

**AGENDA
IRVINE RANCH WATER DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING**

November 8, 2021

CALL TO ORDER 5:00 p.m.

ROLL CALL Directors LaMar, McLaughlin, Swan, and Withers, and President Reinhart

This meeting will be held in-person at the District’s headquarters located at 15600 Sand Canyon Avenue, Irvine, California. The meeting will also be broadcasted via Webex for those wanting to observe the meeting virtually.

To observe this meeting virtually, please join online using the link and information below:

Via web:

<https://irwd.webex.com/irwd/j.php?MTID=m8d03f3353070f52ac9ad7500e6e374f0>

Number (Access Code): 2490 171 0626

Meeting Password: 9E4EjFYkmS9

PLEASE NOTE: Webex observers of the meeting will be placed into the Webex lobby when the Board enters closed session. Participants who remain in the “lobby” will automatically be returned to the open session of the Board once the closed session has concluded. Observers joining the meeting while the Board is in closed session will receive a notice that the meeting has been locked. They will be able to observe the meeting once the closed session has concluded.

PUBLIC COMMENT NOTICE

Public comments are limited to three minutes per speaker on each subject. If you wish to address the Board of Directors on any item, you may attend the meeting in person and submit a “speaker slip” to the Secretary. Forms are provided outside of IRWD’s Board Room. If attending via Webex, please submit your comment via the “chat” feature and your remarks will be read into the record at the meeting. You may also submit a public comment in advance of the meeting by emailing comments@irwd.com before 12:00 p.m. on Monday, November 8, 2021.

COMMUNICATIONS TO THE BOARD

1. A. Written:

 B. Oral:

2. ITEMS RECEIVED TOO LATE TO BE AGENDIZED

 Recommendation: Determine the need to discuss and/or take immediate action on item(s).

CONSENT CALENDAR, ITEMS 3-7 (Next Resolution No. 2021-24)

3. BOARD MEETING MINUTES

Recommendation: That the minutes of the October 25, 2021, Regular Board meeting be approved as presented.

4. RATIFY/APPROVE BOARD OF DIRECTORS' ATTENDANCE AT MEETINGS AND EVENTS

Recommendation: That the Board ratify/approve the meetings and events for Steven LaMar, Karen McLaughlin, Douglas Reinhart, Peer Swan, and John Withers, as described.

5. 2021 LEGISLATIVE AND REGULATORY UPDATE

Recommendation: Receive and file.

6. ACWA 2021 MEMBERSHIP MEETING AND 2022-2023 ELECTION

Recommendation: That the Board designate Board President Douglas Reinhart as IRWD's voting delegate and IRWD's General Manager Paul Cook as his alternate at the Association of California Water Agencies' general session membership meeting on December 1, 2021, and authorize the General Manager to sign and submit the "Consent to Electronic Transmission, Meetings & Voting" form to ACWA designating Douglas Reinhart and Paul Cook as its initial authorized voting representatives for IRWD.

7. ANNUAL MICROSOFT ENTERPRISE AGREEMENT SOFTWARE MAINTENANCE RENEWAL

Recommendation: That the Board authorize staff to renew the Microsoft Enterprise Agreement for a three-year period effective December 1, 2021 through November 30, 2024 in the amount of \$337,000 annually, or \$1,011,000 over the three-year term.

ACTION CALENDAR

8. GROUNDWATER BANKING JOINT POWERS AUTHORITY CASH CALL FUNDING APPROVAL

Recommendation: That the Board approve the funding of the Groundwater Banking Joint Powers Authority's (GBJPA) cash call in the amount of \$2,500,000 and authorize staff to transfer funds in the amount of \$2,500,000 from IRWD to the GBJPA bank account to fund the initial land acquisition prior to the close of escrow.

OTHER BUSINESS

Pursuant to Government Code Section 54954.2, members of the Board of Directors or staff may ask questions for clarification, make brief announcements, and make brief reports on his/her own activities. The Board or a Board member may provide a reference to staff or other resources for factual information, request staff to report back at a subsequent meeting concerning any matter, or direct staff to place a matter of business on a future agenda. Such matters may be brought up under the General Manager's Report or Directors' Comments.

9. General Manager's Report
10. Receive oral update(s) from District liaison(s) regarding communities within IRWD's service area and provide information on relevant community events.
11. Directors' Comments
12. CLOSED SESSION CONFERENCE with Labor Negotiator pursuant to Government Code Section 54957.6:
Agency Designated Representative: President Reinhart
Unrepresented Employee: Paul Cook
13. Open Session
14. Adjourn

Availability of agenda materials: Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the above-named Board in connection with a matter subject to discussion or consideration at an open meeting of the Board are available for public inspection in the District's office, 15600 Sand Canyon Avenue, Irvine, California ("District Office"). If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available from the District Secretary of the District Office at the same time as they are distributed to Board Members, except that if such writings are distributed one hour prior to, or during, the meeting, they will be available electronically via the Webex meeting noted. Upon request, the District will provide for written agenda materials in appropriate alternative formats, and reasonable disability-related modification or accommodation to enable individuals with disabilities to participate in and provide comments at public meetings. Please submit a request, including your name, phone number and/or email address, and a description of the modification, accommodation, or alternative format requested at least two days before the meeting. Requests should be emailed to comments@irwd.com. Requests made by mail must be received at least two days before the meeting. Requests will be granted whenever possible and resolved in favor of accessibility.

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November 8, 2021
Prepared and
submitted by: L. Bonkowski
Approved by: Paul A. Cook



CONSENT CALENDAR

BOARD MEETING MINUTES

SUMMARY:

Provided are the minutes of the October 25, 2021 Regular Board meeting for approval.

FISCAL IMPACTS:

None.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

Not applicable.

RECOMMENDATION:

THAT THE MINUTES OF THE OCTOBER 25, 2021 REGULAR BOARD MEETING BE APPROVED AS PRESENTED.

LIST OF EXHIBITS:

Exhibit "A" – October 25, 2021 Minutes

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EXHIBIT "A"

MINUTES OF REGULAR MEETING – OCTOBER 25, 2021

The regular meeting of the Board of Directors of the Irvine Ranch Water District (IRWD) was called to order at 5:05 p.m. by President Reinhart on October 25, 2021 in person at the District's headquarters located at 15600 Sand Canyon Avenue, Irvine, California. The meeting was also broadcast via Webex as a convenience to the public.

Directors Present: LaMar, Withers, Swan, McLaughlin, and Reinhart.

Directors Absent: None.

Also Present: General Manager Cook, Executive Director of Technical Services Burton, Executive Director of Operations Chambers, Executive Director of Finance and Administration Clary, Director of Treasury and Risk Management Jacobson, Executive Director of Water Policy Weghorst, Director of Water Quality and Regulatory Compliance Colston, Director of Recycling Operations Zepeda, Director of Water Resources Sanchez, Director of Maintenance Mykitta, Director of Human Resources Mitcham, Director of Strategic Communications and Advocacy/Deputy General Counsel Compton, Secretary Bonkowski, General Counsel Collins, and other staff.

WRITTEN AND ORAL COMMUNICATIONS: None.

