



**Montara Water
and Sanitary District**
Serving the Community of Montara and Moss Beach

P.O. Box 370131
8888 Cabrillo Hwy
Montara, CA 94037-0131
t: 650.728.3545 • f: 650.728.8556

To sensitively manage the natural resources entrusted to our care, to provide the people of Montara - Moss Beach with reliable, high – quality water, wastewater, and trash disposal at an equitable price, and to ensure the fiscal and environmental vitality of the district for future generations. Be open to providing other services desired by our community.

AGENDA

District Board of Directors

8888 Cabrillo Highway
Montara, California 94037

March 2, 2023 at 7:30 p.m.

The meeting will take place in the District offices located at the above address. Seating is limited and social distancing will be practiced due to ongoing public health and safety concerns. Simultaneous public access and participation is also available remotely, via telephone or the ZOOM application:

ZOOM MEETING INFORMATION:

WEBSITE: <https://us02web.zoom.us/j/82080019013?pwd=STV2Wk9mRStieW84VDVuNVRDZGZQU09>

MEETING ID: 820 8001 9013
Password: 697982

CALL IN PHONE NUMBER: +1 669 900 9128

INSTRUCTIONS for remote access are available at <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>. You also may view video during the meeting via live stream or after the meeting at <https://videoplayer.telvue.com/player/wuZKb9gwEY7sMACllsr7VSJqIB35kNZA/stream/159?fullscreen=true&showtabssearch=false&autostart=false>. If you experience technical difficulties or have technical questions prior to or during the meeting, please contact MWSD's IT support at (650) 728-7843. Note: Public participation is not permitted during closed session discussion items.

Public Comment

In accordance with the Government Code, members of the public may address the Board on specific agenda items when the matter is announced by the Board President. Any other item of interest that is within the subject matter jurisdiction of the District may be addressed during the Oral Comments portion of the meeting. For participants attending the meeting virtually, a "raise hand" button is available for every Zoom user wishing to speak and should be used to alert the President of the intent to comment.

Upon request, this Agenda and written agenda materials will be made available in appropriate alternative formats to persons with a disability. Request for a disability-related modification or accommodation in order to participate in the public meeting should be emailed to info@mwsd.net or submitted by phone at 650-728-3545 at least two days before the meeting. Requests will be granted whenever possible and resolved in favor of accessibility. Materials related to an item on this Agenda submitted to the Board after distribution of the Agenda Packet are available in the District Clerk's office during normal business hours. Such documents may also be available on the District's web site (www.mwsd.montara.org) subject to staff's ability to post the documents before the meeting.

CALL TO ORDER

ROLL CALL

PRESIDENT'S STATEMENT

ORAL COMMENTS (Items other than those on the agenda)

PUBLIC HEARING (none)

CONSENT AGENDA

1. [Approve Minutes for Regular Scheduled Board Meeting February 2, 2023 and February 16, 2023 and Special Personnel Meeting February 17, 2023](#)
2. [Approve Financial Statements for January 2023](#)
3. [Approve Warrants for March 1, 2023](#)
4. [SAM Flow Report](#)
5. [Monthly Review of Current Investment Portfolio](#)
6. [Connection Permit Applications Received](#)
7. [Monthly Water Production Report](#)
8. [Rain Report](#)
9. [Monthly Solar Energy Report](#)
10. [Monthly Public Agency Retirement Service Report for December 2022](#)
11. [Review and Possible Action Concerning Acceptance of Water Main Extension at 1170 Howells Street, Montara, APN 036-282-050](#)

OLD BUSINESS

NEW BUSINESS

- 1 [Review and Possible Action Concerning Hybrid Board Meetings](#)
- 2 [Review and Possible Action Concerning Vacant Position for Board of Directors](#)
- 3 [Review and Possible Action Concerning Authorization to Send Prop 218 Notices for Water and Sewer Rate Increases](#)
- 4 [Review and Possible Action Concerning the Pillar Ridge Supply Reliability Improvement Project](#)
- 5 [Review and Possible Action Concerning Transition from At-large to By-division Based Elections](#)

REPORTS

1. Sewer Authority Mid-Coastside Meetings (Slater-Carter).
2. MidCoast Community Council Meeting (Slater-Carter).
3. CSDA Report (Slater-Carter).
4. LAFCo Report (Slater-Carter).
5. Attorney's Report (Fitzgerald).
6. Directors' Reports.
7. [General Manager's Report \(Heldmaier\)](#).

FUTURE AGENDAS

CONVENE IN CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code §54956.9(d)(1))

Case Name: *City of Half Moon Bay v. Granada Community Services District, et al.* (Santa Clara County Superior Court No. 17CV316927)

CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

(Government Code §54956.9(d)(4)) Initiation of Litigation (3 potential cases)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Government Code §54957(b)(1))

Title: General Manager

CONFERENCE WITH LABOR NEGOTIATORS

(Government Code §54957.6)

Unrepresented Employee: General Manager

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code §54956.8)

Property: 771 Rivera Rd., Montara, CA

Agency Negotiators: District General Manager; District General Counsel Negotiating parties: Coast Wholesale Florists, a corporation/Miller-Havice Ranch Under

Negotiation: Price and Terms of Payment.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Government Code §54956.8)

Property: 770 Harte St., Montara, CA

Agency Negotiators: District General Manager; District General Counsel

Negotiating parties: Rose and Guy Wallace

Under Negotiation: Price and Terms of Payment

REPORT OF ACTION TAKEN IN CLOSED SESSION, IF ANY

ADJOURNMENT

The District has a curfew of 10:30 p.m. for all meetings. The meeting may be extended for one hour by vote of the Board.



MONTARA WATER & SANITARY DISTRICT

**REGULAR BOARD OF DIRECTORS MEETING
February 2, 2023**

MINUTES

THIS MEETING WAS HELD REMOTELY UNDER PARAGRAPH (1) OF SUBDIVISION (e) OF GOVERNMENT CODE SECTION 54953 DUE TO THE CURRENT PROCLAIMED STATE OF EMERGENCY. DIRECTORS, STAFF AND THE PUBLIC PARTICIPATED REMOTELY VIA THE APPLICATION ZOOM

REGULAR SESSION began at 7:30 p.m.

CALL TO ORDER

ROLL CALL

Directors Present: Boyd, Dekker, Softky & Slater-Carter (joined 7:32pm)

Directors Absent: Lohman

Staff Present: Clemens Heldmaier, General Manager
District Clerk, Tracy Beardsley

Others Present: District Counsel, Christine Fitzgerald
District Accountant, Peter Medina
District Water Engineer, Tanya Yurovski
District Financial Advisor, Alex Handlers
District Counsel, Christine Fitzgerald
Kastama Consulting, Alison Kastama
San Mateo LAFCo, Executive Officer Rob Bartoli

PRESIDENT'S STATEMENT

Director Boyd announced Director Lohman has passed away. His wife Barbara is present at the meeting. It has been an honor working with him. They served with him many years, and he influenced everything he was involved with. He was reliable and hard-working. They have an item coming up tonight regarding Director Lohman, and he encouraged people to comment and share their thoughts.

ORAL COMMENTS - none

PUBLIC HEARING - none

CONSENT AGENDA

- 1. Approve Minutes for Regular Scheduled Board Meeting January 19, 2023.**
- 2. Approve Financial Statements for December 2022**
- 3. Approve Warrants for February 1, 2023**
- 4. SAM Flow Report**
- 5. Monthly Review of Current Investment Portfolio**
- 6. Connection Permit Applications Received**
- 7. Monthly Water Production Report**
- 8. Rain Report**
- 9. Monthly Solar Energy Report**
- 10. Monthly Public Agency Retirement Service Report for November 2022**

Director Dekker made a motion to approve the Consent Agenda items 1-10, and Director Softky seconded the motion. A roll-call vote was taken, and the motion passed unanimously 4-0.

OLD BUSINESS - none

NEW BUSINESS

- 1. Review and Possible Action Concerning Remote Meetings During Emergency Conditions Under Government Code Section 54953 of the Brown Act.**

General Manager Clemens Heldmaier stated this resolution allows them to hold this meeting as well as any other board meeting in February via teleconference. He reminded the Board that this will change to in-person meetings in March, and there is an item on the agenda to discuss this. Staff recommendation is to adopt the Resolution authorizing remote teleconference meetings of the Board of Directors of the Montara Water & Sanitary District (MWSD) under Government

Code Section 54953 of the Brown Act during existence of State of Emergency conditions related to the Covid-19 Pandemic.

Director Slater-Carter made a motion to adopt the Resolution authorizing remote teleconference meetings of the Board of Directors of the Montara Water & Sanitary District under Government Code Section 54953 of the Brown Act During Existence of State of Emergency Conditions Related to the Covid-19 Pandemic. Director Dekker seconded the motion. A roll-call vote was taken, and the motion passed unanimously 4-0.

2. Review and Possible Action Recognizing Ric Lohman for his Decades of Outstanding and Dedicated service to our Community.

General Manager Clemens Heldmaier said Director Lohman was a director at the Montara Water and Sanitary District (MWSD) since 2019, and was a director at Granada Sanitary District from 2004-2017. He was also a representative for the special districts local chapter of the Local Agency Formation Commission (LAFCo) for Granada Community Services District (GCSD) and MWSD, and a representative with the Sewer Authority Mid-Coastside (SAM) for GCSD then later MWSD. He got to know Director Lohman when he was the interim manager at SAM. It was a difficult time, and Director Lohman worked with staff to resolve issues that were there at the time. Director Lohman was firm, diplomatic, and charismatic.

Director Dekker said he met Director Lohman when he came to the Board in 2019. Director Lohman was resolute, firm in his convictions, and intelligent with a great sense of humor.

Jim Harvey said Director Lohman did everything as a friend. They all loved him and will really miss him. His friendship and kindness were so apparent.

Director Slater-Carter said she knew Director Lohman when he moved to the Coast and got involved in politics in 1991. He brought so many skillsets and was very interested in astronomy, and at one time had a big telescope. He loved beer and made all kinds of beers. He helped get design review standards get reinstated on the Coastside and put together the idea of sane growth for the Coastside. He wanted the growth to meet the needs of the public, while preserving coastal communities. He was a great problem solver and always came up with creative solutions. She feels that he will always be with her in spirit. She thanked Barbara and his family for allowing him to do all he has done.

Director Softky said he was privileged to meet Director Lohman. He felt like an intellectual compadre and they got degrees from the same place. He was the first person since his mother to talk about LAFCo. He is hoping to hear more stories in the future.

Gregg Dieguez said he remembers his acerbic wit and dry sense of humor. They shared a level of social intelligence, and he appreciated him keeping an eye on LAFCo.

Lisa Ketcham said Director Lohman served on the Midcoast Community Council (MCC) from 1996-2003. He was a steady presence and support when she was organizing her community of Pillar Ridge in the early 2000s, and the MCC was invaluable in support and guidance in working towards getting rent control in mobile home parks. He offered support and guidance when she was elected to the MCC in 2011. She was very grateful to Director Lohman.

Rob Bartoli offered his condolences to MWSD and Director Lohman's family. Director Lohman was with LAFCo for 9 years. Although they sometimes had different viewpoints, Director Lohman was a very kind and thoughtful person, and a strong supporter of the San Mateo County Coastside. During his time at LAFCo he enjoyed working with Director Lohman, and he will be sorely missed.

Director Boyd said Director Lohman was a full spectrum coastal warrior. He loved the people here and the community. He worked really hard to pull people together so the community worked together as custodian for the beautiful place that they have the privilege of living. He had creative solutions, passionately urging them to find a way to solve certain problems. He was determined to be a peacemaker while at the same time was this passionate coastal warrior. It was such an interesting contrast, but he didn't lose sight of the peacemaking. He has made a lasting impression and he is confident that they will say "what would Ric say?" when they are pondering a problem. They will miss him so much. He thanked Barbara for her support behind the scenes for Director Lohman and knows she also joined with him on many of those efforts. They made a great team, and they are grateful for being part of this community that they got to share with Director Lohman.

Barbara Lohman said Director Lohman loved working with the Board members, and thanked everyone.

Director Boyd read the resolution (in the Board packet).

Director Dekker made a motion to adopt the Resolution of the Montara Water and Sanitary District Recognizing Ric Lohman for his Decades of Outstanding and Dedicated Service to Our Community. Director Slater-Carter seconded it. A roll-call vote was taken and the motion passed unanimously 4-0.

3. Review and Possible Action Concerning Vacant Position for Board of Directors

General Manager Clemens Heldmaier said Director Lohman's passing has created a vacancy on the Board. The Board has two options to fill the vacancy: they can fill

the vacancy by appointment or hold a special election within 60 days of notification of his passing. The district is also required to notify the County Office of Elections within 15 days of notification of the vacancy or the effective date of the vacancy. This meeting services as notification to the Board of the vacancy, and constitutes the vacancy date for purposes of complying with the government code requirements. Should the district decide to fill the vacancy by appointment, the person appointed will hold office until the next district election cycle in 2024. This is due to the fact that this vacancy occurred in the first half of Director Lohman's term of office (elected in November 2022). Once a director filling the vacancy is elected in 2024, he/she shall hold office for the unexpired balance of the office that was vacated, which in this case would be two years. If a director is appointed, appointment must be made no later than April 3, 2023. The district must post a notice of vacancy in three places within the district. The notice may include an invitation for interested persons to submit a letter of interest to the President of the Board and/or other specifics about the appointment process. The recommended schedule calls for making the appointment at a Regular Meeting of the Board on March 2, 2023 or, if necessary, March 16, 2023, which is the last regular meeting before the April 3 deadline. The District must notify the County Elections official within 50 days of the appointment. Should the district decide to call a special district election, then the election is to be held on the next established election date that is 130 days or more after the date the board calls for an election which in this case would be March 5, 2024. The district must notify the County Elections Office of its decision within 60 days of a vacancy and all costs and expenses associated with the special election will be borne by the district. If the Board fails to make the appointment or call a special district election within the time required, then the County Board of Supervisors may make the appointment prior to 90 days after the vacancy occurred. Staff recommendation is to authorize the General Manager to notify the County Elections Official of the vacancy and determine whether to fill the vacancy by appointment or special election. If by appointment, 1) authorize staff to immediately post the Notice of Vacancy in 3 conspicuous places within the District, including the HMB Review and District Website and approve the Resolution of the Montara Water and Sanitary District, San Mateo County, California, Resolving to Fill the Vacancy on the Board of Directors by Appointment; and 2) fill the vacancy no later than April 3, 2023. If the Board decides to fill the vacancy by special election, authorize staff to notify the San Mateo County Election Official of the Board's intent to fill the vacancy by special election no later than April 3, 2023.

Director Dekker suggested they appoint a director.

Director Slater-Carter made a motion to authorize staff to post the Notice of Vacancy and approve the Resolution of the Montara Water and Sanitary District, San Mateo County, California, Resolving to Fill the Vacancy on the Board of Directors by Appointment. Director Softky seconded the motion. A roll-call vote was taken and the motion passed unanimously 4-0.

Director Boyd invited those interested to apply for the appointment to the Board of Directors for the term of about 2 years until the next election. The notice will be posted with instructions on what to do. They plan to appoint a new director at the next meeting on March 2, 2023.

4. Review and Possible Action Concerning Water Rate and Sewer Study

General Manager Clemens Heldmaier said a water rate study was authorized last year, and will be presented tonight along with a sewer rate study. Water rates have not increased for quite some time, while the sewer rates have increased 9% over the last few years, due to increasing expenditures at SAM. These costs continue to rise and the damages from the recent storm events have exacerbated the situation. The sewer rates must be implemented by July 1, 2023. MWSD did implement a Water Reliability charge. These funds are restricted to only infrastructure improvements and have allowed them to build some reserves and move forward with some capital improvement projects. He would like the board to discuss how the rates are structured. They have a four-tier rate structure; the water rate is split into a volumetric charge (water usage) 70% and a fixed standby charge (30%). This allows the customer to conserve water to save money. He would like the Board to think about the rate structure. The water rate consumption is relatively flat and there are other mechanisms to conserve.

District Financial Advisor Alex Handlers said at this stage they want to discuss preliminary findings and get some input from the Board. MWSD has two self-supporting enterprise funds, Water and Sewer, supported mostly by service charges. The rates underpin the operations of the district. So far the district has provided strong financial management in adopting increases to keep up with funding needs. Historically, the last ten years the district had been doing small inflationary water rate increases. Then in 2020, they adopted the Water System Reliability Charge to address aging infrastructure needs. And because of that, they haven't had to worry about inflationary rate increase as much. Now, it is time to get back to the incremental increases to keep up with increasing costs, inflation, etc. Rates are a now or later game. The more increase done now, means less later and vice versa. It is about proactive management. The rate increase is expected to be in the 3-5% range, and the prop 218 process establishes maximum rates, with the flexibility to implement less if warranted. The Water System Reliability charges are collected through the property taxes. While they are a huge step in the right direction, engineering analysis indicated a need for 2 million dollars to invest in the long-term for future infrastructure replacement, so additional increases may be needed in the future. One option is to consider an increase when the GO Bond reaches final maturity in 2028. On the sewer side, incremental increases were done. With aging infrastructure and increasing financial needs at SAM and MWSD, an analysis by Nute estimate about 2 million dollars per year for future infrastructure replacements. The district is taking steps in the right direction, and must continue on this path.

On the water side the increase is projected to be 3-5%. Is the board comfortable with that? Over how many years? It is common for 3–5-year increases. The soonest it can be implemented would be June 1st. Is the board interesting in changing the rate structure or the tiers? On sewer side, they haven't done the updated analysis, but in looking at the budget and what happened last time, a 9% increase would be prudent. With the prop 218 process, with the timing restraints, he suggests having a single notice for both increases. For the next steps, in March they need to move forward with the Prop 218 notices, and in May hold public hearing and consider rate increases.

General Manager Clemens Heldmaier added that the district also receives revenue for connection charges. He would like to look at connection charges later to see if they need to be adjusted.

Director Dekker said the shortfall in reserves on the Water side is concerning. Even if they increase the rate by 4% per year, it would take 8-12 years to catch up. On the other hand, they need to keep in mind what the public expects. Holding off on the increases is not a good idea, because it is clear that their reserves are not what they should be. And with the repairs coming up, they need to have more in their reserves. He said 4% is too low and suggested a 6% increase like CCWD has done. The sooner these rates are implemented the better.

Director Softky said he agreed with what has been said about the financial principles. In his mathematical world one could declare for the next 5 years, they will have all of their rates indexed to inflation. The idea of indexing what they are charging precisely to the changing thing would make it more predictive of what they need, and make it more clear to the public. It would introduce a conceptual clarity. Is that possible?

District Financial Advisor Alex Handlers replied that it is possible. Provisions were written into the government code to authorize agencies automatic inflationary adjustments or automatic pass-through for wholesale costs (up to 5 years at a time). However, with water and sewer rates there are a lot of unknowns. You don't know what the revenues will be year to year, because use can change and property tax can change due to ERAF funding. Additionally, the district has other financial challenges which would need to be considered to incorporate something to build up reserves, etc. It is a balance of objectives.

Director Softky said the principle he is evoking is if they can reasonably predict the average increase the mathematical optimum is to aim at that increase so the variability is fluctuating about it. He hopes that principle is incorporated in the study at which point they can decide whether to do it.

District Financial Advisor Alex Handlers said Director Softky made an excellent point. He tells agencies all the time to look long term, set course in the right

direction understanding there will be a little variances each year, then evaluate and adjust course as needed.

Gregg Dieguez said he emailed the board his thoughts on this matter. He requests that they consider the points and give him a chance to discuss them in finance committee meetings before a detailed proposal gets to the board. He agrees that rates must go up, but according to his analysis, MWSD is still behind the eight ball by about 41 million dollars in reserves. When he refers to "eight-ball" he means in order to avoid borrowing. With interest rates now at 5-6%, the District more than double the cost of an asset if you have to borrow to fund it. He provided some detailed instructions on how the district can do their own assessment of its asset inventory. The problem stems from assets being on the books at costs decades ago. And those assets are further reduced by inflation. The current replacement cost to replace those assets are multiples of what the book has. In addition, because you are members of a Joint Powers Authority, the SAM assets are sort of hidden from your observation until they become current expenditures. None of the agencies keep the SAM assets on their books at their share of values. He doesn't feel that Mr. Handler's numbers are adequate for capital improvements. He said the most important message he wants to give is how to analyze the adequacy of their reserve position and it matters because borrowing is going to be a killer. You need a longer-term financial model—longer than the 5-10 years Mr. Handler is talking about. You need a 20-year model, along the lines of SAM's began using in 2018 or the model he sent them a few years ago. He does disagree with the General Manager Clemens Heldmaier about the connection fees. That is your opportunity to get capital funds. It ought to be analyzed in concert with this model; the sooner you raise those fees the better. The amount of the rate increases is one issue. But understanding how far the agency is from fiscal sustainability is central. Even if you can't close the gap, you need to know how big it is. Then they hope for FEMA and other funds. You must plan and reserve for the long term and he hopes to get SAM and MWSD the FEMA funds and participate in understanding your situation. He understands the situation politically for setting the rates may divorce from your actual needs but it is important to see what condition you are in.

General Manager Clemens Heldmaier replied that he has heard these comments before. The district has other funding sources. While he understands they need to do the connection fee study, they need to focus on the rates changes in order to get everything in place by the March 1st meeting. He recommends working with the Treasurer this month or a finance committee meeting. It is an urgent matter so they can move forward.

Gregg Dieguez said the connection fee money they receive will be immediate and the rate increase revenue will come in over the years. There is time to do both, especially if they adopt a simple methodology like making the connection fee a prorate share of the asset foundation. You should analyze the current replacement cost of the asset foundation anyway in order to do the rate study properly. So,

dividing that by the number of connections when you identify it—that's your connection fee.

Director Slater-Carter said she agrees with Director Dekker and Mr. Dieguez. She wishes they could just go with the cost of inflation, but there are different indices. It needs to look at all the factors. The other factor they need to look at is SAM's unexpected costs. A lot demands are also put on them by regulatory agencies.

Director Boyd said they should look at the tier structure. It was done for specific reasons. Do those reasons still make sense? How does that work with our larger customers? Is there something we could do to better serve the community? There are different indexes for various different costs. Indices are trending indicators, and don't account for the fluid dynamic shock waves, like the supply chain issues affecting costs and urgent need. They try to work at a frequent enough pace so that they can do some of these adjustments towards the targets.

Director Softky commented that he understands that there are far more sources of variability including variability in what we know about variability but that was his specialty as a data scientist and the mathematical principle is one that the financial industry knows. When you have a non-linearity an increase in variability tilts the net average. And if you make a reasonable model of the variability and fold it into the average you can pitch the average you are asking for slightly above the predictable part and then you have a better version of the predictable thing you are asking for. Every issue raised so far can be addressed out arithmetically.

General Manager Clemens Heldmaier said it will be brought back to the next meeting.

Director Boyd said they are aware everyone will be impacted by this. He welcomed comments, thoughts, and any solutions from the public.

5. Review and Possible Action Concerning Changes to AB 361 and Transition to In-Person Meetings.

General Manager Clemens Heldmaier stated that they are required to resume in-person meetings after February 28th and have been discussing this. A decision needs to be made to give staff time to buy equipment and make the necessary adjustments for the next meeting.

Director Boyd said he and Director Softky will meet with him to work out some of the logistics. They had talked about a tent. He read District Counsel Christine Fitzgerald's memo and asked for clarification if the quorum had to be in one location or inside the District.

District Counsel Christine Fitzgerald said as of February 28th, if the governor terminates the COVID emergency, they can no longer use that as a basis to meet

remotely. They have to go back to regular in-person meetings in a location within the district. A board member may attend remotely but must post his/her location and allow the public access to that location.

Director Boyd added there is also a provision for a personal emergency exception.

District Counsel Christine Fitzgerald agreed.

Director Boyd suggested hybrid meetings so the public can continue to attend remotely as well as consultants.

Director Dekker agreed that hybrid meetings would be beneficial.

Director Softky agreed with the hybrid meetings for the public. However, what happened with Director Slater-Carter highlights that interacting interpersonally over zoom is between one hundred and one million times worse from a neurophysiological point of view than interacting in person. A board room with an open window and some infrared heaters would be the functional equivalent of a tent but with better chairs and lighting. He thinks it is important for them to meet in person to build trust.

Director Boyd commented they will always have technical difficulties even in person, for instance when someone has to leave to use the restroom. He will be wearing a mask to the meeting. Some of them will be making decisions like that. He doesn't like having to wear a mask, but he will do it if necessary. It is not comfortable.

Director Softky said even when someone leaves to use the restroom everyone knows that person left. When Director Slater-Carter had technical difficulties, she was not aware we couldn't hear her. The asymmetry of communication is a deep technological imposition on nervous systems which evolved for symmetry and air.

Director Boyd suggested that he, Director Softky and General Manager Clemens Heldmaier work together to figure out logistics.

They agreed on a date/time to discuss this offline.

REPORTS

1. Sewer Authority Mid-Coastside Meeting (SAM) (Slater-Carter)-

Director Slater-Carter said that Half Moon Bay is handling FEMA process for SAM. She discovered that special districts can participate in getting FEMA funds from CSDA. She is disappointed that they were not notified by the County. There have been some statements made by some in the City that do not reflect what she is

finding on-line data with regard to SFPUC and the SAM overflow. There are potentially tens of millions of dollars in fines on some of these breaks and millions of dollars of things that need to be fixed. SAM needs to get full funding.

General Manager Clemens Heldmaier said that FEMA did not notify the Coastside special districts or SAM. There appears to be a barrier and no communication between FEMA and the local agency.

Director Dekker said the meeting was canceled because there wasn't a quorum, so there was an informal meeting discussing the costs for SAM's damages. No decisions could be made.

2. Mid-Coast Community Council Meeting (Slater-Carter)

Gregg Dieguez said he just got back from the Brews & Views session that Lenny Mendonca held. After listening to people talking about their damages, they talked mostly about the internet and 911 access, rather than the health and safety of the water. The only person who mentioned the sewer was Supervisor Mueller.

MCC is still looking for qualified candidates although they have some, but the new requirement may cause some people to resign. As far as emergency communications, he is considering buying for the MCC a low-grade HAM, or high grade walkie talkies. When they lost cell service and electricity, it would have been nice to talk to other members and coordinate things. Going forward he will be tracking progress on critical planning for infrastructure projects. He conducted a test on hybrid meetings with PCT and there were some difficulties. You might want to give some thought to the hardware requirements and equipment needed.

Director Boyd commented that he sent Mr. Dieguez a link to Coastside CERT which has clear recommendations on radios.

Gregg Dieguez replied that he has their hand-out.

Director Boyd said he needs to contact the person who created the flyer.

Michelle Dragony said if he goes to her website and searches for FRS or HAM radio, he will get some great background on what to do.

3. California Special Districts Associations Report (Lohman)-none

4. Local Agency Formation Commission (LAFCo) Report (Lohman)- none

5. Attorney's Report (Fitzgerald)

District Counsel Christine Fitzgerald stated that Director Slater-Carter will be recusing herself from the item in Closed Session agenda pertaining to Real property located at 770 Harte Street due to a conflict of interest under Government

code section §87100. Her video and audio will be turned off and will not be in the meeting during this time.

6. Directors' Report -- none

7. General Manager's Report (Heldmaier)

General Manager Clemens Heldmaier said the new newsletter is on the website but did not make it in the board packet. He will send it out tomorrow.

Director Boyd said they will take a moment of silence in honor of Ric Lohman.

FUTURE AGENDAS

BRIEF RECESS at 09:32 pm

CONVENE IN CLOSED SESSION 9:37 pm

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Government Code § 54956.9(d)(1))

Case Names: *City of Half Moon Bay v. Granada Community Services District, et al. (Santa Clara County Super, Crt. No. 17CV316927)*

CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

(Government Code §54956.9(d)(4)) Initiation of Litigation (2 potential case)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Government Code §54956.8)

Property: 770 Harte St., Montara, CA

Agency Negotiators: District General Manager; District General Counsel

Negotiating parties: Rose and Guy Wallace

Under Negotiation: Price and Terms of Payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Government Code §54956.8)

Property: 771 Rivera Rd., Montara, CA Agency Negotiators: District General Manager; District General Counsel

Negotiating parties: Coast Wholesale Florists, a corporation/Miller-Havice Ranch

Under Negotiation: Price and Terms of Payment.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code §54957(b)(1)) Title: General Manager

**CONFERENCE WITH LABOR NEGOTIATORS (Government Code §54957.6)
Unrepresented Employee: General Manager**

REPORT OF ACTION TAKEN IN CLOSED SESSION

ADJOURNMENT at 10:30 pm

The district has a curfew of 10:30 pm for all meetings. The meeting may be extending for one hour by vote of the Board.

Respectfully Submitted,

Signed _____
Secretary

Approved on the 2nd, March 2023

Signed _____
President

Tracy Beardsley

From: Clemens Heldmaier
Sent: Thursday, February 2, 2023 7:42 PM
To: Tracy Beardsley
Subject: FW: Dieguez comments on Feb. 2, 2023 Rate Study Agenda Item

Follow Up Flag: Follow up
Flag Status: Flagged

From: [REDACTED]
Sent: Thursday, February 2, 2023 4:18 PM
To: Peter Dekker [REDACTED]; Jim Harvey [REDACTED]; Clemens Heldmaier MWSD [REDACTED]; Kathryn Slater-Carter [REDACTED]; Scott Boy [REDACTED] Bill Softky [REDACTED]
Subject: Dieguez comments on Feb. 2, 2023 Rate Study Agenda Item

Gregg Dieguez Comments on Feb. 2, 2023 Rate Study Preliminary Analysis

Dear Board Members:

There is much detail in this agenda's supporting rate study material, but what is missing is as important as what is included. What is missing is an updated assessment of the asset inventories in use for Water, Sewer, and at SAM. Recent storms have made it clear that there will be large, short term capital replenishment expenditures, certainly at SAM, which are not reflected in the assumptions in this analysis. Further, the analysis lacks a relevant metric for analyzing the adequacy of MWSD reserves (including SAM obligations). Until the asset inventories in all 3 areas are analyzed at current replacement cost with expected remaining useful lives, no rate study can adequately assess the fiscal sustainability of MWSD.

One easy, summary method of analyzing the necessary reserves for MWSD is detailed in two articles here:

<https://www.coastsidebuzz.com/public-works-deficits-how-deep-is-the-hole/>

<https://www.coastsidebuzz.com/assessing-public-works-fiscal-sustainability/>

As a first step, that methodology can be used to ballpark the size of the reserve deficits in under one or two hours. Going forward, the District can decide how much more detailed analysis of the assets and their conditions/remaining useful lives is merited. Based on 6/30/21 data, and including the District's share of ownership in SAM, the 2021 analysis showed MWSD short \$41M on reserves required to fund replenishment without borrowing (*MWSD had ~\$9M, needed \$50M to fund reserves on an actuarial basis comparable to unfunded pension liabilities*).

Funding without borrowing is an important consideration in the current financial climate. One quote from the B&W analysis is misleading "*annual debt service per each \$1 million of project funding is currently about \$60,000 per year.*" While likely accurate, that comment fails to note that at current mortgage rates of 6.7% borrowing **adds** 142.5% to the cost of a financed asset, plus issuance costs. At 5%, borrowing adds 103% plus issuance costs. On top of the intergenerational equity issues raised by borrowing, the financial dynamics in play will show clearly that paying more than half your capital funding to lenders will seriously undermine the fiscal sustainability of MWSD.

Speaking of financial dynamics, a few years back I created a financial model/spreadsheet of MWSD and sent it to you. That model, or an improved successor should: a) be used to analyze the impacts of any rate studies, and b) should be the ongoing property of the District, usable without retaining a consultant for financial projections. (Consultants should still play a role in assessing capital project requirements, borrowing opportunities, etc.)

