



Yucaipa Valley Water District

12770 Second Street, Yucaipa, California 92399 Phone: (909) 797-5117

Notice and Agenda of a Meeting of the Board of Directors

Tuesday, October 5, 2021 at 4:00 p.m.

**This meeting is available by calling (888) 475-4499
Meeting ID: 676-950-731#**

**Participate in the meeting online at
<https://zoom.us/j/676950731>
Passcode: 765589**

There will be no public physical location for attending this meeting in person. The District's Board meeting room will be closed to the public until further notice.

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PUBLIC COMMENTS** - At this time, members of the public may briefly address the Board of Directors on matters within its jurisdiction or on any matter listed on this agenda.
- IV. CONSENT CALENDAR** - All consent calendar matters are routine and will be acted upon in one motion. There will be no discussion of these items unless board members, administrative staff, or members of the public request specific items to be discussed and/or removed prior to the vote for approval.
 - A. Minutes of Meetings
 - 1. Board Meeting – September 21, 2021
- V. STAFF REPORT**
- VI. DISCUSSION ITEMS**
 - A. Consideration of Resolution No. 2021-49 Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Governor Newsom on March 4, 2020, and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Yucaipa

Any person who requires accommodation to participate in this meeting should contact the District office at (909) 797-5117, at least 48 hours prior to the meeting to request a disability-related modification or accommodation.

Materials that are provided to the Board of Directors after the meeting packet is compiled and distributed will be made available for public review during normal business hours at the District office located at 12770 Second Street, Yucaipa. Meeting materials are also available on the District's website at www.yvwd.dst.ca.us

Valley Water District for the Period of October 5, 2021 to November 3, 2021 Pursuant to Brown Act Provisions [[Director Memorandum No. 21-159 - Page 23 of 78](#)]

RECOMMENDED ACTION: That the Board adopt Resolution No. 2021-49.

- B. Overview of Statewide and Local Water Conservation Efforts [[Director Memorandum No. 21-160 - Page 46 of 78](#)]

RECOMMENDED ACTION: Presentation by District Staff - No recommendation at this time.

- C. Status Update for the Replacement of Drinking Water Reservoirs R-17.1.1 and R-17.1.2 - Yucaipa [[Director Memorandum No. 21-161 - Page 50 of 78](#)]

RECOMMENDED ACTION: Staff presentation, no action is required.

- D. Consideration of a Development Agreement No. 2021-17 for Sewer Service to Tract No. 18167 located at 34419 – 34443 Avenue H and 13508 – 13530 4th Street, Yucaipa (Assessor Parcel Numbers 0319-233-12, 0319-233-13 and 0319-233-88) [[Director Memorandum No. 21-162 - Page 52 of 78](#)]

RECOMMENDED ACTION: That the Board authorize the Board President to execute Development Agreement No. 2021-17

- E. Consideration of a Resolution Re-Instating Late Fees on Utility Bills [[Director Memorandum No. 21-163 - Page 68 of 78](#)]

RECOMMENDED ACTION: That the Board adopt Resolution No. 2021-48.

VII. BOARD REPORTS & DIRECTOR COMMENTS

VIII. ANNOUNCEMENTS

- A. October 19, 2021 at 6:00 p.m. - Board Meeting
- B. November 2, 2021 at 6:00 p.m. - Board Meeting
- C. November 16, 2021 at 6:00 p.m. - Board Meeting
- D. December 7, 2021 at 6:00 p.m. - Board Meeting
- E. December 21, 2021 at 6:00 p.m. - Board Meeting
- F. **January 4, 2022 at 6:00 p.m. - Meeting Cancelled**
- G. January 18, 2022 at 6:00 p.m. - Board Meeting

IX. ADJOURNMENT

Consent Calendar



Yucaipa Valley Water District

MINUTES OF A SPECIAL BOARD MEETING - TELECONFERENCE

September 21, 2021 at 4:00 pm

Directors Present:

Chris Mann, President
Lonni Granlund, Vice President
Jay Bogh, Director
Joyce McIntire, Director
Nyles O’Harra, Director

Staff Present:

Wade Allsup, Information Systems Specialist
Allison Edmisten, Chief Financial Officer
Chelsie Fogus, Administrative Assistant I
Ashley Gibson, Regulatory Compliance Manager
Dustin Hochreiter, Senior Engineering Technician
Matthew Porras, Implementation Manager
Mike Rivera, Public Works Manager
Charles Thomas, Operations Manager
John Wrobel, Public Works Manager
Joseph Zoba, General Manager

Directors Absent:

None

Consulting Staff Present:

Bryan Brown, Special Counsel
Steven Graham, Legal Counsel
Greg Newmark, Special Counsel
Robert Porr, Fieldman, Rolapp & Associates

Registered Guests and Others Present:

Doug Carlson
Madeline Chen, Ortega Strategies Group
John Ohanian, Oak Valley Development Company
Larry Smith, San Gorgonio Pass Water Agency
Sidney Sonck, Representative for Senator Rosilicie Ochoa Bogh

This meeting was available for in person attendance as well as available to the public by calling (888) 475-4499 using passcode 676-950-731 and live presentation material was available at <https://zoom.us/j/676950731> using 765589.

CALL TO ORDER

The special meeting of the Board of Directors of the Yucaipa Valley Water District was called to order by Chris Mann at 4:00 p.m.

ROLL CALL

The roll was called with Director Jay Bogh, Director Lonni Granlund, Director Chris Mann, Director Joyce McIntire, and Director Nyles O’Harra present.

PUBLIC COMMENTS

None

CONSENT CALENDAR

Director Jay Bogh moved to approve the consent calendar and Director Joyce McIntire seconded the motion.

A. Minutes of Meetings

1. Board Meeting – September 7, 2021

B. Payment of Bills

1. Approve/Ratify Invoices for Board Awarded Contracts
2. Ratify General Expenses for August 2021

The motion was approved by the following vote:

Director Jay Bogh - Yes
Director Lonni Granlund - Yes
Director Chris Mann - Yes
Director Joyce McIntire - Yes
Director Nyles O’Harra - Yes

STAFF REPORT

Public Works Manager John Wrobel reported on the following items:

- The District staff is nearly complete with the pipeline project on Lincoln Drive, Yucaipa.
- The installation of Tesla batteries is currently in progress at several District facilities. Lift Station No. 1 and Well 56 have been completed.

Chief Financial Officer Allison Edmisten provided information about the following items:

- The District will be coordinating the dates for ethics training and sexual harassment training. The online training will be provided by the California Special Districts Association.
- The District staff is coordinating with customers previously registered for AutoPay but impacted by the transition to Invoice Cloud for payment processing services.

General Manager Joseph Zoba reported on the following items:

- The escrow has closed on the Shankel property purchase in San Timoteo Canyon.
- Assembly Bill No. 361 was signed by the Governor to amend the Brown Act to allow local agencies to meet remotely during certain conditions.

Director Lonni Granlund moved that the Board direct the General Manager to present a resolution at the next board meeting in

compliance with Assembly Bill No. 361 to continue remote meetings. Director Joyce McIntire seconded the motion.

The motion was approved by the following vote:

Director Jay Bogh - Yes
Director Lonni Granlund - Yes
Director Chris Mann - Yes
Director Joyce McIntire - Yes
Director Nyles O’Harra - Yes

DISCUSSION ITEMS:

DM 21-153

OVERVIEW OF THE YUCAIPA VALLEY WATER DISTRICT’S RECYCLED WATER SYSTEM AND PROPOSED FUTURE ENHANCEMENTS OF THE SYSTEM

General Manager Joseph Zoba provided an overview of the existing recycled water system. The presentation also included specific areas where the recycled water system will be expanded in the future.

DM 21-154

STATUS UPDATE FOR THE REPLACEMENT OF DRINKING WATER RESERVOIRS R-17.1.1 AND R-17.1.2 - YUCAIPA

Implementation Manager Matthew Porras provided an overview of the construction activities at the R-17.1 Reservoir Complex.

DM 21-155

OVERVIEW OF A PIPELINE REPLACEMENT PROJECT IN MARONDI DRIVE, CITY OF CALIMESA

Implementation Manager Matthew Porras provided an overview of the proposed pipeline project on Marondi Drive, Calimesa. The replacement of this pipeline is anticipated to be initiated early next year.

DM 21-156

REPLACEMENT OF EXISTING DEIONIZED WATER SYSTEM AT THE WOCHHOLZ REGIONAL WATER RECYCLING FACILITY LABORATORY

Regulatory Compliance Manager Ashley Gibson provided information about the need to replace the deionized water system at the Wochholz Regional Water Recycling Facility.

Director Lonni Granlund moved that the Board authorize District staff to purchase the LDIRS 03 system with SDI tanks from Evoqua Water Technologies for a sum not to exceed \$9,706 and adopt Resolution No. 2021-47

transferring funds from Sewer Infrastructure Reserves to fund the purchase of the new system.

Director Joyce McIntire seconded the motion.

The motion was approved by the following vote:

Director Jay Bogh - Yes
Director Lonni Granlund - Yes
Director Chris Mann - Yes
Director Joyce McIntire - Yes
Director Nyles O’Harra - Yes

DM 21-157

AUTHORIZATION TO ENTER INTO A CONTRACT WITH BANK OF AMERICA SECURITIES FOR INVESTMENT BANKING AND UNDERWRITING SERVICES AND STRADLING, YOCCA, CARLSON & RAUTH FOR BOND AND DISCLOSURE COUNSEL SERVICES FOR THE POTENTIAL REFINANCING OF DISTRICT DEBT

Chief Financial Officer Allison Edmisten provided an overview of the proposed refinancing team including Fieldman, Rolapp and Associates, Bank of America Securities, Stradling, Yocca, Carlson & Rauth and Wells Fargo.

Director Jay Bogh moved that the Board authorize the General Manager to: (1) authorize Bank of America Securities to proceed with the proposed refinancing transaction as the investment banking/underwriting firm for an estimated amount of \$75,333; and (2) authorize Stradling, Yocca, Carlson & Rauth to proceed as bond and disclosure counsel for the proposed refinancing transaction for an estimated amount of \$82,500

Director Nyles O’Harra seconded the motion.

The motion was approved by the following vote:

Director Jay Bogh - Yes
Director Lonni Granlund - Yes
Director Chris Mann - Yes
Director Joyce McIntire - Yes
Director Nyles O’Harra - Yes

DM 21-158

CONSIDERATION OF PURCHASING 8,000 ACRE FEET OF IMPORTED WATER FROM THE SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT AND 900 ACRE FEET OF IMPORTED WATER FROM THE SAN GORGONIO PASS WATER AGENCY FOR DIRECT DELIVERY TO THE YUCAIPA

General Manager Joseph Zoba provided an overview of the recommended imported water order from the San Bernardino Valley Municipal Water District and the San Gorgonio Pass Water Agency for calendar year 2022.

Director Nyles O’Harra moved that the Board: (1) authorize the purchase of 8,000 acre-feet from the San Bernardino Valley Municipal Water District for a sum not to exceed \$1,006,400; and (2) authorize the purchase of 900 acre-feet from the San Gorgonio Pass Water Agency for a sum not to exceed \$359,100.

VALLEY REGIONAL WATER
FILTRATION FACILITY FOR
CALENDAR YEAR 2021

Director Lonni Granlund seconded the motion.

The motion was approved by the following vote:

- Director Jay Bogh - Yes
- Director Lonni Granlund - Yes
- Director Chris Mann - Yes
- Director Joyce McIntire - Yes
- Director Nyles O’Harra - Yes

BOARD REPORTS AND
DIRECTOR COMMENTS

Director Lonni Granlund reported on the Association of San Bernardino County Special Districts meeting held on September 13, 2021.

Director Nyles O’Harra reported on the system facility tour hosted by the San Bernardino Valley Municipal Water District on September 16, 2021.

Director Joyce McIntire and Director Chris Mann reported on the San Gorgonio Pass Water Agency meeting held on September 20, 2021.

ANNOUNCEMENTS

Chris Mann called attention to the announcements listed on the agenda.