WORKSHOP

IRWD DAM SAFETY PROGRAM UPDATE

Using a PowerPoint presentation, Senior Engineer Jacob Moeder provided an overview of the District's Enhanced Dam Safety program. Mr. Moeder reviewed the guiding principles for dam safety, general approaches to the safety assessment, defined risk, framework of the program, routine and non-routine activities, objectives of risk assessment, key findings, and implementation plan. He said that the next steps include proceeding with analyzing seismic performance of Rattlesnake Reservoir, conducting a Santiago Creek Dam cracking study, and establishing an on-call contract for ongoing Dam Safety Program support. Following discussion by the Board and staff, this item was received and filed.

CONSENT CALENDAR

Director Swan asked that Item No. 7, IRWD STRATEGIC MEASURES, be moved to the Action Calendar. There being no further requests, this item was moved accordingly. On MOTION by Withers, seconded by LaMar and unanimously carried, CONSENT CALENDAR ITEMS 4 THROUGH 6 AND 8 WERE APPROVED AS FOLLOWS:

4. BOARD MEETING MINUTES

Recommendation: That the minutes of the October 11, 2021, Regular Board meeting be approved as presented.

CONSENT CALENDAR (CONTINUED)

5. RATIFY/APPROVE BOARD OF DIRECTORS' ATTENDANCE AT MEETINGS AND EVENTS

Recommendation: That the Board ratify/approve the meetings and events for Steven LaMar, Karen McLaughlin, Douglas Reinhart, Peer Swan, and John Withers, as described.

6. SEPTEMBER 2021 TREASURY REPORT

That the Board receive and file the Treasurer's Investment Summary Report, the Summary of Fixed and Variable Rate Debt, and Disclosure Report of Reimbursements to Board members and staff, approve the September 2021 Summary of Payroll ACH payments in the total amount of \$2,230,546, and approve the September 2021 Accounts Payable Disbursement Summary of Warrants 420951 through 421838, Workers' Compensation distributions, wire transfers, payroll withholding distributions and voided checks in the total amount of \$24,644,781.

8. LETTER OF CREDIT EXTENSIONS FOR THE SERIES 1993 AND 2009A BONDS

Recommendation: That the Board authorize staff to extend the U.S. Bank Letters of Credit for IRWD's 1993 bonds and the 2009A bonds to May 2025 at an annual cost of 0.30% and adopt the following resolution by title subjective to non-substantive changes authorizing certain actions in connection with the extension of Letters of Credit for Consolidated Series 1993 and Consolidated Series 2009A bonds.

RESOLUTION NO. 2021-23

RESOLUTION OF THE BOARD OF DIRECTORS OF
THE IRVINE RANCH WATER DISTRICT
AUTHORIZING CERTAIN ACTIONS IN CONNECTION
WITH THE EXTENSION OF LETTERS OF CREDIT FOR
CONSOLIDATED SERIES 1993 AND CONSOLIDATED
SERIES 2009A BONDS

ACTION CALENDAR

7. IRWD STRATEGIC MEASURES

In response to Director Swan's inquiry relative to the regulatory compliance incidents, Director of Water Quality Colston said that these were related to the biosolids project and are required to be reported even though they were insignificant and not related to any customer complaints. Following discussion on other measures, on MOTION by Swan, seconded by Withers and unanimously carried, ITEM NO. 7, IRWD STRATEGIC MEASURES, WAS RECEIVED AND FILED.

FATS, OILS, AND GREASE PROGRAM CONSULTANT SELECTION

Director of Water Quality and Regulatory Compliance Colston reported that the District initiated a Fats, Oils, and Grease (FOG) program in 2004 for the purpose of better controlling the release of these products into the sewer collection and treatment systems. At that time, EEC Environmental was retained to develop a FOG Characterization Study with the scope of work including inspection of food service establishments (FSEs), development of “enhanced maintenance area” maps, FOG source characterizations, and design of a database management system for the FOG program.

Mr. Colston reported on the program’s expansion over the past 17 years and said that EEC’s program responsibilities have expanded to include all field aspects of the program, records management, administrative and technical support to District staff. It has successfully implemented the contracted portion of the program since inception, working cooperatively with District staff and FSE owners / operators.

Mr. Colston said that staff considered the use of a request for proposal to contract this work for the next three years, but ultimately decided to recommend proceeding with EEC based on its unique qualifications and experience implementing FOG control programs in Orange County and for IRWD. He said that EEC is extremely well qualified to provide continuity of service, expertise in working with District staff to maintain the IRWD FOG permit database, implementation of the new permit fees for cost recovery, extensive experience implementing the IRWD FOG program, and detailed knowledge of IRWD’s program rules and regulations.

Director Withers reported that this item was reviewed by the Engineering and Operations Committee on October 18, 2021, and that the Committee was very impressed with the consultant and believed the costs to be fair. On MOTION by Withers, seconded by Swan and unanimously carried, **THE BOARD AUTHORIZED THE GENERAL MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH EEC ENVIRONMENTAL IN THE AMOUNT OF \$596,100 FOR THE PERIOD OF NOVEMBER 1, 2021 TO OCTOBER 31, 2024.**

LOCAL HAZARD MITIGATION PLAN ADOPTION

Using a PowerPoint presentation, Safety Specialist Alix Stayton provided an overview of the Local Hazard Mitigation Plan (LHMP) which provides a framework for IRWD to reduce vulnerabilities of water and sewer infrastructure to the impacts of human-induced and natural events such as earthquakes, flooding, and spills. Ms. Stayton said that the plan fulfills a requirement of IRWD’s Urban Water Management Plan (UWMP) and can be used to satisfy eligibility requirements for federal funding for hazard mitigation and capital projects.

Ms. Stayton said that the LHMP is approved by both the California Governor’s Office of Emergency Services (CalOES) and FEMA, and re-certification is required every five years. The LHMP is considered a living document and will be updated as hazard mitigation projects are removed or completed, and as new projects are identified. The plan aligns with IRWD’s UWMP and supports Building Resilient Infrastructure and Communities (BRIC) grant proposals. The plan will be reviewed by IRWD staff annually in accordance with FEMA requirements.

Director Withers reported that this item was reviewed by the Engineering and Operations Committee on October 18, 2021, and on MOTION by Withers, seconded by McLaughlin and

unanimously carried, THE BOARD APPROVED AND ADOPTED THE IRWD LOCAL HAZARD MITIGATION PLAN SUBJECT TO NON-SUBSTANTIVE CHANGES.

WATER SHORTAGE CONTINGENCY PLAN SHORTAGE LEVEL IMPACTS AND ASSUMPTIONS FOR WATER BUDGET ALLOCATIONS

Using a PowerPoint presentation, Director of Water Resources Sanchez reported that the Board adopted an updated Water Shortage Contingency Plan (WSCP) in June 2021 and that the plan includes a “toolbox” of potential strategies for responding to each level of water shortage. One of the potential strategies included within each water shortage level is adjustments to water budgets as a means to achieve the savings needed to respond to a prescribed level of water shortage.

