

LAS VIRGENES TRIUNFO JOINT POWERS AUTHORITY
Las Virgenes Municipal Water District Board Room, 4232 Las Virgenes Road,
Calabasas, CA 91302

AGENDA
JOINT POWERS AUTHORITY - REGULAR MEETING
MONDAY, FEBRUARY 6, 2023 – 5:00 PM

Public Participation for Meetings of Las Virgenes - Triunfo Joint Powers Authority in Response to COVID-19

Pursuant to AB-361 (Government Code Section 54953(e)), the Las Virgenes - Triunfo Joint Powers Authority Board of Directors finds health concerns dictate offer the public and directors the opportunity to attend board meetings via teleconferencing.

PUBLIC PARTICIPATION: Pursuant to AB-361 and given the current health concerns, this meeting is being conducted via Zoom Webinar and all attendees are muted by default. To join via computer, please use the following Webinar ID:

Webinar ID: <https://us06web.zoom.us/j/83242850370>

To join by telephone, please dial (669) 900-6833 or (346) 248-7799 and enter Webinar ID: 832 4285 0370

For members of the public wishing to address the Board during Public Comment or during a specific agenda item, please press "Raise Hand" if you are joining via computer, or press *9 if you are joining via phone.

Members of the public can also access and request to speak at meetings live on-line, with audio and limited video, at www.lvmwd.com/livestream. To ensure distribution of the agenda, please submit comments 24 hours prior to the day of the meeting. Those comments, as well as any comments received during the meeting, will be distributed to the members of the Board of Directors and will be made part of the official public record of the meeting. Contact Josie Guzman, Executive Assistance/Clerk of the Board, at (818) 251-2123 or jguzman@lvmwd.com with any questions.

ACCESSIBILITY: If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in the implementation thereof. Any person who requires a disability-related modification, accommodation, aid, or service by contacting the Executive Assistant/Clerk of the Board by telephone at (818) 251-2123 or via email to jguzman@lvmwd.com no later than 9:00 AM on the day before the scheduled meeting.

Members of the public wishing to address the Board of Directors are advised that a statement of Public Comment Protocols is available from the Clerk of the Board. Prior to speaking, each speaker is asked to review these protocols, complete a speakers'

card, and hand it to the Clerk of the Board. Speakers will be recognized in the order the cards are received. A live webcast of the meeting will be available at LVMWD.com. Also, a web-based version of the speaker card is available for those who would like to submit written comments electronically or request to make public comment by telephone during the meeting.

PLEDGE OF ALLEGIANCE

1. **CALL TO ORDER AND ROLL CALL**
2. **APPROVAL OF AGENDA AND APPROVAL OF FINDINGS OF RESOLUTION NO. 24 (AB 361)**
3. **PUBLIC COMMENTS**

*Members of the public may now address the Board of Directors **ON MATTERS NOT APPEARING ON THE AGENDA**, but within the jurisdiction of the Board. No action shall be taken on any matter not appearing on the agenda unless authorized by Subdivision (b) of Government Code Section 54954.2*

4. **CONSENT CALENDAR**

Matters listed under the Consent Calendar are considered to be routine, non-controversial and normally approved with one motion. If discussion is requested by a member of the Board on any Consent Calendar item, or if a member of the public wishes to comment on an item, that item will be removed from the Consent Calendar for separate action.

- 4.A **Minutes: Special Meeting of January 9, 2023** (Pg. 5)
Approve.

- 4.B **Statement of Revenues, Expenses and Changes in Net Position: December 2022** (Pg. 11)
Receive and file the Statement of Revenues, Expenses and Changes in Net Position for the period ending on December 31, 2022.

5. **ILLUSTRATIVE AND/OR VERBAL PRESENTATION OF AGENDA ITEMS**

- 5.A **State and Federal Legislative Update** (Pg. 14)

- 5.B **Pure Water Project Las Virgenes-Triunfo: Update** (Pg. 30)

6. **ACTION ITEMS**

- 6.A **Malibou Lake Siphon Repair Project: Scope Change No. 2** (Pg. 34)
Authorize the Administering Agent/General Manager to approve Scope Change No. 2 to HDR, Inc., in the amount of \$30,800, to acquire permanent and temporary construction easements for the Malibou Lake Siphon Repair Project.

- 6.B **Clean Water and Drinking Water State Revolving Fund Applications for Pure Water Project Las Virgenes-Triunfo: Adoption of Resolutions** (Pg. 50)

Pass, approve, and adopt proposed Resolution No. 26, authorizing a low-interest loan application for funding from the Clean Water State Revolving Fund; Resolution No. 27, authorizing loan reimbursement to the Clean Water State Revolving Fund; Resolution No. 28, authorizing a low-interest loan application for funding from the Drinking Water State Revolving Fund; Resolution No. 29, authorizing loan reimbursement to the Drinking Water State Revolving Fund; and Resolution No. 30, authorizing a grant application for funding from the State Water Resources Control Board Water Recycling Funding Program, all of which are for the Pure Water Project Las Virgenes-Triunfo.

RESOLUTION NO. 26

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING APPLICATION FOR FUNDING FROM THE CLEAN WATER STATE REVOLVING FUND

(Reference is hereby made to Resolution No. 26 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

RESOLUTION NO. 27

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING REIMBURSEMENT TO THE CLEAN WATER STATE REVOLVING FUND

(Reference is hereby made to Resolution No. 27 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

RESOLUTION NO. 28

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING APPLICATION FOR FUNDING FROM THE DRINKING WATER STATE REVOLVING FUND

(Reference is hereby made to Resolution No. 28 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

RESOLUTION NO. 29

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING REIMBURSEMENT TO THE DRINKING WATER STATE REVOLVING FUND

(Reference is hereby made to Resolution No. 29 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

RESOLUTION NO. 30

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING APPLICATION FOR FUNDING

FROM THE STATE WATER RESOURCES CONTROL BOARD WATER RECYCLING FUNDING PROGRAM

(Reference is hereby made to Resolution No. 30 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

7. **BOARD COMMENTS**
8. **ADMINISTERING AGENT/GENERAL MANAGER REPORT**
9. **FUTURE AGENDA ITEMS**
10. **PUBLIC COMMENTS**

*Members of the public may now address the Board of Directors **ON MATTERS NOT APPEARING ON THE AGENDA**, but within the jurisdiction of the Board. No action shall be taken on any matter not appearing on the agenda unless authorized by Subdivision (b) of Government Code Section 54954.2*

11. **ADJOURNMENT**

Pursuant to Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and applicable federal rules and regulations, requests for a disability-related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting, should be made to the Executive Assistant/Clerk of the Board in advance of the meeting to ensure availability of the requested service or accommodation. Notices, agendas, and public documents related to the Board meetings can be made available in appropriate alternative format upon request.

**LAS VIRGENES – TRIUNFO
JOINT POWERS AUTHORITY
MINUTES
SPECIAL MEETING**

5:00 PM

January 9, 2023

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Gary Burns.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **5:00 p.m.** by Acting Chair Jane Nye in the Board Room at Las Virgenes Municipal Water District headquarters at 4232 Las Virgenes Road, Calabasas, CA 91302. The meeting was conducted via teleconference pursuant to the provisions of Assembly Bill 361, which suspended certain requirements of the Ralph M. Brown Act to support social distancing guidelines associated with response to the coronavirus (COVID-19) outbreak. Susan Brown, Administrative Assistant, conducted the roll call.

Present: Directors Burns, Caspary, Coradeschi, Nye, Polan, Shapiro (connected to the teleconference at 6:37 p.m.), Tjulander (via teleconference), and Wall

Absent: Directors Lewitt and Orkney

2. CHAIR/VICE CHAIR

A. Annual Transition of JPA Chair and Vice Chair

Recognize the Triunfo Water & Sanitation District Chair as Chair of the Las Virgenes-Triunfo Joint Powers Authority and Las Virgenes Municipal Water District Board President as Vice Chair of the Las Virgenes-Triunfo Joint Powers Authority for calendar year 2023.

The JPA Board transitioned its officers with Triunfo Water & Sanitation District Chair Jane Nye as Chair and Las Virgenes Municipal Water District Board President Jay Lewitt as Vice Chair, until such time as the Las Virgenes Municipal Water District Board of Directors has selected its Board President, for calendar year 2023.

3. APPROVAL OF AGENDA AND APPROVAL OF FINDINGS OF RESOLUTION NO. 24 (AB 361)

Director Caspary moved to approve the agenda and approve the findings of Resolution No. 24 (AB 361). Motion seconded by Director Wall. Motion carried by the following vote:

AYES: Burns, Caspary, Coradeschi, Nye, Polan, Tjulander, Wall
NOES: None
ABSTAIN: None
ABSENT: Lewitt, Orkney, Shapiro

4. PUBLIC COMMENTS

None.

5. CONSENT CALENDAR

A Minutes: Special Meeting of December 13, 2022: Approve

Director Coradeschi moved to approve the Consent Calendar. Motion seconded by Director Polan. Motion carried by the following vote:

AYES: Burns, Caspary, Coradeschi, Nye, Polan, Tjulander, Wall
NOES: None
ABSTAIN: None
ABSENT: Lewitt, Orkney, Shapiro

6. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A State and Federal Legislative Update

Syrus Devers, state lobbyist for the JPA with Best Best & Krieger LLP (BBK), reported that Senator Henry Stern would no longer serve as the Chair of the Senate Committee on Natural Resources and Water, and Water Policy Consultant Dennis O'Connor retired and would no longer serve on the Committee. He stated that David Min was appointed as Chair of this Committee. He noted that Senator Rebecca Bauer-Kahan would continue to serve on the Assembly Committee on Water, Parks, and Wildlife, and five vacancies would need to be filled on this Committee. He also reported that Senator Melissa Hurtado had claimed victory following the recount of 30 percent of the Senate Districts for her Senate seat; however, there would still be an option to recount all Senate Districts. He also reported that Governor Gavin Newsom's had delivered his inaugural address.

Ana Schwab, federal lobbyist for the JPA with BBK, reported that the 118th Congress had begun its new session. She discussed challenges the JPA might

face with there being a slight Republican majority in the House of Representatives. She noted that the House of Representatives adopted its House Rules, and it appeared that committees would soon be structured. She also noted that Senator Patty Murray was appointed as Senate President Pro Tempore.

Lowry Crook, federal lobbyist for the JPA with BBK, reported that Congress passed the annual appropriations bill, National Defense Authorization Act, and the Biennial Water Resources Development Act, which authorizes Army Corps of Engineers' water projects. He also reported that the Farm Bill was scheduled to be reauthorized.

Ms. Schwab noted that one of the concessions made regarding Fiscal Year 2024 appropriations was that there would be no new spending, and it appeared that spending limits would be kept at Fiscal Year 2023 limits. She also noted that there were provisions in the Water Resources Development Act and the National Defense Authorization Act regarding the requirement for reporting municipal bonds. She stated that BBK was working with trade association groups to ensure that municipal bond measures would be protected and do not include onerous requirements from a separate agency. She also stated that BBK would monitor to ensure that wildfire issues would be highlighted in the Farm Bill. She noted that legislative bills included in the bill matrix would not carry through with the 118th Congress, and BBK would be providing a newly formatted legislative matrix. She responded to a question regarding whether the flood wall at the Tapia Water Reclamation Facility might be eligible for a portion of the Federal Emergency Manager Agency's (FEMA) \$800 million funding for flood mitigation assistance by stating that she would follow-up.

B Pure Water Project Las Virgenes-Triunfo: Update

Joe McDermott, Director of Engineering and External Affairs, presented the report. He responded to a question regarding the estimated date to submit the Water Infrastructure and Innovation Act (WIFIA) program loan application by stating that the application would be due by December 2023.

A discussion ensued regarding WIFIA and State Revolving Fund (SFR) financing, and the application for MWD's Local Resources Program (LRP) financing.

7. ACTION ITEMS

A Climate Action and Adaptation Plan: Award

Accept the proposal from Rincon Consultants, Inc., and authorize the Administering Agent/General Manager to execute a professional services agreement, in the amount of \$125,645, for development of a Climate Action and Adaptation Plan.

Joe McDermott, Director of Engineering and External Affairs, presented the report.

Director Caspary stepped out of the Board Room at 5:35 p.m. and returned at 5:37 p.m.

Director Polan moved to approve Item 7A. Motion seconded by Director Tjulander.

Mr. McDermott responded to question regarding Rincon Consultant's proposal, and the use of the final report to compete for funding and grant opportunities.

Motion carried by the following vote:

AYES: Burns, Caspary, Coradeschi, Nye, Polan, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Lewitt, Orkney, Shapiro

8. BOARD COMMENTS

None.