Some detailed comments on why the current materials presented to the Board are inadequate for immediate consideration of any rate increases (though it is clear such increases are needed):

1. From the agenda packet: "*Prior analysis by SRT Consultants estimated that over the long-term the water enterprise would need to fund roughly \$2 million ... etc.*" Show the prior analysis! It is likely out of date. Update it in concert with assessing the asset inventories in Water and Sewer enterprises.
2. Provide an analysis of the replacement cost of current assets, including SAM.
3. Where's the metric for fiscal sustainability - by enterprise? MWSD needs to revisit the algorithms and amounts for each type of reserve for each enterprise, and demonstrate via the financial model that following those reserve policies is adequate to purpose. I submit that such an analysis will show current reserve policies are inadequate.
4. Consider using a fixed charge for the Sewer enterprise, as you do in part with the Water System Reliability Charge (WSRC). Note that several cities have completely FIXED charges for sewer (e.g. Hillsborough). Whether a drop or a deluge, the same infrastructure is required to support each dwelling unit and the vast majority of costs are fixed.
5. Recall that the Board voted to adopt HALF the recommended WSRC when it was introduced. Consider raising the amount further, sooner, as well as when the debt burden expires on the District's formation bonds. The financial model will allow the Board to assess the tradeoffs in ratepayer burden vs. fiscal sustainability vs. borrowing.
6. Make asset-based fees continuously adjustable based on Calif. construction cost index.
7. Include connection fees in this analysis. IMMEDIATELY raise connection fees to be based on a pro rata share of the asset foundation supporting each enterprise based on current replacement costs, and index those fees to the CA construction cost index for public works (or other suitable public metric). [*The district did just include that construction cost inflation in justifying a recent prior year's increase in those fees.*] Failure to base connection fees on the current replacement cost of the current asset foundation allows New Joiners to avoid paying their fair share, which is a problem for public works agencies everywhere, but particularly unfair given the longstanding bond payments ratepayers have been funding to create MWSD. Such increase will also generate material funds for the capital replenishment (my 2019 analysis showed a combined fee of \$130,000 per combined water/sewer connection was justified/required).
8. The CIP projection for sewer is lacking the current SAM asset burden – it seems WAY low. Also the Sewer cash flow seems to have VERY low SAM WWTP improvements (*which I assume include the IPS?*). The analysis must show the detailed derivation of those capital amounts before going any further in proposing rate increases. I suggest an update from SAM management after the storm damage and fines are assessed is relevant to any rate decisions.
9. Debt service coverage on the Sewer Cash Flow is unclear: explain
10. Why is the time frame shown only 5 years for Water and 10 years for Sewer? As mentioned, about 5 years ago SAM began making 20 year projections. Given that public works assets can last 60 or 80 years, no less than a 20 year projection would seem the minimal standard of care, coupled with the actuarial analysis described earlier in these comments to handle the longer term.

In conclusion, tonight's B&W preliminary comments on the rate increase are necessary but insufficient to adequately analyze the burdens and solutions facing MWSD. In part, MWSD got into this position by allowing low rate increases for some time – as did many other agencies. The common problem in the industry is using asset valuations which are decades old (and often further reduced by depreciation) as a basis for financial decisions which must of necessity deal with the current replacement costs of assets failing under our feet. It is past time to strengthen the financial analysis to reflect this underlying reality.

I am ready to assist the District in improving this analysis.

Sincerely,

Gregg A. Dieguez

[Midcoast Community Council](#) Chairman *(writing as an individual)*

Founder: MIT Club of Northern Calif. [Energy & Environment Program](#)

[Recent Articles](#)

P.O. Box 370404
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[Recent Articles](#)

P.O. Box 370404
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MONTARA WATER & SANITARY DISTRICT

**REGULAR BOARD OF DIRECTORS MEETING
February 16, 2023**

MINUTES

THIS MEETING WAS HELD REMOTELY UNDER PARAGRAPH (1) OF SUBDIVISION (e) OF GOVERNMENT CODE SECTION 54953 DUE TO THE CURRENT PROCLAIMED STATE OF EMERGENCY. DIRECTORS, STAFF AND THE PUBLIC PARTICIPATED REMOTELY VIA THE APPLICATION ZOOM

REGULAR SESSION began at 7:32 p.m.

CALL TO ORDER

ROLL CALL

Directors Present: Boyd, Dekker, Softky & Slater-Carter

Directors Absent: None

Staff Present: Clemens Heldmaier, General Manager
District Clerk, Tracy Beardsley

Others Present: District Counsel, Christine Fitzgerald
District Accountant, Peter Medina
District Sewer Engineer, Pippin Cavagnaro
District Water Engineer, Tanya Yurovski
District Financial Advisor, Alex Handlers
District Counsel, Christine Fitzgerald
Kastama Consulting, Alison Kastama

PRESIDENT'S STATEMENT

Director Boyd said it is good to see everyone. They do have an empty seat, and they miss Director Lohman.

ORAL COMMENTS - none

PUBLIC HEARING - none

CONSENT AGENDA - None

OLD BUSINESS

1. Review and Possible Action Concerning Water and Sewer Rate Studies

General Manager Clemens Heldmaier said they have been talking about this for quite some time, and he is asking for a decision how to move forward. He said they had a staff meeting with Director Dekker. Historically, in order to avoid rate shocks, they implemented small increases to keep up with inflation. For the past five years, they did not raise the water rates, but instead implemented the Water System Reliability charge two years ago. They acquired the water system with bond funds, and going forward, they need to put two million dollars in the ground to keep the system in shape. The Board authorized one million dollars for the Water System reliability charge funds and that has allowed them to make some reactionary improvements and build up a small reserve. A capital improvement project involving the Pillar Ridge Treatment facility will be coming to the Board at the next meeting. They did not receive any grant funds, so reserves will be used for this project. With inflation in construction costs (30% increase over two and half years) and supply chain issues (adding to costs, due to rentals, etc.) their costs have increased significantly. On the sewer side, sewer charges have increased yearly, to address immediate needs for deferred maintenance at the Sewer Authority Mid-Coastside (SAM). They tried repeatedly to address the infrastructure needs, but failed since they are part of the JPA with other partners. There are large expenses now due to the failure of the intertie pipeline system during the storm. The initial repair costs about half a million dollars and the rest of the pipeline have to be replaced estimated at 12-16 million dollars. There is a large amount of money that is needed immediately within the next fiscal year and this agency has to pay 20% of that. This is the reason they need to increase rates for both water and sewer.

District Financial Advisor Alex Handlers stated as General Manager Clemens Heldmaier said costs having been rising and current rates don't support all the long-term funding needs. The goal is to move forward with rate increases and avoid big rate increase spikes. What is being proposed on the water side is a 6% rate increase this year, and 9% increases in 2024 and 2025. On the Water

Reliability charge will be the same—6% this year, and 9% in 2024 and 2025. This will increase overall revenues by \$750,000 over 3 years, some needed for operating costs expenses; so, maybe \$600,000 dollars for capital expenditures on top of 1.2 million dollars generated between water rates and the Water Reliability charges. On the Sewer side, this year will increase 9% for the next 3 years. SAM facilities are aging and in need of a major overhaul. Five years ago, an independent study with Dan Childs recommended investing \$40 million dollars over 5-10 years in that facility and those costs only increased since then. The sewer rate structure is fine and has been tweaked a bit to realign the rates with cost of service. The Water rate structure is generally sound and hasn't been updated in a long time. Over that period of time there has been a lot of legal cases over prop 218 that has advanced the understanding of what the rates are supposed to do and not supposed to do. They are recommending some minor adjustments. Most of the customers have ¾" meters and only 1% with 1" meters. The adjustments will impact the customers with the larger meters. The district has 4 tiers, and as people use more water, they pay the higher rates. This applies to all your customers. Some customers with larger meters are multi-family dwellings, and if it is a multifamily resident with 10 units for example, they will get ten times the amount of units for tier one. And they may have a neighboring building being served by the same size meter, and don't get 10 times the water in tier one, two, and three. So, there is a discrepancy between how some of these customers are being charged. Under the current understanding of prop 218, it is recommended to bring these into alignment. You can continue with your current tier system with customers with small meters. However, when it comes to the commercial meters, they would pay a uniform rate for all their water service that is equal to the weighted average rate of those tiers. This would affect a small number of customers. They won't get the benefit of the lowest tiers, but they also won't have to pay the higher tier rate either. Also, customers with larger meters, currently pay higher fixed charges with the rationale being that larger meters put more demand on the water system, require more system capacity, and therefore should pay more than the smaller meter size. Most agencies use the American Water Works Association meter capacity ratios and these are meter ratios based on meter capacity. So, if a 3" meter has the meter capacity ten times the meter capacity of the base meter size, then they pay a fixed charge that is ten times the base meter size. These capacity charges are embedded in the Water System Reliability charges, but are not aligned with your water rates. The larger meters are actually paying lower charges compared to the capacity that they have. It is more industry standard practice to align the fixed charges with the meter capacity ratios. If both these things went through, there are some benefits and negatives for those customers with larger meters. They would be paying higher fixed charges, based on their meter capacity, but would no longer be paying according to the tiers. So, if they use a lot of water, they would be paying a uniform rate instead of water at the highest tier. These changes would have some offsetting impacts. He is hoping to get some input, final recommendations and direction to move forward with the prop 218 process which requires the noticing, public hearing, etc. They want to make sure it is implemented by July 1st fiscal year.

Gregg Dieguez said he wanted to reiterate the reserve guidelines in place at MWSD are insufficient in his opinion. The Water Reliability Charge was half of what the projections show the district needed. The district has been moving money back and forth between water and sewer reserves, so he is recommending doing a 20-year integrated projection showing reserve balances showing it growing or decreasing based on the aging of your asset foundation. At the ACWA conference, connection fees were discussed. He has urged to board to consider connection fees. This is a major source of capital inflow. His recommendation for connection fees in 2019 was about \$100,000 dollars per connection based on a prorata share of the asset foundation at current replacement cost. The district faces about 100 connections in the next few years with some major projects coming and that \$100,000 dollars extra would be 10 million dollars in necessary reserves. The district urgently needs to look at those at the same time. He pointed out that the Montara rate payers have earned equity by the bond payments they have been making for the last 20 years and the Water Reliability charges. He feels a prorata share is completely justifiable. He hopes to see an analysis of your reserve requirements based on the aging inventory at MWSD and SAM at a meeting he can attend.

Director Slater-Carter added they forgot to mention the money spent on the lawsuit which is still going on. It is not only how much they have had to spend to defend their rate-payers but it is the additional costs tied into the SAM improvements. Because of the inability to do the work they needed to do, everything is getting more expensive. At the last SAM board meeting they discussed repairs to the Intertie pipeline and Half Moon Bay told them why they shouldn't have to pay it, then voted to approve it under protest. Whether they win or lose the lawsuit, they still lost a lot of money and time. In reviewing the second quarter finances from SAM, it highlights the necessity for reserves. This storm almost destroyed SAM and the damages are high. The Governor passed SB 9 and SB 10 allowing up to 10 units to go on any residential building site, without any guidelines on what the connection charges should be. Right now, the connection fees are based on the projected growth numbers over the Local Coastal planning periods. These can be outside the Local Coastal program and could overwhelm the numbers. She would like to see connection charges for unzoned unplanned units. All of their planning for both water and sewer have been based on a specific growth limit and rate. They should look at the total value of the systems and calculate how much new customers would have to pay for part of that system.

Director Softky commented that they have a number of rate increases depends entirely on what they were expecting to happen, versus will happen versus what other people expect to happen versus what they convince them of. To Mr. Dieguez's point, over the long term their long-term needs are greater than any of the short-term metrics would indicate. They are going to have to make a complete, comprehensive case about how long term in general will be plagued with unplanned things and will be bound by the levers they have. He suggested using

more graphs to help understand the rises in cost. The sooner they have diagrams that people can understand the better. He also had some concerns about the change in the water rate structure for a few commercial accounts with large meters. That kind of threshold decisions often invokes a quick reaction from people whether they are thought through or not. Is there any party that would object to this change?

Michelle Dragony said Lisa Ketcham made a great presentation at the MCC last week about land use on the Coastside, and she said SB 9 and SB10 are not applicable to anywhere on the Coastside because they are on the Coastal Zone and the California Coastal Commission's mission is not to create housing but to make sure people have access to the Coast and that's it.

Director Dekker proposed they move forward with the steps as described and proceed with a study of what inventory they have, what connection fees should be, and how to catch the lack of reserves and convert to solid reserves. They need to do this in steps in the right direction.

Director Boyd said during the recession around 2009, this Board took action to avoid undue pressure on people of the District. There were things they put off doing, and now it has gotten substantially more expensive because they waited. These increases can't be ignored and they need to keep the agency funded to take care of the needs. These costs are things not in their control and what they can control is when they spend it and what they spend it for. When they defer maintenance, it catches up with them. And they need to put more pressure on SAM to do the things that SRT wrote about in 2009. They are going to have to find a way to get something done. They need to hold people to account for holding up the projects that would help avert these catastrophes. Life is getting expensive around them and they need to keep up with that so they can do this job that the community counts on. Looking back in 2009, they held back too much. They need to do these increases.

General Manager Clemens Heldmaier stated they wanted to confirm the board supports staff to move forward as described by District Financial Advisor Alex Handlers. He hears a consensus.

Director Boyd said as they consider what they do they have a clear understanding of what this means with respect to Pillar Ridge.

General Manager Clemens Heldmaier said it would not affect the tiered rates but would affect the meter charge.

District Financial Advisor Alex Handlers said they are paying less than the standard AWWA meter ratios based on meter capacity. Their tier rate structure would remain the same. Pillar Ridge would pay a little more, but amortized over the number of units, it is still a pretty good bargain.

Director Softky said he has not heard that there would be anyone upset by these changes. Is there any institution that would be very upset?

Director Boyd said they would have to turn to their community if they wanted solid answers.

Director Slater-Carter said the people that will be upset are those struggling to pay bills and those that don't understand the dynamics involved in this. She agrees that graphics are the best way help people understand.

Director Dekker said they got a good idea of how many won't like the increase, based on those that protested the Water Reliability charge. Of course, they want to protect those people struggling and know that there are quite a number in the community. But an increase is coming sooner or later, and it is better to spread it out over time.

Gregg Dieguez said that steep rate increases are real. If they do the analysis, he is recommending they can quantify everything and how much financial risk they are taking by not getting to where they hope to be and that risk could be translated should they have to borrow by having to pay double the price of every asset.

General Manager Clemens Heldmaier said there were quite a number of protest when they implemented the Water Reliability charge. Under normal circumstances for rate increases, they don't expect the number of protests to be high. There will be people who object, and he feels they will understand once the reasons are explained to them.

Michelle Dragony said that 50 people attended that meeting. When the meeting was done, everyone understood the reasons for the implementation of the rate. Everything they are saying makes logical sense.

Kimberly Williams asked if there is a way to reward customers for conserving water.

General Manager Clemens Heldmaier replied that the tiered structures encourage conservation. The rate is split 70% and 30%, the bulk of it being a volumetric rate. MWSD also has an Economic Hardship program for those on the PG&E Care program.

Kimberly Williams asked if the number of customers with high usage correlates with the number of complaints.

General Manager Clemens Heldmaier replied he doesn't know.

Director Boyd said that a lot of the time it is the people with high water usage that are concerned about the high water bill. Often times it is due to something wrong, like a water leak. There are differing levels of ability to respond to increasing costs depending on where they are in their economic situation and it is their job to be mindful of that.

General Manager Clemens Heldmaier said that it is his understanding that he is going to bring a prop 218 to the board for approval on March 2nd, which will be the rates they discussed today.

District Financial Advisor Alex Handlers said when you are changing the rate structure there are winners and losers. For those customers that received a break for many years and now you are going to charge them their equivalent rate, to them it feels unfair. You may get a few, but you have good justification for it. As Director Dekker said it is a step toward the long term that they looking for and will be a step in the right direction. He works with a lot of districts, and what MWSD does with the community is to be commended. They listen to the community and address their concerns. Bonds in other types of financing results in interest costs on top of repaying the principle. Keep in mind those are future dollars. However, when an agency borrows it is at a tax-exempt municipal bond rate. All of MWSD's debt is in the 2-3% range; so, it is less than the inflation rate. In gross dollar terms the interest is going to double the cost of a project potentially at current bond rates, but in real dollar terms it is a real advantage for some communities to use borrowing to spread costs over time so they can get more projects done in the near term because the project costs are escalating. They also have access to low-cost sources of funding. There are various state and federal funding programs that offer subsidized interest rates. This agency has been taking some big steps in the right direction and doing the right thing.

Director Boyd added that they weren't comfortable doing those things, but it came from necessity.

2. Review and Possible Action Concerning Changes to AB 361 and Transition to In-Person Meetings

General Manager Clemens Heldmaier said he had a meeting with Director Boyd and Director Softky they made plans to get the boardroom ready for in-person meetings. Their meeting space is somewhat confined. Now, there is a new "U" style seating arrangement for the Board members. Staff is not required to attend the meetings. They have the option to sit in the area where the public used to sit. There will be a camera person. They will ensure proper air flow throughout the meeting by opening the emergency exit door and opening a window in the office area. There will be a dedicated exit. There are two fans in the window mounted in the windows, providing for the exhaust. There are HEPA filters to filter the air, and a CO2 meter is mounted on the wall. A second meter may be added. They also have a smoke machine so they can see the air flow. The public will able to attend

the meeting in person in a tent out in the parking lot. There will be a television and heaters. People can make comments to the board in-person one at a time. New baseboard heaters are installed in the boardroom, with additional heaters as needed. Blankets are on order, but won't be available at the March 2nd meeting. He also ordered wool hats for folks. They want to make sure this is a safe environment.

Gregg Dieguez said he has been trying to get the Brown Act amended. He went to Mike Callagy's office and received a written endorsement for continuation of virtual meetings and they have promised to support any state legislation that does this. He met with principle aids to Senator Becker and Assemblymember Marc Berman and forwarded them a written explanation of why he is requesting an exemption for personal attendance at least for family members whose spouses are immunocompromised and also passed on all that MWSD has been doing to provide accommodations for this requirement. He has gotten multiple responses and this is an active item and legislation is expected to be coming up.

Director Softky said his interventions to allow people to take a digital pass on real life is bad for governance as a process.

Director Slater-Carter said she wants to make sure that they can have their Standing and AD Hock committee meetings on zoom so people can participate easily especially since those meetings are held during business hours. It is more convenient for the board members and the public. She thanked General Manager Clemens Heldmaier and staff for their innovative ideas.

Kimberly Williams said she works for an organization comprised of internationally recognized scientists and many on their Board of Directors are not ready to meet in-person. She also has an autoimmune condition and her mother has cancer, and the risk is very high to come to an enclosed space with people who may or may not know they have COVID. She is not going to endanger herself or loved ones. To have compassion and consider people with these kinds of circumstances is important.

General Manager Clemens Heldmaier added that they will have a zoom option for the public.

Director Boyd said they are committed to do the hybrid meetings for the public. Mr. Dieguez shares these concerns and is reaching out to make provisions for people with concerns where were the concerns not addressed it might count them out of public service altogether. And that would be a tremendous loss.

NEW BUSINESS

1. Review Executive and Accept Summary of the December 31, 2022 Mid-Year Budget vs. Actual

General Manager Clemens Heldmaier said each year this item is presented. It is a review to see how accurate they predicted the mid-year. This is also the beginning of budget season.

District Account Peter Medina said this is really the kick-off for the budget season. They are already beginning the process. In the executive summary it goes through the highlights. They have data going back to 2013 and the format has evolved over time. It doesn't capture the full spectrum of the budget. They look at it on a cash flow basis. It doesn't cover reduction of debt or capitalization of assets. On a full year they capture the activities. They developed this Cash flow view which captures all dollars in and out and the impacts on the district. Looking at the Sewer Cash Flow, we are looking for 50% as best they can. The major impact items are personnel and professional services cost. Sewer service is the main driver here which comes in sporadically. The cell tower lease is all on the sewer side. ERAF is not something that can be predicted, and threw the budget off. The major piece is way underbudget is because the CIP projects are planned but delayed. The debt is fixed. On the water side, there is a similar format. They don't share revenue between sewer and water for water fees and sewer service charges. Permits and fees are specific to the project. They are completely different enterprises and they account for them as such.

Director Softky said it would be easier to understand things if every column was designed to equal.

Director Slater-Carter said she has worked on a lot of budgets and these budgets makes great sense. She encouraged Director Softky to try to work with it.

District Account Peter Medina continued his presentation and said that projects are lagging on the CIP water account same as the sewer side. Interest revenue is their CAMP account, and they have had some good income coming from their CAMP investment, funded by the Water Reliability charges. Those funds are available for projects. When they look at the horizon, they are currently discussing making another transfer. Sewer uses LAIF and water uses CAMP. Debt is fixed. Pages 3 and 4 give a two-year comparison. Knowing that they are tracking it property and accurately is important.

Director Boyd said that everything shown on the screen is in the Board packet and can be viewed on the website. He thanked District Account Peter Medina for the presentation.

REPORTS

1. Sewer Authority Mid-Coastside Meeting (SAM) (Slater-Carter)-

Director Slater-Carter said they discussed the pipeline repair and doing an RFP for the entire pipeline. Half Moon Bay voted to approve those items under protest. She thought they were done with doing that, and she is very disappointed. Half Moon Bay was asking for changes to the way bids are reviewed. In particular, they did not want to send the notice of RFP (Request for Proposal) to one company. As Chair she was quite firm that they will stick to their usual patterns and practices. She is also concerned that Half Moon Bay is protecting SFPUC from any liability for the flood that hit SAM. They are claiming the flash flood was caused by brush that clogged up the creek. However, if one reads the stream gage reports and the flow reports for the Stone Pine Dam it shows a different understanding of what happened. Half Moon Bay is trying to leave SAM open for lawsuits. Also, she is concerned about the FEMA funding for doing these repairs. All three engineers agreed the hammer shock on the pipes is what caused the pipe failure and that came from having to stop down the flows in Montara and the flows that could be stopped down in Granada. It created problems of physical stresses and caused them to break. She believes this should be part of the FEMA claim. A finance committee meeting is scheduled for February 22nd at 1:30pm.

Director Softky said if it is possible to put those spreadsheet numbers and put it on the graph you should be able to see the pulses in release and the pulses of damage time by time. Once you see a graph like that when the spikes line up, it is hard to disagree with the causality once you can see the numbers in visual form.

Director Slater-Carter said a graph was produced by SAM and given to the Board.

Gregg Dieguez said he also wrote an article and will show Director Softky the graphs.

2. Mid-Coast Community Council Meeting (Slater-Carter)

Gregg Dieguez said right after he spoke at the SAM meeting, a comment was made by the city engineer that the report that Half Moon Bay says they would run where they couldn't be responsible for more than 7 million gallons per day, that analysis might have been premature and not complete and there may be some I & I problems they need to look at. Mr. Dieguez also pointed out the 100-fold increase in the storm flow and there was 11.5 million gallons/day coming through the SAM plant without the flow from the IPS and the maximum flow of the plant is 9 million gallons/day. Gregg Dieguez asked for a copy of the Stone Pine Dam flow reports.

Director Slater-Carter said she will send it to Gregg Dieguez.

General Manager Clemens Heldmaier said the hammer shock was described in the 2015 SRT report. He will send him a copy.

Gregg Dieguez said Supervisor Mueller announced the CRISP program, and now there is a person at the County responsible for this project. The MCC identified a half a dozen infrastructure issues. He is going to try to enlist community member to prepare analyses. He wants to send Supervisor Mueller things that are actionable as soon as they know them.

He is also working with Leo Gomez on a connectivity report. He surveyed twenty locations for connectivity speeds from Montara to Half Moon Bay and drafted a 24-page report. He would like to pass that on to Director Boyd before sending it to Supervisor Mueller, to make proposals. It is FEMA related and has to do with that state program to have a broader internet connectivity in rural areas. The MCC will be selecting additional members for the MCC, including an alternate.

3. California Special Districts Associations Report (Slater-Carter)-none

4. Local Agency Formation Commission (LAFCo) Report (Slater-Carter)-none

5. Attorney's Report (Fitzgerald)

District Counsel Christine Fitzgerald stated that Director Slater-Carter will be recusing herself from the item in Closed Session agenda pertaining to Real property located at 770 Harte Street due to a conflict of interest under Government code section §87100. Her video and audio will be turned off and will not be in the meeting during this time.

6. Directors' Report -- none

7. General Manager's Report (Heldmaier) – none

FUTURE AGENDAS

BRIEF RECESS at 9:36 pm

CONVENE IN CLOSED SESSION 9:42 pm

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Government Code § 54956.9(d)(1))

Case Names: *City of Half Moon Bay v. Granada Community Services District, et al. (Santa Clara County Super, Crt. No. 17CV316927)*

CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

(Government Code §54956.9(d)(4)) Initiation of Litigation (2 potential case)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Government Code §54956.8)

Property: 770 Harte St., Montara, CA
Agency Negotiators: District General Manager; District General Counsel
Negotiating parties: Rose and Guy Wallace
Under Negotiation: Price and Terms of Payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Government Code §54956.8)
Property: 771 Rivera Rd., Montara, CA Agency Negotiators: District General
Manager; District General Counsel
Negotiating parties: Coast Wholesale Florists, a corporation/Miller-Havice Ranch
Under Negotiation: Price and Terms of Payment.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code §54957(b)(1)) Title: General Manager

CONFERENCE WITH LABOR NEGOTIATORS (Government Code §54957.6)
Unrepresented Employee: General Manager

REPORT OF ACTION TAKEN IN CLOSED SESSION

ADJOURNMENT at 10:45 pm

The district has a curfew of 10:30 pm for all meetings. The meeting may be extending for one hour by vote of the Board.

Respectfully Submitted,

Signed _____
Secretary

Approved on the 2nd, March 2023

Signed _____
President



**Montara Water
and Sanitary District**
Serving the Community of Montara and Moss Beach

P.O. Box 370131
8888 Cabrillo Hwy
Montara, CA 94037-0131
t: 650.728.3545 • f: 650.728.8556

Personnel Committee Special Meeting

District Board of Directors

February 17, 2023

MINUTES

CALL TO ORDER Committee Member Scott Boyd called the meeting to order and Open Session began at 3:00 p.m. via Zoom

ROLL CALL

Committee Members Present: Director Boyd, Director Slater-Carter
Others present: Labor Counsel, Christopher Boucher; General Manager, Clemens Heldmaier

ORAL COMMENTS

Ann Rothman, Moss Beach resident and rate payer, spoke on behalf of the community regarding the needed sewer improvements to the City Council of Half Moon Bay and the Board of Supervisors of San Mateo County and made it clear that the Cypress Point development that will house local workers should pay their fair share. She compared the local situation with a similar development in Fair Oaks where sewer improvements were paid by the developer for the worker housing project. She further stated that \$22 million are set aside for Cypress Point and the 71 one units will stress the sewer system and should pay their fair share for the needed SAM improvements. She also asked Half Moon Bay to drop the lawsuit.

CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Government Code §54957(b)(1)) Title: General Manager

CONFERENCE WITH LABOR NEGOTIATORS

(Government Code §54957.6) Unrepresented Employee: General Manager

The Committee convened in Closed Session at 3:15 p.m. and reconvened in Open Session at 4:30 p.m.

Committee Member Scott Boyd announced that no action was taken in closed session.

ADJOURNMENT – the meeting adjourned at 4:35 p.m.

Respectfully submitted,

Signed: _____
Christine C. Fitzgerald, Secretary Pro Tem

Approved:

_____, 2023
Director Scott Boyd

_____, 2023
Director Kathryn Slater-Carter



MONTARA WATER AND SANITARY DISTRICT AGENDA

Prepared for the Meeting Of: **March 2, 2023**

TO: BOARD OF DIRECTORS

FROM: Clemens H. Heldmaier, General Manager

**SUBJECT: Unaudited Financial Statements – Executive
Summary**

**Budget vs. Actual – Sewer July 1, 2022 through January 31, 2023 -
Variances over \$2,000:**

- 4400 Fees, \$19,008 above Budget – Remodel fees are the main driver. Additional fixture units purchased for homes in the District. Three large receipts make up the bulk of the over budget.
- 4610 Property Tax Receipts, \$211,808 above Budget – \$196,988 of Excess ERAF was received in January.
- 4710 Sewer Service Charges, \$259,615 below Budget – The District received the first Sewer Service charge remittance in December. Remainder will be remitted in April and June.
- **Overall Total Operating Income for the period ending January 31, 2023 was \$27,234 below budget. Total operating income received to date is \$2,352,225.**
- 5200 Board of Directors, \$46,275 below Budget – Funds have been budgeted for the District to begin a District re-mapping. The District is in the process of hiring a demographer. Project expected to be completed by October 2023.
- 5250 Conference attendance, \$3,500 below Budget – No activity to date.
- 5510 Maintenance, Office, \$7,538 below Budget – Budget contains scheduled maintenance projects that have not yet begun.
- 5530 Memberships, \$2,072 above Budget – Renewal for CSDA paid for in October. Variance will decrease as the fiscal year progresses.
- 5540 Office Supplies, \$2,740 above Budget – Two battery back-ups purchased in January.
- 5610 Accounting, \$2,356 above Budget – Variance due to year end workload including SCO reporting, audit prep, budget prep and FYE budget vs. actual.
- 5620 Audit, \$9,625 below Budget – Audit fieldwork was completed, we are awaiting a draft.
- 5640 Data Services, \$4,603 above Budget – Annual fee for Parcel Management system paid. Budget variance will decrease as year moves forward.
- 5720 Telephone & Internet, \$7,916 above Budget – Increased per month service costs.



MONTARA WATER AND SANITARY DISTRICT AGENDA

Prepared for the Meeting Of: **March 2, 2023**

TO: BOARD OF DIRECTORS

FROM: Clemens H. Heldmaier, General Manager

- 6170 Claims, Property Damage, \$11,667 below Budget – No claims to date.
- 6200 Engineering, \$12,930 above Budget – Payment for general engineering and pump station mechanical engineering and GIS facility mapping.
- 6400 Pumping, \$2,391 below Budget – Large “catch-up” bill expected in March or April 2023.
- 6600 Collection/Transmission, \$5,833 below Budget – No activity to date.
- 6900 SAM Expenses, \$6,247 above Budget – Payment made to SAM for pass through costs relating to emergency work performed on Beach Way & Ocean St.
- **Overall Total Operating Expenses for the period ending January 31, 2023, were \$36 above Budget.**
- **Total overall Expenses for the period ending January 31, 2023, were \$49,079 below budget. For a net ordinary income of \$21,844 above Budget. Actual net ordinary income is \$565,529.**
- 7110 Connection Fees (New Construction), \$51,919 above Budget – One new connection issued in January.
 - Refund issued in July 2022.
- 7200 Interest Income, LAIF, \$33,697 above budget – Due to the increase in federal rates.
- 8000 CIP, \$499,552 below Budget – Minimal activity to date, mainly engineering support and generator expenses.



MONTARA WATER AND SANITARY DISTRICT AGENDA

Prepared for the Meeting Of: **March 2, 2023**

TO: BOARD OF DIRECTORS

FROM: Clemens H. Heldmaier, General Manager

Budget vs. Actual – Water July 1, 2022 thru January 31, 2023 - Variances over \$2,000:

- 4400 Fees, \$7,419 below Budget – Water administration fees have lagged behind expectations.
- 4610 Property Tax Receipts, \$211,808 above Budget – \$196,988 of Excess ERAF was received in January.
- 4740 Testing, Backflow, \$4,874 above Budget – Collections from services performed in November are larger than expected.
- 4810 Water Sales, Domestic, \$14,930 below Budget - Difference mainly due to timing of collections.
- **Overall Total Operating Income for the period ending January 31, 2023 was \$205,854 below budget. Total operating revenue received to date is \$1,476,467.**
- 5200 Board of Directors, \$46,275 below Budget – Funds have been budgeted for the District to begin a District re-mapping. The District is in the process of hiring a demographer. Project expected to be completed by October 2023.
- 5240 CDPH Fees, \$8,776 above Budget – Annual permit fee paid in January.
- 5250 Conference attendance, \$3,500 below Budget – No activity to date.
- 5300 Insurance, \$8,218 above Budget – CSRMA annual renewal premium paid in September.
- 5350 LAFCO assessments, \$2,917 below Budget – No activity to date.
- 5400 Legal, \$29,769 below Budget – Majority of time spent on Sewer related issues.
- 5510 Maintenance, Office, \$7,492 below Budget – Budget contains scheduled maintenance projects that have not yet begun.
- 5530 Memberships, \$5,495 above Budget – ACWA membership dues paid for in November. Variance will decrease as fiscal year progresses.
- 5560 Printing & Publishing, \$2,243 below Budget – funds budgeted for newsletter and Prop 218 notice.
- 5610 Accounting, \$2,356 above Budget – Variance due to year end workload including SCO reporting, audit prep, budget prep and FYE budget vs. actual
- 5620 Audit, \$9,625 below Budget – Audit fieldwork was completed, we are awaiting a draft.
- 5630 Consulting, \$9,275 below Budget – additional expenses expected later this fiscal year due to rate study.



