



**LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY  
AGENDA**

Regular Meeting of the Board of Directors  
March 9, 2022 – 9:30 a.m.

---

---

**SPECIAL NOTICE OF TELECONFERENCE ACCESSIBILITY**

Pursuant to the provisions of Government Code Section 54953(e), as amended by Assembly Bill 361, any Director and any member of the public who desires to participate in the open session items of this meeting may do so by accessing the Zoom link below without otherwise complying with the Brown Act's teleconference requirements.

**Please click the link below to join the webinar:**

**<https://lagerlof.zoom.us/j/82264614906>**

**Or One tap mobile:**

**US: +16699006833,,82264614906#**

**Or Telephone:**

**US: +1 669 900 6833**

**Webinar ID: 822 6461 4906**

Any member of the public wishing to make any comments to the Board of Directors may do so by accessing the above-referenced link where they may select the option to join via webcam or teleconference. Members of the public may also submit written comments to the Interim Clerk by 4:00 p.m. on the day prior to the meeting for the Interim Clerk to read into the record (subject to three-minute limitation). The meeting Chair will acknowledge such individual(s) at the appropriate time in the meeting prior to making their comment. Members of the public will be disconnected from the meeting prior to any Closed Session, if applicable.

*NOTE: To comply with the Americans with Disabilities Act, if you need special assistance to participate in any Board meeting, please contact the Authority's Interim Clerk at [rperea@lagerlof.com](mailto:rperea@lagerlof.com) by 4:00 p.m. on March 8, 2022 to inform the Authority of your needs and to determine if accommodation is feasible. Each item on the Agenda shall be deemed to include any appropriate motion, resolution, or ordinance, to take action on any item. Materials related to items on this Agenda are available for public review at: [www.losvaquerosjpa.com/board-meetings](http://www.losvaquerosjpa.com/board-meetings).*

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL OF DIRECTORS**

Angela Ramirez Holmes, Chair, Zone 7 Water Agency  
Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority  
Ellen Wehr, Secretary, Grassland Water District  
Paul Sethy, Treasurer, Alameda County Water District  
Lisa Borba, Director, Contra Costa Water District  
John Coleman, Director, East Bay Municipal Utility District  
Dennis Herrera, Director, San Francisco Public Utilities Commission  
Gary Kremen, Director, Santa Clara Valley Water District  
TBD, Director – Ex Officio - Department of Water Resources

**ALTERNATE DIRECTORS**

Jonathan Wunderlich, Alternate Director, Alameda County Water District  
Ernesto Avila, Alternate Director, Contra Costa Water District  
Lesa McIntosh, Alternate Director, East Bay Municipal Utility District  
Ricardo Ortega, Alternate Director, Grassland Water District  
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission  
Jose Gutierrez, Alternate Director, San Luis & Delta-Mendota Water Authority  
Linda J. LeZotte, Alternate Director, Santa Clara Valley Water District  
Sandy Figuers, Alternate Director, Zone 7 Water Agency  
TBD, Alternate Director – Ex Officio, Department of Water Resources

**CONSIDER ADOPTION OF RESOLUTION NO. 3-22-01 RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS OF THE LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY FOR THE PERIOD FROM MARCH 9, 2022 TO APRIL 7, 2022 PURSUANT TO BROWN ACT PROVISIONS.**

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

*Any member of the public wishing to address the Board of Directors regarding items not on the Agenda should do so at this time. The Board welcomes your comments and requests that speakers present their remarks within established time limits and on issues that directly affect the Authority or are within the jurisdiction of the Authority.*

**CONSENT CALENDAR**

**1.1 Approval of Minutes from February 9, 2022 Board of Directors Meeting**

## **ACTION ITEMS**

- 2.1 Consider adoption of Resolution No. 3-22-02 – Resolution of the Board of Directors of Los Vaqueros Reservoir Joint Powers Authority Adopting Policy Statement: Commitment to Diversity and Accessibility**
- 2.2 Consider adoption of Resolution No. 3-22-03 – Resolution of the Board of Directors of Los Vaqueros Reservoir Joint Powers Authority Adopting Board Meeting and Decorum Policy**

## **DISCUSSION ITEMS**

- 3.1 JPA Board In-Person Meetings**
- 3.2 Authority Management Approach**
- 3.3 FY23 Budget Development Approach**
- 3.4 Draft Government Claims Policy**
- 3.5 Draft CEQA Guidelines Implementation**
- 3.6 Review of Board Policy and Action Calendar**

## **FUTURE AGENDA ITEMS**

### **REPORTS**

- 4.1 Directors**
- 4.2 Treasurer**
- 4.3 Interim General Counsel**
- 4.4 Interim Administrator**

## **ADJOURNMENT**

**CONSIDER ADOPTION OF RESOLUTION NO. 3-22-01 RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS OF THE LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY FOR THE PERIOD FROM MARCH 9, 2022 TO APRIL 7, 2022 PURSUANT TO BROWN ACT PROVISIONS.**

**RESPONSIBLE/LEAD STAFF MEMBER:**

James Ciampa, Interim General Counsel

**RECOMMENDATION:**

That the Los Vaqueros Reservoir Joint Powers Authority (Authority) Board of Directors' (Board) approve the above-referenced resolution making certain findings to allow for the Authority's Board meetings to continue to be conducted remotely by teleconference without compliance with the Brown Act's established teleconferenced meetings requirements, as permitted by recently enacted AB 361, while ensuring public access to such Board meetings.

**DISCUSSION:**

At the November 10 Board of Directors' meeting, the Board approved Resolution No. 11-21-01, which authorized the Board to conduct its meetings remotely by teleconference. That resolution made certain findings as required by Assembly Bill 361 (AB 361) with respect to such remote meetings. That resolution was subsequently continued at the subsequent Board meetings.

AB 361 requires that a subsequent resolution be adopted every 30 days to make findings that the emergency conditions justifying such remote meetings continue to exist. Attached Resolution No. 3-22-01 sets forth those required findings to allow for continued remote teleconferenced Board meetings, including that requiring in-person attendance at meetings of the Board would pose an imminent risk to the health and safety of those in attendance, while ensuring public access to those meetings. The attached resolution is substantially similar to the resolution the Board previously adopted.

The resolution will take effect immediately and will be effective for 30 days, or until such time as the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board may continue to meet by teleconference without compliance with Government Code section 54953(b)(3).

**ALTERNATIVES:**

If the Board does not adopt the resolution, in-person attendance will be required, or for those calling in, compliance with the notice and posting, in-person participation, and quorum requirements in Government Code section 54953(b)(3) would be required.

**FISCAL ANALYSIS:**

Not applicable

**ENVIRONMENTAL REQUIREMENTS:**

Not applicable

**EXHIBITS/ATTACHMENTS:**

Resolution No. 3-22-01

**RESOLUTION NO. 3-22-01**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE LOS VAQUEROS  
RESERVOIR JOINT POWERS AUTHORITY RE-RATIFYING THE  
PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR GAVIN  
NEWSOM AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE  
BOARD OF DIRECTORS OF THE LOS VAQUEROS RESERVOIR JOINT POWERS  
AUTHORITY FOR THE PERIOD FROM MARCH 9, 2022 TO APRIL 7, 2022  
PURSUANT TO BROWN ACT PROVISIONS.**

WHEREAS, the Los Vaqueros Reservoir Joint Powers Authority (the “Authority”) is committed to preserving and nurturing public access and participation in meetings of its Board of Directors; and

WHEREAS, all meetings of the Authority’s Board of Directors are to be open and public, as required by the Ralph M. Brown Act (California Government Code Sections 54950 – 54963), so that any member of the public may attend, participate, and watch the Board conduct its business; and

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

WHEREAS, a required condition for application of Section 54953(e) is that a state of emergency is declared by the Governor pursuant to Government Code Section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code Section 8558; and

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

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

WHEREAS, the Authority’s Board of Directors previously adopted Resolutions finding that the requisite conditions exist for the Authority’s Board of Directors to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953; and

WHEREAS, such conditions continue to exist in the Authority’s geographical jurisdiction, specifically, a state of emergency has been proclaimed in the State of California pertaining to the threat to the health, safety and well-being of the Authority’s directors, staff,

vendors, contractors, customers and residents presented by COVID-19, and its Delta, Omicron and possibly other variants, which remain highly contagious; and

WHEREAS, orders and guidance from local counties and regulations from the State of California impose limitations on gatherings and provide guidance on best practices with respect to actions to reduce the spread of COVID-19; and

WHEREAS, allowing all individual members of the Authority's Board of Directors and staff to travel from various areas around the state to meet in person would present an imminent risk to the health and safety of attendees given the spread of the Delta and other variants of the COVID-19 virus throughout the state and the current number of infections in local counties where the Authority's members are located; and

WHEREAS, the Authority's Board of Directors does hereby find that the continuing state of emergency poses imminent risks to attendees and has caused, and will continue to cause, conditions of peril to the safety of persons within the Authority's jurisdiction that are likely to be beyond the control of services, personnel, equipment, and facilities of the Authority, and the Board of Directors desires to re-ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the continuing local emergency, the Board of Directors does hereby find that the Authority's Board of Directors shall conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953, as authorized by subdivision (e) of Section 54953, and shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Section 54953; and

WHEREAS, the Authority will provide proper notice to the public regarding all Authority Board of Directors' meetings, in accordance with Government Code Section 54953(e)(2)(A) and shall provide notice to the public of how they may access any such meeting via call-in number and/or internet link.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation Regarding Local Emergency. The Board of Directors hereby proclaims that a local emergency continues to exist in the geographical jurisdiction of the Authority and allowing individual members of the Authority's Board of Directors and members of the public to meet in person would present an imminent risk to the health and safety of attendees, and that conducting Authority Board of Directors virtually will minimize the possible spread COVID-19 and any variant thereof.