Ms. Sanchez said that the District’s water budget-based rate structure is a cost of service-based rate structure that provides revenue stability in both non-shortage and water shortage periods. She said that when IRWD experiences a water shortage, it may have less water or different costs of water than in normal times. If the District has less water, its WSCP outlines the strategies it will use to reduce demands. She said that such changes would be implemented at the discretion of IRWD’s Board of Directors. If this strategy or tool is used, any changes in rates would be set using cost of service principles and would not exceed the District’s cost of providing water service to each customer. Additionally, prior to setting the water budget allocated to each customer and adopting any rates impacted by those changes, the District would undertake the full Proposition 218 public notice, protest, and hearing process.

Ms. Sanchez said that the District initially would rely on public outreach and non-rate response measures during a declared shortage. In order to have water budget allocations as a tool available to use in the event of a shortage, staff has developed recommended maximum adjustments to the water budget allocations that can be used as response measures that correspond to each level of shortage in the WSCP. Using charts, she described the maximum water budget adjustment for each level of water shortage as well as impacts to typical single-family customer for each level of water shortage. She further reviewed next steps including a Public Hearing in January for the Board to consider adoption of the rate, and WSCP rates.

Director LaMar said that this item was reviewed by the Water Resources, Policy and Communications Committee on October 19, 2021. Following discussion, on MOTION by LaMar, seconded by McLaughlin, and unanimously carried, THE BOARD APPROVED MAXIMUM WATER SHORTAGE WATER BUDGET ADJUSTMENTS ASSOCIATED WITH LEVELS OF SHORTAGE IN IRWD’S WATER SHORTAGE CONTINGENCY PLAN.

GENERAL MANAGER’S REPORT

General Manager Cook reported that there were no additional COVID-19 cases over the past nine days but there were two previous cases at the Operations Center. He said that tomorrow the District will have COVID-19 testing on-site for employees.

Mr. Cook reported that approximately 4,000 customers have overdue balances with a current outstanding debt of \$3.0 million.

DIRECTORS' COMMENTS

Director LaMar reported on his attendance at a 2021 OC Water Summit and an OCBC and CSUF 27th Annual Economic Forecast.

Director McLaughlin said she had no outside meetings to report.

Director Swan reported on his attendance at an OCBC and CSUF 27th Annual Economic Forecast, MWDOC meetings, a 2021 OC Water Summit, and a Southern California Coalition Environmental meeting. He further congratulated Ms. Christine Compton for receiving the Kathy Cole Award for her commitment to education and advocacy in water policy at the Southern California Water Coalition event, and said he is very proud of her efforts.

Director Withers reported on his attendance at a 2021 OC Water Summit along with his regular meetings. He also said he will be attending a Clarke Prize lecture this Thursday.

Director Reinhart reported on his attendance at OCWD and MWDOC meetings, a Southern California Water Coalition annual meeting, and a Lake Forest Citizen Academy Utility night with Director Withers.

ADJOURNMENT

There being no further business, President Reinhart adjourned the meeting at 7:13 p.m.

APPROVED and SIGNED this 8th day of November 2021.


President, IRVINE RANCH WATER DISTRICT

Secretary IRVINE RANCH WATER DISTRICT

APPROVED AS TO FORM:

Claire Hervey Collins, General Counsel
Hanson Bridgett LLP

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November 8, 2021
Prepared and
submitted by: K. Swan
Approved by: Paul A. Cook 

CONSENT CALENDAR

RATIFY/APPROVE BOARD OF DIRECTORS’
ATTENDANCE AT MEETINGS AND EVENTS

SUMMARY:

Pursuant to Resolution 2006-29 adopted on August 28, 2006, the following events and meetings require approval by the Board of Directors:

Steven LaMar

October 15 2021 OC Water Summit, Anaheim

Karen McLaughlin

November 10 Constructing the Nation’s Largest Ion Exchange PFAS Water Treatment Plant Webinar

November 18 California Water Policy Conference Webinar: *California Water in an Era of Increasing Climate Complexity*

Douglas Reinhart

October 15 2021 OC Water Summit, Anaheim

Peer Swan

October 1 OCBC Government Affairs Committee Meeting

October 12 OCBC Infrastructure Committee Meeting

October 15 2021 OC Water Summit, Anaheim

October 20 OCBC & CSUF’s 27th Annual Economic Forecast Virtual Conference

October 28 2021 Annual Clark Prize Award Lecture Broadcast

John Withers

October 15 2021 OC Water Summit, Anaheim

October 27 OC Welcome Meeting with Santa Ana Regional Board Executive Officer Jayne Joy

November 4 Virtual 11th Annual Turning Red Tape into Red Carpet Awards Ceremony

November 10 Constructing the Nation’s Largest Ion Exchange PFAS Water Treatment Plant Webinar


November 18 California Water Policy Conference Webinar: *California Water in an Era of Increasing Climate Complexity*

RECOMMENDATION:

THAT THE BOARD RATIFY/APPROVE THE MEETINGS AND EVENTS FOR STEVEN LAMAR, KAREN MCLAUGHLIN, DOUGLAS REINHART, PEER SWAN, AND JOHN WITHERS, AS DESCRIBED HEREIN.

LIST OF EXHIBITS:

None.

November 8, 2021
Prepared and
submitted by: C. Compton
Approved by: Paul A. Cook 

CONSENT CALENDAR

2021 LEGISLATIVE AND REGULATORY UPDATE

SUMMARY:

This report provides an update on the 2021-2022 legislative session, regulatory issues, and IRWD priorities. As legislation and regulations develop, staff will provide updates and recommendations to the Water Resources Policy and Communications Committee and the Board, as appropriate. Staff recommends the Board receive and file this report.

BACKGROUND:

The California State Assembly and Senate are currently on their interim recess. The 2021-2022 Regular Legislative Session will resume on January 3, 2022.

Links to the bills discussed below are included within each discussion unless a separate exhibit is noted.

2021 Legislative Updated:

Proposed California Constitutional Amendment Ballot Initiative – Water Infrastructure Funding Act of 2022:

On August 26, the “[Water Infrastructure Funding Act of 2022](#),” a newly proposed ballot initiative, was submitted to the California Attorney General’s Office for title and summary. The proposed initiative was submitted by Edward Ring with the California Policy Center; Mesa Water District Vice President Shawn Dewane; Wayne Western, Jr. with the San Joaquin Valley Sun; Geoffrey Todd Vanden Heuvel, Owner of J&D Star Dairy; and OCWD Director Stephen Sheldon.

The proposed initiative, if qualified for the ballot and approved by the voters, would amend the California Constitution to require the annual transfer of two percent of the State’s General Fund Revenues to a newly created Water Supply Infrastructure Trust Account, and provides bonding authority against those revenues. The Water Supply Infrastructure Trust Account would be continuously appropriated to the California Water Commission for projects “that will help achieve the creation of a minimum of five million acre-feet (5,000,000 AF) of additional annual water supply capacity” within the state. The project categories eligible for funding from the Water Supply Infrastructure Trust Account are limited to:

- Development or expansion of groundwater aquifer storage, remediation, and recovery projects;
- Recycling, purification, and treatment of stormwater and wastewater to water reuse standards;

- Expansion, repair, or replacement of existing surface reservoirs, and construction of new surface reservoirs;
- Desalination plants;
- Water conveyance development, maintenance, or expansion;
- Other projects designed to increase the clean, safe and affordable supply of water to all Californians with emphasis on California's disadvantaged communities, and other projects designed to increase conservation; and
- Research and development of new technologies designed to increase the clean, safe and affordable supply of water to all Californians.