CLOSED SESSION

Director Lonni Granlund, Director Chris Mann, Director Joyce McIntire, and Director Nyles O’Harra were present in closed session with Legal Counsel Steven Graham, Special Legal Counsel Greg Newmark, Special Legal Counsel Bryan Brown, Chief Financial Officer Allison Edmisten, and General Manager Joseph Zoba to discuss the following items:

- A. Existing Litigation - San Timoteo Water Management Authority vs City of Banning, et al.; Riverside County Superior Case No. RIC389197 (Government Code, Section 54956.9(d)(1))
- B. Existing Litigation - Yucaipa Valley Water District vs. vs South Mesa Water Company; San Bernardino County Superior Case No. CIVDS2009681 (Government Code, Section 54956.9(d)(1))

Following the closed session, Legal Counsel Steven Graham stated that there were no reportable actions taken in closed session.

ADJOURNMENT

The meeting was adjourned at 5:35 p.m.

Respectfully submitted,

Joseph B. Zoba, Secretary

(Seal)

Staff Report



Yucaipa Valley Water District

RATING ACTION COMMENTARY

Fitch Affirms Yucaipa Valley Water Dist., CA's Water Revs at 'AA'; Outlook Stable

Mon 27 Sep, 2021 - 3:11 PM ET

Fitch Ratings - Austin - 27 Sep 2021: Fitch Ratings has affirmed the rating on the following Yucaipa Valley Water District (the district) bonds at 'AA':

--Approximately \$27.9 million water system revenue refunding bonds, series 2015A.

In addition, Fitch has assessed the standalone credit profile (SCP) of the district's water system at 'aa'.

The Rating Outlook is Stable.

ANALYTICAL CONCLUSION

The affirmation at 'AA' and assessment of the SCP at 'aa' reflects Fitch's expectation that recently adopted multi-year rate increases will improve the district's financial performance and drive leverage ratios, measured as net adjusted debt to adjusted funds available for debt service, below 8.0x by the end of the forward five-year period. The district's financial performance weakened in fiscal 2020 largely due to higher operational expenses than initially anticipated and funding the meter-replacement project via pay-go. Leverage rose to 9.8x at fiscal YE 2020, up from 5.9x in 2019. While the district's financial metrics may continue to exhibit some volatility going forward, the approved and implemented rate

increases are now expected to support higher financial margins, reduce leverage and bolster liquidity overall.

The ratings are further supported by the district's very strong demand characteristics, which include a rapidly growing customer base and very strong rate flexibility, as reflected in the 'aa' revenue defensibility assessment. The district's operating risk profile is also very strong and assessed at 'aa', reflecting a very low operating cost burden and equally favorable life cycle ratio.

CREDIT PROFILE

The district is located 70 miles east of Los Angeles in the foothills of the San Bernardino Mountains, with portions of the service area encompassing Riverside and San Bernardino counties. The district provides retail water, wastewater, and recycled water to a population of approximately 55,000 through 19,355-unit connections in the cities of Calimesa and Yucaipa. The service area is largely residential in nature, but also includes pockets of weekend and holiday vacationers.

The district has a wide array of water resources available for its customers, including the use of recycled water, which places it in a favorable position versus many other regional peers. Approximately 60% of the district's potable water supply is derived from the Yucaipa and Beaumont groundwater basins. The remaining 40% is derived from surface water sources, including treated water from the Oak Glen Plant and untreated water from the State Water Project (SWP), which is treated at the Yucaipa Filtration Facility. In times of drought, the district can utilize supply from its reservoirs and wells. Conversely, when supply is readily available, the district uses surpluses from the SWP to recharge its wells. Based on these factors, supply is viewed as adequate by Fitch.

KEY RATING DRIVERS

Revenue Defensibility 'aa'

Sound Service Area, Very Strong Rate Flexibility

The district provides an essential service to an area with strong growth and midrange demographic characteristics. Rates are affordable for the vast majority of the population.

Operating Risks 'aa'

Very Favorable Operating Risk Profile

Operating risks are considered very favorable, as demonstrated by the district's very low operating cost burden and similarly very low life cycle investment needs. Near-term capital-investment needs are high compared to previous years, but manageable, as the district now includes more significant and large dollar projects that are anticipated in the near future.

Financial Profile 'aa'

Improving Financial Profile

The district's leverage was up yoy in fiscal 2020 but is expected to show improvements in the near term as the recently implemented rate package takes effect. Coverage of full obligations (COFO) has historically been reliant on connection fees, but the aforementioned rate package is expected to reduce the district's reliance on connection fees. The district's liquidity profile was weaker at YE 2020, but is expected to improve over time and does not currently constrain the rating.

Asymmetric Additive Risk Considerations

No asymmetric additive risk considerations affected this rating determination.

RATING SENSITIVITIES

Factors that could, individually or collectively, lead to positive rating action/upgrade:

--Sustained improvement to the district's leverage ratio to levels approximating 5.0x in Fitch's base and stress case scenarios;

--Improved stability in operating and financial performance metrics;

--Maintenance of a neutral liquidity profile.

Factors that could, individually or collectively, lead to negative rating action/downgrade:

--Sustained leverage above 8.0x in Fitch's base and stress case scenarios;

--Additional upward revisions in capital spending during the next five years beyond what is described in the 2022 budget;

--A sustained weaker liquidity profile, including cash of less than 120 days not otherwise offset by improvements in COFO excluding connection-fee revenue.

Best/Worst Case Rating Scenario

International scale credit ratings of Sovereigns, Public Finance and Infrastructure issuers have a best-case rating upgrade scenario (defined as the 99th percentile of rating transitions, measured in a positive direction) of three notches over a three-year rating horizon; and a worst-case rating downgrade scenario (defined as the 99th percentile of rating transitions, measured in a negative direction) of three notches over three years. The complete span of best- and worst-case scenario credit ratings for all rating categories ranges from 'AAA' to 'D'. Best- and worst-case scenario credit ratings are based on historical performance. For more information about the methodology used to determine sector-specific best- and worst-case scenario credit ratings, visit <https://www.fitchratings.com/site/re/10111579>.

SECURITY

The bonds are secured by a first lien pledge on the revenues of the district's water system and a 1% ad valorem property tax levied by the district.

Revenue Defensibility

Revenue defensibility is strong assessed at 'aa', with all revenue derived from business lines exhibiting monopolistic characteristics in a service area with demographic trends deemed to be favorable. The service area demand characteristics are very strong, given stronger customer growth, and midrange income and unemployment levels. Annual customer growth has averaged about 2.4% over the last five years, and there is no significant customer concentration. Area income levels are sound at about 110% of national average. Unemployment rates were above average during the financial crisis but have settled in to levels a bit lower than the national average. As of fiscal 2020, levels were on par with the national average of 8.1%.

As of fiscal 2020, monthly user charges equaled about \$31 assuming Fitch's standard 7,500 gallons of flows, which Fitch estimates to be affordable for the vast majority of the population (around 88%). The district's board has the independent ability to increase service rates without external approval and, like all California water entities, rate increases are subject to the Proposition 218 process. The district held rates flat for eleven years before beginning the process to increase them in 2019 leading to poor financial margins historically. However, in Fitch's view, the approved and adopted five-year rate package, which increases water rates by approximately 10%-13% in fiscal 2020 and 2021 followed by increases of 5%-6% in 2022-2025, will support improved financial margins.

Operating Risks

The district's operating risks profile is very strong, assessed at 'aa', and takes into consideration a very low operating cost burden and a similarly low life cycle ratio.

At \$4,404 per million gallons in fiscal 2020, the operating cost burden is very strong and has remained very low historically. The burden should remain low given that only inflation-based increases in operating costs are expected. Capital planning and management is also favorable, with a life cycle ratio of a very favorable 36% in fiscal 2020. The district has historically invested in capital enough to keep this ratio favorable, as evidenced by a five-year capex-to-depreciation ratio of 97%.

The district's capital improvement plan (CIP), totals \$54.2 million through 2025, or an average of \$10.8 million annually. This is a significant increase from the previous CIP, as several new large-dollar projects are now included; however, the expenditures appear manageable and are factored in Fitch's scenario analysis.

Additional projects include more reservoirs and drinking water pipelines, installation of a micro-grid energy solution, salinity concentration reduction and minimization system, and a new booster station. The district is currently pursuing Water Infrastructure Finance and Innovation Act (WIFIA) funding for multiple projects and anticipates to receive notification from WIFIA in October to submit the application for the projects. In addition, the district is in the process of pursuing debt refinancing options as well as researching possible grant funding.

Financial Profile

The financial profile is very strong, assessed at 'aa', despite the weaker performance reported in fiscal 2020. Fitch-calculated leverage calculation escalated to 9.8x at fiscal YE 2020, up measurably from the levels of 5.9x in fiscal 2019. With only 71 days cash on hand and COFO at 1.3x in fiscal 2020, the district's liquidity profile was further assessed as weaker. However, given that the aforementioned rate package is expected to support higher financial margins in upcoming years, liquidity is expected to improve and the assessment does not currently constrain the rating. COFO without connection fees was 0.6x in fiscal 2020; however recent rate increases should produce less of a reliance on connection fees going forward.

Fitch's Analytical Stress Test (FAST)

The FAST considers the potential trend of key ratios in a base case and a stress case. The stress case is designed to impose a capital cost increase of 10% above expected levels and evaluate potential variability in projected key ratios.

Fitch's scenario is informed by the district's financial forecast for 2021-2025, and latest CIP. Because connection fees were not included in the forecast, Fitch assumes connection fees at \$1.5 million, which is more consistent with the long-term average. Base-case scenario results show somewhat volatile leverage ratios that range between 4.6x and 8.7x through 2023, before declining to about 7.0x by the end of 2025. Changes in leverage are based primarily on higher capital spending in 2023 followed by the offsetting effect of new revenue driven by rate increases and debt amortization. Fitch's stress case produces marginally higher ratios, with leverage ranging between 4.8x and 9.3x, and stabilizing at about 7.7x by the end of the forecast period.

Sources of Information

In addition to the sources of information identified in Fitch's applicable criteria specified below, this action was informed by information from Lumesis.

REFERENCES FOR SUBSTANTIALLY MATERIAL SOURCE CITED AS KEY DRIVER OF RATING

The principal sources of information used in the analysis are described in the Applicable Criteria.

ESG Considerations

Unless otherwise disclosed in this section, the highest level of ESG credit relevance is a score of '3'. This means ESG issues are credit-neutral or have only a minimal credit impact on the entity, either due to their nature or the way in which they are being managed by the entity. For more information on Fitch's ESG Relevance Scores, visit www.fitchratings.com/esg.

[VIEW ADDITIONAL RATING DETAILS](#)

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APPLICABLE CRITERIA

[U.S. Water and Sewer Rating Criteria \(pub. 18 Mar 2021\) \(including rating assumption sensitivity\)](#)

[Public Sector, Revenue-Supported Entities Rating Criteria \(pub. 01 Sep 2021\) \(including rating assumption sensitivity\)](#)

ADDITIONAL DISCLOSURES

[Dodd-Frank Rating Information Disclosure Form](#)

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ENDORSEMENT STATUS

Yucaipa Valley Water District (CA)

EU Endorsed, UK Endorsed

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Discussion Items



Yucaipa Valley Water District



Date: October 5, 2021 **Task:** Not Applicable

Prepared By: Joseph Zoba, General Manager

Subject: Consideration of Resolution No. 2021-49 Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Governor Newsom on March 4, 2020, and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Yucaipa Valley Water District for the Period of October 5, 2021 to November 3, 2021 Pursuant to Brown Act Provisions

Recommendation: That the Board adopt Resolution No. 2021-49.

At the Yucaipa Valley Water District board meeting held on September 21, 2021, the District staff discussed Assembly Bill No. 361 (attached) that was approved by Governor Newsom on September 16, 2021. This Assembly Bill allows local agencies to conduct remote meetings by complying with specific provisions related to open meeting laws during certain state emergencies until January 1, 2024. This new law went into effect on October 1, 2021.