MONTARA WATER AND SANITARY DISTRICT AGENDA

Prepared for the Meeting Of: **March 2, 2023**

TO: BOARD OF DIRECTORS

FROM: Clemens H. Heldmaier, General Manager

- 5640 Data Services, \$2,892 below Budget – Will be used later in Fiscal Year to assist with Water Reliability charge.
- 5720 Telephone & Internet, \$13,865 above Budget – Increased per month service costs.
- 5800 Labor, \$11,449 below Budget – Under budget mainly due to timing. Personnel costs have been averaged out through the year, however, merit increases for certain staff have not yet come into effect.
- 6170 Claims, Property Damage, \$5,693 below Budget – Reimbursement paid in November.
- 6180 Communications, \$22,167 below Budget – No payments for SCADA maintenance made to date.
- 6200 Engineering, \$21,821 above Budget – Mainly due to costs related to water quality engineering.
- 6500 Supply, \$11,728 below Budget – Q2 water purchases were less than anticipated.
- 6600 Collection/Transmission, \$90,035 above Budget – Unexpected costs arose in November & December due to water leaks and the need to pay for water main maintenance.
- 6700 Treatment, \$16,283 below Budget – payments made for chemicals are less than anticipated.
- **Overall Total Operating Expenses for the period ending January 31, 2023 were \$53,671 above Budget.**
- **Total overall Expenses for the period ending January 31, 2023 were \$25,770 below budget. For a net ordinary income of \$231,624 budgeted vs. actual. Actual net ordinary income is \$313,710.**
- 7100 Connection Fees, \$33,120 above Budget – No new construction connections purchased in January.
- 7250 CAMP interest, \$48,300 above Budget – No budget was established for CAMP interest income as it was unknown what amount of principal balance would be transferred into CAMP in order to earn interest.
- 7600 Bond Revenues, G.O. \$91,928 below Budget – Assessment received in the amount of \$372K. In January, \$460K was transferred to the Chase Bank account in anticipation of the February GO bond debt service payment.
- 7650 Water System Reliability, \$68,349 below Budget – The District received the first Water Reliability Charge remittance. \$512,336. Remainder will be received in April & June.
- 8000 CIP, \$483,578 below Budget – Projects are currently on-going and others are being planned.
- 9150 SRF Loan, \$22,105 below Budget – Due to timing.



MONTARA WATER AND SANITARY DISTRICT AGENDA

Prepared for the Meeting Of: March 2, 2023

TO: BOARD OF DIRECTORS

FROM: Clemens H. Heldmaier, General Manager

RECOMMENDATION:

This is for Board information only

Montara Water & Sanitary District
Revenue & Expenditures Budget vs. Actual - Sewer
 July 2022 through January 2023

	Jul '22 - Jan 23	Sewer Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
4220 · Cell Tower Lease	48,448.26	46,666.69	1,781.57
4400 · Fees			
4410 · Administrative Fee (New Constr)	1,166.00	3,500.00	-2,334.00
4420 · Administrative Fee (Remodel)	0.00	583.31	-583.31
4430 · Inspection Fee (New Constr)	1,103.00	3,500.00	-2,397.00
4440 · Inspection Fee (Remodel)	0.00	583.31	-583.31
4460 · Remodel Fees	29,572.52	4,666.69	24,905.83
Total 4400 · Fees	31,841.52	12,833.31	19,008.21
4510 · Grants	136.00		
4610 · Property Tax Receipts	356,238.37	144,430.00	211,808.37
4710 · Sewer Service Charges	1,905,997.76	2,165,612.75	-259,614.99
4720 · Sewer Service Refunds, Customer	-5,986.09	-5,833.31	-152.78
4760 · Waste Collection Revenues	15,534.41	15,750.00	-215.59
4990 · Other Revenue	14.80		
Total Income	2,352,225.03	2,379,459.44	-27,234.41
Gross Profit	2,352,225.03	2,379,459.44	-27,234.41
Expense			
5000 · Administrative			
5190 · Bank Fees	3,310.08	4,083.31	-773.23
5200 · Board of Directors			
5210 · Board Meetings	1,650.00	1,750.00	-100.00
5220 · Director Fees	1,950.00	4,375.00	-2,425.00
5230 · Election Expenses	0.00	43,750.00	-43,750.00
Total 5200 · Board of Directors	3,600.00	49,875.00	-46,275.00
5250 · Conference Attendance	0.00	3,500.00	-3,500.00
5270 · Information Systems	4,215.00	2,916.69	1,298.31
5300 · Insurance			
5310 · Fidelity Bond	0.00	291.69	-291.69
5320 · Property & Liability Insurance	8,509.72	8,750.00	-240.28
Total 5300 · Insurance	8,509.72	9,041.69	-531.97
5350 · LAFCO Assessment	0.00	1,458.31	-1,458.31
5400 · Legal			
5430 · General Legal	24,019.25	116,666.69	-92,647.44
5440 · Litigation	93,787.67		
Total 5400 · Legal	117,806.92	116,666.69	1,140.23
5510 · Maintenance, Office	1,212.38	8,750.00	-7,537.62
5530 · Memberships	4,405.00	2,333.31	2,071.69
5540 · Office Supplies	4,198.04	1,458.31	2,739.73
5550 · Postage	0.00	233.31	-233.31
5560 · Printing & Publishing	623.61	875.00	-251.39

Montara Water & Sanitary District
Revenue & Expenditures Budget vs. Actual - Sewer
 July 2022 through January 2023

	Jul '22 - Jan 23	Sewer Budget	\$ Over Budget
5600 · Professional Services			
5610 · Accounting	24,522.50	22,166.69	2,355.81
5620 · Audit	0.00	9,625.00	-9,625.00
5630 · Consulting	28,641.91	29,166.69	-524.78
5640 · Data Services	9,853.08	5,250.00	4,603.08
5650 · Labor & HR Support	1,494.50	1,458.31	36.19
5660 · Payroll Services	627.46	583.31	44.15
Total 5600 · Professional Services	65,139.45	68,250.00	-3,110.55
5710 · San Mateo Co. Tax Roll Charges	2,099.00	116.69	1,982.31
5720 · Telephone & Internet	22,498.86	14,583.31	7,915.55
5730 · Mileage Reimbursement	0.00	875.00	-875.00
5740 · Reference Materials	0.00	116.69	-116.69
5800 · Labor			
5810 · CalPERS 457 Deferred Plan	12,037.15	11,306.75	730.40
5820 · Employee Benefits	28,939.19	25,563.44	3,375.75
5830 · Disability Insurance	1,032.64	1,195.25	-162.61
5840 · Payroll Taxes	9,017.15	13,472.69	-4,455.54
5850 · PARS	12,215.43	11,048.31	1,167.12
5900 · Wages			
5910 · Management	67,074.46	72,081.31	-5,006.85
5920 · Staff	101,088.07	102,163.25	-1,075.18
5930 · Staff Certification	1,225.00	1,050.00	175.00
5940 · Staff Overtime	3,134.10	816.06	2,318.04
5950 · Staff Standby	43.02		
Total 5900 · Wages	172,564.65	176,110.62	-3,545.97
5960 · Worker's Comp Insurance	2,850.75	1,559.25	1,291.50
Total 5800 · Labor	238,656.96	240,256.31	-1,599.35
Total 5000 · Administrative	476,275.02	525,389.62	-49,114.60
6000 · Operations			
6170 · Claims, Property Damage	0.00	11,666.69	-11,666.69
6195 · Education & Training	42.00	583.31	-541.31
6200 · Engineering			
6220 · General Engineering	33,347.25	20,416.69	12,930.56
Total 6200 · Engineering	33,347.25	20,416.69	12,930.56
6330 · Facilities			
6335 · Alarm Services	3,486.16	3,208.31	277.85
6337 · Landscaping	3,700.00	3,500.00	200.00
Total 6330 · Facilities	7,186.16	6,708.31	477.85
6400 · Pumping			
6410 · Pumping Fuel & Electricity	21,194.78	26,250.00	-5,055.22
6420 · Pumping Maintenance, Generators	2,663.75		
Total 6400 · Pumping	23,858.53	26,250.00	-2,391.47

Montara Water & Sanitary District
Revenue & Expenditures Budget vs. Actual - Sewer
 July 2022 through January 2023

	Jul '22 - Jan 23	Sewer Budget	\$ Over Budget
6600 · Collection/Transmission			
6660 · Maintenance, Collection System	0.00	5,833.31	-5,833.31
Total 6600 · Collection/Transmission	0.00	5,833.31	-5,833.31
6770 · Uniforms	0.00	116.69	-116.69
6800 · Vehicles			
6810 · Fuel	1,515.13	583.31	931.82
6820 · Truck Equipment, Expensed	67.31	93.31	-26.00
6830 · Truck Repairs	607.69	583.31	24.38
Total 6800 · Vehicles	2,190.13	1,259.93	930.20
6900 · Sewer Authority Midcoastside			
6910 · SAM Collections	165,775.19	165,775.19	0.00
6920 · SAM Operations	988,337.62	1,007,608.00	-19,270.38
6940 · SAM Maintenance, Collection Sys	6,814.63	23,333.31	-16,518.68
6950 · SAM Maintenance, Pumping	82,702.66	40,833.31	41,869.35
6960 · SAM NDWSCP	166.50		
Total 6900 · Sewer Authority Midcoastside	1,243,796.60	1,237,549.81	6,246.79
Total 6000 · Operations	1,310,420.67	1,310,384.74	35.93
Total Expense	1,786,695.69	1,835,774.36	-49,078.67
Net Ordinary Income	565,529.34	543,685.08	21,844.26
Other Income/Expense			
Other Income			
7000 · Capital Account Revenues			
7100 · Connection Fees			
7110 · Connection Fees (New Constr)	151,677.00	95,083.31	56,593.69
7120 · Connection Fees (Remodel)	36,195.12	29,166.69	7,028.43
7152 · Connection Fee Refunds	-28,620.75		
7153 · Add'l Fixture Units (New Const)	17,165.00		
7155 · Add'l Fixture Units (Remodel)	6,705.00		
7170 · Mainline Ext. Pass Thru	-6,952.00		
Total 7100 · Connection Fees	176,169.37	124,250.00	51,919.37
7200 · Interest Income - LAIF	48,696.50	15,000.00	33,696.50
Total 7000 · Capital Account Revenues	224,865.87	139,250.00	85,615.87
Total Other Income	224,865.87	139,250.00	85,615.87
Other Expense			
8000 · Capital Improvement Program			
8075 · Sewer	93,056.69	592,608.31	-499,551.62
Total 8000 · Capital Improvement Program	93,056.69	592,608.31	-499,551.62

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Accrual Basis

Montara Water & Sanitary District
Revenue & Expenditures Budget vs. Actual - Sewer
July 2022 through January 2023

	Jul '22 - Jan 23	Sewer Budget	\$ Over Budget
9000 · Capital Account Expenses			
9125 · PNC Equipment Lease Interest	5,773.70	5,773.75	-0.05
9200 · I-Bank Loan	10,107.59	10,107.59	0.00
Total 9000 · Capital Account Expenses	15,881.29	15,881.34	-0.05
Total Other Expense	108,937.98	608,489.65	-499,551.67
Net Other Income	115,927.89	-469,239.65	585,167.54
Net Income	681,457.23	74,445.43	607,011.80

Montara Water & Sanitary District Revenue & Expenditures Budget vs. Actual - Water

July 2022 through January 2023

	Jul '22 - Jan 23	Water Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
4400 · Fees			
4410 · Administrative Fee (New Constr)	1,763.00	4,083.31	-2,320.31
4420 · Administrative Fee (Remodel)	0.00	350.00	-350.00
4430 · Inspection Fee (New Constr)	1,668.00	4,083.31	-2,415.31
4440 · Inspection Fee (Remodel)	0.00	583.31	-583.31
4450 · Mainline Extension Fees	0.00	1,750.00	-1,750.00
Total 4400 · Fees	3,431.00	10,849.93	-7,418.93
4510 · Grants	136.00		
4610 · Property Tax Receipts	356,238.31	144,430.00	211,808.31
4740 · Testing, Backflow	13,624.00	8,750.00	4,874.00
4810 · Water Sales, Domestic	1,093,403.59	1,108,333.31	-14,929.72
4850 · Water Sales Refunds, Customer	-1,317.37	-1,750.00	432.63
4990 · Other Revenue	10,951.83		
Total Income	1,476,467.36	1,270,613.24	205,854.12
Gross Profit	1,476,467.36	1,270,613.24	205,854.12
Expense			
5000 · Administrative			
5190 · Bank Fees	3,310.08	2,333.31	976.77
5200 · Board of Directors			
5210 · Board Meetings	1,650.00	1,750.00	-100.00
5220 · Director Fees	1,950.00	4,375.00	-2,425.00
5230 · Election Expenses	0.00	43,750.00	-43,750.00
Total 5200 · Board of Directors	3,600.00	49,875.00	-46,275.00
5240 · CDPH Fees	17,525.56	8,750.00	8,775.56
5250 · Conference Attendance	0.00	3,500.00	-3,500.00
5270 · Information Systems	4,215.00	2,916.69	1,298.31
5300 · Insurance			
5310 · Fidelity Bond	0.00	291.69	-291.69
5320 · Property & Liability Insurance	8,509.72	0.00	8,509.72
Total 5300 · Insurance	8,509.72	291.69	8,218.03
5350 · LAFCO Assessment	0.00	2,916.69	-2,916.69
5400 · Legal			
5430 · General Legal	28,444.25	58,333.31	-29,889.06
5440 · Litigation	120.00		
Total 5400 · Legal	28,564.25	58,333.31	-29,769.06
5510 · Maintenance, Office	1,258.22	8,750.00	-7,491.78
5530 · Memberships	21,245.00	15,750.00	5,495.00
5540 · Office Supplies	4,239.67	2,625.00	1,614.67
5550 · Postage	9,187.64	8,166.69	1,020.95
5560 · Printing & Publishing	673.56	2,916.69	-2,243.13

Montara Water & Sanitary District Revenue & Expenditures Budget vs. Actual - Water

July 2022 through January 2023

	Jul '22 - Jan 23	Water Budget	\$ Over Budget
5600 · Professional Services			
5610 · Accounting	24,522.50	22,166.69	2,355.81
5620 · Audit	0.00	9,625.00	-9,625.00
5630 · Consulting	28,641.82	37,916.69	-9,274.87
5640 · Data Services	899.50	3,791.69	-2,892.19
5650 · Labor & HR Support	1,494.50	1,458.31	36.19
5660 · Payroll Services	627.53	583.31	44.22
Total 5600 · Professional Services	56,185.85	75,541.69	-19,355.84
5710 · San Mateo Co. Tax Roll Charges	1,625.00	116.69	1,508.31
5720 · Telephone & Internet	28,448.03	14,583.31	13,864.72
5730 · Mileage Reimbursement	398.20	875.00	-476.80
5740 · Reference Materials	0.00	466.69	-466.69
5790 · Other Administrative	1,730.23		
5800 · Labor			
5810 · CalPERS 457 Deferred Plan	29,190.26	29,153.25	37.01
5820 · Employee Benefits	76,966.06	62,577.69	14,388.37
5830 · Disability Insurance	2,383.01	3,156.44	-773.43
5840 · Payroll Taxes	28,565.87	33,745.81	-5,179.94
5850 · PARS	26,651.02	25,606.56	1,044.46
5900 · Wages			
5910 · Management	67,074.60	72,081.31	-5,006.71
5920 · Staff	303,973.32	316,602.44	-12,629.12
5930 · Staff Certification	7,525.00	6,650.00	875.00
5940 · Staff Overtime	33,144.77	29,128.75	4,016.02
5950 · Staff Standby	16,382.62	16,655.94	-273.32
Total 5900 · Wages	428,100.31	441,118.44	-13,018.13
5960 · Worker's Comp Insurance	5,854.65	13,802.25	-7,947.60
Total 5800 · Labor	597,711.18	609,160.44	-11,449.26
Total 5000 · Administrative	788,427.19	867,868.89	-79,441.70
6000 · Operations			
6160 · Backflow Prevention	709.69	583.31	126.38
6170 · Claims, Property Damage	140.64	5,833.31	-5,692.67
6180 · Communications			
6185 · SCADA Maintenance	0.00	22,166.69	-22,166.69
Total 6180 · Communications	0.00	22,166.69	-22,166.69
6195 · Education & Training	1,059.60	2,916.69	-1,857.09
6200 · Engineering			
6220 · General Engineering	3,802.32	11,666.69	-7,864.37
6230 · Water Quality Engineering	58,852.00	29,166.69	29,685.31
Total 6200 · Engineering	62,654.32	40,833.38	21,820.94
6320 · Equipment & Tools, Expensed	5,192.72	7,000.00	-1,807.28

Montara Water & Sanitary District Revenue & Expenditures Budget vs. Actual - Water

July 2022 through January 2023

	Water		
	Jul '22 - Jan 23	Budget	\$ Over Budget
6330 · Facilities			
6335 · Alarm Services	496.58	1,166.69	-670.11
6337 · Landscaping	9,577.66	8,750.00	827.66
Total 6330 · Facilities	10,074.24	9,916.69	157.55
6370 · Lab Supplies & Equipment	2,253.08	2,333.31	-80.23
6380 · Meter Reading	226.56	291.69	-65.13
6400 · Pumping			
6410 · Pumping Fuel & Electricity	43,107.58	52,500.00	-9,392.42
6420 · Pumping Maintenance, Generators	18,140.01	5,833.31	12,306.70
6430 · Pumping Maintenance, General	308.24	2,916.69	-2,608.45
6440 · Pumping Equipment, Expensed	0.00	408.31	-408.31
Total 6400 · Pumping	61,555.83	61,658.31	-102.48
6500 · Supply			
6510 · Maintenance, Raw Water Mains	45.43	1,458.31	-1,412.88
6520 · Maintenance, Wells	6,500.98	8,750.00	-2,249.02
6530 · Water Purchases	12,350.41	20,416.69	-8,066.28
Total 6500 · Supply	18,896.82	30,625.00	-11,728.18
6600 · Collection/Transmission			
6610 · Hydrants	0.00	5,833.31	-5,833.31
6620 · Maintenance, Water Mains	118,644.45	29,166.69	89,477.76
6630 · Maintenance, Water Svc Lines	8,716.03	11,666.69	-2,950.66
6640 · Maintenance, Tanks	2,518.08	2,916.69	-398.61
6650 · Maint., Distribution General	8,671.77	5,833.31	2,838.46
6670 · Meters	20,771.45	14,583.31	6,188.14
6600 · Collection/Transmission - Other	713.07		
Total 6600 · Collection/Transmission	160,034.85	70,000.00	90,034.85
6700 · Treatment			
6710 · Chemicals & Filtering	12,741.29	23,333.31	-10,592.02
6720 · Maintenance, Treatment Equip.	5,522.56	8,750.00	-3,227.44
6730 · Treatment Analysis	20,870.23	23,333.31	-2,463.08
Total 6700 · Treatment	39,134.08	55,416.62	-16,282.54
6770 · Uniforms	1,530.33	1,166.69	363.64
6800 · Vehicles			
6810 · Fuel	8,665.96	5,833.31	2,832.65
6820 · Truck Equipment, Expensed	377.98	1,166.69	-788.71
6830 · Truck Repairs	1,823.08	2,916.69	-1,093.61
Total 6800 · Vehicles	10,867.02	9,916.69	950.33
Total 6000 · Operations	374,329.78	320,658.38	53,671.40
Total Expense	1,162,756.97	1,188,527.27	-25,770.30
Net Ordinary Income	313,710.39	82,085.97	231,624.42

Montara Water & Sanitary District Revenue & Expenditures Budget vs. Actual - Water

July 2022 through January 2023

	Jul '22 - Jan 23	Water Budget	\$ Over Budget
Other Income/Expense			
Other Income			
7000 · Capital Account Revenues			
7100 · Connection Fees			
7110 · Connection Fees (New Constr)	144,656.00	87,500.00	57,156.00
7130 · Conn. Fees, PFP (New Constr)	86,233.11	29,166.69	57,066.42
7152 · Connection Fee Refunds	-98,581.11		
7155 · Add'l Fixture Units (Remodel)	16,092.00		
7160 · PFP Pass Thru	341.11		
7165 · Meter Pass Thru Costs	1,045.50		
Total 7100 · Connection Fees	149,786.61	116,666.69	33,119.92
7250 · CAMP Interest Income	48,299.57		
7600 · Bond Revenues, G.O.	481,807.33	573,735.19	-91,927.86
7650 · Water System Reliability	514,984.09	583,333.31	-68,349.22
Total 7000 · Capital Account Revenues	1,194,877.60	1,273,735.19	-78,857.59
Total Other Income	1,194,877.60	1,273,735.19	-78,857.59
Other Expense			
8000 · Capital Improvement Program			
8100 · Water	239,172.03	722,750.00	-483,577.97
Total 8000 · Capital Improvement Program	239,172.03	722,750.00	-483,577.97
9000 · Capital Account Expenses			
9075 · PFP Connection Expenses	4,000.00		
9100 · Interest Expense - GO Bonds	35,026.91	35,026.91	0.00
9125 · PNC Equipment Lease Interest	5,773.75	5,773.75	0.00
9150 · SRF Loan	40,421.60	62,527.00	-22,105.40
9210 · Conservation Program/Rebates	100.00	1,750.00	-1,650.00
Total 9000 · Capital Account Expenses	85,322.26	105,077.66	-19,755.40
Total Other Expense	324,494.29	827,827.66	-503,333.37
Net Other Income	870,383.31	445,907.53	424,475.78
Net Income	1,184,093.70	527,993.50	656,100.20

Montara Water & Sanitary District
Funds Balance Sheet
As of January 31, 2023

	Sewer	Water	TOTAL
ASSETS			
Current Assets			
Checking/Savings			
Sewer - Bank Accounts			
Wells Fargo Operating - Sewer	5,147,134.07	0.00	5,147,134.07
LAIIF Investment Fund			
Capital Reserve	3,934,523.16	0.00	3,934,523.16
Connection Fees Reserve	213,000.00	0.00	213,000.00
Operating Reserve	524,507.00	0.00	524,507.00
Total LAIF Investment Fund	4,672,030.16	0.00	4,672,030.16
Total Sewer - Bank Accounts	9,819,164.23	0.00	9,819,164.23
Water - Bank Accounts			
CAMP Investment Fund			
Capital Reserve	0.00	2,030,795.03	2,030,795.03
Connection Fee Reserve	0.00	200,000.00	200,000.00
Operating Reserve	0.00	384,821.84	384,821.84
Total CAMP Investment Fund	0.00	2,615,616.87	2,615,616.87
Wells Fargo Operating - Water	0.00	106,921.76	106,921.76
Restricted Cash			
2020 GO Bonds Fund - Chase	0.00	1,141,109.35	1,141,109.35
Total Restricted Cash	0.00	1,141,109.35	1,141,109.35
Total Water - Bank Accounts	0.00	3,863,647.98	3,863,647.98
Total Checking/Savings	9,819,164.23	3,863,647.98	13,682,812.21
Accounts Receivable			
Sewer - Accounts Receivable			
Accounts Receivable	-3,666.76	0.00	-3,666.76
Sewer - Accounts Receivable - Other	-10,061.79	0.00	-10,061.79
Total Sewer - Accounts Receivable	-13,728.55	0.00	-13,728.55
Water - Accounts Receivable			
Accounts Receivable	0.00	13,937.03	13,937.03
Accounts Rec. - Backflow	0.00	24,539.11	24,539.11
Accounts Rec. - Water Residents	0.00	175,132.74	175,132.74
Unbilled Water Receivables	0.00	236,983.89	236,983.89
Total Water - Accounts Receivable	0.00	450,592.77	450,592.77
Total Accounts Receivable	-13,728.55	450,592.77	436,864.22
Other Current Assets			
Maint/Parts Inventory	0.00	42,656.32	42,656.32
Total Other Current Assets	0.00	42,656.32	42,656.32
Total Current Assets	9,805,435.68	4,356,897.07	14,162,332.75
Fixed Assets			
Sewer - Fixed Assets			
General Plant	8,552,709.89	0.00	8,552,709.89
Land	5,000.00	0.00	5,000.00
Other Capital Improv.			
Sewer-Original Cost	685,599.18	0.00	685,599.18
Other Cap. Improv.	2,564,810.39	0.00	2,564,810.39
Total Other Capital Improv.	3,250,409.57	0.00	3,250,409.57
Seal Cove Collection System	995,505.00	0.00	995,505.00
Sewage Collection Facility			
Collection Facility - Org. Cost	1,349,064.00	0.00	1,349,064.00
Collection Facility - Other	3,991,243.33	0.00	3,991,243.33
Total Sewage Collection Facility	5,340,307.33	0.00	5,340,307.33
Treatment Facility	244,539.84	0.00	244,539.84
Accumulated Depreciation	-10,333,056.00	0.00	-10,333,056.00
Total Sewer - Fixed Assets	8,055,415.63	0.00	8,055,415.63

Montara Water & Sanitary District
Funds Balance Sheet
As of January 31, 2023

2/20/23

Accrual Basis

Water - Fixed Assets			
General Plant	0.00	29,178,537.25	29,178,537.25
Land & Easements	0.00	734,500.00	734,500.00
Surface Water Rights	0.00	300,000.00	300,000.00
Water Meters	0.00	1,058,985.00	1,058,985.00
Fixed Assets - Other	0.00	48,171.78	48,171.78
Accumulated Depreciation	0.00	-14,800,793.00	-14,800,793.00
Total Water - Fixed Assets	<u>0.00</u>	<u>16,519,401.03</u>	<u>16,519,401.03</u>
Total Fixed Assets	8,055,415.63	16,519,401.03	24,574,816.66
Other Assets			
Sewer - Other Assets			
Def'd Amts Related to Pensions	84,583.00	0.00	84,583.00
Joint Power Authority			
SAM - Orig Collection Facility	981,592.00	0.00	981,592.00
SAM - Expansion	1,705,955.08	0.00	1,705,955.08
Total Joint Power Authority	<u>2,687,547.08</u>	<u>0.00</u>	<u>2,687,547.08</u>
Total Sewer - Other Assets	2,772,130.08	0.00	2,772,130.08
Water - Other Assets			
Def'd Amts Related to Pensions	0.00	188,265.00	188,265.00
Due from Sewer	0.00	1,357,906.25	1,357,906.25
Total Water - Other Assets	<u>0.00</u>	<u>1,546,171.25</u>	<u>1,546,171.25</u>
Total Other Assets	2,772,130.08	1,546,171.25	4,318,301.33
TOTAL ASSETS	<u><u>20,632,981.39</u></u>	<u><u>22,422,469.35</u></u>	<u><u>43,055,450.74</u></u>
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable			
Accounts Payable - Sewer	204,616.22	0.00	204,616.22
Accounts Payable - Water	0.00	102,365.68	102,365.68
Total Accounts Payable	204,616.22	102,365.68	306,981.90
Other Current Liabilities			
Water - Net Pension Liability	0.00	-40,021.00	-40,021.00
Sewer - Net Pension Liability	-17,981.00	0.00	-17,981.00
Sewer - Current Liabilities			
Accrued Vacations	9,781.90	0.00	9,781.90
Deposits Payable	31,939.05	0.00	31,939.05
Interest Payable	8,857.73	0.00	8,857.73
PNC Equip. Loan - S/T	31,257.33	0.00	31,257.33
Total Sewer - Current Liabilities	81,836.01	0.00	81,836.01
Water - Current Liabilities			
Accrued Vacations	0.00	22,072.48	22,072.48
Construction Deposits Payable	0.00	-232.34	-232.34
Deposits Payable	0.00	-26,711.32	-26,711.32
GO Bonds - S/T	0.00	916,095.24	916,095.24
Interest Payable	0.00	29,623.83	29,623.83
PFP Water Deposits	0.00	4,302.50	4,302.50
PNC Equip. Loan - S/T	0.00	31,257.28	31,257.28
SRF Loan Payable X109 - Current	0.00	90,766.74	90,766.74
Temporary Construction Meter	0.00	36,562.35	36,562.35
Total Water - Current Liabilities	0.00	1,103,736.76	1,103,736.76
Payroll Liabilities			
Employee Benefits Payable	19,155.58	0.00	19,155.58
Total Payroll Liabilities	19,155.58	0.00	19,155.58
Total Other Current Liabilities	83,010.59	1,063,715.76	1,146,726.35
Total Current Liabilities	287,626.81	1,166,081.44	1,453,708.25

Montara Water & Sanitary District
Funds Balance Sheet
As of January 31, 2023

Long Term Liabilities			
Sewer - Long Term Liabilities			
Due to Water Fund	1,357,906.25	0.00	1,357,906.25
Accrued Vacations	18,831.51	0.00	18,831.51
I-Bank Loan	630,040.61	0.00	630,040.61
PNC Equip. Loan - L/T	279,565.19	0.00	279,565.19
Total Sewer - Long Term Liabilities	2,286,343.56	0.00	2,286,343.56
Water - Long Term Liabilities			
2020 GO Bonds	0.00	4,772,229.98	4,772,229.98
Accrued Vacations	0.00	25,734.03	25,734.03
PNC Equip. Loan - L/T	0.00	279,565.25	279,565.25
SRF Loan Payable - X109	0.00	2,518,169.06	2,518,169.06
Total Water - Long Term Liabilities	0.00	7,595,698.32	7,595,698.32
Deferred Inflows (Pensions)			
Sewer	11,473.00	0.00	11,473.00
Water	0.00	25,537.00	25,537.00
Total Deferred Inflows (Pensions)	11,473.00	25,537.00	37,010.00
Total Long Term Liabilities	2,297,816.56	7,621,235.32	9,919,051.88
Total Liabilities	2,585,443.37	8,787,316.76	11,372,760.13
Equity			
Sewer - Equity Accounts			
Capital Assets Net	3,408,252.20	0.00	3,408,252.20
Fund Balance - Unrestricted	8,646,292.87	0.00	8,646,292.87
Retained Earnings	424,532.86	0.00	424,532.86
Total Sewer - Equity Accounts	12,479,077.93	0.00	12,479,077.93
Water - Equity Accounts			
Capital Assets Net	0.00	2,868,858.70	2,868,858.70
Restricted Debt Service	0.00	1,384,997.90	1,384,997.90
Unrestricted	0.00	-1,562,801.59	-1,562,801.59
Retained Earnings	0.00	-424,532.86	-424,532.86
Total Water - Equity Accounts	0.00	2,266,522.15	2,266,522.15
Equity Adjustment Account	4,887,002.86	10,184,536.74	15,071,539.60
Net Income	681,457.23	1,184,093.70	1,865,550.93
Total Equity	18,047,538.02	13,635,152.59	31,682,690.61
TOTAL LIABILITIES & EQUITY	<u>20,632,981.39</u>	<u>22,422,469.35</u>	<u>43,055,450.74</u>

Montara Water Sanitary District
 Restricted and Non Restricted Cash Assets
 July 2022 through June 2023

YTD Cash Information	July	August	September	October	November	December	January	February	March	April	May	June	Target Reserves	\$ Over (Under) Targets	% Over/(Under) Targets
Sewer - Operations															
Wells Fargo Operating	3,967,397.95	3,840,685.70	3,538,089.31	3,138,677.85	2,874,320.40	5,265,844.99	5,147,134.07								
Sewer Reserve Accounts															
LAIF															
Capital Reserve	3,894,482.51	3,894,482.51	3,894,482.51	3,910,243.47	3,910,243.47	3,910,243.47	3,934,523.16						2,418,725.00	1,475,757.51	161%
Connection Fee	213,000.00	213,000.00	213,000.00	213,000.00	213,000.00	213,000.00	213,000.00						213,000.00	-	100%
Operating Reserve	524,507.00	524,507.00	524,507.00	524,507.00	524,507.00	524,507.00	524,507.00						524,507.00	-	100%
Subtotal	4,631,989.51	4,631,989.51	4,631,989.51	4,647,750.47	4,647,750.47	4,647,750.47	4,672,030.16	-	-	-	-	-			
Water Operations															
Wells Fargo Operating	13,871.26	29,591.21	43,574.79	59,858.11	76,149.30	92,082.78	106,921.76								
Water - Reserve Accounts															
CAMP - Reserve Funds															
Capital Reserve	2,030,795.03	2,030,795.03	2,030,795.03	2,030,795.03	2,030,795.03	2,030,795.03	2,030,795.03						1,989,000.00	41,795.03	102%
Connection Fee	200,000.00	200,000.00	200,000.00	200,000.00	200,000.00	200,000.00	200,000.00						200,000.00	-	100%
Operating Reserve	339,579.00	344,593.98	350,126.36	357,003.96	365,309.09	374,799.15	384,821.84						339,579.00	10,547.36	103%
Subtotal	2,570,374.03	2,575,389.01	2,580,921.39	2,587,798.99	2,596,104.12	2,605,594.18	2,615,616.87	-	-	-	-	-			
Water - Restricted Accounts															
JP Morgan Chase - Water 2020 GO Bond Fund	1,147,781.98	656,009.18	662,595.35	665,187.48	678,886.51	1,138,086.81	1,141,109.35								
Sub-Total	1,147,781.98	656,009.18	662,595.35	665,187.48	678,886.51	1,138,086.81	1,141,109.35	-	-	-	-	-			
Total Cash and Equivalents	12,331,414.73	11,733,664.61	11,457,170.35	11,099,272.90	10,873,210.80	13,749,359.23	13,682,812.21	-	-	-	-	-			