An applicant for funding from the Water Supply Infrastructure Trust Account must be a public agency, special district, joint powers authority, or a public-private partnership. The funding could be used for entitlement, design, construction and maintenance of a funded project.

The initiative would also amend the California Environmental Quality Act (CEQA) to create an alternative CEQA review process and would amend the Public Resources Code to provide the Secretary of the California Natural Resources Agency with new authority to review, approve, deny, and/or issue any Coastal Commission action or inaction for projects that are allocated funding and projects that are certified by the California Water Commission as a drought resiliency project. The initiative expressly states that a project is not required to be eligible for or receive funding provided pursuant to this measure in order to be certified as a drought resiliency project.

Proponents will need to obtain 997,139 valid signatures to qualify the proposed initiative for inclusion on the 2022 Statewide General Election ballot. The Attorney General's title and summary for the proposed initiative are expected by November 1, 2021. After receiving the title and summary, proponents would be authorized to begin gathering signatures. Proponents will have until April 26, 2022, to gather and present signatures to county elections officials.

LAO Analysis of the Water Infrastructure Funding Act of 2022:

As state law requires, within 50 days of the date the Attorney General receives a proposed initiative, the Legislative Analyst's Office (LAO) produced its [analysis of the Water Infrastructure Funding Act of 2022](#). According to the LAO's analysis, five million additional acre-feet of water per year equates to approximately 13 percent of current annual water use. The LAO analysis also estimates that the cost to develop the proposed five million acre-feet of new water supply would be "several tens of billions of dollars, potentially totaling more than \$100 billion," and that the exact cost would depend on several factors, most importantly what types of projects would be funded since costs between different types of projects "can vary considerably." The LAO estimates that, if this proposed initiative were approved, it would dedicate between \$2.5 billion and \$4 billion per year for water supply projects over the next few decades. According to the LAO, the proposed changes to the environmental permitting process could shorten project timelines and thereby "likely would reduce the costs" of projects.

Finally, the LAO observes that this ballot measure would likely decrease local government costs for water projects, and thus could result in water customers' bills being lower than they otherwise would be in the absence of this measure.

On November 3, 2021, staff discussed this proposed ballot initiative with the Water Resources Policy and Communications (WRP) Committee.

2022 State Legislative Proposals and Planning:

Staff also provided an oral update to the WRP Committee on developments related to the following:

- The 2022 legislative session and 2022 legislative planning efforts, and
- Other legislation matters of interest to the District.

2021 State and Regional Regulatory Update:

The following is a list of some of the State regulations and agency reports staff is monitoring, tracking, or planning to engage in over the next three to 12 months. As the next drafts of the regulations or reports are released for public review and comment, staff will engage, as appropriate. The pending regulations, administrative actions and reports actively being tracked include the:

- Executive and Regulatory Actions on COVID-19;
- Executive and Regulatory Actions related to the drought;
- California Air Resources Board's (CARB) [AB 32 Climate Change Scoping Plan Update](#);
- CARB's [Proposed Advanced Clean Fleets Regulation](#);
- CARB's In-use Off-road Diesel-Fueled Fleets Regulation Amendments;
- California Fish and Wildlife California Endanger Species Act Petition for the Steelhead;
- California Natural Resources Agency [2021 State Adaptation Strategy Update](#);
- California Water Commission's [Groundwater Trading Programs Policy Paper](#);
- Department of Water Resources' (DWR) [Draft Groundwater Management Principles and Strategies to Monitor, Analyze and Minimize Impacts to Drinking Water Wells](#);
- DWR's [Plumbing Code Changes](#);
- DWR and the State Board's implementation of the "[Making Water Conservation a California Way of Life](#)" legislation;
 - DWR and the State Board's Indoor Water Use Study and Indoor Water Use Standard Recommendations;
 - DWR's Outdoor Standard Recommendations;
 - DWR's Work Group on Commercial, Industrial, and Institutional (CII) performance measures; and

- State Board's [Water Loss Performance Standards Regulations](#);
- Implementation of Executive Order [N-82-2020](#) requiring 30 percent of the State's land and coastal waters to be conserved by 2030;
- [Implementation of the Governor's Water Resiliency Portfolio](#);
- State Board's development of a "Cross Connection Policy Handbook;"
- State Board's Direct Potable Reuse Regulations;
- State Board's drought monitoring and emergency actions;
- State Board's Electronic Annual Report;
- State Board's actions on lead service lines; and
- State Board's [Safe and Affordable Funding for Equity and Resilience \(SAFER\) Drinking Water Program](#).

2021 Federal Legislative and Regulatory Update:

IRWD's federal advocacy efforts in 2021 continue to largely focus on seeking federal funding for the Kern Fan Groundwater Storage Project and advocating for an increased funding authorization for the federal Water Storage Program. Staff updated the WRP Committee on these efforts and the ongoing efforts related to positioning the Kern Fan Groundwater Storage Project for federal funding, and other federal proposals of interest to the District.

PFAS Strategic Roadmap:

On October 18, 2021, the Environmental Protection Agency (EPA) released a comprehensive strategic roadmap to address PFAS contamination- [the PFAS Strategic Roadmap](#). As part of the Roadmap, EPA will be launching a new national testing strategy that will require PFAS manufacturers to provide EPA with toxicity data and information on categories of PFAS chemicals. EPA will also be:

- Setting enforceable drinking water limits for two PFAS, Perfluorooctanoic acid (PFOA) and Perfluorooctane sulfonic acid (PFOS), under the Safe Drinking Water Act;
- Designating certain PFAS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act;
- Establishing timelines for action on PFAS effluent guideline limitations under the Clean Water Act;
- Conducting a review of actions on PFAS under the Toxic Substances Control Act;
- Increasing PFAS monitoring, data collection and research;
- Issuing a final toxicity assessment for what are known as GenX chemicals, including PFAS; and
- Continuing work to build up a technical foundation to inform future actions on PFAS air emissions under the Clean Air Act.

Following the Roadmap's release, on October 25 the EPA released a final human health toxicity assessment for GenX chemicals. GenX is a trade name for PFAS chemicals that were introduced to replace PFOA. The final assessment is a key step toward establishing a national drinking water health advisory for GenX chemicals. The final assessment's reference dose is 3 ng/kg/day, which is 26 times lower than the 80/ng/kg/day reference dose that the EPA presented in its 2018 draft assessment of the GenX chemicals. The PFAS Strategic Roadmap commits to publishing a national drinking water health advisory for GenX chemicals in Spring 2022.

FISCAL IMPACTS:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

This item was reviewed by the Water Resources Policy and Communications Committee on November 3, 2021.

RECOMMENDATION:

RECEIVE AND FILE.

LIST OF EXHIBITS:

None.