When this Assembly Bill was discussed at the last meeting, the Board of Directors instructed the District staff to return with a resolution that considers the circumstances of the current state-of emergency; that the current state-of-emergency continues to impact the ability of the Board of Directors to meet safely in person; and State or local officials continue to impose or recommend measures to promote social distancing. As long as the current state-of emergency continues to exist, the District staff plans to add a similar resolution to consent calendars at the second board meeting each month for consideration by the Board of Directors.

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with
Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly

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resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and

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to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

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

This bill would make legislative findings to that effect.

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

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 89305.6 is added to the Education Code, to read:
89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing

and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

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(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically

or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

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

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

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

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

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

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

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

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

(B) Any of the following circumstances exist:

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

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

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

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

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

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

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

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body

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shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

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

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

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

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

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

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

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

2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

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

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

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

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

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

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

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

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

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

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the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

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

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

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

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

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

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

(B) Any of the following circumstances exist:

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

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

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

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

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting

of the legislative body of a local agency, except as otherwise provided in this chapter.

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

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

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

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

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

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

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

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting,

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

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

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

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

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

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

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the

legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

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

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

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

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

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

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

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint

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powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

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

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

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

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

RESOLUTION NO. 2021-49

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE YUCAIPA VALLEY WATER DISTRICT PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE YUCAIPA VALLEY WATER DISTRICT FOR THE PERIOD OF OCTOBER 5, 2021 TO NOVEMBER 3, 2021 PURSUANT TO BROWN ACT PROVISIONS

WHEREAS, the Yucaipa Valley Water District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the Yucaipa Valley Water District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the District, specifically, a state of emergency has been proclaimed due to an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19); and

WHEREAS, the San Bernardino County Department of Health has recommended measures to promote social distancing; and

WHEREAS, the Board of Directors has determined that the state of emergency continues to directly impact the ability of the members to meet safely in person; and

WHEREAS, the Board of Directors does hereby find that the current state of emergency with respect to COVID-19, local official recommendations to promote social distancing, and conditions

causing imminent risk to the health and safety of attendees have caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Board of Directors does hereby find that the legislative bodies of the Yucaipa Valley Water District shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE YUCAIPA VALLEY WATER DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

- Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
- Section 2. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the District and declares that meeting in person would not comply with local official recommendations to promote social distancing and would present imminent risk to the health and safety of attendees.
- Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of a State of Emergency, effective as of its issuance date of March 4, 2020
- Section 4. Remote Teleconference Meetings. The General Manager and legislative bodies of the Yucaipa Valley Water District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
- Section 5. Effective Date of Resolution. This Resolution shall take effect upon its adoption and shall be effective until the earlier of (i) thirty (30) days from the adoption of this Resolution, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the Yucaipa Valley Water District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of the Yucaipa Valley Water District, this 5th day of October, 2021.

YUCAIPA VALLEY WATER DISTRICT

Chris Mann, President Board of Directors

ATTEST:

Joseph B. Zoba, General Manager



Date: October 5, 2021

Task: Not Applicable

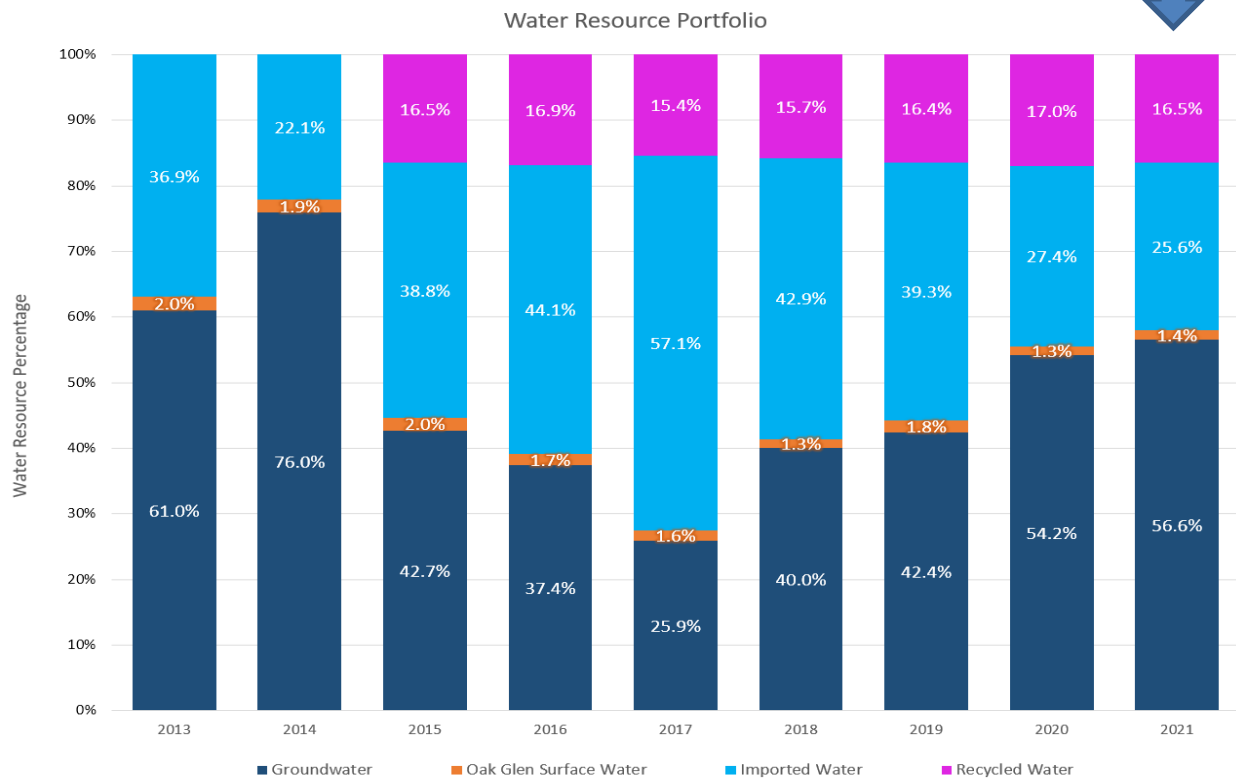
Prepared By: Joseph Zoba, General Manager

Subject: Overview of Statewide and Local Water Conservation Efforts

Recommendation: Presentation by District Staff - No recommendation at this time.

On Tuesday, September 21, 2021, the California State Water Resources Control Board and the Department of Water Resources released information that in July 2021, the State reduced water usage by only 1.8% as compared to the Governor’s requested conservation target of 15%.

While it is important to continuously focus on changing climatic conditions and the condition of surface water storage reservoirs throughout the State, it is also important to recognize that agencies like the Yucaipa Valley Water District have developed a recycled water system that achieve a 15% drinking water conservation goal each year and not only during drought periods. These large community infrastructure investments are often overlooked when a single, simplified statewide water conservation goal is communicated to the public. Furthermore, it is increasingly difficult to generate additional water conservation savings from communities that are already maximizing their overall efficiency and effectiveness each year.





CA San Luis Reservoir, depleted, June 1, 2021. (Photo: Katy Grimes for California Globe)

State Reduces Water Usage By 1.8% in July, Far Lower Than the 15% Reduction Target

*Northern California sees large cuts in usage,
Southern California usage only falls by 0.1%*

By [Evan Symon](#), September 22, 2021 2:29 am

According to new findings by the State Water Resources Control Board and the Department of Water Resources on Tuesday, Californians only reduced water usage statewide by an accumulative 1.8% in July, despite Governor Newsom's [urging that month](#) to hit the [15% mark](#).

The drought stricken Northern and Central California regions showed the most reductions, with the North Coast reducing usage by 17% in July 2021 compared to July 2020. The Bay Area, also hit hard by the drought, went down by 8.4%. Some cities in particular showed large reductions.

Healdsburg, a city of 12,000 in Sonoma County, had usage fall by 54%. Larger cities also hit the mark, such as Santa Rosa, a Sonoma County city of 172,000, reducing water usage by 18%.

However, Southern California, which has been largely unaffected by the drought due to massive recycled water programs, multiple water sources and a greatly reduced water usage level from ten years ago, went down by only 0.1% when compared with last year. Many cities also noted large increases, with Los Angeles and San Diego marking 1% total increases, and Downey, an LA County city of 113,000 people, recording a 14% increase.

Due to the water usage figure still remaining high statewide, Department of Water Resources warned that some regions may see state water allocations slashed by even more than the 5% cut this year. Next years cuts may also affect settlement contractors and those whose claims to water predate the reservoir system in California, as well as steep cuts to the State Water Project, which may allocate no water to some of the 27 million people and 750,000 acres of farmland connected to the project.

“Californians always have hope, and that’s healthy. But we need to be prudent,” noted the director of the state Department of Water Resources, Karla Nemeth, on Tuesday. “We’re doing more conservative planning than we’ve ever done. The challenge is there is no water. We’re planning for the worst, but we are hoping for something better.

“We’re starting with record low reservoir storage. We would have to have north of 140% of average precipitation to generate average runoff into the reservoirs that would begin filling that hole. We’re going to need all Californians to conserve, and conserve a lot more. We do want to see L.A. into that 15% voluntary level of water-savings. We do think it’s feasible.”

Joaquin Esquivel, the Chair of the State Water Resources Control Board, added on Monday that “I’m not here to say 1.8 is a good number. We’re going to have to continue to dig in deeper and look forward to seeing what the numbers show then in August. We need to continue to see that response and decision-making, and the state’s here to make sure that if we need to go mandatory, that’s where we’re going.”

Water usage differs in Northern California, Southern California

Despite the dire situation in the Northern part of the state, many experts have noted that Southern California being asked to reduce usages is almost akin to a punishment for something it didn’t do.

“Los Angeles and really all of Southern California has been working out the right and wrong ways to go about their water supplies for over a century,” said hydrologist Dr. Craig Kirk to the Globe on Tuesday. “LA has not had to rely on reservoirs like the North has, diversifying with numerous sources. So, even if the Colorado River source is reduced, which is likely, there are many other routes. Plus, they are going more into things like desalination plants, so they’re ok for quite some time. It’s just the Northern part of the state refusing to diversify, refusing to put

desalination plants up, refusing to connect to other sources and just relying on reservoirs that is screwing things up. And the whole state is punished now for their mismanagement.”

With such a low reduction percentage, Governor Newsom is now more likely to implement mandatory statewide water reduction measures, something that has not been implemented since the mid-2010's drought in California.

Source: [State Reduces Water Usage By 1.8% in July, Far Lower Than the 15% Reduction Target - California Globe](#)



Date: October 5, 2021

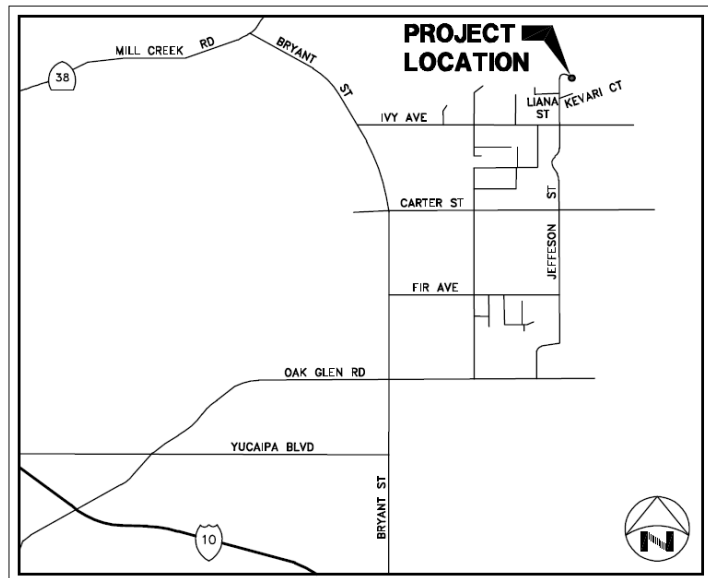
Task: 90857

Prepared By: Matthew Porras, Implementation Manager

Subject: Status Update for the Replacement of Drinking Water Reservoirs R-17.1.1 and R-17.1.2 - Yucaipa

Recommendation: Staff presentation, no action is required.