Section 3. Re-Ratification of Governor’s Proclamation of a State of Emergency. The Board hereby again ratifies the Governor of the State of California’s Proclamation of State of Emergency regarding COVID-19, dated March 4, 2020.

Section 4. Remote Teleconference Meetings. The Administrator, Authority staff and the Board of Directors are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code Section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) the expiration of thirty (30) days from the date this Resolution was adopted, as set forth below, or (ii) such time as the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Directors of the Authority may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority this 9th day of March, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Angela Ramirez Holmes, Chair

Attest:

---

Ellen Wehr, Secretary



**CONSENT CALENDAR**

**ITEM 1.1: APPROVAL OF MINUTES FROM FEBRUARY 9, 2022 BOARD OF DIRECTORS MEETING**

**RESPONSIBLE/LEAD STAFF MEMBER:**

James Ciampa, Interim General Counsel

**RECOMMENDATION:**

That the Authority's Board of Directors approve the attached minutes from the February 9, 2022 Board of Directors meeting.

**DISCUSSION:**

The Interim Clerk, Interim General Counsel, Interim Administrator and Secretary have prepared the attached draft minutes from the February 9, 2022 Board of Directors meeting.

**ALTERNATIVES:**

An alternative form of minutes which sets forth more detailed summaries of the Board's discussion that occurred at the February 9, 2022 Board meeting could be prepared.

**FISCAL ANALYSIS:**

Not applicable

**ENVIRONMENTAL REQUIREMENTS:**

Not applicable

**EXHIBITS/ATTACHMENTS:**

Draft minutes from February 9, 2022 Board of Directors meeting.



**LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY  
MINUTES**

Regular Meeting of the Board of Directors  
February 9, 2022 – 9:30 a.m.

---

---

**CALL TO ORDER** at 9:34 a.m.

**PLEDGE OF ALLEGIANCE** – led by Chair Angela Ramirez Holmes

**ROLL CALL OF DIRECTORS**

Angela Ramirez Holmes, Chair, Zone 7 Water Agency  
Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority  
Ellen Wehr, Secretary, Grassland Water District  
Paul Sethy, Director, Alameda County Water District  
Lisa Borba, Director, Contra Costa Water District  
John Coleman, Director, East Bay Municipal Utility District

**ALTERNATE DIRECTORS**

\*Linda J. LeZotte, Alternate Director, Santa Clara Valley Water District  
Jonathan Wunderlich, Alternate Director, Alameda County Water District  
Ernesto Avila, Alternate Director, Contra Costa Water District  
Ricardo Ortega, Alternate Director, Grassland Water District  
\*Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission  
Jose Gutierrez, Alternate Director, San Luis & Delta-Mendota Water Authority  
Sandy Figuers, Alternate Director, Zone 7 Water Agency

\*Alternate Directors who replaced absent Directors from their member agencies

**ABSENT**

Dennis Herrera, Director, San Francisco Public Utilities Commission  
Gary Kremen, Director, Santa Clara Valley Water District [to be sworn in]  
Lesa McIntosh, Alternate Director, East Bay Municipal Utility District

**OTHERS PRESENT**

Marguerite Patil, Contra Costa Water District  
Maureen Martin, Contra Costa Water District  
Mimi Mehaouchi, Contra Costa Water District  
James Ciampa, Lagerlof, LLP, Interim General Counsel  
Rosemarie Perea, Interim Board Clerk  
Joel Lopez, Lagerlof, LLP  
Diane Schmidt, Lagerlof, LLP  
Approximately 20 others

**CONSIDER ADOPTION OF RESOLUTION NO. 2-22-01 RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS OF THE LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY FOR THE PERIOD FROM FEBRUARY 6, 2022, TO MARCH 8, 2022 PURSUANT TO BROWN ACT PROVISIONS.**

Assembly Bill 361 (AB 361) requires that a subsequent resolution be adopted every 30 days to make findings that the emergency conditions justifying such remote meetings continue to exist. Similar to prior resolutions the Board adopted in December and January, Resolution No. 2-22-01 sets forth the findings required by AB 361 to allow for continued remote teleconferenced Board meetings.

The resolution will take effect immediately and will be effective for 30 days, or until such time as the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board may continue to meet by teleconference without compliance with Government Code section 54953(b)(3).

After discussion and upon motion by Director Borba, seconded by Director Coleman, Resolution No. 2-22-01 was approved by the following roll call vote:

AYES: Angela Ramirez Holmes, Chair, Zone 7 Water Agency  
Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority  
Paul Sethy, Director, Alameda County Water District  
Lisa Borba, Director, Contra Costa Water District  
John Coleman, Director, East Bay Municipal Utility District  
Ellen Wehr, Director, Grassland Water District  
Linda J. LeZotte, Alternate Director, Santa Clara Valley Water District  
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission

NOES: None

ABSENT: None

ABSTAIN: None

The motion passed with an 8-0 vote

**APPROVAL OF AGENDA**

Upon motion by Director Borba, seconded by Alternate Director LeZotte, the February 9, 2022 agenda was approved by the following roll call vote:

AYES: Angela Ramirez Holmes, Chair, Zone 7 Water Agency  
Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority  
Paul Sethy, Director, Alameda County Water District  
Lisa Borba, Director, Contra Costa Water District  
John Coleman, Director, East Bay Municipal Utility District  
Ellen Wehr, Director, Grassland Water District  
Linda J. LeZotte, Alternate Director, Santa Clara Valley Water District  
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission

NOES: None  
ABSENT: None  
ABSTAIN: None

The motion passed with an 8-0 vote.

## **PUBLIC COMMENT ON NON-AGENDA ITEMS**

None.

## **CONSENT CALENDAR**

### **1.1**

#### **Approval of Minutes from January 12, 2022 Board of Directors' Meeting**

Upon motion by Director Borba, seconded by Director Sethy, the January 12, 2022 Minutes, in the form presented, were approved by the following roll call vote:

AYES: Angela Ramirez Holmes, Chair, Zone 7 Water Agency  
Paul Sethy, Director, Alameda County Water District  
Lisa Borba, Director, Contra Costa Water District  
John Coleman, Director, East Bay Municipal Utility District  
Ellen Wehr, Director, Grassland Water District  
Linda J. LeZotte, Alternate Director, Santa Clara Valley Water District  
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission

NOES: None  
ABSENT: None  
ABSTAIN: Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority

The motion passed with an 7-0 vote, with Vice Chair Anthea Hansen abstaining.

## **ACTION ITEMS**

### **2.1**

#### **Consider adoption of Resolution No. 2-22-02 – Resolution of the Board of Directors of Los Vaqueros Reservoir Joint Powers Authority Approving Authority Bylaws**

Marguerite Patil, Interim Administrator, requested that Interim General Counsel, James Ciampa, review the Bylaws and the changes made. Interim General Counsel Ciampa then reviewed the Bylaws in the form provided for review. The revisions, as discussed at the January 12, 2022, Board meeting, consisted of minor formatting edits to ensure consistency in language, and additional revisions to clarify provisions, particularly regarding Board committee issues. Interim

General Counsel Ciampa also explained future amendments to the Bylaws that will address issues specified in the Authority’s Joint Exercise of Powers Agreement (the “JPA Agreement”) concerning the Executive Director’s powers regarding personnel issues and issues concerning the admission of new members.

After discussion, it was the consensus of the Board that in Section 2.5 “Amendment of Bylaws” the required threshold for approval of an amendment be the affirmative vote of at least six (6) of the total number of Directors.

After discussion and upon motion by Director Borba, seconded by Alternate Director LeZotte, and unanimously carried, Resolution No. 2-22-02 Approving the Authority Bylaws was approved with the above-noted change to Paragraph 2.5, by the following roll call vote:

- AYES: Angela Ramirez Holmes, Chair, Zone 7 Water Agency  
Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority  
Paul Sethy, Director, Alameda County Water District  
Lisa Borba, Director, Contra Costa Water District  
John Coleman, Director, East Bay Municipal Utility District  
Ellen Wehr, Director, Grassland Water District  
Linda J. LeZotte, Alternate Director, Santa Clara Valley Water District  
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission
- NOES: None  
ABSENT: None  
ABSTAIN: None

The motion passed with an 8-0 vote.

## 2.2

### **Consider adoption of Resolution No. 2-22-03 – Resolution of the Board of Directors of Los Vaqueros Reservoir Joint Powers Authority Adopting Purchasing Policy**

James Ciampa, Interim Legal Counsel, reviewed the draft resolution presented which adopts the Purchasing Policy and Expenditure Limits attached as Exhibit A to the resolution and answered questions posed by members of the Board. The policy is modeled after Contra Costa Water District’s (CCWD) purchasing policies and procedures in light of CCWD’s appointment as Interim Administrator. It is contemplated that a revised Purchasing Policy would be adopted when a permanent Administrator or Executive Director is in place.

The Purchasing Policy sets the Interim Administrator’s expenditure authority, without Board approval, at \$50,000, and specifies various methods of procurement for goods and services, including construction work, depending on the expected dollar amount of an expenditure. The policy incorporates revisions discussed at the January 12, 2022, Board meeting. Director Coleman requested that for expenditures under \$50,000 a report be provided to the Board and the consensus of the Board was to approve that addition.