9. ADMINISTERING AGENT/GENERAL MANAGER REPORT

Administering Agent/General Manager David Pedersen reported that there were no damages to facilities from the recent rainstorm. He noted that rain at the Tapia Water Reclamation Facility (Tapia) measured 9.3 inches in December and 5 inches to date in January, and the flow in Malibu Creek measured 6,353 cubic feet per second (CFS) as of January 5th. He also reported that peak flow at Tapia measured from 6.5 million gallons per day (MGD) to 9.7 MGD. He also noted that Legal Counsel would be holding an ethics and sexual harassment prevention training, and the Board would be invited to participate.

10. FUTURE AGENDA ITEMS

None.

11. INFORMATION ITEMS

A Update on Brown Act Requirements for Remote Attendance at Public Meetings

A discussion ensued regarding asking the Association of California Water Agencies (ACWA) whether they might revisit advocating changes to the Brown Act as the applicability of AB 2449 was very narrow and complicated.

12. PUBLIC COMMENTS

None.

13. CLOSED SESSION

A. Conference with Legal Counsel – Potential Litigation (Government Code Section 54956.9): One matter

The Board recessed to Closed Session at **5:59 p.m.**

Director Shapiro connected to the teleconference at 6:37 p.m.

Director Tjulander departed from the meeting at 6:40 p.m.

The Board reconvened to Open Session at **6:43 p.m.**

Wayne Lemieux, Authority Counsel, announced that the Board received a report in Closed Session, and provided direction to staff.

14. ADJOURNMENT

Administering Agent/General Manager David Pedersen introduced newly hired Legislative Program Manager Jeremy Wolf. He noted that Mr. Wolf previously worked for Senator Henry Stern's office, and he was recently elected as City Councilmember for the City of Agoura Hills.

Mr. Wolf stated that he was excited to work for the JPA and promote the JPA's efforts in Sacramento and Washington D.C.

The Board welcomed Mr. Wolf.

Seeing no further business to come before the Board, the meeting was duly adjourned at **6:45 p.m.**

Jane Nye, Chair

ATTEST:

Jay Lewitt, Vice Chair

DATE: February 6, 2023
TO: JPA Board of Directors
FROM: Finance and Administration

SUBJECT: Statement of Revenues, Expenses and Changes in Net Position: December 2022

SUMMARY:

To ensure effective utilization of the public's assets and money, a monthly Statement of Revenues, Expenses and Changes in Net Position (Statement) is provided to the Board for review. The report is a high-level overview that summarizes the JPA's financial status through the end of the referenced month. The report is formatted to mirror the presentation in the JPA's Annual Financial Statements and consists of an operating financial section, non-operating financial section and year-to-date changes in net position. The report is unaudited and preliminary due to the timing of its preparation versus month-end closing for the reported month.

RECOMMENDATION(S):

Receive and file the Statement of Revenues, Expenses and Changes in Net Position for the period ending on December 31, 2022.

FINANCIAL IMPACT:

There is no financial impact associated with the report.

DISCUSSION:

JPA operating revenues year-to-date through December 31, 2022, of Fiscal Year 2022-23 were \$2.3 million, an increase of \$0.9 million compared to prior year revenues. The increase in revenues year-over-year was due mainly from a one-time insurance claim payment of \$581,000 received by the JPA in August 2022. The payment reimbursed the JPA for building damage repair costs at the Rancho Las Virgenes Composting Facility that resulted from the Woolsey Fire in 2018.

Wholesale recycled water sales of \$1.7 million were favorable as compared to prior year sales by \$0.3 million, or 26.6%, through December 31, 2022. The increase in revenues was in-line with expectations as wholesale recycled water rates were budgeted to increase by 25% from \$456.63 per acre-foot in Fiscal Year 2021-22 to \$570.32 per acre-foot in Fiscal Year 2022-23.

JPA operating expenses year-to-date through December 31, 2022, were \$11.5 million, which

were \$1.7 million (or 17.3%) above prior year's operating expenses of \$9.8 million. Current year expenses through December comprised 50.8% of the \$22.7 million annual operating budget, in-line with expectations for the first half of the fiscal year.

Increases in operating expenses versus the prior year were primarily due to higher general and administrative (G&A) costs, which were up \$0.9 million year-to-date through December 31, 2022. G&A costs of \$6.0 million equate to 49.0% of the \$12.3 million budgeted for Fiscal Year 2022-23, in line with projection for the first half of the fiscal year.

Expenses of \$1.7 million at the Rancho Las Virgenes Composting Facility were up \$0.4 million year-over-year through December 31, 2022. The increase was driven mainly from deferred maintenance and building repairs initiated during the current year, coupled with one-time costs of \$110,000 for the purchase and replacement of biofilter media. Approximately 51% of the budget was expended at the Rancho Las Virgenes Composting Facility through December 31, 2022, which is in line with budget expectations for the first half of the fiscal year.

Expenses of \$2.2 million at the Tapia Water Reclamation Facility comprised 50.6% of the budget, in line with expectations through the second quarter of the fiscal year. Recycled water transmission and distribution costs of \$1.2 million were in-line with prior year expenses for the same period of \$1.2 million. Continuing revenue and expense trends will be monitored and reported as part of the on-going financial reviews presented throughout the fiscal year.

Within the attached report, the "Current Budget" column pertains to the current fiscal year budget that was adopted and/or amended by the Board. The "Actual Year-to-Date" columns presents the cumulative year-to-date revenues and expenses for both the current fiscal year and prior fiscal year. Lastly, the "Variance with Prior Year" column calculates the net difference between the current fiscal year-to-date balance and the prior fiscal year-to-date balance.

GOALS:

Ensure Effective Utilization of the Public's Assets and Money

Prepared by: Brian Richie, Finance Manager

ATTACHMENTS:

[Statement of Revenues, Expenses and Changes in Net Position: December 2022](#)

LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY
Statement of Revenues, Expenses, and Changes in Net Position
For the Month ended December 31, 2022 (Preliminary) and 2021
(dollars in thousands)



| | Current Budget 2022/23 | Through 50% of fiscal year Actual Year-to-Date | | Variance with Prior Year Positive (Negative) 2022/23 to 2021/22 |
|---|------------------------------|---|------------------|---|
| | | 2022/23 | 2021/22 | |
| OPERATING REVENUES: | | | | |
| Wholesale recycled water sales | \$ 2,691 | \$ 1,653 | \$ 1,306 | \$ 347 |
| Other income | 65 | 606 | 64 | 542 |
| Total operating revenues | 2,756 | 2,259 | 1,370 | 889 |
| OPERATING EXPENSES: | | | | |
| Treatment Plant | 4,384 | 2,217 | 1,957 | 260 |
| Recycled water transmission and distribution | 2,125 | 1,205 | 1,177 | 28 |
| Compost Plant | 3,367 | 1,718 | 1,284 | 434 |
| Sewer | 171 | 85 | 88 | (3) |
| General and administrative | 12,341 | 6,041 | 5,128 | 913 |
| Other operating expenses | 264 | 241 | 175 | 66 |
| Total operating expenses | 22,652 | 11,507 | 9,809 | 1,698 |
| OPERATING INCOME (LOSS) BEFORE BILLING TO PARTICIPANTS | (19,896) | (9,248) | (8,439) | (809) |
| Billing to Participants | 19,896 | 9,248 | 8,439 | 809 |
| OPERATING INCOME (LOSS) | - | - | - | - |
| NONOPERATING REVENUES (EXPENSES): | | | | |
| Interest income (expense) | - | 74 | 19 | 56 |
| Other revenues (expenses) | - | 5 | 7 | (2) |
| Total nonoperating revenues (expenses) | - | 79 | 26 | 54 |
| CHANGES IN NET POSITION | - | 79 | 26 | 54 |
| NET POSITION: | | | | |
| Beginning of fiscal year | 101,134 | 101,134 | 98,362 | 2,772 |
| Ending Net Position | \$ 101,134 | \$ 101,213 | \$ 98,388 | \$ 2,826 |

Federal Report: Las Virgenes Water District

January 23, 2023

John Freshman, Ana Schwab, Lowry Crook, and Samantha Sabol

CONGRESS

The 118th Congress: Electing a Speaker, New Committees, Looking Ahead Into 2023

The first week of the 118th Congress started out with a battle in the House of Representatives, determining who the Republican-held majority would elect as Speaker of the House. Nearly 20 members of the House Freedom Caucus, led by Matt Gaetz (R-FL), were holding the line against McCarthy for Speaker. These members nominated and voted for others, including Rep. Jim Jordan (R-OH), Rep. Byron Donalds (R-NY), Rep. Andy Biggs (R-AZ), and even one vote for former President Trump. After a full week of consecutive votes and Republicans engaging in tense negotiations and debates amongst themselves, and with McCarthy himself, he was finally able to take the gavel. The 15th and final vote resulted in McCarthy becoming the 55th Speaker of the House, in a 216-212 vote, with 6 Republicans voting present. Certain members voting ‘present’ lowered the threshold of votes needed to 215, allowing McCarthy to secure the position. 212 Democrats consistently voted for Rep. Hakeem Jeffries (D-NY) as their Speaker-nominee. Jeffries now stands as the Minority Leader for House Democrats.

This course of events sets Republicans off on a shaky foot, and puts McCarthy in a vulnerable position within his party. He negotiated many items and altered provisions in the House Rules package to appease Republican members and get the votes he needed. Looking into the year ahead, although Republicans hold the majority in the House, they hold a smaller margin than many initially predicted. With the House Freedom Caucus already rebelling within their own party, it is clear Republicans and Speaker McCarthy will have to negotiate more than they expected, and certainly in a more bipartisan way.

Following the Speaker vote, the House went on to pass their [Rules Package](#), which dictate the rules and regulations for House procedure in the 118th Congress. A few key provisions from the new rules package include allowing any member of the House to raise a motion to “vacate the chair”, or remove the Speaker, which would then lead to a full House vote. Part of McCarthy’s negotiations for Speaker included lowering the number of members needed to bring a “motion to vacate” from 5 to only 1. Other provisions include the ability to shorten voting time, requirements for a 72-hour minimum time period for members to

read bills before voting, and fully eliminating proxy voting. Many remote or virtual allowances have been limited, including requirements for Committee members and witnesses to appear in-person for hearings. The package made a few changes to committee names, renaming the Committee on Oversight and Reform to Committee on Oversight and Accountability, and the Committee on Education and Labor to Committee on Education and Workforce. Republicans also notably chose to keep the allowance of earmarks in the 118th Congress.

First Legislative Week

After passing a rules package, the Republicans in the House took up their first piece of legislation to be voted on: H.R. 23, the Family and Small Business Taxpayer Protection Act. The Family and Small Business Taxpayer Protection Act takes back additional revenue made available to the Internal Revenue Service (IRS) through passage of the Inflation Reduction Act. The funds rescinded through this bill would have been used to enforce IRS operations, the tax return system, and other agency operations.

Additionally, two other pieces of legislation that passed the House created new subcommittees. The House passed H.Res.12, *Establishing a Select Subcommittee on the Weaponization of the Federal Government*, as a select subcommittee under the Judiciary Committee, to investigate the federal government's collection and usage of information on U.S. citizens. Also passed was H.Res. 11, *Establishing the Select Committee on the Strategic Competition Between the United States and the Chinese Communist Party (CCP)*, which received bipartisan support with 146 Democrats voting in favor of the measure. This select committee will focus on ending U.S. reliance on China, and protecting Americans' data from CCP access.

In the Senate, all committee assignments have been determined. All Senate Committee assignments can be found on the Senate website, [linked here](#). Senator Dianne Feinstein (D-CA) was appointed Chairman of the Senate Appropriations Subcommittee on Energy and Water Development. She will also serve on the Senate Committees on Rules and Administration, Judiciary, and the Select Committee on Intelligence. Senator Alex Padilla (D-CA) will serve on the Senate Committees on Environment and Public Works, Homeland Security and Governmental Affairs, Rules and Administration, Budget, Judiciary, and the Joint Committee on Printing.

A few other notable position include Senator Tom Carper (D-DE), who was appointed Chairman of the Senate Committee on Environment and Public Works, while Senator Shelley Moore Capito (R-WV) will serve as Ranking Member. Senator Tammy Duckworth (D-IL) was appointed Chairman of the Subcommittee on Fisheries, Wildlife, and Water.

