

VALLEY CENTER MUNICIPAL WATER DISTRICT
AGENDA

Regular Meeting of the Board of Directors

Monday, February 6, 2023 — 2:00 P.M.

The VCMWD Board of Directors welcomes the public back to its Board Room in a limited capacity while still accommodating remote participation options. Seating inside the Board Room will be spaced to accommodate social distancing, with an option to listen to the meetings on speakers outside of the Board Room. Our Board Meetings will also continue to be livestreamed for those who wish to observe remotely. *Please be advised that one or more members of the VCMWD Board of Directors or staff may participate in this meeting by teleconference consistent with Assembly Bill 361.*

Instructions for members of the public who wish to address the Board of Directors:

Members of the public who wish to address the Board of Directors under “Audience Comments/Questions” or on specific agenda items, may do so as instructed below. All comments will be subject to a limit of three (3) minutes.

- Making Public Comment for Those Attending In-Person: Members of the public who wish to observe or to address the Board may join the Board Members at the noticed, physical location. A Request to Speak slip is required to be submitted to the Board Secretary prior to start of the meeting (*if possible*).
- Phone Comments During the Meeting: Before the meeting, or before public comment period for the item closes during the meeting, submit a telephone number by email to the Board Secretary at publiccomments@vcmwd.org, together with the agenda item number, and the Board Secretary will call when the board is ready to hear public comments; *or*
- Emailed Comments: Before the meeting, or before public comment period for that item closes at the meeting, e-mail your comments to the Board Secretary at publiccomments@vcmwd.org and the Board Secretary and it will be read aloud at the public comment period; *or*
- Written Comments: Written comments can be also be physically dropped off in advance of the meeting at the District’s Administrative Office or mailed in advance of the meeting to 29300 Valley Center Rd., Valley Center, CA 92082, for receipt no later than 1:00 pm on the meeting day.

These public comment procedures supersede the District’s standard public comment policies and procedures to the contrary. If modifications or accommodations from individuals with disabilities are required, such persons should provide a request at least 24 hours in advance of the meeting by email to the Board Secretary at kperaino@vcmwd.org.

Meeting Broadcast: Members of the public may watch the meeting electronically by visiting the District’s website at vcmwd.org/Board/Board-Documents and then clicking the link listed below “live stream” on the page.

Meeting Documents: Board Meeting Packets (*except for closed session materials*) will be made available to the public once distributed to the Board. Please visit the District’s website at vcmwd.org/Board/Board-Documents for Agenda and related Board Meeting Documents.

**Valley Center Municipal Water District
Board of Directors' Meeting Agenda**

ROLL CALL

APPROVAL OF AGENDA

At its option, the Board may approve the agenda, delete an item, reorder items and add an item to the agenda per the provisions of Government Code §54954.2.

AUDIENCE COMMENTS/QUESTIONS

Comments and inquiries from the audience will be received on any matter not on the agenda, but within the jurisdiction of the Board. Comments and inquiries pertaining to an item on the agenda will be received during the deliberation of the agenda item (Government Code §54954.3).

CONSENT CALENDAR

Consent calendar items will be voted on together by a single motion unless separate action is requested by a Board member, staff or member of the audience.

1. **Make Findings Necessary to Continue Teleconferenced Board Meetings Pursuant to AB 361;**
2. **Minutes of the Regular Board Meeting Held Tuesday, January 17, 2023; and**
3. **Audit Demands.**

ACTION AGENDA

4. **Request Approval of Change Order No. 3 to the Construction Contract with GSE Construction, Inc. (GSE) and Amendment No. 14 to the Professional Services Agreement with HDR Engineering, Inc. (HDR) for the Orchard Run Lift Station Project:**

Adoption of Resolution No. 2023-02, approving Change Order No. 3 to the construction contract with GSE for additional asphalt paving services and Resolution No. 2023-03 approving Amendment No. 14 to the professional services agreement with HDR to include additional monitoring services needed to complete the project based on the contractor's progress and modified completion schedule for the Orchard Run Lift Station Project, will be requested.

- a. Report by District Engineer
- b. Discussion
- c. Audience comments/questions
- d. If desired, motion to approve or deny Resolution No. 2023-02
- e. If desired, motion to approve or deny Resolution No. 2023-03

5. **Review Corporate Facility Needs Assessment Update and Preview of New Alternate Concept:**

The Board will be presented with an update on the Corporate Facility Needs Assessment and introduce an alternate concept for further consideration.

- a. Report by General Manager
- b. Discussion
- c. Audience comments/questions
- d. Obtain Board input on the proposal to evaluate the Corporate Facility Development Alternative

**Valley Center Municipal Water District
Board of Directors' Meeting Agenda**

GENERAL MANAGER'S AGENDA

6. San Diego County Water Authority's Board Meeting Summary:

A report on the San Diego County Water Authority's Board of Directors' Meeting of January 26, 2023 will be provided.

- a. Report by General Manager
- b. Discussion
- c. Audience comments/questions
- d. Information item only, no action required

7. General Information:

General Informational items will be reviewed.

- a. Report by General Manager
- b. Discussion
- c. Audience comments/questions
- d. Information item only, no action required

DISTRICT GENERAL COUNSEL'S AGENDA

BOARD OF DIRECTORS' AGENDA AND REPORTS ON MEETINGS ATTENDED

CLOSED SESSIONS

At any time during the regular session, the Board may adjourn to closed session to consider litigation, personnel matters, or to discuss with legal counsel matters within the attorney-client privilege. Discussion of litigation is within the attorney-client privilege and may be held in closed session. *Authority: Government Code §54956.9.*

8. Two Closed Sessions will be held pursuant to:

(a) Government Code §54957 – Public Employee Performance Evaluation:

Unrepresented Employee: *General Manager*

(b) Government Code §54957.6 – Conference with Labor Negotiators:

Agency Designated Representatives: *Board of Directors*
Unrepresented Employee: *General Manager*

ADJOURNMENT

**Valley Center Municipal Water District
Board of Directors' Meeting Agenda**

NOTICE TO THE PUBLIC:

This agenda was posted at least 72 hours before the meeting in a location freely accessible to the public. No action may be taken on any item not appearing on the posted agenda, except as provided by Gov. Code §54954.2. Any written materials provided to a majority of the Board of Directors within 72 hours prior to the meeting regarding any item on this agenda will be available for public inspection on the District's website. The agenda and related Board Documents are available for public review on the District's website, <http://www.vcmwd.org/Board/Board-Documents>.

For questions or request for information related to this agenda contact Kirsten Peraino, *Board Secretary*, at (760) 735-4517 or publiccomments@vcmwd.org. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the American with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the Board Secretary at least 48 hours before the meeting, if possible.

— End of Agenda —

February 6, 2023

TO: Honorable President and Board of Directors

FROM: Gary T. Arant, *General Manager*

SUBJECT: MAKE FINDINGS NECESSARY TO CONTINUE TELECONFERENCED BOARD MEETINGS PURSUANT TO ASSEMBLY BILL 361

PURPOSE:

Approve a motion making findings necessary to continue holding remote/teleconferenced Board Meetings pursuant to Assembly Bill 361 (AB 361).

SUMMARY:

The Brown Act generally allows for Board members to join a meeting by teleconference, provided that the physical locations of the Board members joining by teleconference are posted on the agenda, that those locations are open to the public to attend and participate in the meeting, and that a quorum of the members is participating from within the agency's boundaries. Since March 2020 and the issuance of Executive Order N-29-20, executed on March 17, 2020, which suspended certain portions of the Brown Act relating to teleconferencing at the outset of the COVID-19 pandemic, the Board has held fully or partially virtual meetings without having to post the location of the Board members attending remotely, while also allowing members of the public to attend and participate in the meeting remotely. In June 2021, Governor Newsom issued Executive Order N-08-21, which provided that certain provisions of Executive Order N-29-20 would be withdrawn and certain provision regarding public meetings would be extended. On September 15, 2021, Governor Newsom signed AB 361 into law.

AB 361 provides an exception to the standard Brown Act teleconferencing procedures in order to allow for fully or partially virtual meetings during proclaimed emergencies, without posting each Board member's teleconference location on the agenda or requiring other standard Brown Act teleconferencing procedures. Finally, Executive Order N-15-21, executed on September 20, 2021, set forth the method of securing initial compliance with AB 361.

Circumstances Under Which Agencies May Use AB 361:

Under Government Code section 54953(e), which was adopted by AB 361 (copy attached), the Board can hold meetings without providing notice of the body's teleconference locations other standard Brown Act teleconferencing procedures if there is a Governor-proclaimed State of Emergency (Executive Order N-15-21, executed March 20, 2020 extended by Executive Order N-08-21, executed June 11, 2021) and one of two secondary criteria listed below still exists:

1. The legislative body determines that requiring a meeting in person would present an imminent risk to the health and safety of attendees; or
2. State or local officials have imposed or recommended measures to promote social distancing ("Health Officer Teleconferencing Recommendation," executed by Wilma Wooten, 9/23/21).

Currently, the Governor's declaration of a COVID-19 State of Emergency remains in effect. Further, state and local health officials continue to recommend or require social distancing, particularly under certain circumstances, including individuals who have recently tested positive for COVID-19 or been in close proximity to a person who has tested positive for COVID-19. In

addition, on September 23, 2021, the S.D. County Public Health Officer issued a Teleconferencing Recommendation. The Teleconferencing Recommendation is still in effect, and provides, in part:

Public meetings bring together many individuals (both vaccinated and potentially unvaccinated), from multiple households, in a single indoor space for an extended time. For those at increased risk for infection, or subject to an isolation order or quarantine order, teleconferencing allows for full participation in public meetings, while protecting themselves and others from the COVID-19 virus.

Utilizing teleconferencing options for public meetings is an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and others from the COVID-19 disease.

Re-Authorization Required Every 30 Days:

After the Board held a meeting pursuant to AB 361 for the first time (October 18, 2021), the Board must now make specific findings (by majority vote) at least every thirty (30) days thereafter. The Board must find that it has reconsidered the circumstances of the state of emergency and that the state of emergency continues to directly impact the ability of the members to meet safely in person or that state and local officials continue to impose or recommend measures to promote social distancing.

If the Board desires to continue meeting pursuant to AB 361, an item will be placed on each agenda to reauthorize remote meetings if that is the Board direction. Lastly, it is important to note that AB 361 is optional. If the Board desires, it may choose for Board meetings to be held in person, with teleconferencing only under the standard Brown Act rules, where each teleconference location must be listed on the agenda and be open for the public to attend and participate from each meeting location.

RECOMMENDATION:

Staff recommends that the Board adopt a motion making the following findings and determinations:

1. That the proclaimed COVID-19 State of Emergency remains in effect and that the Board has reconsidered the circumstances of the COVID-19 State of Emergency – (E.O. N-15-21 and N-08-21);
2. That state or local officials continue to impose or recommend measures to promote social distancing (see Health Officer Teleconferencing Recommendation); and
3. That, for the next thirty (30) days, the Board determines that meetings held in person would present an imminent risk to the health and safety of attendees, and that meetings shall continue be held pursuant to the provisions of Government Code §54953(e) to ensure the health and safety of the Board, staff and the public.

PREPARED BY:



Kirsten Peraino
Board Secretary

SUBMITTED BY:



Gary Arant
General Manager

Attachments:

- AB 361
- Executive Order N-29-20
- Health Officer Teleconferencing Recommendation of September 23, 2021
- Executive Order N-08-21
- Executive Order N-15-21

Assembly Bill 361 (AB361)

Assembly Bill No. 361

CHAPTER 165

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

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This bill would make legislative findings to that effect.

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

This bill would make legislative findings to that effect.

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

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

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

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

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

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

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

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

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

(D) Post agendas at all teleconference locations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) Post agendas at all teleconference locations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Any of the following circumstances exist:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Any of the following circumstances exist:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Executive Order N-29-20

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-29-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus continues to spread and is impacting nearly all sectors of California; and

WHEREAS the threat of COVID-19 has resulted in serious and ongoing economic harms, in particular to some of the most vulnerable Californians; and

WHEREAS time bound eligibility redeterminations are required for Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries to continue their benefits, in accordance with processes established by the Department of Social Services, the Department of Health Care Services, and the Federal Government; and

WHEREAS social distancing recommendations or Orders as well as a statewide imperative for critical employees to focus on health needs may prevent Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries from obtaining in-person eligibility redeterminations; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. As to individuals currently eligible for benefits under Medi-Cal, CalFresh, CalWORKs, the Cash Assistance Program for Immigrants, the California Food Assistance Program, or In Home Supportive Services benefits, and to the extent necessary to allow such individuals to maintain eligibility for such benefits, any state law, including but not limited to California Code of Regulations, Title 22, section 50189(a) and Welfare and Institutions Code sections 18940 and 11265, that would require redetermination of such benefits is suspended for a period of 90 days from the date of this Order. This Order shall be construed to be consistent with applicable federal laws, including but not limited to Code of Federal Regulations, Title 42, section 435.912, subdivision (e), as interpreted by the Centers for Medicare and Medicaid Services (in guidance issued on January 30, 2018) to permit the extension of

otherwise-applicable Medicaid time limits in emergency situations.

2. Through June 17, 2020, any month or partial month in which California Work Opportunity and Responsibility to Kids (CalWORKs) aid or services are received pursuant to Welfare and Institutions Code Section 11200 et seq. shall not be counted for purposes of the 48-month time limit set forth in Welfare and Institutions Code Section 11454. Any waiver of this time limit shall not be applied if it will exceed the federal time limits set forth in Code of Federal Regulations, Title 45, section 264.1.
3. Paragraph 11 of Executive Order N-25-20 (March 12, 2020) is withdrawn and superseded by the following text:

Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended.

A local legislative body or state body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements set forth below, shall have satisfied any requirement that the body allow

members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

Accessibility Requirements: If a local legislative body or state body holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the body shall also:

- (i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and
- (ii) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

- (i) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in such means of public observation and comment, or any instance prior to the issuance of this Order in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of such means, a body may satisfy this requirement by advertising such means using "the most rapid means of communication available at the time" within the meaning of Government Code, section 54954, subdivision (e); this shall include, but need not be limited to, posting such means on the body's Internet website.

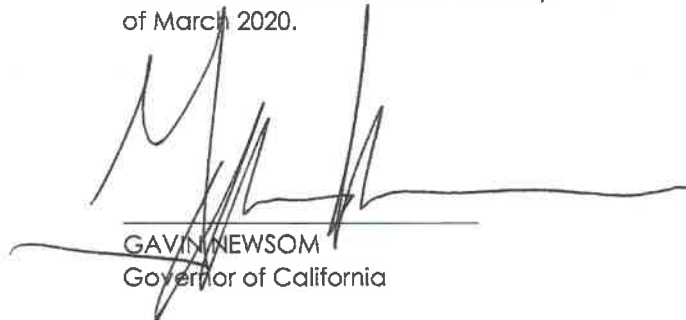
All of the foregoing provisions concerning the conduct of public meetings shall apply only during the period in which state or local public health officials have imposed or recommended social distancing measures.

