing the standard from “reasonable” to “reasonable *and does not exceed actual costs*,” with “actual costs” being tied to the “*minimum amount necessary*” among other things.
- Increasing litigation against local agencies and driving up costs.

The Initiative includes provisions that would retroactively void all state and local taxes or fees adopted after January 1, 2022 if they do not align with the provisions of the Initiative. This may also affect indexed fees that adjust over time for inflation or other factors. Effectively, it would allow voters throughout California to invalidate the prior actions of local voters, undermining local control and voter-approved decisions about investments needed in their communities.

In order to qualify for the ballot, Initiative proponents must collect 997,139 valid signatures from California voters. The last day for statewide measures to be certified for the ballot for the November 8, 2022 statewide general election or withdrawn from the ballot is June 30, 2022.

At the last Board meeting, a Director requested that an item be added to the agenda for the Board to consider a resolution opposing the Initiative. As a public agency, the District and its officials face certain restrictions with respect to activities that they are permitted to engage in related to ballot measures (see Guidelines for Special Districts regarding Ballot Measures for more information). The District is permitted to take a position on a measure, as long as that position is taken at an open meeting where all voices have the opportunity to be heard.

ATTACHMENTS:

- Taxpayer Protection and Government Accountability Act text
- Legislative Analyst's Office analysis
- California Special Districts Association analysis
- Guidelines for Special Districts regarding Ballot Measures
- Resolution No. 22-XX

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www.bmhlaw.com

21-0042 Amdt. # 1

January 4, 2022

RECEIVED

JAN 04 2022

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Anabel Renteria
Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

Re: Initiative 21-0042 - Amendment Number One

Dear Initiative Coordinator:

Pursuant to subdivision (b) of Section 9002 of the Elections Code, enclosed please find Amendment #1 to Initiative No. 21-0042 "The Taxpayer Protection and Government Accountability Act." The amendments are reasonably germane to the theme, purpose or subject of the initiative measure as originally proposed.

I am the proponent of the measure and request that the Attorney General prepare a circulating title and summary of the measure as provided by law, using the amended language.

Thank you for your time and attention processing my request.

Sincerely,



Thomas W. Hiltachk

The Taxpayer Protection and Government Accountability Act

[Deleted codified text is denoted in ~~strikeout~~. Added codified text is denoted by *italics and underline*.]

Section 1. Title

This Act shall be known, and may be cited as, the Taxpayer Protection and Government Accountability Act.

Section 2. Findings and Declarations

(a) Californians are overtaxed. We pay the nation's highest state income tax, sales tax, and gasoline tax. According to the U.S. Census Bureau, California's combined state and local tax burden is the highest in the nation. Despite this, and despite two consecutive years of obscene revenue surpluses, state politicians in 2021 alone introduced legislation to raise more than \$234 *billion* in new and higher taxes and fees.

(b) Taxes are only part of the reason for California's rising cost-of-living crisis. Californians pay billions more in hidden "fees" passed through to consumers in the price they pay for products, services, food, fuel, utilities and housing. Since 2010, government revenue from state and local "fees" has more than doubled.

(c) California's high cost of living not only contributes to the state's skyrocketing rates of poverty and homelessness, they are the pushing working families and job-providing businesses out of the state. The most recent Census showed that California's population dropped for the first time in history, costing us a seat in Congress. In the past four years, nearly 300 major corporations relocated to other states, not counting thousands more small businesses that were forced to move, sell or close.

(d) California voters have tried repeatedly, at great expense, to assert control over whether and how taxes and fees are raised. We have enacted a series of measures to make taxes more predictable, to limit what passes as a "fee," to require voter approval, and to guarantee transparency and accountability. These measures include Proposition 13 (1978), Proposition 62 (1986), Proposition 218 (1996), and Proposition 26 (2010).

(e) Contrary to the voters' intent, these measures that were designed to control taxes, spending and accountability, have been weakened and hamstrung by the Legislature, government lawyers, and the courts, making it necessary to pass yet another initiative to close loopholes and reverse hostile court decisions.

Section 3. Statement of Purpose

(a) In enacting this measure, the voters reassert their right to a voice and a vote on new and higher taxes by requiring any new or higher tax to be put before voters for approval. Voters also intend that all fees and other charges are passed or rejected by the voters themselves or a governing body elected by voters and not unelected and unaccountable bureaucrats.

(b) Furthermore, the purpose and intent of the voters in enacting this measure is to increase transparency and accountability over higher taxes and charges by requiring any tax measure placed on the ballot—

either at the state or local level—to clearly state the type and rate of any tax, how long it will be in effect, and the use of the revenue generated by the tax.

(c) Furthermore, the purpose and intent of the voters in enacting this measure is to clarify that any new or increased form of state government revenue, by any name or manner of extraction paid directly or indirectly by Californians, shall be authorized only by a vote of the Legislature and signature of the Governor to ensure that the purposes for such charges are broadly supported and transparently debated.

(d) Furthermore, the purpose and intent of the voters in enacting this measure is also to ensure that taxpayers have the right and ability to effectively balance new or increased taxes and other charges with the rapidly increasing costs Californians are already paying for housing, food, childcare, gasoline, energy, healthcare, education, and other basic costs of living, and to further protect the existing constitutional limit on property taxes and ensure that the revenue from such taxes remains local, without changing or superseding existing constitutional provisions contained in Section 1(c) of Article XIII A.

(e) In enacting this measure, the voters also additionally intend to reverse loopholes in the legislative two-thirds vote and voter approval requirements for government revenue increases created by the courts including, but not limited to, *Cannabis Coalition v. City of Upland*, *Chamber of Commerce v. Air Resources Board*, *Schmeer v. Los Angeles County*, *Johnson v. County of Mendocino*, *Citizens Assn. of Sunset Beach v. Orange County Local Agency Formation Commission*, and *Wilde v. City of Dunsmuir*.

Section 4. Section 3 of Article XIII A of the California Constitution is amended to read:

Sec. 3(a) Every levy, charge, or exaction of any kind imposed by state law is either a tax or an exempt charge.

(b)(1) (a) Any change in state statute law which results in any taxpayer paying a new or higher tax must be imposed by an act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, and submitted to the electorate and approved by a majority vote, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property, may be imposed. Each Act shall include:

(A) A specific duration of time that the tax will be imposed and an estimate of the annual amount expected to be derived from the tax.

(B) A specific and legally binding and enforceable limitation on how the revenue from the tax can be spent. If the revenue from the tax can be spent for unrestricted general revenue purposes, then a statement that the tax revenue can be spent for “unrestricted general revenue purposes” shall be included in a separate, stand-alone section. Any proposed change to the use of the revenue from the tax shall be adopted by a separate act that is passed by not less than two-thirds of all members elected to each of the two houses of the Legislature and submitted to the electorate and approved by a majority vote.

(2) The title and summary and ballot label or question required for a measure pursuant to the Elections Code shall, for each measure providing for the imposition of a tax, including a measure proposed by an elector pursuant to Article II, include:

(A) The type and amount or rate of the tax;

(B) The duration of the tax; and

(C) The use of the revenue derived from the tax.

(c) Any change in state law which results in any taxpayer paying a new or higher exempt charge must be imposed by an act passed by each of the two houses of the Legislature. Each act shall specify the type of exempt charge as provided in subdivision (e), and the amount or rate of the exempt charge to be imposed.