Senator Joe Manchin (D-WV) will continue to serve as Chairman of the Senate Committee on Energy and Natural Resources, and Senator John Barrasso (R-WY) will serve as Ranking Member. Senator Ron Wyden (D-OR) will serve as Chairman of the Subcommittee on Water and Power. Senator Tammy Baldwin (D-WI) will serve as Chairman of the Senate Committee on Commerce, Science, and Transportation Subcommittee on Oceans, Fisheries, Climate Change, and Manufacturing. Senator Jeff Merkley (D-OR) will serve as Chairman of the Senate Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies.

The House Republican Conference met and solidified a slate of House Committee Chairs for the 118th Congress. A few Chairs are named directly by the Speaker of the House, these committees include Rules, Administration, Ethics, and select and joint committees. The Steering Committee continues to meet to determine all committee assignments. Below are highlights of Chairman and Ranking Member positions in relevant Committees. Also of note, Congressman Mike Simpson (R-ID) will serve as Chairman of House Appropriations Subcommittee on Interior and Environment, and Congressman Andy Harris (R-MD) will serve as Chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration. Other relevant Subcommittee Chairs have yet to be determined.

Below is a list of upcoming Chairman and Ranking Members for House Committees.

Committee Assignments: U.S. House of Representatives

House Committee on Agriculture

- Rep. Glenn Thompson (R-PA)
- Rep. David Scott (D-GA)

House Committee on Appropriations

- Rep. Kay Granger (R-TX)
- Rep. Rosa DeLauro (D-CT)

House Committee on Armed Services

- Rep. Mike Rogers (R-AL)
- Rep. Adam Smith (D-WA)

House Committee on Energy and Commerce

- Rep. Cathy McMorris Rodgers (R-WA)
- Rep. Frank Pallone (D-NJ)

House Committee on Financial Services

- Rep. Patrick McHenry (R-NC)
- Rep. Maxine Waters (D-CA)

House Committee on Foreign Affairs

- Rep. Michael McCaul (R-TX)
- Rep. Gregory Meeks (D-NY)

House Committee on Homeland Security

- Rep. Mark Green (R-TN)
- Rep. Bennie Thompson (D-MS)

House Committee on Judiciary

- Rep. Jim Jordan (R-OH)
- Rep. Jerry Nadler (D-NY)

House Committee on Natural Resources

- Rep. Bruce Westerman (R-AR)
- Rep. Raul Grijalva (D-AZ)

House Committee on Space, Science, and Technology

- Rep. Frank Lucas (R-OK)
- Rep. Zoe Lofgren (D-CA)

House Committee on Transportation and Infrastructure

- Rep. Sam Graves (R-MO)
- Rep. Rick Larsen (D-WA)

House Committee on Veterans Affairs

- Rep. Mike Bost (R-IL)
- Rep. Mark Takano (D-CA)

House Committee on Ways and Means

- Rep. Jason Smith (R-MO)
- Rep. Richard Neal (D-MA)

Looking Ahead: Farm Bill Reauthorization

The last authorization for the Farm Bill took place in 2018, and extended for five years. This year will be the reauthorization of this critical bill, and will likely prioritize many energy-related provisions and permitting reform.

Background:

The Farm Bill is administered through the U.S. Department of Agriculture and provides investments in rural broadband, economic development, safeguards for healthy food supply, and strengthens environmental conservation. The bill also provides assistance to rural communities for water and wastewater projects.

Looking Ahead: Debt Limit

This year the debt limit will be a priority for Congress to address and amend. The debt limit is set by Congress and establishes the maximum amount the U.S. Treasury may borrow. Any increases to the debt limit do not allow for new spending, rather, it allows the federal government to continue spending measures already approved. The U.S. is projected to reach the debt limit on January 19th, 2023. Treasury Secretary Janet Yellen sent a letter to Speaker McCarthy outlining the issue and the need for “extraordinary measures” to be taken, which should sustain federal spending until early June. There are various types of “extraordinary measures” the Treasury could implement to reduce certain types of intragovernmental and public debt, by borrowing money from other pots of funding, eventually to be paid back. The last time the debt ceiling was raised was December of 2021, to \$31.4 trillion, only enough to extend to this year.

Federal Budget/Appropriations

Congress Passes FY2023 Budget Before End of 2022

The House and Senate finally agreed and voted on the FY2023 federal budget, after a rushing to do so before the Christmas holiday. At the end of September, Congress passed a continuing resolution to continue federal funding through December 16th. On December 14th, the House passed an additional continuing resolution, in the legislative text of [H.R. 1437](#), to avoid a government shutdown for another week. The Senate passed this measure the following day, on December 15th, and the President signed the bill into law the following day. Congress then had until December 23rd to pass a federal budget. Members of the House and Senate Appropriations Committees worked nonstop, rushing to finalize all 12

appropriations bills. Early in the morning of December 22nd, Senate Appropriations Committee released bill text for the FY2023 federal budget, beginning the long series of votes that would follow.

All 12 appropriations bills were packed together as an omnibus, which allows for quicker consideration and passage of large pieces of legislation. The Senate passed the omnibus on December 22nd, and the House passed the package the next day. Both chambers also passed an additional continuing resolution, to allow for more time for the omnibus to become law. This continuing resolution was signed into law on December 23rd, and would continue current federal spending levels until December 30th. FY23 appropriations now await the President's review and signature.

The bill included all agencies and totals \$1.7 trillion in spending, and will establish federal funding measures through September 2023, the end of the next fiscal year. The Energy and Water Development appropriations section of the bill totals \$54 billion. This will fund federal programs through the Department of Energy and the Army Corps of Engineers, in addition to other water management projects. The bill includes \$1.954 for the Bureau of Reclamation for water reliability, conservation, and infrastructure projects.

The Interior, Environment, and Related Agencies appropriations section of the bill totals \$38.85 billion in funding. This section prioritized water and wastewater infrastructure, in addition to public lands and tribal communities. Funding will go towards many programs within the Department of Interior's jurisdiction, to include:

- Bureau of Land Management: \$1.49 billion
- National Parks Service: \$3.47 billion
- U.S. Fish and Wildlife Service: \$1.77 billion
- Bureau of Ocean Energy Management: \$183 million
- Bureau of Indian Affairs: \$2.44 million

This appropriations bill will also fund the Environmental Protection Agency at \$10.135 billion, the U.S. Forest Service at \$7.074 billion, and the Indian Health Service at \$6.95 billion.

PFAS Sections of the bill

Section of the Bill: Defense

- Provides an additional \$30 million for PFAS remediation and disposal technology.
- Provides an additional \$15 million for on-site PFAS remediation technologies.

Section of Bill: Military Construction and Veterans Affairs

- \$574.7 million for Base Realignment and Closure remediation, an increase of \$45 million above the fiscal year 2022 enacted level and \$290 million above the fiscal year 2023 budget request. Within this amount, cleanup of Per- and Polyfluoroalkyl Substances (PFAS) contamination is funded at \$200 million.

Section of Bill: FDA

- Section 3506 of the omnibus bill directs the Department of Health and Human Services (HHS) to conduct a study assessing the safety or risks of PFAS in cosmetics. The study will be conducted within three years, and according to the bill text, HHS can consult with the National Center for Toxicological Research to complete the analysis.

Section of Bill: Department of Agriculture

- \$5 million for testing soil, water, or agricultural products for PFAS, assisting agricultural producers with PFAS mitigation costs

Administration/Regulatory

New WOTUS Regulations

The EPA and Army Corps of Engineers published the final rule revising the definition of waters of the United States. The waters of the United States rule applies to traditionally navigable waters, territorial seas, interstate waters, upstream water resources that could significantly impact these waters. Of significance, in the final rule EPA and the Army Corps provided protections to wetlands that are considered either relatively permanent in their surface water connections to larger water ways or if the wetlands have a significant hydrological or ecological nexus to the protected tributaries. Consistent with the two previous WOTUS rules, from the last two administrations, the final rule is clear that ditches without relatively permanent flows of water, waste treatment systems, and artificial lakes or ponds are not subject to WOTUS permitting rules.

While the publication of this rule was long awaited, it comes as the public also awaits the decision of the Supreme court for *Sackett v. EPA*. The Supreme Court heard oral arguments on October 3, 2022. The decision from the Court may be influenced by the publication of this rule, and the decision itself could potentially change federal Clean Water Act jurisdiction over wetlands and streams. The case takes into question whether wetlands “adjacent” to large bodies of water are subject to Clean Water Act jurisdiction.

Funding Opportunities

Environmental Protection Agency

The EPA announced its request for applications for \$57 million in funding for two new Brownfields technical assistance opportunities, provided through the Bipartisan Infrastructure Law (BIL). The grants will go specifically toward assessment and cleanup of Brownfield sites, one grant for technical assistance and research, the other will go toward communities. Award amounts range from \$500,000 - \$1 million for the first award, and up to \$5 million for the second. Applications are due February 14th, 2023. More information can be found [here](#).

The EPA announced project funding for environmental justice initiatives serving communities in need. The two Requests for Applications for this funding opportunity are through the Environmental Justice Collaborative Problem-Solving (EJCPS) Cooperative Agreement Program and the Environmental Justice Government-to-Government (EJG2G) Program. Proposal packages are due April 10th, 2023. More information can be found [here](#).

Bureau of Reclamation

The Bureau of Reclamation announced a funding opportunity for Title XVI Water Reclamation and Reuse projects, Desalination Construction projects, and Large-Scale Water Recycling projects. Eligible projects include planning, development, and design activities. Award amount ranges from \$100,000 - \$5 million. Applications are due February 28th, 2023. More information can be found [here](#).



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| | |
|-------|-----------------------------------|
| To: | Las Virgenes - Triunfo JPA |
| From: | Syrus Devers, Best Best & Krieger |
| Date: | February 6th, 2023 |
| Re: | State Legislative Report |
| | |

Legislative Report

Bill Introductions: The bill introduction deadline for new bills is February 17th, and the majority of new bills will be introduced in the last week. Nonetheless, several bills have been introduced that concern the water industry.

Before turning to them, it may help to review what a “spot bill” refers to. A spot bill is any bill that does not contain the substantive language on the subject it purports to address. There are different levels of spot bills ranging from those that literally change a comma and do nothing to telegraph their intent, to those that fully describe what the bill will be used for in the future but contain no statutory language. Typically BB&K does not bring spot bills to the attention of the Board but makes exceptions when the author of a spot bill is in leadership or has history with the subject.

With that preamble, here are a few bills to watch:

AB 30 (Ward): Atmospheric river research. Research into atmospheric river weather patterns is not just another study bill. Better forecasting models can allow for more usable storage space in reservoirs. It is possible that the author will be surprised by the level of interest in the bill. (Senator Hurtado has also introduced a spot bill, SB 66, on the same issue.)

SB 3 (Dodd): Senator Dodd signaled early on that he intends to continue advocating for a statewide Low Income Rate Assistance (LIRA) bill. His bill on the same subject, SB 222, from last year passed the Legislature over the opposition of ACWA only to be vetoed by Gov. Newsom. The veto, however, was unrelated to ACWA’s opposition. ACWA opposed the bill due to objections over the administrative burdens the bill would impose on water agencies. Newsom’s veto was due to a lack of an identified funding mechanism. The concern is that Dodd will attempt to fund a statewide LIRA program with a tax on water. The bill is a spot bill for now and will be reviewed once substantive language is added.

SB 23 (Caballero): Senator Caballero chairs the influential Governance and Finance Committee and she will be a major figure in water policy in 2023. SB 23 is a spot bill at this time, but the goal of this bill is to cut some of the red tape that slows development of new water infrastructure.

Talk on the Street:

Besides the introduced bills there are legislative proposals being openly discussed that have yet to have a number assigned to them. One of the most significant will be authored by Senator Caballero and either sponsored or co-sponsored by the California Municipal Utilities Association, or CMUA. The bill will be the legislative element of the “Solve the Water Crisis” effort. An impressive group of general managers and advocates met in Sacramento last week to discuss what is described as a rewrite of the California Water Plan. Although bill language was circulated, it became clear that more effort will go into writing the bill.

The Budget:

By now most have heard that the State Budget introduced by Newsom on January 10th seeks to close a \$22.5 billion deficit in the budget. Cuts were made to popular natural resource related budgets, but natural resources and climate change programs did better than most other areas.

Looking at a specific program in natural resources, Newsom cut \$40 million from \$210 million allocated to the water recycling for potable reuse over three years beginning in 2021. Of course no one in the water industry is happy about it, but \$170 million is still a sizable program. Even better, Newsom did not make cuts to the \$315 million budgeted in 2021 over three years for all other types of recycling projects; \$215 was allocated last year and this year’s budget included the remaining \$100 million. ¹

Keep in mind that this is merely the opening salvo in a running battle between the Governor and the Legislature over the Budget. The sharp knives come in May when the May Revise comes out and replaces the assumptions that go into the Budget with actual tax returns. The Board may recall the first year of the pandemic when near budget collapse was initially predicted, but the May Revise disclosed higher than expected capital gains tax receipts. And Newsom does not appear to expect a recession in California; his Budget refrained from tapping the state’s reserve account. In other words, Newsom is viewing the economy of California as normal despite the deficit.