All state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 17th day
of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

Executive Order N-08-21

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-08-21

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS since March 2020, the State has taken decisive and meaningful actions to reduce the spread, and mitigate the impacts, of COVID-19, saving an untold number of lives; and

WHEREAS as a result of the effective actions Californians have taken, as well as the successful and ongoing distribution of COVID-19 vaccines, California is turning a corner in its fight against COVID-19; and

WHEREAS on June 11, 2021, I issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20, issued on March 19, 2020), as well as the framework for a gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020); and

WHEREAS in light of the current state of the COVID-19 pandemic in California, it is appropriate to roll back certain provisions of my COVID-19-related Executive Orders; and

WHEREAS certain provisions of my COVID-19 related Executive Orders currently remain necessary to continue to help California respond to, recover from, and mitigate the impacts of the COVID-19 pandemic, including California's ongoing vaccination programs, and the termination of certain provisions of my COVID-19 related Executive Orders during this stage of the emergency would compound the effects of the emergency and impede the State's recovery by disrupting important governmental and social functions; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would continue to prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

The following provisions shall remain in place and shall have full force and effect through June 30, 2021, upon which time they will expire subject to individual conditions described in the enumerated paragraphs below.

1) State of Emergency Proclamation dated March 4, 2020:

- a. Paragraph 10. Any facility operating under a waiver pursuant to this provision, memorialized in an All Facilities Letter, may operate pursuant to such a waiver through the stated expiration in the All Facilities Letter or September 30, 2021, whichever occurs first;
- b. Paragraph 11;
- c. Paragraph 12; and
- d. Paragraph 13.

2) Executive Order N-25-20:

- a. Paragraph 1; and
- b. Paragraph 7, and as applicable to local governments per Executive Order N-35-20, Paragraph 3. Effective July 1, 2021, the waivers in Executive Order N-25-20, Paragraph 7, and Executive Order N-35-20, Paragraph 3, of reinstatement requirements set forth in Government Code sections 7522.56(f) and (g) are terminated.

3) Executive Order N-26-20:

- a. Paragraph 1;
- b. Paragraph 2;
- c. Paragraph 3;
- d. Paragraph 5;
- e. Paragraph 6; and
- f. Paragraph 7.

4) Executive Order N-27-20:

- a. Paragraph 1;
- b. Paragraph 2; and
- c. Paragraph 3.

5) Executive Order N-28-20:

- a. Paragraph 3; and
- b. Paragraph 6.

6) Executive Order N-31-20:

- a. Paragraph 1; and
- b. Paragraph 2.

7) Executive Order N-35-20:

- a. Paragraph 1. Any facility operating under a waiver pursuant to this provision, memorialized in an All Facilities Letter, may operate pursuant to such a waiver through the stated expiration in the All Facilities Letter or September 30, 2021, whichever occurs first;
- b. Paragraph 4;
- c. Paragraph 6. To the extent the Director exercised their authority pursuant to this provision on or before June 30, 2021, the extension shall remain valid until the effective expiration;

- d. Paragraph 10. The State Bar shall receive the time extension in the aforementioned order for any nomination submitted to the State Bar by the Governor on or before June 30, 2021; and
- e. Paragraph 11 (as extended and clarified by N-71-20, Paragraph 6). Claims accruing before June 30, 2021 will remain subject to the 120-day extension granted in the aforementioned orders.

8) Executive Order N-36-20, Paragraph 1. To the extent the Secretary exercised their authority pursuant to this provision, the Secretary shall allow each facility to resume intake in a manner that clears intake backlog as soon as feasible.

9) Executive Order N-39-20:

- a. Paragraph 1. Any facility operating under a waiver pursuant to this provision, memorialized in an All Facilities Letter, may operate pursuant to such a waiver through the stated expiration in the All Facilities Letter or September 30, 2021, whichever occurs first;
- b. Paragraph 4; and
- c. Paragraph 7. The leases or agreements executed pursuant to this provision shall remain valid in accordance with the term of the agreement.

10) Executive Order N-40-20:

- a. Paragraph 1. For rulemakings published in the California Regulatory Notice Register pursuant to Government Code section 11346.4(a)(5) prior to June 30, 2021, the deadlines in the aforementioned order shall remain extended in accordance with the order;
- b. Paragraph 2 (as extended and clarified by N-66-20, Paragraph 12, and N-71-20, Paragraph 10). Notwithstanding the expiration of this provision, state employees subject to these training requirements shall receive the benefit of the 120-day extension granted by the aforementioned orders. All required training due on or before June 30, 2021 must be completed within 120 days of the statutorily prescribed due date;
- c. Paragraph 7 (as extended and clarified by N-66-20, Paragraph 13 and N-71-20, Paragraph 11). With regard to appeals received on or before June 30, 2021, the State Personnel Board shall be entitled to the extension in the aforementioned order to render its decision;
- d. Paragraph 8. To the extent the deadlines specified in Government Code section 22844 and California Code of Regulations, title 2, sections 599.517 and 599.518 fell on a date on or before June 30, 2021 absent the extension, they shall expire pursuant to the timeframes specified in the aforementioned orders;
- e. Paragraph 16;
- f. Paragraph 17; and
- g. Paragraph 20.

11) Executive Order N-45-20:

- a. Paragraph 4;
- b. Paragraph 8;
- c. Paragraph 9; and

- d. Paragraph 12. For vacancies occurring prior to June 30, 2021, the deadline to fill the vacancy shall remain extended for the time period in the aforementioned order.

12) Executive Order N-46-20:

- a. Paragraph 1; and
- b. Paragraph 2.

13) Executive Order N-47-20:

- a. Paragraph 2; and
- b. Paragraph 3.

14) Executive Order N-48-20, Paragraph 2 (which clarified the scope of N-34-20).

15) Executive Order N-49-20:

- a. Paragraph 1;
- b. Paragraph 3. For determinations made on or before June 30, 2021, the discharge date shall be within 14 days of the Board's determination; and
- c. Paragraph 4.

16) Executive Order N-50-20, Paragraph 2.

17) Executive Order N-52-20:

- a. Paragraph 6;
- b. Paragraph 7. To the extent an individual has commenced a training program prior to June 30, 2021, that was interrupted by COVID-19, that individual shall be entitled to the extended timeframe in the aforementioned order; and
- c. Paragraph 14; and
- d. Paragraph 16.

18) Executive Order N-53-20:

- a. Paragraph 3;
- b. Paragraph 12 (as extended or modified by N-69-20, Paragraph 10, and N-71-20, Paragraph 27); and
- c. Paragraph 13 (as extended or modified by N-69-20, Paragraph 11, and N-71-20, Paragraph 28).

19) Executive Order N-54-20, Paragraph 7. To the extent the date governing the expiration of registration of vehicles previously registered in a foreign jurisdiction falls on or before June 30, 2021, the deadline is extended pursuant to the aforementioned orders.

20) Executive Order N-55-20:

- a. Paragraph 1. Statutory deadlines related to cost reports, change in scope of service requests, and reconciliation requests occurring on

- b. Paragraph 4;
- c. Paragraph 5;
- d. Paragraph 6;
- e. Paragraph 8;
- f. Paragraph 9;
- g. Paragraph 10;
- h. Paragraph 13;
- i. Paragraph 14. Statutory deadlines related to beneficiary risk assessments occurring on or before June 30, 2021 shall remain subject to the extended deadline in the aforementioned order; and
- j. Paragraph 16. Deadlines for fee-for-service providers to submit information required for a Medical Exemption Request extended on or before June 30, 2021 shall remain subject to the extended deadline granted under the aforementioned order.

- Paragraph 1;
- Paragraph 6;
- Paragraph 7;
- Paragraph 8;
- Paragraph 9; and
- Paragraph 11.

- Paragraph 1;
- Paragraph 2;
- Paragraph 3; and
- Paragraph 4.

- a. Paragraph 8(a) (as extended by N-71-20, Paragraph 40). The deadlines related to reports by the Division of Occupational Safety and Health (Cal/OSHA) and the Occupational Safety & Health Standards Board on proposed standards or variances due on or before June 30, 2021 shall remain subject to the extended timeframe;
- b. Paragraph 8(c). To the extent the date upon which the Administrative Director must act upon Medical Provider Network applications or requests for modifications or reapprovals falls on or before June 30, 2021 absent the extension in the aforementioned order, it shall remain subject to the extended timeframe;
- c. Paragraph 8(e). To the extent filing deadlines for a Return-to-Work Supplement appeal and any reply or responsive papers fall on or before June 30, 2021, absent the extension in the aforementioned order, they shall remain subject to the extended timeframe;
- d. Paragraph 9(a) (as extended and modified by N-71-20, Paragraph 39). Any deadline setting the time for the Labor Commissioner to

issue any citation under the Labor Code, including a civil wage and penalty assessment pursuant to Labor Code section 1741, that, absent the aforementioned order, would have occurred or would occur between May 7, 2020 and September 29, 2021 shall be extended to September 30, 2021. Any such deadline that, absent the aforementioned order, would occur after September 29, 2021 shall be effective based on the timeframe in existence before the aforementioned order;

- e. Paragraph 9(b) (as extended and modified by N-71-20, Paragraph 41);
- f. Paragraph 9(c) (as extended and modified by N-71-20, Paragraph 39). Any deadline setting the time for a worker to file complaints and initiate proceedings with the Labor Commissioner pursuant to Labor Code sections 98, 98.7, 1700.44, and 2673.1, that, absent the aforementioned order, would have occurred or would occur between May 7, 2020 and September 29, 2021 shall be extended to September 30, 2021. Any such deadline that, absent the aforementioned order, would occur after September 29, 2021 shall be effective based on the timeframe in existence before the aforementioned order;
- g. Paragraph 9(d) (as extended and modified by N-71-20, Paragraph 39). Any deadline setting the time for Cal/OSHA to issue citations pursuant to Labor Code section 6317, that, absent the aforementioned order, would have occurred or would occur between May 7, 2020 and September 29, 2021 shall be extended to September 30, 2021. Any such deadline that, absent the aforementioned order, would occur after September 29, 2021 shall be effective based on the timeframe in existence before the aforementioned order;
- h. Paragraph 9(e) (as extended and modified by N-71-20, Paragraph 41);
- i. Paragraph 10;
- j. Paragraph 12. Any peace officer reemployed on or before June 30, 2021 pursuant to the aforementioned order shall be entitled to the extended reemployment period set forth in the order;
- k. Paragraph 13;
- l. Paragraph 14; and
- m. Paragraph 15 (as extended by N-71-20, Paragraph 36).

25) Executive Order N-65-20:

- a. Paragraph 5 (as extended by N-71-20, Paragraph 35; N-80-20, Paragraph 4; and N-01-21). Identification cards issued under Health and Safety Code section 11362.71 that would otherwise have expired absent the aforementioned extension between March 4, 2020 and June 30, 2021 shall expire on December 31, 2021; and
- b. Paragraph 7.

26) Executive Order N-66-20:

- a. Paragraph 3;
- b. Paragraph 4; and
- c. Paragraph 5.

27) Executive Order N-68-20:

- a. Paragraph 1. Notwithstanding the expiration of the aforementioned order, temporary licenses granted on or before June 30, 2021 shall be valid through September 30, 2021; and
- b. Paragraph 2. Renewal fee payments otherwise due to the to the California Department of Public Health absent the extension in the aforementioned order on or before June 30, 2021, shall be entitled to the extensions of time set forth in the aforementioned order.

28) Executive Order N-71-20:

- a. Paragraph 1;
- b. Paragraph 4;
- c. Paragraph 16. Where the statutory deadline for opening or completing investigations is set to occur on or before June 30, 2021, the deadline shall remain subject to the extension in the aforementioned order; and
- d. Paragraph 17. Where the statutory deadline for serving a notice of adverse action is due on or before June 30, 2021, the deadline shall remain subject to the extension in the aforementioned order.

29) Executive Order N-75-20:

- a. Paragraph 7. Children placed in foster care on or before June 30, 2021 shall receive such examinations on or before July 31, 2021;
- b. Paragraph 8;
- c. Paragraph 9;
- d. Paragraph 10. Any facility operating under a waiver pursuant to this provision may operate pursuant to such a waiver through the expiration as set forth by the California Department of Public Health, or September 30, 2021, whichever occurs first; and
- e. Paragraph 13.

30) Executive Order N-76-20, Paragraph 3.

31) Executive Order N-77-20:

- a. Paragraph 1;
- b. Paragraph 2; and
- c. Paragraph 3.

32) Executive Order N-78-20 (as extended and modified by N-03-21):

- a. Paragraph 1; and
- b. Paragraph 2.

33) Executive Order N-83-20:

- a. Paragraph 3. To the extent the Director of the Department of Alcoholic Beverage Control suspends deadlines for renewing licenses upon payment of annual fees on or before June 30, 2021, the extension shall remain valid until the effective expiration;

- b. Paragraph 5 (which repealed and replaced N-71-20, Paragraph 19, which extended N-52-20, Paragraph 1, and N-69-20, Paragraph 3);
- c. Paragraph 6 (which repealed and replaced N-71-20, Paragraph 20, which extended N-52-20, Paragraph 2, and N-69-20, Paragraph 4); and
- d. Paragraph 7 (which repealed and replaced N-71-20, Paragraph 21, which extended N-52-20, Paragraph 3, and N-69-20, Paragraph 5).

34) Executive Order N-84-20:

- a. Paragraph 1;
- b. Paragraph 2;
- c. Paragraph 3; and
- d. Paragraph 5.

The following provisions shall remain in place and shall have full force and effect through July 31, 2021, upon which time they will expire subject to individual conditions described in the enumerated paragraphs below.

35) Executive Order N-39-20, Paragraph 8 (as extended by N-69-20, Paragraph 2 and N-71-20, Paragraph 8).

36) Executive Order N-53-20, Paragraph 11 (as extended or modified by N-68-20, Paragraph 15, and N-71-20, Paragraph 26).

37) Executive Order N-71-20, Paragraph 25.

38) Executive Order N-75-20:

- a. Paragraph 5; and
- b. Paragraph 6

The following provisions shall remain in place and shall have full force and effect through September 30, 2021, upon which time they will expire subject to individual conditions described in the enumerated paragraphs below.

39) State of Emergency Proclamation dated March 4, 2020:

- a. Paragraph 3; and
- b. Paragraph 14. Any facility operating under a waiver pursuant to this provision may operate pursuant to such a waiver through the expiration as set forth by the Department of Social Services, or September 30, 2021, whichever occurs first.

40) Executive Order N-25-20:

- a. Paragraph 2;
- b. Paragraph 3; and
- c. Paragraph 4.

41) Executive Order N-28-20:

- a. Paragraph 4; and
- b. Paragraph 5.

42) Executive Order N-29-20, Paragraph 3, is withdrawn and replaced by the following text:

Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended.

A local legislative body or state body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements set forth below, shall have satisfied any requirement that the body allow members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

Accessibility Requirements: If a local legislative body or state body holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the body shall also:

- (i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and
- (ii) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

- (i) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in such means of public observation and comment, or any instance prior to the issuance of this Order in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of such means, a body may satisfy this requirement by advertising such means using "the most rapid means of communication available at the time" within the meaning of Government Code, section 54954, subdivision (e); this shall include, but need not be limited to, posting such means on the body's Internet website.

All of the foregoing provisions concerning the conduct of public meetings shall apply through September 30, 2021.

43) Executive Order N-32-20:

- a. Paragraph 1;
- b. Paragraph 2; and
- c. Paragraph 3.

44) Executive Order N-35-20:

- a. Paragraph 2; and
- b. Paragraph 12.

45) Executive Order N-39-20:

- a. Paragraph 2;
- b. Paragraph 3; and
- c. Paragraph 6.

46) Executive Order N-40-20:

- a. Paragraph 12 (as extended or modified by N-66-20, paragraph 16, N-71-20, paragraph 14, and N-75-20, Paragraph 12). To the extent the Director exercised their authority pursuant to this provision on or before September 30, 2021, the extension shall remain valid until the effective expiration of the applicable waiver; and
- b. Paragraph 18.