On September 22, 2020 at a Board Meeting [Director Memorandum 20-137], the condition of the R17.1 Drinking Water Storage facility was discussed after the damaged asset was identified. The two bolted steel tanks provide service to the northerly area of Pressure Zone 17. The westerly bolted steel tank is identified as R-17.1.1 and the easterly bolted steel tank as R-17.1.2. Currently, the R-17.1.2 tank is drained and out of service due to the severe damage to the structure, causing a significant leak.



Project Overview: The strategic replacement of both drinking water tanks will include the phased demolition and construction of each tank individually to keep the site operational during construction. The existing plastic (PVC) site piping will remain in place while the new ductile iron pipe (DIP) is constructed in a new alignment. The new alignment of the site piping includes 750 linear feet of 12" DIP located within the site access road. The new volume of storage will be 640,000 gallons compared to the 210,000 gallons currently available. The tank structurers will meet current design criteria for seismic events and require little to no maintenance for the next 40-50 years besides the annual cleaning and interior inspection. Other improvements include site security with new site fencing, repair of the erosion in the adjacent slope, improved access with pavement replacement.

The Board authorized staff to solicit bids for this project during a regular Board meeting on October 20, 2020 [Director Memorandum 20-155]. On May 25, 2021 the Board awarded a construction contract to Spiess Construction Co. [Director Memorandum 21-090] for the project.

Status Update: The contractor mobilized the second week of July to the project site and prepared the site for the upcoming work. In the week of July 19, 2021 the contractor carefully dismantled the R-17.1.2 drinking water tank while the R-17.1.1 drinking water tank continues to provide service. Once the dismantled tank was hauled away, the foundation was prepared for the future

tank. The over-excavation requirement was established by the geotechnical survey previously performed and is specific to the soil composition and proposed tank construction methods. The over-excavation was completed in the week of July 26, 2021. The contractor has been working to secure the required materials for the job, which has taken a considerable amount of time. The next items of work include the installation of the ring-wall foundation for the R-17.1.2 tank and the 12-inch ductile iron pipeline that will supply the entire site. Approximately half of the site supply piping in the access road has been installed.

Financial Consideration: The project will be paid for by the Water Fund, Infrastructure Reserves [G/L Account #02-000-10311].

Related Project Requirements: The single supply to the R17.1 site is a small booster located on the corner of Fremont St. and Ivy Ave. This booster site needs to be rebuilt and relocated. The new booster B16.1 site will include a second, back-up pump and is estimated to cost approximately \$600,000. This project will be discussed at a future Board Meeting.





Date: October 5, 2021

Task: 100623

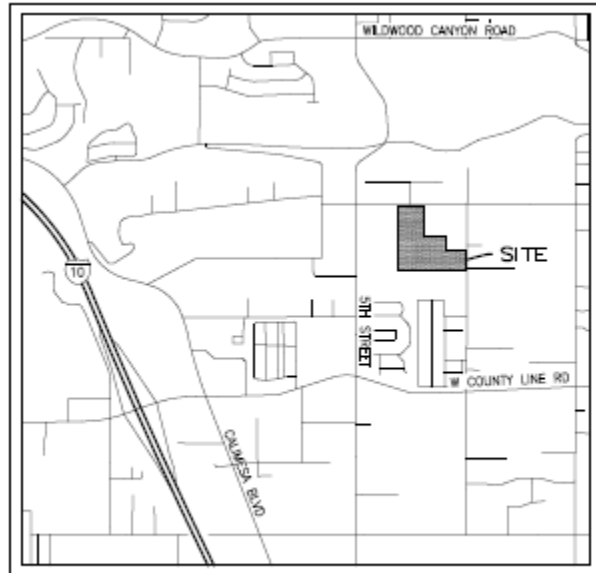
Prepared By: Chelsie Fogus, Administrative Assistant I

Subject: Consideration of a Development Agreement No. 2021-17 for Sewer Service to Tract No. 18167 located at 34419 – 34443 Avenue H and 13508 – 13530 4th Street, Yucaipa (Assessor Parcel Numbers 0319-233-12, 0319-233-13 and 0319-233-88)

Recommendation: That the Board authorize the Board President to execute Development Agreement No. 2021-17.

The District staff is in the process of finalizing a development agreement for sewer service to Tract No. 18167. This is a fifty-seven unit, one lot subdivision located at 34419 – 34443 Avenue H and 13508 – 13530 4th Street, in the City of Yucaipa.

The Development Agreement is attached for your review and consideration.



VICINITY MAP
NOT TO SCALE

**AGREEMENT TO PROVIDE SEWER SERVICE TO
 TRACT 18167, APNs:0319-233-12, 0319-233-13 and 0319-233-88, IN
 THE CITY OF YUCAIPA, COUNTY OF SAN BERNARDINO**

This Agreement is made and effective this 5th day of October 2021, by and between the Yucaipa Valley Water District, a public agency ("District") and Century Communities ("Developer"). Each is sometimes referred to herein as a "Party" and jointly as the "Parties".

Elements	Tract 18167
Project	128
Service Order	23184
Task(s)	100623

For contractual issues, the Parties are represented by the following responsible individuals authorized to execute this Agreement:

District	Developer
Yucaipa Valley Water District 12770 Second Street Post Office Box 730 Yucaipa, California 92399 Attention: Joseph Zoba, General Manager Telephone: (909) 797-5119 x2 Email: jzoba@yvwd.us	Century Communities 4695 Mac Arthur Court, Suite 300 Newport Beach, California 92660 Attention: Brian Taylor Telephone: 949-420-9531 Email: Brian.Taylor@centurycommunities.com

The Developer has represented to the District that they are the owner of the following parcel(s) which is/are the subject of this Agreement and described herein as the "Property":

Property Reference	City / County
Assessor Parcel Numbers: 0319-233-12, 13 and 88	City of Yucaipa / San Bernardino County

RECITALS

WHEREAS, the Developer desires to develop its Property to be situated within the service area of the District as shown on Exhibit A attached hereto; and

WHEREAS, the Developer has provided plans, drawings, and/or concepts to the District to construct the proposed "Project" as shown on Exhibit A attached hereto; and

WHEREAS, the Developer desires to obtain sewer service from the District for the Project in accordance with the current Rules, Regulations, and Policies of the District; and General Construction Conditions as provided in Exhibit B attached hereto; and

WHEREAS, it is the purpose of this Agreement to set forth the terms and conditions by which the District will provide service to the Project.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the Developer and the District agree as follows:

- A. Project Overview. Tract 18167 (the "Project") Development consists of a gross land area of 7.707 acres with 57 units on the South side of Avenue H and the West side of 4th Street, Yucaipa (the "Property"). The District has been involved in the review process for this project and has identified on-site sewer mainlines are required to service this project.



- B. Project Specific Conditions. In addition to the General Construction Conditions attached hereto as Exhibit B, the following conditions, being contained herein, are hereby required by the District for the Developer to receive service for the Project.
1. Project Specific Drinking Water Conditions: The Project is within the service area of South Mesa Water Company, thus will not receive drinking water service from the District.
 2. Project Specific Recycled Water Conditions: The Project is within the service area of South Mesa Water Company, thus will not receive recycled water service from the District.
 3. Project Specific Sewer Conditions: The Project will receive sewer service from the Yucaipa Valley Water District. The Developer shall design at its sole cost and expense, on-site and off-site connections as sewer infrastructure ("Facilities") pursuant to District approved plans and requirements.
 - a. The Developer shall install 8-inch VCP sewer mainline in the newly created private streets to adequately serve all units within this development.
 - b. The existing sewer mainlines in Easements 11-O and 11-N will need to be properly abandoned to meet this project's sewer requirements.
 - c. The Yucaipa Valley Water District will not provide sewer service to Project until all sewer infrastructure is completed and accepted by the District.

- d. Developer shall pay all applicable rates, fees, and charges as required herein and in effect at the time sewer service is activated to any portion of the Project.
4. Project Specific Stormwater Conditions. The City of Yucaipa and/or the County of San Bernardino will retain responsibility and authority for stormwater related to the Project. The Developer shall provide, at its sole cost and expense, approved plans, specifications, and construction drawings to the District for review and identification of onsite stormwater collection facilities and retention basins and the District will review such plans, specifications and drawings to ensure that the Facilities will not interfere with existing District infrastructure and/or the stormwater facilities.
 5. Project Specific Conditions. The Developer, at its sole cost and expense, shall design and construct all Facilities and related appurtenances pursuant to the District approved plans and construction drawings to serve the Project.
 - a. Project phases and development of each parcel will be communicated in writing with the District staff prior to construction.
 - b. The Developer shall provide electronic design drawings of parcels and infrastructure in native AutoCAD file formats consistent with existing District enterprise systems prior to the start of construction and prior to receiving occupancy for any portion of the Project.
 - c. Facilities located in easements shall be protected pursuant to District requirements.
 6. Rates, Fees and Charges. The most current rates, fees and charges will be payable pursuant to the Resolution/Ordinance in effect at the time building permits are issued or renewed for each lot.
 7. Project Related Invoices. The Developer acknowledges and agrees that the District is authorized, from time-to-time, to reimburse itself from the funds on deposit for Project costs incurred and that the District will not release any structure for occupancy unless there is a minimum balance of \$5,000 in the Project Cash Account. Excess funds deposited for this Project shall not be refunded until the proposed Project is fully complete and approved by the District.
 8. Ownership; Operation and Maintenance. Once constructed and accepted by the District, title to the Facilities (excluding private, on-site Facilities) will be conveyed by the Developer to the District, and the District will operate and maintain the Facilities and provide service to the Developer's Property in accordance with the District's Rules, Regulations and Policies and the provisions of this Agreement.
 9. Easements, Dedications, and Recorded Documentation: All easements, dedications, and recorded documentation required by the District shall be provided by the Developer to the District prior to the release of occupancy of any structure within the Project.

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10. Annual Review of Construction Drawings. The District requires an annual review of approved construction drawings related to this Project. The District will not charge the Developer for the annual construction drawing review. However, the Developer will be required to update and resubmit construction drawings based on comments provided by the District at the sole cost and expense of the Developer prior to the start of construction.
11. Amendment. This Agreement may be amended, from time-to-time, by mutual agreement, in writing signed by both Parties. The District and the Developer further agree that to the extent this Agreement does not address all aspects of the Developer's Property and/or Project, the Parties will meet and confer and negotiate in good faith and execute a written amendment or supplement to this Agreement.
12. Assignment. This Agreement will not be assigned, whether in whole or in part by either Party.
13. Construction and Interpretation. This Agreement has been arrived at through negotiations and each Party has had a full and fair opportunity to revise the terms of this Agreement. As a result, the normal rule of construction that any ambiguities are to be resolved against the drafting Party shall not apply in the construction or interpretation of this Agreement.
14. Entire Agreement. This Agreement and the most recent Preliminary Project Service Evaluation constitutes the entire agreement of the Parties with respect to the subject matter of this Agreement, except as expressly provided in this Agreement, supersedes any prior oral or written agreement, understanding, or representation relating to the subject matter of this Agreement.
15. Authority. Each signatory of this Agreement represents and warrants that s/he is authorized to execute this Agreement on behalf of the Party for which s/he signs. Each Party represents that it has legal authority to enter into this Agreement and to perform all obligations under this Agreement.
16. Term and Termination of Agreement. Unless extended by mutual agreement of the parties in writing, this Agreement shall terminate at 5:00 p.m., on the day before the sixth (6th) anniversary date of this Agreement; provided, however, that this Agreement shall automatically terminate, without further liability to either party, as follows:
 - a. Immediately, upon abandonment by the Developer of the Developer's Property and/or the work hereunder. "Abandonment" is defined as the act of bankruptcy or Developer's failure to improve the Property in a manner consistent with the proposed development plan within twelve months of the effective date of this Agreement; and/or
 - b. Within 45 days of the date of the issuance of a Notice of Default by the District to the Developer in the event, the Developer fails or refuses to perform, keep or observe any of the terms, conditions or covenants set forth in this Agreement.

Yucaipa Valley Water District
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IN WITNESS WHEREOF, the parties have executed is Agreement to be effective on the day and year first above written.