¹ Credit to WaterReuse for tracking down these numbers.

Las Virgenes – Triunfo JPA

Bill Matrix

Prepared by Best Best & Krieger, January 24th, 2023

A. Priority Support/Oppose

| Measure | Author | Topic | Status | Location | Calendar | Brief Summary | Position | Priority | Notes 1 |
|------------------------|--------------------------|---|--|--------------------|----------|---|------------------|----------------------------|---------|
| AB 249 | Holden D | Water: schoolsites: lead testing: conservation. | 1/19/2023-From printer. May be heard in committee February 18. | 1/18/2023-A. PRINT | | Would require a community water system that serves a schoolsite with a building constructed before January 1, 2010, to test for lead in the potable water system of the schoolsite before January 1, 2027. The bill would require the community water system to report its findings to the applicable school or local educational agency, as specified. The bill would require the local educational agency or school, if the lead level exceeds a specified level at a schoolsite, to notify the parents and guardians of the pupils who attend the schoolsite or preschool. The bill would require the local educational agency or school to take immediate steps to make inoperable and shut down from use all fountains and faucets where the excess lead levels may exist. The bill would also require that the local educational agency or school work with the schoolsites under its jurisdiction to ensure that a potable source of drinking water is provided for pupils, as specified. The bill would require a community water system to prepare a sampling plan for each schoolsite where lead sampling is required under these provisions. | Out for Analysis | A. Priority Support/Oppose | |

B. Watch

| Measure | Author | Topic | Status | Location | Calendar | Brief Summary | Position | Priority | Notes 1 |
|-----------------------|------------------------|--|--|--------------------|----------|--|----------|----------|---------|
| AB 30 | Ward D | Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program. | 12/6/2022-From printer. May be heard in committee January 5. | 12/5/2022-A. PRINT | | Current law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program in the Department of Water Resources. Current law requires the department, upon an | Watch | B. Watch | |

| | | | | | | | | |
|-----------------------|--------------------------|--|-------------------------------|------------------------|--|-------|-------------|--|
| | | | | | appropriation for purposes of the program, to research climate forecasting and the causes and impacts that climate change has on atmospheric rivers, to operate reservoirs in a manner that improves flood protection, and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers. This bill would rename that program the Atmospheric Rivers Research and Forecast Improvement Program: Enabling Climate Adaptation Through Forecast-Informed Reservoir Operations and Hazard Resiliency (AR/FIRO) Program. The bill would require the department to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailored decision support systems to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions. | | | |
| AB 62 | Mathis R | Statewide water storage: expansion. | 1/4/2023- Read first time. | 12/6/2022- A. PRINT | Would establish a statewide goal to increase above- and below-ground water storage capacity by a total of 3,700,000 acre-feet by the year 2030 and a total of 4,000,000 acre-feet by the year 2040. The bill would require the State Water Resources Control Board, in consultation with the Department of Water Resources, to design and implement measures to increase statewide water storage to achieve the statewide goal. The bill would require the state board, beginning July 1, 2027, and on or before July 1 every 2 years thereafter until January 1, 2043, in consultation with the department, to prepare and submit a report to the Legislature on the progress made in designing and implementing measures to achieve the statewide goal. | Watch | B. Watch | |
| AB 66 | Mathis R | Natural Resources Agency: water storage projects: permit | 1/4/2023- Read first time. | 12/6/2022- A. PRINT | Current law establishes the Natural Resources Agency, composed of departments, boards, conservancies, and commissions responsible for the restoration, protection, and management of the state's | | B. Watch | |

| | | | | | | | | | |
|-----------------------|--------------------------|---|---|---------------------------|--|---|------------------|----------|--|
| | | approval. | | | | natural and cultural resources. Current law establishes in the agency the Department of Water Resources, which manages and undertakes planning with regard to water resources in the state. This bill would require the agency, and each department, board, conservancy, and commission within the agency, to approve the necessary permits for specified projects within 180 days from receiving a permit application, and would deem those permits approved if approval does not occur within this time period. | | | |
| ACA 2 | Alanis R | Public resources: Water and Wildfire Resiliency Act of 2023. | 12/6/2022- From printer. May be heard in committee January 5. | 12/5/2022- A. PRINT | | Would establish the Water and Wildfire Resiliency Fund within the State Treasury, and would require the Treasurer to annually transfer an amount equal to 3% of all state revenues that may be appropriated as described from the General Fund to the Water and Wildfire Resiliency Fund. The measure would require the moneys in the fund to be appropriated by the Legislature and would require that 50% of the moneys in the fund be used for water projects, as specified, and that the other 50% of the moneys in the fund be used for forest maintenance and health projects, as specified. | Out for Analysis | B. Watch | |
| SB 3 | Dodd D | Discontinuation of residential water service: community water system. | 1/18/2023- Referred to Com. on E., U. & C. | 1/18/2023- S. E. U., & C. | | The Water Shutoff Protection Act prohibits an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, from discontinuing residential service for nonpayment, as specified, and requires specified procedures before it can discontinue residential service for nonpayment. Current law defines a community water system as a public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system. This bill would expand the scope of the Water Shutoff Protection Act by requiring that it instead apply to a community water system, defined to have the same meaning as existing law. The bill would require a community water system that supplies water to 200 service | Out for Analysis | B. Watch | |

| | | | | | | | | | |
|-----------------------|----------------------------|--|---|--------------------|--|---|-------|----------|--|
| | | | | | | connections or fewer to comply with the act's provisions on and after August 1, 2024. | | | |
| SB 57 | Gonzalez D | Utilities: extreme weather events. | 1/18/2023- Referred to Com. on RLS. | 12/16/2022-S. RLS. | | Would state the intent of the Legislature to enact future legislation to prohibit shutting off utility service during extreme weather events. | Watch | B. Watch | |
| SB 66 | Hurtado D | Water: predictive models and data collection. | 1/18/2023- Referred to Com. on RLS. | 1/5/2023-S. RLS. | | Current law requires the Department of Water Resources, as part of updating The California Water Plan every five years, to conduct a study to determine the amount of water needed to meet the state's future needs and to recommend programs, policies, and facilities to meet those needs. This bill would state the intent of the Legislature to ensure that reliable predictive models and data collection systems are used to properly forecast and allocate surface water. | Watch | B. Watch | |
| SB 69 | Cortese D | California Environmental Quality Act: judicial and administrative proceedings : limitations. | 1/18/2023- Referred to Coms. on E.Q. and JUD. | 1/18/2023-S. E.Q. | | The California Environmental Quality Act (CEQA) requires a state agency or a local agency that approves or determines to carry out a project subject to CEQA to file a notice of determination with the Office of Planning and Research or the county clerk of each county in which the project will be located, as provided. CEQA authorizes a state agency or a local agency that determines that a project is not subject to CEQA to file a notice of exemption with the office or the county clerk of each county in which the project will be located, as provided. If a person has made a written request to a public agency for a copy of a notice of determination or notice of exemption for a project before the date on which the public agency approves or determines to carry out the project, CEQA requires the public agency, no later than 5 days from the date of the public agency's action, to deposit a copy of the written notice addressed to that person in the United States mail, first-class postage prepaid. CEQA provides that the date upon which the notice is mailed does not affect the limitations periods applicable to specified actions or proceedings to attack, | Watch | B. Watch | |

review, set aside, void, or annul specified acts or decisions of a public agency on the grounds of noncompliance with CEQA. The bill would require a public agency to provide both the notice and any subsequent amended, corrected, or revised notice, as specified, in response to a written request for the notice, regardless of the delivery method. By requiring a local agency to provide a copy of any subsequent amended, corrected, or revised notice, along with the notice, the bill would impose a state-mandated local program.

C. Spot Bill

| Measure | Author | Topic | Status | Location | Calendar | Brief Summary | Position | Priority | Notes 1 |
|-----------------------|-----------------------------|---|------------------------------------|-------------------|----------|---|----------|--------------|---------|
| SB 23 | Caballero D | Water supply and flood risk reduction projects: expedited permitting. | 1/18/2023-Referred to Com. on RLS. | 12/5/2022-S. RLS. | | The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board various duties and responsibilities for the regulation and control of drinking water in the state, including, among other things, overseeing the issuance and enforcement of public water system permits, as provided. Current law authorizes specified works of improvement for the control, conservation, and utilization of destructive flood waters and the reclamation and protection of lands that are susceptible to overflow by flood waters. This bill would express the intent of the Legislature to enact subsequent legislation to expedite the regulatory permitting process for water supply and flood risk reduction projects, as provided. | Watch | C. Spot Bill | |

Total Measures: 10

Total Tracking Forms: 10

DATE: February 6, 2023
TO: JPA Board of Directors
FROM: Engineering and External Affairs

SUBJECT: Pure Water Project Las Virgenes-Triunfo: Update

SUMMARY:

On August 1, 2016, the JPA Board selected Scenario No. 4, use of Las Virgenes Reservoir for indirect potable reuse, as the preferred alternative for the Recycled Water Seasonal Storage Basis of Design Report. The selected alternative was subsequently renamed the Pure Water Project Las Virgenes-Triunfo. Staff was also directed to report back to the Board on the next steps for implementation of the project.

Staff released a request for proposals (RFP) for Owner's Advisor/Program Manager services for the Pure Water Project Las Virgenes-Triunfo on May 8, 2020. The selection of an Owner's Advisor/Program Manager to support the effort was an important next step to begin implementation of the Pure Water Program. Utilization of an Owner's Advisor/Program Manager is consistent with the approach taken by other public agencies pursuing potable reuse projects of similar scope and complexity. Among the critical elements of the proposed scope are completion of the preliminary design and environmental documentation in support of the Pure Water Program. The scope of work under the contract includes program management, preparation of preliminary design and/or alternative delivery bridging documents, preparation of all environmental studies and documentation for compliance with the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA), preparation of studies and documents necessary to secure all required regulatory permits, and support of efforts to secure grant funding or low-interest loans.

On September 8, 2020, the JPA Board accepted a proposal from Jacobs Engineering Group, Inc., and authorized the Administering Agent/General Manager to execute a professional services agreement for Owner's Advisor/Program Manager services for the Pure Water Project Las Virgenes-Triunfo. This report serves to provide a summary of the progress to- date on the work performed by Jacobs Engineering Group, Inc., including major monthly milestones, key program accomplishments, key considerations and a look-ahead of upcoming activities.

Prepared by: Eric Schlageter, Principal Engineer

ATTACHMENTS:

[Monthly Update on Pure Water Project Las Virgenes-Triunfo](#)

To: Las Virgenes-Triunfo JPA Board of Directors
From: Jennifer Phillips, Jacobs
Date: January 30, 2023
Re: Pure Water Project JPA Board Monthly Update

Pure Water Project Overview

The Pure Water Project (PWP) is an opportunity to proactively address three major challenges facing the Las Virgenes-Triunfo JPA:

- comply with more stringent regulatory requirements for discharging to Malibu Creek,
- balance seasonal variation of recycled water demand, and
- create a valuable resource to supplement the region's water supplies, enabled by California's cutting-edge reservoir water augmentation program.

By 2030, the innovative plan is to have an operational advanced water purification facility (AWPF) to treat tertiary effluent from the Tapia Water Reclamation Facility for indirect potable reuse, and convey the product water to the Las Virgenes Reservoir, where it will be blended with Metropolitan Water District (MWD) supply. The current phase (Phase 1) of the project provides the programmatic process to manage such a large, complicated project, focusing on the technical, regulatory, environmental, financial, and procurement strategies to provide a foundation with more cost and project delivery clarity. Each month the Project team will provide a status report to communicate major milestones, accomplishments for the previous month, planned work for the next month, and potential challenges.

Monthly Major Milestones

- Conducted a consultation with the California Department of Fish and Wildlife (CDFW) for the 1211 petition application process for Tapia WRF.

Key Program Accomplishments Last Month

Following is a summary of the key January 2023 program accomplishments. Many PWP team meetings occurred in January to plan, coordinate and implement the following activities:

January Accomplishments:

Programmatic:

- Coordinated technical, procurement, financial, regulatory and environmental efforts.

Technical:

- Continued support for the Demonstration Facility with weekly meetings to review performance data trends, share insights, and provide recommendations on the sampling plan to increase source water quality characterization for the AWPF design.