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November 8, 2021
Prepared and
submitted by: C. Compton
Approved by: Paul A. Cook



CONSENT CALENDAR

ACWA 2021 MEMBERSHIP MEETING AND 2022-2023 ELECTION

SUMMARY:

The Association of California Water Agencies (ACWA) will hold a general session membership meeting at the ACWA Fall Conference on December 1, 2021. At the meeting, ACWA members will elect the 2022-2023 ACWA President and Vice President. In order to participate in the membership meeting, each ACWA member must designate a voting delegate on the proxy designation form – a form ACWA has requested be returned to the association as soon as possible.

Additionally, ACWA has requested that members sign and return a “Consent to Electronic Transmissions, Meetings & Voting.” This document allows ACWA to send member meeting notices, conduct member meetings and allow for voting at member meetings electronically. The form also asks members to provide the name of the member’s initial authorized representatives who will participate in and vote for the member at ACWA member meetings.

Staff recommends the Board designate President Douglas Reinhart as IRWD’s voting delegate and Paul Cook, IRWD’s General Manager, as his alternate for the membership meeting on December 1, 2021, and authorize the General Manager to sign and submit the “Consent to Electronic Transmission, Meetings & Voting” form to ACWA designating President Douglas Reinhart and Paul Cook as its initial authorized voting representatives for the District.

BACKGROUND:

Every two years ACWA holds a membership meeting at its Fall Conference so that the association’s membership can elect the ACWA President and Vice President who will serve for the next two years. In addition to the election of officers, the membership meeting is the time when ACWA’s members are asked to vote on proposed amendments to the association’s bylaws, if there are any proposed. This year’s membership meeting will be held on December 1, 2021.

On October 4, ACWA sent a memorandum to each of its members regarding this year’s membership meeting. The General Session Membership Meeting Memorandum is provided as Exhibit “A”. The memorandum discusses the ACWA member meeting voting process.

ACWA Voting Process:

Each ACWA member wishing to participate in a membership meeting must designate a voting representative and submit a proxy designation form identifying that individual as its representative prior to the membership meeting. The designated voting representative is then required to register, sign in as the proxy holder, and obtain a proxy card prior to the membership meeting. This year designated representatives must register and obtain their proxy cards, which

are required for voting, on Wednesday, December 1, between 10:30 a.m. and 11:45 a.m. at the ACWA General Session Desk.

To help expedite the sign-in process, ACWA has requested that its members indicate their voting delegate on the proxy designation form enclosed in the General Session Membership Meeting Memorandum. ACWA has requested that the proxy designation form be returned to the association as soon as possible.

Staff recommends the Board designate President Douglas Reinhart as IRWD's voting delegate at the December 1 membership meeting and Paul Cook, as his alternate. Following the Board's designation, staff will submit the voter designation form required by ACWA.

Consent to Electronic Transmissions, Meetings and Voting:

Additionally, ACWA has requested members sign and return a "Consent to Electronic Transmissions, Meetings & Voting," which was included in the General Session Membership Meeting Memorandum. The document, if signed by an ACWA member, would permit ACWA to:

- Send meeting notices, annual reports, and all other materials to the member by (a) electronic transmission to the Member's facsimile number or email address, (b) posting on an electronic message board or network which ACWA has designated for those communications, together with separate notice to the Member of the posting, or (c) other means of electronic communication;
- Conduct meetings of the members by electronic transmission or electronic video screen communication;
- Rely on communications sent by the member to ACWA by (a) electronic transmission from the Member's facsimile number or email address, (b) posting on an electronic message board or network which ACWA has designated for those communications, or (c) other means of electronic communication; and
- Rely on electronic votes (including votes to approve or reject actions) submitted by an authorized representative of the member to ACWA during meetings.

The form also asks members to provide the name of the member's initial authorized representatives who will participate in and vote for the member at ACWA member meetings.

Staff recommends the Board authorize the General Manager to sign and submit the "Consent to Electronic Transmissions, Meetings & Voting," and that the form designate President Douglas Reinhart and Paul Cook, the District's General Manager, as its initial authorized voting representatives.

FISCAL IMPACTS:

None.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

This item was reviewed by the Water Resources Policy and Communications Committee on November 3, 2021.

RECOMMENDATION:

THAT THE BOARD DESIGNATE BOARD PRESIDENT DOUGLAS REINHART AS IRWD'S VOTING DELEGATE AND IRWD'S GENERAL MANAGER PAUL COOK AS HIS ALTERNATE AT THE ASSOCIATION OF CALIFORNIA WATER AGENCIES' GENERAL SESSION MEMBERSHIP MEETING ON DECEMBER 1, 2021 AND AUTHORIZE THE GENERAL MANAGER TO SIGN AND SUBMIT THE "CONSENT TO ELECTRONIC TRANSMISSION, MEETINGS & VOTING" FORM TO ACWA DESIGNATING DOUGLAS REINHART AND PAUL COOK AS ITS INITIAL AUTHORIZED VOTING REPRESENTATIVES FOR IRWD.

LIST OF EXHIBITS:

Exhibit "A" – ACWA General Session Membership Meeting Memorandum

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MEMORANDUM

Via U.S. Mail and Electronic Mail

TO: ACWA Member Agency Board Presidents and General Managers

CC: ACWA Board of Director

FROM: Dave Eggerton, ACWA Executive Director

DATE: October 4, 2021

SUBJECT: Notice of General Session Membership Meeting — December 1, 2021

There will be a General Session Membership Meeting on **December 1, 2021, at 12:00 p.m.** The purpose of this meeting is to formally nominate and elect ACWA's President and Vice President for the 2022-2023 term. At its meeting on September 24, 2021, the ACWA Board of Directors approved procedures whereby ACWA members will be able to participate and vote in the upcoming membership meeting and election in person or virtually. These procedures are in accordance with California Corporations Code Sections 20, 21, 5079 and subsections (a) and (f) of Section 7510, as well as Article 9 of ACWA's Bylaws. The in-person meeting will be held in Ballroom D-H of the Pasadena Convention Center. Virtual voting delegates will participate via Zoom. Staff will provide the Zoom access information to the virtual voting delegates upon receipt of the Voter Designation & Information Form and the member agency's Consent to Electronic Transmissions, Meetings & Voting Form. Members who wish to attend the membership meeting virtually as a non-voting participant can obtain the registration link by contacting Clerk of the Board Donna Pangborn at donnap@acwa.com or 916-441-4545 to confirm their member agency has submitted the requisite Consent to Electronic Transmissions, Meetings & Voting Form.

Election/Voting Process

The ACWA Nominating Committee has announced a 2022-2023 slate that recommends current **Vice President Pamela Tobin for ACWA President** and current **Region 10 Vice Chair Cathy Green for ACWA Vice President**. The Nominating Committee's 2022-2023 slate will be presented for the members' consideration and vote at the membership meeting on December 1.

As provided by ACWA's Bylaws (Article 9, Section 9) nominations from the floor will be accepted prior to the vote on the Nominating Committee's slate. The Bylaws require that floor nominations and seconds be made by a member of the Association and must be supported by a resolution of the governing body of the member making and seconding such nomination. The member agency on whose board the nominee serves must submit a resolution of support if they are not the agency making the floor nomination or second. The resolutions to facilitate floor nominations must be submitted to the Clerk of the Board Donna Pangborn at donnap@acwa.com by **COB Wednesday, November 24, 2021**.