YUCAIPA VALLEY WATER DISTRICT

Dated: _____ By: _____
Chris Mann, Board President

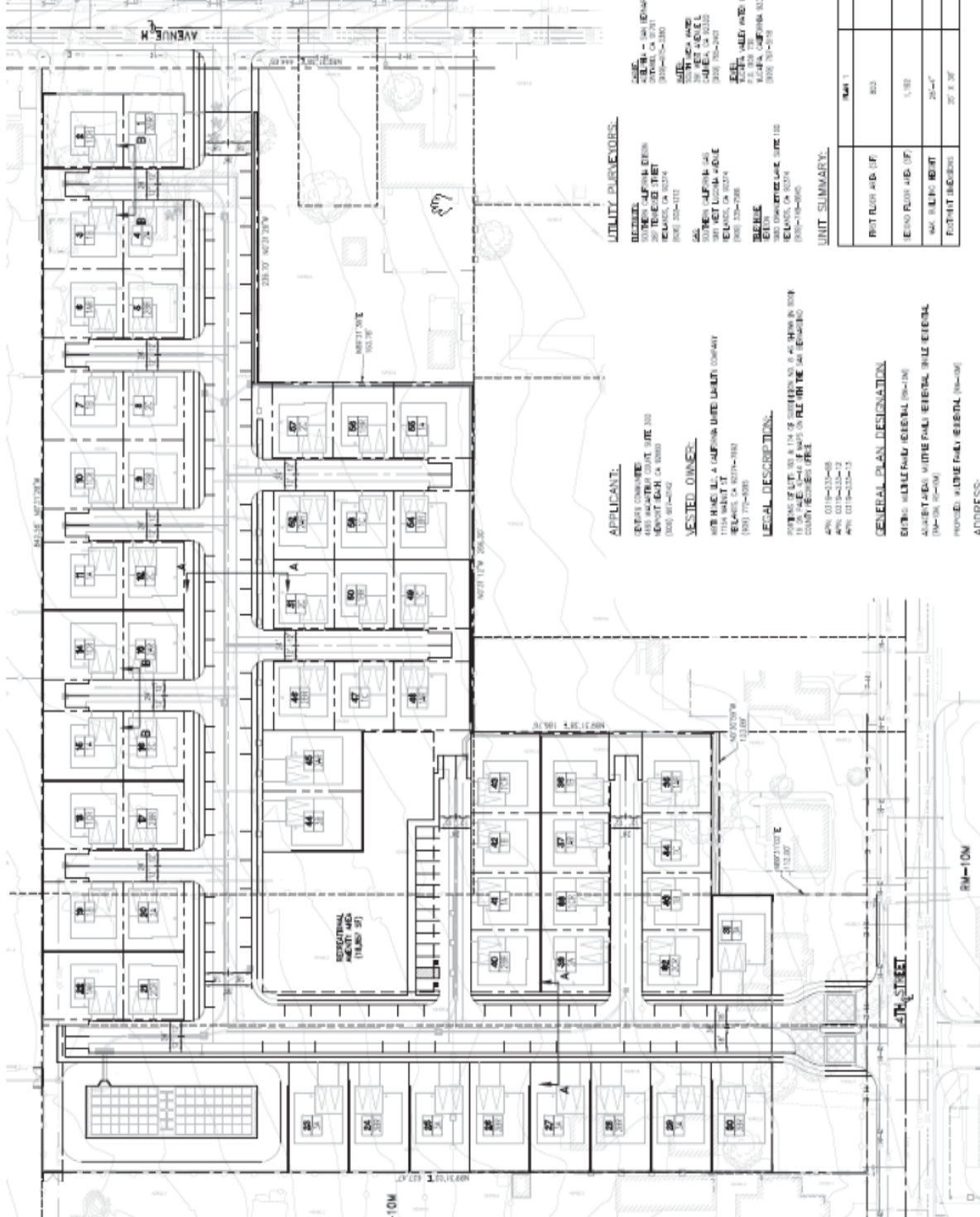
DEVELOPER

Dated: 9/28/2021 By: _____
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Attachments	Page
Exhibit A - Proposed Development Concept	Included
Exhibit B - General Construction Conditions	Included

Yucaipa Valley Water District
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Exhibit A - Proposed Development Concept



UTILITY PROVIDERS:
WATER: CALIFORNIA WATER SERVICE COMPANY - SAN LEANDRO
 400 W. 14TH STREET
 280 TELEGRAPH STREET
 READING, CA 92374
 PHONE: 951-320-3300

SEWER: SAN ANTONIO WATER AND SEWER
 1000 W. 14TH STREET
 CAUCASIA, CA 95022
 PHONE: 708-280-2800

GAS: SOUTHERN CALIFORNIA GAS
 300 WEST LUGAN #200
 READING, CA 92374
 PHONE: 760-750-7500

BEHRE: BEHRE PARTNERS, LLP
 1100 W. 14TH STREET
 READING, CA 92374
 PHONE: 951-320-3300

UNIT SUMMARY:

UNIT #1	803
PAT FLOOR #10 (SF)	1,582
REAR FLOOR #10 (SF)	25'-0"
TOTAL #10 (SF)	25'-0"

APPLICANT:
 DEVER COMPANY
 400 W. 14TH STREET, SUITE 300
 READING, CA 92374
 (951) 951-4200

VESTED OWNER:
 MICHIGAN CALIFORNIA USED LAND COMPANY
 1100 W. 14TH STREET
 READING, CA 92374-3900
 (951) 772-1000

LEGAL DESCRIPTION:
 PORTION OF LOT 103 & 113 OF CORNER NO. 14 & 1000 W. 10TH
 11.8 AC. PARCEL 1-1411 FWAYS ON R/L IN THE NW QUADRANT
 COUNTY RECORDS 1981

APNs: 0119-0335-08
 0119-0335-12
 0119-0335-13

GENERAL PLAN DESIGNATION:
 DM-10 (MEDIUM DENSITY RESIDENTIAL (RM-10))
 MEDIUM DENSITY RESIDENTIAL (RM-10)
 (11,885 SF)

ADDRESS:
 1100 W. 14TH STREET, READING, CA 92374

Exhibit B General Construction Conditions

DESIGN AND CONSTRUCTION

- A. Licensed Professionals. All work, labor and services performed and provided in connection with, for example, the preparation of surveys and descriptions of real property and rights-of-way, the preparation of construction specifications, plans and drawings, and the construction of all Facilities shall be performed by or under the direction of professionals appropriately licensed by the State of California and in good standing.
- B. Plan Acceptance; Facility Acceptance. Upon its final review and approval of the plans and specifications ("Plans"), the District shall sign the construction drawings ("Approved Plans") indicating such approval ("Plan Acceptance"). Plans are subject to an annual review by the District and modifications will be required by the District to conform to revised construction standards and policies as part of the Plan Acceptance. The Developer shall update and resubmit the Plans for final approval by the District.
1. The Developer shall not permit, or suffer to permit, the construction of any Facility without having first obtained Plan Acceptance or completed modifications required by annual updates. In the event the Developer fails or refuses to obtain the District's Plan Acceptance, the District may refuse, in its sole discretion and without liability to the Developer, to issue its Facility Acceptance (as that term is defined below) as to such Facility when completed.
 2. The Developer shall not deviate from any Approved Plans and/or specifications without the District's prior written approval.
- C. Facility Inspection. All construction work shall be inspected on a timely basis by District personnel and/or by District's consultants at the sole cost of the Developer. The Developer acknowledges that the inspector(s) shall have the authority to require that any and all unacceptable materials, workmanship, construction and/or installation not in conformance with either (i) the Approved Plans, or (ii) standard practices, qualities and standards in the industry, as reasonably determined by the District, shall be replaced, repaired or corrected at Developer's sole cost and expense.
1. In the event the Developer's contractor proposes to work overtime and beyond normal business hours, the Developer shall obtain the District's approval at least 24 hours in advance so that inspection services may be appropriately scheduled. The Developer shall be solely responsible for paying all costs and expenses associated with such inspection services.
 2. The District shall promptly upon request of Developer cause the final inspection of a Facility which Developer indicates is completed. If the District finds such Facilities to have been completed in conformance with the Approved Plans for which a Plan Acceptance has been issued, then the District shall issue to Developer its letter ("Facility Acceptance") indicating satisfactory completion of the Facility and District's acceptance thereof. Neither inspection nor issuance of the Facility Acceptance shall constitute a waiver by District of any claims it might have

against Developer for any defects in the work performed, the materials provided, or the Facility constructed arising during the one-year warranty period.

- D. Project Coordination and Designation of Developer's Representative. The Developer shall be solely responsible for coordinating the provision of all work, labor, material, and services associated with the planning, design and construction of the Facilities required for the Project.
1. The Developer shall be solely responsible for compliance with all applicable federal, state, and local safety rules and regulations, and shall conduct periodic safety conferences as required by law and common sense.
 2. Prior to proceeding with any Facility construction, the Developer shall schedule and conduct a preconstruction conference with the District. In the event the Developer fails or refuses to conduct any such conference, the District may refuse, in its sole discretion, to accept the Facilities constructed by the Developer.
 3. The District and the Developer hereby designate the individual identified on page 1 of this Agreement as the person who shall have the authority to represent the District and Developer in matters concerning this Agreement. In order to ensure maximum continuity and coordination, the District and Developer agree not to arbitrarily remove or replace the authorized representative, but in the event of a substitution, the substituting Party shall promptly advise the other Party of such substitution, in writing.
- E. District's Right to Complete Facilities. The District is hereby granted the unqualified right to complete, construct or repair all or any portion of the water and/or sewer Facilities, at Developer's sole cost and expense in the event there is a threat to the public's health, safety or welfare.
- F. Construction of Connections to District Facilities. Unless otherwise agreed to in writing by the District, the District shall furnish all labor, materials, and equipment necessary to construct and install connections between the Developer's Facilities and the District's water, recycled water, and sewer systems. All customary and reasonable costs and expenses associated therewith shall be paid by the Developer.
- G. Compliance with Law and District Regulations. The Developer hereby agrees that all Facilities shall be planned, designed, and constructed in accordance with all applicable laws, and the District's Rules, Regulations and Policies in effect at the time of construction. The Developer shall keep fully informed of and obey all laws, rules, and regulations, and shall indemnify the District against any liability arising from Developer's violation of any such law, rule, or regulation.
- H. Developer's Warranties. The Developer shall unconditionally guaranty, for a period of one year following the District's Facility Acceptance thereof, any and all materials and workmanship, at the Developer's sole cost and expense. The provision of temporary water service through any of the Developer's Facilities, prior to District's acceptance of same, shall not nullify nor diminish the Developer's warranty obligation, nor shall the Developer's warranty obligation be voided if the District determines, in its sole discretion, to make any emergency repairs necessary to protect the public's health, safety or welfare or to ensure

continuity of water or sewer service. The District shall notify Developer of such emergency repairs.

- I. Testing and Disinfection. Upon approval by the District, the Developer, at its sole cost and expense, shall undertake and satisfactorily complete a testing program, including without limitation, compaction, cleaning, video and air testing, and pressurized and disinfection testing (drinking water Facilities), for all Facilities prior to acceptance by the District.
- J. Bond Requirements. The Developer shall provide to the District, in a form satisfactory to the District, the following bonds for infrastructure constructed in public right of way unless waived in writing by the General Manager:
 1. Performance and Warranty Bond. A performance bond issued by a corporate surety or sureties licensed and permitted to do business by and within the State of California in an amount representing not less than one hundred percent (100%) of any and all construction work to be conducted or performed under this Agreement. A warranty bond issued by a corporate surety or sureties licensed and permitted to do business by and within the State of California in an amount representing not less than fifty percent (50%) of the total cost of any and all construction performed hereunder, insuring against any and all defects in the Facilities constructed hereunder, for a period of not less than one full year after the date of acceptance thereof by the District.
 2. Labor and Materials Payment Bond. A labor and materials payment bond issued by a corporate surety or sureties licensed and permitted to do business by and within the State of California in an amount representing not less than one hundred percent (100%) of the total cost of any and all construction performed hereunder per California Civil Code Sections 9550 and following.
 3. Miscellaneous Bond Requirements. All bonds required by this section are subject to the approval as to form and content by the General Manager and District's Legal Counsel. All bonds required by this section shall be provided by a surety that is an "admitted" surety insurer authorized to transact surety insurance in California, with assets exceeding its liabilities in the amount equal to or in excess of the amount of the bonds, and each bond shall not be in excess of ten percent (10%) of the surety insurer's assets. The bond shall be duly executed and shall meet all of the requirements of Section 995.660 of the Code of Civil Procedure.
- K. Title to Facilities and Right-of-Way. Provided that the Developer's Facilities are designed and constructed as required hereunder and the District proposes to issue its Facility Acceptance, the Developer shall, concurrently with the District's Facility Acceptance, convey ownership title to all Facilities (and right-of-way, if applicable) to the District, free and clear of any and all liens and encumbrances except those that are expressly agreed to by the District. The District may require an easement, depending upon the location of the Facility through action by the Board of Directors. Upon conveyance and acceptance of the facilities, the District shall assume the responsibility of operating and maintaining the facilities, subject to the Developer's warranty as provided herein. The Developer acknowledges and agrees that the District shall not be obligated to operate and maintain the Facilities and to provide service to and through them until all applicable conditions

imposed by this Agreement hereunder are satisfied and title to the Facilities has been conveyed and delivered to the District in recordable form.