(d) ~~(b)~~ As used in this section and in Section 9 of Article II, "tax" means every ~~any~~ levy, charge, or exaction of any kind imposed by the State state law that is not an exempt charge, except the following:

(e) As used in this section, "exempt charge" means only the following:

~~(1) a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the State of conferring the benefit or granting the privilege to the payor.~~

~~(1) (2) A reasonable charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the State of providing the service or product to the payor.~~

~~(2) (3) A charge imposed for the reasonable regulatory costs to the State incident to issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.~~

~~(3) A levy, charge, or exaction collected from local units of government, health care providers or health care service plans that is primarily used by the State of California for the purposes of increasing reimbursement rates or payments under the Medi-Cal program, and the revenues of which are primarily used to finance the non-federal portion of Medi-Cal medical assistance expenditures.~~

~~(4) A reasonable charge imposed for entrance to or use of state property, or the purchase, rental, or lease of state property, except charges governed by Section 15 of Article XI.~~

~~(5) A fine, or penalty, or other monetary charge including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or the State, as a result of a state administrative enforcement agency pursuant to adjudicatory due process, to punish a violation of law.~~

~~(6) A levy, charge, assessment, or exaction collected for the promotion of California tourism pursuant to Chapter 1 (commencing with Section 13995) of Part 4.7 of Division 3 of Title 2 of the Government Code.~~

~~(f) (e) Any tax or exempt charge adopted after January 1, 2022 2010, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax or exempt charge is reenacted by the Legislature and signed into law by the Governor in compliance with the requirements of this section.~~

~~(g) (1) (d) The State bears the burden of proving by a preponderance of the clear and convincing evidence that a levy, charge, or other exaction is an exempt charge and not a tax. The State bears the burden of proving by clear and convincing evidence that the amount of the exempt charge is reasonable and that the amount charged does not exceed the actual cost of providing the service or product to the payor. ~~that the amount is no more than necessary to cover the reasonable costs of the governmental activity and~~~~

that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity

(2) The retention of revenue by, or the payment to, a non-governmental entity of a levy, charge, or exaction of any kind imposed by state law, shall not be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(3) The characterization of a levy, charge, or exaction of any kind as being voluntary, or paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be a factor in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(4) The use of revenue derived from the levy, charge or exaction shall be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(h) As used in this section:

(1) "Actual cost" of providing a service or product means: (i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing "actual cost" the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.

(2) "Extend" includes, but is not limited to, doing any of the following with respect to a tax or exempt charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

(3) "Impose" means adopt, enact, reenact, create, establish, collect, increase or extend.

(4) "State law" includes, but is not limited to, any state statute, state regulation, state executive order, state resolution, state ruling, state opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by the legislative or executive branches of state government. "State law" does not include actions taken by the Regents of the University of California, Trustees of the California State University, or the Board of Governors of the California Community Colleges.

Section 5. Section 1 of Article XIII C of the California Constitution is amended, to read:

Sec. 1. Definitions. As used in this article:

(a) "Actual cost" of providing a service or product means: (i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing "actual cost" the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.

(b) "Extend" includes, but is not limited to, doing any of the following with respect to a tax, exempt charge, or Article XIII D assessment, fee, or charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

~~(c) (a)~~ "General tax" means any tax imposed for general governmental purposes.

~~(d)~~ "Impose" means adopt, enact, reenact, create, establish, collect, increase, or extend.

~~(e) (b)~~ "Local government" means any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity, or an elector pursuant to Article II or the initiative power provided by a charter or statute.

~~(f)~~ "Local law" includes, but is not limited to, any ordinance, resolution, regulation, ruling, opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by a local government.

~~(g) (c)~~ "Special district" means an agency of the State, formed pursuant to general law or a special act, for the local performance of governmental or proprietary functions with limited geographic boundaries including, but not limited to, school districts and redevelopment agencies.

~~(h) (d)~~ "Special tax" means any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.

~~(i) (e)~~ As used in this article, and in Section 9 of Article II, "tax" means every any-levy, charge, or exaction of any kind, imposed by a local government ~~law that is not an exempt charge,~~ except the following:

~~(i)~~ As used in this section, "exempt charge" means only the following:

~~(1)~~ A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.

~~(1) (2)~~ A reasonable charge imposed for a specific local government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the local government of providing the service or product.

~~(2) (3)~~ A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

~~(3) (4)~~ A reasonable charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property.

~~(4) (5)~~ A fine, or penalty, or other monetary charge including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or a local government administrative enforcement agency pursuant to adjudicatory due process, as a result of to punish a violation of law.

~~(5) (6)~~ A charge imposed as a condition of property development. No levy, charge, or exaction regulating or related to vehicle miles traveled may be imposed as a condition of property development or occupancy.

~~(6) (7)~~ An Assessments and property related fees assessment, fee, or charge imposed in accordance with the provisions of subject to Article XIII D, or an assessment imposed upon a business in a tourism marketing district, a parking and business improvement area, or a property and business improvement district.

(7) A charge imposed for a specific health care service provided directly to the payor and that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the health care service. As used in this paragraph, a "health care service" means a service licensed or exempt from licensure by the state pursuant to Chapters 1, 1.3, or 2 of Division 2 of the Health and Safety Code.

The local government bears the burden of proving by a preponderance of the evidence that a levy, charge, or other exaction is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity.

Section 6. Section 2 of Article XIII C of the California Constitution is amended to read:

Sec. 2. Local Government Tax Limitation. Notwithstanding any other provision of this Constitution:

(a) Every levy, charge, or exaction of any kind imposed by local law is either a tax or an exempt charge. All taxes imposed by any local government shall be deemed to be either general taxes or special taxes. Special purpose districts or agencies, including school districts, shall have no power to levy general taxes.

(b) No local law government, whether proposed by the governing body or by an elector, may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote. A general tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved. The election required by this subdivision shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.

(c) ~~Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b).~~ (d) No local law government, whether proposed by the governing body or by an elector, may impose, ~~extend, or increase~~ any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote. A special tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.

(d) The title and summary and ballot label or question required for a measure pursuant to the Elections Code shall, for each measure providing for the imposition of a tax, include:

(1) The type and amount or rate of the tax;

(2) the duration of the tax; and

(3) The use of the revenue derived from the tax. If the proposed tax is a general tax, the phrase "for general government use" shall be required, and no advisory measure may appear on the same ballot that would indicate that the revenue from the general tax will, could, or should be used for a specific purpose.

(e) Only the governing body of a local government, other than an elector pursuant to Article II or the initiative power provided by a charter or statute, shall have the authority to impose any exempt charge. The governing body shall impose an exempt charge by an ordinance specifying the type of exempt charge

as provided in Section 1(j) and the amount or rate of the exempt charge to be imposed, and passed by the governing body. This subdivision shall not apply to charges specified in paragraph (7) of subdivision (i) of Section 1.

(f) No amendment to a Charter which provides for the imposition, extension, or increase of a tax or exempt charge shall be submitted to or approved by the electors, nor shall any such amendment to a Charter hereafter submitted to or approved by the electors become effective for any purpose.

(g) Any tax or exempt charge adopted after January 1, 2022, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax or exempt charge is reenacted in compliance with the requirements of this section.

(h)(1) The local government bears the burden of proving by clear and convincing evidence that a levy, charge or exaction is an exempt charge and not a tax. The local government bears the burden of proving by clear and convincing evidence that the amount of the exempt charge is reasonable and that the amount charged does not exceed the actual cost of providing the service or product to the payor.