After discussion and upon motion by Director Coleman, seconded by Director Borba, and unanimously carried, Resolution No. 2-22-03 Adopting Purchasing Policy was approved incorporating the redlined changes made, by the following roll call vote:

AYES: Angela Ramirez Holmes, Chair, Zone 7 Water Agency  
Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority  
Paul Sethy, Director, Alameda County Water District  
Lisa Borba, Director, Contra Costa Water District  
John Coleman, Director, East Bay Municipal Utility District  
Ellen Wehr, Director, Grassland Water District  
Linda J. LeZotte, Alternate Director, Santa Clara Valley Water District  
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission

NOES: None  
ABSENT: None  
ABSTAIN: None

The motion passed with an 8-0 vote.

## **DISCUSSION ITEMS**

### **3.1**

#### **Authority Management Approach**

Marguerite Patil, Interim Administrator, advised that the JPA Agreement provides for flexibility in how the Board of Directors will determine the management of the Authority. The JPA Agreement includes provisions for an Administrator and/or an Executive Director. Currently, CCWD is the appointed Interim Administrator, but it is contemplated that in the future a permanent Administrator or Executive Director, other than CCWD, will be appointed.

Given the scale and complexity of the Project, and the need to advance the key agreements to implement the Project, staff recommended initiating a recruitment process for an Executive Director in the near term, so the position is filled in advance of key Authority milestones.

Staff anticipates recruitment and onboarding of a permanent Executive Director will take four to six months. It must also be recognized that the JPA Agreement contemplates the position will be filled by an outside contracted consultant, rather than an Authority employee, as having direct Authority employees was disfavored throughout the Authority's formation process.

Staff estimates the annual cost for a permanent, full-time Executive Director to be in the range of \$350,000 to \$475,000, including overhead and indirect costs.

After a discussion concerning the alternative recruitment approaches, such as use of an outside recruiting firm or use of a request for proposals, it was the consensus of the Board to move forward with the selection of an Executive Director using an outside recruiting firm. The consensus was also to establish an ad hoc committee consisting of the Chair, Vice Chair and additional Director to review resumes submitted and conduct initial interviews. Marguerite Patil, Interim Administrator, noted that the nature of the engagement is a contract rather than employment, and that the language in the recruiting materials needs to be very clear regarding the nature of the engagement.

### 3.2

#### **Draft Policy Statement: Commitment to Diversity and Accessibility**

Marguerite Patil, Interim Administrator, noted that Alternate Director Ritchie initially raised the need for the Authority to adopt a policy statement concerning diversity and accessibility. Chair Ramirez Holmes and staff developed and presented a draft policy statement setting forth the Authority's commitment to diversity and accessibility for the Board's consideration and discussion. This draft policy statement is modeled after the Policy Principles on Diversity, Equity and Inclusion adopted by the California Urban Water Agencies, of which several Authority Members are members.

It was the consensus of the Board to bring this matter back for approval at a future Board meeting.

### 3.3

#### **Draft Board Meeting and Decorum Policy**

James Ciampa, Interim Legal Counsel, advised that many public agencies adopt Board Meeting and Decorum Policies to apply to their Board of Directors' meetings. Such policies set ground rules for communications at Board meetings, both with members of the public and among directors and staff.

The Board was presented with a draft Board Meeting and Decorum Policy which establishes such rules of decorum for the Authority's Board meetings, including for members of the public in addressing the Board and for Directors and Alternate Directors in connection with Board discussions. The draft Policy includes authorizing the removal of disruptive persons from a Board meeting (to be used as a last resort) and includes a three-minute limitation on public comments, subject to adjustment by the Chair. The draft Policy also includes a disciplinary provision for any Directors or Alternates who violate the Policy, which consists of a censure and possible removal from any officer position or Committee appointment.

Director Sethy asked for clarification regarding the ability of Board members to discuss closed session item with their own Board in closed session. Interim General Counsel Ciampa stated that issue was addressed in the closed session resolution the Board adopted at its initial meeting, to incorporate provisions in the Brown Act that allow for disclosures in a member agency's own closed sessions.

It was the consensus of the Board to bring this matter back for approval at a future Board meeting.

### 3.4

#### **Review of Board Policy and Action Calendar**

Marguerite Patil, Interim Administrator, presented the updated Board Policy and Action Calendar for the Board's information. The Calendar is presented in both outline form including Authority Board meeting items by month for the next six months and in a new overview graphic. That graphic is presented by functional area and includes potential discussion and action items for Authority Board and Committee meetings for 2022 and early 2023.

Staff is planning to bring this calendar back every month with updates.

## **FUTURE AGENDA ITEMS**

None.

## **REPORTS**

### **4.1 - Directors**

Chair Ramirez Homes reviewed the summary of Committee assignments and advised that Committee meetings will be underway soon.

Alternate Director LeZotte advised that Director John Varela is no longer on the Authority's Board as an Alternate Director and that she will be the Alternate Director for the Santa Clara Valley Water District and Gary Kremen will serve as that district's appointed Director.

Director Borba asked whether the approval by roll call vote of the Agenda was required. Chair Ramirez Holmes responded that all votes done in a teleconference meeting must be by roll call. Interim Legal Counsel Ciampa advised approval of the agenda is not required. It was suggested that the approval of the agenda be removed from future agendas.

In answer to a question regarding the filing of an Annual Form 700 in April, Interim Legal Counsel Ciampa advised that due to the timing of the filing of the Assuming Office Form 700 in December 2021, there is no need to file an Annual Form 700 in April of this year.

### **4.2 - Treasurer**

Treasurer Paul Sethy requested that the monthly Treasurer's Report be distributed to all Board members. Treasurer Sethy provided a summary of the Project's finances, which relates to the existing cost-share agreement between the Authority Members (the "Multi-Party Cost Share Agreement"). He stated approximately \$50 million is to be paid by the Members through that agreement, of which approximately \$25.1 million has been paid in cash and in-kind services and \$23.9 million has been expended. He stated the Project has approximately \$2.2 million in cash on hand.

Treasurer Sethy stated in the future he would like to receive and provide to the Board more detailed reports on Authority and Project expenditures. He stated the Authority will need to engage an independent auditor, although for its first audit, the same auditor that CCWD uses can be used.

Interim Administrator Patil advised that Clean Energy Capital, the financial consultant for the Project, has been working closely with the Finance Work Group on financial issues over the past several years and a further workshop is scheduled for February 22. Interim Administrator Patil reported the Finance Committee will be comprised of Vice Chair Anthea Hansen, Treasurer Sethy, Director John Coleman and Alternate Director Linda J. LeZotte; and that discussions have been ongoing with the California Water Commission and other storage project proponents regarding the possibility of additional state funding to address the increase in inflation that is currently being experienced on Bay Area construction projects.



#### **4.3 - Interim General Counsel**

Interim General Counsel Ciampa advised the Board he is still working with the Fair Political Practices Commission in connection with their ongoing review of the draft Conflict of Interest Code for the Authority. He also informed the Board of Assembly Bill 1774, which would streamline the CEQA process for water conveyance and water storage projects.

#### **4.4 - Interim Administrator**

Interim Administrator Patil stated she is still working with the Department of Water Resources to fill its Ex Officio seat on the Authority's Board. Also, staff is continuing to work on procuring insurance for the Authority, as that has been a more complicated process than originally contemplated.

The meeting was adjourned at 11:13 a.m.

---

Angela Ramirez Holmes, Chair

ATTEST:

---

Ellen Wehr, Secretary

**ITEM 2.1:    CONSIDER ADOPTION OF RESOLUTION NO. 3-22-02 – RESOLUTION OF THE BOARD OF DIRECTORS OF LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY ADOPTING POLICY STATEMENT: COMMITMENT TO DIVERSITY AND ACCESSIBILITY**

**RESPONSIBLE/LEAD STAFF MEMBER:**

Marguerite Patil, Interim Administrator

**DISCUSSION:**

Alternate Director Ritchie initially raised the need for the Authority to adopt a policy statement concerning diversity. Staff developed the attached policy statement setting forth the Authority's commitment to diversity and accessibility for the Board's consideration and possible adoption, which was presented to the Board at its February 9 meeting. This draft policy statement is modeled after the Policy Principles on Diversity, Equity and Inclusion adopted by the California Urban Water Agencies, of which several Authority Members are members. The attached policy statement is unchanged from the statement provided at the February 9 Board meeting.

**ALTERNATIVES:**

Board discretion

**FISCAL ANALYSIS:**

None

**ENVIRONMENTAL REQUIREMENTS:**

Not applicable

**EXHIBITS/ATTACHMENTS:**

Resolution No. 3-22-02 - Policy Statement: Commitment to Diversity and Accessibility

**RESOLUTION NO. 3-22-02**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE LOS VAQUEROS  
RESERVOIR JOINT POWERS AUTHORITY ADOPTING POLICY STATEMENT:  
COMMITMENT TO DIVERSITY AND ACCESSIBILITY**

**WHEREAS**, the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority (the “Authority”) recognizes the importance of diversity and accessibility and desires to ensure the Authority and the Board implements those principles in its actions; and

**WHEREAS**, the Authority’s Board of Directors now desires to adopt the principles stated below to signify the Authority’s commitment of diversity and accessibility.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY DOES HEREBY ADOPT THE FOLLOWING POLICY STATEMENT:

**POLICY STATEMENT:  
COMMITMENT TO DIVERSITY AND ACCESSIBILITY**

The Los Vaqueros Reservoir Joint Powers Authority is committed to promoting equity and catalyzing change for marginalized communities throughout the water community. We do this by creating and upholding organizational core values rooted in this commitment: demonstrating transparency, modeling behaviors, and sharing best practices.