- L. Risk of Loss. Until such time as acceptance thereof by the District, and until good and marketable title to the easements, rights-of-way and Facilities are conveyed and delivered to the District in recordable form, the Developer shall be solely and completely responsible for any and all losses and/or damage of every kind or nature to the easements, rights-of-way and Facilities. In the event Developer believes the loss and/or damages arose from or are related to acts performed by the District, this provision does not preclude Developer's insurance carrier from seeking indemnity and/or reimbursement from the District.
- M. Conditions Precedent to the Provision of Water and Sewer Service. Unless the District otherwise agrees in writing, the District shall not be obligated to provide any sewer service to the Developer's Property or any part thereof, including model homes, until Facility Acceptance by the District and Developer conveys to the District the right-of-way and Facilities associated with the requested service. Upon acceptance of the right-of-way and appurtenant Facilities, the District shall provide the service requested and assume the responsibility for operating and maintaining the affected Facilities. Service provided by the District shall be in accordance with its Rules, Regulations and Policies and shall be comparable in quality of service to that provided all similarly situated customers.

FEES AND CREDITS

- N. Developer Fees, Charges, Costs and Expenses. The Developer shall be solely responsible for the payment to the District of all fees, charges, costs, and expenses related to this Project.
- O. Developer Cash Account Deposit. The Developer acknowledges and hereby agrees that the District is authorized, from time-to-time, to reimburse itself from the funds on deposit for Project costs incurred.
1. The Developer shall provide the initial deposit to the District, and maintain the minimum balance in the Cash Account for the Project as provided below:
 - a. An initial deposit of \$2,500 and a minimum balance of \$1,000 for a Project that involves the construction of 1 to 2 proposed structures;
 - b. An initial deposit of \$5,000 and a minimum balance of \$2,000 for a Project that involves the construction of 3 to 5 proposed structures;
 - c. An initial deposit of \$10,000 and a minimum balance of \$3,000 for a Project that involves the construction of 6 to 20 proposed structures;
 - d. An initial deposit of \$25,000 and a minimum balance of \$5,000 for all other Projects.
 2. Twenty-five percent (25%) of the initial deposit shall be received by the District within twenty (20) business days following the District's approval of this Agreement

and the remaining seventy five percent (75%) shall be received with the first submittal of grading or water/sewer design drawings.

3. The District shall provide a monthly accounting of how funds were disbursed and the amount of funds remaining.
 4. The Developer agrees to deposit funds with the District within 30 calendar days upon the date an invoice is issued by the District or a Notice of Default will be issued by the District.
 5. The District will not release any structure for occupancy unless the minimum balance is available to the District in the Project Cash Account.
 6. Unexpended funds in the Project Cash Account will only be released upon completion of the Project or termination of this Agreement, then such funds shall be reimbursed to the Developer within 90 days.
- P. Current Fees and Charges. In the event of a change in the District's schedule of fees and charges, such change shall automatically be incorporated into this Agreement as though set forth in full. Unless otherwise agreed to in writing by the District, the Developer shall pay, when due, the then-current amount of the applicable fee or charge.
- Q. District Financial Participation; Credits. The District may agree to participate in certain Facilities for this Project. Any participation or financial contribution to construct the sewer infrastructure associated with this Project is identified in the Special Conditions at the beginning of the Agreement.

PERMITS AND DOCUMENTATION

- R. Permits, Licenses and CEQA Documentation. The Developer shall be solely responsible for securing and paying for all permits and licenses necessary to develop its project. The Developer shall be solely responsible for complying with the California Environmental Quality Act under the auspices of the City and/or County within which the Property is situated. However, upon request, the Developer shall furnish to the District all relevant environmental documentation and information.
1. The Developer, at its sole cost and expense, shall be solely responsible for defending against any and all legal challenges, including but not limited to permits, licenses and CEQA documentation.
- S. Documents Furnished by the Developer. The Developer shall furnish to the District documentation as required by the District specified below, within the time periods specified. Each and every document submittal shall consist of a fully executed original or certified copy (in recordable form, if applicable) and two copies.

Document(s)	Due Date
Certification of Streets to Rough Grade	Prior to Construction
City/County Encroachment Permits and Conditions	Prior to Construction
Field Engineering Surveys ("Cut Sheets")	Prior to Construction
Grant of Easements and Rights-of-Way	Prior to Construction
Labor and Materials Bond	Prior to Construction
Liability Insurance Certificate(s)	Prior to Construction
Performance Bond	Prior to Construction
Soil Compaction Tests	Prior to Acceptance
Warranty Bond	Prior to Acceptance
List of Approved Street Addresses and Assessor Parcel Numbers	Prior to Setting Meter
Notice of High/Low Water Pressure	Prior to Setting Meter
Notice of Water Pumping Facility	Prior to Construction
Mechanic's Lien Releases	Upon Request of District

NOTE: The DEVELOPER hereby acknowledges and agrees that the foregoing list is not intended to be exclusive; therefore, the DISTRICT reserves the right to request, from time-to-time, additional documents, or documentation.

INSURANCE AND INDEMNIFICATION

T. Indemnification and Hold Harmless. The Developer and the District agree that the District should, to the extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, cost, expense, attorneys' fees, litigation costs, defense costs, court costs or any other costs arising out of or in any way related to the performance by Developer of this Agreement. Accordingly, the provisions of this indemnity provision are intended by the Parties to be interpreted and construed to provide the fullest protection possible under the law to the District, except for liability attributable to the District's intentional and/or negligent acts. Developer acknowledges that the District would not enter into this Agreement in the absence of this commitment from the Developer to indemnify and protect the District as set forth here.

Therefore, the Developer shall defend, indemnify and hold harmless the District, its employees, agents and officials, from any liability, claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, actual attorneys' fees incurred by the District, court costs, interest, defense costs including expert witness fees and any other costs or expenses of any kind whatsoever without restriction or limitation incurred in relation to, as a consequence of or arising out of or in any way attributable actually, allegedly or impliedly, in whole or in part in the performance by Developer of this Agreement. All obligations under this provision are to be paid by the Developer as incurred by the District. Notwithstanding the foregoing, the Developer shall have no obligation to defend, indemnify or hold harmless the District, its employees, agents or officials from any liability arising, in whole or in part, from the District's intentional and/or negligent acts.

U. Insurance. The Developer agrees to provide insurance in accordance with the requirements set forth here throughout the term of this Agreement. If the Developer uses existing coverage to comply with these requirements and that coverage does not meet the requirements set forth herein, the Developer agrees to amend, supplement, or endorse

the existing coverage to do so. The following coverages will be provided by the Developer and maintained on behalf of the District and in accordance with the requirements set forth herein.

1. Commercial General Liability Insurance (Primary) shall be provided on ISO-CGL Form No. CG 00 01 10 93. Policy limits shall be no less than \$1,000,000 per occurrence for all coverages and \$2,000,000 general aggregate. The District and its officials, employees and agents shall be added as additional insureds using ISO Form CG 20 10 10 93. Coverage shall apply on a primary non-contributing basis in relation to any other insurance or self-insurance, primary or excess, available to the District or any employee or agent of the District. Coverage shall not be limited to the vicarious liability or supervisory role of any additional insured. Coverage shall contain no contractors' limitation endorsement. There shall be no endorsement or modification limiting the scope of coverage for liability arising from explosion, collapse, or underground property damage.
2. Umbrella Liability Insurance (over Primary) shall apply to bodily injury/property damage, personal injury/advertising injury, including defense cost outside the limits. A minimum and shall include a "drop down" provision providing primary coverage above a maximum \$25,000 self-insured retention for liability not covered by primary policies but covered by the umbrella policy. Coverage shall be following form to any underlying coverage. Coverage shall be provided on a "pay on behalf" basis, with defense costs payable in addition to policy limits. There shall be no cross-liability exclusion and no contractor's limitation endorsement. Policy limits shall be not less than \$1,000,000 per occurrence and \$1,000,000 in the aggregate, above any limits required in the underlying policies. The policy shall have starting and ending dates concurrent with the underlying coverages.
3. Workers' Compensation/Employer's Liability shall provide workers' compensation statutory benefits as required by law. Employer's liability limits shall be no less than \$1,000,000 per accident or disease. Employer's liability coverage shall be scheduled under any umbrella policy described above. Unless otherwise agreed, this policy shall be endorsed to waive any right of subrogation as respects the District, its employees, or agents.
4. The Developer and the District further agree as follows:
 - a. All insurance coverage provided pursuant to this Agreement shall not prohibit the Developer, and the Developer's employees or agents, from waiving the right of subrogation prior to a loss. The Developer waives its right of subrogation against the District.
 - b. Unless otherwise approved by the District in writing, the Developer's insurance shall be written by insurers authorized to do business in the State of California and with a minimum "Best's" Insurance Guide rating of "A:VII". Self-insurance will not be considered to comply with these insurance specifications.
 - c. The Developer agrees to provide evidence of the insurance required herein, satisfactory to the District, consisting of certificate(s) of insurance

evidencing all of the coverages required and an additional insured endorsement to the Developer's general liability and umbrella liability policies. Certificate(s) are to reflect that the insurer will provide 30 days' notice of any cancellation of coverage. The Developer agrees to require its insurer to modify such certificate(s) to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions. The Developer agrees to provide complete certified copies of policies to the District within 10 days of the District's request for such copies.

- d. In the event of any loss that is not insured due to the failure of the Developer to comply with these requirements, the Developer agrees to be responsible for any all losses, claims, suits, damages, defense obligations and liability of any kind attributed to the District, or the District's officials, employees and agents as a result of such failure.
- e. The Developer agrees not to attempt to avoid its defense and indemnity obligations to the District and its employees, agents, and officials by using as defense the Developer's statutory immunity under workers' compensation and similar statutes.

MISCELLANEOUS PROVISIONS

- V. Status of the Parties. This Agreement is not intended to create, and nothing herein contained shall be construed to create, an association, a trust, a joint venture, a partnership or other entity of any kind, or to constitute either party as the agent, employee or partner of the other.
- W. Force Majeure. If either the District or the Developer is delayed, hindered or prevented from performing any term of this Agreement by any cause beyond either party's control including, without limitation, any strike, walkout, prohibitions imposed by law, rules or regulations, riot, war, an act of God or the default of the other party, then such performance may be excused or the time of performance tolled during the period of delay.
- X. Incorporation of Prior Agreements. This Agreement contains all of the agreements of the parties with respect to any matter covered or mentioned in this Agreement, and no prior agreement or understanding pertaining to any such matter shall be effective for any purpose.
- Y. Waiver. No waiver by either Party of any provisions of this Agreement shall be deemed to be a waiver of any other provision hereof or of any subsequent breach by either Party of the same or any other provisions.
- Z. Severance. If any provision of this Agreement is determined to be void by any court of competent jurisdiction then such determination shall not affect any other provision of this Agreement provided that the purpose of this Agreement is not frustrated.
- AA. Disclaimer. Utilizing fees and Facilities provided to the District by the Developer, the District will supply sewer collection and treatment services to the Developer's Property

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and Project, however, the District shall not be obligated to utilize public funds to subsidize the Project.