(2) The retention of revenue by, or the payment to, a non-governmental entity of a levy, charge, or exaction of any kind imposed by a local law, shall not be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(3) The characterization of a levy, charge, or exaction of any kind imposed by a local law as being paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be factors in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(4) The use of revenue derived from the levy, charge or exaction shall be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

Section 7. Section 3 of Article XIII D of the California Constitution is amended, to read:

Sec. 3. Property Taxes, Assessments, Fees and Charges Limited

(a) No tax, assessment, fee, ~~or~~ charge, or surcharge, including a surcharge based on the value of property, shall be assessed ~~by any agency~~ upon any parcel of property or upon any person as an incident of property ownership except:

(1) The ad valorem property tax ~~imposed pursuant to~~ described in Section 1(a) of Article XIII and Section 1(a) of Article XIII A, and described and enacted pursuant to the voter approval requirement in Section 1(b) of Article XIII A.

(2) Any special non-ad valorem tax receiving a two-thirds vote of qualified electors pursuant to Section 4 of Article XIII A, or after receiving a two-thirds vote of those authorized to vote in a community facilities district by the Legislature pursuant to statute as it existed on December 31, 2021.

(3) Assessments as provided by this article.

(4) Fees or charges for property related services as provided by this article.

(b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

Section 8. Sections 1 and 14 of Article XIII are amended to read:

Sec. 1 Unless otherwise provided by this Constitution or the laws of the United States:

(a) All property is taxable and shall be assessed at the same percentage of fair market value. When a value standard other than fair market value is prescribed by this Constitution or by statute authorized by this Constitution, the same percentage shall be applied to determine the assessed value. The value to which the percentage is applied, whether it be the fair market value or not, shall be known for property tax purposes as the full value.

(b) All property so assessed shall be taxed in proportion to its full value.

(c) All proceeds from the taxation of property shall be apportioned according to law to the districts within the counties.

Sec. 14. All property taxed by state or local government shall be assessed in the county, city, and district in which it is situated. Notwithstanding any other provision of law, such state or local property taxes shall be apportioned according to law to the districts within the counties.

Section 9. General Provisions

A. This Act shall be liberally construed in order to effectuate its purposes.

B. (1) In the event that this initiative measure and another initiative measure or measures relating to state or local requirements for the imposition, adoption, creation, or establishment of taxes, charges, and other revenue measures shall appear on the same statewide election ballot, the other initiative measure or measures shall be deemed to be in conflict with this measure. In the event that this initiative measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other initiative measure or measures shall be null and void.

(2) In furtherance of this provision, the voters hereby declare that this measure conflicts with the provisions of the "Housing Affordability and Tax Cut Act of 2022" and "The Tax Cut and Housing Affordability Act," both of which would impose a new state property tax (called a "surcharge") on certain real property, and where the revenue derived from the tax is provided to the State, rather than retained in the county in which the property is situated and for the use of the county and cities and districts within the county, in direct violation of the provisions of this initiative.

(3) If this initiative measure is approved by the voters, but superseded in whole or in part by any other conflicting initiative measure approved by the voters at the same election, and such conflicting initiative is later held invalid, this measure shall be self-executing and given full force and effect.

C. The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not

declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid.

D. If this Act is approved by the voters of the State of California and thereafter subjected to a legal challenge alleging a violation of state or federal law, and both the Governor and Attorney General refuse to defend this Act, then the following actions shall be taken:

(1) Notwithstanding anything to the contrary contained in Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(2) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act. The written affirmation shall be made publicly available upon request.

(3) A continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(4) Nothing in this section shall prohibit the proponents of this Act, or a bona fide taxpayers association, from intervening to defend this Act.



January 19, 2022

21-0042 Amdt. 1

Hon. Rob Bonta
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

RECEIVED

Jan 19 2022

Attention: Ms. Anabel Renteria
Initiative Coordinator

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Attorney General Bonta:

Pursuant to Elections Code Section 9005, we have reviewed the proposed constitutional Taxpayer Protection and Government Accountability Act initiative (A.G. File No. 21-0042, Amendment #1).

Background

State Government

Taxes and Fees. This year's state budget spends over \$255 billion in state funds. Over 90 percent of the state budget is funded with revenues from taxes. These include, for example, sales taxes paid on goods and income taxes paid on wages and other sources of income. Much of the rest of the state budget is funded by fees and other charges. Examples include: (1) charges relating to regulatory activities; (2) charges for specific government services or products, like fees charged to drivers to improve roads; (3) charges for entering state property, such as a state park; and (4) judicial fines, penalties, and other charges. The State Constitution requires the state to set fees at a reasonable level, generally reflecting the costs of the services or benefits provided. The state uses revenue from taxes and fees to fund a variety of programs and services, including education, health care, transportation, and housing and homelessness services.

Current Requirements to Approve Taxes and Fees. Under the State Constitution, state tax increases require approval by two-thirds of each house of the Legislature or a majority vote of the statewide electorate. The Legislature can reduce taxes with a majority vote of each house, provided the change does not result in an increase in taxes paid by any single taxpayer. In many cases, the Legislature has enacted statutes that delegate its authority to adjust fees and other


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charges to administrative entities, like state departments. In these cases, these charges can be increased or changed by the department within certain limits.

Local Government

Taxes and Fees. The largest local government tax is the property tax, which raises roughly \$75 billion annually. Other local taxes include sales taxes, utility taxes, and hotel taxes. In addition to these taxes, local governments levy a variety of fees and other charges. Examples include parking meter fees, building permit fees, regulatory fees, and judicial fines and penalties. In order to be considered a fee, the charge cannot exceed the reasonable costs to the local government of providing the associated product or service. Local governments use revenues from taxes and fees to fund a variety of services, like fire and police, public works, and parks.

Current Requirements to Approve Taxes and Fees. State law requires increases in local taxes to receive approval of the local governing body—for example, a city council or county board of supervisors—as well as approval of voters in that local jurisdiction. Most proposed taxes require a two-thirds vote of the local governing board before being presented to the voters. Special taxes (those used for a specific purpose) require a two-thirds vote of the electorate while other types of taxes require a majority vote of the electorate. The majority-vote general taxes can be used for any purpose. Recent case law suggests that citizen initiative special taxes may be approved by majority vote, rather than a two-thirds vote. Currently, local governing bodies have the ability to delegate their authority to adjust fees and other charges to administrative entities, like city departments. In these cases, these charges can be increased or changed by the department within certain limits.

Proposal

This measure amends the State Constitution to change the rules for how the state and local governments can impose taxes, fees, and other charges.

State and Local Government Taxes

Expands Definition of Tax. The measure amends the State Constitution to expand the definition of taxes to include some charges that state and local governments currently treat as fees and other charges. For example, certain charges imposed for a benefit or privilege granted to a payer but not granted to those not charged would no longer be considered fees. As a result, the measure could increase the number of revenue proposals subject to the higher state and local vote requirements for taxes discussed below.

Requires Voter Approval for State Taxes. The measure increases the vote requirements for increasing state taxes. Specifically, the measure requires that legislatively proposed tax increases receive approval by two-thirds of each house *and* a majority vote of the statewide electorate. Voters would still be able to increase taxes by majority vote of the electorate without legislative action, however. Any state tax approved between January 1, 2022 and the effective date of this measure would be nullified unless it fulfills the requirements of the measure.

Requirements for Approving Local Taxes. Whether sought by the local governing body or the electorate, the measure establishes the same approval requirements for increasing local

special taxes. Any local tax approved between January 1, 2022 and the effective date of this measure would be nullified unless it fulfills the requirements of the measure.

Allowable Uses and Duration of State and Local Tax Revenues Must Be Specified. The measure requires state and local tax measures to identify the type and amount (or rate) of the tax and the duration of the tax. State and local government general tax measures must state that the revenue can be used for general purposes.