Principles:

1. Create an inclusive environment where all feel welcome and comfortable sharing diverse ideas, approaches, and perspectives which reflect and support the diversity of the communities we serve.
2. Achieve effective public engagement through equal access to decision-making processes and transparent, open communication that both informs and generates participation among all communities.
3. Increase diversity, representation, and inclusion at all levels including Board, Leadership, and Professional.
4. Ensure our work benefits all communities.

PASSED AND ADOPTED by the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority this 9<sup>th</sup> day of March, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Angela Ramirez Holmes, Chair

Attest:

---

Ellen Wehr, Secretary

**ITEM 2.2      **CONSIDER ADOPTION OF RESOLUTION NO. 3-22-03 – RESOLUTION OF THE BOARD OF DIRECTORS OF LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY ADOPTING BOARD MEETING AND DECORUM POLICY****

**RESPONSIBLE/LEAD STAFF MEMBER:**

James Ciampa, Interim General Counsel

**DISCUSSION:**

As discussed at the February 9 Board meeting, many public agencies adopt Board Meeting and Decorum Policies to apply to their board of directors' meetings. Such policies set ground rules for communications at board meetings, both with members of the public and among directors and staff.

The attached Board Meeting and Decorum Policy, with a minor revision, as redlined, from the Board's discussion at the February 9 Board meeting in Section 2(b) on page 24, below, to specifically address the confidentiality of closed session discussions and documents, would establish such rules of decorum for the Authority's Board meetings, including for members of the public in addressing the Board and for Directors and Alternates in connection with Board discussions. The Policy includes authorizing the removal of disruptive persons from a Board meeting and also includes a three-minute limitation on public comments. The Policy also includes a disciplinary provision for any Directors or Alternates who violate the Policy, which consists of a censure and possible removal from any officer position or committee appointment.

**ALTERNATIVES:**

The Board could further revise the policy provided or defer adoption of the policy to a future meeting.

**FISCAL ANALYSIS:**

Not applicable

**ENVIRONMENTAL REQUIREMENTS:**

Not applicable

**EXHIBITS/ATTACHMENTS:**

Resolution No. 3-22-03 adopting Board Meeting and Decorum Policy

**RESOLUTION NO. 03-22-03**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY  
REGARDING DECORUM DURING BOARD OF  
DIRECTORS' MEETINGS AND ESTABLISHING  
RULES OF CONDUCT FOR DIRECTORS AND ALTERNATE DIRECTORS**

**WHEREAS**, the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority (the "Authority") desires to adopt a policy to ensure that its meetings are conducted in an orderly manner and to ensure that the Directors and Alternate Directors treat each other in a professional manner,

**NOW, THEREFORE, BE IT RESOLVED** that the Authority's Board of Directors hereby approves and adopts the following policy regarding decorum during Board of Directors' meetings and establishing rules of conduct for Directors, Alternate Directors and the public.

**1. Rules of Decorum for Board of Directors' Meetings.**

(a) Decorum. Meetings of the Authority's Board of Directors (the "Board"), which shall include all regular and special Board meetings, in open and closed sessions, and all Authority standing committee meetings, must be conducted in an orderly manner to ensure that the public has an opportunity to be heard and that the Board's deliberative process is not disrupted. The Board's Chair or Vice Chair, or, in their absence, another member so designated by the Board (any of which, as applicable, shall be referred to as the "Presiding Officer"), is responsible for maintaining the order and decorum of meetings.

(b) Rules of Decorum. While any meeting of the Board is in session the following rules of decorum must be observed:

(i) Persons Addressing the Board. Each person who addresses the Board must do so in an orderly manner and must not make personal, impertinent, slanderous, or profane remarks to any member of the Board, staff, or general public. Any person who makes such remarks, or who utters loud, threatening, personal, or abusive language, or who engages in any other disorderly conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any Board meeting will, at the discretion of the Presiding Officer or a majority of the Board, be barred from further audience before the Board during that meeting.

(ii) Members of the Audience. No person in the audience at a Board meeting may engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language, whistling or other acts that disturb, disrupt, or otherwise impede the orderly conduct of the Board meeting. Persons in the audience shall not interrupt ongoing discussions by the Board, Authority staff or other persons recognized and given the floor by the Presiding Officer, and shall avoid talking, making noises or other utterances while others are speaking.

Any person who behaves in this manner may, at the discretion of the Presiding Officer or a majority of the Board be barred from further audience before the Board during that meeting.

(c) Addressing the Board. No person may address the Board without first being recognized by the Presiding Officer. The following procedures must be observed by persons addressing the Board:

(i) Each person shall follow the direction provided by the Presiding Officer and state the person's name and the organization, if any, the person represents.

(ii) Any subject that is deemed by the Presiding Officer to not be within the subject matter jurisdiction of the Board or the Authority may be precluded. Authority legal counsel shall have the authority to halt any comments determined to be outside the subject matter jurisdiction of the Board or Authority.

(iii) With regard to items that are listed on the agenda, the remarks of the speaker must be confined to the subject that is being discussed at the time such remarks are made. Members of the public are encouraged to hold any comments on specific agenda items until after the Board has concluded its initial discussion of the specific agenda item, and as otherwise directed by the Presiding Officer.

(iv) The remarks of each person shall generally be limited to three minutes, provided that time limit may be adjusted by the Presiding Officer in the Presiding Officer's discretion. Where a group of persons wishes to address the Board on the same subject, the group should endeavor to select one spokesperson to address the Board in order to expedite matters and avoid repetitious presentations. Speakers may not lend any portion of their speaking time to other persons or borrow additional time from other persons. Public comments shall be allowed during the "Public Comment" period and on any Action Items or Discussion Items, as directed by the Presiding Officer.

(v) All remarks to the Board must be addressed to the Presiding Officer and not to any single member of the Board unless in response to a question from that Director or Alternate Director.

(d) Rules of Decorum among Directors and Alternate Directors. The following rules apply to all Directors and Alternate Directors at meetings:

(i) By Directors and Alternate Directors. While the Board is in session, Directors and Alternate Directors must preserve order and decorum, and a Director or Alternate Director must not, by conversation or otherwise, delay or interrupt the proceedings of the Board, nor disturb any Director or Alternate Director while speaking, nor refuse to obey the orders of the Board or the Presiding Officer, except as otherwise provided in this section.

(ii) Getting the Floor—Improper References to be Avoided. Every Director or Alternate Director desiring to speak must address the Presiding Officer and, upon recognition by the Presiding Officer, must confine all remarks to the question under debate. Authority legal

counsel shall have the authority to halt any comments that in counsel's opinion may constitute violations of the Brown Act.

(iii) Interruptions. Once recognized, a Director or Alternate Director must not be interrupted when speaking unless it is to call that Director or Alternate Director to order, or as otherwise provided in this section (d). If a Director or Alternate Director is called to order while speaking, that Director or Alternate Director must cease speaking until the question of order is determined and, if in order, the Director or Alternate Director will be permitted to proceed.

(iv) Appeals. Any ruling of the Presiding Officer may be appealed at the request of a Director by way of a motion to appeal the decision of the chair, which can be passed by a majority vote of the Board.

(e) Enforcement of Decorum. The rules of decorum set forth above will be enforced in the following manner:

(i) Warning; Removal. The Presiding Officer may request that a person who is breaching the rules of decorum be orderly and silent. After receiving a warning from the Presiding Officer, if a person persists in disturbing the meeting, the Presiding Officer may order that person to leave the Board meeting or may call for a recess of the meeting to allow the meeting room to be cleared and for the readmittance of only those individuals not responsible for the disturbance. If the person responsible for the disturbance does not leave, then the Presiding Officer may request assistance from a law enforcement officer to remove the person from the meeting.

(ii) Motion to Enforce. If the Presiding Officer fails to enforce the rules set forth above, any Director may move to require such enforcement, and an affirmative vote of a majority of the Board will require that action. If the Presiding Officer fails to carry out the will of a majority of the Board, the majority may designate another Director to act as Presiding Officer for the limited purpose of enforcing any rule of this section that it wishes enforced.

## **2. Board of Directors – Norms of Conduct and Communication.**

(a) Personal Conduct. The work of the Authority is a team effort. All Directors and, as applicable, Alternate Directors should work together in the collaborative process, assisting each other and Authority management, staff and consultants in conducting the affairs of the Authority in the best interests of the Authority and its members. Directors and Alternate Directors shall thoroughly prepare themselves to discuss agenda items at Board meetings. Directors and Alternate Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the public present at Board meetings. Directors and Alternate Directors shall defer to the Presiding Officer for the conduct of Board meetings but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board. Directors and Alternate Directors should function as a part of the whole, with issues brought to the attention of the Board as a whole, rather than to individual Directors or Alternate Directors selectively. Directors and Alternate Directors are



responsible for monitoring the Authority's progress in attaining its goals and objectives, while pursuing its mission.

(b) Compliance with Laws and Regulations. All Directors and Alternate Directors shall comply with all applicable laws and regulations applicable to their service as members of the Board, including, without limitation, the Political Reform Act and Fair Political Practices Commission regulations, Government Code Section 1090 and the Brown Act, including with respect to the confidentiality of closed session discussions and documents.

(c) Communication of Views and Positions. The Board of Directors is committed to providing excellence in leadership of the Authority. In order to ensure appropriate behavior between and among Directors and Alternate Directors, the following rules shall be observed:

(i) The dignity, style, values and opinions of each Director and Alternate Director shall be respected. Open and full discussion of all issues affecting the Authority shall take place. Responsiveness and attentive listening in communication are encouraged.