- BB. Preparation of This Agreement. This Agreement shall not be construed against the Party preparing it but shall be construed as if both Parties prepared it.
- CC. Alternative Dispute Resolution. Any dispute as to the construction, interpretation or implementation of this Agreement, or any rights or obligations hereunder, shall be submitted to mediation. Unless the Parties enter into a written stipulation to the contrary, prior to the filing of any complaint to initiate legal action, all disputes shall first be submitted to non-binding mediation, conducted by the Judicial Arbitration and Mediation Services, Inc./Endispute, or its successor, or any other neutral, impartial mediation service that the Parties mutually agree upon in accordance with its rules for such mediation. Mediation fees shall be shared equally by the DEVELOPER and the DISTRICT.

END OF SECTION



Date: October 5, 2021

Prepared By: Allison M. Edmisten, Chief Financial Officer
Joseph B. Zoba, General Manager

Subject: Consideration of a Resolution Re-Instating Late Fees on Utility Bills

Recommendation: That the Board adopt Resolution No. 2021-48.

On April 21, 2020, the Board of Directors approved Resolution 2020-23 waiving late fees and delinquent charges for water and sewer customers through June 30, 2020 [Director Memorandum 20-056].

On April 28, 2020, Governor Newsom announced a method to begin opening the businesses in the State using available science and data to progress through four distinct stages. On June 23, 2020, the Board of Directors approved Resolution 2020-32 waiving late charges during Stage 1 and Stage 2, but to process and collect late charges during Stage 3, and Stage 4. Therefore, late charges would be applied to customer accounts when both Riverside County and San Bernardino County enter Stage 3, but the late charges would be discontinued if either county returned to Stage 2 [Director Memorandum 20-106]. Since June 2020, late fees have not been assessed to customers because of the fluid change of the Stages and the differences between counties.

On June 15, 2021, Governor Newsom terminated the County tier system. District staff recommends reinstating late fees, but to provide customers with advance notice that late fees will resume effective February 1, 2022. These late fees would be listed on the bill the customer receives in early March for February's consumption.

For any customer with a past due balance, the District will charge a basic penalty of ten percent of the past due amount, plus an additional penalty of one-half of one percent (0.5%) per month on each late billing and its associated basic penalty.

RESOLUTION NO. 2021-48

**A RESOLUTION OF THE YUCAIPA VALLEY WATER DISTRICT
RE-INSTATING LATE FEES FOR UTILITY BILLS**

WHEREAS, the Yucaipa Valley Water District (the "District") is a public agency of the State of California organized and existing pursuant to the provisions of the County Water District Law of this State (Section 30000, et seq. of the Water Code); and

WHEREAS, any actions that the Yucaipa Valley Water District may take to ensure the continuation of critical services to protect the safety of customers and to provide for immunities that will protect the Yucaipa Valley Water District for actions taken, as covered under the California Emergency Services Act; and

WHEREAS, Yucaipa Valley Water District previously issued Resolution 2020-32 waiving late charges during Stages 1 and 2 of California's distinct four stage system; and

WHEREAS, nothing in the Governor's Executive Order N-42-20 issued on April 2, 2020 limited the obligation of customers to continue payments for services or the ability of service providers to continue charging customers for the services provided. No waiver of late fees or collection practices has been implemented with the signing of the Executive Order. Accordingly, so long as service providers adhere to the restrictions on service shut-offs, they may continue their standard practices in such areas; and

WHEREAS, Governor Newsom eliminated the County Tier System effective June 15, 2021.

BE IT RESOLVED AND ORDERED that the Board of Directors of the Yucaipa Valley Water District hereby reinstates the late fees and delinquent charges for District customers effective February 1, 2022.

FURTHERMORE, the District staff will charge a basic penalty of ten percent of the past due amount, plus an additional penalty of one-half of one percent (0.5%) per month on each late billing and its associated basic penalty.

PASSED, APPROVED and ADOPTED this 5th day of October 2021.

YUCAIPA VALLEY WATER DISTRICT

Chris Mann, President Board of Directors

ATTEST:

Joseph B. Zoba, General Manager

Board Reports and Comments



Yucaipa Valley Water District



FACTS ABOUT THE YUCAIPA VALLEY WATER DISTRICT

Service Area Size: 40 square miles (sphere of influence is 68 square miles)

Elevation Change: 3,140 foot elevation change (from 2,044 to 5,184 feet)

Number of Employees: 5 elected board members
72 full time employees

FY 2021-22 Operating Budget: Water Division - \$17,274,066
Sewer Division - \$13,136,249
Recycled Water Division - \$1,357,175

Number of Services: 14,440 drinking water connections serving 19,355 units
14,363 sewer connections serving 21,429 units
695 recycled water connections serving 845 units

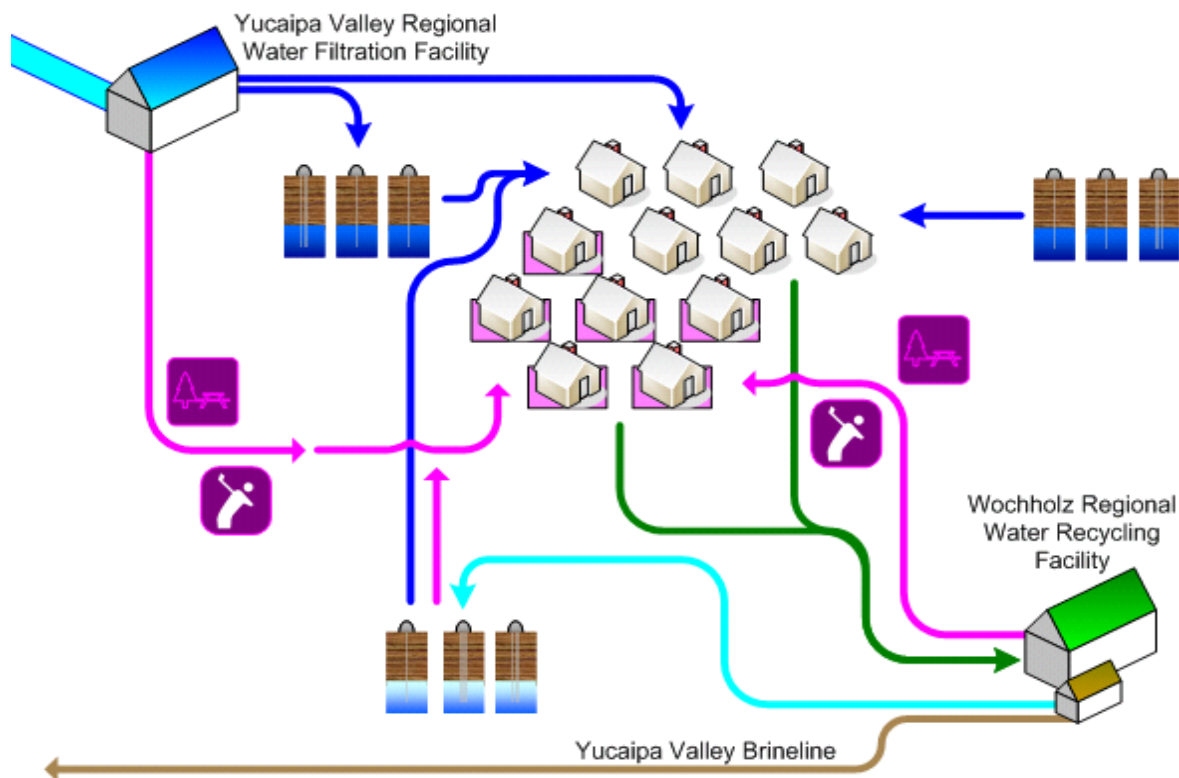
Water System: 236 miles of drinking water pipelines
2,134 fire hydrants
27 reservoirs - 34 million gallons of storage capacity
18 pressure zones
3.376 billion gallon annual drinking water demand
Two water filtration facilities:
- 1 mgd at Oak Glen Surface Water Filtration Facility
- 12 mgd at Yucaipa Valley Regional Water Filtration Facility

Sewer System: 8.0 million gallon treatment capacity - current flow at 4.0 mgd
223 miles of sewer mainlines
4,643 sewer manholes
7 sewer lift stations
1.46 billion gallons of recycled water produced per year

Recycled Water: 32 miles of recycled water pipelines
5 reservoirs - 12 million gallons of storage
0.623 billion gallon annual recycled water demand

Brine Disposal: 2.2 million gallon desalination facility at sewer treatment plant
1.756 million gallons of Inland Empire Brine Line capacity
0.595 million gallons of treatment capacity in Orange County

Sustainability Plan: A Strategic Plan for a Sustainable Future: The Integration and Preservation of Resources, adopted on August 20, 2008.



Typical Rates, Fees and Charges:

- Drinking Water Commodity Charge:

1,000 gallons to 15,000 gallons	\$1.626 per each 1,000 gallons
16,000 gallons to 60,000 gallons	\$2.419 per each 1,000 gallons
61,000 gallons to 100,000 gallons	\$2.508 per each 1,000 gallons
101,000 gallons or more	\$2.708 per each 1,000 gallons

- Recycled Water Commodity Charge:

1,000 gallons or more	\$1.795 per each 1,000 gallons
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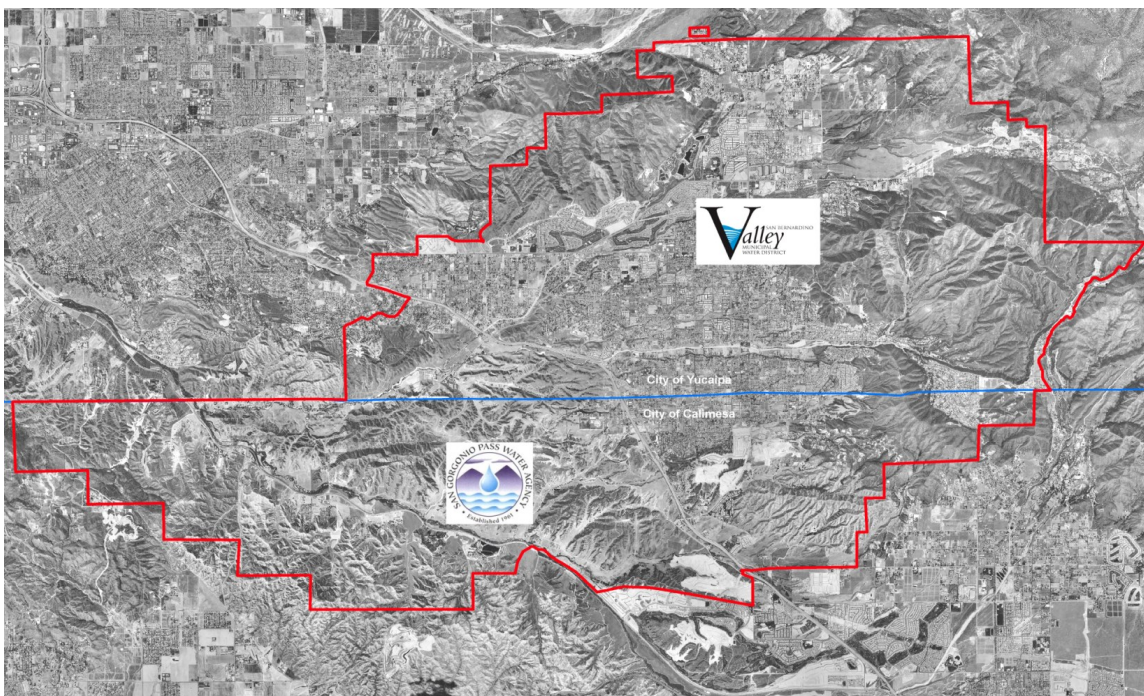
- Water Meter Service Charge (Drinking Water or Recycled Water):

5/8" x 3/4" Water Meter	\$16.50 per month
1" Water Meter	\$27.56 per month
1-1/2" Water Meter	\$54.95 per month

- Sewer Collection and Treatment Charge:

Typical Residential Charge	\$44.52 per month
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State Water Contractors: San Bernardino Valley Municipal Water District
San Gorgonio Pass Water Agency



	San Bernardino Valley Municipal Water District	San Gorgonio Pass Water Agency
Service Area Size	353 square miles	222 square miles
Table "A" Water Entitlement	102,600 acre feet	17,300 acre feet
Imported Water Rate	\$125.80 / acre foot	\$399 / acre foot
Tax Rates for FY 2020-21	\$0.1300 per \$100	\$0.1750 per \$100
Number of Board Members	Five (5)	Seven (7)
Operating Budget FY 2021-22	\$52,506,150	\$14,019,000

Imported Water Charges (Pass-through State Water Project Charge)

- San Bernardino Valley Municipal Water District - Customers in San Bernardino County or City of Yucaipa pay a pass-through amount of \$0.270 per 1,000 gallons.
- San Gorgonio Pass Water Agency - Customers in Riverside County or City of Calimesa pay a pass-through amount of \$0.660 per 1,000 gallons. A rate change of up to \$0.857 per 1,000 gallons is pending future consideration by YVWD.