47) Executive Order N-42-20.

48) Executive Order N-43-20.

49) Executive Order N-49-20, Paragraph 2.

50) Executive Order N-54-20:

- a. Paragraph 8 (as extended by N-80-20, Paragraph 6); and
- b. Paragraph 9. To the extent any timeframe within which a California Native American tribe must request consultation and the lead agency must begin the consultation process relating to an Environmental Impact Report, Negative Declaration, or Mitigated Negative Declaration under the California Environmental Quality Act extends beyond September 30, 2021, the tribe and lead agency will receive the benefit of the extension so long as the triggering event occurred on or before September 30, 2021.

51) Executive Order N-55-20:

- a. Paragraph 2;
- b. Paragraph 3;
- c. Paragraph 7. All on-site licensing visits which would have been due on or before September 30, 2021 shall occur before December 31, 2021;
- d. Paragraph 11; and
- e. Paragraph 12.

52) Executive Order N-56-20, Paragraph 10 is withdrawn and superseded by the following text:

Paragraph 42 of this Order, including the conditions specified therein, shall apply to meetings held pursuant to Article 3 of Chapter 2 of Part 21 of Division 3 of Title 2 of the Education Code and Education Code section 47604.1(b).

53) Executive Order N-58-20 (as extended by N-71-20, Paragraph 29).

54) Executive Order N-59-20:

- a. Paragraph 1. The sworn statement or verbal attestation of pregnancy must be submitted on or before September 30, 2021 and medical verification of pregnancy must be submitted within 30

working days following submittal of the sworn statement or verbal attestation for benefits to continue;

- b. Paragraph 2 (as extended and modified by N-69-20, Paragraph 14, and N-71-20, Paragraph 31);
- c. Paragraph 3 (as extended and modified by N-69-20, Paragraph 15, and N-71-20, Paragraph 32); and
- d. Paragraph 4 (as extended and modified by N-69-20, Paragraph 16, and N-71-20, Paragraph 33).

55) Executive Order N-63-20:

- a. Paragraph 8(b). To the extent filing deadlines for claims and liens fall on or before September 30, 2021, absent the extension in the aforementioned order, they shall remain subject to the extended timeframe; and
- b. Paragraph 11.

56) Executive Order N-66-20, Paragraph 6.

57) Executive Order N-71-20:

- a. Paragraph 15;
- b. Paragraph 22; and
- c. Paragraph 23.

58) Executive Order N-75-20:

- a. Paragraph 1;
- b. Paragraph 2; and
- c. Paragraph 4.

59) Executive Order N-80-20:

- a. Paragraph 3; and
- b. Paragraph 7.

60) Executive Order N-83-20

- a. Paragraph 2 is withdrawn and replaced by the following text:

The deadline to pay annual fees, including any installment payments, currently due or that will become due during the proclaimed emergency, as specified in Business and Professions Code sections 19942, 19951, 19954, 19955, 19984, and any accompanying regulations is September 30, 2021; the deadlines for submission of any application or deposit fee, as specified in Business and Professions Code sections 19951 (a), 19867, 19868, 19876, 19877, 19942, 19984, and any accompanying regulations is no later than September 30, 2021, or per existing requirements, whichever date is later.

- b. Paragraph 4.

61) Executive Order N-03-21, Paragraph 3, is withdrawn and replaced by the following text:

As applied to commercial evictions only, the timeframe for the protections set forth in Paragraph 2 of Executive Order N-28-20 (and extended by Paragraph 21 of Executive Order N-66-20, Paragraph 3 of Executive Order N-71-20, and Paragraph 2 of Executive Order N-80-20) is extended through September 30, 2021.

IT IS FURTHER ORDERED that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 11th day of June 2021.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

Executive Order N-15-21

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-15-21

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS on June 11, 2021, I issued Executive Order N-08-21 to roll back certain provisions of my COVID-19-related Executive Orders and to clarify that other provisions remained necessary to help California respond to, recover from, and mitigate the impacts of the COVID-19 pandemic; and

WHEREAS Paragraph 42 of Executive Order N-08-21 waived and set forth certain requirements related to public meetings of local legislative and state bodies, and specified that it would be valid through September 30; and

WHEREAS on September 16, 2021, I signed into law Assembly Bill 361 (AB 361), which pertains to the same subject matter as Paragraph 42 of Executive Order N-08-21, which took effect immediately pursuant to an urgency clause, and which may, in some instances, have different substantive provisions than the provisions contained in Paragraph 42 of Executive Order N-08-21; and

WHEREAS it is necessary to provide clarity around the applicable procedures governing meetings of local legislative and state bodies until Paragraph 42 of Executive Order N-08-21 expires to further mitigate the impacts of the COVID-19 pandemic as the state continues to reopen and to ensure that critical governmental functions are not interrupted.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The provisions governing teleconference meetings in Education Code section 89305.6, Government Code section 11133, and subdivision (e) of Government Code section 54953 are suspended through September 30, 2021, except that any local legislative body that meets to take a majority vote pursuant to subparagraph (B) of paragraph (1) of subdivision (e) of Government Code section 54953 shall conduct the meeting at which such vote is taken as required by paragraph (2) of subdivision (e) of Government Code section 54953. Except as otherwise specified in this paragraph, the requirements related to public meetings of local legislative and state bodies specified in Paragraph 42 of Executive Order N-08-21 shall continue to govern such meetings through September 30, 2021.
2. This Order shall expire at 11:59 p.m. on October 1, 2021.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 20th day of September 2021.

A handwritten signature in black ink, appearing to read 'Gavin Newsom', written over a horizontal line.

GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, Ph.D.
Secretary of State

“Health Officer Teleconferencing Recommendation”
of September 23, 2021



County of San Diego

NICK MACCHIONE, FACHE
AGENCY DIRECTOR

HEALTH AND HUMAN SERVICES AGENCY
PUBLIC HEALTH SERVICES

WILMA J. WOOTEN, M.D.
PUBLIC HEALTH OFFICER


HEALTH OFFICER TELECONFERENCING RECOMMENDATION

COVID-19 disease prevention measures, endorsed by the Centers for Disease Control and Prevention, include vaccinations, facial coverings, increased indoor ventilation, handwashing, and physical distancing (particularly indoors).

Since March 2020, local legislative bodies—such as commissions, committees, boards, and councils—have successfully held public meetings with teleconferencing as authorized by Executive Orders issued by the Governor. Using technology to allow for virtual participation in public meetings is a social distancing measure that may help control transmission of the SARS-CoV-2 virus. Public meetings bring together many individuals (both vaccinated and potentially unvaccinated), from multiple households, in a single indoor space for an extended time. For those at increased risk for infection, or subject to an isolation or quarantine order, teleconferencing allows for full participation in public meetings, while protecting themselves and others from the COVID-19 virus.

Utilizing teleconferencing options for public meetings is an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and others from the COVID-19 disease. This recommendation is further intended to satisfy the requirement of the Brown Act (specifically Gov't Code Section 54953(e)(1)(A)), which allows local legislative bodies in the County of San Diego to use certain available teleconferencing options set forth in the Brown Act.

September 23, 2021



Wilma J. Wooten, M.D., M.P.H.
Public Health Officer
County of San Diego

VALLEY CENTER MUNICIPAL WATER DISTRICT

Regular Board Meeting

TUESDAY, January 17, 2023 – 2:00 P.M.

Place: Board Room

29300 Valley Center Road; Valley Center, CA 92082

The Valley Center Municipal Water District Board of Directors' meeting was called to order by President Polito at 2:00 PM, via teleconference and in-person. President Polito established for the record that all Directors were able to hear the proceedings, that all members of the Board were able to hear the Directors participating remotely clearly, and that all votes were taken by a roll call vote pursuant to the provisions of the Brown Act. The meeting was also livestreamed.

ROLL CALL

Board Members Present: *President Polito, Vice President Ferro, and Director Ness (present in-person); with Director Holtz teleconferencing.*

Board Members Absent: *Director Smith.*

Staff Members Present: *General Manager Arant, Director of IT Pilve, District Engineer Grabbe, Director of Finance and Administration Pugh, Director of Operations and Facilities Lovelady, Manager of Accounting Velasquez, Executive Assistant/Board Secretary Peraino, Project Manager Carrillo, General Counsel de Sousa, and Federal Consultant Howells (HGR) present in-person.*

CHANGES TO AGENDA

Agenda Item No. 14 (closed session) was pulled, and will be brought back at an upcoming Regular Board Meeting.

PUBLIC COMMENTS / QUESTIONS

President Polito established for the record the process by which public comments are received by the Board; this process was also described in the Agenda for the meeting.

CONSENT CALENDAR

1. **Findings Made Necessary to Continue Teleconferenced Board Meetings Pursuant to AB 361;**
2. **Minutes of the Regular Board Meeting Held Tuesday, January 3, 2023;**
3. **Audit Demands for Check Nos. 165070 – 165173 from December 23, 2022 – January 5, 2023 and Wire Disbursements for the month of December 2022;**
4. **Expense Reimbursement Disclosures (Oct. 1 – Dec. 31, 2022) per GC §53065.5; and**
5. **Treasurer's Report for Month Ending November 30, 2022.**

Action: Upon motion by Ferro, seconded by Ness, and unanimously carried, the previously listed consent calendar items were approved.

**Valley Center Municipal Water District
Board of Directors' Meeting Minutes**

ACTION AGENDA

6. MWD Rate Litigation Attorney Fees Award – Update on the Disposition of Funds and Consideration of Staff Recommendation:

A brief background on the MWD Litigation Damages Award was provided by General Manager Arant. At its May 26, 2022 meeting, the SDCWA Board elected to refund \$10,449,112.78 of the \$14,649,112.78 awarded to its member agencies, with the difference, \$4.2M, to be retained by the SDCWA to fund ongoing litigation for fiscal year (FY) 2022-23. In total, SDCWA refunded \$90,694,138.77 to its member agencies, of which \$2,328,456.10 has been returned to VCMWD. As with the past refunds related to the litigation, the Board is to determine the disposition of the funds. The first refund (\$1,332,447.35) was directed fund the District's CIP and the second refund (\$682,215.91) was used to reduce the unfunded liability in the District's OPEB program.

The following options for dispensation of the MWD Litigation Award were presented: (1) Use for a rate rebate/refund to District customers; (2) Use for one-time capital improvement projects/investments; (3) Pay toward the CalPERS and/or OPEB unfunded liability; or (4) Place in the District's Operating Reserve for future use.

Mr. Arant reminded the Board of the concerns expressed by staff at the June 20, 2022 Regular Board Meeting. These concerns have remained unchanged since the item was initially brought to the Board, and include:

- Governor had stated that without an adequate response Executive Order N-7-22, then statewide mandatory reductions may be ordered, with a negative effect on water sales-related revenues for FY 2022-23;
- Impacted by inflation in labor, materials, equipment, and outside services;
- Predictions of a potential recession by the end of 2022 or early next year and its impact on general economic activity and build-out of ongoing development can impact anticipated revenue, such as meter sales and capacity fees, for the upcoming FY 2022-23 period;
- The current refund represented 7.2% of the local commodity water sales revenue, \$4,358,000 anticipated for FY 2022-23 and could serve offset the financial impacts of a mandatory reductions; and
- The \$313,768.93 refund represented 2.1% of the District local fixed operating costs projected in the FY 2022-23 of \$14,666,584 and could serve to cushion against additional inflationary impacts.

Added to these concerns is the fact that for the first 6 months of Fiscal '22-'23 water demand and related revenue is down 22%, as was discussed with the Board at the January 3, 2023 regular meeting. With the same concerns as when initially presented to the Board, staff recommended deferring action on the disposition of the third refund and directing the funds be placed in the District's Operating Reserve, with disposition reevaluated after the conclusion of the 2022-23 fiscal year. At that time Board and staff should understand more about the potential mandatory drought response, impacts of inflation, and the general condition of the state's economy, stated Mr. Arant.

Action: Upon motion by Ferro, seconded by Ness; Staff's Recommendation to defer action to the end of FY 2022-23, and further retain the funds in the District's Operating Reserve is approved with four (4) affirmative votes.

INFORMATIONAL AGENDA

7. Review of Preliminary Findings for the Lower Moosa Canyon Water Reclamation Facility Master Plan 2023 Update:

A report on the status of the Lower Moosa Canyon Water Reclamation Facility ("Moosa") Master Plan 2023 Update was provided by District Engineer Grabbe. The Master Plan Update will identify projects proposed for completion within the next five to ten years to replace critical infrastructure that has reached the end of its service life or operational efficiency. In addition, the master plan update will evaluate the service area needs and identify capacity requirements for a 20-year planning horizon. Preliminary results indicated that overall customer water conservation efforts have reduced per unit flow rates. These reduced flow rates hydraulically allow the existing facilities to treat more. However, the reduced flows come with higher concentrations of solids along with increased in aeration and solids handling requirements. The existing facilities were determined to have sufficient capacity for the growth anticipated over the 20-year planning horizon

Mr. Grabbe stated that the proposed projects are categorized into five groups, Continuing Projects, and Priority Projects 1 through 4. The total anticipated cost for the proposed Capital Improvement Program is \$9.7M. The Continuing Projects are currently funded and have a remaining budget of \$967K. The Priority 1 Projects are estimated at \$500K and are proposed for inclusion in the FY 2023-2024 Annual Budget. Priority Projects 2 through 4 are estimated at a total of \$8.2M for construction in FY's 2025 through 2029. These projects will be funded through State Revolving Fund (SRF) Loans leveraging the Moosa net revenues, leaving \$150K available for annual contribution to the replacement reserves for equipment replacement, collection line repairs and other minor upgrade and replacement improvements, as needed. The estimated cumulative annual debt service requirements for Priority 2 through Priority 4 Projects is \$500K. Depending on the currently level of annual contributions to the replacement reserve this level of debt service requirement could require up to a 4.5% annual increase in sewer service charges over a 7-year period over and above any normal rate increases recommended for annual inflationary increases in the rising costs of operation expenses.

Continuing Projects have a current budget of \$967K for FY 2022-23 and are anticipated to be funded from replacement reserves. The Continuing Projects will consist of:

- Aeration Piping Replacement (\$150K);
- Clarifier No. 1 Mechanical Components Replacement (\$195K);
- Headworks Modifications (\$138K), staff recommends combining with proposed Priority 2 Projects; and
- Meadows Lift Station MCC Replacement (\$484K).

Priority 1 Projects have a total estimated cost of \$500K for FY 2023-24 funded from a combination of replacement reserves and short-term interim funding from the General Fund, to be repaid over 3-5 years (pending available net revenues). Priority 1 Projects consist of:

- Influent Channel Slide Gate (\$10K);
- Discharge Line Appurtenance Replacement (\$15K);
- Clarifier No. 2 Mechanical Component Replacement (\$350K);
- Chlorine Contact Tank & Plant Washwater System (\$25K);
- SRF Application for Priority 2 Projects (\$50K); and
- Priority 2 Project Preliminary Design (\$50K).

Valley Center Municipal Water District Board of Directors' Meeting Minutes

Mr. Grabbe reported that the Moosa facility receives sludge from the Woods Valley Ranch Wastewater Reclamation Facility ("WVR") for dewatering and disposal. This additional sludge loading is starting to stress the capacity of the digester at the Moosa facility. Previous preliminary recommendations included adding sludge thickening equipment at Moosa, however, after further consideration the recommendation is being revised to install the sludge thickening equipment at WVR. This will reduce hauling costs for WVR and reduce the stress on the Moosa digester. If the Moosa facility is to continue processing the WVR sludge, WVR should be responsible for additional sludge processing charges. The installation of sludge thickening Equipment at the WVR is estimated at \$675K and would be considered for inclusion in the FY 2023-2024 Annual Budget.