(ii) The needs of the Authority and its members should be the priority of the Board of Directors and Directors and Alternate Directors shall strive for fairness and honesty in all of their dealings with others.

(iii) Directors and Alternate Directors should emphasize the positive, avoid double talk, hidden agendas, gossip, backbiting and other negative forms of interaction. Directors and Alternate Directors should treat each other with respect, avoid personal attacks and avoid the use of profanity or other slurs directed at other Directors and Alternate Directors.

(iv) Directors and Alternate Directors should focus on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.

(v) Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions without being disagreeable. Once the Board of Directors takes action, Directors and Alternate Directors should commit to support such action and not create barriers to the implementation of the action.

(d) Board Discipline. In the exercise of its discretion to enforce the foregoing provisions of this Section 2, the Board of Directors, by the affirmative vote of a majority of its members, may censure any Director or Alternate Director for period of time deemed appropriate by the Board for any violation of this Section 2. The maximum penalty that may be imposed upon the censured director during the period of such censure shall be the following:

(i) The removal of the censured Director or Alternate Director from service on all Board committees, unless subsequently authorized by the Board of Directors.

(ii) The removal of the censured Director or Alternate Director from any office held by that Director or Alternate Director.

PASSED AND ADOPTED by the Board of Directors of the Los Vaqueros Reservoir  
Joint Powers Authority this 9<sup>th</sup> day of March, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Angela Ramirez Holmes, Chair

Attest:

---

Ellen Wehr, Secretary

**ITEM 3.1: JPA BOARD IN-PERSON MEETINGS**

**RESPONSIBLE/LEAD STAFF MEMBER:**

Marguerite Patil, Interim Administrator

**DISCUSSION:**

As the Omicron variant of COVID-19 has subsided and COVID-19 cases overall continue to decline, the Board will need to determine in coming months how and where it desires to conduct its meetings. This item is intended to generate discussion among the Directors and Alternate Directors regarding those issues and to potentially provide direction to staff with respect to how to proceed.

**ALTERNATIVES:**

Open to Board discussion and discretion.

**FISCAL ANALYSIS:**

Not applicable

**ENVIRONMENTAL REQUIREMENTS:**

Not applicable

**EXHIBITS/ATTACHMENTS:**

None

**ITEM 3.2: AUTHORITY MANAGEMENT APPROACH**

**RESPONSIBLE/LEAD STAFF MEMBER:**

Marguerite Patil, Interim Administrator

**DISCUSSION:**

At the February 9 Board meeting, the Board gave staff direction on how to initially proceed with the recruitment process for an Executive Director. The Interim Administrator will provide an update on that process to the Board and the Board can further discuss its desires with respect to that position and the related recruiting process.

Chair Ramirez Holmes has appointed the Ad Hoc Committee that will assist in that process, consisting of Chair Ramirez Holmes of Zone 7 Water Agency, Alternate Director Jose Gutierrez representing San Luis & Delta-Mendota Water Authority and Alternate Director Steve Ritchie of San Francisco Public Utilities Commission.

**ALTERNATIVES:**

Not applicable

**FISCAL ANALYSIS:**

Staff estimates the annual cost for a permanent, full time Executive Director to be in the range of \$350,000 to \$475,000, including overhead and indirect costs.

**ENVIRONMENTAL REQUIREMENTS:**

Not applicable

**EXHIBITS/ATTACHMENTS:**

None

**ITEM 3.3: FY23 BUDGET DEVELOPMENT APPROACH**

**RESPONSIBLE/LEAD STAFF MEMBER:**

Marguerite Patil, Interim Administrator

**DISCUSSION:**

The Authority’s Joint Exercise of Powers Agreement (the “JPA Agreement”) requires the Board to adopt a budget prior to the start of each Fiscal Year (the Authority operates on July 1 – June 30 Fiscal Year). The JPA Agreement gives the Board discretion on whether to adopt a single year or bi-annual budget. The budget is to include components to fund the Authority’s administrative and operational costs as well as ongoing project development costs, and in the future will address debt service and capital improvement costs (for such future capital costs that are anticipated following execution of the Service Agreements, the JPA Agreement requires the draft budget’s capital component to be provided to the Members at least six months before the start of the Fiscal Year (i.e., before January 1 of the calendar year)).

The Interim Administrator and staff are currently working on developing the Fiscal Year 2023 (FY23) Budget for the Authority in the coming months. The Finance Committee will have an important role in that process before the draft budget is presented to the Board of Directors. The intent of today’s discussion is to provide an overview of the budget process and to solicit Directors’ and Alternate Directors’ initial input.

**ALTERNATIVES:**

Not applicable

**FISCAL ANALYSIS:**

The FY23 Budget will have financial impacts on the Members with respect to their respective required financial contributions to the Authority based upon the amounts specified in that budget.

**ENVIRONMENTAL REQUIREMENTS:**

Not applicable

**EXHIBITS/ATTACHMENTS:**

None

**ITEM 3.4: DRAFT GOVERNMENT CLAIMS POLICY**

**RESPONSIBLE/LEAD STAFF MEMBER:**

James Ciampa, Interim General Counsel

**DISCUSSION:**

Government Code Section 935 authorizes local agencies to adopt their own claims procedures, which can include broader categories of potential claims being subject to the claim-filing requirement than are required under the Government Claims Act. For example, Government Code Section 905 exempts various types of claims from the claim-filing requirement under that Act, including claims under stop notices, employee claims and claims under bonds, notes or other evidences of indebtedness. Section 935 provides that such exceptions “shall be governed by the procedure prescribed in any charter, ordinance, or regulation adopted by the local public entity” and thus a local agency can require claims to be filed on the subjects otherwise excepted under Section 905.

The draft procedures to be considered would require a claim to be filed with the Authority for the types of claims exempted by Section 905. Also, a draft claim form is attached to the draft procedures, and use of that form would be required under those proposed procedures. The proposed procedures otherwise follow the claims procedures of the Government Claims Act.

Lastly, Section 935 requires that a local agency’s claims procedures be adopted by charter (not applicable to the Authority), ordinance or regulation (not yet established by the Authority), so the proposed procedures have been prepared in the form of an ordinance. If subsequently adopted by the Board, staff would follow applicable requirements in publishing and posting notice of the procedures after adoption by the Board and there would be a 30-day delay in the ordinance taking effect.

**ALTERNATIVES:**

The Board could opt not to adopt its own claims procedures and rely on the statutory provisions, which would include the exemptions under Government Code Section 905 discussed above. Alternatively, the Board could defer acting on these procedures until a later date.

**FISCAL ANALYSIS:**

Not applicable

**ENVIRONMENTAL REQUIREMENTS:**

Not applicable

**EXHIBITS/ATTACHMENTS:**

Draft Ordinance No. 01-2022 – An Ordinance of the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority Adopting and Implementing Claims Procedures

**LOS VAQUEROS JOINT POWERS RESERVOIR AUTHORITY**

**ORDINANCE NO. 01-2022**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF  
LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY  
ADOPTING AND IMPLEMENTING CLAIMS PROCEDURES**

**WHEREAS**, it is in the best interest of the Los Vaqueros Reservoir Joint Powers Authority (the “Authority”) to adopt and implement its own claim procedures, which pursuant to Government Code Section 935 must be adopted by ordinance or regulation,

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Claims Presentation Procedures**

**1.1 Claims against the Authority**

This claims presentation procedure shall govern all claims against the Authority for money or damages, including those which are excepted by Government Code Section 905, and which are not governed by any other statutes or regulations expressly relating to such claims.

**1.2 Claim Prerequisite**

All persons or entities which have any claim for money or damages against the Authority shall first file a claim in accordance with the procedures set forth herein as a prerequisite to the filing of any lawsuit against the Authority.

**1.3 Accrual of Cause of Action**

For the purpose of computing the time limits prescribed herein, the date of the accrual of a cause of action to which a claim relates is the date upon which the cause of action would be deemed to have accrued within the meaning of the statute of limitations that would be applicable to a cause of action based upon such claim.

**1.4 Contents and Presentation of Claim**

A claim shall be presented by the claimant or by a person acting on his or her behalf in accordance with Government Code Section 915. Pursuant to Government Code Section 910.4, a person presenting a claim shall use the claim form the Authority has prepared, as attached to this ordinance, as it may be revised from time to time. Any claim submitted to the Authority that is not presented using that form may be returned to the person who submitted the claim. Any such claim shall include all of the following on that form:

- a) The name and post office address of the claimant;

- b) The post office address to which the person presenting the claim desires the notices to be sent;
- c) The date, place and other circumstances of the occurrence or transaction that gave rise to the claim asserted;
- d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the claim;
- e) The name or names of the Authority employee or employees causing the injury, damage, or loss, if known;
- f) The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time or presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, the claim shall indicate whether the claim would be a limited civil case; and
- g) The claim shall be signed by the claimant or by some person acting on his or her behalf.

**1.5 Time for Presentation of Claim**

Any claim relating to a cause of action for death or for injury to person or to personal property or growing crops shall be presented no later than six months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented no later than one year after the accrual of the cause of action.

**1.6 Amendment of Claims**

Any claim may be amended at any time before the expiration of the period designated in Section 1.5, above, or before final action on such claim is taken by the Board of Directors, whichever is later. The amended claim must relate to the same transaction or occurrence that gave rise to the original claim. The amendment shall be considered a part of the original claim for all purposes.