GLOSSARY OF COMMONLY USED TERMS

Every profession has specialized terms which generally evolve to facilitate communication between individuals. The routine use of these terms tends to exclude those who are unfamiliar with the particular specialized language of the group. Sometimes jargon can create communication cause difficulties where professionals in related fields use different terms for the same phenomena.

Below are commonly used water terms and abbreviations with commonly used definitions. If there is any discrepancy in definitions, the District's Regulations Governing Water Service is the final and binding definition.

Acre Foot of Water - The volume of water (325,850 gallons, or 43,560 cubic feet) that would cover an area of one acre to a depth of 1 foot.

Activated-Sludge Process - A secondary biological wastewater treatment process where bacteria reproduce at a high rate with the introduction of excess air or oxygen and consume dissolved nutrients in the wastewater.

Annual Water Quality Report - The document is prepared annually and provides information on water quality, constituents in the water, compliance with drinking water standards and educational material on tap water. It is also referred to as a Consumer Confidence Report (CCR).

Aquifer - The natural underground area with layers of porous, water-bearing materials (sand, gravel) capable of yielding a supply of water; see Groundwater basin.

Backflow - The reversal of water's normal direction of flow. When water passes through a water meter into a home or business it should not reverse flow back into the water mainline.

Best Management Practices (BMPs) - Methods or techniques found to be the most effective and practical means in achieving an objective. Often used in the context of water conservation.

Biochemical Oxygen Demand (BOD) - The amount of oxygen used when organic matter undergoes decomposition by microorganisms. Testing for BOD is done to assess the amount of organic matter in water.

Biosolids - Biosolids are nutrient rich organic and highly treated solid materials produced by the wastewater treatment process. This high-quality product can be recycled as a soil amendment on farmland or further processed as an earth-like product for commercial and home gardens to improve and maintain fertile soil and stimulate plant growth.

Capital Improvement Program (CIP) - Projects for repair, rehabilitation, and replacement of assets. Also includes treatment improvements, additional capacity, and projects for the support facilities.

Certificate of Participation (COP) – A type of financing where an investor purchases a share of the lease revenues of a program rather than the bond being secured by those revenues.

Coliform Bacteria - A group of bacteria found in the intestines of humans and other animals, but also occasionally found elsewhere used as indicators of sewage pollution. E. coli are the most common bacteria in wastewater.

Collections System - In wastewater, it is the system of typically underground pipes that receive and convey sanitary wastewater or storm water.

Conjunctive Use - The coordinated management of surface water and groundwater supplies to maximize the yield of the overall water resource. Active conjunctive use uses artificial recharge, where surface water is intentionally percolated or injected into aquifers for later use. Passive conjunctive use is to simply rely on surface water in wet years and use groundwater in dry years.

Consumer Confidence Report (CCR) - see Annual Water Quality Report.

Contaminants of Potential Concern (CPC) - Pharmaceuticals, hormones, and other organic wastewater contaminants.

Cross-Connection - The actual or potential connection between a potable water supply and a non-potable source, where it is possible for a contaminant to enter the drinking water supply.

Disinfection by-Products (DBPs) - The category of compounds formed when disinfectants in water systems react with natural organic matter present in the source water supplies. Different disinfectants produce different types or amounts of disinfection byproducts. Disinfection byproducts for which regulations have been established have been identified in drinking water, including trihalomethanes, haloacetic acids, bromate, and chlorite

Drought - a period of below average rainfall causing water supply shortages.

Fire Flow - The ability to have a sufficient quantity of water available to the distribution system to be delivered through fire hydrants or private fire sprinkler systems.

Gallons per Capita per Day (GPCD) - A measurement of the average number of gallons of water use by the number of people served each day in a water system. The calculation is made by dividing the total gallons of water used each day by the total number of people using the water system.

Groundwater Basin - An underground body of water or aquifer defined by physical boundaries.

Groundwater Recharge - The process of placing water in an aquifer. Can be a naturally occurring process or artificially enhanced.

Hard Water - Water having a high concentration of minerals, typically calcium and magnesium ions.

Hydrologic Cycle - The process of evaporation of water into the air and its return to earth in the form of precipitation (rain or snow). This process also includes transpiration from plants, percolation into the ground, groundwater movement, and runoff into rivers, streams, and the ocean; see Water cycle.

Levels of Service (LOS) - Goals to support environmental and public expectations for performance.

Mains, Distribution - A network of pipelines that delivers water (drinking water or recycled water) from transmission mains to residential and commercial properties, usually pipe diameters of 4" to 16".

Mains, Transmission - A system of pipelines that deliver water (drinking water or recycled water) from a source of supply the distribution mains, usually pipe diameters of greater than 16".

Meter - A device capable of measuring, in either gallons or cubic feet, a quantity of water delivered by the District to a service connection.

Overdraft - The pumping of water from a groundwater basin or aquifer in excess of the supply flowing into the basin. This pumping results in a depletion of the groundwater in the basin which has a net effect of lowering the levels of water in the aquifer.

Pipeline - Connected piping that carries water, oil, or other liquids. See Mains, Distribution and Mains, Transmission.

Point of Responsibility, Metered Service - The connection point at the outlet side of a water meter where a landowner's responsibility for all conditions, maintenance, repairs, use and replacement of water service facilities begins, and the District's responsibility ends.

Potable Water - Water that is used for human consumption and regulated by the California Department of Public Health.

Pressure Reducing Valve - A device used to reduce the pressure in a domestic water system when the water pressure exceeds desirable levels.

Pump Station - A drinking water or recycled water facility where pumps are used to push water up to a higher elevation or different location.

Reservoir - A water storage facility where water is stored to be used at a later time for peak demands or emergencies such as fire suppression. Drinking water and recycled water systems will typically use concrete or

steel reservoirs. The State Water Project system considers lakes, such as Shasta Lake and Folsom Lake to be water storage reservoirs.

Runoff - Water that travels downward over the earth's surface due to the force of gravity. It includes water running in streams as well as over land.

Santa Ana River Interceptor (SARI) Line - A regional brine line designed to convey 30 million gallons per day (MGD) of non-reclaimable wastewater from the upper Santa Ana River basin to Orange County Sanitation District for treatment, use and/or disposal.

Secondary treatment - Biological wastewater treatment, particularly the activated-sludge process, where bacteria and other microorganisms consume dissolved nutrients in wastewater.

Service Connection - The water piping system connecting a customer's system with a District water main beginning at the outlet side of the point of responsibility, including all plumbing and equipment located on a parcel required for the District's provision of water service to that parcel.

Sludge - Untreated solid material created by the treatment of wastewater.

Smart Irrigation Controller - A device that automatically adjusts the time and frequency which water is applied to landscaping based on real-time weather such as rainfall, wind, temperature, and humidity.

South Coast Air Quality Management District (SCAQMD) - Regional regulatory agency that develops plans and regulations designed to achieve public health standards by reducing emissions from business and industry.

Special district - A form of local government created by a local community to meet a specific need. Yucaipa Valley Water District is a County Water District formed pursuant to Section 30000 of the California Water Code

Supervisory Control and Data Acquisition (SCADA) - A computerized system which provides the ability to remotely monitor and control water system facilities such as reservoirs, pumps, and other elements of water delivery.

Surface Water - Water found in lakes, streams, rivers, oceans, or reservoirs behind dams. In addition to using groundwater, Yucaipa Valley Water District receives surface water from the Oak Glen area.

Sustainable Groundwater Management Act (SGMA) - Pursuant to legislation signed by Governor Jerry Brown in 2014, the Sustainable Groundwater Management Act requires water agencies to manage groundwater extractions to not cause undesirable results from over production.

Transpiration - The process by which water vapor is released into the atmosphere by living plants.

Trickling filter - A biological secondary treatment process in which bacteria and other microorganisms, growing as slime on the surface of rocks or plastic media, consume nutrients in wastewater as it trickles over them.

Underground Service Alert (USA) - A free service (<https://www.digalert.org>) that notifies utilities such as water, telephone, cable and sewer companies of pending excavations within the area (dial 8-1-1 at least 2 working days before you dig).

Urban runoff - Water from city streets and domestic properties that carry pollutants into the storm drains, rivers, lakes, and oceans.

Valve - A device that regulates, directs, or controls the flow of water by opening, closing, or partially obstructing various passageways.

Wastewater - Any water that enters the sanitary sewer.

Water Banking - The practice of actively storing or exchanging in-lieu surface water supplies in available groundwater basin storage space for later extraction and use by the storing party or for sale or exchange to a third party. Water may be banked as an independent operation or as part of a conjunctive use program.

Water Cycle - The continuous movement water from the earth's surface to the atmosphere and back again.

Water Pressure - Water pressure is created by the weight and elevation of water and/or generated by pumps that deliver water to customers.

Water Service Line - A water service line is used to deliver water from the Yucaipa Valley Water District's mainline distribution system.

Water table - the upper surface of the zone of saturation of groundwater in an unconfined aquifer.

Water transfer - a transaction, in which a holder of a water right or entitlement voluntarily sells/exchanges to a willing buyer the right to use all or a portion of the water under that water right or entitlement.

Watershed - A watershed is the region or land area that contributes to the drainage or catchment area above a specific point on a stream or river.

Water-Wise House Call - a service which provides a custom evaluation of a customer's indoor and outdoor water use and landscape watering requirements.

Well - a hole drilled into the ground to tap an underground aquifer.

Wetlands - lands which are fully saturated or under water at least part of the year, like seasonal vernal pools or swamps.

WIFIA - Water Infrastructure Finance and Innovation Act. The WIFIA program administered by the Environmental Protection Agency accelerates investment in our nation's water infrastructure by providing long-term, low-cost supplemental loans for regionally and nationally significant projects.





COMMONLY USED ABBREVIATIONS

AQMD	Air Quality Management District
BOD	Biochemical Oxygen Demand
CARB	California Air Resources Board
CCTV	Closed Circuit Television
CWA	Clean Water Act
EIR	Environmental Impact Report
EPA	U.S. Environmental Protection Agency
FOG	Fats, Oils, and Grease
GPD	Gallons per day
MGD	Million gallons per day
O & M	Operations and Maintenance
OSHA	Occupational Safety and Health Administration
POTW	Publicly Owned Treatment Works
PPM	Parts per million
RWQCB	Regional Water Quality Control Board
SARI	Santa Ana River Inceptor
SAWPA	Santa Ana Watershed Project Authority
SBVMWD	San Bernardino Valley Municipal Water District
SCADA	Supervisory Control and Data Acquisition system
SGMA	Sustainable Groundwater Management Act
SSMP	Sanitary Sewer Management Plan
SSO	Sanitary Sewer Overflow
SWRCB	State Water Resources Control Board
TDS	Total Dissolved Solids
TMDL	Total Maximum Daily Load
TSS	Total Suspended Solids
WDR	Waste Discharge Requirements
WIFIA	Water Infrastructure Finance and Innovation Act
YVWD	Yucaipa Valley Water District