➤ **See attachment for detailed Membership Meeting & Election Procedures.**

ACWA will be using a voting system called Live-Tally, which will allow voters to vote using a handheld keypad OR online keypad (which can be accessed through any modern web browser on a computer, tablet or smart phone). **Voters must be present at the membership meeting, either in person or virtually, to vote.**

Consistent with ACWA’s Bylaws, Article 9, Section 5, “each member of the Association shall be entitled to one vote that shall be cast by its authorized representative.”

- Member agencies must indicate their voting representative and alternate on the attached Voter Designation & Information Form.
- Member agencies must indicate if their voting representative/alternate is attending in person or virtually as well as provide all of the information identified on the form in order for ACWA to facilitate all aspects of the membership meeting and voting processes.

Members who desire to participate in the membership meeting virtually and vote electronically are required to sign and return the attached Consent to Electronic Transmissions, Meetings & Voting Form by November 24, 2021, consistent with the California Corporations Code.

Deadline & Changes

The deadline for submitting the Voter Designation & Information Form is **Wednesday, November 24, 2021**. While this form identifies both a voting delegate and an alternate voting delegate for the ACWA member agency, if for any reason the member agency desires for the alternate voting delegate to vote at the election in place of its designated voting delegate, the member agency must notify ACWA in advance of its exchange of voting delegates by contacting the Clerk of the Board Donna Pangborn at donnap@acwa.com or 916-441-4545 **no later than Monday, November 29, 2021**. Staff will then provide the member agency’s alternate voter with the Zoom and Live-Tally access/participant information if the voter is participating virtually.

ACWA General Session Desk

ACWA staff will be available at the **ACWA General Session Desk**, located in the Ballroom Lobby of the Pasadena Convention Center, on **Wednesday, December 1**, between **9:00 a.m. and 11:45 a.m.** to answer questions about the membership meeting and election process.

In-person voters need to check in at the ACWA General Session Desk on Wednesday, December 1, between 10:30 and 11:45 a.m. to pick up handheld keypads.

If you have any questions regarding this process, please contact Clerk of the Board Donna Pangborn at 916-441-4545 or donnap@acwa.com.

dgp

Attachments:

1. Membership Meeting & Election Procedures
2. Voter Designation & Information Form
3. Consent to Electronic Transmission, Meetings & Voting Form

The following information is provided to inform the ACWA member agency voting delegates of the meeting and election procedures to be used in the upcoming General Session Membership Meeting scheduled for December 1, 2021 at 12:00 p.m. The purpose of the meeting is to formally nominate and elect ACWA's President and Vice President for the 2022-2023 term. The in-person meeting will be held in Ballroom D-H of the Pasadena Convention Center. Virtual voting delegates will participate via Zoom. Staff will provide the Zoom access information to the virtual voting delegates upon receipt of the Voter Designation & Information Form and the member agency's Consent to Electronic Transmissions, Meetings & Voting Form. Members who wish to attend the membership meeting virtually as a non-voting participant can obtain the registration link by contacting Clerk of the Board Donna Pangborn at donnap@acwa.com or 916-441-4545 to confirm their member agency has submitted the requisite Consent to Electronic Transmissions, Meetings & Voting Form.

ELECTION / VOTING PROCESS

ACWA will be using a voting system called Live-Tally, which will allow voters to vote either in person using a handheld keypad OR virtually through an online keypad (which uses any modern web browser on a computer, tablet or smart phone). **Voters must be present at the membership meeting, either in person or virtually, to vote.**

Consistent with ACWA's Bylaws, Article 9, Section 5, "each member of the Association shall be entitled to one vote that shall be cast by its authorized representative."

- Member agencies must indicate their voting representative and alternate on the Voter Designation & Information Form.
- Member agencies must indicate if their voting representative/alternate is attending in person or virtually as well as provide all of the information identified on the form in order for ACWA to facilitate all aspects of the membership meeting and voting processes.

Members who desire to participate in the membership meeting virtually and vote electronically are required to sign and return the Consent to Electronic Transmissions, Meetings & Voting Form by November 24, 2021, consistent with the California Corporations Code.

VIRTUAL ATTENDEES

Virtual attendees need to take the following steps after the member agency has completed and returned the Voter Designation & Information Form and requisite Consent to Electronic Transmissions, Meetings & Voting Form.

1. Voting delegates need to **save the Zoom access/login information** ACWA staff will provide to you. Save the information for the day of the meeting. **Use that information to login to the virtual meeting**, which is how ACWA will identify you as a participant.
2. Voting delegates need to **save the Live-Tally Participant ID information** ACWA staff will provide to you, which is how Live-Tally will identify you as the member agency voter.

IN-PERSON ATTENDEES

In-person attendees need to take the following steps after completing and returning the Voter Designation & Information Form:

1. Check in at the ACWA General Session Desk, located in the Ballroom Lobby of the Pasadena Convention Center, on **Wednesday, December 1**, between **10:30 and 11:45 a.m.** to pick up handheld keypads.
2. Voting delegates **must be present to vote** and **MUST** have the handheld keypad prior to the start of the membership meeting.

DEADLINE & CHANGES

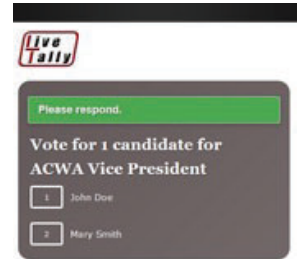
The deadline for submitting the **Voter Designation & Information Form** is Wednesday, **November 24, 2021**. If there is any change of your agency's voting delegate with its designated alternate, you must contact ACWA's Clerk of the Board Donna Pangborn at donnap@acwa.com or 916-441-4545 no later than Monday, November 29, 2021. Staff will provide the alternate voter with the Zoom and Live-Tally access/participant information if the voter is participating virtually.

1. The General Session Membership Meeting will be called to order at 12:00 p.m. and a quorum will be determined. The presence of 50 authorized voting representatives is required to establish a quorum for transacting business.
2. An overview of the Zoom platform will be provided, including demonstration of how the virtual meeting participants can interact throughout the meeting.
3. An overview of the Live-Tally voting system will be provided and a test vote will be conducted.
4. Legal Affairs Committee Chair Jennifer Buckman will provide an overview of the agenda and election procedures.
5. Nominating Committee Chair Brent Hasteley will present the Committee's report and announce the candidate for ACWA President.
6. President Steven LaMar will call for floor nominations for ACWA President.
7. If there are no floor nominations for ACWA President, the election will proceed. President LaMar will close the nominations and delegates will vote following motion/second to elect the Nominating Committee's recommendation using Live-Tally.
8. If there are floor nominations for President, the nomination will follow the procedures established by Article 9 of ACWA's Bylaws, stating that floor nominations and seconds shall be made by a member of the Association and must be supported by a resolution of the governing body of the member making and seconding such nomination. The member agency on whose board the nominee serves shall submit a resolution of support if they are not the agency making the floor nomination or second.
 - a. **Resolutions to facilitate floor nominations must be submitted to the Clerk of the Board Donna Pangborn at donna@acwa.com by COB Wednesday, November 24, 2021.**
 - b. Candidates will be given three minutes to address the membership.
 - c. Staff will create a ballot in the Live-Tally system and then display for the voters' action.
 - d. Voting delegates will vote on one (1) candidate of the candidate options displayed on the screen using the handheld OR online keypad in the Live-Tally voting system. Results will be displayed in real time.
 - e. President LaMar will announce the results of the vote.
9. Nominating Committee Chair Brent Hasteley will announce the candidate for ACWA Vice President.
10. President Steven LaMar will call for floor nominations for ACWA Vice President.
11. If there are no floor nominations for ACWA Vice President, the election will proceed. President LaMar will close the nominations and delegates will vote following motion/second to elect the Nominating Committee's recommendation using Live-Tally.
12. If there are floor nominations for ACWA Vice President, the nominations will follow the procedures described in item 6 above, and the election will proceed according to the steps outlined in 6.a. through 6.e.
13. The ACWA Board of Directors appointed LAC Chair Jennifer Buckman to serve as an election inspector to resolve any challenges or questions in connection with the election consistent with California Corporations Code 7614.