**1.7 Notice of Insufficiency of Claim**

If, in the opinion of the Authority’s Administrator or Executive Director, as applicable, or such other person designated by the Board of Directors to review claims submitted to the Authority, a claim fails to comply substantially with the requirements of this procedure, the Authority may give written notice of the insufficiency of such claim in the manner provided by Section 1.11, below, within 20 days after presentation of the claim, which notice shall state with particularity the defects or omissions in the claim. The Board may not take action on the claim for a period of 15 days after such notice is mailed.



## **1.8 Notice of Late Claim**

Where a claim which must be presented not later than six months after accrual of the cause of action is presented after such time without an Application for Leave to Present a Late Claim, the Administrator or Executive Director, as applicable, or such other person designated by the Board may, at any time within 45 days after the claim is presented, give written notice in accordance with Government Code Section 911.3(a) to the person presenting the claim that the claim was not filed timely and that it is being returned without further action.

## **1.9 Application for Leave to Present Late Claim**

When a claim that is required to be presented no later than six months after the accrual of the cause of action is not presented within such time, the claimant must make written application to the Authority for leave to present such claim.

An Application for Leave to Present Late Claim must be presented to the Authority as hereinafter provided within a reasonable time not to exceed one year after the accrual of the cause of action. The application shall state the reason for the delay in presenting the claim, and the proposed claim must be attached to the application.

In computing the one-year period within which an Application for Leave to Present Late Claim must be made, the time during which the person who sustained the alleged injury, damage or loss is a minor shall be counted, but the time during which he or she is mentally incapacitated and does not have a guardian or conservator of his or her person shall not be counted.

The Board of Directors shall grant or deny the Application of Leave to Present Late Claim within 45 days after it is presented to the Authority. The claimant and the Authority may extend the period within which the Board of Directors is required to act by written agreement made before the expiration of the 45-day period.

The Board of Directors shall grant the Application for Leave to Present Late Claim where one of more of the following is applicable:

- a) The failure to present the claim was through mistake, inadvertence, surprise or excusable neglect and the Authority was not prejudiced in its defense of the claim by the failure to present the claim within the time required under Government Code Section 911.2.
- b) The person who sustained the alleged injury, damage or loss was a minor during all of the time provided for presentation of the claim.
- c) The person who sustained the alleged injury, damage or loss was physically or mentally incapacitated during all of the time provided for presentation of the claim, and because of such disability failed to present the claim during such time.

- d) The person who sustained the alleged injury, damage or loss died before the expiration of the time specified for presentation of the claim.

If the Board fails or refuses to act on an Application within 45 days after it is presented to the Authority, the Application shall be deemed to have been denied on the 45<sup>th</sup> day after presentation or, if the period within which the Board is required to act is extended by agreement pursuant to this section, the last day of the period specified in the agreement.

If the Application is denied, the notice of such denial shall include a warning in substantially the following terms:

“WARNING: If you wish to file a court action on this matter, you must first petition the appropriate court for an order relieving you from the provisions of Government Code Section 945.4 (Claims Presentation Requirements). See Government Code Section 946.6. Such petition must be filed with the court within six months from the date your Application for Leave to Present a Late Claim was denied.

“You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney you should do so immediately.”

If an Application for Leave to Present a Late Claim is granted by the Board of Directors, the claim shall be deemed to have been presented to the Board on the day that leave to present the late claim is granted.

#### **1.10 Authority Action on Claim**

- a) The Board of Directors shall act on a claim within 45 days after the claim has been presented. If a claim is amended, the Board shall act on the amended claim within 45 days after the amended claim is presented.
- b) The claimant and the Authority may extend the period within which the Board is required to act on the claim by written agreement made (a) before the expiration of such period; or (b) after the expiration of such period if an action based on the claim has not been commenced and is not yet barred by the limitation period specified in Government Code Section 945.6.
- c) If the Board fails or refuses to act on a claim within the time prescribed, the claim shall be deemed to have been rejected by the Board on the last day of the period within which the Board was required to act upon the claim.

- d) The Board may act on a claim in one of the following ways:
- If the Board finds the claim is not a proper charge against the Authority, it shall reject the claim.
  - If the Board finds the claim is a proper charge against the Authority and is for an amount justly due, it shall allow the claim.
  - If the Board finds the claim is a proper charge against the Authority but is for an amount greater than that which is justly due, it shall either reject the claim in its entirety, or allow it in the amount justly due and reject it as to the balance.
  - If the Authority's liability or the amount justly due is disputed, the Board may reject the claim or may settle the claim.
- e) The Authority shall pay the amount allowed on the claim or in compromise of the claim in the same manner as if the claimant had obtained a final judgment against the Authority for that amount. The Authority may require the claimant to execute a release in favor of the Authority as a condition of allowing or compromising the claim. If an agreement for payment of the claim in installments is made, the Authority may, in its discretion, prepay without penalty any one or more installments or any part of an installment. Any agreement for payment of a claim in more than ten equal annual installments must be approved by a court of competent jurisdiction.

### **1.11 Delivery or Mailing of Claim, Amendment, or Application**

Any notice of a Board action with respect to a claim or Application for Leave to Present a Late Claim shall be given by either of the following methods:

- a) Personally delivering the notice to the person presenting the claim or making the application; or
- b) Mailing notice to the address, if any, stated in the claim or application as the address to which the person presenting the claim or making the application desires notices to be sent or, if no such address is stated in the claim or application, by mailing the notice to the address, if any, of the claimant as stated in the claim or application.
- c) If the claim or application is submitted electronically, by sending the notice to the electronic address from which the claim or application was received unless the person presenting the claim or making the application requests notice to be sent to an alternative electronic address.

No notice need be given where the claim or application fails to state either an address to which the person presenting the claim or making the application desires notices to be sent or an address of the claimant.

Where notice from the Authority is given by mail, the notice shall be mailed in the manner prescribed herein, and deposited in the United States Post Office, or a mailbox, sub-post office, substation, or mail chute, or other likely facility regularly maintained by the government of the United States, in a sealed envelope, properly addressed, with postage paid. The notice shall be deemed to have been presented and received at the time of the deposit. Proof of the mailing may be made in the manner prescribed by Section 1013a of the Code of Civil Procedure. The Authority may include in any written agreement to which it is a party, provisions governing the presentation of any claims arising out or related to that agreement and the consideration and payment of such claim. Such agreement may incorporate by reference these claim presentation procedures and may include a requirement that a claim be presented and acted upon as a prerequisite to suit thereon.

#### **1.12 Prohibition Against Suit in Absence of Presentation of Claim**

No suit for money or damages may be brought against the Authority on a cause of action for which a claim is required to be presented in accordance with these claims presentation procedures or with the California Tort Claims Act (Government Code Sections 900 et seq.) until a written claim therefore has been presented to the Authority and has been acted upon by the Board of Directors, or has been deemed to have been rejected by the Board, in accordance with this procedure and with the California Tort Claims Act.

Any suit brought against the Authority on a cause of action where a claim is required to be presented must be commenced:

- a) If written notice of Board action on the claim is given by the Authority, not later than six months after the date such notice is personally delivered or deposited in the mail; or
- b) If written notice of Board action on the claim is not given by the Authority, within two years from the accrual of the cause of action.

**SECTION 2.** If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid, unconstitutional or unenforceable, these decisions shall not affect the validity of the remaining portions of this ordinance. The Board of Directors hereby declares that this ordinance and each section, subsection, division, paragraph, sentence, clause, phrase, and portion thereof would have been adopted irrespective of the fact that one or more portions of this ordinance may be declared invalid, unconstitutional or unenforceable.

**SECTION 3.** This Ordinance shall take effect 30 days after its adoption. The Authority's Secretary, or the Authority Secretary's duly appointed deputy, shall attest to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner required by law.

**ORDINANCE NO. 01-2022 WAS DULY PASSED, APPROVED, AND ADOPTED BY THE BOARD OF DIRECTORS OF THE LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY AT ITS REGULAR MEETING ON \_\_\_\_\_, 2022 BY THE FOLLOWING VOTE:**

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Angela Ramirez Holmes, Chair

ATTEST:

---

Ellen Wehr, Secretary

# Los Vaqueros Reservoir Joint Powers Authority Claim Form

(A claim shall be presented by the claimant or by a person acting on his or her behalf)  
(Attach additional pages as may be necessary to provide all requested information)

<b>1</b>	Claimant name, address, phone number and e-mail address:
	Name:
	Address(es):
	Phone Number: <span style="float: right;">E-mail Address:</span>
<b>2</b>	Address and e-mail address to which the person presenting the claim desires notices to be sent:
	Name:
	Address:
	E-mail Address:
<b>3</b>	Name, address, phone number and e-mail address of any witnesses:
	Name:
	Address:
	Phone Number: <span style="float: right;">E-mail Address:</span>
<b>4</b>	Date, time, place and other circumstances of the occurrence which gave rise to the claim asserted:
	Date: <span style="margin-left: 100px;">Time:</span> <span style="margin-left: 100px;">Place:</span>
	Tell what happened (give complete information):
	<b>NOTE: Attach any photographs you may have regarding this claim.</b>
<b>5</b>	General description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the claim:
<b>6</b>	Name or names of the public employee or employees causing the injury, damage, or loss, if known:
<b>7</b>	If the actual amount of your claim is less than \$10,000, indicate the exact amount of your claim, and if possible, show specific itemization and/or include copies of any documents in support thereof. If the amount of the claim exceeds \$10,000, no dollar amount should be included in this claim form. However, it is necessary to indicate whether jurisdiction will rest in Superior-Limited or Unlimited. (Jurisdiction for any claim under \$25,000 would rest in Superior-Limited, and any claim \$25,000 or over would rest in Superior-Unlimited.)
	Date: <span style="margin-left: 100px;">Time:</span> <span style="margin-left: 100px;">Signature of Claimant:</span>
<b>ANSWER ALL QUESTIONS. OMITTING INFORMATION OR SIGNATURE COULD MAKE YOUR CLAIM LEGALLY INSUFFICIENT.</b>	

**ITEM 3.5: DRAFT CEQA GUIDELINES IMPLEMENTATION**

**RESPONSIBLE/LEAD STAFF MEMBER:**

James Ciampa, Interim General Counsel

**DISCUSSION:**

The California Environmental Quality Act (“CEQA”), in Public Resources Code Section 21082, requires that all public agencies adopt by ordinance, resolution, rule or regulation, objectives, criteria and procedures for the evaluation of projects and the preparation of environmental reports and negative declarations. The Office of Planning and Research has prepared the CEQA Guidelines, which are set forth in Title 14, Chapter 3 of the California Code of Regulations, to implement CEQA and provide further criteria and procedures to implement CEQA. Subdivision (d) of Section 15022 of the CEQA Guidelines authorizes a local agency to adopt the CEQA Guidelines by incorporation by reference to those regulations.