NOTE: Capital reserve is a minimum target
NOTE: Operating reserve is a minimum target

Montara Water & Sanitary District
Revenue & Expenditures Budget vs. Actual - Sewer
July 2022 through June 2023

	Jul 22	Aug 22	Sep 22	Oct 22	Nov 22	Dec 22	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	TOTAL					
													Jul '22 - Jun 23	Budget	\$ Over Budget	% of Budget		
Ordinary Income/Expense																		
Income																		
4220 · Cell Tower Lease	6,921.18	6,921.18	6,921.18	6,921.18	6,921.18	6,921.18	6,921.18							48,448.26	80,000.00	-31,551.74	60.56%	
4400 · Fees																		
4410 · Administrative Fee (New Constr)	569.00			597.00										1,166.00	6,000.00	-4,834.00	19.43%	
4420 · Administrative Fee (Remodel)															1,000.00	-1,000.00		
4430 · Inspection Fee (New Constr)	538.00			565.00										1,103.00	6,000.00	-4,897.00	18.38%	
4440 · Inspection Fee (Remodel)															1,000.00	-1,000.00		
4460 · Remodel Fees	7,478.00	18,140.52	1,922.00		597.00	419.00	1,016.00							29,572.52	8,000.00	21,572.52	369.66%	
Total 4400 · Fees	8,585.00	18,140.52	1,922.00	1,162.00	597.00	419.00	1,016.00							31,841.52	22,000.00	9,841.52	144.73%	
4510 · Grants		136.00												136.00				
4610 · Property Tax Receipts		90,614.66	264.26	803.79	21,224.70	143,248.81	100,082.15							356,238.37	288,860.00	67,378.37	123.33%	
4710 · Sewer Service Charges		2,875.29	1,084.38			1,902,038.09								1,905,997.76	3,712,479.00	-1,806,481.24	51.34%	
4720 · Sewer Service Refunds, Customer	-2,007.50		-2,423.63	-1,554.96										-5,986.09	-10,000.00	4,013.91	59.86%	
4760 · Waste Collection Revenues	1,608.27	3,331.66	1,447.81	3,610.02	930.84	3,592.34	1,013.47							15,534.41	27,000.00	-11,465.59	57.54%	
4990 · Other Revenue		5.25			9.55									14.80				
Total Income	15,106.95	122,024.56	9,216.00	10,942.03	29,683.27	2,056,219.42	109,032.80							2,352,225.03	4,120,339.00	-1,768,113.97	57.09%	
Gross Profit	15,106.95	122,024.56	9,216.00	10,942.03	29,683.27	2,056,219.42	109,032.80							2,352,225.03	4,120,339.00	-1,768,113.97	57.09%	
Expense																		
5000 · Administrative																		
5190 · Bank Fees	1,404.72	275.11	325.69	288.62	347.25	346.98	321.71							3,310.08	7,000.00	-3,689.92	47.29%	
5200 · Board of Directors																		
5210 · Board Meetings		300.00	300.00	150.00	300.00	300.00	300.00							1,650.00	3,000.00	-1,350.00	55.0%	
5220 · Director Fees		262.50		525.00	337.50		825.00							1,950.00	7,500.00	-5,550.00	26.0%	
5230 · Election Expenses															75,000.00	-75,000.00		
Total 5200 · Board of Directors		562.50	300.00	675.00	637.50	300.00	1,125.00							3,600.00	85,500.00	-81,900.00	4.21%	
5250 · Conference Attendance															6,000.00	-6,000.00		
5270 · Information Systems		720.00	273.75	916.75	891.75	225.00	1,187.75							4,215.00	5,000.00	-785.00	84.3%	
5300 · Insurance																		
5310 · Fidelity Bond															500.00	-500.00		
5320 · Property & Liability Insurance			8,509.72											8,509.72	15,000.00	-6,490.28	56.73%	
Total 5300 · Insurance			8,509.72											8,509.72	15,500.00	-6,990.28	54.9%	
5350 · LAFCO Assessment															2,500.00	-2,500.00		
5400 · Legal																		
5430 · General Legal	3,594.75	3,128.00	1,178.00	4,272.50	6,290.25	5,555.75								24,019.25	200,000.00	-175,980.75	12.01%	
5440 · Litigation	708.75	2,961.00	18,773.55	1,466.10	30,509.56	39,368.71								93,787.67				
Total 5400 · Legal	4,303.50	6,089.00	19,951.55	5,738.60	36,799.81	44,924.46								117,806.92	200,000.00	-82,193.08	58.9%	
5510 · Maintenance, Office			325.00	497.38	130.00	130.00	130.00							1,212.38	15,000.00	-13,787.62	8.08%	
5530 · Memberships				4,405.00										4,405.00	4,000.00	405.00	110.13%	
5540 · Office Supplies	139.79	376.68	201.54	424.16	305.66	413.08	2,337.13							4,198.04	2,500.00	1,698.04	167.92%	

Montara Water & Sanitary District
Revenue & Expenditures Budget vs. Actual - Sewer
July 2022 through June 2023

	Jul 22	Aug 22	Sep 22	Oct 22	Nov 22	Dec 22	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	TOTAL			
													Jul '22 - Jun 23	Budget	\$ Over Budget	% of Budget
5550 · Postage													400.00	-400.00		
5560 · Printing & Publishing	59.85	41.23	53.38	67.57	296.87	73.72	30.99						623.61	1,500.00	-876.39	41.57%
5600 · Professional Services																
5610 · Accounting	2,330.00	4,372.50	4,327.50	3,610.00	3,265.00	2,860.00	3,757.50						24,522.50	38,000.00	-13,477.50	64.53%
5620 · Audit														16,500.00	-16,500.00	
5630 · Consulting	434.73	4,083.46	3,637.78	5,911.57	3,659.75	2,028.67	8,885.95						28,641.91	50,000.00	-21,358.09	57.28%
5640 · Data Services	899.50	8,953.58											9,853.08	9,000.00	853.08	109.48%
5650 · Labor & HR Support	213.50	213.50	213.50	213.50	213.50	213.50	213.50						1,494.50	2,500.00	-1,005.50	59.78%
5660 · Payroll Services	79.76	84.54	118.20	84.54	85.90	87.26	87.26						627.46	1,000.00	-372.54	62.75%
Total 5600 · Professional Services	3,957.49	17,707.58	8,296.98	9,819.61	7,224.15	5,189.43	12,944.21						65,139.45	117,000.00	-51,860.55	55.68%
5710 · San Mateo Co. Tax Roll Charges		1,584.00	396.00	119.00									2,099.00	200.00	1,899.00	1,049.5%
5720 · Telephone & Internet	3,271.43	1,927.61	5,441.71	3,496.96	4,197.40	3,783.59	380.16						22,498.86	25,000.00	-2,501.14	90.0%
5730 · Mileage Reimbursement														1,500.00	-1,500.00	
5740 · Reference Materials														200.00	-200.00	
5800 · Labor																
5810 · CalPERS 457 Deferred Plan	1,537.23	1,929.97	1,708.00	1,704.88	1,722.12	1,708.22	1,726.73						12,037.15	19,383.00	-7,345.85	62.1%
5820 · Employee Benefits	4,100.05	4,100.05	4,100.05	4,100.05	4,100.05	4,219.47	4,219.47						28,939.19	43,823.00	-14,883.81	66.04%
5830 · Disability Insurance		295.04	147.52	147.52		295.04	147.52						1,032.64	2,049.00	-1,016.36	50.4%
5840 · Payroll Taxes	1,088.30	1,518.47	1,274.94	1,271.54	1,109.82	853.81	1,900.27						9,017.15	23,096.00	-14,078.85	39.04%
5850 · PARS	1,500.14	1,902.00	1,674.72	1,629.09	1,674.72	1,674.72	2,160.04						12,215.43	18,940.00	-6,724.57	64.5%
5900 · Wages																
5910 · Management	9,567.78	9,567.78	9,567.78	9,567.78	9,567.78	9,655.28	9,580.28						67,074.46	123,568.00	-56,493.54	54.28%
5920 · Staff	11,852.23	17,597.53	14,342.87	13,691.83	14,412.87	14,707.87	14,482.87						101,088.07	175,137.00	-74,048.93	57.72%
5930 · Staff Certification	175.00	175.00	175.00	175.00	175.00	175.00	175.00						1,225.00	1,800.00	-575.00	68.06%
5940 · Staff Overtime	385.66	263.55	291.79	941.25	536.51	112.95	602.39						3,134.10	1,399.00	1,735.10	224.02%
5950 · Staff Standby			43.02										43.02			
Total 5900 · Wages	21,980.67	27,603.86	24,420.46	24,375.86	24,692.16	24,651.10	24,840.54						172,564.65	301,904.00	-129,339.35	57.16%
5960 · Worker's Comp Insurance			2,169.37			681.38							2,850.75	2,673.00	177.75	106.65%
Total 5800 · Labor	30,206.39	37,349.39	35,495.06	33,228.94	33,298.87	34,083.74	34,994.57						238,656.96	411,868.00	-173,211.04	57.95%
Total 5000 · Administrative	43,343.17	66,633.10	79,570.38	59,677.59	84,129.26	89,470.00	53,451.52						476,275.02	900,668.00	-424,392.98	52.88%
6000 · Operations																
6170 · Claims, Property Damage														20,000.00	-20,000.00	
6195 · Education & Training					42.00								42.00	1,000.00	-958.00	4.2%
6200 · Engineering																
6220 · General Engineering	5,161.00	3,776.50	5,631.00	7,433.50	3,512.00	4,179.00	3,654.25						33,347.25	35,000.00	-1,652.75	95.28%
Total 6200 · Engineering	5,161.00	3,776.50	5,631.00	7,433.50	3,512.00	4,179.00	3,654.25						33,347.25	35,000.00	-1,652.75	95.28%
6330 · Facilities																
6335 · Alarm Services	548.36	427.08	427.08	554.10	427.08	548.36	554.10						3,486.16	5,500.00	-2,013.84	63.39%
6337 · Landscaping							3,700.00						3,700.00	6,000.00	-2,300.00	61.67%
Total 6330 · Facilities	548.36	427.08	427.08	554.10	427.08	548.36	4,254.10						7,186.16	11,500.00	-4,313.84	62.49%

Montara Water & Sanitary District
Revenue & Expenditures Budget vs. Actual - Sewer
July 2022 through June 2023

	Jul 22	Aug 22	Sep 22	Oct 22	Nov 22	Dec 22	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	TOTAL			
													Jul '22 - Jun 23	Budget	\$ Over Budget	% of Budget
6400 · Pumping																
6410 · Pumping Fuel & Electricity	3,134.87	2,875.07	3,146.29	2,276.90	3,174.55	2,914.75	3,672.35						21,194.78	45,000.00	-23,805.22	47.1%
6420 · Pumping Maintenance, Generators	1,095.75				1,046.00	522.00							2,663.75			
Total 6400 · Pumping	4,230.62	2,875.07	3,146.29	2,276.90	4,220.55	3,436.75	3,672.35						23,858.53	45,000.00	-21,141.47	53.02%
6600 · Collection/Transmission																
6660 · Maintenance, Collection System														10,000.00	-10,000.00	
Total 6600 · Collection/Transmission														10,000.00	-10,000.00	
6770 · Uniforms														200.00	-200.00	
6800 · Vehicles																
6810 · Fuel				976.45	241.33	297.35							1,515.13	1,000.00	515.13	151.51%
6820 · Truck Equipment, Expensed				24.68		42.63							67.31	160.00	-92.69	42.07%
6830 · Truck Repairs				456.61		151.08							607.69	1,000.00	-392.31	60.77%
Total 6800 · Vehicles				1,457.74	241.33	491.06							2,190.13	2,160.00	30.13	101.4%
6900 · Sewer Authority Midcoastside																
6910 · SAM Collections	23,682.17	23,682.17	23,682.17	23,682.17	23,682.17	23,682.17	23,682.17						165,775.19	284,186.00	-118,410.81	58.33%
6920 · SAM Operations	141,169.66	141,169.66	141,169.66	141,169.66	141,319.66	141,169.66	141,169.66						988,337.62	1,727,328.00	-738,990.38	57.22%
6940 · SAM Maintenance, Collection Sys		2,397.00	4,417.63										6,814.63	40,000.00	-33,185.37	17.04%
6950 · SAM Maintenance, Pumping		8,964.23	8,705.03	20,082.39	14,808.95	28,809.93	1,332.13						82,702.66	70,000.00	12,702.66	118.15%
6960 · SAM NDWSCP		166.50											166.50			
Total 6900 · Sewer Authority Midcoastside	164,851.83	176,379.56	177,974.49	184,934.22	179,810.78	193,661.76	166,183.96						1,243,796.60	2,121,514.00	-877,717.40	58.63%
Total 6000 · Operations	174,791.81	183,458.21	187,178.86	196,656.46	188,253.74	202,316.93	177,764.66						1,310,420.67	2,246,374.00	-935,953.33	58.34%
Total Expense	218,134.98	250,091.31	266,749.24	256,334.05	272,383.00	291,786.93	231,216.18						1,786,695.69	3,147,042.00	-1,360,346.31	56.77%
Net Ordinary Income	-203,028.03	-128,066.75	-257,533.24	-245,392.02	-242,699.73	1,764,432.49	-122,183.38						565,529.34	973,297.00	-407,767.66	58.1%
Other Income/Expense																
Other Income																
7000 · Capital Account Revenues																
7100 · Connection Fees																
7110 · Connection Fees (New Constr)	53,844.00				32,611.00	32,611.00	32,611.00						151,677.00	163,000.00	-11,323.00	93.05%
7120 · Connection Fees (Remodel)		16,202.52	7,068.60				12,924.00						36,195.12	50,000.00	-13,804.88	72.39%
7152 · Connection Fee Refunds	-26,922.00				-1,698.75								-28,620.75			
7153 · Add'l Fixture Units (New Const)		1,073.00			2,682.00	2,682.00	10,728.00						17,165.00			
7155 · Add'l Fixture Units (Remodel)							6,705.00						6,705.00			
7170 · Mainline Ext. Pass Thru		-6,952.00											-6,952.00			
Total 7100 · Connection Fees	26,922.00	10,323.52	7,068.60		33,594.25	35,293.00	62,968.00						176,169.37	213,000.00	-36,830.63	82.71%
7200 · Interest Income - LAIF	8,655.85			15,760.96			24,279.69						48,696.50	20,000.00	28,696.50	243.48%
Total 7000 · Capital Account Revenues	35,577.85	10,323.52	7,068.60	15,760.96	33,594.25	35,293.00	87,247.69						224,865.87	233,000.00	-8,134.13	96.51%
Total Other Income	35,577.85	10,323.52	7,068.60	15,760.96	33,594.25	35,293.00	87,247.69						224,865.87	233,000.00	-8,134.13	96.51%
Other Expense																
8000 · Capital Improvement Program																
8075 · Sewer	5,078.49	17,882.76	11,450.48	7,068.49	26,294.49	16,176.99	9,104.99						93,056.69	1,015,900.00	-922,843.31	9.16%

Montara Water & Sanitary District
Revenue & Expenditures Budget vs. Actual - Sewer
July 2022 through June 2023

	Jul 22	Aug 22	Sep 22	Oct 22	Nov 22	Dec 22	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	TOTAL			
													Jul '22 - Jun 23	Budget	\$ Over Budget	% of Budget
Total 8000 · Capital Improvement Program	5,078.49	17,882.76	11,450.48	7,068.49	26,294.49	16,176.99	9,104.99						93,056.69	1,015,900.00	-922,843.31	9.16%
9000 · Capital Account Expenses																
9125 · PNC Equipment Lease Interest	869.47	855.17	840.10	824.99	809.85	794.67	779.45						5,773.70	9,441.00	-3,667.30	61.16%
9200 · I-Bank Loan	10,107.59												10,107.59	19,716.00	-9,608.41	51.27%
Total 9000 · Capital Account Expenses	10,977.06	855.17	840.10	824.99	809.85	794.67	779.45						15,881.29	29,157.00	-13,275.71	54.47%
Total Other Expense	16,055.55	18,737.93	12,290.58	7,893.48	27,104.34	16,971.66	9,884.44						108,937.98	1,045,057.00	-936,119.02	10.42%
Net Other Income	19,522.30	-8,414.41	-5,221.98	7,867.48	6,489.91	18,321.34	77,363.25						115,927.89	-812,057.00	927,984.89	-14.28%
Net Income	-183,505.73	-136,481.16	-262,755.22	-237,524.54	-236,209.82	1,782,753.83	-44,820.13						681,457.23	161,240.00	520,217.23	422.64%

Montara Water & Sanitary District
Revenue & Expenditures Budget vs. Actual - Water
July 2022 through June 2023

												TOTAL				
	Jul 22	Aug 22	Sep 22	Oct 22	Nov 22	Dec 22	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	Jul '22 - Jun 23	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense																
Income																
4400 · Fees																
4410 · Administrative Fee (New Constr)	569.00			597.00			597.00						1,763.00	7,000.00	-5,237.00	25.19%
4420 · Administrative Fee (Remodel)														600.00	-600.00	
4430 · Inspection Fee (New Constr)	538.00			565.00			565.00						1,668.00	7,000.00	-5,332.00	23.83%
4440 · Inspection Fee (Remodel)														1,000.00	-1,000.00	
4450 · Mainline Extension Fees														3,000.00	-3,000.00	
Total 4400 · Fees	1,107.00			1,162.00			1,162.00						3,431.00	18,600.00	-15,169.00	18.45%
4510 · Grants		136.00											136.00			
4610 · Property Tax Receipts		90,614.65	264.25	803.79	21,224.69	143,248.79	100,082.14						356,238.31	288,860.00	67,378.31	123.33%
4740 · Testing, Backflow	393.00			4,192.00	3,930.00	5,240.00	-131.00						13,624.00	15,000.00	-1,376.00	90.83%
4760 · Waste Collection Revenues																
4810 · Water Sales, Domestic	160,170.12	186,375.59	150,247.08	162,843.35	144,638.37	129,211.25	159,917.83						1,093,403.59	1,900,000.00	-806,596.41	57.55%
4850 · Water Sales Refunds, Customer	-37.44	-63.70		-1,216.23									-1,317.37	-3,000.00	1,682.63	43.91%
4990 · Other Revenue		840.25			9.55		10,102.03						10,951.83			
Total Income	161,632.68	277,902.79	150,511.33	167,784.91	169,802.61	277,700.04	271,133.00						1,476,467.36	2,219,460.00	-742,992.64	66.52%
Gross Profit	161,632.68	277,902.79	150,511.33	167,784.91	169,802.61	277,700.04	271,133.00						1,476,467.36	2,219,460.00	-742,992.64	66.52%
Expense																
5000 · Administrative																
5190 · Bank Fees	1,404.72	275.11	325.69	288.62	347.25	346.98	321.71						3,310.08	4,000.00	-689.92	82.75%
5200 · Board of Directors																
5210 · Board Meetings		300.00	300.00	150.00	300.00	300.00	300.00						1,650.00	3,000.00	-1,350.00	55.0%
5220 · Director Fees		262.50		525.00	337.50		825.00						1,950.00	7,500.00	-5,550.00	26.0%
5230 · Election Expenses														75,000.00	-75,000.00	
Total 5200 · Board of Directors		562.50	300.00	675.00	637.50	300.00	1,125.00						3,600.00	85,500.00	-81,900.00	4.21%
5240 · CDPH Fees						4,247.00	13,278.56						17,525.56	15,000.00	2,525.56	116.84%
5250 · Conference Attendance														6,000.00	-6,000.00	
5270 · Information Systems		720.00	273.75	916.75	891.75	225.00	1,187.75						4,215.00	5,000.00	-785.00	84.3%
5300 · Insurance																
5310 · Fidelity Bond														500.00	-500.00	
5320 · Property & Liability Insurance			8,509.72										8,509.72		8,509.72	100.0%
Total 5300 · Insurance			8,509.72										8,509.72	500.00	8,009.72	1,701.94%
5350 · LAFCO Assessment														5,000.00	-5,000.00	
5400 · Legal																
5430 · General Legal	4,914.75	4,253.00	1,178.00	5,652.50	6,890.25	5,555.75							28,444.25	100,000.00	-71,555.75	28.44%
5440 · Litigation							120.00						120.00			
Total 5400 · Legal	4,914.75	4,253.00	1,178.00	5,652.50	6,890.25	5,675.75							28,564.25	100,000.00	-71,435.75	28.56%
5510 · Maintenance, Office			325.00	497.37	130.00	175.85	130.00						1,258.22	15,000.00	-13,741.78	8.39%
5530 · Memberships				4,405.00	16,840.00								21,245.00	27,000.00	-5,755.00	78.69%

Montara Water & Sanitary District
Revenue & Expenditures Budget vs. Actual - Water
July 2022 through June 2023

												TOTAL				
	Jul 22	Aug 22	Sep 22	Oct 22	Nov 22	Dec 22	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	Jul '22 - Jun 23	Budget	\$ Over Budget	% of Budget
5540 · Office Supplies	139.78	376.69	201.51	424.12	305.65	413.07	2,378.85						4,239.67	4,500.00	-260.33	94.22%
5550 · Postage	1,014.66	1,496.27	1,001.27	1,503.60	1,392.62	1,674.66	1,104.56						9,187.64	14,000.00	-4,812.36	65.63%
5560 · Printing & Publishing	59.85	41.22	53.37	117.56	296.88	73.70	30.98						673.56	5,000.00	-4,326.44	13.47%
5600 · Professional Services																
5610 · Accounting	2,330.00	4,372.50	4,327.50	3,610.00	3,265.00	2,860.00	3,757.50						24,522.50	38,000.00	-13,477.50	64.53%
5620 · Audit														16,500.00	-16,500.00	
5630 · Consulting	434.73	4,083.43	3,637.77	5,911.56	3,659.74	2,028.66	8,885.93						28,641.82	65,000.00	-36,358.18	44.06%
5640 · Data Services	899.50												899.50	6,500.00	-5,600.50	13.84%
5650 · Labor & HR Support	213.50	213.50	213.50	213.50	213.50	213.50	213.50						1,494.50	2,500.00	-1,005.50	59.78%
5660 · Payroll Services	79.76	84.54	118.22	84.54	85.91	87.28	87.28						627.53	1,000.00	-372.47	62.75%
Total 5600 · Professional Services	3,957.49	8,753.97	8,296.99	9,819.60	7,224.15	5,189.44	12,944.21						56,185.85	129,500.00	-73,314.15	43.39%
5710 · San Mateo Co. Tax Roll Charges		1,506.00		119.00									1,625.00	200.00	1,425.00	812.5%
5720 · Telephone & Internet	4,161.16	2,588.28	6,404.27	4,640.82	4,945.78	4,525.62	1,182.10						28,448.03	25,000.00	3,448.03	113.79%
5730 · Mileage Reimbursement	188.02			107.62	7.00	7.00	88.56						398.20	1,500.00	-1,101.80	26.55%
5740 · Reference Materials														800.00	-800.00	
5790 · Other Administrative	487.39			86.05	118.61	809.04	229.14						1,730.23			
5800 · Labor																
5810 · CalPERS 457 Deferred Plan	4,064.03	4,213.89	4,148.01	4,067.98	4,202.41	4,207.83	4,286.11						29,190.26	49,977.00	-20,786.74	58.41%
5820 · Employee Benefits	10,990.24	10,990.24	10,990.24	10,990.24	10,990.24	11,007.43	11,007.43						76,966.06	107,276.00	-30,309.94	71.75%
5830 · Disability Insurance		680.86	340.43	340.43		680.86	340.43						2,383.01	5,411.00	-3,027.99	44.04%
5840 · Payroll Taxes	3,958.16	4,122.86	4,083.01	3,955.51	3,925.36	3,696.75	4,824.22						28,565.87	57,850.00	-29,284.13	49.38%
5850 · PARS	3,498.71	3,823.22	3,674.04	3,537.53	3,686.26	3,686.26	4,745.00						26,651.02	43,897.00	-17,245.98	60.71%
5900 · Wages																
5910 · Management	9,567.80	9,567.80	9,567.80	9,567.80	9,567.80	9,655.30	9,580.30						67,074.60	123,568.00	-56,493.40	54.28%
5920 · Staff	41,146.90	45,568.75	43,788.09	41,444.55	43,654.29	44,603.42	43,767.32						303,973.32	542,747.00	-238,773.68	56.01%
5930 · Staff Certification	1,075.00	1,075.00	1,075.00	1,075.00	1,075.00	1,075.00	1,075.00						7,525.00	11,400.00	-3,875.00	66.01%
5940 · Staff Overtime	5,281.09	3,064.63	4,384.48	5,009.78	4,900.68	4,231.54	6,272.57						33,144.77	49,935.00	-16,790.23	66.38%
5950 · Staff Standby	2,424.10	2,371.93	2,311.48	2,362.92	2,298.28	2,247.61	2,366.30						16,382.62	28,553.00	-12,170.38	57.38%
Total 5900 · Wages	59,494.89	61,648.11	61,126.85	59,460.05	61,496.05	61,812.87	63,061.49						428,100.31	756,203.00	-328,102.69	56.61%
5960 · Worker's Comp Insurance			2,169.37			3,685.28							5,854.65	23,661.00	-17,806.35	24.74%
Total 5800 · Labor	82,006.03	85,479.18	86,531.95	82,351.74	84,300.32	88,777.28	88,264.68						597,711.18	1,044,275.00	-446,563.82	57.24%
Total 5000 · Administrative	98,333.85	106,052.22	113,401.52	111,605.35	124,327.76	112,440.39	122,266.10						788,427.19	1,487,775.00	-699,347.81	52.99%
6000 · Operations																
6160 · Backflow Prevention						709.69							709.69	1,000.00	-290.31	70.97%
6170 · Claims, Property Damage					140.64								140.64	10,000.00	-9,859.36	1.41%
6180 · Communications																
6185 · SCADA Maintenance														38,000.00	-38,000.00	
Total 6180 · Communications														38,000.00	-38,000.00	
6195 · Education & Training	106.45			700.00			253.15						1,059.60	5,000.00	-3,940.40	21.19%
6200 · Engineering																

Montara Water & Sanitary District
Revenue & Expenditures Budget vs. Actual - Water
July 2022 through June 2023

	Jul 22	Aug 22	Sep 22	Oct 22	Nov 22	Dec 22	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	TOTAL			
													Jul '22 - Jun 23	Budget	\$ Over Budget	% of Budget
6220 · General Engineering	135.00	30.80	11.76			1,512.01	2,112.75						3,802.32	20,000.00	-16,197.68	19.01%
6230 · Water Quality Engineering	6,153.75	9,735.00	3,190.00	10,566.25	1,953.75	11,146.25	16,107.00						58,852.00	50,000.00	8,852.00	117.7%
Total 6200 · Engineering	6,288.75	9,765.80	3,201.76	10,566.25	1,953.75	12,658.26	18,219.75						62,654.32	70,000.00	-7,345.68	89.51%
6320 · Equipment & Tools, Expensed	212.76	1,262.75	208.97	291.13	2,019.72	1,120.25	77.14						5,192.72	12,000.00	-6,807.28	43.27%
6330 · Facilities																
6335 · Alarm Services	121.27			127.02		121.27	127.02						496.58	2,000.00	-1,503.42	24.83%
6337 · Landscaping		962.66	1,925.00		1,065.00	860.00	4,765.00						9,577.66	15,000.00	-5,422.34	63.85%
Total 6330 · Facilities	121.27	962.66	1,925.00	127.02	1,065.00	981.27	4,892.02						10,074.24	17,000.00	-6,925.76	59.26%
6370 · Lab Supplies & Equipment				61.95	661.90	1,529.23							2,253.08	4,000.00	-1,746.92	56.33%
6380 · Meter Reading			113.10			113.46							226.56	500.00	-273.44	45.31%
6400 · Pumping																
6410 · Pumping Fuel & Electricity	3,134.86	8,427.38	7,622.87	5,793.44	3,571.67	7,898.26	6,659.10						43,107.58	90,000.00	-46,892.42	47.9%
6420 · Pumping Maintenance, Generators	220.46				4,277.62	10,014.98	3,626.95						18,140.01	10,000.00	8,140.01	181.4%
6430 · Pumping Maintenance, General			239.42	68.82									308.24	5,000.00	-4,691.76	6.17%
6440 · Pumping Equipment, Expensed													700.00	700.00	-700.00	
Total 6400 · Pumping	3,355.32	8,427.38	7,862.29	5,862.26	7,849.29	17,913.24	10,286.05						61,555.83	105,700.00	-44,144.17	58.24%
6500 · Supply																
6510 · Maintenance, Raw Water Mains						45.43							45.43	2,500.00	-2,454.57	1.82%
6520 · Maintenance, Wells	545.37	59.43	5,896.18										6,500.98	15,000.00	-8,499.02	43.34%
6530 · Water Purchases				6,190.23	19.18		6,141.00						12,350.41	35,000.00	-22,649.59	35.29%
Total 6500 · Supply	545.37	59.43	5,896.18	6,190.23	19.18	45.43	6,141.00						18,896.82	52,500.00	-33,603.18	35.99%
6600 · Collection/Transmission																
6610 · Hydrants														10,000.00	-10,000.00	
6620 · Maintenance, Water Mains		13,165.04	7,310.75		61,606.19	31,739.05	4,823.42						118,644.45	50,000.00	68,644.45	237.29%
6630 · Maintenance, Water Svc Lines				1,714.62	4,138.45		2,862.96						8,716.03	20,000.00	-11,283.97	43.58%
6640 · Maintenance, Tanks					2,456.87	61.21							2,518.08	5,000.00	-2,481.92	50.36%
6650 · Maint., Distribution General	4,222.60		4,449.17										8,671.77	10,000.00	-1,328.23	86.72%
6670 · Meters	1,626.98	1,166.73	10,296.78		7,567.44		113.52						20,771.45	25,000.00	-4,228.55	83.09%
6600 · Collection/Transmission - Other	71.94	454.45	62.66	124.02									713.07			
Total 6600 · Collection/Transmission	5,921.52	14,786.22	22,119.36	1,838.64	75,768.95	31,800.26	7,799.90						160,034.85	120,000.00	40,034.85	133.36%
6700 · Treatment																
6710 · Chemicals & Filtering	5,248.00	1,601.41	90.03		4,327.47	1,474.38							12,741.29	40,000.00	-27,258.71	31.85%
6720 · Maintenance, Treatment Equip.		1,119.08	1,515.32		1,685.35	1,202.81							5,522.56	15,000.00	-9,477.44	36.82%
6730 · Treatment Analysis	3,086.62	1,693.43	4,228.36	5,055.07	4,035.01	2,234.10	537.64						20,870.23	40,000.00	-19,129.77	52.18%
Total 6700 · Treatment	8,334.62	4,413.92	5,833.71	5,055.07	10,047.83	4,911.29	537.64						39,134.08	95,000.00	-55,865.92	41.19%
6770 · Uniforms	109.38		65.60	633.95	656.90		64.50						1,530.33	2,000.00	-469.67	76.52%
6800 · Vehicles																
6810 · Fuel	769.58	1,231.03	644.42	284.33	723.96	892.07	4,120.57						8,665.96	10,000.00	-1,334.04	86.66%
6820 · Truck Equipment, Expensed			21.65	52.38		127.91	176.04						377.98	2,000.00	-1,622.02	18.9%
6830 · Truck Repairs	1,123.07	703.35		-456.61		453.27							1,823.08	5,000.00	-3,176.92	36.46%