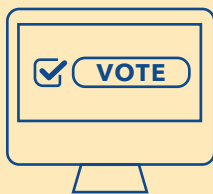
California Corporations Code requires ACWA to maintain a voting record of its membership meetings.

When the members are ready to vote, the President will announce that it is time to vote (instructions will appear on the projection screen).

- **How do I submit my vote?** Press 1, 2, or 3 to cast your vote; then press SEND.
- **What happens if I make a mistake?** Re-submit your vote by pressing 1, 2, or 3 and send before the voting window ends.
- **What if I arrive late?** Your vote will be cast from the time you arrive at the meeting; prior to that your vote will register as "absent."
- **What happens if I am out of the room or have to leave early?** Your vote will be recorded as "absent" for that vote.



Test voting will be conducted at the beginning of the Membership Meeting.



VIRTUAL VOTING

Each voting delegate will be provided access to voting through Live-Tally's voting system. If you are attending the meeting virtually, follow the instructions listed below.

1. Use any modern web browser on a computer, tablet or smart phone to navigate to <https://MyBallot.app>
2. Enter the meeting ID "ACWA" and click the "Connect" button.
3. When prompted, enter the specific voting participant ID that was provided to you.
4. Voting questions will appear on this "virtual keypad" as they are presented.
 - Simply click the numbered button that corresponds to your choice.
 - **To change your vote**, make a different selection before the voting window ends.
5. Hit refresh if your browser or virtual keypad goes to "sleep."



IN-PERSON VOTING

If you are attending the meeting in person, you will be given a handheld keypad. Each handheld keypad is numbered on the back, and that number will be assigned to you as you check in at the ACWA General Session Desk on **Wednesday, December 1 between 10:30 and 11:45 a.m.**

- **Check your device to make sure that it is working properly.** Press any button and it will light up. All devices were tested prior to the meeting.
- **If it does not light up.** Take it back to the ACWA General Session Desk and ask for another keypad and make sure that they make a note of the numeric change.



Return your keypad to the ACWA General Session Desk.

To: Donna Pangborn, Clerk of the Board

Email: donnap@acwa.com

Fax: 916-669-2425

The person designated below will be attending the ACWA General Session Membership Meeting(s) on Wednesday, December 1, 2021 (and December 2, 2021 if necessary) as our voting delegate. Please designate an alternate voting delegate to facilitate any change to your voting representation at the meeting. To change your alternate, however, you must notify Donna Pangborn of the change no later than COB Monday, November 29, 2021.

Member Agency's Name

Agency's Phone No.

Print Member Agency's Authorized Signatory Name

Authorized Signatory Signature

I have signed and returned the Consent to Electronic Transmission, Meetings & Voting Form.

Voting Delegate's Name	How Will Delegate Attend? <input type="checkbox"/> Will attend the meeting in person in Pasadena. <input type="checkbox"/> Will attend the meeting virtually.
Voting Delegate's Email	Voting Delegates' Phone No.
Alternate Voting Delegate's Name	How Will Alternate Delegate Attend? <input type="checkbox"/> Will attend the meeting in person in Pasadena. <input type="checkbox"/> Will attend the meeting virtually.
Alternate Voting Delegate's Email	Alternate Voting Delegates' Phone No.
Voting Delegate's Affiliation <i>(if different from assigning agency)*</i>	Date

*If your agency designates a delegate from another entity to serve as its authorized voting representative, please indicate the delegate's entity in the appropriate space above.

In accordance with California Corporations Code Sections 20, 21, 5079 and subsections (a) and (f) of Section 7510, and Article 9 of the Bylaws of the Association of California Water Agencies, a California nonprofit mutual benefit corporation ("ACWA"), the undersigned member of ACWA (the "Member") hereby consents and agrees as follows:

1. ACWA may send meeting notices, annual reports, and all other materials to the Member by (a) electronic transmission to the Member's facsimile number or email address; (b) posting on an electronic message board or network which ACWA has designated for those communications, together with separate notice to the Member of the posting; or (c) other means of electronic communication. The Member's initial facsimile number and email address for receiving such notices, annual reports and other materials are listed below.
2. ACWA may conduct meetings of the members by electronic transmission or electronic video screen communication; provided, however, that if fewer than all members of ACWA consent to conduct such meetings by electronic transmission or electronic video screen communication, then such meetings shall be held at a physical location, and the authorized representative(s) of any member that has so consented (and not withdrawn its consent) may participate in such meetings by electronic transmission or electronic video screen communication, be deemed present in person and vote at such meetings.
3. ACWA may rely on communications sent by the Member to ACWA by (a) electronic transmission from the Member's facsimile number or email address; (b) posting on an electronic message board or network which ACWA has designated for those communications; or (c) other means of electronic communication. ACWA may reasonably conclude that the Member is the sender of any electronic transmission that (i) is received from such facsimile number or email address or (ii) is submitted by an authorized representative of the Member with valid registration/login credentials.
4. ACWA may rely on electronic votes (including votes to approve or reject actions) submitted by an authorized representative of the Member to ACWA during meetings conducted in whole or in part by electronic transmission or electronic video screen communication. ACWA may reasonably conclude that the authorized representative of the Member is the sender of any electronic votes submitted pursuant to such authorized representative's meeting participant ID. The Member's initial authorized representative(s) is listed below.

ACWA shall maintain paper records of all communications sent by ACWA to the members and all votes or actions taken at any member meeting. The Member may (i) access such records at ACWA's headquarters during normal business hours or (ii) request in writing for ACWA to send copies of such records to the Member via U.S. Mail or email.

This consent shall remain in full force and effect until the Member revokes it in writing and so notifies ACWA.

Print Member Name Print Representative Name

Representative Title Representative Signature Date

Please provide the facsimile number and email address to which the Member authorizes ACWA to send the electronic communications described above. The Member may change its designated facsimile number and email address at any time by written notice to ACWA.

Please provide the name of the Member's initial authorized representative(s) who will participate in and vote in connection with member meetings. The Member may change its authorized representative(s) at any time by written notice to ACWA.