Priority 2 Projects have a budget of \$2.9M for partial replacement of pre-treatment processes:

- Diversion Structure to Divert Influent to Influent Lift Station Improving Operation of Influent Flow Meter;
- Influent Lift Station with Flow Equalization;
- Replacement of Electrical Panel CP-200 at RAS/WAS Pump Station; and
- Modifications to the WAS Pumps and minor RAS/WAS Pump Station Access.

Priority 3 Projects have a \$3.2M budget for partial replacement of the existing pre-treatment and headworks processes with the following:

- Forcemain Replacement from the Influent Lift Station to the Headworks area, (includes Influent Bypass that utilizes existing facilities for redundancy);
- Rotary Drum Screens;
- Grit Removal; and
- Splitter Box tie-in to the existing Influent Channel.

Priority 4 Projects have a \$2.1M budget for secondary treatment processes:

- Aeration Tank Retrofit (includes Replacement of Coatings, Removal of Failed Basin Intertie Gate, and Add Aeration to Effluent Channel);
- Secondary Clarifier Influent Channel Improvements (Replace Existing Pipe with Grate Covered Channel for Improved Access for Cleaning/Repair); and
- Replacement of Existing Blower.

Mr. Grabbe concluded his presentation by reviewing the next steps, which included: incorporating Board and staff comments into the Master Plan Update, finalizing projections and cost estimates, completing the Master Plan document, preparing recommendation for Board adoption, preparing the application for SRF for Priority 2 Improvement Projects; and lastly, incorporating proposed service charge recommendations in the FY 2023-24 Budget and in the Proposition 218 Notification.

Action: No action required, informational item only. *The Master Plan is being finalized and will be brought to the Board for adoption at an upcoming Board Meeting.*

8. **Update on the Financial Impacts of COVID for Quarter Ending December 31, 2022:**

An update on the financial impacts of the COVID-19 Pandemic was provided by Director of Finance Pugh. At the end of December 2022, outstanding balances of \$3,110,072 representing 8,224 accounts, with sales of 874.1-acre feet, compared to September 2022, which had sales of 2,177.9-acre feet with total outstanding balances of \$5,379,765 representing 8,006 accounts.

Valley Center Municipal Water District Board of Directors' Meeting Minutes

Total balances in for the quarter ending December 2022, that are greater than 30 days were \$640,155, 20.58% of the outstanding balance, that is up, \$126,754 from September, 2022. The Total outstanding balances are down \$2,269,693 on decreased sales volume in December compared to September of 1,303.8-acre feet. We continue to watch, contact, and ultimately send lien letters which has been effective in getting our customers to pay. The District's over 30 day outstanding balance was up \$127K, stated Mr. Pugh.

Action: No action required, informational item only. Staff will continue to monitor and report the results to the Board quarterly.

9. Update on the Enterprise Resource Planning (ERP) Finance Software Upgrade:

The District currently uses Springbrook (on-premise) ERP software supplied by SBRK Finance Holdings, Inc (SBRK) which provides critical accounting functionality. The on-premise (housed on District servers) version of Springbrook features include utility billing, accounts payable, payroll, inventory, and financial reporting. SBRK has stopped providing any development of new software features to the on-premise version and is only providing upgrades in software functionality to the Cirrus (Cloud-based) version. District staff comprised of individuals from each department, who evaluated 5 different softwares based on criteria that is important to both customers and staff. Below is a list of the criteria that were evaluated:

- Solutions for Allocations — A solution for billing, managing, and informing customers of their allocations during cutbacks is critical as California is currently experiencing multi-year drought conditions, especially with our PSAWR certified agricultural customers.
- Solutions for Tracking Employee Training — District staff are required to take various types of training, for example, safety training, workplace certifications, and outside training. Each training has different frequencies, some are required annually or bi-annually and others are only required once. Tracking a staff of 70 full-time employees and a variety of different training requirements could be performed more efficiently with the proper software.
- More robust Human Resources and Project management modules.
- Application Program Interface — API is necessary to integrate with other recent software upgrades (i.e. Cityworks, WaterSmart, and Docusign).

After a thorough evaluation of several different ERP products, staff decided to stay with Springbrook and upgrade to their new Cirrus Cloud platform, which will save an estimated \$500,000 in capital funds in FY 2022-23. Ms. Velasquez was pleased to report that Springbrook has and will continue to make significant investments toward improving the new Cirrus platform.

Staff reviewed the following platforms during the evaluation process:

- Springbrook Cirrus – the cloud-based version of the District's current ERP
- Tyler Enterprise (*used by Helix WD and San Dieguito WD*)
- Cogsdale (*used by Yorba Linda WD*)
- Cayenta (*used by Helix WD*)
- Tyler Incode (*used by Yuima MWD and Rincon Del Diablo MWD*)

Total anticipated implementation costs for the Cirrus version total \$28,913, compared to a quoted \$500K to convert to Tyler Enterprise or the \$2M to convert to Cayenta. Under a three-year contract, the anticipated annual recurring costs total \$66,865 our current maintenance

Valley Center Municipal Water District Board of Directors' Meeting Minutes

costs to maintain the on-premise version total \$40K, compared to the quoted \$160K for Tyler Enterprise annual maintenance. Ms. Velasquez reminded the Board that \$750K was already approved in the Capital Budget Allocation, which included \$250K for staff time.

Action: No action required, informational item only. Staff will return to the Board to provide an update on the project and budget after the initial migration is completed.

GENERAL MANAGER'S AGENDA

10. General Information:

The following general informational items were reported on by General Manager Arant:

- Water Supply Conditions (*State Water Project and Upper Colorado River Basin*); and
- California Reservoir Levels.

Action: Informational item only, no action required.

DISTRICT GENERAL COUNSEL'S AGENDA

None.

BOARD OF DIRECTORS' AGENDA AND REPORTS ON MEETINGS ATTENDED

11. Conduct of Board Meetings After the End of Emergency Order on February 28, 2023:

Under the authority of AB 361, the District has been conducting hybrid Board Meetings ("Meetings") since early 2020 due to the health and safety concerns associated with COVID-19, stated General Manager Arant. Board Meetings have been held in a hybrid manner, with in-person and remote participation options (via WebEx) available for Board Members. At all times, Meetings have been conducted in compliance with the state Brown Act Open Meeting laws. General Counsel has also reviewed policies and procedures related to reopening the Board Meeting to allow for in-person public access.

On October 17, 2022, Governor Newsom announced that the current state of the COVID-19 emergency will remain in effect until February 28, 2023. After that time, or until another declared emergency, AB 2449 rules will be in effect to allow exceptions to the traditional Brown Act for virtual participation by Board members in Board meetings. As of January 1, 2023, three separate laws regulate the format of remote teleconference/video conference local government meetings: 1) the traditional Brown Act; 2) AB 361 Emergency Meetings, and 3) AB 2449 limited Specific Scenario rules.

Mr. Arant reminded the Board that AB 361 provisions can extend to January 2024 if state and local officials continue to impose or recommend measures to promote social distancing and the Board would continue to make the necessary 30-day renewals of the findings necessary to hold hybrid meetings. If the Governor does not extend the COVID-19 Emergency Order, it will be difficult to make the findings required for AB 361; at which point the teleconference provisions would be governed by the standard (pre-pandemic) Brown Act teleconferencing rules or AB 2449. Under the Brown Act's teleconferencing rules, remote participation is allowed if the remote location(s) is listed on the Board Agenda with the Board Member(s) remote location posted, the remote location(s) must be open to the public, and at least a quorum of the Board participating within the agency's jurisdictional boundary.

Valley Center Municipal Water District Board of Directors' Meeting Minutes

AB 2449 allows for limited and highly conditioned hybrid participation based on findings of *Just Cause* or *Emergency Circumstances*. *Just Cause* remote participation can only be used twice in a calendar year. More generally, remote participation under AB 2449 cannot be used for more than three consecutive months or 20 percent of the Board's meetings in a calendar year. There are also specific provisions for audio and visual aspects of remote participation as further described in the attached memo. Finally, a quorum of the Board must be physically present at a single location within the District's boundary (e.g., the Board Room).

Given the likely rescission of the Governor's Emergency Order, and the limitations and complexities of the AB 2449 provisions, staff recommends the Board consider reverting to conducting its Meetings under the standard provisions of the Brown Act, with all Board Members physically present in the Board Room. Remote participation would be allowed under the traditional Brown Act teleconferencing rules where advertising, posting, and public participation at the remote location would be required. Staff also recommended continuing to offer enhanced public participation options, such as broadcasting meetings on YouTube and allowing written comments and real-time telephonic participation, in an effort to enhance transparency and remove barriers for those unable to speak publicly at the meeting.

Action: Upon motion by Ness, seconded by Ferro, and unanimously carried, motion to revert back to in-person Board Meetings was approved.

12. San Diego LAFCO Special Districts Election – Nomination of Regular and Alternate Special District Members:

As the Board is aware, the San Diego County Special Districts Advisory Committee ("Committee") has two regular seats and one alternate seat on the Committee up for election. Attached is a memo from SDLAFCO regarding the elections and nomination process. It is anticipated that the mailed ballot election will be conducted in the March/April 2023 timeframe, as the current terms of office will expire on May 1, 2023. To be eligible to serve as Regular and Alternate Special District Representatives to SDLAFCO, individuals must be a member of a legislative body of an independent Special District, they must reside in San Diego County, and they may not be a member of a legislative body for a city or county government.

Action: After review and discussion, no nominations were made. General Manager Arant notified the Board that they have until February 24, 2023 to submit a nomination.

CLOSED SESSIONS

At any time during the regular session, the Board may adjourn to closed session to consider litigation, personnel matters, or to discuss with legal counsel matters within the attorney-client privilege. Discussion of litigation is within the attorney-client privilege and may be held in closed session. *Authority: Government Code Section 54956.9.*

14. A Closed Session was to be held pursuant to the following:

- **Government Code §54957 - Public Employee Performance Evaluation:**
Unrepresented Employee: *General Manager*
- **Government Code §54957.6 - Conference with Labor Negotiators:**
Agency Designated Representatives: *Board of Directors*
Unrepresented Employee: *General Manager*

Action: Agenda item *moved* to the **February 6, 2023 Board Meeting**.

**Valley Center Municipal Water District
Board of Directors' Meeting Minutes**

ADJOURNMENT

Action: Upon motion by Ferro, seconded by Ness; motion passes unanimously, the Regular Meeting of the Board of Directors was adjourned at 3:42 p.m.

ATTEST:

ATTEST:

Robert A. Polito, *President*

Kirsten N. Peraino, *Secretary*

VALLEY CENTER M.W.D.
DISBURSEMENTS
FOR PERIOD JANUARY 06, 2023 THROUGH JANUARY 12, 2023

JANUARY

CHECK #	PAYEE	DESCRIPTION	AMOUNT
165174	ACWA-JPIA	Worker's Comp Premium 2nd Qtr 2022-2023	36,134.76
165175	Advanced Communication Systems, Inc	CIP-Vehicles	4,381.57
165176	Alpha Analytical Laboratories, Inc.	Testing	255.00
165177	AMP United, LLC	San Gabriel Res Painting & Recoating Project	326,814.25
165178	APCD - County of San Diego	Permits	21,555.00
165179	Asbury Environmental Services	Hazardous Waste Removal	85.00
165180	Babcock Laboratories, Inc	Testing	440.50
165181	Barbara Barnett	Medicare Part B Reimbursement - 4th Qtr 2022	966.93
165182	Gerald Barnett	Medicare Part B Reimbursement - 4th Qtr 2022	966.93
165183	Bavco	Materials - Field	3,104.26
165184	California Surveying & Drafting Supply	Materials - Field	921.82
165185	Capital Industrial Coatings	Meadows No. 1 & Reid Hill Res Painting/ Recoatir	333,011.10
165186	Clayton Controls Inc	Materials - Field	608.34
165187	Complete Office of California, Inc	Office Supplies	83.39
165188	Corodata Records Management	Record Storage - December	109.76
165189	County of San Diego	Repeater Site Rent - Palomar Mountain Feb 2023	884.00
165190	Culligan of Escondido	Washrack Service	59.86
165191	Diamond Environmental Services, LP	Services	2,887.00
165192	EDCO Waste & Recycling Service	Trash Services - December 2022	668.26
165193	Environmental Laboratory Network, Inc	Testing	85.00
165194	FedEx	Shipping Services	38.90
165195	Fidelity Security Life Insurance Company	Vision Plan Premium - Jan '23 Group ID:1038682/	1,122.80
165196	G&W Truck & SUV Accessories	CIP - Vehicles	1,677.25
165197	Glennie's Office Products, Inc	Office Supplies	648.05
165198	Gosch Ford Escondido	Vehicle Maintenance	363.81
165199	Troy Goswick	Medicare Part B Reimbursement - 4th Qtr 2022	507.30
165200	Grainger, Inc	Materials - Field	398.26
165201	Grangetto's Farm & Garden Supply Co	Materials - Field	147.07
165202	GST	Materials - Field	1,000.00
165203	Hach Company	Materials - Field	219.79
165204	Hasa, Inc.	Chemicals	1,246.86
165205	Nylakhone Hatlavongsa	Medicare Part B Reimburs-3rd & 4th Qtr 2022	1,020.60
165206	HD Supply Facilities Maintenance Ltd.	Materials - Field	2,160.10
165207	HealthEquity Inc.	Monthly Fees for January 2023	17.70
165208	IntelePeer Holdings Inc.	Services	657.60
165209	Christine Johnson	Medicare Part B Reimbursement - 4th Qtr 2022	845.30
165210	Koppel & Gruber Public Finance	Services	2,854.74
165211	Richard Learue	Medicare Part B Reimbursement - 4th Qtr 2022	510.30
165212	Nick Lyuber	Educational Reimbursement	5,156.00
165213	Dave Mancino	Medicare Part B Reimbursement - 4th Qtr 2022	471.10
165214	McCall's Meter Sales & Service	Materials - Field	418.24
165215	Mediacom	Internet Service - January 2023	1,311.00
165216	Microsoft Corporation	Online Services 01/02/2023-12/31/2023	1,440.00
165217	Mutual of Omaha	Life Insurance - January 2023	2,329.76


VALLEY CENTER M.W.D.
DISBURSEMENTS
FOR PERIOD JANUARY 06, 2023 THROUGH JANUARY 12, 2023

JANUARY

CHECK #	PAYEE	DESCRIPTION	AMOUNT
165218	Napa Auto Parts	Vehicle Maintenance	273.35
165219	Nestle Waters North America	Deliveries - December 2022	72.12
165220	Jim Nichols	Safety Boot Reimbursement	200.00
165221	North County Lawnmower, Inc.	Materials - Field	103.65
165222	North State Environmetal	Services	69.56
165223	Nova Services	Services	7,387.25
165224	O'Reilly Automotive, Inc.	Vehicle Maintenance	339.81
165225	Pacific Pipeline Supply	Materials - Field	6,354.30
165226	Palomar Termite & Pest Control	Pest Control - December 2022	80.00
165227	Rancho Land Company	Services	2,000.00
165228	Betty Randolph	Medicare Part B Reimbursement - 4th Qtr 2022	408.24
165229	Franchot Randolph	Medicare Part B Reimbursement - 4th Qtr 2022	408.24
165230	Rincon Band of Luiseno Indians	Monitoring Services - November 2022	6,958.75
165231	Daniel Shubin	Educational Reimbursement	50.00
165232	Sierra Analytical Labs, Inc	Testing	4,655.00
165233	Signa Mechanical	Materials - Field	125.00
165234	Southland Water Technologie	Chemicals	919.39
165235	State Water Resources Control Board	Permits	57,074.00
165236	State Water Resources Control Board	Water System Fees System No. 3710026	45,096.19
165237	Sunbelt Rentals, Inc.	Diesel Generator 11/30/22-12/27/22	1,965.44
165238	Superior Ready Mix Concrete LP	Materials - Field	190.96
165239	Telesis Surveying and Civil Engineerir	Services	3,920.00
165240	Underground Service Alert/SC	Services - December 2022	200.05
165241	United Water Works, Inc.	Materials - Field	7,946.30
165242	UPS	Shipping	10.68
165243	Larry Watson	Medicare Part B Reimbursement - 4th Qtr 2022	435.30
165244	Westair Gases & Equipment Inc.	Materials - Field	219.17
165245	Yardley Orgill Co. Inc.	Materials - Field	7,620.94
TOTAL			<u>915,668.95</u>