Implemented preformed monochloramine dosing prior to membrane filtration (microfiltration/ultrafiltration - MF/UF).

- Continued support for the RO concentrate pipe run pilot at the Demonstration Facility to simulate the ≈14-mile pipeline and identify the potential for scaling based on anticipated detention time and velocity. Reviewed daily data and created weekly data trends.
- Continued development of an Enhanced Source Control Plan, which augments existing water reclamation facility pretreatment programs with the goal of protecting human health in potable reuse projects.

Regulatory/Environmental:

- Continued development of the 1211 petition application for Tapia WRF. Held a consultation with CDFW, as required for the application process.
- Met with the Division of Drinking Water (DDW) to discuss cross connection control for the RO concentrate pipeline without contributing to scaling and pipeline separation requirements for the RO concentrate and water augmentation sources.

Financial:

- Met with the U.S. Environmental Protection Agency (EPA) to kickoff the WIFIA loan application process.
- Progressed the financial, technical and environmental packages for the California State Revolving Fund (SRF) application. Held coordination meetings with LVMWD, TWSD, Piper Sandler and Jacobs.
- Met with the Metropolitan Water District of Southern California (MWD) to initiate development of an application for the incentive based Local Resources Program (LRP).
- Continued tracking of funding options and supporting LVMWD staff, as needed.

Procurement:

- Continued development of details for the Request for Qualifications (RFQ) and Request for Proposals (RFP) as part of the Progressive Design Build (PDB) process.

Look Ahead

The Project Team is finalizing the technical evaluations, conducting testing at the Demonstration facility to inform the final design, developing procurement documents, meeting with regulators to review details of the project, and proceeding with the strategies outlined in the Program Implementation Plan.

The Project Team is focused on the following activities for February:

- Provide final Tapia WRF and AWPf Equalization report, based on LVMWD comments.
- Provide final conveyance alignment study, based on LVMWD comments.
- Provide final AWPf Conceptual Design report, based on LVMWD comments.
- Monitor RO concentrate pipe run testing with no air gap and support performance trending for the Demonstration Facility.
- Provide draft 1211 petition application for LVMWD review.

- Prepare guidance for implementing preformed monochloramine disinfection at Tapia WRF to reduce disinfection byproduct formation in the AWPF feed.
- Complete application for California SRF funding.

DATE: February 6, 2023
TO: JPA Board of Directors
FROM: Engineering and External Affairs

SUBJECT: Malibou Lake Siphon Repair Project: Scope Change No. 2

SUMMARY:

On February 7, 2022, the JPA Board authorized the Administering Agent/General Manager to execute a professional services agreement with HDR, Inc. (HDR), in the amount of \$239,400, to perform an investigation and full design of the Malibou Lake Siphon Repair Project. The scope of work generally included the video inspection and design work for rehabilitation of the existing, deteriorated siphon. Subsequently, on July 25, 2022, the Administering Agent/General Manager approved Scope Change No. 1 to HDR, in the amount of \$21,700, for additional analysis of design alternatives for the siphon, evaluation of flow data and a preliminary design workshop because these items were not included in the original scope of work.

In November 2022, the 90% design work was completed. The design consists of demolishing the existing siphon and constructing a new siphon. The alignment of the new siphon will be outside the existing permanent sewer easement; therefore, the work will require a new permanent sewer easement and temporary construction easement. HDR requested Scope Change No. 2, in the amount of \$30,800, to provide the services to acquire permanent and temporary construction easements for the new siphon.

RECOMMENDATION(S):

Authorize the Administering Agent/General Manager to approve Scope Change No. 2 to HDR, Inc., in the amount of \$30,800, to acquire permanent and temporary construction easements for the Malibou Lake Siphon Repair Project.

FISCAL IMPACT:

Yes

ITEM BUDGETED:

Yes

FINANCIAL IMPACT:

The cost of the work is \$30,800. Sufficient funds for the work are available in the adopted

Fiscal Year 2022-23 JPA Budget. No additional appropriation is required at this time.

DISCUSSION:

During routine inspection and cleaning of the JPA's trunk sewer collection system, damage was observed in the siphon conveying flow across Medea Creek at the inlet of Malibou Lake. In addition, corrosion of the inlet and outlet siphon manholes was observed due to off-gassing that occurs as the flow passes through the siphon. JPA staff worked to identify the extent of the damage to the siphon; however, it was determined that the extent of the damage was beyond the internal capabilities of JPA staff to repair and that outside help would be needed to bring the siphon back into full working condition.

The Malibou Lake siphon structure was constructed around 1967 and consists of three steel pipes: 10-inch, 14-inch and 24-inch in diameter. Record drawings indicate the pipes are encased in concrete on three sides but were laid on bare ground, perhaps without proper bedding material. From manhole-to-manhole, the siphon is 134-feet long and 19-feet below grade at its lowest point. Video observations from the inlet manhole indicate that the 24-inch pipeline is largely obstructed, and recent attempts by staff to clean and inspect the pipelines were unsuccessful. Furthermore, there is infiltration of groundwater into the siphon at the inlet manhole that prevents dewatering of the pipelines, and there appears to be buckling of the 24-inch pipeline.

While JPA staff confirmed that there is no evidence of exfiltration and the flow is still being conveyed through the smaller pipelines that comprise the siphon, it is imperative that the larger 24-inch siphon be addressed quickly to avoid any further damage or the possibility of a spill. Flow meters have been installed on the upstream and downstream sides of the existing siphon to monitor flow conditions and notify staff of a potential sanitary sewer overflow. Staff also developed an emergency response plan and have on-call contractors available to mobilize expeditiously in the event conditions deteriorate and a sanitary sewer overflow becomes eminent.

It is anticipated that work on the siphon will occur during the summer months when lower flows are observed. Given the significant risk of further damage or a pipeline failure, and given the environmental sensitivity of the area, JPA staff reached out directly to HDR, an engineering firm with expertise in pipeline rehabilitation methods, to develop a scope of work to assess the full scope of the damage and develop a design for repair, rehabilitation or replacement of the siphon.

The design proposes demolition of the existing siphon and construction of a new parallel siphon. The alignment of the new siphon is outside the existing permanent sewer easement and requires acquisition of new permanent and temporary easements during construction. HDR requested Scope Change No. 2, in the amount of \$30,800, to provide services for acquisition of the easements.

Change orders that are equal to or greater than 10% of the original contract amount require approval by the JPA Board. As a result, staff recommends that the Board authorize the Administering Agent/General Manager to approve Scope Change No. 2 for easement acquisition services.

Following is a summary of the scope changes and fee adjustments to-date, including

recommended Scope Change No. 2:

| Description | Cost | Cumulative Cost | Cumulative Percent Change |
|----------------------------------|--------------|------------------------|----------------------------------|
| Original Contract | \$239,400.00 | - | - |
| Scope Change No. 1 | \$21,700.00 | \$261,100.00 | 9% |
| Scope Change No. 2 (proposed) | \$30,800.00 | \$291,900.00 | 22% |

GOALS:

Construct, Manage and Maintain all Facilities and Provide Services to Assure System Reliability and Environmental Compatibility

Prepared by: Alex Leu, Senior Engineer

ATTACHMENTS:

[Proposed Scope Change No. 2](#)



January 20, 2023

Mr. Alex Leu
LAS VIRGENES MUNICIPAL WATER DISTRICT
4232 Las Virgenes Road
Calabasas, CA 91302

Subject: Malibou Lake Siphon Repair Amendment No. 2

Dear Mr. Leu,

HDR appreciates the opportunity to provide additional services for easement acquisition and supporting field survey and legal descriptions for the Malibou Lake Sewer replacement project. These services are based on the permanent and temporary easements identified in our submittal of 90% plans and specifications on November 7, 2022. All easement preparation work will be performed by HDR's land surveyor subconsultant Encompass Consultant Group (ECG), and easement acquisition subconsultant, Hamner Jewell Associates (HJA) in accordance with the following scope of services. ECG's and HJA's proposals are attached for reference.

Scope of Services

Easement Acquisition Services:

Preliminary Title Reports ("PTR") will be obtained covering the impacted properties. Following receipt of the PTRs, and the District's approval of the necessary permanent easement and temporary construction easement legal descriptions, appraisals will be ordered, an appraisal report will be completed, and draft offer package(s) consisting of an offer letter, appraisal summary statement, right of way agreement and easement deed will be prepared for the District's review and pre-approval. After the documents are approved by the District, we would present them to the owners and seek their agreement. We will actively work with the owners in pursuit of obtaining cooperative agreements. If agreements are reached, we would process all documents for necessary approvals and coordinate escrow, title insurance, and closing.

Easement Legal Descriptions

Perform field survey to search for and recover existing record monuments sufficient in number to compile the record documents. The monuments will be tied to the project control survey and will be used to orient the boundary to the project mapping datum. Compile general area site boundary as necessary to georeference the new easement location to existing and proposed improvements based on the information contained in the latest available assessor site information to coordinate field monument search. This compiled boundary information will be utilized in the easement legal descriptions. The monuments will be tied to the project control survey and will be used to orient the boundary to the project mapping datum.

Prepare two (2) legal descriptions and accompanying exhibits to clearly define one (1) new permanent easement and one (1) temporary construction easement

hdrinc.com

200 E Santa Clara St, Suite 220, Ventura, CA 93001-2795
(805) 765-0803



Services Not Included

The following services and all other services not specifically listed herein are excluded:

1. Reimbursable expenses, such as photocopies, postage, shipping/delivery, prints, maps/documents.
2. Governmental and public agency fees, cost of bonds, and taxes.
3. General plan or zoning changes, or processing.
4. ALTA, boundary establishment/resolution surveys, construction staking or filing records with the County Surveyor.
5. Services beyond those specifically listed in the Scope of Services above.

Assumptions

1. District will provide and coordinate access to and around site as required to perform work, including the lake.
2. Sufficient boundary monuments of record remain in place in the immediate site vicinity to allow for adequate boundary compilation and orientation. If insufficient monuments exist in the immediate area, additional time and charges may be required.

Fee

The proposed additional fee required to perform these Amendment 2 services is \$30,800, which brings the total contract adjusted fee amount to \$291,900 as shown on the attached Estimated Level of Effort and Fee breakdowns.

HDR will proceed with the scope of services upon receipt of the fully executed contract amendment and the District's notice to proceed.

Sincerely,
HDR ENGINEERING, INC.

Anna Lantin, PE
Vice President

Keith Campbell, PE,
Project Manager

Enclosures: Fee Estimate, Subconsultant Proposals

Estimated Level of Effort and Fee (Amendment 2 Total Adjusted Fee)