Montara Water & Sanitary District
Revenue & Expenditures Budget vs. Actual - Water
July 2022 through June 2023

	Jul 22	Aug 22	Sep 22	Oct 22	Nov 22	Dec 22	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	TOTAL			
	Jul '22 - Jun 23	Budget	\$ Over Budget											% of Budget		
Total 6800 · Vehicles	1,892.65	1,934.38	666.07	-119.90	723.96	1,473.25	4,296.61						10,867.02	17,000.00	-6,132.98	63.92%
Total 6000 · Operations	26,888.09	41,612.54	47,892.04	31,206.60	100,907.12	73,255.63	52,567.76						374,329.78	549,700.00	-175,370.22	68.1%
Total Expense	125,221.94	147,664.76	161,293.56	142,811.95	225,234.88	185,696.02	174,833.86						1,162,756.97	2,037,475.00	-874,718.03	57.07%
Net Ordinary Income	36,410.74	130,238.03	-10,782.23	24,972.96	-55,432.27	92,004.02	96,299.14						313,710.39	181,985.00	131,725.39	172.38%
Other Income/Expense																
Other Income																
7000 · Capital Account Revenues																
7100 · Connection Fees																
7110 · Connection Fees (New Constr)	37,844.00		24,344.00		25,919.00	56,549.00							144,656.00	150,000.00	-5,344.00	96.44%
7130 · Conn. Fees, PFP (New Constr)	15,087.00	11,800.00	19,081.61		11,751.00	28,513.50							86,233.11	50,000.00	36,233.11	172.47%
7152 · Connection Fee Refunds	-24,892.11		-71,550.00		-2,139.00								-98,581.11			
7155 · Add'l Fixture Units (Remodel)				16,092.00									16,092.00			
7160 · PFP Pass Thru	341.11												341.11			
7165 · Meter Pass Thru Costs					715.50	330.00							1,045.50			
Total 7100 · Connection Fees	28,380.00	11,800.00	-28,124.39	16,092.00	36,246.50	85,392.50							149,786.61	200,000.00	-50,213.39	74.89%
7250 · CAMP Interest Income	3,056.73	5,014.98	5,532.38	6,877.60	8,305.13	9,490.06	10,022.69						48,299.57			
7600 · Bond Revenues, G.O.			1,913.00	2,592.13	13,699.03	459,200.30	4,402.87						481,807.33	983,546.00	-501,738.67	48.99%
7650 · Water System Reliability		1,163.88	1,483.82			512,336.39							514,984.09	1,000,000.00	-485,015.91	51.5%
Total 7000 · Capital Account Revenues	31,436.73	17,978.86	-19,195.19	25,561.73	58,250.66	1,066,419.25	14,425.56						1,194,877.60	2,183,546.00	-988,668.40	54.72%
Total Other Income	31,436.73	17,978.86	-19,195.19	25,561.73	58,250.66	1,066,419.25	14,425.56						1,194,877.60	2,183,546.00	-988,668.40	54.72%
Other Expense																
8000 · Capital Improvement Program																
8100 · Water	41,627.18	23,909.89	24,730.00	24,397.50	30,451.25	37,079.65	56,976.56						239,172.03	1,239,000.00	-999,827.97	19.3%
Total 8000 · Capital Improvement Program	41,627.18	23,909.89	24,730.00	24,397.50	30,451.25	37,079.65	56,976.56						239,172.03	1,239,000.00	-999,827.97	19.3%
9000 · Capital Account Expenses																
9075 · PFP Connection Expenses						4,000.00							4,000.00			
9100 · Interest Expense - GO Bonds		35,026.91											35,026.91	67,450.00	-32,423.09	51.93%
9125 · PNC Equipment Lease Interest	869.47	855.17	840.11	825.00	809.86	794.68	779.46						5,773.75	9,441.00	-3,667.25	61.16%
9150 · SRF Loan				30,813.50			9,608.10						40,421.60	62,527.00	-22,105.40	64.65%
9210 · Conservation Program/Rebates		100.00											100.00	3,000.00	-2,900.00	3.33%
Total 9000 · Capital Account Expenses	869.47	35,982.08	840.11	31,638.50	809.86	4,794.68	10,387.56						85,322.26	142,418.00	-57,095.74	59.91%
Total Other Expense	42,496.65	59,891.97	25,570.11	56,036.00	31,261.11	41,874.33	67,364.12						324,494.29	1,381,418.00	-1,056,923.71	23.49%
Net Other Income	-11,059.92	-41,913.11	-44,765.30	-30,474.27	26,989.55	1,024,544.92	-52,938.56						870,383.31	802,128.00	68,255.31	108.51%
Net Income	25,350.82	88,324.92	-55,547.53	-5,501.31	-28,442.72	1,116,548.94	43,360.58						1,184,093.70	984,113.00	199,980.70	120.32%

Montara Water & Sanitary District Check Detail

Date	Num	February 21 - 27, 2023	Paid Amount	
WARRANTS FOR BOARD OF DIRECTORS MEETING CONSENT AGENDA 3/2/2023				
SPLIT				
02/02/2023	13678	ACWA Conference Registration	-815.00	PAID
02/02/2023	13679	ACWA Conference Registration	-815.00	PAID
02/02/2023	13680	ACWA/JPIA	-15,226.90	PAID
02/02/2023	13682	AT&T	-1,071.92	PAID
02/02/2023	13683	AT&T	-280.24	PAID
02/02/2023	13684	AT&T	-569.43	PAID
02/02/2023	13685	AT&T	-4,031.85	PAID
02/02/2023	13686	AT&T	-1,031.64	PAID
02/02/2023	13687	Aztec Gardens	-860.00	PAID
02/02/2023	13691	CalPERS 457 Plan	-7,740.31	PAID
02/02/2023	13692	Comcast	-289.02	PAID
02/02/2023	13694	IEDA	-427.00	PAID
01/27/2023	13672	Kastama Strategic Consulting Newsletter	-344.74	PAID
01/27/2023	13677	Kastama Strategic Consulting	-4,614.75	PAID
01/27/2023	13673	KBA Document Solutions	-19.03	PAID
01/27/2023	13674	ODP Business Solutions	-145.46	PAID
02/02/2023	13697	Pacific Fire Safe	-317.62	PAID
02/02/2023	13699	RVE ACCOUNTING & ADVISORY SERVICES	-7,515.00	PAID
02/02/2023	13702	U.S. Bank PARS	-12,831.95	PAID
02/06/2023	13705	Bill Softky	-1,394.04	PAID
02/06/2023	13703	CalGovHR	-599.00	PAID
02/10/2023	13710	Cruzio Internet	-82.92	PAID
02/06/2023	13706	Huntington National Bank	-13,970.00	PAID
02/06/2023	13708	PCT	-300.00	PAID
02/06/2023	13709	Tech Solutions	-637.50	PAID
02/27/2023	13739	A-B Communications	-173.60	
02/27/2023	13740	AT&T	-1,193.49	
02/27/2023	13741	AT&T	-569.19	
02/27/2023	13742	AT&T	-280.11	
02/27/2023	13743	AT&T	-4,117.58	
02/27/2023	13744	AT&T	-1,201.85	
02/21/2023	13715	Bill Softky	-150.00	
02/21/2023	13717	Column Software PBC	-231.00	
02/21/2023	13718	Fitzgerald Law Offices	-12,211.50	
02/27/2023	13746	Kastama Strategic Consulting	-6,747.68	
02/21/2023	13720	Kathryn Slater-Carter	-150.00	
02/21/2023	13721	KBA Document Solutions	-65.76	
02/27/2023	13747	KBA Document Solutions	-15.38	
02/21/2023	13727	ODP Business Solutions	-185.50	
02/21/2023	13728	PARS	-869.46	
02/21/2023	13729	Peter Dekker	-150.00	
02/21/2023	13730	Rauch Communication Consultants, Inc.	-344.29	
02/21/2023	13731	Scott Boyd	-150.00	

Montara Water & Sanitary District Check Detail

February 21 - 27, 2023

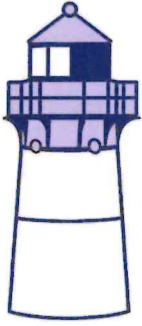
Date	Num		Paid Amount
02/21/2023	13736	Standard Insurance Co.	-487.95
02/21/2023	13737	Techno Copier Systems	-534.20

Montara Water & Sanitary District Check Detail

Date	Num	February 21 - 27, 2023	Paid Amount	
WATER				
02/02/2023	13681	Andreini Brothers, Inc.	-2,620.00	PAID
02/02/2023	13688	Badger Meter, Inc.	-2,031.13	PAID
02/02/2023	13690	BSK Lab	-330.00	PAID
02/02/2023	13693	Hach Company	-367.91	PAID
02/02/2023	13696	MWSD Sewer to GO BOND	-1,380.33	PAID
01/27/2023	13675	Pacific Gas & Electric	-1,015.08	PAID
01/27/2023	13676	Reeson Blevins	-91.65	PAID
02/02/2023	13701	SRT Consultants	-37,309.50	PAID
02/06/2023	13704	AmeriGas	-125.05	PAID
02/06/2023	13707	Pacific Gas & Electric	-1,989.02	PAID
02/21/2023	13711	California Rural Water Association	-900.00	PAID
02/21/2023	13713	Pacific Gas & Electric	-26,087.80	PAID
02/21/2023	13712	Hassett	-630.39	PAID
02/21/2023	13714	Andreini Brothers, Inc.	-49,613.52	
02/27/2023	13745	AT&T Mobility	-476.14	
02/21/2023	13716	Calcon Systems, Inc.	-9,951.35	
02/21/2023	13722	McCord Electrical Design & Consulting	-4,162.50	
02/21/2023	13724	Mossa Excavation	-4,000.00	
02/21/2023	13723	MWSD Sewer to GO BOND	-69,778.57	
02/21/2023	13725	North Coast County Water District	-660.00	
02/27/2023	13748	Pacific Gas & Electric	-1,076.12	
02/21/2023	13738	Wells Fargo Remittance Center	-5,099.10	

Montara Water & Sanitary District Check Detail

Date	Num	February 21 - 27, 2023	Paid Amount
SEWER			
02/21/2023	13719	Hue & Cry Security Systems, Inc.	-427.08
02/21/2023	13726	Nute Engineering	-15,737.00
02/21/2023	13732	Sewer Authority Mid-Coastside	-974.03
02/21/2023	13733	Sewer Authority Mid-Coastside	-23,682.17
02/21/2023	13734	Sewer Authority Mid-Coastside	-141,169.66
02/21/2023	13735	Sewer Authority Mid-Coastside	-21,339.23



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **March 2, 2023**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager *CH*

SUBJECT: SAM Flow Report for December 2022

The Sewer Authority Mid-Coastside (SAM) has prepared the following attached reports for the SAM Board of Directors and the California Regional Water Quality Control Board:

- Flow Report for December 2022.
- Collection System Monthly Overflow Report – December 2022.

The Average Daily Flow for Montara was 0.429 MGD in December 2022 . There were 2 reportable overflows in December in the Montara System. SAM indicates there were 11.57 inches of rain in December 2022 in Montara.

RECOMMENDATION:

Review and file.

Attachments

Sewer Authority Mid-Coastside

Monthly Collection System Activity/SSO Distribution Report, December 2022

December 2022

	Total	<i>Number of S.S.O's</i>			
		HMB	GCS D	MWSD	SAM
Roots	0	0	0	0	0
Grease	0	0	0	0	0
Mechanical	0	0	0	0	0
Wet Weather	7	1	0	2	4
Other	0	0	0	0	0
Total	7	1	0	2	4
		14%		29%	57%

12 Month Moving Total

	Total	<i>12 month rolling Number</i>			
		HMB	GCS D	MWSD	SAM
Roots	3	0	2	1	0
Grease	0	0	0	0	0
Mechanical	0	0	0	0	0
Wet Weather	7	1	0	2	4
Other	1	0	0	0	1
Total	11	1	2	3	5
		9%	18%	27%	45%

Reportable SSOs

	Total	<i>Reportable Number of S.S.O.'s</i>			
		HMB	GCS D	MWSD	SAM
December 2022	7	1	0	2	4
12 Month Moving Total	11	1	2	3	5

SSOs / Year / 100 Miles

	Total	<i>Number of S.S.O.'s /Year/100 Miles</i>			
		HMB	GCS D	MWSD	SAM
December 2022	6.7	2.7	0.0	7.4	54.8
12 Month Moving Total	10.5	2.7	6.0	11.1	68.5
Category 1	4.8	0.0	0.0	3.7	54.8
Category 2	1.0	2.7	0.0	0.0	0.0
Category 3	4.8	0.0	6.0	7.4	13.7
Miles of Sewers	104.5	37.0	33.2	27.0	7.3
		35.4%	31.8%	25.8%	7.0%

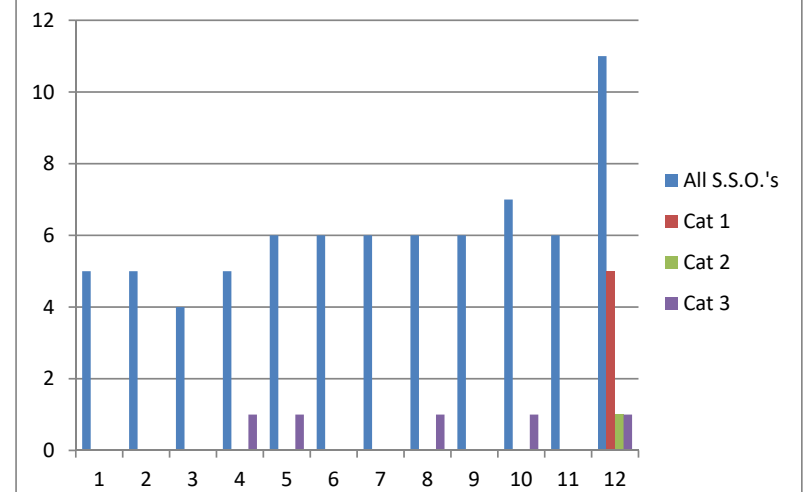
12 Month Rolling Total Sewer Cleaning Summary

Month	HMB	GCS D	MWSD	Total Feet	Total Miles
Jan - 22	4,029	10,061	11,675	25,765	4.9
Feb - 22	18,178	9,863	6,934	34,975	6.6
Mar - 22	12,060	13,397	4,271	29,728	5.6
April - 22	12,929	12,757	7,371	33,057	6.3
May - 22	11,253	8,527	6,221	26,001	4.9
June - 22	15,694	8,845	6,932	31,471	6.0
July - 22	8,472	12,491	4,718	25,681	4.9
Aug - 22	15,041	7,358	11,197	33,596	6.4
Sep - 22	11,786	11,227	4,455	27,468	5.2
Oct - 22	12,220	8,847	9,308	30,375	5.8
Nov - 22	17,708	10,924	9,483	38,115	7.2
Dec - 22	2,384	9,393	5,101	16,878	3.2

Annual ft	141,754	123,690	87,666	353,110	
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Annual Mi.	26.8	23.4	16.6		66.9
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12 Month Moving SSO Totals Through December 2022



Attachment C

Attachment A

Flow Distribution Report Summary for December 2022

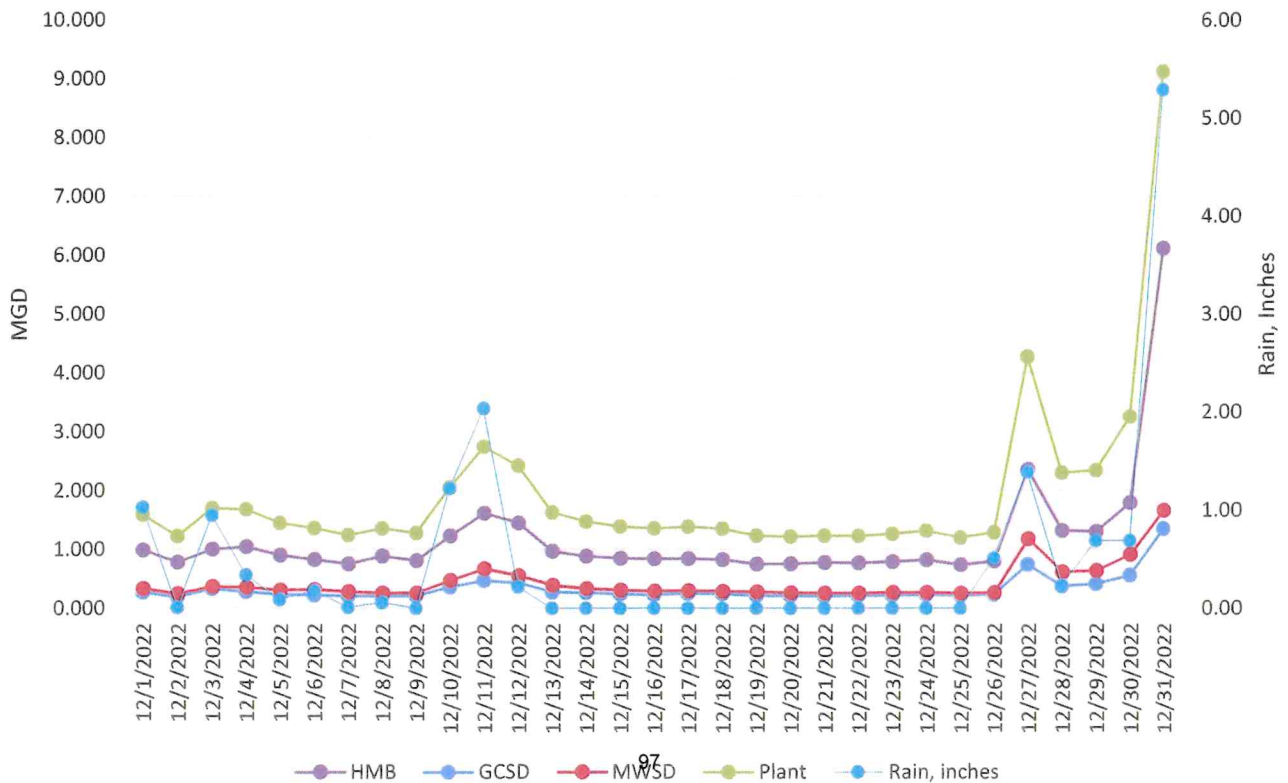
The daily flow report figures for the month of December 2022 have been converted to an Average

Daily Flow (ADF) for each Member Agency.
The results are attached for your review.

The summary of the ADF information is as follows:

	<u>MGD</u>	<u>%</u>
The City of Half Moon Bay	1.178	60.9%
Granada Community Services District	0.326	16.9%
Montara Water and Sanitary District	<u>0.429</u>	<u>22.2%</u>
Total	1.934	100.0%

Sewer Authority Mid-Coastside
Monthly Flow Distribution Report, December 2022



Sewer Authority Mid-Coastside

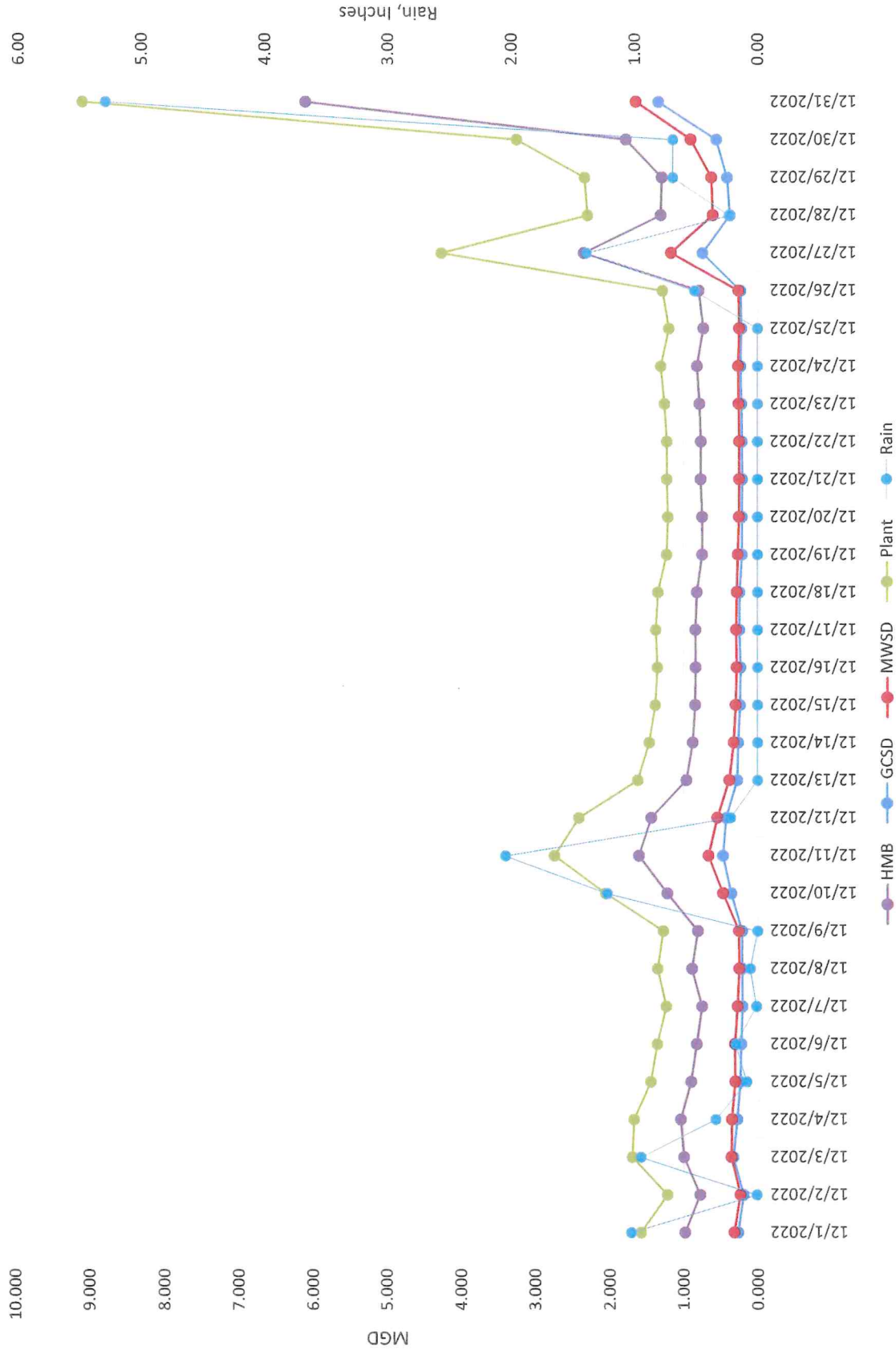
Monthly Flow Distribution Report for December 2022

<u>Date</u>	<u>HMB</u>	<u>GCS D</u>	<u>MWSD</u>	<u>Plant</u>	<u>Rain Plant</u>	<u>Rain Portola</u>	<u>Rain Montara</u>
12/1/2022	0.988	0.271	0.328	1.587	1.03	1.31	0.88
12/2/2022	0.784	0.197	0.245	1.226	0.01	0.01	0.00
12/3/2022	1.002	0.334	0.365	1.701	0.95	0.63	0.73
12/4/2022	1.043	0.280	0.357	1.680	0.34	0.06	0.07
12/5/2022	0.902	0.239	0.310	1.451	0.09	0.11	0.28
12/6/2022	0.825	0.225	0.313	1.363	0.18	0.06	0.07
12/7/2022	0.754	0.208	0.278	1.240	0.01	0.00	0.00
12/8/2022	0.890	0.210	0.255	1.355	0.06	0.07	0.09
12/9/2022	0.811	0.210	0.258	1.279	0.00	0.01	0.01
12/10/2022	1.227	0.357	0.471	2.055	1.22	1.26	0.89
12/11/2022	1.611	0.469	0.668	2.748	2.04	0.92	0.51
12/12/2022	1.444	0.428	0.548	2.420	0.22	0.03	0.33
12/13/2022	0.964	0.278	0.385	1.627	0.00	0.00	0.00
12/14/2022	0.880	0.265	0.326	1.471	0.00	0.00	0.00
12/15/2022	0.847	0.239	0.301	1.387	0.00	0.00	0.00
12/16/2022	0.839	0.231	0.287	1.357	0.00	0.00	0.00
12/17/2022	0.841	0.249	0.293	1.383	0.00	0.00	0.00
12/18/2022	0.823	0.245	0.284	1.352	0.00	0.00	0.00
12/19/2022	0.749	0.212	0.270	1.231	0.00	0.00	0.00
12/20/2022	0.750	0.211	0.255	1.216	0.00	0.00	0.00
12/21/2022	0.771	0.207	0.252	1.230	0.00	0.00	0.00
12/22/2022	0.765	0.213	0.251	1.229	0.00	0.00	0.00
12/23/2022	0.787	0.216	0.259	1.262	0.00	0.00	0.00
12/24/2022	0.819	0.231	0.263	1.313	0.00	0.00	0.00
12/25/2022	0.735	0.217	0.250	1.202	0.00	0.00	0.00
12/26/2022	0.797	0.232	0.261	1.290	0.51	0.30	0.29
12/27/2022	2.355	0.742	1.176	4.273	1.39	2.14	1.85
12/28/2022	1.316	0.378	0.608	2.302	0.23	0.03	0.03
12/29/2022	1.301	0.414	0.629	2.344	0.69	0.63	0.60
12/30/2022	1.792	0.560	0.908	3.260	0.69	0.63	0.60
12/31/2022	6.117	1.350	1.660	9.127	5.29	4.79	4.34
Totals	36.530	10.117	13.314	59.961	14.95	12.99	11.57

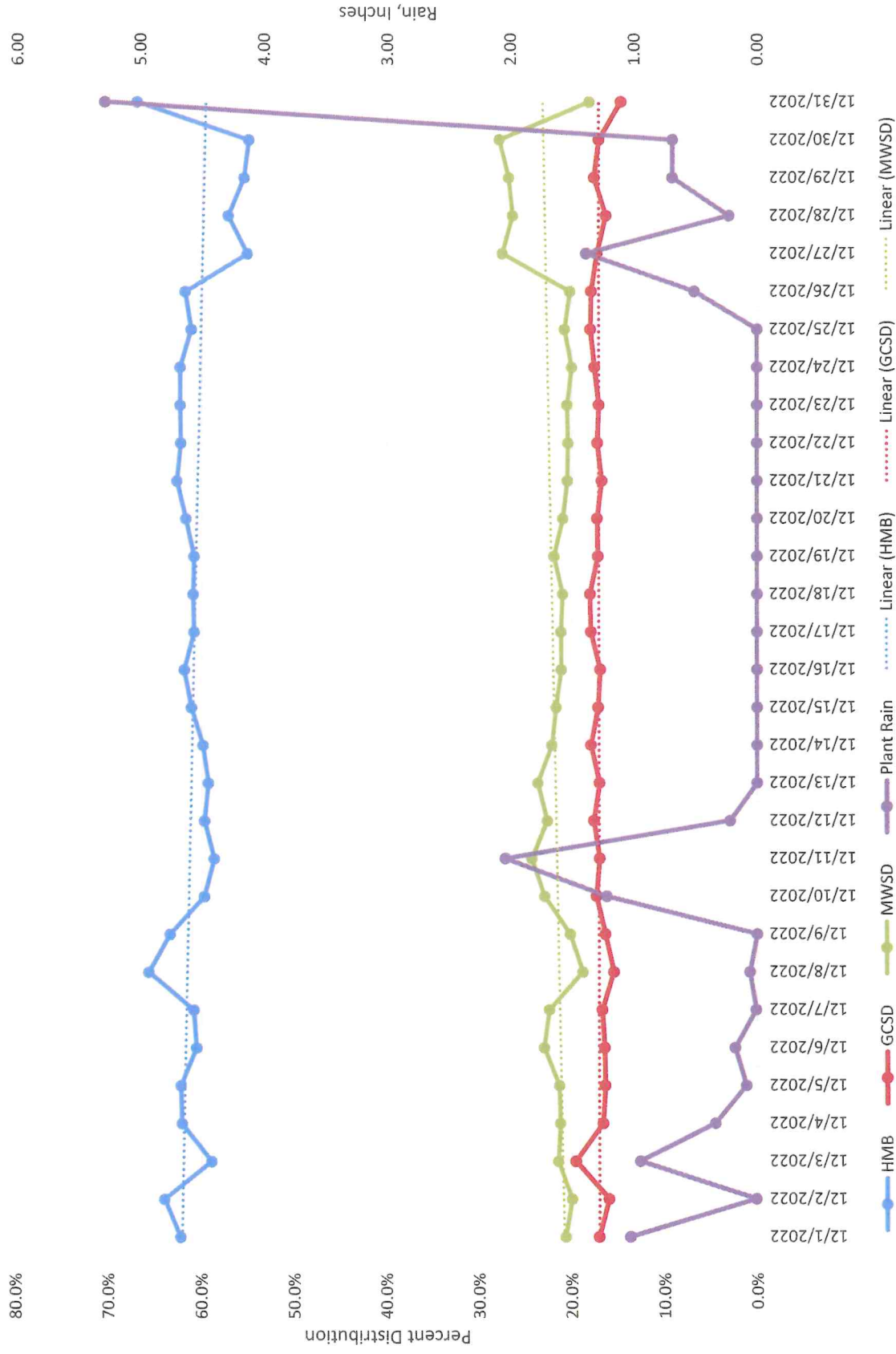
Summary

	<u>HMB</u>	<u>GCS D</u>	<u>MWSD</u>	<u>Plant</u>
Minimum	0.735	0.197	0.245	1.202
Average	1.178	0.326	0.429	1.934
Maximum	6.117	1.350	1.660	9.127
Distribution	60.9%	16.9%	22.2%	100.0%