Approved By: _____

General Manager



Director of Finance & Administration

VALLEY CENTER M.W.D.
DISBURSEMENTS
FOR PERIOD JANUARY 13, 2023 THROUGH JANUARY 19, 2023

JANUARY

CHECK #	PAYEE	DESCRIPTION	AMOUNT
165246	Payroll	Payroll 12/30/22-01/13/23	1,808.24
165247	-165249 Payroll	Payroll 01/13/23-01/17/23	5,145.74
165250	-165252 Payroll	Payroll 12/30/22-01/13/23	554.10
165253	A-1 Irrigation, Inc	Materials - Field	3,499.65
165254	James Amador Mendivil	Safety Boot Reimbursement	200.00
165255	Aqua-Metric Sales Company	Materials - Field	109,302.89
165256	Atlas Technical Consultants LLC	Services	9,832.25
165257	Babcock Laboratories, Inc	Testing	160.00
165258	Bavco	Materials - Field	155.79
165259	Bender Rosenthal, Inc.	Services	484.39
165260	Len Brown	Safety Boot Reimbursement	195.70
165261	Capital Industrial Coatings	Meadows No. 1 & Reid Hill Reserviors Painting &	75,050.00
165262	CCL Contracting, Inc.	Gordon Hill Pipeline Replacement Project	942,265.81
165263	Core & Main LP	Materials - Field	3,654.88
165264	Corodata Media Storage, Inc.	Record Storage - December 2022	218.79
165265	County of San Diego	Permits	739.10
165266	Ron Darland	Safety Boot Reimbursement	155.11
165267	DIRECTV	Moosa Dish Service 01/11/23-02/10/23	43.99
165268	Ferguson Waterworks #1083	Materials - Field	17,996.18
165269	Ronald Gilbert	Medicare Part B Reimbursement - 4th Qtr 2022	510.30
165270	Glaser & Bailey Awards, Inc	Engraving Services	45.00
165271	Grainger, Inc	Materials - Field	669.78
165272	GSE Construction Company Inc.	Orchard Run Lift Station Project	642,342.50
165273	HealthEquity Inc.	Employee Contributions 12/30/22-01/13/23	1,004.14
165274	Infosend	A/R Processing, Mail & Postage	6,721.68
165275	Innovyze Inc	InfoCare Renewal 4/15/23-4/14/24	6,710.50
165276	International City Mgmt Association R	MissionSquare Remittance- 01/13/23-01/17/23	2,652.13
165277	International City Mgmt Association R	MissionSquare Remittance - 12/30/22-01/13/23	5,653.23
165278	International City Mgmt Association R	MissionSquare Remittance- 12/30/22-01/13/23	97.12
165279	Kaiser Foundation Health Plan Inc	Medical Premiums/Purchaser ID 104350 - January	71,443.75
165280	Garnishment	Garnishment Paydate 01/19/23	346.15
165281	Occupational Health Centers of Califo	Medical Services	545.00
165282	Pacific Pipeline Supply	Materials - Field	4,310.92
165283	Palomar Broadband Inc.	Services	69.95
165284	PEBSO/Nationwide Retirement	Deferred Compensation 12/30/22-01/13/23	9,373.36
165285	Ryan Reeh	Educational Reimburs-SWRCB Wastewater Treat	120.00
165286	Roadrunner Publications, Inc	Advertising	610.00
165287	Runts Trucking Inc	Materials - Field	672.36
165288	San Diego County Water Authority	Capacity & Water Treatment Fees - 2nd Qtr FY 20	538,936.00
165289	Self Insured Services Company	Reimbursement Request for Dental Funding Date	3,811.30

VALLEY CENTER M.W.D.
DISBURSEMENTS
FOR PERIOD JANUARY 13, 2023 THROUGH JANUARY 19, 2023

JANUARY

CHECK #	PAYEE	DESCRIPTION	AMOUNT
165290	United Water Works, Inc.	Materials - Field	6,232.26
165291	United Way of San Diego County	Employee Contribution 12/30/22-01/13/23	20.00
165292	UPS	Shipping	6.64
165293	VCMWD Employees Assoc.	Employee Contributions 12/30/22-01/13/23	684.50
TOTAL			<u>2,475,051.18</u>

Approved By: _____

General Manager



Director of Finance & Administration

VALLEY CENTER M.W.D.
DISBURSEMENTS
FOR PERIOD JANUARY 20, 2023 THROUGH JANUARY 26, 2023

JANUARY

CHECK #	PAYEE	DESCRIPTION	AMOUNT
165294	ACWA/JPIA	Blue Cross Medical Premiums - February 2023	84,994.20
165295	Ardurra Group, Inc.	Services	715.00
165296	AT&T	Services	34.04
165297	Babcock Laboratories, Inc	Testing	527.97
165298	Bender Rosenthal, Inc.	Services	704.55
165299	Best Best & Krieger LLP	Legal Services - December 2022	17,896.90
165300	California Dept. of Tax and Fee Admir	Water Rights Fees - Acct 094-008838	616.94
165301	Diamond Environmental Services, LP	Services	27.00
165302	Drake Controls - West, LLC	Materials - Field	326.30
165303	ERI Repro Inc	Services	941.74
165304	Escondido Metal Supply	Materials - Field	398.59
165305	Filmtec Corporation	Membrane Racks	12,331.44
165306	Emila Rayo and Solomon Garcia	Refund Check 015978-000, Woods Valley Ct	729.81
165307	Glaser & Bailey Awards, Inc	Engraving Services	153.91
165308	Glennie's Office Products, Inc	Office Supplies	32.75
165309	Gosch Ford Escondido	Vehicle Maintenance	101.79
165310	Grainger, Inc	Materials - Field	734.56
165311	Grangetto's Farm & Garden Supply Co	Materials - Field	147.07
165312	HD Supply Facilities Maintenance Ltd.	Materials - Field	1,720.58
165313	Home Depot Credit Services	Materials - Field	996.68
165314	Jacqueline Howells	Consultant Services - February 2023	7,500.00
165315	Inductive Automation, LLC	T&M Design Hours	458.50
165316	Kennedy/Jenks Consultants	Services	983.75
165317	Thad Klimas	Medicare Part B Reimbursement - 4th Qtr 2022	510.30
165318	Konica Minolta Premier Finance	Copier Rental - February 2023	1,753.94
165319	Liquid Environmental Solutions of Cali	Services	6,751.25
165320	Mallory Safety & Supply LLC	Materials - Safety	497.39
165321	Matheson Tri-Gas Inc	Materials - Field	17,981.15
165322	Nantmedia Holdings, LLC	Ads - December 2022	1,613.12
165323	National Safety Compliance, Inc	D.O.T. Testing and DQF Online Monthly Fee	154.35
165324	North County Lawnmower, Inc.	Materials - Field	12.88
165325	Pacific Pipeline Supply	Materials - Field	1,004.85
165326	Pinpoint Pest Control	Bee/Wasp Hive Removal	125.00
165327	Polydyne Inc.	Chemicals	1,856.88
165328	Prudential Overall Supply	Uniform Rentals - December 2022	4,617.81
165329	RAMCO	Materials - Field	963.00
165330	Dylan Reed	Refund Check 018663-000, 04054834 FH@1275	1,364.21
165331	Reliance Standard Life Insurance	Life Insurance Premiums - January 2023	8,284.06
165332	Rincon Band of Luiseno Indians	Monitoring Services - December 2022	11,346.25
165333	Rockwell Construction Services, LLC	Services	5,270.00
165334	Runts Trucking Inc	Materials - Field	600.00
165335	Sealing Systems, Inc.	Materials - Field	2,434.38
165336	Service Lighting & Electrical Supplies	Materials - Field	331.73
165337	Sierra Analytical Labs, Inc	Testing	200.00

VALLEY CENTER M.W.D.
DISBURSEMENTS
FOR PERIOD JANUARY 20, 2023 THROUGH JANUARY 26, 2023

JANUARY

CHECK #	PAYEE	DESCRIPTION	AMOUNT
165338	Signa Mechanical	Remote Mointoring Annual Renewal - 01/11/23-01	125.00
165339	Stehly Brothers Drilling Inc	Vehicle Maintenance	492.99
165340	Tierra Data, Inc.	Services	11,570.75
165341	United Water Works, Inc.	Materials - Field	10,528.24
165342	VC Sports & Apparel	Embroidering Service	125.00
165343	VTL Valley Center Ranch LLC	Refund Check 017132-003, 1100209 FH in McDc	2,305.41
165344	Yardley Orgill Co. Inc.	Materials - Field	5,745.02
165345	Mike Young	Safety Boot Reimbursement	200.00
TOTAL			<u>231,839.03</u>

Approved By: _____

General Manager



Director of Finance & Administration

February 6, 2023

TO: Honorable President & Board of Directors

FROM: Gary T. Arant, General Manager

SUBJECT: ORCHARD RUN LIFT STATION PROJECT – APPROVAL OF CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH GSE CONSTRUCTION, INC AND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC. [PROJECT NO. 15-06-78-55340]

PURPOSE:

Request the Board of Directors' approval of:

- Change Order No. 3 to the construction contract with GSE Construction Company, Inc. ("GSE");
- Amendment No. 14 to the Professional Services Agreement with HDR Engineering, Inc. ("HDR") for additional services needed during the construction of the Orchard Run Lift Station; and

Advise the Board of Directors of Amendment No. 1 to Task Order No 2 to the As-Need Professional Services Agreement with Atlas Technical Consultants ("Atlas").

SUMMARY:

The Orchard Run Lift Station Project ("Project" or "Permanent Facility") is the installation of a permanent lift station that will serve the Park Circle East/West Developments, comprising Community Facilities District No. 2020-1, ("CFD 2020-1") and portions of Assessment District No. 2012-1 ("AD 2012-1") primarily the Bear Peak subdivision and adjacent property. The Project is being constructed on a portion of the District's 3.758-acre parcel at the west end of Old Road (referred to as "Lot 144"). There is a temporary lift station on Lot 144, designed and constructed by the Developer, to serve the initial homes built and occupied before the completion of the Project. The Permanent Facility will have sufficient capacity for its proposed 762 EDU service area (644 for CFD 2020-1 and 118 for AD 2012-1).

The Project consists of removing all vegetation on the entire Lot 144 and grading the parcel so the stormwater flow will traverse the parcel to a storm drain system that connects to Moosa Creek, installing a 25-foot deep fiberglass wet well and two 12-foot diameter 25,000-gallon underground ABS emergency storage tanks and all appurtenant facilities needed for a complete station. Two submersible pumps will pump the wastewater from the service area to the Woods Valley Ranch Water Reclamation Facility via the collection system forcemain previously installed in Old Road and Valley Center Road. The Permanent Facility will have a block wall on three sides and wrought iron fencing on the southern boundary of the lift station and the remainder of Lot 144 will be

chain-link fenced along the entire property line. The Permanent Facility will have an emergency generator and a motor control center to house all the electrical components needed to run the facility.

The Project is approximately 80% complete with site electrical and finish grading, paving, testing, startup and demobilization remaining to be completed.

Construction Contract - Change Order No. 3

GSE was awarded the Contract for Construction on November 15, 2021, with a total bid of \$3,247,500. The District previously approved two (2) Change Orders for GSE.

Change Order No. 1 consisted of two items; modifications to the site fencing and additional wet well discharge piping for a total of \$8,735, bringing the contract amount to \$3,256,235. No time extension was requested for this change order.

Change Order No. 2 consisted of a combination of eight minor modifications as a result of design improvements directed during construction and a time extension of seventy-eight (78) calendar days for supply chain delays related to the Stand-by Generator. The change order resulted in extending the completion date to January 28, 2023 and adding \$20,936.56 to the contract amount for a new total of \$3,277,171.56.

Change Order No. 3 consists of the following four (4) Change Order Requests (COR):

1. **Modifications to the wet well pump electrical panel** - The electrical panel was originally located near the wet well. The electrical panels were relocated to the Concrete Masonry Unit wall to provide additional space in the very congested wet well area. The contractor is requesting **\$6,918** for these electrical modifications.
2. **Additional Paving** - The access road leading into the facility and staging area to the south of the Permanent Facility was going to be decomposed granite (DG). After the recent rains, the DG access road did not provide a firm enough surface to drive on while rain water saturated the material. After discussions with staff, it was recommended that a total of 7,500 SF of DG be replaced with asphalt concrete (AC). The AC paving will provide a more stable surface to access the facility on rainy days. Staff also recommends a forty (40) foot concrete ribbon gutter near the entrance. This will channel the stormwater from Old Road to the earthen swale. The contractor is requesting **\$64,570** and a contract time extension of twenty-six (26) calendar days for this additional work.
3. **Miscellaneous T&M Work** – The contractor was directed to complete the following five items on a time and material (T&M) basis:
 - Concrete Around the Underground Storage Tank Manways. During the installation of the underground storage tanks, staff directed the contractor to adjust the manway lids to finish grade and install concrete around the manway lids for better stability and a cleaner finish. The cost of this additional work was **\$1,487**.

- Storm Drain Headwall Safety Fence. After the installation of the storm drain headwall for the twin 42-inch storm drain lines, a safety concern with the five-foot drop to the flow line of the channel was noted. Staff directed the contractor to install a 10-foot section of four-foot high chain-link fence on the top of the headwall to protect the area. The cost of this additional work was **\$1,487**.
- Electrical Pull Box Modifications. During the installation of the plugs for the wet well pumps, staff directed the contractor to change the orientation of the in-ground electrical pull boxes to allow for better access to the plugs for the wet well pumps. The total cost of this work was **\$111**.
- Underground Storage Tank Manway Shaft Grouting. Staff directed the contractor to grout the gap on the inside of the manway riser shaft that was created with the manway lid was adjusted to finish grade. The total cost of this work was **\$365**.
- Fire Hydrant and Water Service Relocation. During the installation of the fire hydrant and water service meter, it was found that the original design did not provide the proper separation for the potable water utilities and the wastewater utilities. Staff directed the contractor to move the fire hydrant and water service meter to a different location. The cost of this additional work was **\$2,297**.

The total cost for the Miscellaneous T&M Work including the contractors markup was **\$6,608** and a time extension of four (4) calendar days was requested for this additional work.

4. **Inclement Weather Days** - GSE has requested a time extension of twelve (12) calendar days for inclement weather. This includes not only the days when it was raining but also the days afterwards needed for the site to dry out and allow access and grading operations. This is a zero-cost item.