| | Senior Cost Estimator | Project Manager | Quality Manager | Project Engineer | Hydraulic Modeler | Engineer in Training | BIM Manager | BIM Technician | Accountant | Project Coordinator | Total Labor | Labor | Subs | Direct Costs | Total | TOTAL |
|--|-----------------------|-----------------|-----------------|------------------|-------------------|----------------------|-------------|----------------|------------|---------------------|--------------|----------------|----------------|--------------|----------------|----------------|
| <i>Client Billing Rates</i> | \$300 | \$300 | \$320 | \$175 | \$200 | \$130 | \$190 | \$120 | \$140 | \$115 | \$174 | | Calc | Calc | Calc | -2 |
| 1 Phase 1. Preliminary Design Study | | | | | | | | | | | | | | | | |
| 101 Project Management and Quality Control | | 28 | 20 | | | | | | 16 | 16 | 80 | 18,880 | 0 | 189 | 19,069 | |
| 102 Virtual Kickoff Meeting | | 2 | | 4 | | 2 | | | | | 8 | 1,560 | 0 | 0 | 1,560 | |
| 103 Data Review | | 4 | | 12 | 2 | 6 | 1 | | | | 25 | 4,670 | 0 | 47 | 4,717 | |
| 103.a Flow Analysis | | 10 | | 25 | 8 | | | | | | 43 | 8,975 | 0 | 90 | 9,065 | |
| 103.b Workshop Prep and Meeting (2) | | 14 | | 15 | | | | | | | 29 | 6,825 | 0 | 68 | 6,893 | |
| 104 Existing Utility Research & Base Mapping | | 2 | | 6 | | 20 | 1 | 24 | | | 53 | 7,320 | 0 | 1,000 | 8,320 | |
| 105 Land Surveying | | 2 | | 4 | | | | | | | 6 | 1,300 | 11,550 | 13 | 12,863 | |
| 106 Environmental Screening Analysis | | 1 | | 2 | | 2 | | 4 | | | 9 | 1,390 | 0 | 14 | 1,404 | |
| 107 Provide Property Profiles | | 1 | | 2 | | | | | | | 3 | 650 | 5,460 | (1) | 6,109 | |
| Subtotal 1 Phase 1. Preliminary Design Study | 0 | 64 | 20 | 70 | 10 | 30 | 2 | 28 | 16 | 16 | 256 | 51,570 | 17,010 | 1,420 | 70,000 | 70,000 |
| 2 Phase 2. CEQA Documentation and Environmental Permitting | | | | | | | | | | | | | | | | |
| 201 CEQA Documentation | | 4 | | 16 | | 4 | | | | | 24 | 4,520 | 25,589 | 45 | 30,154 | |
| 202 Permitting | | 4 | | 6 | | 4 | | | | | 14 | 2,770 | 32,957 | 54 | 35,781 | |
| 203 Engineering Support | | 16 | | 9 | | 20 | | | | | 45 | 8,975 | 0 | 90 | 9,065 | |
| Subtotal 2 Phase 2. CEQA Documentation and Environmental Permitting | 0 | 24 | 0 | 31 | 0 | 28 | 0 | 0 | 0 | 0 | 83 | 16,265 | 58,546 | 189 | 75,000 | 75,000 |
| 3 Phase 3. Final Design and Encroachment Permitting | | | | | | | | | | | | | | | | |
| 301 90% Plans, Specifications, and Opinion of Cost | 12 | 50 | 8 | 60 | 32 | 110 | 24 | 200 | | | 496 | 80,920 | 0 | 809 | 81,729 | |
| 302 Final Signed Plans, Specifications, and Opinion of Cost | 6 | 8 | | 28 | | 28 | 4 | 86 | | | 160 | 23,820 | 0 | 238 | 24,058 | |
| 303 Geotechnical Exploration and Report | | | | | | | | | | | 0 | 0 | 7,770 | 0 | 7,770 | |
| 304 Virtual One Hour Review Meetings (1) | | 4 | | 4 | | 4 | | | | | 12 | 2,420 | 0 | 200 | 2,620 | |
| 305 Easement Acquisition Services | | 2 | | 10 | | | | | | | 12 | 2,350 | 28,350 | 55 | 30,755 | |
| Subtotal 3 Phase 3. Final Design and Encroachment Permitting | 18 | 64 | 8 | 102 | 32 | 142 | 28 | 286 | 0 | 0 | 680 | 109,510 | 36,120 | 1,302 | 146,932 | 146,900 |
| TOTAL, hours | 18 | 152 | 28 | 203 | 42 | 200 | 30 | 314 | 16 | 16 | 1,019 | | | | | |
| TOTAL, dollars | | | | | | | | | | | | 177,345 | 111,676 | 2,911 | 291,932 | 291,900 |

Las Virgenes Municipal Water District
Malibou Lake Siphon Replacement
Estimated Level of Effort and Fee (Amendment 2 Changes)



| NO. | TASK DESCRIPTION | LEVEL OF EFFORT (HOURS) | | | | | | | | | | FEE (DOLLARS) | | | | | |
|----------|---|-------------------------|-----------------|-----------------|------------------|-------------------|----------------------|-------------|----------------|------------|---------------------|---------------|--------------|---------------|--------------|---------------|---------------|
| | | Senior Cost Estimator | Project Manager | Quality Manager | Project Engineer | Hydraulic Modeler | Engineer in Training | BIM Manager | BIM Technician | Accountant | Project Coordinator | Total Labor | Labor | Subs | Direct Costs | Total | TOTAL |
| | <i>Client Billing Rates</i> | \$300 | \$300 | \$320 | \$175 | \$200 | \$130 | \$190 | \$120 | \$140 | \$115 | \$196 | | Calc | Calc | Calc | -2 |
| 1 | Phase 1. Preliminary Design Study | | | | | | | | | | | | | | | | |
| 101 | Project Management and Quality Control | | | | | | | | | | | | | | | | |
| 102 | Virtual Kickoff Meeting | | | | | | | | | | | | | | | | |
| 103 | Data Review | | | | | | | | | | | | | | | | |
| 103.a | Flow Analysis | | | | | | | | | | | | | | | | |
| 103.b | Workshop Prep and Meeting (2) | | | | | | | | | | | | | | | | |
| 104 | Existing Utility Research & Base Mapping | | | | | | | | | | | | | | | | |
| 105 | Land Surveying | | | | | | | | | | | | | | | | |
| 106 | Environmental Screening Analysis | | | | | | | | | | | | | | | | |
| 107 | Provide Property Profiles | | | | | | | | | | | | | | | | |
| | Subtotal 1 Phase 1. Preliminary Design Study | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2 | Phase 2. CEQA Documentation and Environmental Permitting | | | | | | | | | | | | | | | | |
| 201 | CEQA Documentation | | | | | | | | | | | | | | | | |
| 202 | Permitting | | | | | | | | | | | | | | | | |
| 203 | Engineering Support | | | | | | | | | | | | | | | | |
| | total 2 Phase 2. CEQA Documentation and Environmental Permitting | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3 | Phase 3. Final Design and Encroachment Permitting | | | | | | | | | | | | | | | | |
| 301 | 90% Plans, Specifications, and Opinion of Cost | | | | | | | | | | | | | | | | |
| 302 | Final Signed Plans, Specifications, and Opinion of Cost | | | | | | | | | | | | | | | | |
| 303 | Geotechnical Exploration and Report | | | | | | | | | | | | | | | | |
| 304 | Virtual One Hour Review Meetings (1) | | | | | | | | | | | | | | | | |
| 305 | Easement Acquisition Services | | 2 | | 10 | | | | | | | 12 | 2,350 | 28,350 | 55 | 30,755 | |
| | Subtotal 3 Phase 3. Final Design and Encroachment Permitting | 0 | 2 | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 2,350 | 28,350 | 55 | 30,755 | 30,800 |
| | TOTAL, hours | 0 | 2 | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | | | | | |
| | TOTAL, dollars | | | | | | | | | | | | 2,350 | 28,350 | 55 | 30,755 | 30,800 |



333 North Lantana St.
Suite 287
Camarillo, CA 93010
(805) 322-4443

25115 Ave. Stanford
Suite A320
Santa Clarita, CA 91355
(661) 600-9367

Civil Engineering
Land Surveying
Land Planning

December 23, 2022

W.O. 0689

Keith Campbell
HDR, Inc.

Via email: Keith.Campbell@hdrinc.com

Subject: Malibou Lake Siphon

Dear Dan:

In response to your request, Encompass Consultant Group, Inc. (ECG) is pleased to submit this proposal to provide land surveying services at Malibou Lake.

PROJECT UNDERSTANDING

It is our understanding that that Las Virgenes Municipal Water District is interested in creating a new sewer siphon crossing for the Medea Creek inlet at Malibou Lake. The crossing is approximately 150 to 300 feet and will be located on the south side of the existing Lake Vista Drive bridge. In support of this effort we are being requested to prepare easement legal descriptions for the final design alignment and as well as a temporary construction easement.

Based on our understanding of the project requirements, we propose the following scope of services:

SCOPE OF WORK

Easement Preparation

Perform field survey to search for and recover existing record monuments sufficient in number to compile the record documents. The monuments will be tied to the project control survey, and will be used to orient the boundary to the project mapping datum.

Research of pertinent recorded maps and documents. Compile general area site boundary as necessary to georeference the new easement location to existing and proposed improvements based on the information contained in the latest available assessor site information to coordinate field monument search. This compiled boundary information will be utilized in the easement legal descriptions.

Perform field survey to search for and recover existing record monuments. The monuments will be tied to the project control survey, and will be used to orient the boundary to the project mapping datum.



Prepare two (2) legal descriptions and accompanying exhibits to clearly define one (1) new permanent easement and one (1) temporary construction easement (exact location of new easement is to be defined later by HDR as shown in the attached exhibit. It is understood any execution, deed preparation, coordination and/or recording will be handled by client.

SERVICES NOT INCLUDED

The following services and all other services not specifically listed herein are excluded:

1. Reimbursable expenses, such as photocopies, postage, shipping/delivery, prints, maps/documents.
2. Governmental and public agency fees, cost of bonds, and taxes.
3. Title company reports, services, and fees.
4. Services by consultants other than ECG.
5. Environmental permitting, reports, general plan or zoning changes, or processing.
6. ALTA, boundary establishment/resolution surveys, construction staking or filing records with the County Surveyor.
7. Services beyond those specifically listed in the Scope of Work above.

ASSUMPTIONS

1. Client will provide and coordinate access to and around site as required to perform work, including the lake.
2. Sufficient boundary monuments of record remain in place in the immediate site vicinity to allow for adequate boundary compilation and orientation. If insufficient monuments exist in the immediate area, additional time and charges may be required.

PROPOSED FEE AND METHOD OF PAYMENT

Our proposed services will be performed on a time and materials, not to exceed basis and shall be billed monthly at the rates then in effect. Charges for "time" include professional, technical and clerical support services provided by ECG. "Materials" include all reimbursable expenses, such as photocopies, postage, shipping/delivery, plots, prints, maps/documents, and outside consultant fees.

Payment is due upon receipt of statements (net 30 days). Unpaid account balances are subject to a finance charge which will be the lesser of one and one-half percent (1 ½ %) per month or a monthly charge not to exceed the maximum legal rate. This fee shall be applied to any unpaid balance commencing thirty days after the original billing. If an account is unpaid we may consider this as constructive notice to suspend work.

Based on our understanding of your requirements and our experience with similar projects, we estimate that the fee required for our services, not including reimbursable expenses, will cost approximately **\$6,500** (subject to prevailing wage rates)



We reserve the right to reallocate budgets between the tasks listed above for actual work performed, but we will not exceed the total fee without written approval.

We have estimated the cost of our services based on our understanding at this time of the scope and complexity of the work. However, please note that our services will be performed on a time and materials basis, and it is possible that our actual charges could exceed the amount we have estimated. During the performance of our services, the need for additional or expanded services may be determined. We will make every reasonable effort to keep you informed of our progress and costs incurred.

ADDITIONAL SERVICES

Services performed outside the scope of this agreement require written approval prior to performance of the work. Significant design changes after the start of work shall be considered additional services. Any work request that is outside the scope of this agreement will be identified by ECG as such, and a fixed fee or not-to-exceed amount will be agreed upon prior to the start of the additional work. Compensation for additional services shall be in accordance with the rates then in effect.

TIME OF PERFORMANCE

Based on our current workload, we estimate that we can begin work upon receipt of your written authorization to proceed. We will make every effort to keep you informed of our progress in accordance with a mutually acceptable schedule which will be arranged with you.

AUTHORIZATION

Should you require any additional information, or wish to discuss this proposal further, please contact me at (805) 416-8706, or via email at James.Fallon@ECGcivil.com. If this proposal is satisfactory, please contact us regarding the necessary agreement forms to begin work. Please note that this proposal is valid for a period of 30 calendar days.

Thank you for your consideration of ECG for this project.



Sincerely,

ENCOMPASS CONSULTANT GROUP, INC.

A handwritten signature in blue ink, appearing to read 'James P. Fallon', written over a horizontal line.