State and Local Government Fees

Requires the Legislature and Local Government Bodies to Impose State and Local Fees. Fees would have to be imposed by a majority vote of both houses of the Legislature or local governing bodies. The measure would restrict the ability of state and local governments to delegate fee changes to administrative entities. The extent of these restrictions would depend on future court decisions. Any fee approved between January 1, 2022 and the effective date of this measure would be nullified unless it fulfills the requirements of the measure.

Some New State and Local Fees Could Not Exceed Actual Costs. For some categories of fees, if the Legislature or a local governing body wished to impose a new fee or make changes to an existing fee, the measure generally would require that the charge be both reasonable and reflect the actual costs to the state or local government of providing the service. The measure also specifies that actual cost should not exceed “the minimum amount necessary.” In many cases, existing fees already reflect the government’s actual costs. In other cases, some fees would have to more closely approximate the payer’s actual costs in order to remain fees. If a fee payer challenged the charge, the state or local government would need to provide clear and convincing evidence that the fee meets this threshold. State and local governments also would bear the burden of providing clear and convincing evidence that the levy is a fee—which is not subject to a vote by the electorate—and not a tax under the new definition.

Fiscal Effects

Lower State Tax and Fee Revenue. By expanding the definition of a tax, increasing the vote requirements for approving taxes, and restricting administrative changes to fees, the measure makes it harder for the Legislature to increase nearly all types of state revenues. The extent to which revenues would be lower under the measure would depend on various factors, most notably future decisions made by the Legislature and voters. For example, requirements for legislative approval of fee increases currently set administratively could result in lower fee revenues, depending on future votes of the Legislature. That lower revenue could be particularly notable for some state programs largely funded by fees. Due to the uncertainty of these factors, we cannot estimate the amount of reduced state revenue, but it could be substantial.

Lower Local Government Tax and Fee Revenue. Compared to the state, local governments generally face greater restrictions to raising revenue. By expanding the definition of taxes and restricting administrative changes to fees, the measure would make it somewhat harder for local governments to raise revenue. Consequently, future local tax and fee revenue could be lower than they would be otherwise. The extent to which revenues would be lower is unknown, but

fees could be more impacted. The actual impact on local government revenue would depend on various factors, including future decisions by the courts, local governing bodies, and voters.

Possible Increased State and Local Administrative Costs to Change Some Fee Levels. In some cases, state and local departments would need to develop methods for setting fees to reflect actual costs if the Legislature or local governing bodies wanted to change those fees in the future. Estimating actual costs by program and fee source could involve some added workload for those state and local departments, which likely would be supported by fee revenue. The extent of these administrative costs would depend on (1) whether the state and local governments determine a fee increase is needed in order to maintain their current level of programs and services funded through fee revenue and (2) future court decisions.

Summary of Fiscal Effects. We estimate that this measure would have the following major fiscal effects:

- Lower annual state and local revenues, potentially substantially lower, depending on future actions of the Legislature, local governing bodies, voters, and the courts.

Sincerely,



for Gabriel Petek
Legislative Analyst



for Keely Martin Bosler
Director of Finance



BALLOT INITIATIVE #21-0042A1

LIMITS ABILITY OF VOTERS AND STATE AND LOCAL GOVERNMENTS TO RAISE REVENUES FOR GOVERNMENT SERVICES. INITIATIVE CONSTITUTIONAL AMENDMENT.

November 8, 2022 General Election

BACKGROUND

The purported “Taxpayer Protection and Government Accountability Act,” a statewide initiative measure to amend the California Constitution sponsored by the [California Business Roundtable](#) (“CBRT”), is the most consequential proposal to limit the ability of the state and local governments to enact, modify, or expand taxes, assessments, fees, and property-related charges since the passage of Proposition 218 (1996) and Proposition 26 (2010). If enacted, public agencies would face a drastic rise in litigation that could severely restrict their ability to meet essential services and infrastructure needs.

In order to qualify for the ballot, proponents must collect 997,139 valid signatures from California voters. The California Secretary of State’s recommended last day to submit signatures to counties to qualify for the November 8, 2022 statewide general election is April 29, 2022. The last day for measures to be certified for the ballot or withdrawn from the ballot is June 30, 2022.

SUMMARY

Ballot Initiative [21-0042A1](#) would result in the loss of billions of dollars annually in critical state and local funding, restricting the ability of local agencies and the State of California to fund services and infrastructure by:

- Adopting new and stricter rules for raising taxes, fees, assessments, and property-related fees.
- Amending the State Constitution, including portions of Propositions 13, 218, and 26 among other provisions, to the advantage of the initiative’s proponents and plaintiffs; creating new grounds to challenge these funding sources and disrupting fiscal certainty.
- Restricting the ability of local governments to issue fines and penalties to corporations and property owners that violate local environmental, water quality, public health, public safety, fair housing, nuisance and other laws and ordinances.

The initiative includes provisions that would retroactively void *all* state and local taxes or fees adopted after January 1, 2022 if they did not align with the provisions of this initiative. This may also affect indexed fees that adjust over time for inflation or other factors. Effectively, it would



allow voters throughout California to invalidate the prior actions of local voters, undermining local control and voter-approved decisions about investments needed in their communities.

Specifically, among other provisions effecting the state government, the initiative would impact local agencies through changes to the California Constitution as follows:

Restricting Local Tax and Fee Authority to Provide Local Services

Fees:

- With few exceptions, fees and charges shall not exceed the “actual cost” of providing the product or service for which the fee is charged.
 - “Actual cost” is defined as the “...*minimum amount necessary...less other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds...*”
- The burden on the local government to prove the fee or charge does not exceed “actual cost” is heightened from a “*preponderance of the evidence*” to “*clear and convincing evidence*”.
- In addition to limiting fees and charges to the actual cost to the local government for providing the service, fees and charges must also be “reasonable” to the payor themselves; no definition is provided for this new subjective reasonableness test that is separate and apart from the test as to how closely the fee or charge is related to the cost of service.
- Defines *all* sources of revenue as either taxes or “exempt charges.”
- Includes Article XIID charges in Proposition 218 under the definition of “exempt” charges subjecting them to potential litigation.
- Exposes previously established fees indexed to inflation or other metrics to new standards and legal challenges.
- Adds to the Constitution a requirement for a board action to adopt, enact, create, establish, collect, increase, or extend any and all fees.

Taxes:

- Increases the threshold for voters to pass a local special tax initiative placed on the ballot by voters from a simple majority to a two-thirds majority, likely to address concerns over the 2017 California Supreme Court decision in *California Cannabis Coalition v. City of Upland*.
- Requires voter approval when an expansion of boundaries extends existing taxes or fees to new territory.
- New taxes can be imposed only for a specific duration.

Fines and Levees:

- Interferes with local enforcement efforts, by making it more difficult to impose fines and penalties for state and local law violations related to activities such as water discharge, waste recycling, weed abatement, fireworks, and housing code violations and unlawful commercial marijuana sales, just to name a few. The measure converts administratively



imposed fines and penalties into taxes unless a new, undefined, and ambiguous “adjudicatory due process” is followed.