Facsimile Number

Authorized Representative No. 1

Email

Authorized Representative No. 2

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November 8, 2021
Prepared by: A. Solórzano / R. Williams
Submitted by: C. Clary
Approved by: Paul A. Cook 

CONSENT CALENDAR

ANNUAL MICROSOFT ENTERPRISE AGREEMENT SOFTWARE MAINTENANCE RENEWAL

SUMMARY:

The Microsoft Enterprise Agreement Software Maintenance, which provides upgrades and maintenance for all of the Microsoft software used by IRWD, expires on November 30, 2021. This agreement provides discounted pricing for software maintenance and licenses to state and local government entities. Staff recommends the Board authorize staff to renew the Microsoft Enterprise Agreement for a three-year period effective December 1, 2021, through November 30, 2024, in the amount of \$337,000 annually, or \$1,011,000 over the three-year term.

BACKGROUND:

IRWD participates in the Microsoft Enterprise Agreement for state and local governments, providing for software upgrades and maintenance for all Microsoft software used by the District. The agreement provides discounted pricing for software maintenance on existing licenses as well as new licenses. The District uses Microsoft Windows Desktop operating system, Microsoft 365 (Word, Excel, PowerPoint, Access, Visio, Project, and Outlook), Microsoft Azure AD, Microsoft Intune, Microsoft SQL Data Base and Microsoft Server operating system software. The agreement covers all versions of the Microsoft software products purchased and allows the District to upgrade to new versions as they become available.

Staff recommends upgrading the base Microsoft 365 license from the “G3” level currently in use to the “G5” tier. The G5 license includes products that will improve the District’s cybersecurity defenses, greatly enhance document management capabilities to meet legal and compliance requirements and allow for the discontinuation of other software currently in use.

In addition to the software maintenance, the agreement provides for use of Microsoft Office software by staff on their home computers through the Home Use Program. Employees are able to download this software and install it for personal use.

Staff recommends the Board authorize staff to renew the Microsoft Enterprise Agreement for the period December 1, 2021, through November 30, 2024, in the amount of \$337,000 annually, or \$1,011,000 over the three-year term.

FISCAL IMPACTS:

The annual amounts are included in the approved FY 2022 and FY 2023 operating budgets.

ENVIRONMENTAL COMPLIANCE:

This item is not a project as defined in the California Environmental Quality Act Code of Regulations, Title 14, Chapter 3, Section 15378.

COMMITTEE STATUS:


This item was reviewed by the Finance and Personnel Committee on November 2, 2021.

RECOMMENDATION:

THAT THE BOARD AUTHORIZE STAFF TO RENEW THE MICROSOFT ENTERPRISE AGREEMENT FOR A THREE-YEAR PERIOD EFFECTIVE DECEMBER 1, 2021, THROUGH NOVEMBER 30, 2024, IN THE AMOUNT OF \$337,000 ANNUALLY, OR \$1,011,000 OVER THE THREE-YEAR TERM.

LIST OF EXHIBITS:

None.

November 8, 2021
Prepared by: R. Jacobson
Submitted by: F. Sanchez / P. Weghorst
Approved by: Paul A. Cook 

ACTION CALENDAR

GROUNDWATER BANKING JOINT POWERS AUTHORITY CASH CALL FUNDING APPROVAL

SUMMARY:

On August 3, 2021, the Groundwater Banking Joint Powers Authority (GBJPA) Board of Directors authorized its Treasurer to make an initial cash call to fund the purchase of an anticipated land purchase for the Kern Fan Groundwater Storage Project. The GBJPA Board approval included a cash call of \$2,500,000 each from IRWD and the Rosedale-Rio Bravo Water Storage District for a total funding of \$5,000,000. Accordingly, staff recommends the IRWD Board approve the cash call request and authorize the transfer of \$2,500,000 from IRWD to the GBJPA bank account to facilitate the land acquisition process prior to the close of escrow.

BACKGROUND:

In April 2020, IRWD and Rosedale executed a Joint Powers Agreement to develop and administer the Kern Fan Groundwater Storage Project (Project) and create the Groundwater Banking Joint Powers Authority.

The Project requires the acquisition of approximately 1,280 acres of land in Kern County. Staff from IRWD and Rosedale identified several suitable target properties to facilitate the future design and construction of the project, and the GBJPA Board approved acceptable price parameters for staff to negotiate each of the potential property purchases.

Land Acquisition Update / Requested Purchase Funding:

The GBJPA has completed negotiations with two landowners to acquire property for the Project. The two properties, totaling approximately 348 acres, are currently in escrow and the closing of each is subject to the GBJPA Board's approval of due diligence studies currently in process. The price and terms for these properties were approved by the GBJPA Board in Closed Session. Staff is currently evaluating other properties to meet the total project requirement.

On August 3, 2021, the GBJPA Board of Directors authorized its Treasurer to make a cash call to fund the purchase of the first property for the Project, which totals 147.35 acres. Based on the Purchase and Sale Agreement for the property, the GBJPA has until November 30, 2021, to complete its due diligence study. Escrow for the property is scheduled to close on or about December 15, 2021. The GBJPA Board approval included a cash call of \$2,500,000 each from IRWD and Rosedale for a total funding of \$5,000,000. The recommended cash call approval is sufficient to fund the remaining purchase price and related closing costs.

The second planned land purchase of 201.08 acres is expected to close in January 2022, subject to the GBJPA Board's approval of the findings from the related due diligence study. A cash call for this property will be addressed separately.

FISCAL IMPACTS:

Project 10854 is included in the FY 2021-22 Capital Budget. The existing budget includes funding for land acquisitions.

ENVIRONMENTAL COMPLIANCE:

This project is subject to the California Environmental Quality Act (CEQA). In compliance with CEQA, the California Public Resources Code Section 21000 et. seq., and per the California CEQA Guidelines in the Code of Regulations, Title 14, Division 6, Chapter 3, as lead agency, the Groundwater Banking Joint Powers Authority filed a Notice of Determination with the County of Kern on January 4, 2021, a Notice of Determination with the California State Clearinghouse on January 4, 2021, and a Notice of Determination with the County of Orange on January 15, 2021, for the Kern Fan Groundwater Storage Project Final Environmental Impact Report. IRWD, as a Responsible Agency, filed a Notice of Determination with the County of Kern on January 14, 2021, a Notice of Determination with the County of Orange on January 15, 2021, and with the California State Clearinghouse on January 15, 2021.

COMMITTEE STATUS:

This item was not reviewed by a Committee.

RECOMMENDATION:

THAT THE BOARD APPROVE THE FUNDING OF THE GROUNDWATER BANKING JOINT POWERS AUTHORITY'S (GBJPA) CASH CALL IN THE AMOUNT OF \$2,500,000 AND AUTHORIZE STAFF TO TRANSFER FUNDS IN THE AMOUNT OF \$2,500,000 FROM IRWD TO THE GBJPA BANK ACCOUNT TO FUND THE INITIAL LAND ACQUISITION PRIOR TO THE CLOSE OF ESCROW.

LIST OF EXHIBITS:

None.