The draft resolution provided today would adopt the CEQA Guidelines as the Authority’s “objectives, criteria and procedures” as specified in Public Resources Code Section 21082 by incorporating those Guidelines by reference.

**ALTERNATIVES:**

The Board could adopt its own version of guidelines to implement its compliance with CEQA, or could defer this item to future Board meetings.

**FISCAL ANALYSIS:**

Preparation of a set of environmental guidelines for the Authority would involve legal fees in the \$2,000 to \$2,500 range.

**ENVIRONMENTAL REQUIREMENTS:**

Not applicable

**EXHIBITS/ATTACHMENTS:**

Draft Resolution No. \_\_-22-\_\_ - Resolution of the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority Adopting the State CEQA Guidelines for Implementing the California Environmental Quality Act (California Code of Regulations, Title 14, Chapter 3) and Adopting Environmental Review Procedures

**RESOLUTION NO. -22-0**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY ADOPTING THE STATE CEQA GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CALIFORNIA CODE OF REGULATIONS, TITLE 14, CHAPTER 3) AND ADOPTING ENVIRONMENTAL REVIEW PROCEDURES**

WHEREAS, Section 21082 of the Public Resources Code and Section 15022 of the California Code of Regulations require each California public agency to adopt specific procedures for administering the California Environmental Quality Act; and,

WHEREAS, Section 15022 of the California Code of Regulations permits a public agency to adopt the California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act, (the “CEQA Guidelines”) through incorporation by reference and to then adopt only the procedures which are necessary to tailor the general provisions of the CEQA Guidelines to the specific operations of the agency;

WHEREAS, the Los Vaqueros Reservoir Joint Powers Authority (the “Authority”) was formed in connection with the second phase of the expansion of the Los Vaqueros Reservoir (the “Project”) and must adopt its local guidelines for implementing CEQA to make them consistent with the current provisions and interpretations of CEQA; and

WHEREAS, the adoption of the CEQA Guidelines for the Implementation of the California Environmental Quality Act (California Code of Regulations, Title 14, Chapter 3, Sections 15000 et seq.), as currently amended, would ensure the Authority’s policy complies with the most current version and interpretation of the law; and

THEREFORE, the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority hereby determines the following:

1. The CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000 et seq.), as currently amended, are hereby adopted and are incorporated by reference as the “Los Vaqueros Reservoir Joint Powers Authority California Environmental Quality Act Guidelines,” which shall hereafter be updated as the state’s CEQA Guidelines are updated.
2. To the extent applicable in connection with the construction of any Facilities, as defined in the Authority’s Joint Exercise of Powers Agreement, or other Project-related activities, the Authority shall fully comply with all CEQA requirements in reviewing and approving such Facilities or activities as a component of the Project.



PASSED AND ADOPTED by the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority this \_\_\_ day of \_\_\_\_\_, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Angela Ramirez Holmes, Chair

Attest:

---

Ellen Wehr, Secretary

**ITEM 3.6: REVIEW OF BOARD POLICY AND ACTION CALENDAR**

**RESPONSIBLE/LEAD STAFF MEMBER:**

Marguerite Patil, Interim Administrator

**DISCUSSION:**

The updated Board Policy and Action Calendar is provided for the Board's information. The Calendar is presented in outline form including Authority Board meeting items by month for the next six months. In addition, the overview graphic is included, organized by functional area to show potential discussion and action items for Authority Board and Committee meetings for 2022 and early 2023.

**ALTERNATIVES:**

Not applicable

**FISCAL ANALYSIS:**

Not applicable

**ENVIRONMENTAL REQUIREMENTS:**

Not applicable

**EXHIBITS/ATTACHMENTS:**

6-Month Calendar and Outline of Board Policies and Actions

Overview Graphic of 2022 Draft Major Policy Calendar

**LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY  
6-MONTH CALENDAR AND OUTLINE OF BOARD POLICIES AND ACTIONS**

March 2022

Policy Statement: Commitment to Diversity and Accessibility [Action Item]

Board Meeting & Decorum Policy [Action Item]

JPA Management Approach/Executive Director Recruitment [Discussion Item]

FY23 Budget Development [Discussion Item]

Draft Government Claims Policy [Discussion Item]

Draft CEQA Guidelines Implementation [Discussion Item]

Committee meetings begin

April 2022

Government Claims Policy [Action Item]

CEQA Guidelines Implementation [Action Item]

Executive Director Recruitment [Action Item]

Draft Investment Policy [Discussion Item]

Draft Debt Policy [Discussion Item]

WIFIA Funding [Discussion Item]

Record Retention & Destruction Policy [Discussion Item]

Program Management Services Contract [Discussion Item]

Draft Social Media Policy [Discussion Item]

Reserve Policy [referred to Finance Committee]

May 2022

Investment Policy [Action Item]

Debt Policy [Action Item]

WIFIA Funding [Action Item]

May 2022 (continued)

Program Management Services Contract  
[Discussion Item]

Draft FY23 Budget [Discussion Item]

Draft Reserve Policy [Discussion Item]

Social Media Policy [Action Item]

June 2022

Final FY23 Budget [Action Item]

Reserve Policy [Action Item]

Social Media Policy [Action Item]

Program Management Services Contract  
[Discussion Item]

Recruitment of Board Clerk [Discussion Item]

Liability and Errors and Omissions Insurance  
[Discussion Item]

July 2022

Board Clerk Recruitment [Action Item]

Program Management Services Contract Request  
for Proposals [Action Item]

Liability and Errors and Omissions Insurance  
[Discussion Item]

August 2022

Draft Interim Funding Agreement [Discussion Item]


Service Agreement Approach [Discussion Item]

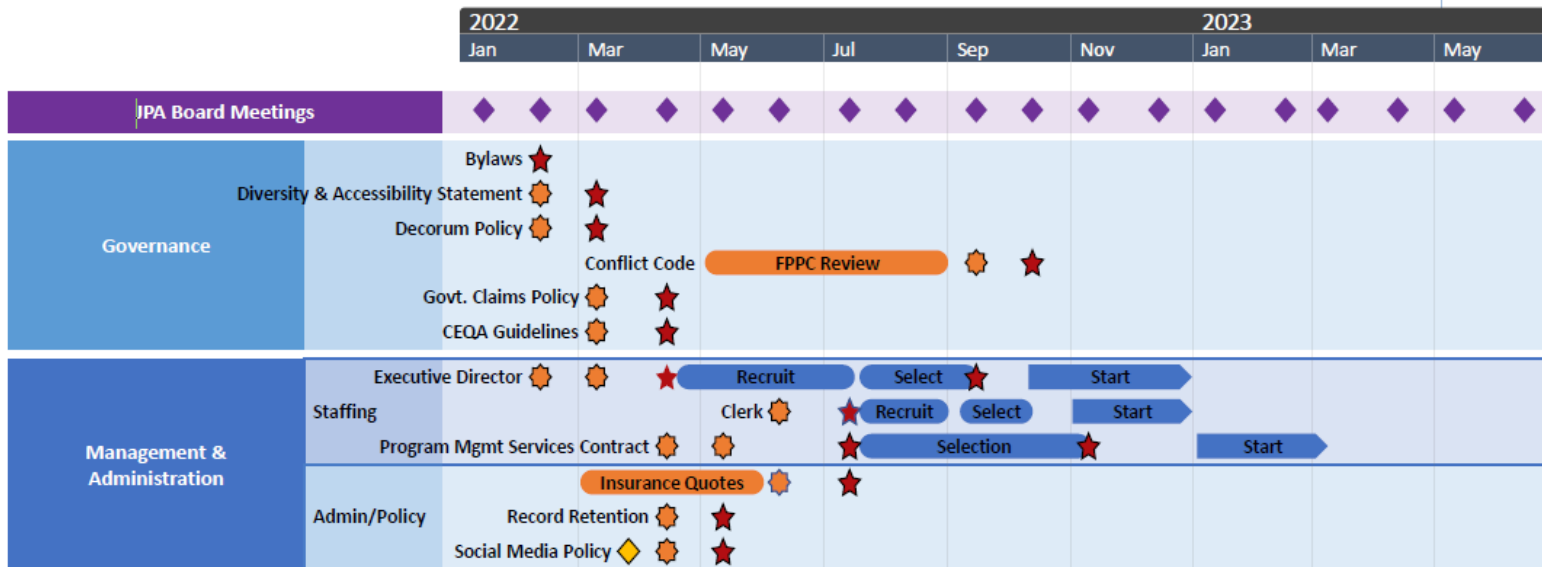
Bank Services [Discussion Item]