Increasing Litigation Exposure

- Significantly increases a public agency’s burden of proof from “preponderance of evidence” to “clear and convincing evidence” to prove compliance with the new fee requirements. By changing evidence standards to favor corporations suing public agencies, the initiative will promote costly litigation.
- The local government would bear the burden of proving by clear and convincing evidence that a levy, charge or exaction is an “exempt charge” and not a tax. Moreover, the local government would bear the burden of proving by clear and convincing evidence that the amount of the exempt charge is *both* “reasonable” to the payor and that the amount charged does not exceed the “actual cost” of providing the service or product to the payor.
- By enacting a new requirement that all fees must be “reasonable” to the payor but offering no definition as to what “reasonable” means, the initiative provides a new avenue to challenge fees by enabling a plaintiff to claim a fee is not reasonable even if the fee meets the actual costs of service.
- Prop. 218 currently requires fees cover the *reasonable* cost of service. This initiative amends Prop. 218 to require the near-impossible standard of predicting *actual* costs years into the future. To compound this challenge, the new standard also factors in the receipt of external revenues that are constantly shifting and typically outside the control of the local agency. It defines “actual costs” as:
 - “(i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing “actual cost” the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.”
- Fosters endless litigation challenging local fees claiming they are not the “minimum amount necessary”. For instance:
 - Do roads need to be paved every 10 years or 50 years?
 - Does infrastructure need to be upgraded or replaced or not improved at all?
 - What is the minimum emergency response time necessary?

IMPACTS

- Could prevent virtually any new fees or assessments to fund water, sewer, trash, fire protection, parks and recreation, and other essential services and infrastructure.
 - Places over \$20 billion of local government fee and charge revenues over 10 years at heightened legal peril.



- Jeopardizes the public health and safety of communities by cutting off new revenue intended to pay for essential local services and infrastructure.
 - Substantially increases the legal and administrative cost of public infrastructure financing.
- With billions of dollars in deferred maintenance and unmet needs for California's infrastructure, exacerbates the neglect and deterioration of our roads, dams, waterways, and other facilities.
- By limiting revenues to the “minimum amount necessary”, imposes a “race-to-the-bottom” in California that will halt investment in technological advancements that future generations will depend upon.
- Prevents critical investments in climate adaptation and community resilience to address drought, flooding, and wildfire as well as reduce emissions and harmful pollutants.
- Exposes taxpayers to a new wave of costly litigation, limits the discretion and flexibility of locally elected boards to respond to the needs of their communities, and injects uncertainty into the financing and sustainability of critical infrastructure.
- Restricting local services and infrastructure to the lowest and minimum amount possible will disproportionately impact the most underserved communities the hardest.

SUPPORT

- California Business Roundtable (CBRT) – Sponsor
 - The CBRT website lists the following individuals as Chair and Vice-Chair:
 - Chair, Brett Bittel (Enterprise Rental Car)
 - Vice-Chair, Maryam Brown (SoCal Gas)
 - To date, financial contributors to the initiative and CBRT Issues PAC include, but are not limited to:
 - Aera Energy
 - Albertsons Safeway
 - CJ Segerstrom & Sons
 - Cypress Management Company
 - Dart Container
 - Douglas Emmett Properties
 - Five Point Operating Company
 - Grimmway Enterprises
 - Howard Jarvis Taxpayers Association
 - Kilroy Realty
 - Majestic Realty
 - Michael K. Hayde
 - Pacific Ethanol
 - PEPSICO
 - Pharmaceutical Research and Manufacturers of America
 - Sempra Energy
 - State Farm Insurance



**California Special
Districts Association**
Districts Stronger Together

- Sutter Health
- 7-Eleven

OPPOSITION

- AFSCME California
- California Alliance for Jobs
- California Professional Firefighters
- California Special Districts Association
- CalCities (League of California Cities)
- SEIU California



**GUIDELINES FOR SPECIAL DISTRICTS
REGARDING BALLOT MEASURES**

I. General Rule-Information, Not Advocacy; Explanation Not Promotion

- Special districts may not spend money to support or oppose ballot measures placed before the electorate. It is permissible, however, for special districts to expend public funds for informational purposes to provide the public with a “fair presentation” of the facts relating to a ballot measure which directly concerns the special district. It is also permissible for special districts to formally adopt a position on a ballot measure and educate the public on the measure, its impacts on the district, and the basis for the district’s position.
- If public funds or special district equipment or facilities are used to provide information regarding a ballot measure, that information provided by the special district must be accurate and balanced and represent supporting as well as opposing views.
- However, if a special district has formally adopted a position on a ballot measure, and is **responding to a request** from the public, the media, or some other source to explain the district’s position, then the district may merely state and explain the district’s position without being obligated to present all possible views on the issue.
- Special district employees and directors retain their free speech guarantees to express their personal viewpoints on any ballot measure. The right of free speech is not forfeited because of any association with a special district. Therefore, special district employees and Board members may express their personal opinion on ballot measures and urge the support or opposition to a ballot measure in a public forum **so long as no public funds are expended**, including district reimbursement of a district employee or Board member’s expenses incurred making such a presentation. If a district’s funds or facilities are involved in any way in the activity of an employee or director with respect to a ballot measure, that individual will be deemed to be acting as a representative of the district and will be required to limit his or her comments to a balanced, factual presentation containing supporting as well as opposing views.

II. Permissible Activities

The law allows special districts to expend public funds to take the following actions regarding a ballot measure:

- Expend public funds for the purpose of formulating and drafting a proposed initiative and securing appropriate initiative sponsors.
- Adopt a formal position in support of or in opposition to a ballot measure at an open meeting of the special district. Representatives may also respond to requests for explanation of the district's position by merely stating and explaining the district's position without being obligated to explain all sides of the issue.
- If a district is initiating a presentation or information piece regarding a ballot measure, a special district may notify the public, media and others of the district's position through news releases, bulletins or other vehicles at public expense that are informational and balanced but do not advocate a yes or no vote, or contain language which indicates that the district is "taking sides" with respect to the ballot measure.
- In addition to informing the public of the district's position with respect to a ballot measure, the district may expend public funds, without taking a formal position on the ballot measure, to initiate, prepare and distribute factual, balanced information on a ballot measure to the public and other organizations, which material should represent both pro and con viewpoints in a fair manner.
- Special district representatives may respond to inquiries from the media, the public, or other organizations about the impact of a measure on the district as long as such response is factual and does not advocate a position.
- Special district representatives may participate in forums or debates on a ballot measure at public expense if all views are represented.
- Special districts may sponsor forums or debates on a ballot measure at public expense if all views are represented. If only one side is able to attend, districts should be prepared to document the fact that opponents were actually invited.
- District staff and elected officials may meet with newspaper editors and other groups to objectively explain a ballot measure's impact on the district, as long as such explanations do not advocate a position on the ballot measure.
- Special district Board members and employees may participate in forums or debates and advocate a position if it is expressly stated that they are speaking in their personal capacity, and that no public agency funds, expense reimbursements or

facilities are being utilized for such advocacy.

- Upon request, special district Board members and employees are free to explain their personal views of a ballot measure.

III. Prohibited Activities

Pursuant to state law special districts may not engage in the following activities:

- Use public funds to purchase such items as bumper stickers, posters, advertising, or television or radio “spots” as well as the dissemination at public expense of campaign literature prepared by private proponents or opponents of a measure, or otherwise spend public money to clearly advocate a yes or no vote on a ballot measure.
- Use public funds to contribute to a campaign supporting or opposing a ballot measure.
- Expend public funds or utilize public facilities such as photocopy machines, facsimile machines, computer e-mail, etc., or office supplies or staff time in connection with any activity designed to support or oppose a ballot measure; expend public funds to attempt to influence voters to qualify a ballot measure, including utilizing public funds to gather signatures for the ballot measure. Utilizing public funds to secure signatures to qualify the ballot measure has been held to constitute “improper advocacy”.