Sewer Authority Mid-Coastside Monthly Flow Distribution Report, December 2022

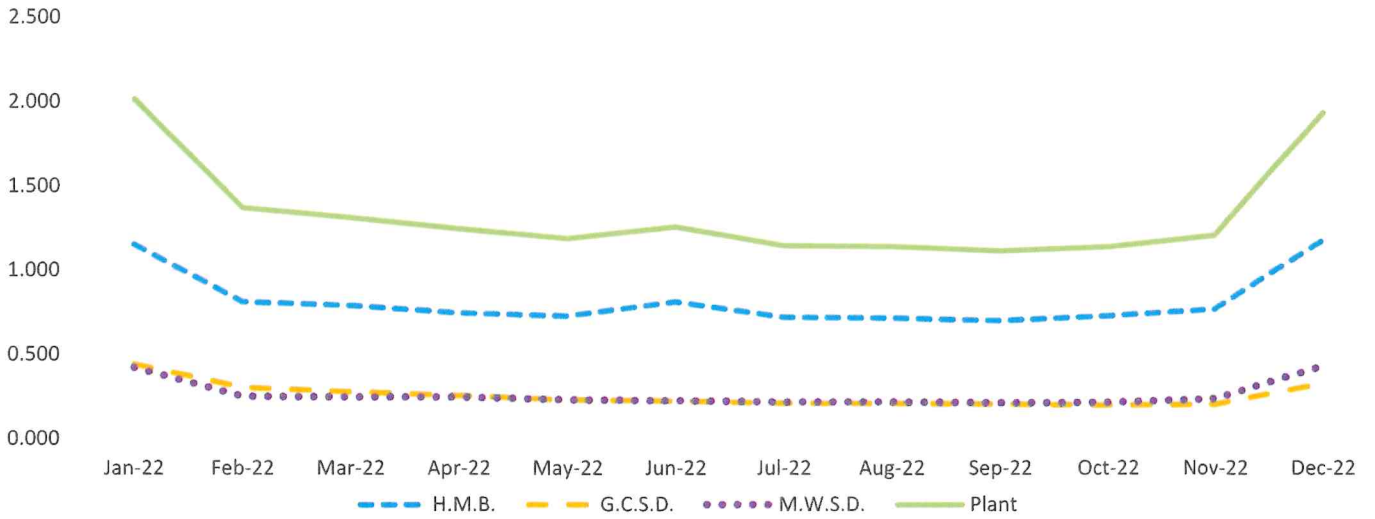


Percent Distribution December 2022

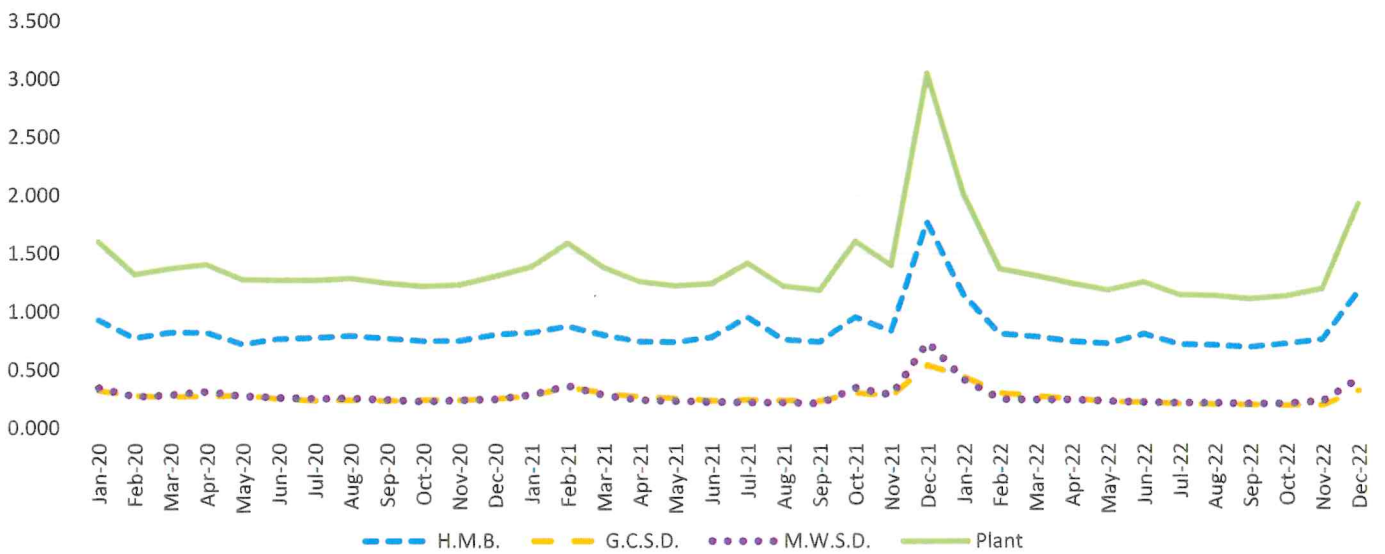


Most recent flow calibration March 2021 PS, March 2021 Plant

One Year Flow Chart
Jan 2022 - Dec 2022

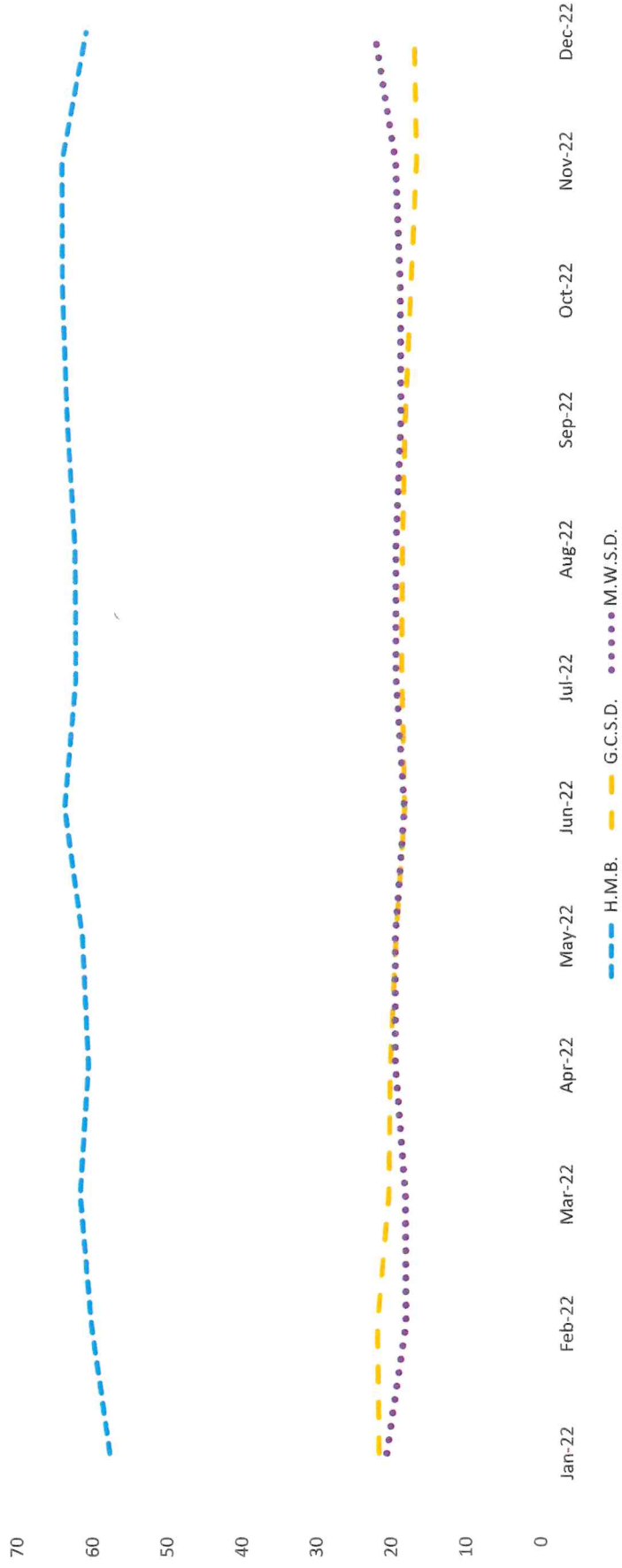


Three Year Flow Chart
Jan 2020 - Dec 2022



Flow based percent distribution based for past year

1 year Distribution by %
Jan 2022 - Dec 2022





MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: March 2, 2023

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager 

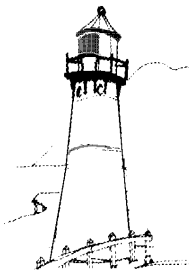
SUBJECT: Review of Current Investment Portfolio

The District's Investment Policy and Guidelines requires that the Board review the status of the current investment portfolio. The following summarizes the status of these accounts:

- The District has most of its idle sewer funds deposited in the State of California's Local Agency Investment Fund (LAIF). The Monthly Average interest rate for January 2022 was 2.425%.
- The District has most of its idle water funds deposited in the California Asset Management Program (CAMP). The current 7 day yield for 2/24/23 was 4.76%.
- The District has one checking account with Wells Fargo Bank for Water and Sewer Funds that is largely backed by Federal securities.

RECOMMENDATION:

District staff attempts to cash manage idle funds in LAIF as long as possible before transferring to the Wells Fargo checking accounts for disbursements.



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **March 2, 2023**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager

SUBJECT: Connection Permit Applications Received

As of March 2, 2023 the following new **Sewer Connection Permit** application was received since the last report:

Date of Application	Property Owner	Site Address	Home Size
01-30-23	Bernadette Brogan	1291 Birch, Montara	SFD

As of March 2, 2023 the following new **Water (Private Fire Sprinkler) Connection Permit** application was received since the last report:

Date of Application	Property Owner	Site Address	Home Size

As of March 2, 2023 the following new **Water Connection Permit** application was received since the last report:

Date of App.	Property Owner	Site Address	Home Size	Type of Connection

RECOMMENDATION:

No action is required. This is for Board information only.



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: March 2nd, 2023

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager

SUBJECT: Monthly Water Production Report

The attached two charts summarize the monthly water production for the District.

The first shows a consolidated from all sources by month. The second shows each water source the District uses, both wells and surface water. The production is shown in gallons of water produced.

RECOMMENDATION:

No action is required. These reports are provided for the Board's information only.

Attachments: 2

TOTAL PRODUCTION 2023 (GALLONS)

GALLONS

7,626,741

	January	February	March	April	May	June	July	August	September	October	November	December
Total Production (Gallons)	7,626,741											

MONTH



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting of March 2nd, 2023

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager

A handwritten signature in blue ink, appearing to be 'Clemens', written in a cursive style.

SUBJECT: Rain Report

The attached chart shows the monthly rainfall at Alta Vista Treatment Plant for the current and prior water years along with seven-year average rain fall.

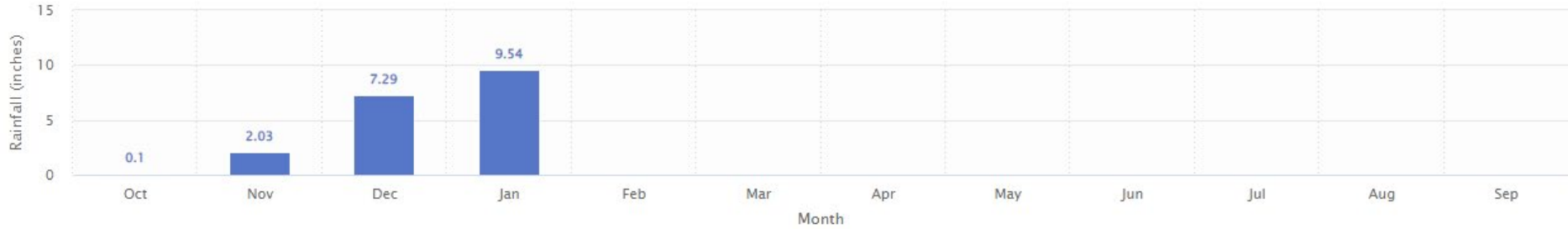
RECOMMENDATION:

No action is required. These reports are provided for the Board's information only.

Attachments: 2

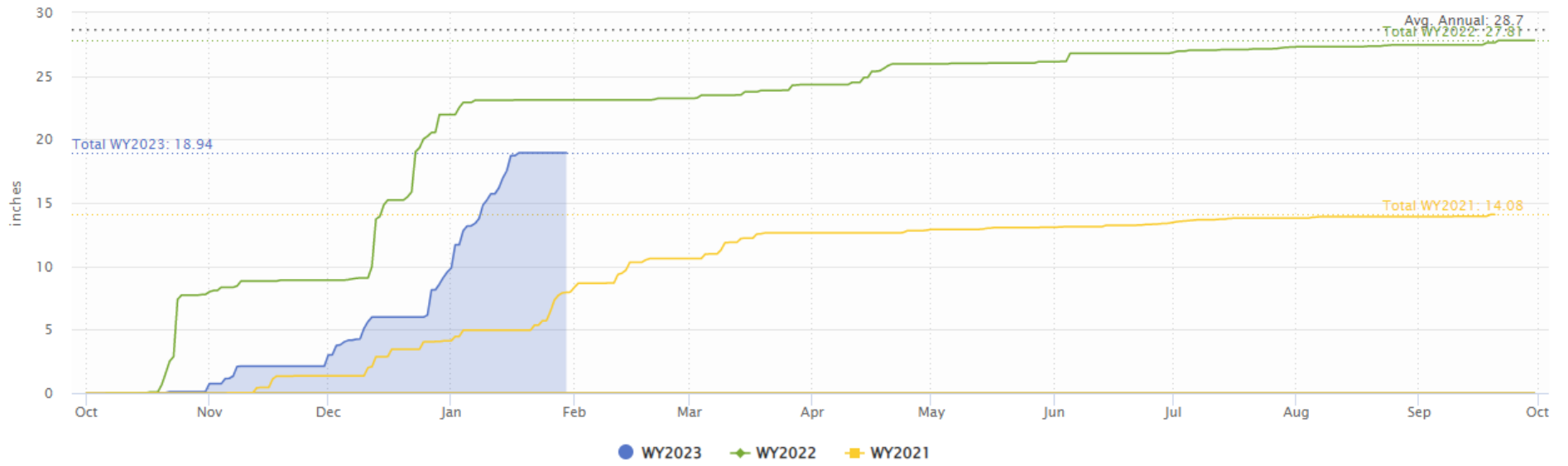
Monthly Cumulative Rainfall

Monthly Rainfall for Current Water Year



Annual Cumulative Rainfall

Rainfall at MWSD at Alta Vista Avenue Annual Cumulative Rainfall by Water Year





MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: March 2nd, 2023

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager

SUBJECT: Monthly Solar Energy Report

The attached chart summarizes the monthly solar production at the Alta Vista Array. Since the installation of the solar panels the District produced 49,365 kWh and saved 83,921 lbs of CO₂.

RECOMMENDATION:

No action is required. This information is provided for the Board's information only.

Attachments: 1



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **March 2, 2023**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager *CH*

**SUBJECT: Monthly Public Agency Retirement
Service Report for December 2022.**

The District has received the monthly PARS report for December 2022.

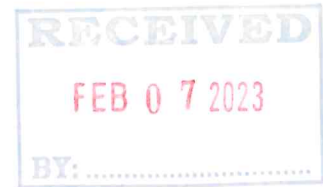
Contributions are calculated on a bi-weekly basis, and contributions are made on a monthly basis.

The following monthly reports are submitted as consent agenda items on a monthly basis.

RECOMMENDATION:

This is for Board information only.

Attachment



**Montara Water and Sanitary Dist
Retirement Enhancement Plan**

**Monthly Account Report for the Period
12/1/2022 to 12/31/2022**

Clemens H. Heldmaier
General Manager
Montara Water and Sanitary Dist
P.O. Box 370131
Montara, CA 94037

Plan ID: P7-REP15A

Account Summary

Source	Beginning Balance as of 12/1/2022	Contributions	Earnings	Expenses	Distributions	Transfers	Ending Balance as of 12/31/2022
Contributions	\$1,249,687.98	\$9,592.97	(\$45,799.09)	\$580.34	\$1,151.02	\$0.00	\$1,211,750.50
TOTAL	\$1,249,687.98	\$9,592.97	(\$45,799.09)	\$580.34	\$1,151.02	\$0.00	\$1,211,750.50

Investment Selection

PARS Capital Appreciation INDEX PLUS

Investment Objective

The primary goal of the Capital Appreciation objective is growth of principal. The major portion of the assets are invested in equity securities and market fluctuations are expected.

Investment Return

Source	1-Month	3-Months	1-Year	Annualized Return			Plan's Inception Date
				3-Years	5-Years	10-Years	
GENERAL	-3.65%	6.39%	-15.75%	3.22%	4.81%	-	03/08/16

Information as provided by US Bank, Trustee for PARS; Not FDIC Insured; No Bank Guarantee; May Lose Value.

Past performance does not guarantee future results. Performance returns may not reflect the deduction of applicable fees, which could reduce returns. Information is deemed reliable but may be subject to change.

Account balances are inclusive of Trust Administration, Trustee and Investment Management fees.

Investment Return: Annualized rate of return is the return on an investment over a period other than one year multiplied or divided to give a comparable one-year return.

December 2022 PARS Statement Detail

PARS beginning Balance as of December 1, 2022 \$ 1,249,687.98

Contributions:

November 15, 2022 Calculation

Wages paid	38,151.08			
Employer - 7.01%		\$	2,674.39	
Employee - 7.75%		\$	2,215.20	
Contribution subtotal				\$ 4,889.60

Fund Impact - PARS Wages			
Sewer	Water	Total	
11,945.34	26,205.75	38,151.08	
837.37	1,837.02	2,674.39	

November 30, 2022 Calculation

Wages paid	38,325.31			
Employer - 7.01%		\$	2,686.60	
Employee - 7.75%		\$	2,016.76	
Contribution Subtotal				\$ 4,703.37

Fund Impact - PARS Wages			
Sewer	Water	Total	
11,945.34	26,379.98	38,325.31	
837.37	1,849.24	2,686.60	

Total Contributions thru November \$ 9,592.96

Rounding \$ 0.01

Earnings/(Losses) \$ (45,799.09)

Expenses \$ (580.34)

Distributions \$ (1,151.02)

PARS Ending Balance as of December 31, 2022 \$ 1,211,750.50



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **March 2, 2023**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager *CH*

SUBJECT: Review and Possible Action Concerning Acceptance of Water Main Extension at 1170 Howells Street, Montara, APN 036-282-050

In February 2017, Gerald Santini put in an application for a new construction and water connection permit for proposed development of the Property at 1170 Howells Street, Montara. The existing District-owned and maintained water main pipe was required to be extended further north in Sunshine Valley Road to the frontage of the applicant's property to allow for a perpendicular water lateral connection to the District main.

The water plan has been reviewed by the District's Water Engineer for the "1170 Howells Street, Montara, CA Property" and the completed construction by the applicant's contractor. The work is now complete and the applicant requests the District accept the new water main. The pipe is ready to be put into service and the terms of Agreement for Construction and Acquisition of Water Main Extension at 1170 Howells Street, including a one-year warranty bond and the applicant paying all costs and related fees, have been met.

Once the water permit Final is issued to San Mateo County, the warranty period will start. Following conclusion of the one year warranty period, the District's maintenance crew will review the water main and determine if any deficiencies in the pipeline exist. The applicant will be responsible for corrections if needed. Thereafter, the remainder of the unused Bond payment will be refunded to the applicant.

Based on the foregoing, staff recommends that the Board approve the final construction and accept the water extension as part of the District's water system.

RECOMMENDATION:

For the Board adopt RESOLUTION NO. next in order, RESOLUTION OF THE MONTARA WATER AND SANITARY DISTRICT APPROVING COMPLETION OF THE WATER MAIN EXTENSION AND ACCEPTING SAID IMPROVEMENTS INTO THE DISTRICT'S WATER SYSTEM (Gerald Santini; 1170 Howells Street; APN 036-282-050).

RESOLUTION NO. _____

RESOLUTION OF THE MONTARA WATER AND SANITARY DISTRICT APPROVING COMPLETION OF THE WATER MAIN EXTENSION AND ACCEPTING SAID IMPROVEMENTS INTO THE DISTRICT'S WATER SYSTEM (Gerald Santini; 1170 Howells Street; APN 036-282-050)

WHEREAS, Gerald Santini ("Applicant") owns real property located at 1170 Howells Street, Montara, California, as more particularly described as Assessor Parcel Number 036-282-050 ("Real Property"); and

WHEREAS, Applicant applied for a permit to connect and serve the Real Property to the District's water system ("Permit") in accordance with the Montara Water and Sanitary District ("District") Code Section 5-3.100, which requires the financing, construction and dedication of a water main extension ("Water Main") beyond the District's existing facilities; and

WHEREAS, Applicant submitted plans, profiles and specifications for the Water Main, which have been reviewed and approved by the District's Water System Engineer for conformance with District's requirements under District Code Section 5-4.222; and

WHEREAS, pursuant to District Code Section 5-4.203, the District and the Applicant entered into an agreement entitled "Agreement for Construction and Acquisition of Water Main Extension" for the construction, installation and acquisition by the District of the Water Main ("Agreement"); and

WHEREAS, Applicant has completed construction and installation of the Water Main, which has been reviewed and approved by the District's Water System Engineer as conforming with the plans, profiles and specifications for the Water Main and with the regulations of the District, and has made a request that the District accept all right, title and interest in and to said improvements for public use and inclusion into the District's water system pursuant to the Agreement; and

WHEREAS, based on the approval and recommendation of the District's Water System Engineer for conformance with District's requirements, the District Board desires to approve completion of the Water Main and to accept the Water Main for inclusion into the District's water system.

NOW, THEREFORE, be it resolved by the Board of the Montara Water and Sanitary District, a public agency in the County of San Mateo, California, as follows:

RESOLUTION NO. _____

RESOLUTION OF THE MONTARA WATER AND SANITARY DISTRICT APPROVING COMPLETION OF THE WATER MAIN EXTENSION AND ACCEPTING SAID IMPROVEMENTS INTO THE DISTRICT'S WATER SYSTEM (Gerald Santini; 1170 Howells Street; APN 036-282-050)

1. The foregoing Recitals are true and correct and incorporated herein by this reference.

2. The District hereby approves and accepts all right, title and interest in and to the Water Main as described herein, which was built for a public use, and authorizes issuance and submittal of the final Permit.

3. The District's acceptance of the Water Main is conditional upon the warranty by Applicant for a period of one-year from the date of acceptance; neither acceptance of said improvements by the Board of Directors nor this Notice constitute a waiver of any defects in the work of the construction or installation of said improvements.

4. The President of the District's Board and the Secretary of the District are hereby authorized to execute and attest thereto, respectively, a Notice of Completion of the Water Main.

5. Upon expiration of the one-year warranty bond period from the date of submittal of the final Permit, the District Manager is authorized to return any unused remainder of said bond, subject to Applicant's completion of corrections or repairs to defects in materials or workmanship in the Water Main, if any, as determined by the District's Water System Engineer.

6. The District Manager is hereby authorized to present a certified copy of the Notice of Completion to the Assessor-County Clerk-Recorder of the County of San Mateo for recordation in the Official Records of said County.

7. This Resolution is effective upon its adoption.

President, Montara Water and Sanitary District

COUNTERSIGNED:

Secretary, Montara Water and Sanitary District

RESOLUTION NO. _____

RESOLUTION OF THE MONTARA WATER AND SANITARY DISTRICT APPROVING COMPLETION OF THE WATER MAIN EXTENSION AND ACCEPTING SAID IMPROVEMENTS INTO THE DISTRICT'S WATER SYSTEM (Gerald Santini; 1170 Howells Street; APN 036-282-050)

* * * *

I HEREBY CERTIFY that the foregoing Resolution No. _____ duly and regularly adopted and passed by the Board of the Montara Water and Sanitary District, County of San Mateo, California, at a Regular Adjourned Meeting thereof held on the 2nd day of March 2023, by the following vote:

AYES, Directors:

ABSTENTION:

NOES, Directors:

ABSENT, Directors:

Secretary, Montara Water and Sanitary District

MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **March 2, 2023**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager 

SUBJECT: Review and Possible Action Concerning Hybrid Board Meetings

On April 2, 2020, this Board authorized, on a temporary basis, the holding of all Board meetings remotely for the duration of the COVID-19 emergency pursuant to the Governor's emergency executive orders and, thereafter, pursuant to AB 361 (eff. October 1, 2021).

Effective February 28, 2023, the Governor ended the COVID-19 state of emergency and it can no longer be relied upon as a basis for holding purely remote meetings under AB 361. As such, Board members may attend meetings remotely only under the following circumstances: 1) pre-pandemic Brown Act rules (which requires posting location and permitting public access); 2) for just cause (without having to post location or permit public access); or, 3) another other state of emergency declared by the Governor (without having to post location or permit public access). (Please refer to the District's January 19, 2023 staff report providing a detailed analysis of the Brown Act rules.)

The purpose of this item is to establish a permanent remote meeting location in addition to the District's physical meeting location in the Boardroom of the District's Administrative Offices for use not only by Board members under the circumstances described above, but also for staff, consultants and the public to attend meetings remotely at any time. Establishing a remote meeting place simultaneously with the Board's regular meeting place provides an alternate opportunity for public participation, which has been shown to have increased over the course of the pandemic. Moreover, and due to the boardroom's space limitations, opening a second forum for the public to attend meetings enables the District to provide a safe meeting environment for all attendees.

In summary, this item will 1) resume the Board's physical meeting location in the District Boardroom and authorize the Manager to put in place measures to ensure the health and safety of attendees, and 2) establish an additional and simultaneous permanent remote meeting location.

RECOMMENDATION:

Adopt a RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER AND SANITARY DISTRICT RESUMING THE BOARD'S REGULAR MEETING LOCATION AND ESTABLISHING NECESSARY SAFETY

MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **March 2, 2023**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager

PROTOCOLS, AND ESTABLISHING AN ADDITIONAL PERMANENT REMOTE
MEETING LOCATION

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER AND SANITARY DISTRICT RESUMING THE BOARD'S REGULAR MEETING LOCATION AND ESTABLISHING NECESSARY SAFETY PROTOCOLS, AND ESTABLISHING AN ADDITIONAL PERMANENT REMOTE MEETING LOCATION

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 19, 2020, the Governor issued Executive Order N-33-20 which, among other things, directed all California residents to immediately heed current State public health directives, including the March 19, 2020 directive of the State Public Health Officer to all State residents to stay home or at their place of residence, subject to certain exceptions; and

WHEREAS, on March 12, 2020 and March 18, 2020, Governor Newsom issued Executive Order N-25-20 and Executive Order N-29-20 ("Orders") mandating compliance with state and local public health measures to control the spread of COVID-19 and temporarily suspending portions of the Brown Act which address the conduct of public meetings; and

WHEREAS, pursuant to the Governor's Orders, the Board of Directors of the Montara Water and Sanitary District ("District"), a public agency, adopted Resolution No.1669 on April 2, 2020, establishing a temporary remote meeting location to conduct all of its regular, special and committee meetings during the declared state of emergency in place of its regular meeting place in the Boardroom of the District's Administrative Offices located at 8888 Cabrillo Hwy, Montara; and

WHEREAS, effective February 28, 2023, the Governor terminated the declared state of emergency as a basis for the Board's establishment of a temporary remote meeting location to conduct all of its regular, special and committee meetings during the declared state of emergency in place of its regular meeting place in the Boardroom of the District's Administrative Offices located at 8888 Cabrillo Hwy, Montara ; and

WHEREAS, based on the foregoing, the Board of Directors desires to adopt this resolution to confirm and ratify its regular meeting place in the Boardroom of the District's Administrative Offices located at 8888 Cabrillo Hwy, Montara, as well as to allow for additional adjustments to the procedures for the conduct of meetings as deemed necessary for the health and safety of all attendees, including offering an additional and permanent remote location to conduct its meetings at the same place and time as its regular location of meetings.

NOW, THEREFORE, be it resolved by the Board of the Montara Water and Sanitary District, a public agency in the County of San Mateo, California, as follows:

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER AND SANITARY DISTRICT RESUMING THE BOARD'S REGULAR MEETING LOCATION AND ESTABLISHING NECESSARY SAFETY PROTOCOLS, AND ESTABLISHING AN ADDITIONAL PERMANENT REMOTE MEETING LOCATION

1. The above recitals are true and correct and incorporated as though fully set forth herein.
2. Regular and special meetings, including committee meetings, of the Montara and Water Sanitary District Board of Directors shall return to, and be held in the Boardroom of the District's Administrative Offices located at 8888 Cabrillo Hwy, Montara, pursuant to Montara Water and Sanitary District Code Section 1-6.100.
3. In addition to the aforesaid meeting location of the Montara and Water Sanitary District Board of Directors, and by this Resolution, all regular, special and committee meetings of the Montara and Water Sanitary District Board of Directors may also be conducted remotely in conjunction with the regular, special and committee meetings of the Montara and Water Sanitary District Board of Directors as set forth herein.
4. The Board President and/or District Manager is permitted to make adjustments in physical meeting practices and/or remote logistics to comply with this Resolution and/or local or state health orders to ensure the health and safety of Board members, employees and residents or the ability of necessary staff to attend meetings, while maintaining critical District operations.
5. Resolution No. 1669 is hereby rescinded.
6. This Resolution is effective immediately.

President, Montara Water and Sanitary District

COUNTERSIGNED:

Secretary, Montara Water and Sanitary District

* * * *

I HEREBY CERTIFY that the foregoing Resolution No. _____ duly and regularly adopted and passed by the Board of the Montara Water and Sanitary

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER AND SANITARY DISTRICT RESUMING THE BOARD'S REGULAR MEETING LOCATION AND ESTABLISHING NECESSARY SAFETY PROTOCOLS, AND ESTABLISHING AN ADDITIONAL PERMANENT REMOTE MEETING LOCATION

District, County of San Mateo, California, at a Regular Adjourned Meeting thereof held on the 2nd day of March 2023, by the following vote:

AYES, Directors:

ABSTENTION:

NOES, Directors:

ABSENT, Directors:

Secretary, Montara Water and Sanitary District



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **March 2, 2023**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager *CH*

**SUBJECT: Review and Possible Action Concerning Vacant
Position for Board of Directors**

Due to Director Ric Lohman's untimely passing on January 19, 2023, a vacancy was created on the Board in which the remaining members decided to fill by appointment as provided under Government Code (Gov't. Code) Section 1780. As such, this Board authorized staff to immediately post a Notice of Vacancy and invite interested persons to submit a letter of interest and that the Board would make the appointment at its March 2 regular meeting. The vacancy must be filled no later than April 3, 2023. The new Board member will hold office until the next District general election cycle in Nov. 2024.

The District has received four applicants for the Director seat and their letters of interest are attached to this staff report. All candidates were invited to be interviewed by the Board of Directors at this meeting.

At the conclusion of interviews, the Board may ask for nominations and then vote to appoint one of the nominees. The appointed Director may immediately assume office and be seated on the Board, subject to making a sworn statement of eligibility (registered voter residing within District boundaries) and taking the oath of office (to be administered by Board President).

RECOMMENDATION:

Interview the candidates and appoint the best suitable candidate as Director for the vacant position; adopt Resolution of the Board of Directors of the Montara Water and Sanitary District, San Mateo County, California, Filling the Vacancy on the Board of Directors by Appointment.

Attachments

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER AND SANITARY DISTRICT, SAN MATEO COUNTY, CALIFORNIA, FILLING THE VACANCY ON THE BOARD OF DIRECTORS BY APPOINTMENT

WHEREAS, on January 19, 2023, Director Ric Lohman passed away, resulting in a vacancy on the Board of Directors of the Montara Water and Sanitary District (“Board”), effective February 2, 2023 under Government Code Section 1780 (“vacancy date”); and

WHEREAS, pursuant to California Water Code Section 30504, Health and Safety Code Section 6483 and Government Code Section 1780, the District notified the County Elections Official of the vacancy within fifteen (15) days of the vacancy date; and

WHEREAS, the remaining members of the District’s Board determined to fill the vacancy by appointment within sixty (60) days of the vacancy date and authorized the posting of a Notice of Vacancy in three (3) conspicuous places within the District at least fifteen (15) days prior to making the appointment; and

WHEREAS, the Notice of Vacancy gave notification that the District’s Board would consider making the appointment at its March 2, 2023 regular meeting and requested interested persons who are registered voters residing in the District to submit letters of interest to the District; and

WHEREAS, the District Board received letter(s) of interest and conducted interviews of potential candidate(s) at a regular meeting held March 2, 2023; and

WHEREAS, based on the submission of a letter of interest and an interview conducted, the District Board wishes to appoint a new Director to the Board as hereinafter set forth.

NOW, THEREFORE, be it resolved by the Board of the Montara Water and Sanitary District, a public agency in the County of San Mateo, California, as follows:

1. The vacancy on the District Board of Directors created by the passing of Director Lohman shall be filled by appointment no later than April 3, 2023 as provided by Government Code Section 1780.
2. The District notified the County Elections official within fifteen (15) days of the vacancy and posted the Notice of Vacancy in three (3) conspicuous places within the District at least fifteen (15) days prior to making the appointment.
3. Effective immediately, the Board of Directors hereby appoints, _____ as a Director of the District’s Board, for the term

RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MONTARA WATER AND SANITARY DISTRICT, SAN MATEO
COUNTY, CALIFORNIA, FILLING THE VACANCY ON THE
BOARD OF DIRECTORS BY APPOINTMENT**

commencing the date of this Resolution (subject to verification of eligibility), until the earlier of the next District General Election or other such date as said Director's term may cease.

4. The District's General Manager is hereby authorized to notify County Elections Official of the appointment of Director _____ within fifteen (15) days of this appointment.

President, Montara Water and Sanitary District

COUNTERSIGNED:

Secretary, Montara Water and Sanitary District

* * * * *

I HEREBY CERTIFY that the foregoing Resolution No. ____ duly and regularly adopted and passed by the Board of the Montara Water and Sanitary District, County of San Mateo, California, at a Special Adjourned Meeting thereof held on the 2nd day of March 2023, by the following vote:

AYES, Directors:

ABSTENTION:

NOES, Directors:

ABSENT, Directors:

Secretary, Montara Water and Sanitary District

SWORN STATEMENT OF ELIGIBILITY AND OATH OF
OFFICE

I, _____, do solemnly swear (or affirm) that I am a registered voter residing within the boundaries of the Montara Water & Sanitary District and that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

Office: Director of the Board of the Montara Water and Sanitary District

[name]

Subscribed and sworn to before me this 2nd
day of March, 2023.