Draft CCWD Design and Construction Agreement  
[Discussion Item]

# Los Vaqueros Reservoir Joint Powers Authority Draft 2022 Major Policy Calendar


*Dates Subject to Change*

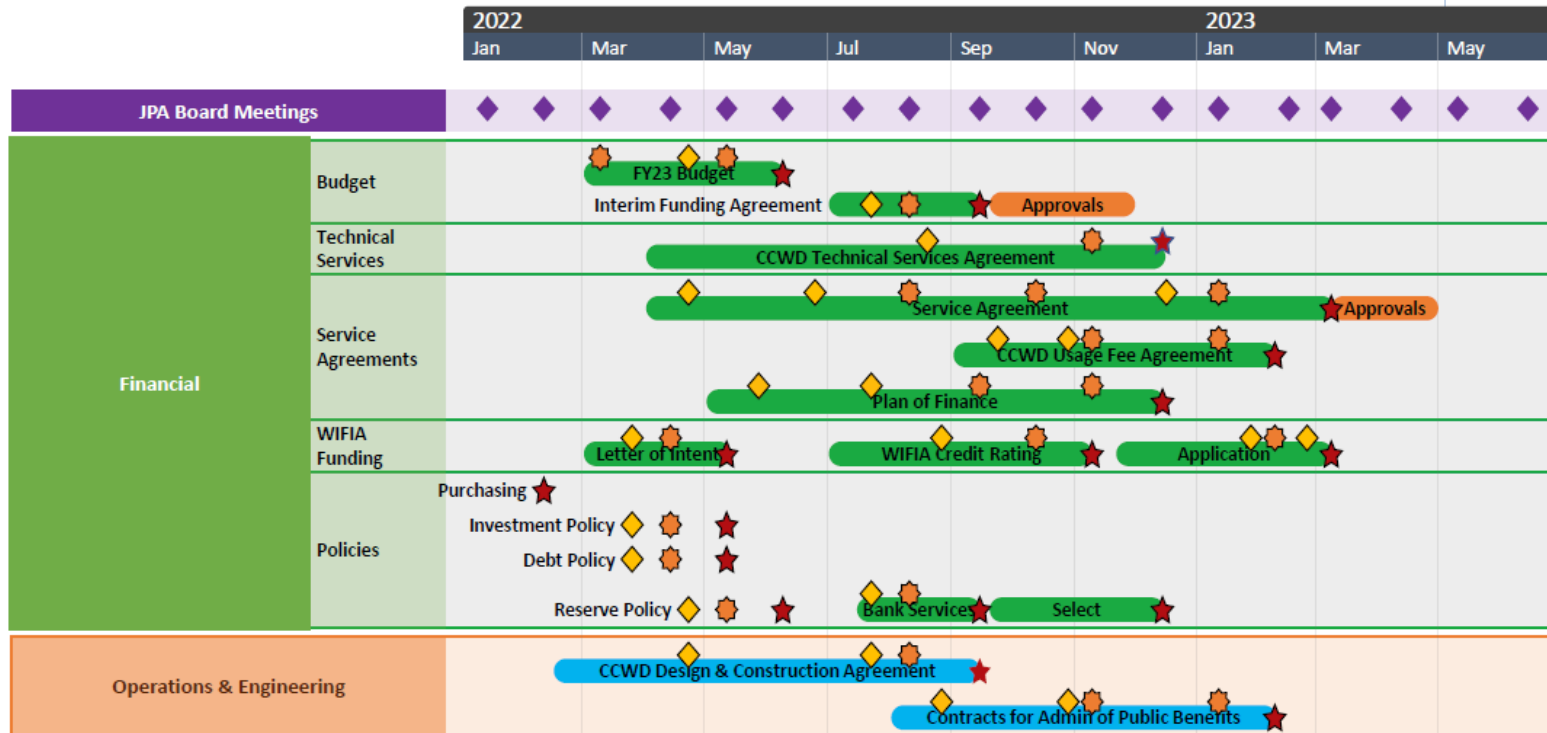
 CWC Award Hearing



# Los Vaqueros Reservoir Joint Powers Authority Draft 2022 Major Policy Calendar

Dates Subject to Change

 CWC Award Hearing



Future Agreements to Develop (Schedules TBD)

EBMUD Usage Fee Agreement, EBMUD Design & Construction Agreement, Conveyance Agreement(s) (e.g., SBA), O&M Agreements, CCWD Backstop Agreement



## TREASURER MONTHLY REPORT

### MULTI-PARTY AGREEMENT STATUS

Amendment No. 3 to the Multi-party Cost Share Agreement (MPA) was executed on November 1, 2021 and the first invoice of \$448,560 per agency was sent out in January 2022.

The following chart provides an overview of the MPA expenditures through January 31, 2022. The in-kind services, funds received, outstanding receivable, and cash on hand are shown through February 28, 2022. All LAPs remain in good standing on progress payments and the Project cash on hand remains positive.

MARCH 2, 2022

#### Upcoming Activities

March 9 at 9:30 a.m. – JPA Board Meeting via Zoom

March 14 at 11:00 a.m. – Finance workshop on FY23 JPA Budget Development via Teams (with Local Agency Partner (LAP) Staff and Clean Energy Capital)

March TBD – Finance Committee Meeting:

1. LVE Project Financial Overview
2. Draft Investment Policy
3. Draft Debt Policy
4. WIFIA Funding Update

April 22 at 1:00 p.m. – Finance workshop on LVE cost and funding allocation methodology via Teams (with LAP Staff and Clean Energy Capital)

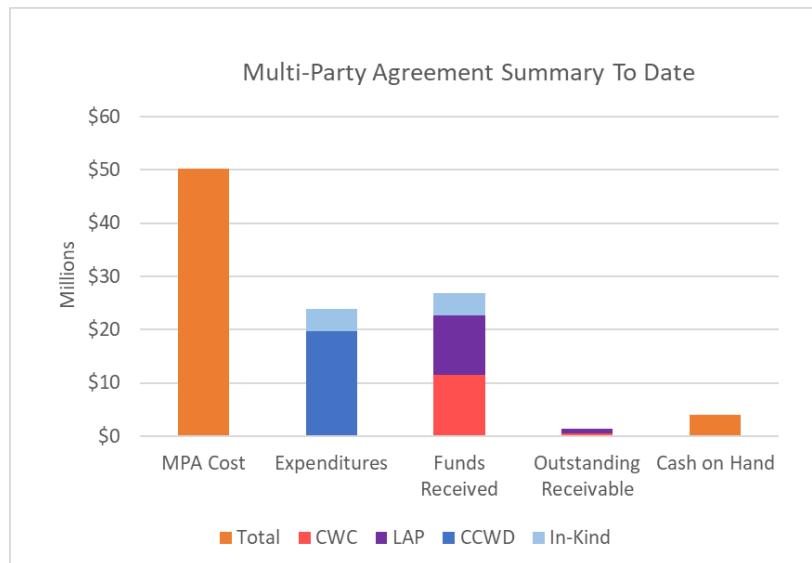
Finance Committee Members:

Chair: Anthea Hansen, SLDMWA

Vice-Chair: Paul Sethy, ACWD

John Coleman, EBMUD

Linda LeZotte, SCVWD



#### MPA Summary to Date:

MPA Cost: \$50,187,865 (total through Amendment No. 3)

#### Expenditures:

CCWD: \$19,695,686 (includes consultants and legal services)

LAP: \$4,211,178 (in-kind services)

Total: \$23,906,865

#### Funds Received:

CWC: \$11,512,989

LAP: \$11,157,802 (cash contributions)

LAP: \$4,211,178 (in-kind services)

Total: \$26,881,969

#### Outstanding Receivable:

CWC: \$517,502

LAP: \$897,120

Cash on Hand: \$4,047,975

## **FEDERAL FUNDING STATUS**

The FY22 Continuing Resolution that went into effect September 30, 2021 included \$50 million in Federal funding for the Project. This is in addition to the \$14 million that was appropriated in FY21. A funding agreement with Reclamation for the FY21 cost share provided to the LAPs (50 percent or approximately \$7 million) is currently routing for signature.

Future Federal funding requests include the remainder of the maximum federal share of 25 percent of the total project cost (approximately \$160 million). Some portion of the federal funding share may be available in the Bipartisan Infrastructure Law (the Infrastructure Investment and Jobs Act that was signed on November 15, 2021).

## **STATE FUNDING STATUS**

The Project qualified for funding under the Water Storage Investment Program and received an adjusted Maximum Conditional Eligibility Determination of \$470,475,000 from the California Water Commission (CWC) on January 20, 2021. This amount reflects an inflation adjustment of 2.5 percent. The CWC is considering an additional inflation adjustment at their next meeting on March 16, 2022.

The Early Funding Agreement with the CWC provides for a cost share of 50 percent of eligible costs through December 31, 2022. An amendment would be required to extend the agreement through December 31, 2023 and could include additional funds that may be approved as a result of the inflation adjustments.

### **Early Funding Agreement Summary to Date:**

Total Budget:	\$45,900,000
Total Program Funding:	\$22,950,000 (50 percent cost share)
Total Billed To Date:	\$24,060,982 (52% spent to date)
Total Amount Remaining:	\$21,839,018
Total Retention To Date:	\$332,846
Outstanding Invoices:	\$184,655