IV. Additional Guidelines to Avoid Advocacy

- Timing, Style and Tenor of the Publication

To avoid the appearance of advocacy, special districts need to analyze the timing, style and tenor of their publications with respect to ballot measures. Several court decisions and attorney general opinions have found publicly financed brochures or newspaper advertisements that contain only relevant factual information and which refrain from asking voters to vote in a particular way to constitute improper expenditure of public funds for ballot measure advocacy because the publication is sent within two weeks prior to the date of election. Any items mailed in the last two weeks before an election may be found to constitute improper expenditures because they appear to be primarily designed to influence voters, and not to convey information.

Regarding the style of the publication, if the explanation of impacts of a ballot measure on a district contains only the significant adverse impacts and fails to disclose other less serious impacts, it may be found that the purpose of the publication was to influence voters rather than to inform voters.

Hiring a public relations firm to promote a measure and prepare publications for the district may be considered evidence of an attempt to influence voters, rather than inform them.

A call for action urging the public simply to vote, without urging a particular vote, may, under certain circumstances, be found to be improper advocacy.

A high volume of mailed brochures may be found to go beyond responding to requests for information from the public and be considered an attempt to influence voters.

In order to avoid the impression that materials are being sent to influence the public, publications should contain information on opposing viewpoints.

- Full Disclosure

Special districts need to insure that any materials they produce provide a factual and complete presentation of the ballot measure and its positive as well as negative impacts on the district, as well as a full explanation of the pros and cons if the publication is initiated by the district, rather than formulated in response to a request for information.

- Choosing the Appropriate Vehicle for Publication

Special districts may produce special publications or materials regarding ballot measures, but the use of existing newsletters or other forms of communication to educate the public about a ballot measure is considered by the FPPC to be more indicative of an informational piece, as opposed to a promotional piece.

- Use of Disclaimers

Special districts may wish to include a disclaimer on any printed materials that states the materials being provided are for informational purposes only and are not meant to advocate a yes or no vote on the ballot measure.

- Consult Legal Counsel

Because the legal principles in this area of law change frequently, special districts should consult their legal counsel for guidance with respect to any activities relating to ballot measures, particularly printed materials distributed to the public, and the use of public funds to finance speakers with respect to the ballot measure. This fact sheet is meant only to be general guidance and is not legal advice.

RESOLUTION NO. 22-XX

RESOLUTION OF THE BOARD OF DIRECTORS
OF VISTA IRRIGATION DISTRICT
OPPOSING INITIATIVE 21-0042A1,
TAXPAYER PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT

WHEREAS, an association representing California corporations and developers is spending millions to push a proposition aimed for the November 2022 statewide ballot; and

WHEREAS, the proposed proposition, Initiative 21-0042A1, has received the official title: “Taxpayer Protection and Government Accountability Act.”

WHEREAS, the measure includes provisions that would make it more difficult for local voters to pass measures needed to fund local services and infrastructure, such as critical water infrastructure, and would limit voter input by prohibiting local advisory measures where voters provide direction on how they want their local tax dollars spent; and

WHEREAS, the measure exposes taxpayers to a new wave of costly litigation, limits the discretion and flexibility of locally elected boards to respond to the needs of their communities, and injects uncertainty into the financing and sustainability of critical infrastructure; and

WHEREAS, the measure severely restricts state and local officials’ ability to protect our environment, public health and safety, and our neighborhoods against corporations and others who violate the law; and

WHEREAS, the measure creates new constitutional loopholes that would allow corporations to pay less than their fair share for the impacts that they impose on our communities, including local infrastructure, our environment, water quality, air quality, and natural resources; and

WHEREAS, the measure threatens billions of dollars currently dedicated to state and local services and could impact planned investments in infrastructure critical to Vista Irrigation District’s goal of providing safe and reliable water to our customers in an economical fashion, as well as, impact public schools, fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to address homelessness, mental health services, and more; and

WHEREAS, the measure would also reduce funding for critical infrastructure throughout the San Diego region, such as streets and roads, public transportation, ports, drinking water, sanitation, utilities, and more.

NOW, THEREFORE, BE IT RESOLVED that the Vista Irrigation District opposes Initiative 21-0042A1.

BE IT FURTHER RESOLVED that Vista Irrigation District will join the No on Initiative 21-0042A1 coalition, a growing coalition of public safety, labor, local government, infrastructure advocates, and other organizations throughout the state, by registering this Resolution with that coalition.

PASSED AND ADOPTED by the following roll call vote of the Board of Directors of Vista Irrigation District this 11th day of May 2022:

AYES:

NOES:

ABSTAIN:

ABSENT:

Marty Miller, President

ATTEST:

Lisa R. Soto, Secretary
Board of Directors
Vista Irrigation District



**PUBLIC AFFAIRS
COMMITTEE REPORT**

Agenda Item: 10

Board Meeting Date: May 11, 2022
Prepared By: Dirs. Sanchez & Vásquez

SUBJECT: SCHOLARSHIP CONTEST

RECOMMENDATION: Approve the Public Affairs Committee’s recommendation to award scholarships as follows: a \$2,500 scholarship to Emilie Taylor from Rancho Buena Vista High School; a \$2,000 scholarship to Samantha Bailey from Rancho Buena Vista High School; a \$1,500 scholarship to Abigayle Paliotti from Rancho Buena Vista High School; and \$1,000 scholarships to Mateo Sulejmani, Jennifer Galan and Kenneth Morales Reyes all from Rancho Buena Vista High School and Grace Koumaras from Mission Vista High School.

PRIOR BOARD ACTION: At the May 25, 2021 meeting, the Board awarded \$2,000 scholarships to Kulpreet Chhoker from Mission Vista High School, Kylie Konyn from St. Joseph Academy, and Delanee Haskins from North County Trade Tech High School as the winners of the Vista Irrigation District scholarship contest and \$500 scholarships to Izak Bunda from Guajome Park Academy; Anthony Jones and Malia Leonard from Rancho Buena Vista High School; and Colby Rafail and Juan Ramirez from Vista High School as runners-up in the scholarship contest.

FISCAL IMPACT: \$10,000; the Fiscal Year 2022 budget included \$10,000 for the scholarship contest.

SUMMARY: Each year, the District invites high school seniors who live or go to school within its service area to compete for a scholarship. The purpose of the scholarship program is to increase student knowledge and awareness of water related issues impacting the District and its customers; it also provides an opportunity to introduce and garner water related advocacy among students, parents and school faculty (teachers, principals and counselors). Applicants must complete an essay and provide a personal statement related to their background and/or goals; selection criteria also include community involvement or volunteer service, and letters of recommendation. Twelve applications were received this year.

DETAILED REPORT: In November 2021, application packets, which included a brochure for the scholarship contest, were provided to high school counselors within the District’s jurisdictional boundaries. Follow-up calls and e-mails were made to the counselors to make sure the application materials were received and inquire as to students’ interest in the program. Additional scholarship promotional efforts included issuing a news release and promoting the contest on the District’s website. Application materials were also made available on the District’s website.

The District received twelve applications by the February 25, 2022, deadline. Of those, there were eleven applicants from Rancho Buena Vista High School and one applicant from Mission Vista High School.

Public Affairs Committee members Sanchez and Vásquez were the competition judges. The Committee reviewed the applications and recommended awarding scholarships as follows: a \$2,500 scholarship to Emilie Taylor from Rancho Buena Vista High School; a \$2,000 scholarship to Samantha Bailey from Rancho Buena Vista High School; a \$1,500 scholarship to Abigayle Paliotti from Rancho Buena Vista High School; and \$1,000 scholarships to Mateo Sulejmani, Jennifer Galan and Kenneth Morales Reyes all from Rancho Buena Vista High School and Grace Koumaras from Mission Vista High School.