Scott Boyd, President
Board of Directors, Montara Water & Sanitary District

Tracy Beardsley

From: Tracy Beardsley
Sent: Wednesday, February 15, 2023 3:35 PM
To: Clemens Heldmaier
Subject: FW: Application for nomination to Board

Importance: High

Hi Clemens,
Please see below.
Tracy

From: Nathan Cruz [REDACTED]
Sent: Wednesday, February 15, 2023 1:29 PM
To: Info_MWSD <info@mwsd.net>
Subject: Application for nomination to Board

Hello-

I'm interested in serving on the MSWD board until the 2024 General Election. My family moved coastside in 2020, and we've enjoyed integrating ourselves into this very special community. I'm specifically interested in this role because I care deeply about the financial stability and sustainability of critical public services.

I've dedicated my career to public service, starting as a Peace Corps volunteer and then working 15 years in local government. I have deep experience in public infrastructure finance, previously as the Associate Treasurer of Washington, DC, and now as the CFO of the Port of San Francisco.

Thanks for your consideration.

Nate Cruz
372 11th St, Montara, CA 94037

Tracy Beardsley

From: Richard Holmes [REDACTED]
Sent: Wednesday, February 8, 2023 1:55 PM
To: Info_MWSD
Subject: Water Board
Attachments: Richard Holmes- Resume.docx

Hi,

I would be interested in joining the water board. I live at 631 Sierra St. Moss Beach California. I have always thought this was an important position for the local community. What I lack in experience, I can make up with genuine curiosity and enthusiasm to learn the position. Please let me know what the next steps I must take to get involved.

Kind Regards,

Richard Holmes
415-912-0624

Sent from Mail for Windows

Richard Holmes
PO Box 165
Moss Beach, CA 94038
415-912-0624

WORK EXPERIENCE

SUMMARY OF QUALIFICATIONS:

- Dedicated to the highest level of customer satisfaction
- Thrive in a fast-paced environment
- Excel at problem solving and working independently
- Organized, efficient, and quality conscious
- Extensive computer knowledge

March 2020-Present-Agent Owner, Goosehead Insurance Brokerage, Half Moon Bay, California

- Full time sales and business owner
- Manage over 500 accounts
- Provide excellent customer service through telephone and email
- Work with people from a variety of different backgrounds and ages
- Manage payroll and other responsibilities as small business owner

May 2011- February 2019- AAA Insurance, Insurance Agent, San Francisco, California

- Club Level producing Insurance Agent for personal lines and life insurance
- Manage a three million dollar book of business. Outbound sales calls and marketing
- Service current customers with their various insurance needs
- Extensive experience with Salesforce MRM and Connect Suite
- Excellent product knowledge

May 2004-April 2008 and March 2009 – April 2011 -Allstate Insurance, Senior Sales Associate, Honolulu, Hawaii

- Sell homeowner's, Auto and Life insurance products
- Manage and train the sales team on products and company software
- Average 20-30 sales calls per day
- Top producer in policy count and total revenue in the office

May 2008-March 2009-Noguchi & Associates Account Executive, Honolulu, Hawaii

- Sell commercial, personal, and life insurance
- Developed and successfully implemented a commercial and residential marketing strategy
- Provide professional risk management and insurance advice to customers

Jan 2003-Jan 2004-Corporal Voluntary recall USMC, MP Company, Kaneohe Bay, Hawaii

- Impound Non-Commissioned Officer-Oversaw and ran the second largest impound lot in the Marine Corps
- Motor Transport Non-Commissioned Officer, took care of 28 vehicles, making sure they received the proper maintenance.

EDUCATION

1994-1998-Ohio Wesleyan University, Bachelors of Art in Political Science Major
Property, Casualty, Health and Life Insurance License, California
SPECIAL SKILLS AND INTERESTS

- Commercial Pilot license and former Flight instructor
- Enjoy spending time with my wife and kids

Tracy Beardsley

From: Ann Rothman [REDACTED]
Sent: Friday, February 24, 2023 4:30 PM
To: Info_MWSD
Subject: Interest in Joining the Board

Follow Up Flag: Follow up
Flag Status: Completed

Dear MWSD Board,

I would like to officially express my interest in joining the Board. I have attended meetings which helped to make me better informed about the services that the MWSD provides.

I first attended because I was concerned about rate increases. The more informed I became the more supportive I was of the decisions being made on behalf of the rate payers. Most recently I have been attending Half Moon Bay City Council, MCC and San Mateo County Board of Supervisors advocating for financial support for improved infrastructure for Moss Beach and Montara. The state and county are providing money to Half Moon Bay and MidPen Housing but nothing for improved infrastructure particularly with the water and sewer systems in Moss Beach. We are expected to provide housing for the entire county and for Half Moon Bay workforce with the Cypress Point 71 unit development. Water and sewer maintenance costs will fall on the shoulders of the rate payers for years to come. This along with Big Wave will strain the current system. It is necessary to make upgrades now before anymore failures occur. I have been requesting that all of the entities who will benefit from these projects provide financial support for the water and sewer improvements needed. Measure K funds have been used to support North Fair Oaks developments. Moss Beach should receive its fair share of funds. The federal government has distributed billions to states to improve infrastructure. What is more important than water and sewer. I will work tirelessly to secure MWSD's share of the funds available. Thank you for your consideration of me.

Best,

Ann Rothman

415-215-2467

Sent from my iPhone

From: Clemens Heldmaier
To: cid4houses@gmail.com
Cc: [Scott Boyd](#)
Subject: FW: Ric Lohman's passing and Board Vacancy
Date: Tuesday, February 14, 2023 9:31:00 AM

Cid,

Thank you very much for your interest in serving on the board of the Montara Water and Sanitary District. The Board will consider the appointment at the regular Board meeting to be held at 7:30 p.m. on Thursday, March 2, 2023.

I will contact you with more information about the meeting, how to attend and what to expect on Monday, February 27.

Thanks,

Clemens Heldmaier
MWSD

From: Cid Young <cid4houses@gmail.com>
Date: February 4, 2023 at 12:09:42 PM PST
To: Clemens Heldmaier <clemens@mw.com> Scott Boyd <scott@montara.com>
Subject: Ric Lohman's passing and Board Vacancy

I was extremely saddened to learn of Ric's passing and am sending Barbara L. a condolence letter as we speak. He was so knowledgeable about local issues, I really admired and looked up to him.

I would like to say that I am interested in running for the vacant seat on the MWSD Board. I think it would be an honor and a privilege.

Attached is a brief cv of my past positions held, for your consideration.

-Cid
Cid Young
650-728-9271
cid4houses@gmail.com
Moss Beach, CA 94038

Carlisle Ann Young, REALTOR®
Bay Area Real Estate Services
LICENSE # 01191410
Serving the San Francisco Bay Area since 1994

MONTARA WATER AND SANITARY DISTRICT

CANDIDATE INTERESTED IN APPLYING FOR A 2 YEAR TERM VACANCY ON THE MWSD BOARD

Carlyle Ann Young

(Aka Cid Young)

Resident of the Unincorporated Mid Coast since 1988

(Resident of San Mateo County since 1981)

Homeowner at: 180 San Lucas Avenue, Moss Beach, CA 94038 (650)-728-9271

I have been interested and engaged in Local Coastside issues, as well as many County-wide issues since the early 1980's.

Past Community roles held, Leadership positions or Committees.

I have served as the following:

Licensed REALTOR® since 1994 No Disciplinary Action - DRE# 01191410

Mentor volunteer at The Glide Memorial Children's Program in the San Francisco Tenderloin

President of the Women's Council of REALTORS® San Francisco Chapter - also served as Secretary, & President-Elect prior to Local Chapter President **Winner** of the Platinum Chapter Excellence Award for a Mega Chapter of the National WCR - for the year that I was President

Chairperson -WCR Chapter Special Events Committee; WCR Chapter Nominating Committee; WCR By-Laws Committee;

SAMCAR Coastside **Legislative** Committee; **SAMCAR Ethics** Committee; **SFAR** MLS Committee; **SFAR** Centennial Committee;

4H Leader in Half Moon Bay – Leader for Rabbits & Goats

President of Light-up the Sky 4th of July a 501c3 – Raised funds to put on an annual free Fireworks Show every year at the Harbor.

President of the Peninsula Succulent Club & Member of the California Garden Club; also served as Secretary & Nominating Chair & By-Laws Chair

Master Gardener - San Mateo & San Francisco Counties – **Co-Chair** of the Master Gardener Educational Garden Tour in Atherton

Master Composter - San Mateo County - Served as a Volunteer teaching Composting Workshops throughout the County

San Mateo County Elections Department - **Seasonal Election Poll Worker** for several Elections including the 2008 Presidential Election

1 of the 10 people who Signed the County Election Office petition papers to collect signatures for the local Coastside Fireboard Recall to **"KEEP CALFIRE"**

Local Coastside Member of **CERT** – Community Emergency Response Team - For the Seal Cove Neighborhood

CALA – Graduate of the Committee for Green Foothills - Community Advocates Leadership Academy (Ray Mueller & Joe Simitian were Guest Speakers)

Graduate of the Civics 101 Class Sponsored by San Mateo County; Attended every Class and graduated in October 2022

In addition to having a background in Real Estate and Community Service, I read to be or stay informed about local issues and I attend (some virtually) many local Public Meetings, to stay abreast of our community's challenges, be it planning, traffic, parks, water, sewer, stormwater management or simply local governance.

I believe in and promote transparency in Government.

I would like to see our area receive an adequate share of County-granted Measure K monies that seem to mainly be given to Cities, or Organizations within Cities.

I would like to see the CalTrans Right-of-Way be deeded over to MWSD so the community can have better vegetation maintenance and a place for a Linear Trail and a possible future Community Center which is much needed on the Coastside.

I am very committed to promoting and serving the needs of the residents of the unincorporated MidCoast, and to bringing our area into alignment with the stated goals of San Mateo County's Shared Vision 2025.

If I am accepted to fill the vacancies on the MWSD, I will follow-up with any necessary interviews or training, as required.

Sincerely,

-Cid

Carlyle Ann Young

The above candidate statement is my abbreviated curriculum vitae, and my full career employment and educational background can be found at:

<https://www.linkedin.com/in/cid-young-5aa5901>



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **March 2, 2023**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager

A handwritten signature in blue ink, appearing to read 'Clemens'.

SUBJECT: Review and Possible Action Concerning Authorization to Send Prop 218 Notices for Water and Sewer Rate Increases.

This item was brought to the board for discussion at the January 19 meeting. Staff and District Treasurer continued the discussion and are sharing suggestions at this meeting. General consensus was to move forward with both water and sewer rate increases to offset inflation and very high increases in construction cost of the last 2 years.

A time critical water capital improvement project will be brought to the board in a subsequent meeting and draw down current reserves. Sewer reserves are anticipated to be used for upcoming Sewer Authority Mid-Coastside (SAM) expenses due to storm repairs and planned SAM improvements, as well as the District's own Capital Improvement Program.

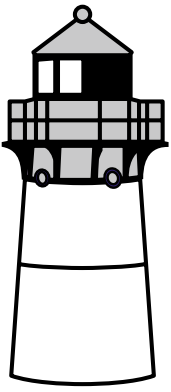
In November 2022 the MWSD board authorized the initiation of a water rate study and anticipated the initiation of a following sewer rate study to adjust sewer rates for FY 2023/2024.

On the basis of the attached draft prop 218 notice staff is preparing a final version to increase water and sewer rates 6% in the coming fiscal year. Depending on future needs the notice would allow up to 9% increase of water and sewer rates in the following year and again up to 9% increase in the third year. In the past the District was able to keep cost lower than anticipated and stretch a three year prop 218 allowance to a total of 5 years.

RECOMMENDATION:

Review the attached draft prop 218 notice and authorize the distribution of a final version.

Attachment



Montara Water & Sanitary District

NOTICE OF PUBLIC HEARING ON PROPOSED INCREASES TO WATER AND SEWER FEES AND CHARGES; COLLECTION OF CHARGES ON THE TAX ROLL

This Notice provides information about proposed increases to water and sewer fees and charges, and collection of charges on the tax roll.

HEARING DATE: Thursday, May 4, 2023

HEARING TIME: 7:30 p.m.

LOCATION: Montara Water and Sanitary District
8888 Cabrillo Highway
Montara, CA 94037

(Adjacent to the Point Montara Lighthouse & Hostel)

Dear Property Owner or Customer,

To support continued investment in our critical local water and sewer systems, Montara Water and Sanitary District (MWSD) is proposing to adopt a maximum 6% annual increase in water and sewer service charges with maximum 9% annual increases for the next two years. The rates and charges are proposed to go into effect starting on July 1, 2023.

The water and sewer utilities are independent self-supporting enterprises that rely primarily on revenues from water and sewer service charges to fund the costs of providing service. As such, water and sewer rates must be set at levels adequate to fund the costs of operations, maintenance, debt service, and capital improvements needed to keep the aging water and wastewater systems in good operating condition. Both systems have identified need for substantial ongoing investment to ensure continued high quality, reliable drinking water, adequate fire protection and sanitation.

What Do the Proposed Increases Pay for? Funds collected will be used to maintain and replace aging pipelines, tanks, pumps and other infrastructure in the District's water collection and distribution system, the sewer collection system and the regional wastewater treatment plant operated by the Sewer Authority Mid-Coastside.

Continuing Our Infrastructure Investment

Since 1958, we have been protecting the environment through the collection and treatment of sewage in Montara and Moss Beach. In 2001, our community added ownership and operation of our local water system. These two critical systems require continued maintenance and repair to serve our community.

We continue to make improvements and investments every year to keep these systems operating for you.

Pursuant to Government Code §53759, any judicial action or proceeding to attack, review, set aside, void, validate, or annul the District Board's adoption of the proposed water or sewer rates must be commenced within 120 days of the effective date or of the date of the final passage, adoption, or approval of the ordinance or resolution adopting the rates.

PLEASE CONTACT US IF YOU HAVE QUESTIONS OR COMMENTS

Tel: (650) 728-3545 • Email: info@mwsd.net • Write: P.O. Box 370131 Montara, CA 94037-0131

Proposed Water and Sewer Fees and Charges, Water System Reliability Charges; Collection of Charges on the Tax Roll

The District is proposing an increase to water and sewer rates to maintain the water and sewer systems beginning July 1, 2023, as described on these pages.

Proposed Water Rates: MWSD is proposing to adopt water rate increases for the next three fiscal years as shown on the table below. The proposed water rates are applied per hundred cubic feet (hcf) of billable usage. The proposed charges are applied monthly by meter size and applied to the regular bi-monthly water system service and quantity charges.

Proposed Water Rates		Effective On or After		
		July 1, 2023	July 1, 2024	July 1, 2025
Water Quantity Rates	Current			
Tier 1 (0 to 6 per HCF)	\$8.36	\$8.91	\$9.78	\$10.74
Tier 2 (7 to 13 per HCF)*	\$11.17	\$11.75	\$12.68	\$13.69
Tier 3 (14 to 27 per HCF)	\$13.94	\$14.57	\$15.56	\$16.65
Tier 4 (28 and over per HCF)	\$19.53	\$19.55	\$19.58	\$19.61
Water Connection Capacity Charge by Meter Size	Current			
5/8 x 3/4-inch	\$28.80	\$30.86	\$33.10	\$35.50
3/4-inch	\$31.68	\$34.97	\$38.62	\$42.60
1-inch	\$40.32	\$45.26	\$50.75	\$56.80
1-1/2-inch	\$51.84	\$78.18	\$108.13	\$142.00
2-inch	\$83.52	\$125.50	\$173.22	\$227.20
3-inch	\$316.82	\$349.76	\$386.17	\$426.00
4-inch	\$403.22	\$493.77	\$595.81	\$710.00
Private Fire Service Only				
Up to 4 inch	\$279.33	\$296.09	\$322.74	\$351.79
6 inch	\$558.66	\$592.18	\$645.48	\$703.57
8 inch	\$893.86	\$947.49	\$1,032.77	\$1,125.71
10 inch	\$1,340.78	\$1,421.23	\$1,549.15	\$1,688.57

*Non-Residential Accounts with Meters Larger than 1-inch

The District's water rates include two components:

1. Water quantity charges billed according to a 4-tiered rate structure with water purchased first in Tier 1 and then subsequently in higher, and
2. Fixed service charges based on meter size.

Typical Residential Bill Calculation for Fiscal Year Beginning July 1, 2023:

A typical residential customer with a 5/8 x 3/4-inch meter will be billed a bi-monthly water system service charge of \$31.39 and water quantity charge of \$91.10, totaling \$122.49.

Proposed Sewer Rates: The District is proposing to adopt sewer rate increases for the next three fiscal years as shown on the table below. The proposed sewer rates are applied per hundred cubic feet (hcf) of billable annual usage subject to a minimum charge based on 4 hcf per month (48 hcf per year) of billable use. Residential sewer service charges are currently calculated based on annualized water use from four wet-weather months (depending on water billing cycle), a period of minimal outdoor irrigation. Commercial sewer service charges vary based on customer class and wastewater strength and are applied based on annual water use. The first rate increase will be effective July 1, 2023. Sewer service charges are collected on the San Mateo County property tax rolls.

Proposed Sewer Rates		Effective On or After		
		July 1, 2023	July 1, 2024	July 1, 2025
<i>Volumetric charge billed per hundred cubic feet (hcf) of metered water use. Subject to a minimum charge based on 48 hcf of annual sewer use (4 hcf per month).</i>				
Customer Class	Current			
Residential	\$27.29	\$28.93	\$31.53	\$34.37
Restaurants	\$47.34	\$50.18	\$54.70	\$59.62
Motels	\$28.73	\$30.45	\$33.19	\$36.18
Offices	\$24.58	\$26.05	\$28.40	\$30.96
General Commercial	\$26.32	\$27.90	\$30.41	\$33.15
Schools	\$24.97	\$26.47	\$28.85	\$31.45
Hospitals	\$27.21	\$28.84	\$31.44	\$34.27

Sewer Service Charge Rates are usage-based rates billed per hundred cubic feet (hcf) of billable use; 1 hcf = one hundred cubic feet, or approximately 748 gallons. Annual sewer service charges are subject to a minimum charge based on 4 hcf per month (48 hcf per year) of billable use.

Sample Residential Bill Calculation for Fiscal Year Beginning July 1, 2023:

A typical residential customer with average monthly water use of 5 hcf has annualized billable use of 5 hcf x 12 months = 60 hcf. The annual sewer service charge is calculated by multiplying annual billable use of 60 hcf x \$29.75 per hcf = \$1,784.77 which is collected on the property tax rolls.

How to Protest the Proposed Rate Increases and/or Method of Collection

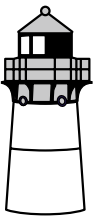
Property owners or customers may file written protests against the proposed rate increases and method of collection. Pursuant to California law, protests must be submitted in writing and must a) identify the affected property or properties, such as by address, Assessor's Parcel Number, or customer account number; b) include the name and signature of the customer or property owner submitting the protest; and c) indicate opposition to the specific proposed: 1) Water rate increases, 2) Water System Reliability Charges, or 3) sewer rate increases.

Protests submitted by e-mail, facsimile, or other electronic means will not be accepted. The proposed rates will not be adopted if written protests are received from the owners or customers representing a majority of affected parcels. Only one protest accepted per parcel.

Written protests may be mailed to: District Clerk, Montara Water and Sanitary District, P.O. Box 370131, Montara, CA 94037-0131. Written protests may also be delivered to the District's headquarters at 8888 Cabrillo Highway. All written protests must be submitted prior to the close of the Public Hearing on May 4, 2023.

Proposed Water System Reliability Charges		Effective On or After			
		Current	July 1, 2023	July 1, 2024	July 1, 2025
Water System Reliability Charges are collected annually on the San Mateo County property tax rolls, and are solely based on the water service meter size.	By Meter Size				
	5/8 x 3/4-inch	\$558.66	\$592.18	\$645.48	\$703.57
	3/4-inch	\$837.99	\$888.27	\$968.22	\$1,055.36
	1-inch	\$1,396.65	\$1,480.45	\$1,613.70	\$1,758.93
	1-1/2-inch	\$2,793.30	\$2,960.90	\$3,227.40	\$3,517.85
	2-inch	\$4,469.28	\$4,737.44	\$5,165.84	\$5,628.56
	3-inch	\$8,379.90	\$8,882.70	\$9,682.20	\$10,553.55
	4-inch	\$13,966.50	\$14,804.50	\$16,137.00	\$17,589.25
	Private Fire Service Only				
	Up to 4 inch	\$279.33	\$296.09	\$322.74	\$351.79
6 inch	\$558.66	\$592.18	\$645.48	\$703.57	
8 inch	\$893.86	\$947.49	\$1,032.77	\$1,125.71	
10 inch	\$1,340.78	\$1,421.23	\$1,549.15	\$1,688.57	

Water accounts with both regular water service and a private fire service connection pay only one charge.



Montara Water and Sanitary District

PRSRT STD
U.S. POSTAGE
PAID
XXX

P.O. Box 370131
Montara, CA 94037
Voice: 650-728-3545
Email: info@mwsd.net
Web: mwsd.montara.org

DIRECTORS

Scott Boyd, President
XXXXXXX, *President Pro Tem*
Peter Dekker, Treasurer
Kathryn Slater-Carter, Secretary
Bill Softky, Director

GENERAL MANAGER

Clemens Heldmaier

This was mailed using a legally mandated list. If you receive multiple copies, or received this in error, we apologize.

Montara Water & Sanitary District - NOTICE OF PUBLIC HEARING ON PROPOSED INCREASES IN WATER AND SEWER FEES AND CHARGES

Montara Water and Sanitary District (MWSD) works every day to deliver water, garbage and sewer services for the residents of Montara and Moss Beach. Over 6,000 residents rely on our services for their homes and businesses. To continue to invest in and maintain critical water and sewer system infrastructure, MWSD is proposing a maximum 6% annual increase in water and sewer service charges with maximum 9% annual increases for the next two years, effective starting July 1, 2023.

QUESTIONS OR COMMENTS?

Call: (650) 728-3545
8:30 AM to 5:00 PM Mon-Fri

Email: info@mwsd.net

Write: PO Box 370131,
Montara, CA 94037

Web:
www.mwsd.montara.org

Attend: Public Hearing on
Thursday, May 4, 2023 at
7:30 PM at:

8888 Cabrillo Highway,
Montara, CA 94037
(Adjacent to the Point
Montara Lighthouse & Hostel)

Customers experiencing financial hardship may qualify for MWSD's Economic Hardship Assistance Discount.

The Hardship Assistance Discount offers qualified customers an annual \$100 sewer charge credit, and a bi-monthly water charge credit of \$16.67 (\$100 per year). Customers enrolled in the PG&E Care Program and/or Recology of the Coast's low income rate program qualify for the District's Hardship Assistance Discount. Customers participating in Recology's low income rate program will be automatically enrolled in MWSD's program after July 1, 2023.

To Enroll: Call Recology of the Coast Customer Service at (650) 355-9000 or MWSD directly at (650) 728-3545.



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **March 2, 2023**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager 

SUBJECT: Review and Possible Action Concerning the Pillar Ridge Supply Reliability Improvement Project

The Pillar Ridge Manufactured Home Community (Pillar Ridge) is a privately-owned community in Moss Beach, CA, near the Half Moon Bay Airport. In January 2015, Montara Water & Sanitary District (MWSD or "District") - Public Water System No. CA4110010 - consolidated the Pillar Ridge Manufactured Home Community (Pillar Ridge) - formerly Public Water System No. CA4110028 - and thus acquired supply sources, storage facilities, and the treatment infrastructure. The distribution system infrastructure remained under the ownership and management of the system's previous owner - Millennium Housing. The Pillar Ridge community includes 227 water service connections, which serve approximately 850 people. The Pillar Ridge water system facilities were designed and constructed between 1988 and 1991, and a number of facilities have been rehabilitated since their construction.

The Pillar Ridge Supply Reliability Improvement Project (Project) is a multi-faceted project that will ultimately provide the Pillar Ridge neighborhood with a more reliable drinking water supply. The objective of the Project is to enhance the supply reliability, drought resiliency, and operational capacity of the Pillar Ridge facilities and MWSD system through key infrastructure improvements.

MWSD staff has submitted a grant application to submit to the California Department of Water Resources (DWR) Small Community Drought Relief to fund this Project. DWR's Small Community Drought Relief Program was authorized by the Budget Act of 2021 following the 2021 State drought emergency proclamation. The Program commits 190 million dollars for financial and technical assistance to help small communities respond to and mitigate worsening drought conditions. *"The Program will support projects and program that provide immediate and near-term water supply reliability benefits and improve small communities' drought and water shortage resiliency and preparedness."* Applications for eligible projects are currently accepted on a rolling basis, until December 2023, or until all the funds have been awarded. Unfortunately, staff has received a notice from DWR that this project was put on a low-priority list.

The Notice of Exemption under the California Environmental Quality Act (CEQA) was filed by the District on October 14, 2022 and the permitting review process was completed on November 13, 2022. The project design is currently at the 50-percent completion level that was based on significant input from the Pillar Ridge Community.



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **March 2, 2023**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager

Based on the anticipated availability of funding in the MWSD's Water Capital Budget for the Fiscal Year 2023/2024, staff proposes to bifurcate the project into two phases, as follows:

- Fiscal Year 2023/2024 - Phase 1: WTP rehabilitation, well rehabilitation, operational flexibility improvements;
- Fiscal Year 2026/2027 – Phase 2: Pillar Ridge storage facilities' rehabilitation.

RECOMMENDATION:

This item is for the Board information only. No action is required at this time.



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **March 2, 2023**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager 

**SUBJECT: Review and Possible Action Concerning
Transition from At-large to By-division Based
Elections**

This item is the first step in preparation for the District's transition from an at-large to a by-division election system pursuant to the Stipulated Judgment entered by the San Mateo County Superior Court on March 29, 2022 (copy attached).

Here is a summary key events:

- On February 12, 2021, the District received a Notice of Violation of the California Voting Rights Act (CVRA) from John Sarsfield, an attorney representing a group of minority voters residing within the District, claiming that the District's at-large voting system violates the CVRA and threatening litigation if the District fails to transition to by-division system. (See attached *Staff Report* dated March 25, 2021 discussing the Notice and CVRA.)
- Due to the Governor's COVID Order, the District delayed making its decision to transition its voting system within the required 45-day statutory timeframe and, instead, worked with Mr. Sarsfield to reach an agreement for the transition pursuant to the terms set forth in the Stipulated Judgment.
- During this time, the District also launched an Elected Community Service Academy in which it conducted a series of outreach meetings and communications designed to engage and inform the community about the roles and responsibilities of Directors elected to the MWSD Board of Directors, as well as the candidacy, campaign, and election processes to secure election to any open seat.
- Once the COVID Order was lifted, this Board made the decision to settle the lawsuit and agreed to the transition in order to avoid the uncertainty of litigation and high exposure to substantial litigation costs.

Under the provisions of the Stipulated Judgment, the District is required to complete the transition no later than December 31, 2023. The transition process requires five (5) public hearings spanning a period approximately 3-4 months.



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **March 2, 2023**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager

Election sequencing will occur as follows: in the November 2024 General Election, two Board member 4-year terms will be up and those seats will be elected by-division; Director Lohman's 4-year seat will also be up but his remaining 2-year term will be likely elected at-large. In 2026, all Director seats will be elected by-division.

In order to assist with the transition, staff recommends retaining the consulting services of a demographer. Attached is a proposal submitted by Redistricting Partners, which contains a description of the scope of work and proposed general timeline for the transition.

RECOMMENDATION:

Adopt RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER AND SANITARY DISTRICT DECLARING ITS INTENTION TO INITIATE PROCEDURES TO TRANSITION FROM AT-LARGE TO BY-DIVISION ELECTIONS PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10010(e)(3)(A) AND TAKING RELATED ACTIONS

Attachments

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER AND SANITARY DISTRICT DECLARING ITS INTENTION TO INITIATE PROCEDURES TO TRANSITION FROM AT-LARGE TO BY-DIVISION ELECTIONS PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10010(e)(3)(A) AND TAKING RELATED ACTIONS

WHEREAS, the Board of Directors of the Montara Water and Sanitary District (“District”) is an elected legislative public body serving the residents of the District; and

WHEREAS, the District presently has an at-large election system (where the entire jurisdiction votes for each member of the Board of Directors), rather than a “by-division” election system (where the jurisdiction is divided into divisions, each Board candidate must reside in the division he or she will represent, and only voters within a given division vote for that division’s Board representative); and

WHEREAS, in 2002, the California legislature adopted the California Voting Rights Act (“CVRA”), which became law on January 1, 2003; and

WHEREAS, the CVRA, in an attempt to prevent the disenfranchisement of protected classes of persons and establishes a low threshold for plaintiffs and their attorneys seeking to force local public agencies to convert from at-large to by-division elections; and

WHEREAS, local public agencies that have been sued under the CVRA have almost universally lost those cases and typically have been forced to pay extremely large sums to the plaintiffs’ attorneys; and

WHEREAS, the District received a demand letter from potential plaintiffs, alleging that the District’s at-large election system dilutes the ability of certain protected classes of persons within the jurisdictions to elect candidates of their choice, and thereby violates the CVRA; and

WHEREAS, in order to avoid the high costs and legal risks associated with a CVRA lawsuit, the District negotiated a Stipulated Judgment with potential plaintiffs, entered by the Superior Court on March 29, 2022 (San Mateo County Superior Court Case No. 22-CIV-00752) and incorporated herein by this reference, in which the District agrees to transition to a by-division election system in accordance with the purposes of the CVRA; and

WHEREAS, in addition to the threat of litigation posed by the current at-large voting system, the recent completion of the 2020 federal census provides an appropriate and further opportunity to initiate a transition to by-division elections within the District; and

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER AND SANITARY DISTRICT DECLARING ITS INTENTION TO INITIATE PROCEDURES TO TRANSITION FROM AT-LARGE TO BY-DIVISION ELECTIONS PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10010(e)(3)(A) AND TAKING RELATED ACTIONS

WHEREAS, pursuant to California Election Code 10650, the Board of Directors has determined that that the change in the method of electing members of the Board is being made in furtherance of the purposes of the CVRA; and

WHEREAS California Elections Code Section 10508 provides that the principal act under which the District is organized shall govern whether members of its Board of Directors are elected by divisions or at large, and authorizes the District's Board of Directors to require that the members of the Board of Directors be elected using district-based elections pursuant to California Elections Code Section 10650.

WHEREAS California Elections Code Section 10650 provides that notwithstanding any other law, the District Board of Directors may require, by resolution, that the members of its Board of Directors be elected using district-based elections, as defined in Elections Code Section 14026(b), without being required to submit the resolution to the voters for approval. In a district-based elections system, a candidate for the District Board of Directors must reside in the voting district which he or she wishes to represent, and only the voters of that district are entitled to vote to decide who that district's representative will be.

WHEREAS, the adoption of a zone- based electoral system will not affect the term of any sitting Board member, each of whom will serve out his or her current term.

WHEREAS, the District Board of Directors desires to declare its intention to adopt a resolution pursuant to Elections Code sections 10010 and 10650 transitioning from at-large to by-division elections, establish specific steps it will undertake to facilitate this transition, and establish an estimated time frame for doing so.

NOW, THEREFORE, be it resolved by the Board of the Montara Water and Sanitary District, a public agency in the County of San Mateo, California, as follows:

SECTION I. Incorporation of Recitals. The recitals stated above are true and correct and are incorporated herein by reference.

SECTION II. Intention to Transition to a By-Division Election System. The Board of Directors intends to adopt a resolution, pursuant to Elections Code section

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10650, to transition the election of its members of the Board of Directors from an at-large electoral system to a by-division system.

SECTION III. Instructions Related to Transition. In accordance with Elections Code 10010, the following specific steps have been or will be undertaken to facilitate the transition to by-division elections:

(a) the District's General Counsel shall engage an experienced demographer, in order to assist the District in establishing divisions, in compliance with the CVRA;

(b) Conduct public outreach to explain the process of forming divisions and to encourage public participation, including the District's previously launched Elected Community Service Academy in which it conducted a series of outreach meetings and communications designed to engage and inform the community about the roles and responsibilities of Directors elected to the Board of Directors, as well as the candidacy, campaign, and election processes to secure election to any open seat.

(c) Before drawing any draft map of the proposed division boundaries, hold at least two public hearings over a period of no more than thirty (30) days, at which the public is invited to provide input regarding the composition of the divisions and to consider division boundaries, as provided in Elections Code Section 10010;

(d) After drawing a draft map, publish the draft map and the potential sequence of the division elections, and hold at least two noticed public hearings over a period of no more than forty-five (45) days, at which the public will be invited to provide input regarding the content of the draft map and the proposed sequence of elections; and

(e) Hold a public meeting at which the Board of Directors will consider a resolution establishing by-division elections, including the adoption of a division boundary map and the sequence of the division elections.