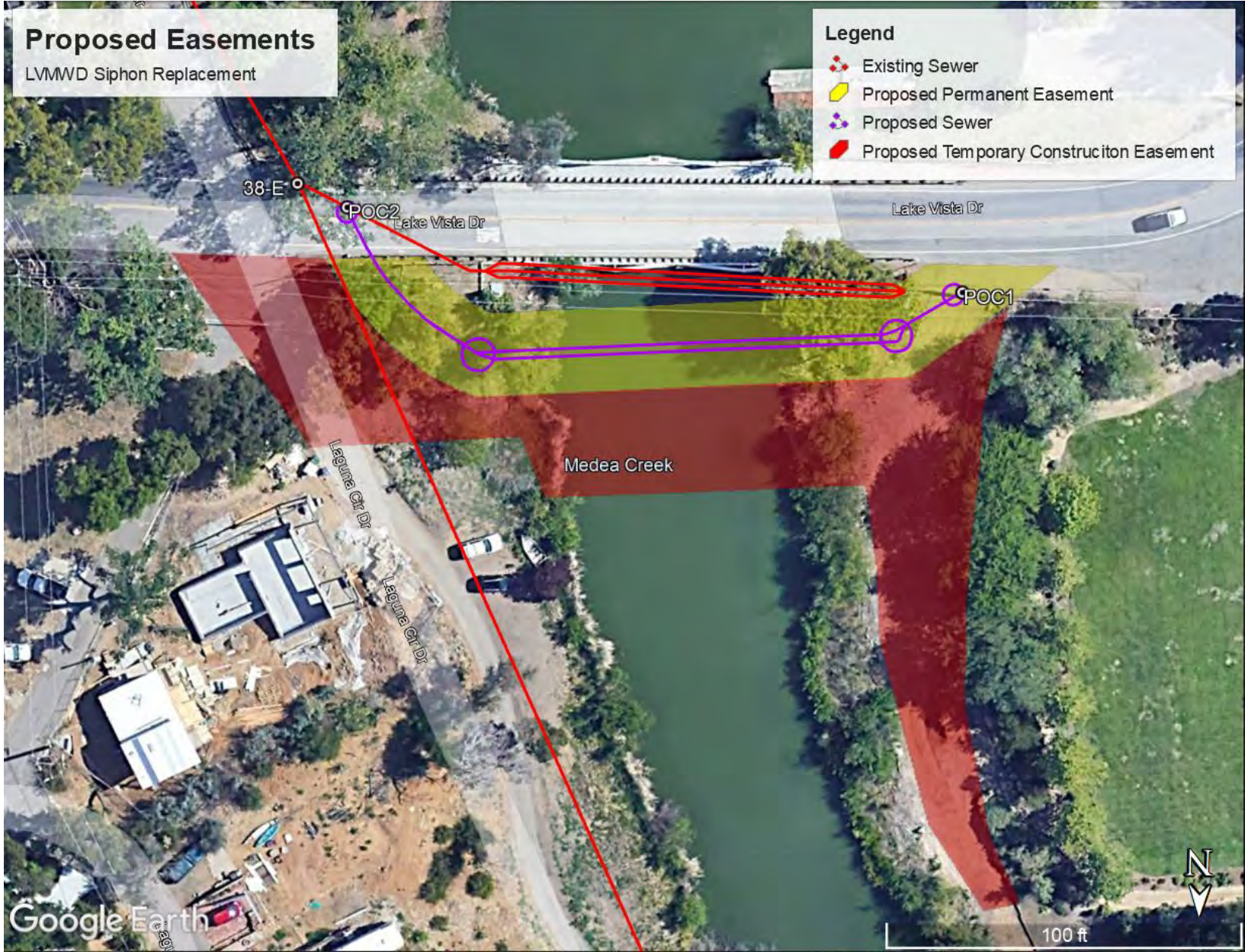
James P. Fallon, P.L.S. No. 7807, CA
Principal Surveyor
Phone: (805) 416-8706
James.Fallon@ECGcivil.com

A handwritten signature in blue ink, appearing to read 'Ben P. Hardin', written over a horizontal line.

Ben P. Hardin, P.L.S. No. 8552, CA
Senior Surveyor II
Phone: (805) 465-9097
Ben.Hardin@ECGcivil.com

Enclosures: Exhibit - Easement Areas; ECG's Current Billing Rate Schedule

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Engineering

| | |
|-----------------------------|-------|
| Designer | \$95 |
| Senior Designer..... | \$130 |
| Assistant Engineer I | \$115 |
| Assistant Engineer II | \$130 |
| Associate Engineer | \$150 |
| Senior Engineer I..... | \$165 |
| Senior Engineer II..... | \$175 |
| Principal Engineer | \$195 |

General

| | |
|--|-------------------|
| Technical/Clerical Support | \$75 |
| Testimony (Trial or Deposition) .. | 2.5 x Hourly Rate |
| Special Consultant | \$200 |
| <i>(Principal with specialized skills in engineering, geomatics or planning)</i> | |
| Outside Consultant..... | Cost + 10% |
| Reimbursable Expenses | Cost + 10% |

Geomatics (Surveying & Mapping)

| | |
|---|-------|
| Surveying Technician | \$95 |
| Assistant Surveyor I..... | \$115 |
| Assistant Surveyor II..... | \$130 |
| Associate Surveyor..... | \$150 |
| Senior Surveyor I..... | \$165 |
| Senior Surveyor II..... | \$175 |
| Principal Surveyor | \$195 |
| One-Man Survey Crew | \$175 |
| Two-Man Survey Crew | \$250 |
| Three-Man Survey Crew | \$305 |
| One-Man Survey Crew (Prevailing Wage) | \$185 |
| Two-Man Survey Crew (Prevailing Wage) | \$265 |
| Three-Man Survey Crew (Prevailing Wage) .. | \$365 |



HAMNER, JEWELL & ASSOCIATES

Government Real Estate Services

Right of Way Acquisition ~ Relocation Assistance ~ Real Property Consulting

Offices in Ventura, San Luis Obispo and Fresno Counties

Writer's Telephone Number: (805) 658-8844

Writer's email address: hjohnson@hamner-jewell.com

January 20, 2023

via email to: dan.ellison@HDRinc.com

Dan Ellison, PE, SE
Senior Professional Associate
HDR, Inc.
701 East Santa Clara Street, Suite 36
Ventura, CA 93001-5972

Subject: Las Virgenes Municipal Water District – Malibou Lake Siphon Study & Design Proposal

Dear Dan,

Thank you for seeking our assistance to prepare a proposal in connection with Las Virgenes Municipal Water District's ("District") Malibou Lake Siphon Study & Design project. We would be pleased to assist with this effort! We understand that the District has completed the alignment study of this project and has selected a final alignment. The District now wishes to proceed with the final design and acquisition phase of this project.

PHASE 2 – FINAL DESIGN AND ACQUISITION

In order to assist with the second phase of this project, we would order a Preliminary Title Report ("PTR") covering the impacted properties. This would consist of one PTR covering both parcels. As we have indicated, the Title Company has confirmed that this will involve a complex title search that must be completed by their Special Projects Department. We have been advised that it will take approximately four weeks to complete the PTR. While the PTR is being prepared, we would suggest contacting the property owner to review the proposed project plans.

Next, we would order the appraisal reports from Jeremy Bagott of Hamner, Jewell & Associates. Please note that before we can provide the authorization to proceed to Mr. Bagott, we need the PTR, easement legal descriptions with area calculations and current project plans. Also, please be aware that appraisals typically take a couple of months to complete.

While the appraisal is underway, we would prepare a draft offer package consisting of an offer letter, appraisal summary statement, right of way agreement and easement deed for the District's review and pre-approval. After the appraisal is complete and offer package is approved by the District, we would present the offer to the owner and seek their agreement. We would actively work with the owner in pursuit of obtaining a cooperative agreement. If an agreement is reached,

we would process all documents for necessary approvals and coordinate escrow, title insurance, and closing.

For these services, we would propose the following budget based on our attached current Rate Schedule:

| TASK | COST |
|--|-----------------|
| One PTR covering APNs 4462-004-032 & 4462-004-023 (10% mark-up included) | \$6,050 |
| One Appraisal Report covering APNs 4462-004-032 &/or 4462-004-023 | \$6,000 |
| Acquisition Services (up to 50 hours of HJA Staff time) | \$8,250 |
| Reimbursable Expenses (mileage/postage/copies et al) | \$200 |
| TOTAL | \$20,500 |

This cost proposal is valid for work completed in Fiscal Year 2022-2023. Any extended time required beyond that may necessitate additional time and budget allocation. This budget will cover up to a maximum of 50 hours of HJA staff time. We will bill only for time actually expended.

We would work closely with you and your project team to ensure that we are investing our efforts in accordance with your needs and preferences. In any case where one is working with people rather than completing an independently controllable task, it is always difficult to speculate in advance the specific amount of time that may be required to complete our goals. Our efforts are largely impacted by the level of accessibility and responsiveness of the property owners from whom we seek agreements.

Please let me know if you have any questions or will require anything further in order to retain us to assist you with these efforts. You can reach me by phone at (805) 658-8844 or by email at hjohnson@hamner-jewell.com. Thank you for calling on us to assist you with this project. We look forward to the opportunity to work with and assist you and the District on this project!

Sincerely,
Heather Johnson
Heather Johnson

Enc: Fiscal Year 2022-2023 Rate Schedule

HAMNER, JEWELL & ASSOCIATES

(a Division of Beacon Integrated Professional Resources, Inc.)

Hamner, Jewell & Associates is committed to providing the most cost effective, quality real estate services available. At all times, by pre-directive, our clients may structure and direct our efforts and general time expenditures so as to maintain control of the course of our scope of work and the cost of our services. We will bill only for time and costs actually expended in accomplishing the project goals in the most efficient and professional manner.

Our Fiscal Year 2022-2023 Rate Schedule, effective July 1, 2022, is as follows:

| | |
|--|---------------------------------------|
| Managing Senior Associate | \$288 an hour |
| Senior Associates II | \$145-205 an hour |
| Senior Associates I | \$140-185 an hour |
| Associates II (Acquisition/Relocation) | \$120-150 an hour |
| Associates I (Acquisition/Relocation) | \$95-135 an hour |
| Contract Administrators | \$120-180 an hour |
| Project Coordinators | \$95-135 an hour |
| Transaction/Escrow Coordinators | \$85-130 an hour |
| Transaction Assistants | \$60-95 an hour |
| Assistants/Clerical Support | \$50-75 an hour |
| Appraisers | Lump Sum Fee per Appraisal Assignment |

These rates are inclusive of general office expenses, overhead, and profit. Reimbursable costs that may be passed through to the client as additional expenses include travel expenses (based upon the standard IRS mileage reimbursement rate for automobile travel, or actual expenses for rail or air travel), special handling fees such as certified, express mail, and courier delivery charges, postage, photography, copy and printing, certain project/client-specific telephone expenses, and other charges made by third parties in connection with performing the scope of services. Such third-party expenses may include, but are not limited to, such costs as moving bid fees, title and escrow company charges, notary fees, and appraisal fees. Fees charged by insurance companies for issuing insurance certificates for client per contract requirements will also be billed through to client for reimbursement. Per diem charges may apply in cases where the project area is more than two hours auto commuting time away from a Hamner, Jewell & Associates (“HJA”) office location.

All reimbursable and third-party expenses will be billed to the client at cost plus 10%, with appropriate invoices or other appropriate documentation provided for reference, unless mark-up is contractually restricted. Mileage and travel costs will be passed through without mark-up.

Statements for work shall be rendered monthly. Payments are due within 30 days. Payments not received within said period will accrue interest at a rate of 10% per annum.

If HJA is called upon or compelled to provide support for litigation or other proceedings, or respond to subpoenas in any way whatsoever related to the work HJA has completed on client’s behalf, client shall pay HJA for required time in accordance with the hourly rates and fees specified in this Fee Schedule, except, however, any time for court testimony and depositions shall be paid at a rate of \$500/hour for HJA Senior Associates, \$325/hour for HJA Associates, and \$200/hour for HJA support staff. HJA shall additionally be reimbursed for all out-of-pocket and overhead expenses in connection with such proceedings. This provision shall survive the term of the contract and shall be binding without restriction or otherwise stated contract budget limitations.

Rates may be adjusted annually with thirty days advance written notice. Publication and distribution of this rate schedule shall be deemed such annual notice with regard to annual rate adjustment contractual provisions.

DATE: February 6, 2023
TO: JPA Board of Directors
FROM: Finance and Administration

SUBJECT: Clean Water and Drinking Water State Revolving Fund Applications for Pure Water Project Las Virgenes-Triunfo: Adoption of Resolutions

SUMMARY:

Staff is pursuing various funding and financing options for the Pure Water Project Las Virgenes-Triunfo, including low-interest loans from the Clean Water (CWSRF) and Drinking Water (DWSRF) State Revolving Funds and a grant from the Water Recycling Funding Program (WRFP). Board adoption of the proposed resolutions is required for submittal of the CWSRF, DWSRF and WRFP applications.

RECOMMENDATION(S):

Pass, approve, and adopt proposed Resolution No. 26, authorizing a low-interest loan application for funding from the Clean Water State Revolving Fund; Resolution No. 27, authorizing loan reimbursement to the Clean Water State Revolving Fund; Resolution No. 28, authorizing a low-interest loan application for funding from the Drinking Water State Revolving Fund; Resolution No. 29, authorizing loan reimbursement to the Drinking Water State Revolving Fund; and Resolution No. 30, authorizing a grant application for funding from the State Water Resources Control Board Water Recycling Funding Program, all of which are for the Pure Water Project Las Virgenes-Triunfo.

RESOLUTION NO. 26

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING APPLICATION FOR FUNDING FROM THE CLEAN WATER STATE REVOLVING FUND

(Reference is hereby made to Resolution No. 26 on file in the JPA’s Resolution Book and by this reference the same is incorporated herein.)