If the Board approves the Committee’s recommendation, a certificate in the amount of the scholarship award will be presented to each of the winners at the June 1, 2022 Board meeting. Once the student has enrolled at a university, District staff will forward a check in the awarded amount to each university on behalf of the student(s).

ATTACHMENTS:

- Scholarship Application Instructions/Requirements
- Scholarship Applications



SCHOLARSHIP APPLICATION PACKAGE

Vista Irrigation District (VID) invites local high school seniors to compete for scholarship(s) from VID. Up to six scholarships may be awarded in amounts ranging from \$1,000 to \$3,000. Winners will be selected based on the quality and originality of an essay prepared by the applicant as well as school and community involvement. Applications will not be accepted if all criteria are not met, including correct formatting. **Applicants must submit each of the following documents by 5:00 PM on Friday, February 25, 2022:**

1. Completed application form.
2. School/Community involvement:
 - a. One letter of recommendation from a high school faculty member.
 - b. One letter of character reference from a personal or professional associate.
3. A personal statement (**two pages or less, Arial font, 12 point type, with 1 inch margins top, bottom, left and right, and line spacing set to 1½**). Suggested topics include the student's reasons for applying for the scholarship or seeking a higher education, the student's educational/career goals, personal background or interests.
4. An essay (**two pages, Arial font, 12 point type, with 1 inch margins top, bottom, left and right, and line spacing set to 1½**) addressing the following topic/question:

Past and current droughts have impacted the way California residents think about water usage. How are your community's water agencies water use and needs different from other parts of the state?

The essay will be judged on originality and demonstrated understanding of the question. Students may obtain an application package from their Scholarship Counselor or from VID by contacting Alisa Nichols at (760) 597-3173. The fillable application package and related materials also may be downloaded from the district's website (www.vidwater.org).

A completed application package must be received via e-mail at anichols@vidwater.org or at Vista Irrigation District, 1391 Engineer Street, Vista, CA 92081-8840 **by 5:00 PM on Friday, February 25, 2022.**

VID will review qualified applications and select winner(s) who will receive scholarships. Once enrolled at a college, university or vocational school, VID will send a check directly to the school on scholarship recipient's behalf.



2022 SCHOLARSHIP APPLICATION

(Competition is open to all high school seniors who live or attend school in VID's service area)

Name: _____

Telephone number and best time to call: _____

Address: _____

High School: _____

How did you learn about the VID Scholarship? _____

List the Special Districts that serve your community: _____

Post high school education plans (college, vocational school, etc.)

Service and/or other extracurricular activities performed through school or volunteer organizations, community groups, church or clubs, etc. (Include contact name/telephone for verification where possible)

Honors or special recognitions received (school or other)

If employed, job title and total hours per week: _____

Job Responsibilities: _____

Scholarship applications were provided to the Board under separate cover.



STAFF REPORT

Board Meeting Date: May 11, 2022
Prepared By: Lisa Soto
Approved By: Brett Hodgkiss

SUBJECT: BOARD OF DIRECTORS' COMPENSATION

RECOMMENDATION: Review Board of Directors' compensation and consider setting public hearing for the purpose of receiving comments on a revision to the District ordinance setting compensation for Board Directors.

PRIOR BOARD ACTION: On May 13, 2015, the Board adopted Ordinance No. 15-01 setting \$200 as Directors' per diem compensation for each day's attendance at meetings of the Board or for each day's service rendered as a member of the Board

FISCAL IMPACT: Amount will vary based on Board action; however, since annual Board per diem expenses have averaged \$56,000 (excluding Fiscal Years 2020 and 2021 due to the pandemic), District costs could increase by up to \$19,600 annually (based on the maximum compensation allowable) depending on the action taken by the Board.

SUMMARY: Water Code Section 20202 authorizes the governing body of a water district to increase compensation to individual directors by an amount up to five percent for each calendar year since the date of their last adjustment.

DETAILED REPORT: Since October 2015, Directors have received \$200 for each day's service rendered as a member of the Board. According to State Water Code Section 20202, the governing board of a water district may increase its compensation up to five percent for each calendar year following the operative date of the last adjustment of the compensation, which is received when the ordinance is adopted. This means that the maximum compensation allowable to the Directors is \$270 per meeting, as shown in the following table.

Year	Max. %	Maximum Per Diem Allowable
2015		200.00
2016	5%	210.00
2017	10%	220.00
2018	15%	230.00
2019	20%	240.00
2020	25%	250.00
2021	30%	260.00
2022	35%	270.00

If the Board elects to increase Director compensation, it must hold a public hearing (date and time as determined by the Board) for the purpose of receiving comments on an ordinance setting compensation for the Board of Directors. A notice of public hearing must be published once a week for two successive weeks with at least five days intervening in a newspaper of general circulation. If adopted, the ordinance would become effective 60 days after its adoption.

ATTACHMENT: Board of Directors Per Diem Survey, March 2022

**BOARD OF DIRECTORS
PER DIEM SURVEY
MARCH 2022**

	DISTRICT	2020	2022
1	Carlsbad MWD	\$100.00	\$100.00
2	Eastern MWD	\$223.00	\$223.00
3	Elsinore Valley MWD	\$221.43	\$232.50
4	Encina Wastewater Authority	\$200.00	\$221.41
5	Fallbrook PUD	\$105.00	\$121.55
6	Helix Water District	\$225.00	\$225.00
7	Lakeside Water District	\$125.00	\$125.00
8	Leucadia Wastewater	\$200.00	\$200.00
9	Olivenhain MWD	\$150.00	\$150.00
10	Otay Water District	\$152.00	\$152.00
11	Padre Dam MWD	\$145.00	\$147.00
12	Rainbow MWD	\$150.00	\$150.00
13	Ramona MWD	\$100.00	\$100.00
14	Rancho CA Water District	\$200.00	\$200.00
15	Rincon Del Diablo MWD	\$160.00	\$160.00
16	SDCWA Directors/Officers	\$150/\$180	\$150/\$180
17	San Dieguito Water District	\$100.00	\$100.00
18	Santa Fe Irrigation District	\$150.00	\$150.00
19	South Bay Irrigation District	\$100.00	\$100.00
20	Sweetwater Authority	\$150.00	\$150.00
21	Vallecitos Water District	\$200.00	\$200.00
22	Valley Center MWD	\$100.00	\$100.00
23	Vista Irrigation District	\$200.00	\$200.00
24	Yuima MWD	\$100.00	\$100.00

Average Per Diem \$156.56



Agenda Item: 12

STAFF REPORT

Board Meeting Date: May 11, 2022
Prepared By: Brett Hodgkiss

SUBJECT: MATTERS PERTAINING TO THE ACTIVITIES OF THE SAN DIEGO COUNTY WATER AUTHORITY

SUMMARY: Informational report by staff and directors concerning the San Diego County Water Authority. No action will be required.