The total amount of all four (4) COR's is \$78,096 and GSE is requesting a time extension of forty-two (42) calendar days. Pursuant to Article 140.4 (c) of the District's Administrative Code, the change order, being greater than \$50,000, requires Board approval.

Amendment No. 14 for HDR Engineering, Inc

The District entered into a Professional Services Agreement with HDR in 2007 for preparing the original Environmental Impact Report ("EIR") for the South Village Wastewater Expansion Project. Since that time the agreement with HDR has been amended multiple times to update the EIR as the project expanded to include the North Village area for the Woods Valley Ranch Expansion Project, expanded capacity for Park Circle, and to provide CEQA compliance monitoring services for the various construction projects as they were implemented. Amendment No. 12, provided for the CEQA compliance monitoring of the original Orchard Run Lift Station Project. Amendment No. 13, was requested and approved by the Board for additional services that became

proposed Amendment No. 14, is for additional services that have become necessary as a result of the means and methods utilized by GSE and the resulting difficulties the contractor encountered during construction.

As a result of 1) the excessive time the contractor has taken to complete the earthwork required for the project and 2) the lack of coordination with the District's inspection staff and HDR's Resources Monitors, HDR's time on the project has exceeded the effort anticipated with the prior original and amended project authorization. Additional authorization was needed to maintain the cultural and paleontological resource monitoring through the completion of the work. Because this additional monitoring was due primarily to the contractor's actions, lack of coordination, and the excessive time taken to complete the significant excavations on the Project, staff agreed that additional compensation was justified and requested HDR submit a proposal for the additional monitoring services needed to complete the Project based on the contractor's progress and proposed completion schedule. HDR's proposal in the amount of \$79,559 appears reasonable and consistent with the hourly rates and time needed for the contractor to complete the project.

Amendment No. 1 for Atlas Technical Consultants for Geotechnical Services

The District entered into an As-Needed Professional Services Agreement with Atlas in 2020 for Geotechnical Engineering Services. Atlas was subsequently issued Task Order No. 2 to provide geotechnical services in the amount of \$26,403. The original scope of work included observation of earthwork, compaction testing, laboratory testing, preparation of reports summarizing our tests, observations of the underground utility trench backfill, subgrade preparation, aggregate base, and asphalt placement. This proposed Amendment No. 1 is for additional services that have become necessary due to the means and methods utilized by GSE for construction and the resulting difficulties GSE encountered during construction.

Staff requested Atlas submit a proposal for the additional geotechnical services needed to complete the project based on the contractor's progress and proposed completion schedule. Atlas' proposal in the amount of \$36,466 appears reasonable and consistent with the hourly rates and time needed for the contractor to complete the project. The amendment brought the total authorized amount for this Task Order to \$62,869 and was approved by staff pursuant to the District's Administrative Code Section 135.5 (e) for contract amendments exceeding 10% of the original contract amount. This code section also requires staff to advise the Board of Directors at the next board meeting when the amended total contract amount exceeds \$50,000.

Funding Summary

Funding for the change order and amendments are available from the project contingencies as indicated in the following table which reflects the current approved project budget. However, as a result of the excessive time GSE took to complete the earthwork required for the project, the lack of coordination with the District's inspection staff, cultural and paleontological resource monitors, and Geotech consultant, HDR's and Atlas' time on the project has exceeded the effort anticipated with the original project

authorizations. Additional authorization is needed to maintain the cultural and paleontological resource monitoring and geotechnical support through the completion of the work. Because this additional monitoring and support are due primarily to the contractor's actions, lack of coordination, and the excessive time taken to complete the significant excavations on the Project, i.e., the wet well excavation and the emergency storage tank excavation, staff will be seeking offsetting compensation from the contractor at the close of the project.

ORCHARD RUN LIFT STATION PROJECT BUDGET					
Description	Current Project Budget	Proposed Budget Adjustment	Proposed Project Budget	CFD 2020-1 Share	AD 2012-1 Share
Staff Time	369,463	0	369,463	312,196	57,267
Consultants	424,246	116,025	540,271	456,529	83,742
Kennedy/Jenks	182,127	0	182,127	153,897	28,230
HDR	163,100	79,559	242,659	205,047	37,612
Chang Consultants	1,500		1,500	1,268	233
Ranch Land Company (Surveying)	3,510		3,510	2,966	544
Atlas	26,409	36,466	62,875	53,129	9,746
Rockwell	47,600		47,600	40,222	7,378
Construction	3,277,172	78,096	3,355,268	2,835,201	520,067
ORLS Original Contract	3,247,500		3,247,500	2,744,138	503,363
Change Order No. 1	8,735		8,735	7,381	1,354
Change Order No. 2	20,937		20,937	17,692	3,245
Change Order No. 3		78,096	78,096	65,991	12,105
Miscellaneous	21,560		21,560	18,218	3,342
Contingency (6.6%)	271,559	(194,121)	77,438	65,435	12,003
Total Orchard Run Lift Station	4,364,000	0	4,364,000	3,687,580	676,420

Schedule


The following table summarizes the Project schedule. The original contract allowed for three hundred and ten (310) calendar days to complete the Project and an additional 78 calendar days was approved with Change Order #2. No additional time was requested with Change order #1.

Notice Proceed	January 5, 2022
Original Completion Date	November 11, 2022
CO#2 Time Extension	78 calendar days
CO#3 Time Extension	42 calendar days
Revised Completion Date	March 11, 2023

RECOMMENDATION:

Staff recommends the Board of Directors adopt the following Resolution No. 2023-02 approving Change Order No. 3 to the construction contract with GSE in the amount of \$78,096 and Resolution No. 2023-03 approving Amendment No. 14 to the Professional Services Agreement with HDR in the amount of \$79,559 and authorizing the General Manager to execute the approval of amendment on behalf of the District.

PREPARED BY:


Wally Grabbe
District Engineer

SUBMITTED BY:


Gary T. Arant
General Manager

Attachments:

Resolution No. 2023-02 – GSE Change Order No. 3
Resolution No. 2023-03 – HDR Amendment No. 14
HDR Proposal Dated January 18, 2023

RESOLUTION NO. 2023-02

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
VALLEY CENTER MUNICIPAL WATER DISTRICT
APPROVING CHANGE ORDER NO. 3 TO THE
CONTRACT WITH GSE CONSTRUCTION, INC. FOR
THE ORCHARD RUN LIFT STATION
[PROJECT NO. 15-06-78-55340]**

WHEREAS, Valley Center Municipal Water District ("District") entered into a construction contract with GSE Construction, Inc. (GSE) for the the construction of the Orchard Run Lift Station for \$3,247,500;

WHEREAS, 2 change orders to the original contract, totaling \$29,672 have been approved to add additional work to the project, bringing the total authorization to date to \$3,277,172;

WHEREAS, GSE submitted Change Order No. 3 in the net amount \$78,096 for additional paving, electrical and miscellaneous T&M work needed to complete the Orchard Run Lift Station construction;

WHEREAS, GSE requested a time extension of forty-two (42) calendar days that was required for the extra work and inclement weather revises the completion date to March 11, 2023 for the Orchard Run Lift Station;

WHEREAS, staff has reviewed the scope of work and associated costs and has found them to accurately reflect the level of effort necessary to complete the work at a fair and reasonable cost; and

WHEREAS, Administrative Code Article 140, "Regulation Governing Purchases, Contracts, and Sales" subsection 140.4, "Change Orders" section (c), the cumulative change order amount exceeds the \$50,000 staff approval and shall be approved by the General Manager and by the Board of Directors;

WHEREAS, there is sufficient funding in the current project funding authorization to complete this additional work.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED, AND ORDERED by the Board of Directors of VALLEY CENTER MUNICIPAL WATER DISTRICT as follows:

1. Change Order No. 3 in the amount of \$78,096 be added to the contract with GSE for the Orchard Run Lift Station Project be approved.
2. The total authorized contract amount with GSE for the Orchard Run Lift Station Project is increased to \$3,355,267.56.
3. Time extension of forty-two (42) calendar days be approved.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of Valley Center Municipal Water District held on the 6th day of February 2023 by the following vote:

Robert A. Polito, *President*

ATTEST:

Kirsten Peraino, *Board Secretary*

RESOLUTION NO. 2023-03

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
VALLEY CENTER MUNICIPAL WATER DISTRICT
APPROVING AMENDMENT NO. 14 TO THE
HDR PROFESSIONAL SERVICES AGREEMENT FOR
ENVIRONMENTAL SERVICES FOR THE ORCHARD RUN LIFT STATION
[PROJECT NO. 15-06-78-55340]**

WHEREAS, Valley Center Municipal Water District ("District") entered into a Professional Services Agreement with HDR Engineering, Inc. (HDR) for the environmental services for the South Village Wastewater Collection System for an initial authorization of \$151,309;

WHEREAS, 13 Amendments to the original agreement, totaling \$817,038 have been approved to add environmental services for the North Village Wastewater Collection System, construction services for both the South and North Village Wastewater Collection Systems and scope modifications to the Orchard Run and North Village Lift Station design, bringing the total authorization to date to \$895,839;

WHEREAS, additional environmental services and project management are needed to complete the Orchard Run Lift Station construction;

WHEREAS, the District requested a proposal from HDR, to amend their professional services agreement to provide the additional monitoring services needed to complete the project based on contractor's progress and modified completion schedule for the Orchard Run Lift Station;

WHEREAS, in response to the District's request, HDR submitted the attached request for additional services, dated January 18, 2023, in the total amount of \$79,559, detailing cost increases for each applicable scope of work task item for the additional work needed to revise and complete the Orchard Run Lift Station;

WHEREAS, staff has reviewed the scope of work and associated costs and has found them to accurately reflect the level of effort necessary to complete the work at a fair and reasonable cost; and

WHEREAS, the proposed amendment will result in a revised, not to exceed, contract amount of \$975,398, for HDR's Professional Services Agreement for the South Village Wastewater Collection System.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED, AND ORDERED by the Board of Directors of VALLEY CENTER MUNICIPAL WATER DISTRICT as follows:

1. The District finds and determines that the preceding recitals are true and correct.
2. Amendment No. 14 in the amount of \$79,559, to the existing Professional Services Agreement with HDR for the Orchard Run Lift Station is approved and the General Manager is authorized to execute the amendment on behalf of the District.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of Valley Center Municipal Water District held on the 6th day of February 2023 by the following vote:

Robert A. Polito, *President*

ATTEST:

Kirsten Peraino, *Board Secretary*



January 18, 2023

Mr. Fernando Carrillo
Project Manager
Valley Center Municipal Water District
29300 Valley Center Road
Valley Center, CA 92082

Subject: Orchard Run Lift Station Project – Budget Amendment Request #2

Dear Mr. Carrillo:

The purpose of this letter is to request a cost amendment to HDR's existing contract for compliance monitoring services for the Orchard Run Lift Station Project. Our original scope of work for the project assumed that paleontological, archaeological, and Native American monitoring would not exceed 15 working days. The District approved a contract amendment (Amendment No. 13) to provide paleontological, archaeological, and Native American monitoring for an additional 30 working days. However, ground-disturbing activities extended for an additional 38 working days not accounted for in our current scope of work and budget (i.e., 83-day monitoring duration in total).

Therefore, we are requesting an amendment of \$79,559 to cover the additional 38 working days of paleontological, archaeological, and Native American monitoring, in addition to preparing findings reports and increased project management-related activities (processing invoices and project team coordination). Please refer to the table below for a cost breakdown.

Task No.	Task Name	Additional Budget Request
5	Project Management	\$3,972
6	Cultural Resources Monitoring (HDR)	\$14,305
6	Cultural Resources Monitoring - Subconsultant (Native Grounds)	\$16,135
	10% Markup	\$1,614
7	Paleontological Resources Monitoring –Subconsultant (Paleo West)	\$39,575
	10% Markup	\$3,958
Total Amendment Request		\$79,559

The cost of construction monitoring is completely dependent on the actual number of days monitoring is required. Therefore, these services are proposed on a time and materials basis.

We look forward to this opportunity to continue our successful working relationship with the District. Should you have any questions, or require any additional information, please contact Sharyn Del Rosario at (714) 368-5625 (Sharyn.DelRosario@hdrinc.com).

Sincerely,

HDR Engineering, Inc.



Anna Lantin, PE
Vice President



Sharyn Del Rosario
Project Manager

Attachments:

- 1 – Cost Estimate Sheet
- 2 – Paleo West Change Order #2



T: 626.408.8006
info@paleowest.com

LOS ANGELES COUNTY
517 S. Ivy Avenue
Monrovia, CA 91016

December 15, 2022

Beniamino Volta
Cultural Resources Project Manager
HDR
591 Camino de la Reina, Suite 300
San Diego, California 92108
Transmitted via email to: Beniamino.Volta@hdr.com

RE: Additional Supplemental Paleontological Resource Services in Support of the North Village Wastewater Infrastructure Project: Orchard Run Lift Station, Valley Center, California

Dear Mr. Volta,

PaleoWest, LLC (PaleoWest) is pleased to provide HDR with the following change order (Change Order #2) for additional paleontological resources support for the North Village Wastewater Infrastructure Project located in the community of Valley Center, San Diego County, California. Specifically, PaleoWest will continue to provide paleontological resource management services in accordance with the requirements outlined in mitigation measures (MMs) CR-2 through CR-7 in the Project's Mitigated Negative Declaration (SCH. No. 2014111011). The original scope for this project included 15 days of paleontological monitoring. Change Order #1 submitted in July 2022 included up to 30 days of additional paleontological monitoring associated with ground disturbing activities. This change order (Change Order #2) includes up to 38 more days of additional paleontological monitoring associated with ground disturbing activities for a total of 83 days, plus costs for treatment and curation of recovered fossils, for a total of and additional \$39,575. A cost estimate to complete the additional scope of work is provided in the table below.

ASSUMPTIONS

- This change order has been prepared under the assumption that an additional 38 working days of paleontological monitoring will be needed for a total additional cost for \$37,075.
- The current cost estimate includes additional expenses related to reporting, and the treatment and curation of fossil specimens recovered on in May 2022, for a total additional cost of \$2,500.

COST ESTIMATE

A cost estimate to complete this scope of work, including the original task order and change orders, is provided in the table below. The cost below is inclusive of monitoring labor and expenses for up to 8 hours per workday. Any time exceeding 8 hours in a day or 40 hours in a week will be billed on a time and materials basis at 1.5 or 2.0 times the standard rate consistent with overtime compensation.



Task	Total
Original Task Order: Record Search, Paleontological Resource Monitoring (15 days), PMR	\$16,992.50
CO #1: Paleontological Resource Monitoring (30 more days), additional reporting	\$31,125.00
CO #2: Paleontological Resource Monitoring (38 more days), additional treatment and curation costs	\$39,575.00
Total Cost	\$87,692.50

We look forward to working with you on this project. Please do not hesitate to contact me at 323-327-8692 or hclifford@paleowest.com if you have questions or require additional information.

Sincerely,



Heather Clifford, M.S. | Senior Paleontologist



February 6, 2023

TO: Honorable President and Board of Directors

FROM: Gary Arant, *General Manager*

SUBJECT: CORPORATE FACILITY NEEDS UPDATE – ANOTHER ALTERNATIVE

PURPOSE:

To update the Board on the Corporate Facility Needs Assessment and introduce an alternate concept for further consideration.

SUMMARY:

As the Board is aware, the District owns 32 acres of land generally located on the north side of Lilac Road, from Valley Center Road, westerly to Hunza Hill Court (see attached map). The land was purchased in 2005 for the future home of the Valley Center Municipal Water District (VCMWD) Corporate Facility, to replace the facility at 29300 Valley Center Road. Over the years of ownership, the development of the Lilac Road Property (Property) and the current Corporate Facility has been considered and discussed by the Board and staff, though the Property remains essentially as it was when purchased some 17 years ago.