RESOLUTION NO. 27

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING REIMBURSEMENT TO THE CLEAN WATER STATE REVOLVING FUND

(Reference is hereby made to Resolution No. 27 on file in the JPA’s Resolution Book and by

this reference the same is incorporated herein.)

RESOLUTION NO. 28

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING APPLICATION FOR FUNDING FROM THE DRINKING WATER STATE REVOLVING FUND

(Reference is hereby made to Resolution No. 28 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

RESOLUTION NO. 29

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING REIMBURSEMENT TO THE DRINKING WATER STATE REVOLVING FUND

(Reference is hereby made to Resolution No. 29 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

RESOLUTION NO. 30

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING APPLICATION FOR FUNDING FROM THE STATE WATER RESOURCES CONTROL BOARD WATER RECYCLING FUNDING PROGRAM

(Reference is hereby made to Resolution No. 30 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

FINANCIAL IMPACT:

There is no financial impact associated with submitting these low-interest loan and grant funding applications. Should the funding be approved and awarded, the cost associated with repayment of any loan(s) would be included in future fiscal year JPA budgets.

DISCUSSION:

On October 14, 2022, staff provided the JPA Board with a comprehensive update on the estimated cost of the Pure Water Project Las Virgenes-Triunfo (Pure Water Project) and presented information on a variety of potential funding and financing options. The options including funds from the State Water Resources Control Board (SWRCB) State Revolving Fund Programs (SRF), Water Infrastructure Finance and Innovation Act (WIFIA), iBank, public offerings and grant programs such as the Water Recycling Funding Program.

At the meeting, the Board approved a budget of \$364 million for the Pure Water Project and directed staff to proceed with applications for grant funding and low-interest loans. Staff is prepared to apply for low-interest loans from the Clean Water State Revolving Fund Program (CWSRF) and Drinking Water State Revolving Fund Program (DWSRF). As part of the application process, the JPA can also simultaneously apply for grant funding from the Water Recycling Funding Program.

The following resolutions are required by the State Water Resources Control Board for the low-interest loan and grant applications:

- Resolution No. 26, authorizing an application for a low-interest CWSRF loan;
- Resolution No. 27, authorizing reimbursement of loan proceeds from CWSRF;
- Resolution No. 28, authorizing an application for a low-interest DWSRF loan;
- Resolution No. 29, authorizing reimbursement of loan proceeds from DWSRF; and
- Resolution No. 30, authorizing an application for WRFPP grant funds.

Staff will include the adopted resolutions as part of the funding application packages.

GOALS:

Ensure Effective Utilization of the Public's Assets and Money

Prepared by: Debbie Rosales, Financial Analyst II

ATTACHMENTS:

[Proposed JPA Resolution No. 26](#)

[Proposed JPA Resolution No. 27](#)

[Proposed JPA Resolution No. 28](#)

[Proposed JPA Resolution No. 29](#)

[Proposed JPA Resolution No. 30](#)

RESOLUTION NUMBER 26

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF LAS VIRGENES - TRIUNFO JOINT POWERS AUTHORITY
AUTHORIZING APPLICATION FOR FUNDING FROM THE
CLEAN WATER STATE REVOLVING LOAN FUND**

WHEREAS, the Las Virgenes – Triunfo Joint Powers Authority (“the JPA”) is developing the Pure Water Project Las Virgenes – Triunfo (“the Project”); and

WHEREAS, the Las Virgenes Municipal Water District (“the District”) is a member of the JPA and the Administering Agent of the JPA; and

WHEREAS, the Project is necessary for the JPA to comply with National Pollution Discharge Elimination System (NPDES) discharge requirements related to Malibu Creek; and

WHEREAS, the project will also develop a local source of potable water; and

WHEREAS, the JPA wishes to utilize Clean Water State Revolving Loan Fund financing for the project.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF LAS VIRGENES - TRIUNFO JOINT POWERS AUTHORITY DOES RESOLVE AS FOLLOWS:

SECTION 1: The General Manager (the “Authorized Representative”) or designee is hereby authorized and directed to sign and file, for and on behalf of the JPA and the District, as Administering Agent, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Las Virgenes - Triunfo Pure Water Project (the “Project”).

SECTION 2: This Authorized Representative, or his/her designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.

SECTION 3: The Authorized Representative, or his/her designee, is designated to represent the JPA and the District, as Administering Agent, in carrying out the JPA's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the JPA and compliance with applicable state and federal laws.

PASSED, APPROVED, AND ADOPTED on February 6, 2023.

Jane Nye, President

Jay Lewitt, Vice President
(SEAL)

APPROVED AS TO FORM:

Wayne K. Lemieux, District Counsel

RESOLUTION NUMBER 27

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES - TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING REIMBURSEMENT TO THE CLEAN WATER STATE REVOLVING LOAN FUND

WHEREAS, Las Virgenes - Triunfo Joint Powers Authority (the "JPA") desires to finance the costs of constructing and/or reconstructing certain public facilities and improvements relating to its water and wastewater system, including certain treatment facilities, pipelines and other infrastructure (the "Project"); and

WHEREAS, the Agency intends to finance the construction and/or reconstruction of the Project or portions of the Project with moneys ("Project Funds") provided by the State of California, acting by and through the State Water Resources Control Board (State Water Board); and

WHEREAS, the State Water Board may fund the Project Funds with proceeds from the sale of obligations the interest upon which is excluded from gross income for federal income tax purposes (the "Obligations"), and

WHEREAS, prior to either the issuance of the Obligations or the approval by the State Water Board of the Project Funds the Agency desires to incur certain capital expenditures (the "Expenditures") with respect to the Project from available moneys of the Agency; and

WHEREAS, the Agency has determined that those moneys to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Agency for the Expenditures from the proceeds of the Obligations.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF LAS VIRGENES - TRIUNFO JOINT POWERS AUTHORITY DOES RESOLVE AS FOLLOWS:

SECTION 1: The Agency hereby states its intention and reasonably expects to reimburse Expenditures paid prior to the issuance of the Obligations or the approval by the State Water Board of the Project Funds.

SECTION 2: The reasonably expected maximum principal amount of the Project Funds is \$364,000,000.

SECTION 3: This resolution is being adopted no later than 60 days after the date on which the JPA will expend moneys for the construction portion of the Project costs to be reimbursed with Project Funds.

SECTION 4: Each Agency expenditure will be of a type properly chargeable to a capital account under general federal income tax principles.

SECTION 5: To the best of our knowledge, this JPA is not aware of the previous adoption of official intents by the JPA that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued.

SECTION 6: This resolution is adopted as official intent of the JPA in order to comply with Treasury Regulation §1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Project costs.

SECTION 7: All the recitals in this Resolution are true and correct and the JPA so finds, determines and represents.

PASSED, APPROVED, AND ADOPTED on February 6, 2023.

Jane Nye, President

ATTEST:

Jay Lewitt, Vice President

(SEAL)

APPROVED AS TO FORM:

Wayne K. Lemieux, District Counsel

RESOLUTION NUMBER 28

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF LAS VIRGENES - TRIUNFO JOINT POWERS AUTHORITY
AUTHORIZING APPLICATION FOR FUNDING FROM THE
DRINKING WATER STATE REVOLVING LOAN FUND**

WHEREAS, the Las Virgenes – Triunfo Joint Powers Authority (“the JPA”) is developing the Pure Water Project Las Virgenes – Triunfo (“the Project”); and

WHEREAS, the Las Virgenes Municipal Water District (“the District”) is a member of the JPA and the Administering Agent of the JPA; and

WHEREAS, the Project is necessary for the JPA to comply with National Pollution Discharge Elimination System (NPDES) discharge requirements related to Malibu Creek; and

WHEREAS, the project will also develop a local source of potable water; and

WHEREAS, the JPA wishes to utilize Drinking Water State Revolving Loan Fund financing for the project.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF LAS VIRGENES - TRIUNFO JOINT POWERS AUTHORITY DOES RESOLVE AS FOLLOWS:

SECTION 1: The General Manager (the “Authorized Representative”) or designee is hereby authorized and directed to sign and file, for and on behalf of the JPA and the District, as Administering Agent, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Pure Water Project Las Virgenes - Triunfo (the “Project”).

SECTION 2: This Authorized Representative, or his/her designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.

SECTION 3: The Authorized Representative, or his/her designee, is designated to represent the JPA and the District, as Administering Agent, in carrying out the JPA's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the JPA and compliance with applicable state and federal laws.

PASSED, APPROVED, AND ADOPTED on February 6, 2023.

Jane Nye, President

Jay Lewitt, Vice President
(SEAL)

APPROVED AS TO FORM:

Wayne K. Lemieux, District Counsel

RESOLUTION NUMBER 29

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES - TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING REIMBURSEMENT TO THE DRINKING WATER STATE REVOLVING LOAN FUND

WHEREAS, Las Virgenes - Triunfo Joint Powers Authority (the "JPA") desires to finance the costs of constructing and/or reconstructing certain public facilities and improvements relating to its water and wastewater system, including certain treatment facilities, pipelines and other infrastructure (the "Project"); and

WHEREAS, the Agency intends to finance the construction and/or reconstruction of the Project or portions of the Project with moneys ("Project Funds") provided by the State of California, acting by and through the State Water Resources Control Board (State Water Board); and

WHEREAS, the State Water Board may fund the Project Funds with proceeds from the sale of obligations the interest upon which is excluded from gross income for federal income tax purposes (the "Obligations"), and

WHEREAS, prior to either the issuance of the Obligations or the approval by the State Water Board of the Project Funds the Agency desires to incur certain capital expenditures (the "Expenditures") with respect to the Project from available moneys of the Agency; and

WHEREAS, the Agency has determined that those moneys to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Agency for the Expenditures from the proceeds of the Obligations.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF LAS VIRGENES - TRIUNFO JOINT POWERS AUTHORITY DOES RESOLVE AS FOLLOWS:

SECTION 1: The Agency hereby states its intention and reasonably expects to reimburse Expenditures paid prior to the issuance of the Obligations or the approval by the State Water Board of the Project Funds.

SECTION 2: The reasonably expected maximum principal amount of the Project Funds is \$364,000,000.

SECTION 3: This resolution is being adopted no later than 60 days after the date on which the JPA will expend moneys for the construction portion of the Project costs to be reimbursed with Project Funds.

SECTION 4: Each Agency expenditure will be of a type properly chargeable to a capital account under general federal income tax principles.

SECTION 5: To the best of our knowledge, this JPA is not aware of the previous adoption of official intents by the JPA that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued.

SECTION 6: This resolution is adopted as official intent of the JPA in order to comply with Treasury Regulation §1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Project costs.

SECTION 7: All the recitals in this Resolution are true and correct and the JPA so finds, determines and represents.

PASSED, APPROVED, AND ADOPTED on February 6, 2023.

Jane Nye, President

ATTEST:

Jay Lewitt, Vice President

(SEAL)

APPROVED AS TO FORM:

Wayne K. Lemieux, District Counsel

RESOLUTION NUMBER 30

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF LAS VIRGENES - TRIUNFO JOINT POWERS AUTHORITY
AUTHORIZING APPLICATION FOR FUNDING FROM THE
STATE WATER RESOURCES CONTROL BOARD
WATER RECYCLING FUNDING PROGRAM**

WHEREAS, the Las Virgenes – Triunfo Joint Powers Authority (“the JPA”) is developing the Pure Water Project Las Virgenes – Triunfo (“the Project”); and

WHEREAS, the Las Virgenes Municipal Water District (“the District”) is a member of the JPA and the Administering Agent of the JPA; and

WHEREAS, the Project is necessary for the JPA to comply with National Pollution Discharge Elimination System (NPDES) discharge requirements related to Malibu Creek; and

WHEREAS, the project will also develop a local source of potable water; and

WHEREAS, the JPA wishes to utilize Water Recycling Program Funding financing for the project.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF LAS VIRGENES - TRIUNFO JOINT POWERS AUTHORITY DOES RESOLVE AS FOLLOWS:

SECTION 1: The General Manager (the “Authorized Representative”) or designee is hereby authorized and directed to sign and file, for and on behalf of the JPA and the District, as Administering Agent, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Las Virgenes - Triunfo Pure Water Project (the “Project”).

SECTION 2: This Authorized Representative, or his/her designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.

SECTION 3: The Authorized Representative, or his/her designee, is designated to represent the JPA and the District, as Administering Agent, in carrying out the JPA's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the JPA and compliance with applicable state and federal laws.

PASSED, APPROVED, AND ADOPTED on February 6, 2023.

Jane Nye, President

Jay Lewitt, Vice President

(SEAL)

APPROVED AS TO FORM:

Wayne K. Lemieux, District Counsel