Our Region's Trusted Water Leader
San Diego County Water Authority

REVISED
SUMMARY OF FORMAL BOARD OF DIRECTORS' MEETING
APRIL 28, 2022

1. Reappointment of Directors.
Director Jimmy Ayala was reappointed, representing the City of San Diego, term ending January 2, 2028; and Director Jim Madaffer was reappointed, representing the City of San Diego, term ending March 7, 2028.
2. Contract Amendment for Hawkins Delafield & Wood LLP associated with the Lewis Carlsbad Desalination Plant.
The Board authorized the General Manager to approve a legal services contract amendment with Hawkins Delafield & Wood LLP as special counsel to include additional legal support related to the Permanent Intake Modifications and other contractual compliance issues for the Claude "Bud" Lewis Carlsbad Desalination Plant (CDP) project in the amount of \$680,000, increasing the total not to exceed contract value from \$533,750 to \$1,213,750.
3. Professional services contract with Reid Middleton, Inc. to provide professional engineering services for the Flow Control Facility Seismic Upgrades Project.
The Board authorized the General Manager, or designee, to award a professional services contract to Reid Middleton, Inc. for a not-to-exceed amount of \$600,000, to provide professional engineering services for the Flow Control Facility Seismic Upgrades Project.
4. Amendments with CH2M Hill Engineers, Inc. for the Mission Trails Flow Regulatory Structure II and Flow Control Facility project.
The Board accepted Amendments 1 through 3 for an increase of \$176,696 and authorize the General Manager, or designee, to execute Amendment 4 to the professional services contract with CH2M Hill Engineers, Inc. in the amount of \$387,677, increasing the contract amount from \$2,047,325 to \$2,435,002.
5. Adopt positions on various state bills.
The Board adopted positions of Support on: the Support to Rehydrate the Environment, Agriculture, and Municipalities Act (STREAM) Act (Feinstein), relating to federal water funding; SB 991 (Newman), relating to progressive design-build; and AB 2016 (Bauer-Kahan), if amended, relating to StateWater Resources Control Board- desalination.
6. Monthly Treasurer's Report on Investments and Cash Flow.
Note and file the Treasurer's report.
7. Assembly Bill 361 Continued Determination Acknowledging the Governor of the State of California's Proclamation of a State of Emergency and of Remote Teleconference Meetings of the Legislative Bodies of San Diego County Water Authority due to the Emergency Pursuant to Brown Act Provisions.
The Board approved Governor's proclaimed State of Emergency, and approve continued remote teleconference meetings of the legislative bodies of San Diego County Water Authority due to the emergency pursuant to Brown Act after reconsidering the circumstances and finding



that state or local officials continue to impose or recommend measures to promote social distancing.

8. Approval of Minutes.

The Board approved the minutes of the Special Board Meeting/Workshop of March 10, 2022, and the Formal Board of Directors' meeting of March 24, 2022.



STAFF REPORT

Agenda Item: 13.A

Board Meeting Date: May 11, 2022
Prepared By: Lisa Soto
Approved By: Brett Hodgkiss

SUBJECT: REPORTS ON MEETINGS AND EVENTS ATTENDED BY DIRECTORS

SUMMARY: Directors will present brief reports on meetings and events attended since the last Board meeting.



STAFF REPORT

Agenda Item: 13.B

Board Meeting Date: March 11, 2022
Prepared By: Lisa Soto
Approved By: Brett Hodgkiss

SUBJECT: SCHEDULE OF UPCOMING MEETINGS AND EVENTS

SUMMARY: The following is a listing of upcoming meetings and events. Requests to attend any of the following events should be made during this agenda item.

	SCHEDULE OF UPCOMING MEETINGS AND EVENTS	ATTENDEES
1 *	Vista Chamber of Commerce Business Mixer <i>May. 11, 2022; 5:00 p.m.–6:00 p.m.; Children’s Paradise, North Vista</i> <i>Registration deadline: None</i>	
2 *	Council of Water Utilities Meeting <i>May 17, 2022, 8:00 a.m.–9:15 a.m.; Four Points Sheraton, San Diego</i> <i>Registration deadline: Closed</i>	Vásquez (R)
3	Special Districts Legislative Days <i>May 17-18, 2022; Sheraton Grand Sacramento Hotel, Sacramento</i> <i>Registration deadline: 5/17/22</i>	MacKenzie (R)
4 *	CSDA Quarterly Meeting <i>May 19, 2022, 6:00 p.m.; AleHouse Brewing Company, San Diego</i> <i>Registration deadline: 5/12/22</i>	MacKenzie
5 *	Council of Water Utilities Meeting <i>Jul. 19, 2022, 8:00 a.m.–9:30 a.m.; Four Points Sheraton, San Diego</i> <i>Registration deadline: TBD</i>	Vásquez
6 *	CSDA Quarterly Meeting <i>August 18, 2022, 6:00 p.m.; Location TBD</i> <i>Registration deadline: TBD</i>	
7	CSDA Annual Conference <i>Aug. 22-25, 2022; JW Marriott Desert Springs Resort, Palm Desert</i> <i>Registration deadline: 7/22/22</i>	MacKenzie (R, H)
8	Urban Water Institute, Annual Water Conference <i>Aug. 24-26, 2022; San Diego</i> <i>Registration deadline: TBD</i>	
9 *	Council of Water Utilities Meeting <i>Sep. 20, 2022, 8:00 a.m.–9:30 a.m.; Four Points Sheraton, San Diego</i> <i>Registration deadline: TBD</i>	Vásquez
10	CALAFCO Annual Conference <i>Oct. 19-21, 2022; Hyatt Regency, Newport Beach</i> <i>Registration deadline: TBD</i>	
11 *	Council of Water Utilities Meeting <i>Nov. 15, 2022, 8:00 a.m.–9:30 a.m.; Four Points Sheraton, San Diego</i> <i>Registration deadline: TBD</i>	Vásquez
12 *	CSDA Quarterly Meeting <i>Nov. 17, 2022, 6:00 p.m.; Location TBD</i> <i>Registration deadline: TBD</i>	
13	ACWA Fall Conference <i>Nov. 29-Dec. 1, 2022; Indian Wells; Registration deadline: TBD</i>	Miller
14	Colorado River Water Users Association Conference (CRWUA) <i>Dec. 14-16, 2022; Las Vegas; Registration deadline: TBD</i>	Miller

* Non-per diem meeting except when serving as an officer of the organization

The following abbreviations indicate arrangements that have been made by staff:

R=Registration; **H**=Hotel; **A**=Airline; **S**=Shuttle; **C**=Car; **T**=Tentative; **◇**=Virtual (Attendee to self-register)



STAFF REPORT

Board Meeting Date: March 11, 2022
Prepared By: Lisa Soto

SUBJECT: ITEMS FOR FUTURE AGENDAS AND/OR PRESS RELEASES

SUMMARY: This item is placed on the agenda to enable the Board to identify and schedule future items for discussion at upcoming Board meetings and/or identify press release opportunities.

Staff-generated list of tentative items for future agendas:

- Interview applicants for Division 3 Director vacancy (June 1, 2022 at time TBD)
- Water Supply Response Program Level 2 Condition (June)
- Harmful Algal Bloom Mitigation and Management Plan (June)
- Fiscal Year 2023 Budget (June – after Fiscal Policy Committee review)
- 100th Anniversary Celebration (July)
- Fallbrook Public Utility District/Rainbow Municipal Water District detachment



STAFF REPORT

Agenda Item: 15

Board Meeting Date: May 11, 2022
Prepared By: Lisa Soto

SUBJECT: COMMENTS BY DIRECTORS

SUMMARY: This item is placed on the agenda to enable individual Board members to convey information to the Board and the public not requiring discussion or action.



STAFF REPORT

Agenda Item: 16

Board Meeting Date: May 11, 2022
Prepared By: Brett Hodgkiss

SUBJECT: COMMENTS BY GENERAL COUNSEL

SUMMARY: Informational report by the General Counsel on items not requiring discussion or action.



Agenda Item: 17

STAFF REPORT

Board Meeting Date: May 11, 2022
Prepared By: Brett Hodgkiss

SUBJECT: COMMENTS BY GENERAL MANAGER

SUMMARY: Informational report by the General Manager on items not requiring discussion or action.