Staff feels it prudent to once again discuss this issue since the District's corporate needs continue to grow and the existence and future development of the property has been discussed in the "public square" as a topic associated with rates and fee increases, with people suggesting, "if you need money just sell the (Lilac Road) property." The public might also be questioning the prudence of the initial investment and not utilizing the property for its original purpose for a significant period of time.

Finally, at this time, staff would like to introduce another development alternative for the Board's consideration.

Background

The decision was made to purchase the Lilac Road Property after an extensive analysis of the District's ultimate Corporate Facility needs (see "Valley Center Municipal Water District Corporate Needs Assessment, November 2000" attached) and the ability of the current facility to accommodate those needs. At that time, it was assessed that:

- The projected population of the service area at build-out could be as high as 57,500 and the resulting employee number was projected at 120 would require a significant amount of new office space, equipment, and vehicle parking area;
- The size of the existing property (then 6 acres) and the lack of access to conventional wastewater disposal requiring the retention of the septic disposal and septic reserve areas, would not afford enough land to accommodate the new requirements; and
- There was no practical or acceptable ability to expand the existing site (bounded by Valley Center Rd to the west, San Diego County Public Works to the west, and a private property owner to the east was not interested in selling off a portion of their property to the District).

Given these factors, it was determined that the District needed to seek an alternative site. Several location alternatives were then evaluated, including the:

1. **Lake Turner Property** – It was assessed that the Lake Turner Property was too remote and inaccessible for daily operations and public access. There could also be land use and regulatory issues associated with commercial/institutional development in the watershed area of the lake.
2. **Goodwin Parcel** – 4 acres of privately- owned land adjacent to and the east of the current Corporate Facility parcel. As previously mentioned, the owners were not interested in a voluntary sales/purchase transaction and the Board expressed it would not support an Imminent Domain Action against a long-standing member of the community for the purpose of building a new Corporate Facility.
3. **Miller Rd Property (now Miller Plaza Development)** – Development issues, such as significant grading and rock disposal were identified as a concern with the Miller Road Property; and
4. **Lilac Road Property** – Though the Lilac Road Property was being sold as four parcels only, covered more land (32 acres) than the district needed, which was estimated at 12–15 acres, and had significant development limitations on one of the lots due to presence cultural artifact and biological resources, it was judged to be superior to the other three alternatives.

Factors included in the 2000 Needs Assessment were:

- Ready access to Lilac and Valley Center Roads, main arteries to the District service area;
- Location essentially in the centroid of the District Service Area;
- Potential to sell off any excess property deemed unnecessary to the District's purposes; and
- Potential for using the preservation of culturally sensitive areas as mitigation offset.
- The Property was being marked for sale by a willing seller.

With these factors considered, an analysis was done on the Lilac Road Property to identify potential development limitations due to cultural and biological resources, and the potential presence of toxic materials. The report confirmed that there was no evidence of toxic materials on the property and as well as the location of cultural (Native American Artifacts) and biological resources (Engelman Oaks) which had been previously documented and cataloged. An appraisal was performed setting the Fair Market Value at \$1.5 million, and an offer was made and accepted by the ownership group.

The Lilac Road Property has been held, protected, and maintained by the District in the period since the purchase. Various community groups have benefitted from the property, such as being used as unified command headquarters, staging and response area for the 2007 Poomacha Fire, ongoing training for the VCFPD, Fire Safe Council Brush Chipping, the Western Days Parade, and most recently, the Western Days Festival itself.

The Property has not been developed because of intervening factors. In somewhat rapid succession, the Great Recession of 2009, the Wanger Drought of 2009-12, and the 2015-17 Drought impacted the District financially and drew focus to other priorities, such as maintaining the financial, operational, and infrastructure integrity of the District's water and wastewater systems.

Since 2005

Since 2005, several things had transpired to alter some of the factors and assumptions that led the District to purchase the Lila Road Property:

- The 2008 General Plan Update by the County of San Diego reduced the Valley Center at-build-out population from 57,500 to just over 45,800, which changed some assumptions about ultimate employee, vehicle, and parking needs;
- Along with the projected reduction in at-build out population, District adoption of various labor-saving technologies, AMR Meters, SCADA, and GIS led to a revision of ultimate staffing requirements in March 2017 from the original 120 down to 95 (see attached “Valley Center Municipal Water District Updated Corporate Needs Assessment, March 2017”);
- The District’s purchase of just over one acre of land declared as surplus by the County of San Diego located between the Corporate Facility’s westerly boundary and School Bus Lane expanded to available Corporate Facility acreage from 6 to 7 acres;
- Expansion of the Woods Valley Ranch Water Reclamation Facility included the capacity of the North and South Villages and the extension of the wastewater collection system to serve the District’s current Corporate Facility. Without the need for onsite wastewater disposal and preservation of a septic reserve area, this now made the entire newly expanded corporate property (7 acres) available for development. With the entire site available for development, this led to a re-examination of the suitability of the current property.

These changes facilitated some revised thinking regarding ways to meet the District’s ultimate Corporate Facility needs.

New Approach

In 2017, Michael Kinoshita, Architect, was hired to examine this question: With the changed conditions and circumstances, could the District’s ultimate Corporate needs be accommodated by the current recently expanded property? Part of this approach was the thought that, given the then-current interest expressed through an offer to purchase one of the four parcels (March 2016), the Lilac Road Property could be sold, and the proceeds used to fund a portion of the current site development.

Mr. Kinoshita’s analysis revealed that:

- If the District could secure another acre of land, it could build a new single-story, 15,000-square-foot administrative structure, as well as new public and employee parking areas, and have adequate material storage and lay-down areas. However, this would require the extensive re-purposing of the property, including the demolition and re-construction of several existing and viable buildings and structures, including Mechanics Bay, Warehouse, and Equipment Covers. Again, this was based upon the addition of one acre to the existing site.
- After revisiting the issue of land expansion, with no positive result, Mr. Kinoshita was asked to evaluate development on the existing site land area. His analysis revealed that it would require a two-story administrative structure and all the ADA considerations that entail, as well as extensive site repurposing with the demolition, relocation and reconstruction of existing structures and facilities as previously mentioned. Finally, vehicle

parking and material storage and lay-down areas would be constrained and require the development and use of additional offsite areas.

Even though no investment was made in detailed cost estimating of the full cost of either sub-alternative (single-story/two-stories) which would have included the cost for demolition and reconstruction of several major buildings and structures, it was concluded that the study did not identify a clear way forward, so staff recommended to defer the issue until a future time.

Where Does the Issue Stand Today?

- The District Board Room, Engineering and Inspection staff, and Employee Lounge have still housed Manufactured Building, some dating back to the 1990s;
- Even with a modest rate of employee growth, there are very limited options for accommodating additional employees needed to meet future needs, and additional office space, likely modular, will be needed at some point;
- With pending CARB Advanced Clean Fleets regulations ultimately requiring on-sight charging infrastructure for the District Fleet, there will be a loss of ‘opportunistic’ parking area (a truck here, two trucks there, three over there) and a need to increase areas dedicated to concentrated vehicle charging, further restricting useable laydown and material storage area; and

Another Alternative

In the original “Needs Assessment” it was concluded that having a single “campus” was the preferred alternative over having the Administrative/Engineering functions at a separate location from the Operations and Facilities function. In the interest of preserving day-to-day operational coordination and organizational unity, that was identified as the ideal and preferred solution. However, it is a solution that may never be realized due to the economic realities of financing and then building an entirely new Corporate Facility, with the required administrative, and operational buildings (Crew Rooms, Pump Shop, Mechanics Bay, Warehouse, material and fuel management systems, paving, likely decorative fencing, and lighting). Further, there are significant land use challenges to permitting outside vehicle parking and material and chemical storage uses, versus gaining land use approval for essentially what would be an administrative office complex.

In conceptual terms, the new alternative is to evaluate the cost and feasibility of constructing a new administrative complex on the northwest parcel (see attached map). The area containing the biological and cultural resources (the easterly portion of the northwest parcel and the entire northeast parcel) would remain under the ownership of the District to facilitate the protection of those resources which is the legal obligation of the agency. The front two parcels to the southwest and southeast representing 15 acres, including the pie-shaped portions of those parcels across Lilac Road to the south and bifurcated by Betsworth Road could declare surplus and sell at fair market value, with the proceeds used to partially offset the cost of developing the new administrative complex.

Next Steps

To fully evaluate this option, an update of the earlier work done on building a new Administrative Complex would be needed as a baseline. Also, a feasibility analysis and high-level cost estimate for developing a stand-alone Administrative Complex at the Lilac

Road Property would be needed. Staff will also assist in an update employee projections and space requirements for the evaluation.

Staff requested a proposal to do this analysis from Michael Kinoshita, of MKA, Inc., who had performed the earlier analysis in 2017, and a proposal (see copy attached) for \$18,000 was submitted. This work will be funded from the Unclassified – Contingency Fund, Account No. 01-01-01-50083.

If this alternative is feasible and relatively cost-competitive with the previous alternatives evaluated, staff would re-examine the positive and negative aspects of having a split operation, vs. a single campus and then bring that analysis to the Board of Directors for a policy discussion and direction.

After this analysis, the District will be left with three options to evaluate:

1. Develop a new, full Corporate Facility complex on the Lilac Road Project, as originally envisioned;
2. Develop a New Administrative Complex on the Lilac Road Property and then dedicate the current Corporate Facility to the District's operational needs; or
3. Remain at the current Corporate Facility site and evaluate the need and timing of what will have to be done to accommodate the anticipated number of employees, vehicles, vehicle electrification infrastructure, and equipment for an interim period or through to service area build-out. As part of this option, marketing the Lilac Road Property should be evaluated with the proceeds contributing to improvements that might be needed for the current facility.

RECOMMENDATION:

After review and discussion, provide staff Board input on the proposal to evaluate the Corporate Facility Development Alternative described in this memo.

SUBMITTED BY:



Gary Arant
General Manager

Attachments:

1. *Lilac Road Parcel Map*
2. *Valley Center Municipal Water District Corporate Needs Assessment, November 2000*
3. *Valley Center Municipal Water District Updated Corporate Needs Assessment, March 2017*



VALLEY CENTER
MUNICIPAL WATER DISTRICT

Proposed Corporate Facility Site

1/5/2023
Y:\GISProjects\DistrictMaps\LilacCorporateFacility\LilacCorporateFacility.aprx
Source: SANGIS, SANDAG, VCMWD



VALLEY CENTER
MUNICIPAL WATER DISTRICT

Proposed Corporate Facility Site

1/10/2023
Y:\GISProjects\DistrictMaps\LilacCorporateFacility\LilacCorporateFacility.aprx
Source: SANGIS, SANDAG, VCMWD

**VALLEY CENTER
MUNICIPAL WATER DISTRICT**

***CORPORATE NEEDS
ASSESSMENT***

NOVEMBER 6, 2000

VALLEY CENTER MUNICIPAL WATER DISTRICT

CORPORATE NEEDS ASSESSMENT

NOVEMBER 6, 2000

I. INTRODUCTION:

What follows is a very high level assessment of the District's Corporate Facilities needs through the year 2020. This assessment was based on several sources of information, including population data from the appropriate regional planning agencies, demographic trend data, anticipated technological advancements within the water supply community, and other factors which would have the potential to impact workforce, equipment and facility requirements.

The purpose of this exercise was not an attempt to detail the configuration and location of a future corporate facility. It was intended, however, to determine some of the essential characteristics of a future facility and how much land area would be needed to accommodate our District's long-term needs.

Anticipated in this analysis are the workforce expansions associated with the anticipated general population/service connection growth, significant expansion of the wastewater treatment/reclamation operations, expanded conservation/public education activities required by CALFED, and the increasingly more stringent and complex regulations governing all aspects of the District's operations.

To avoid possibly under-acquiring space, the tendency in this analysis was to err on the side of over-estimating as opposed to underestimating the number of personnel, vehicles, equipment and space requirements.

II. PROJECTED SERVICE AREA CHARACTERISTICS FOR 2030 PLANNING HORIZON:

•SIZE OF SERVICE AREA:

•CURRENTLY 100 SQUARE MILES, WITH THE POTENTIAL OF ADDING 3 TO 5 ADDITIONAL SQUARE MILES OF RESERVATION LAND TO ACCOMMODATE GAMING DEVELOPMENT.

•POPULATION OF SERVICE AREA:

•GP 2020, EXISTING LAND USE: 57,500

•GP 2020 ALTERNATE 3: 45,800

•ASSESSMENT PROJECTION: 45,800

•WATER SERVICE CONNECTIONS:

•CURRENTLY 8,000

•ESTIMATING 16,000 2020, BASED ON POPULATION PROJECTION

•WASTEWATER SYSTEM:

•POTENTIAL FOR 6,000 EDU'S

•4 TO 5 NEW PLANTS

•TOTAL TREATMENT CAPACITY OF 1.5 TO 1.75 MG

III. CORPORATE FACILITY GENERAL CHARACTERISTICS:

•LOCATION:

•ALTERNATIVES:

°DEVELOP ON EXISTING PROPERTY

°EXPAND EXISTING PROPERTY

°RELOCATE TO NEW SITE

·STAFF PREFERENCE FOR NEW LOCATION

·CONFIGURATION:

·ALTERNATIVES:

°ALL FACILITIES IN ONE LOCATION

**° SPLIT ADMINISTRATIVE AND CORPORATE
YARD LOCATIONS**

**·STAFF PREFERENCE FOR ALL FACILITIES IN ONE
LOCATION**

·ADDITIONAL FEATURES:

·ADMINISTRATIVE FACILITY:

**°DESIGNED FOR EASY EXPANSION TO
ULTIMATE SPACE REQUIREMENTS**

°PUBLIC ACCESS FOR USE OF BOARD ROOM

°EMPLOYEES' EXERCISE FACILITY

▪CORPORATE YARD:

°EXPANDED WAREHOUSE CAPACITY

°VEHICLE MAINTENANCE/WASH

°FABRICATION CAPABILITIES

°COVERED PARKING FOR EQUIPMENT

IV. PROJECTED EMPLOYEES BY DEPARTMENT:

▪ADMINISTRATION (CURRENTLY 3.5)

GENERAL MANAGER(1)

ANALYST(1)

EXECUTIVE SUPPORT/BOARD ADMINISTRATION(1)

HUMAN RESOURCES/BENEFITS ADMINISTRATION(3)

SAFETY/REGULATORY COMPLIANCE(2)

WATER CONSERVATION(1)

PUBLIC EDUCATION(1)

Total: 10

▪ENGINEERING (CURRENTLY 12)

DISTRICT ENGINEER(1)

ASSISTANT ENGINEER(1)

ADMINISTRATION(2)

DESIGN(2)

PROJECT MANAGEMENT(2)

ENGINEERING SERVICES(3)

GIS/MAPPING(3)

USA/RIGHT OF WAY CONTROL(2)

INSPECTION(2)

TOTAL: 18

•FINANCE (CURRENTLY 8)

DIRECTOR OF FINANCE(1)
ASSISTANT DIRECTOR(1)
ADMINISTRATIVE SUPPORT(1)
ANALYST(1)
FINANCIAL MANAGEMENT/INVESTMENTS(2)
INFORMATION MANAGEMENT SYSTEM(4)
DATA PROCESSING(1)
RISK MANAGEMENT(1)
CUSTOMER SERVICE MANAGER(1)
CUSTOMER BILLING/COLLECTION(5)

TOTAL: 18

•WATER OPERATIONS (CURRENTLY 35.5)

DIRECTOR OF WATER OPERATIONS(1)
ASSISTANT DIRECTOR(1)
ANALYST(1)
ADMINISTRATIVE SUPPORT(1)
WATER SYSTEM OPERATION(6)
SCADA SUPPORT(2)
WATER QUALITY(2)
SYSTEM MAINTENANCE & REPAIR(8)
PUMP MOTOR/PUMP ELECTRICAL MAINTENANCE(8)
FACILITY LANDSCAPE & MAINTENANCE(4)
METER MAINTENANCE/REPAIR/INSTALLATION(6)
METER READING/IN-FIELD CUSTOMER SERVICE(8)
BACKFLOW (2)

TOTAL: 50

**•WASTEWATER RECLAMATION OPERATIONS
(CURRENTLY 3.5)**

**DIRECTOR OF WASTEWATER & RECLAMATION(1)
ADMINISTRATIVE SUPPORT(1)
REGULATORY COMPLIANCE &REPORTING(1)
WASTEWATER COLLECTION/TREATMENT
OPERATIONS(5)
WASTEWATER SYSTEM MAINTENANCE(3)
WATER RECLAMATION SYSTEMS OPERATIONS(2)**

TOTAL: 13

•GENERAL SERVICES (CURRENTLY 2)

**GENERAL SERVICES MANAGER(1)
ADMINISTRATIVE SUPPORT(1)
GENERAL PLANT MAINTENANCE(2)
PURCHASING AND INVENTORY CONTROL(2)
FLEET/EQUIPMENT MAINTENANCE(4)
FACILITY SECURITY(1)**

TOTAL: 11

TOTAL: 120 EMPLOYEES (CURRENTLY 64.5)

V. EMPLOYEES REQUIRING OFFICE SPACE:

<u>DEPARTMENT/FUNCTION</u>	<u>ADM.</u>	<u>OTHER</u>	<u>TOTAL</u>
GENERAL ADMINISTRATION	10	0	10
ENGINEERING	18	0	18
FINANCE	18	0	18
WATER SYSTEM OPERATIONS	0	11	11
WASTEWATER/RECLAMATION	0	4	4
GENERAL SERVICES	<u>0</u>	<u>5</u>	<u>5</u>
TOTAL	46	20	66

VI. PROJECTED VEHICLE PARKING REQUIREMENTS:

EMPLOYEE	120
DEDICATED PUBLIC	50
DISTRICT:	
TRANSPORTATION	60
HEAVY DUTY	20
EQUIPMENT	<u>30</u>
TOTAL	280

VII. SPACE REQUIREMENT FACTORS:

OFFICE SPACE PER EMPLOYEE (INCLUDES OFFICE,
ACCESS, SUPPORT AREAS: 400 Sq. Ft.

PARKING SPACE PER VEHICLE/PIECE OF
EQUIPMENT: 400 Sq. Ft.

VIII. TOTAL SPACE REQUIREMENT CALCULATION

STRUCTURES	SQUARE FEET
OADMINISTRATIVE	18,400
OBOARD MEETING ROOM	2,000
OMULTI-PURPOSE ROOM	2,000
OSTORAGE/MEETING/MISC.	<u>4,000</u>
SUBTOTAL -ADMINISTRATIVE	26,400
OWATER/WASTEWATER ADM.	4,400
OWATER OPERATIONS	2,400
OPUMP MAINTENANCE	3,200
OVEHICLE MAINTENANCE	3,200
OWASTEWATER MAINTENANCE	3,200
OCONSTRUCTION MAINT./FAB.	3,200
OWAREHOUSE	<u>6,400</u>
SUBTOTAL-FIELD OPERATIONS	26,000
PARKING AREA	
OEMPLOYEE PARKING	48,000
ODISTRICT VEH./EQUIP.	44,000
ODEDICATED PUBLIC	<u>20,000</u>
SUBTOTAL-PARKING/ACCESS	112,000

YARD AND OTHER USES

OYARD STORAGE	130,000
OWALKWAYS/LANDSCAPE AREAS	20,000
ODEDICATIONS/SETBACKS	<u>40,000</u>
SUBTOTAL	190,000

TOTAL ESTIMATED AREA REQUIREMENTS 354,400 Sq. Ft.

IX. CORPORATE FACILITY SPACE REQUIREMENT:

TOTAL ACREAGE REQUIRED 8.135 ACRES

TARGET PARCEL SIZE 8.0-10.0 ACRES

VALLEY CENTER MUNICIPAL WATER DISTRICT
UPDATED CORPORATE NEEDS ASSESSMENT

March, 2017

I. INTRODUCTION:

What follows is a very high level assessment of the District's Corporate Facilities needs through system build-out. This assessment was based on several sources of information, including population projection data from the appropriate regional planning agencies, demographic trend data, technological advancements within the water supply/wastewater treatment community, and other factors which would have the potential to impact workforce, equipment and facility requirements.

The purpose of this exercise is to re-examine the District's future Corporate Facility needs in the context of determining if the future facility should be established at the District's Lilac Road Property, or at the current site.

II. PROJECTED SERVICE AREA CHARACTERISTICS:

·SIZE OF SERVICE AREA:

·100 SQUARE MILES.

·POPULATION OF SERVICE AREA (Current Population 26,000):

·GP 2020, EXISTING LAND USE: 57,500

·GP 2020 ALTERNATE 3: 45,800

·ASSESSMENT POPULATION: 45,800 (+76%)

·WATER SERVICE CONNECTIONS:

·CURRENTLY 9,600 METERS

**·ESTIMATING 16,960 AT BUILD-OUT, BASED ON
CURRENT ADOPTED COUNTY POPULATION PROJECTION (+76%)**

-WASTEWATER SYSTEM:

CURRENTLY - 2 PLANTS/COLLECTION SYSTEMS 2,750 EDUs.

**POTENTIAL - 3 PLANTS, THREE COLLECTION SYSTEMS AND 8,000
TOTAL EDU'S (+190%)**

III. PROJECTED EMPLOYEES BY DEPARTMENT:

-ADMINISTRATION (CURRENTLY 2)

GENERAL MANAGER - 1

POLICY ANALYST -1

EXECUTIVE SUPPORT/BOARD ADMINISTRATION -1

COMMUNITY OUTREACH – 1

TOTAL: 4

- IT/COMMUNICATIONS (CURRENTLY 2)

DIRECTOR IT/COMMUNICATIONS – 1

SR. IT SUPPORT SPECIALISTS - 1

IT SUPPORT SPECIALIST - 1

TOTAL: 3

-ENGINEERING (CURRENTLY 12)

DISTRICT ENGINEER - 1

ASSISTANT ENGINEER – 1

ADMINISTRATIVE SUPPORT - 2

ENGINEERING TECHNICIANS -2

PROJECT MGMT/COORD - 3

ENGINEERING SERVICES – 2

CONSERVATION - 2

GIS/MAPPING - 2

USA/RIGHT OF WAY CONTROL - 1

INSPECTION - 2

TOTAL: 16

FINANCE (CURRENTLY 6)

DIRECTOR OF FINANCE - 1
MANAGER OF ACCOUNTING – 1
ACCOUNTING SPECIALIST - 1
HR SPECIALIST – 1
SALARY/BENEFITS ADMIN. SPECIALIST - 1
CUSTOMER SERVICE MANAGER - 1
CUSTOMER BILLING/COLLECTION - 3

TOTAL: 9

WATER/WASTEWATER OPERATIONS (CURRENTLY 40)

DIRECTOR OF WATER OPERATIONS -1
SAFETY/REGULATORY SUPERVISOR -1
ADMINISTRATIVE SUPPORT- 1
WATER SYSTEM OPERATIONS - 7
CONST. & MAINTENANCE - 12
PUMP MOTOR/PUMP ELECTRICAL MAINTENANCE - 10
METER MAIN/REP/INSTAL/READING/CUST/SERV./BFL – 12
WASTEWATER/RECLAMATION – 12
PURCHASING/INVENTORY CONTROL - 1
FLEET/EQUIPMENT MAINTENANCE - 3
GENERAL PLANT MAINTENANCE – 1
FACILITY LANDSCAPE & MAINTENANCE- 2

TOTAL: 63

PROJECTED TOTAL EMPLOYEES AT BUILD OUT

95

(Current Employees – 62)

V. EMPLOYEES REQUIRING OFFICE SPACE:

<u>DEPARTMENT/FUNCTION</u>	
GENERAL ADMINISTRATION	4
IT/COMMUNICATIONS	3
ENGINEERING	18
FINANCE	9
WATER/WASTEWATER	<u>10</u>
TOTAL	34

VI. PROJECTED VEHICLE PARKING REQUIREMENTS:

EMPLOYEE	80
DEDICATED PUBLIC	30
DISTRICT:	
TRANSPORTATION	60
HEAVY DUTY	15
EQUIPMENT	<u>30</u>
TOTAL	227

michael kinoshita & associates, inc.

7510 Clairemont Mesa Blvd., Suite 207, San Diego, CA 92111 Phone 858 268 8176 - Fax 858 724 1556 – E-Mail: michaelk@mkainc.net

PROPOSAL

December 19, 2022

Mr. Gary Arant
Valley Center Municipal Water District
29300 Valley Center Road
Valley Center, CA 92082
760 735 4500 FAX 760 749 6478
GArant@vcmwd.org

RE: Valley Center Municipal Water District Corporate Facility Analysis, Valley Center, CA

Mr. Arant:

Please accept this letter of proposal to provide architectural services to further study your corporate facility options. We will update costs for the current site plus develop concept site plan/floor plan options for your Lilac Road property.

SCOPE OF WORK DESCRIPTION

Scope of work shall include:

1. Update cost assumptions for the one-story option and the current site located at 29300 Valley Center Road.
2. Prepare Concept Site Plan and concept cost estimate for Lilac Road property for new administrative center.
3. Prepare Concept Site Plan and concept cost estimate for Lilac Road property for new full function Corporate Facility.

SCOPE OF SERVICES

A. REVIEW EXISTING FACILITY STRUCTURES AND OPERATIONS, EMPLOYEE CENSUS

Tasks

- Field review existing facility site plan and building layouts.
- Review current employee census.
- Meetings as required by Owner.

B. DEVELOP FUTURE EMPLOYEE PROJECTIONS

Tasks

- Develop future employee projections with assistance of owner.
- Develop future space requirements.
- Meetings as required by Owner.
- Deliverables – Space requirement list with employee requirements

C. DEVELOP CONCEPT SITE PLANS

Tasks

- Prepare concept site plan with building configurations for a new administrative center. Areas included but not limited to Administration Area, Engineering Area, Operations Area, Emergency Operations Area, Board Meeting Room, Break Room and associated parking/paving area.
- Prepare concept site plan with building configurations for a new Corporate Facility. Areas included but not limited to Administration Area, Engineering Area, Operations

Area, Emergency Operations Area, Board Meeting Room, Break Room, Pump Room/Storage Area, Construction Maintenance Area, Warehouse Area, Vehicle Maintenance/Storage Area, Vehicular/Generator Covered Storage Area, Gas Pump Area and associated parking/paving area.

- Meetings as required by Owner.
- Deliverables – Schematic Site Plan with Building Outlines with associated parking/paving.

D. CONCEPT COST ESTIMATES

Tasks

- Update cost estimate for one-story Corporate Facility located at current location.
- Provide concept cost estimate for new administration center building at Lilac Road property.
- Provide concept cost estimate for new Corporate Facility at Lilac Road property.

ARCHITECTURAL FEES

PART A, B, C & D – ARCHITECTURAL SERVICES

Our proposed Architectural Services Fee shall be provided on a Time & Material basis as follows:

Principal	\$ 150.00 per hour
Project Manager	\$ 115.00 per hour
Draftsperson	\$ 75.00 per hour

Estimated Architectural Fee: \$ 18,000.00

ARCHITECTURAL FEES CLARIFICATIONS

Reimbursable expenses shall be billed as noted in Reimbursable Section in addition to the Base Fees.

REIMBURSABLE EXPENSES

Normal reimbursable expenses for in house plotting / printing, delivery service, UPS or equal services, will be billed monthly at 1.15 (15%) times the actual cost. Reimbursable expenses shall be billed monthly in addition to the Architect's Fee Schedule. Client Option to use your delivery/printing accounts.

TIMING

We would start this project immediately upon approval.

EXCLUSIONS

The following services are **not part** of the Architect's scope of services or financial responsibility:

- Civil and Landscape Architecture (and assumed not to be required).
- Surveys, testing/exploration and related fees (and assumed not to be required).

If the terms of this proposal are acceptable to you, please sign the acknowledgement/Agreement below and fax or email to our office. Please forward one hard copy to our office. Our receipt of your signed copy and a will be our authorization to proceed with the work.

Please contact our office if you should have any questions regarding the Scope of Services or our assumptions.

Sincerely,

MKA INC. ARCHITECTURE & PLANNING

Michael Kinoshita

Michael Kinoshita
Principal / President

Acknowledgement/Agreement

X_____

Date



SUMMARY OF FORMAL BOARD OF DIRECTORS' MEETING JANUARY 26, 2022

1. Retirement of Directors.

The Board adopted resolutions honoring Directors' retirements:

Resolution No. 2023-02 - Brian Boyle
Resolution No. 2023-04 - Bill Pommering
Resolution No. 2023-06 - Mona Rios

Resolution No. 2023-03 - Joe Mosca
Resolution No. 2023-05 - Jose Preciado
Resolution No. 2023-07 - Matt Hall

2. Monthly Treasurer's Report on Investments and Cash Flow.

The Board noted and filed the Treasurer's report.

3. Ball Valve procurement for the Helix 9 Flow Control Facility Project.

The Board authorized the General Manager, or designee, to award a contract to B&K Valves and Equipment, Inc. in the amount of \$215,500 to purchase two 30-inch ball valves for the Helix 9 Flow Control Facility project.

4. Professional services contract with SNC-Lavalin Inc. for Lake Hodges Hydroelectric Facility piping isolation planning study.

The Board authorized the General Manager to award a professional services contract to SNC-Lavalin Inc. to provide a planning study for piping isolation at the Lake Hodges Hydroelectric Facility for a period of one year, for a not-to-exceed amount of \$190,000.

5. Resolution for 2023 Urban Community Drought Relief Grant Application to the California Department of Water Resources for Water Conservation Projects.

The Board adopted Resolution 2023-01 authorizing the General Manager to apply to the California Department of Water Resources and to commit the Water Authority to the financial and legal obligations associated with the receipt of grant funds.

6. Employment of retired annuitant as temporary Special Counsel and exception of 180-day wait period.

The Board adopted Resolution No. 2023-08, a resolution of the Board of Directors of the San Diego County Water Authority approving exception to the 180-day waiting period to hire a CalPERS retired annuitant in accordance with Government Code sections 7522.56 and 21224.

7. Employment of retired annuitant as temporary Senior Engineer and exception of 180-day wait period.

The Board adopted Resolution No. 2023-09, a resolution of the Board of Directors of the San Diego County Water Authority approving exception to the 180-day waiting period to hire a CalPERS retired annuitant in accordance with Government Code sections 7522.56 and 21224.

8. Approval of Minutes.

The Board approved the minutes of the Formal Board of Directors' meeting of November 17, 2022 and the Special Board of Directors' meeting of December 15, 2022.

Agenda Item No. 7 – General Information

February 6, 2023

PowerPoint Presentation Only (no board report)

Placeholder