The estimated timeframe for completing the above-referenced actions is set forth in the Stipulated Judgment as follows: the division boundaries will be established by December 31, 2023 which takes into consideration the time required for public outreach and input, and the timeframes and required actions established by Elections Code section 10010.

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER AND SANITARY DISTRICT DECLARING ITS INTENTION TO INITIATE PROCEDURES TO TRANSITION FROM AT-LARGE TO BY-DIVISION ELECTIONS PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10010(e)(3)(A) AND TAKING RELATED ACTIONS

SECTION IV. CEQA. Adoption of this Resolution is an organizational and administrative activity of the District, does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project for purposes of CEQA. (State CEQA Guidelines, §§ 15061(b)(3); 15378(b)(5).)

SECTION V. Severability. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

SECTION VI. Effective Date. This Resolution shall become effective upon its adoption.

BE IT FURTHER RESOLVED that the Board directs the District’s General Counsel and the District’s General Manager or their designees to immediately initiate the legal and regulatory process to establish electoral zones within the District, in sufficient time for such zones to be established for the November 2024 election of members of the Board in accordance with this Resolution; and

BE IT FURTHER RESOLVED that the Board directs the District’s General Counsel and the District’s General Manager or their designees to collaborate with the demographer, to prepare draft “by zone ” area map scenarios for public review and input at upcoming meetings, prepare a tentative timeline for conducting the transition process, and administer a comprehensive public outreach program.

President, Montara Water and Sanitary District

COUNTERSIGNED:

Secretary, Montara Water and Sanitary District

* * * *

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER AND SANITARY DISTRICT DECLARING ITS INTENTION TO INITIATE PROCEDURES TO TRANSITION FROM AT-LARGE TO BY-DIVISION ELECTIONS PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10010(e)(3)(A) AND TAKING RELATED ACTIONS

I HEREBY CERTIFY that the foregoing Resolution No. _____ duly and regularly adopted and passed by the Board of the Montara Water and Sanitary District, County of San Mateo, California, at a Special Adjourned Meeting thereof held on the 2nd day of March 2023, by the following vote:

AYES, Directors:

ABSTENTION:

NOES, Directors:

ABSENT, Directors:

Secretary, Montara Water and Sanitary District

Montara Water and Sanitary District
*Districting Proposal Under CVRA Safe Harbor
Guidelines*

February 9, 2023

February 9, 2023

Clemens Heldmaier
General Manager
Montara Water and Sanitary District
8888 Cabrillo Highway
Montara, CA 94037

Sent via email to: clemens@mwsd.net

Dear Mr. Heldmaier,

Thank you for the opportunity to submit this proposal for the coming districting of the Montara Water and Sanitary District.

Redistricting Partners has worked with over 100 agencies, large and small, on their decennial redistricting process, conversions to districted elections under the California Voting Rights Act, and other related projects, such as racially polarized voting analysis. Our client list over the last redistricting cycle includes more than 20 counties, 25 cities, and numerous special districts, with clients as varied as Westborough Water District, Santa Clara County, and New York City. Our responsibilities include walking elected officials, staff and the public through the background of the CVRA and districting process, building a record of community input on potential new lines, working with outside groups that are engaged in districting advocacy, and overseeing the technical aspects of implementing the new lines with the relevant local county elections offices.

We have the experience and knowledge to assist local governments in every step of the coming districting process, from community engagement, data gathering, line drawing, map presentation and all other technical aspects of the work. For more on our staff please visit our website staff page at <http://redistrictingpartners.com/about/>

I have attached an outline of our scope of services for agencies conducting their conversion to district under the California Voting Rights Act. In most cases, for a special district redistricting with this structure (mostly presenting virtually, but in-person if and when appropriate), multiple draft maps, assistance in outreach and analysis of public input, the cost would be \$30,000. These costs are based on an expectation that most, and likely all, hearings in 2023 would be done virtually.

We would be happy to work with you on the districting process for the Montara Water and Sanitary District and help you overcome these challenges. We look forward to discussing this more at your convenience.

Sincerely,



Paul Mitchell
Owner, Redistricting Partners

Executive Summary

We are happy to provide information on our approach to the districting process and how we are able to support the Montara Water and Sanitary District in an open and transparent process that the Board of Directors and the public can have confidence in.

This includes:

- Management of Census and other datasets
- Tools for community engagement
- Creating a public mapping tool and facilitating the development of an optional online mapping program to allow the public to submit maps
- Developing draft plans and evaluating publicly submitted plans
- Working with the Board of Directors and staff on iterations of plans
- Submitting the final plan passed by the Board of Directors to the County Registrar

The proposal outlines our participation in all the required districting processes and more, including:

Additional Hearings – beyond what is required, and beyond what is within the expected structure of a public open and transparent process.

Additional Support – working with the Board and staff on outreach, community engagement, and any additional projects.

Technical Support – beyond the districting itself, offering support of an online mapping system for public engagement.

Redistricting Partners has the experience and knowledge to assist the District and staff in every step of this coming districting process – from community engagement, data gathering, line drawing, map presentation, and all other technical aspects of the work – in order to fulfil your obligations under the CVRA and successfully have lines in place for the November 2024 election. We also have the demonstrated ability to perform these functions within the COVID-era restrictions and with in-person meetings.

Working on this project will be Paul Mitchell, President of Redistricting Partners, Chris Chaffee, Chief Operating Officer, and Elizabeth Stitt, Project Lead.

Scope of Services – CVRA Conversion

Redistricting Partners has been working for the past decade assisting dozens of municipalities with conversion to districted election systems under the California Voting Rights Act (CVRA).

The CVRA requires all agencies (cities, school boards, community colleges and other special districts) to convert to by-district election systems if they have signs of racially polarized voting. Recent amendments to the law allow for a faster, easier transition, provided that the agency follow specific “safe harbor” rules regarding the timing, structure, and transparency in the districting process.

The following is an outline of the services provided in this districting effort.

Public Engagement

The CVRA sets a structure for public engagement which includes five public hearings: two conducted prior to line drawing, two more held for public input and changes after maps have been made public, and one final hearing for adoption of a map that has been made public for 7 days prior to adoption.

Redistricting Partners will work with the municipality in conducting these presentations, gathering and documenting public input, and utilizing these hearings as a means for determining initial criteria for draft maps and amending maps that have been produced.

In addition, Redistricting Partners traditionally utilizes three methods for soliciting public input during this process.

- 1) The use of a simple community of interest worksheet, which allows the public to describe their community of interest, give evidence of what binds that community together and defines it, and provide any kind of drawing or map of that area. This can be used in-person at public hearings or completed by the public and emailed as a form of submitted testimony.
- 2) An in-person or online interactive workshop where physical maps are provided showing population densities, and the public is assisted in either drawing their communities of interest or drawing draft maps.

- 3) An online mapping option to facilitate deeper community engagement by allowing members of the public to draw and describe their community of interest or draw potential district lines.

Our staff includes experts in civic engagement, community outreach, and will assist in communicating needs for public engagement at client direction.

GIS and Data

The GIS backbone of redistricting is the Topologically Integrated Geographic Encoding and Referencing, or TIGER, a format used by the United States Census Bureau. This will serve as the geographic backbone of the redistricting project. The core TIGER/Line Files and Shapefiles do not include demographic data but do contain information about the external boundaries of cities, counties and other districts, and often are the same geography used in the creation of precincts.

Other districts, such as community colleges, water boards, and other special districts may utilize other geographic layers for their external boundaries, such as parcel layers, and some counties rely on parcel layers entirely for the creation of their precincts. Redistricting Partners has more than a decade of experience dealing with these issues and working with county registrars to process the redistricting files in both formats.

Decennial census districting data specifically tailored to each jurisdiction will be utilized within this TIGER geography. This data, under new California law, will also include the reallocation of incarcerated population, and be supplemented with the most recent American Community Survey (ACS) dataset, including estimated total population and Citizen Voting Age Population (CVAP) which quantifies ethnic populations for the purposes of the Federal Voting Rights Act.

Additional datasets can be utilized in redistricting based on the client needs. For example, in a healthcare district there could be a geographic dataset of underlying service areas or facilities, or at a community college there might be information on campuses and feeder high schools that serve as a geographic dataset to inform the districting process. Redistricting Partners is adept at helping agencies utilize these different pieces of geographic information within one project.

Meetings & Creation of Lines

Redistricting Partners will participate in public hearings either remotely or in-person, based on the health and safety guidance at the time. In a contract with a standard five-hearing schedule, at least two will be held remotely with up to three using in-person staffing, if appropriate.

Once mapping can be conducted, Redistricting Partners will create three sets of potential lines following traditional redistricting criteria including that districts be contiguous, compact, and follow traditional governmental or community lines and natural / physical contours of the district geography and input from the initial public hearings.

Maps that are created are provided in four formats:

- Printable 8.5x11 Mapping and Data PDFs for dissemination with meeting agenda or posting on the public-facing website. These maps provide an overview and will often show neighborhoods, significant landmarks or key facilities, but do not go down to the street-level.
- Interactive online maps, like Google Maps, with the proposed district boundaries, including the embedded data calculations for population, ethnicity, and any other factors that are key to the district analysis.
- Printable large-format maps that can be utilized for any posters or other presentations requiring more detail to the street level.
- Shapefile and census block equivalency files for use by any GIS staff or members of the public with GIS mapping capabilities.

Following the presentation of maps at the third public hearing Redistricting Partners will take any information gleaned from public comments or elected official input to create additional amended maps and engage in a process of selecting and finalizing mapping options for the fourth public hearing. Alternatively, Redistricting Partners could continue to collect public information and only create new versions after the fourth public hearing.

Under the California Voting Rights Act the final hearing will be for a vote only on the map which has been finalized and published within seven days prior to adoption. This mapping option will be produced by Redistricting Partners with all the additional technical elements necessary for the final resolution.

Adoption/ Processing of new lines

Once lines are adopted, Redistricting Partners will work with the County Registrar(s) staff in order to complete the process and make new lines available for the next available election. This processing includes:

- Documentation from public meetings, signed resolution
- Electronic PDF maps of new election district boundaries
- GIS Shapefiles for county staff to assign precincts

- Metes and Bounds legal document with written description of district boundaries
- Census Block equivalency files and shapefiles for a backup of district lines in latest US Census geographic data.

Optional Elements

Beyond the CVRA Safe Harbor five meeting structure, contracts can be adjusted to allow for additional public meetings or interactive workshops.

Additional outreach programs, including in-language outreach, are available through Redistricting Partners sub-vendors. These can range from small engagements to create materials and promotions for public engagement, and grow into large emailing, mass-mailing, digital, radio and cable TV ads promoting the redistricting process. Language services are also available through a sub-vendor contract.

Two different online mapping tools are available through Redistricting Partners. The first is a public community engagement and district mapping tool developed by Tufts University and managed by Redistricting Partners. The second option is Maptitude Online Redistricting software from Caliper Corporation. Demonstrations of each product are available for prospective clients.

TYPICAL FIVE HEARING STRUCTURE

	Purpose of Hearing
1 st Public Hearing	<p>Public Hearing with information about the redistricting process, descriptions of the data and mapping tools, introduction of ways the community can provide input.</p> <p>The purpose of this introductory hearing is to provide information to the public and solicit input from the public and elected officials on where community of interests exist, and how those can contribute to the building of potential districts.</p>
2 nd Public Hearing	<p>Repeat of first hearing, with additional emphasis on tools for providing input, potentially an overview or training for online mapping tools, emphasis on receiving community of interest testimony for the purposes of driving map creation.</p>
3 rd Public Hearing	<p>Public Hearing with presentation of maps of new potential district boundaries produced by the demographer and published seven days in advance, with a summary of how mapping options were drawn from testimony and public input received during the previous hearings. These maps are expected to drive additional feedback from the public and elected officials.</p>
4 th Public Hearing	<p>Public Hearing with revised map(s) of proposed district boundaries produced by the demographer and published seven days in advance. Additional public input regarding the revised map(s) and concluding with direction from the Board on a final map that will be placed on the calendar for an upcoming up/down vote on the completed districting plan.</p>
5 th Public Hearing	<p>Public Hearing to adopt final map</p>

Project Timeline

The following timeline follows the requirements of the CVRA, and the structure described in the Request for Proposals.

This general timeline should be adjusted at the wishes of District staff and their decision on whether to add more meetings and/or what type of districting process they choose.

February 2023: Kickoff meeting with District staff to go over the scope of work, timelines and expectations.

March/April: Two pre-map public hearings on trainings to prepare, educate and empower the public and the Board of Directors to participate in the process and perform their duties. These trainings would include presentations on the basics of districting and redistricting, the Federal Voting Rights Act, Fair Maps Act, and other applicable laws, traditional redistricting principles (also used in districtings), community of interest testimony and outreach strategies, and the online mapping tool if selected by the District.

April: A hearing to introduce the draft maps, with an opportunity for the public to comment and for the Board to give Redistricting Partners direction in changes for the maps.

May: The second meeting discussing draft map plans initially created from public and Board input and modified through discussion with the Board of Directors and public. Maps created by Redistricting Partners to be discussed at the meeting will need to be posted seven days prior to hearing. It is recommended that at this meeting the Board of Directors recommend a map plan or plans for final consideration during their last meeting.

May: The Board of Directors adopts the final map plan by ordinance or resolution. The final plan with a proposed numbering sequence will need to be made public seven-days prior to the first reading of the ordinance/resolution.

Company Information

Redistricting Partners with the same core of individuals on staff, has worked on decennial redistricting, racially polarized voting analysis, and mid-decade districting work, primarily in California, for the past decade with GIS and political experience that goes back more than 20 years.

Redistricting Partners and its employees are not subject to any litigation, mediation, or arbitration regarding the performance of any services similar to the services of the RFP.

Redistricting Partners is a California Limited Liability Corporation. Its contact information is as follows:

725 University Ave

Sacramento, CA 95825

info@RedistrictingPartners.com

800-996-1019

Company Personnel

For this project we will be dedicating personnel in each of the following roles:

Paul Mitchell – Lead Demographer / Principal

Owner of Redistricting Partners and Vice President of the bi-partisan voter data firm Political Data Inc., Mitchell has conducted dozens of redistricting and racially polarized voting studies for local cities, school boards and other agencies. Mitchell is a recognized expert in redistricting, demographics, elections analysis and community electoral behavior.

Mitchell is the lead consultant for this proposal, overseeing the entire process, including conducting many of the technical aspects of the redistricting, performing line drawing, conducting presentations on redistricting before the district and public, overseeing outreach meetings along with other team members, and working with staff to ensure a successful redistricting process, from start to finish.

Chris Chaffee – Chief Operations Officer

Chief Operations Officer with Redistricting Partners, Chaffee worked extensively with the California Counts statewide census outreach program and multiple community-based organizations in developing and implementing grassroots strategies to increase the 2020 Census count in traditionally hard to count areas.

Elizabeth Stitt – Project Lead

Stitt a lead consultant for this proposal, working with the District staff on structure and development of outreach meetings, helping increase the confidence that staff and Board of Directors have in working with the data and mapping tools, and ensuring successful completion of the redistricting project.

It is important to note that the staff at Redistricting Partners works cohesively in a team-based environment, so there will often be more than one staff person dedicated to each task. All staff have extensive experience with their areas of expertise and work seamlessly together. While there may be additional staff who work on each project, all work is performed at the highest level of expertise, professionalism, and expectations. The team works remotely with staff in California and other states.

Please see Exhibit A for resumes of the Redistricting Partner team.

Experience and References

Redistricting Partners with the same core of individuals on staff, has worked on decennial redistricting, racially polarized voting analysis, and mid-decade districting work, primarily in California, for the past decade with GIS and political experience that goes back more than 20 years.

The firm was formed with a focus on engaging in the statewide redistricting process under the new California Independent Citizens Commission in 2011. This work quickly moved into local municipal redistricting, starting with a master contract with the Community College League of California for advising and implementing transitions from at-large election systems to districted election systems for dozens of community college districts throughout the state.

For more than a decade, much of our work has been with a mix of multicultural cities, community college districts, school councils and a diverse array of agencies, such as hospital districts, water councils and other special districts. This work has included very large agencies, spanning multiple counties and within areas of the state requiring preclearance under the Section 5 of the Voting Rights Act (when it was operative), to extremely small jurisdictions with barely enough population to make for functioning districted systems.

Our work has allowed us to develop experience in all facets of redistricting, from working with a redistricting commission at the Long Beach Independent Redistricting Commission, to developing outreach in communities across the state with diverse ethnic populations, engaging the public through workshops and mass communication, working with datasets common to redistricting, such as the decennial Census files and the American Community Survey, and uncommon databases, such as student transportation data, mapping educational needs, healthcare services and creating datasets for different populations of farmers or students or other special requests by agencies or the public. It has also included projects with specific language needs – from Vietnamese and Spanish language interpreters and translation in Santa Ana, to Armenian translation in Glendale, to 12 non-English languages in the City of Los Angeles.

Redistricting Partners places a strong emphasis on workflow and management. Staff are assigned specific roles on each project, hold regular staff meetings with updates, and maintain internal systems in order to ensure that work is completed and that all staff are aware of project status in order to be able to assist if necessary. Having worked on the 2010 and 2020 redistricting cycles we have a familiarity with the flow of projects within the redistricting process.

As a redistricting firm rooted in our values, we have never participated in a redistricting that sought to disenfranchise or dilute the voting power of their minority populations. Neither Redistricting Partners nor its staff have ever been a subject of a Voting Rights Act claim or lawsuit.

Our firm has the experience of conducting over 100 districtings and redistrictings, but it isn't just the quantitative measures that make Redistricting Partners stand out. The qualitative measures are what we are most proud of.

Given the innate controversial nature of districting and redistricting that many of our clients have experienced, Redistricting Partners places an emphasis on transparency and openness, so the public, regardless of their political preferences, can feel confident in the process. With extensive knowledge on the CVRA, FAIR MAPS Act and the relevant caselaw, Redistricting Partners actively helps our clients go above and beyond these legal requirements. We moderate outreach presentations designed for the public, so residents can obtain a basic understanding of the process, empower them to draw their own maps and ensure their questions on this new and complex process are answered.

Our firm is one of very few in the country that has been hired by both organizations doing community input and civic engagement, such as the American Civil Liberties Union, Common Cause, Irvine Foundation, and others, and also has done work directly for agencies, from cities to school councils, water districts and others, and worked for the law firms representing municipal governments.

References

The following are references from recent work. Additional references are available upon request.

Client Name: **City of Davis**

Project Description:

Redistricting of city council district boundaries under a five-hearing structure.

Reference:

Reference: Kelly Stachowicz

Assistant City Manager

KStachowicz@cityofdavis.org

(530) 757-5602 ext. 5802

Client Name: **City of Napa**

Project Description:

Redistricting of city council district boundaries under a five-hearing structure.

Reference:

Tiffany Carranza

955 School Street

Napa, CA 94559

tcarranza@cityofnapa.org

(707) 257-9503

Client Name: **San Joaquin County**

Project Description:

A redistricting project for San Joaquin County a diverse County which was conducting a redistricting process with a Redistricting Advisory Committee.

Reference:

Glen Fowler

gfowler@sjgov.org

(916) 390-0670

Evidence of Insurance

If awarded the contract for redistricting services, we shall comply with all insurance requirements

Pricing

The costs for this districting project include several fixed elements, with a total cost for our services. However, there are some costs that are elective, based on the will of the staff and Board.

Additional Meetings

- Based on the proposal there is the possibility of additional meetings that might be required

Additional Remote hearings: \$2,250 each

Additional In-Person hearings: \$3,500 each

Consultants and staff each have billable costs based on their experience and the value they bring to this project.

	Hourly Rate	On-Site Day Rate
Paul Mitchell	\$400	\$4,500
Chris Chaffee	\$300	\$3,500
Elizabeth Stitt	\$225	\$2,520

The full budget for this districting proposal is based on the different needs within the districting process. The total cost reflects all elements, but acceptance of this proposal does not bind the District to each part of the cost proposal – elements that are not needed can be removed without impacting the pricing of the remaining elements.

For each section there is a consultant assigned as the principal leading this part of the effort. However, multiple staff will support, so there is not a one-to-one relationship to the hourly or on- site day rate of that consultant to the cost of completing each set of deliverables.

Full CVRA Districting

A five-meeting structure before the Board of Directors as required by the CVRA and working with staff on the districting process, methodologies, technology, population data and any related VRA requirements and timeline, plus attendance at all public meetings.

Creation of mapping options, evaluation of public testimony, working with legal counsel on analyzing compliance with state and federal laws, other laws, and traditional districting criteria. Assisting with final map and staff reports. Additional duties as required.

Principal Staff: Paul Mitchell, Chris Chaffee, & Liz Stitt

Cost: \$30,000

Public Mapping Tools

DistrictR – an online tool developed by the MGGG Redistricting Lab, a team of researchers at Tisch College of Tufts University allowing for mapping of communities of interest and drawing of district lines.

Online Public Software + Training: \$8,000

Attachment A: Resumes

Paul Mitchell

3400 Adams Rd
Sacramento, CA 95864

Paul@redistrictingpartners.com
(916) 612-8686

EXPERIENCE

Owner, CEO, Redistricting Partners 2010- Present

Created and run redistricting and data consulting business focusing on California cities, community colleges and state legislative and congressional districts. Featured speaker at local government and statewide conferences on demographics, data and elections.

Vice President, Political Data Inc 2012- Present

Lead a bi-partisan voter data company based in California, servicing clients ranging from the California Democratic Party to the California Republican Party, candidates for elected office, ranging from Governor to local school board, local and statewide ballot measures, and other. Primary data management is in polling samples for internal and public polling, including the UC Berkeley IGS/ LA Times polling, and conduct polling for Capitol Weekly. Nationally recognized expert on voting behavior and data analysis.

EdVoice Chief Financial Officer, 2004-2008

Director of operations for large statewide education reform organization, leading political and policy efforts in statewide and local government.

Chief of Staff, Assemblywoman Nicole Parra 2003-2004

Directed staff for Assemblywoman in a Central Valley district, overseeing state legislative office and multiple district offices and staff.

Director, Tobacco Free Nonprofit, 2003

Ran organization focused on increasing the smoking age to 21.

Chief Consultant, Assembly Higher Education Committee 2000-2002

Policy consultant to the State Assembly Committee, drafting bills, working with advocacy groups, managing the legislative process. Was a significant leader in two major public policy efforts, the advancement of a statewide bond measure with an increased apportionment of funds to community colleges, and worked within the Assembly on AB540 (Firebaugh) which in later years came to be known as the original "Dream Act."

Governmental Relations Staff, California Medical Association, 1998-1999

Created and implemented grassroots strategies for physician community in California.

EDUCATION

Associates Degree, Orange Coast College, 1995

Bachelor of Arts Degree, Magna Cum Laude, American University, Washington DC, 1997
Communications, Legal Institutions, Economics and Government (CLEG)

Masters Degree in Public Policy, USC School of Public Affairs, 1999

Chris Chaffee

(916) 293-2932
cchaffee@gmail.com

Redistricting Partners

Chief Financial Officer

Oversaw the development and expansion of the firm, with responsibilities including: recruiting clients, hiring staff, overseeing redistricting projects, testifying before boards and commissions, drawing jurisdictional lines, and opening an office.

**May 2011 to Present
Sacramento**

Chaffee Group

Founder/Principal

Founder of a political consulting firm focused on delivering targeted messaging to voters and data-driven advice to candidates. Has extensive experience in direct mail, message development, social media, data management and voter targeting, GTS mapping, RPV analysis, redistricting, coalition building, and policy analysis.

**July 2015 to Present
Sacramento**

Experience

Phil Giarrizzo Campaign Consulting

Campaign Consultant

Developed client-centered messaging for direct mail, social media, and websites; hired campaign staff and oversaw targeted ground campaigns; developed turnout models; and designed polls and analyzed poll results. Oversaw fundraising efforts of clients, coordinated with individual fundraisers to ensure fundraising goals were met, and sought donations of major donors. Built campaigns from the ground-up for candidates running for state legislative office, city council, and school board.

**2010 - 2011; 2013 to 2015
Sacramento**

Chris Garland for Assembly Campaign Manager

Coordinated day-to-day operations of the campaign from December 2009 through the Primary Election. This included fundraising, message development, ground strategy, volunteer outreach, communications, and management of two campaign staff. Coordinated raising over \$100,000 in a five-month period. Scheduled and coordinated endorsement interviews. Implemented a 150-precinct ground campaign in Sacramento with volunteer walks and phone banks. Organized and trained over 100 volunteers.

**June 2010 Primary
Sacramento**

Planned Parenthood Mar Monte Campaign Coordinator

Coordinated volunteer recruitment, phone banks, and grassroots efforts to defeat Prop 4, which was successfully defeated. This included holding over 44 phone banks at 6 different sites from Sacramento to Modesto, with over 240 volunteers. Trained all volunteers in the specific messaging of the campaign. Spoke in front of classrooms, rallies, volunteer groups, and in debates to rally support against Prop 4.

**Fall 2008
Sacramento, CA**

Education

McGeorge School of Law

JD and Certificate in Government Law and Policy

**2005 - 2008
Sacramento, CA**

UC Berkeley

Bachelor of Arts, Political Science and Alumni Scholar

**1998-2003
Berkeley, CA**

Elizabeth A. Stitt

916.802.1276 • liz@redistrictingpartners.com

PROFESSIONAL EXPERIENCE

REDISTRICTING PARTNERS - Sacramento, CA

Redistricting Manager (May 2021 – present)

- Manage municipal clients throughout the state during their districting or redistricting process while closely following state, local and federal laws, including the Voting Rights Act, the California Voting Rights Act, and the Fair Maps Act
- Draw proposed maps using Maptitude for consideration with direction from the public
- Speak on the record in public hearings and present to city councils, commissions and boards on the redistricting process and proposed maps
- Regularly lead public outreach hearings on Zoom and in-person on the importance of the redistricting process and how the public can become engaged and actively participate

OFFICE OF ASSEMBLYMEMBER ROBERT RIVAS - Sacramento, CA

Communications Director (September 2020 – May 2021)

- Presented complex legislation to the public and reporters in an easy-to-understand manner
- Worked with local organizations to target communications efforts, often for underserved communities
- Regularly wrote talking points, constituent e-blasts, press releases, statements, and op-eds
- Planned and executed press conferences on Zoom and Facebook

OFFICE OF HOUSE REPRESENTATIVE DONNA HOWARD - Austin, TX

Policy Aide (Full legislative cycle: December 2018 – June 2019)

- Staffed the Representative and managed nine bills, including anti-gerrymandering and government transparency legislation
- Assembled local, state and national advocates to garner support for the Representative's legislation

OFFICE OF SENATE MAJORITY LEADER BILL MONNING - Sacramento, CA

Communications Director (July 2015 – September 2017)

- Led media strategy on complex and controversial legislation, which received coverage from outlets such as the New York Times, CNN, Los Angeles Times, NPR and People Magazine
- Organized press conferences and high-profile interviews with numerous stakeholders and media outlets

SWANSON COMMUNICATIONS - Sacramento, CA

Senior Consultant (January 2014 – May 2015)

- Executed media strategies for statewide political campaigns, high profile tech companies and nonprofits

OFFICE OF ASSEMBLY SPEAKER JOHN A. PÉREZ - Sacramento, CA

Senior Press Aide (January 2013 – January 2014)

Press Aide (January – December 2012)

- Pitched state and national reporters and coordinated interviews with the appropriate staff and spokespersons
- Drafted releases, talking points and statements in a fast-paced, detail-oriented environment

EDUCATION

UNIVERSITY OF TEXAS, AUSTIN, Lyndon B. Johnson School of Public Affairs

Master of Public Affairs (May 2020)

UNIVERSITY OF CALIFORNIA, DAVIS

Bachelor of Arts in International Relations; Bachelor of Arts in Political Science (June 2011)

1 fact or law herein. The Parties have agreed to settle the above-captioned matter without further
2 litigation, as set forth below:

3 INTRODUCTION

4
5 This matter arises from a lawsuit filed by Plaintiff alleging a violation of the California Voting
6 Rights Act (CVRA), Election Code Sections 14025 to 14032, by Defendant. As set forth in the
7 Complaint filed concurrently herewith (the "Complaint"), Plaintiff alleges that Defendant
8 violated and continues to violate the applicable sections of the CVRA by instituting and
9 maintaining an "at large" voting system for electing members of the Montara Water and Sanitary
10 District.
11

12
13 Defendant denies any such violation is or has occurred, but in the interest of saving tax payer
14 funds, agrees to this stipulated settlement and entry of judgment.

15
16 The Parties have engaged in settlement negotiations prior to the filing of this Final Judgment. In
17 those settlement negotiations, Plaintiffs were represented by Marguerite Melo, Esq. and John
18 Sarsfield, Esq. of the Law Offices of Melo and Sarsfield, LLP and Defendant was represented by
19 Christine Fitzgerald, Esq. of the Fitzgerald Law Offices. The Parties have agreed to settle this
20 matter without litigation pursuant to the terms of this Final Judgment. Towards this end, Plaintiff
21 has filed the Complaint simultaneously with the lodging of this Final Judgment and a request for
22 approval of this Final Judgment.
23

24
25 The parties believe that the resolution embodied in this Final Judgment is fair and reasonable,
26 that the terms of the Final Judgment are appropriate, and that the entry of this Final Judgment is
27 in the best interests of both Plaintiff and the voting public. This Final Judgment is neither an
28

1 admission nor a denial by Defendant regarding any issue of law or fact alleged in the Complaint
2 in this matter nor of any violation of law.

3
4 **FINAL JUDGMENT (INCLUDING INJUNCTION) PURSUANT TO STIPULATION;
5 (PROPOSED) ORDER**

6 The Parties, after opportunity for review by their respective counsel, hereby stipulate and consent
7 to the entry of this Final Judgment as set forth below.

8 **1. DEFINITIONS:**

9
10 "At-large voting system" refers to a method of voting wherein all eligible voters of a jurisdiction
11 may cast a ballot for each and every open elected office or "seat." A candidate for office in this
12 system need only be a resident within the entire jurisdiction. Defendant presently employs an
13 "at-large voting system" for electing board members. "District-based election system" refers to a
14 method of voting wherein only members residing within the designated geographic subdivision
15 within the jurisdiction may cast a ballot for a representative, who himself/herself must also be a
16 resident of that same geographic subdivision.
17

18
19 **2. JURISDICTION:**

20 The Parties stipulate and agree that the Superior Court of California, County of San Mateo, has
21 subject matter jurisdiction over matters alleged in this Complaint and personal jurisdiction over
22 the Parties to this Final Judgment.
23

24
25 **3. INJUNCTIVE RELIEF**

26 Pursuant to Election Code Sections 14025-14032, Defendant is permanently forthwith enjoined
27 from utilizing an "at-large voting system" for electing board members of the Montara Water and
28

1 Sanitary District in accordance with the terms of this Stipulation. Further, Defendant is to take
2 all necessary steps to implement, and shall implement, a “district-based voting system” for all
3 elections to the governing board of the district in accordance with the terms of this Stipulation.
4

5 **3.1 SPECIFIC INJUNCTIVE PROVISIONS:**

6 **3.1.a.** Defendant is to commence transition from an “at-large voting system” to a “district-based
7 voting system” as defined above, in accordance with the terms of this Stipulation. The transition
8 period, at minimum, shall require the Board to create, pursuant to the principles of the U.S.
9 Voting Rights Act, the CVRA, and this Stipulation, districts which protect the voting rights of
10 designated groups of minority voters consistent with applicable law. Prior to adopting the new
11 boundaries of the district-based voting system, Defendant shall hold public hearings on the
12 proposed boundaries and shall consider the input of the public consistent with the applicable
13 provisions of the California Election Code. However, final decision as to the establishment of the
14 boundaries of the newly drawn districts shall rest solely with Defendant, subject to judicial
15 review as described below.
16
17
18

19 **3.1.b.** Defendant shall adopt and publish its new district boundaries for election to board no later
20 than December 31, 2023. If feasible, Defendant may adopt, at its discretion, earlier transition
21 dates. Additionally, the transition to district-based elections will progress as follows: The first
22 board seats subject to the provisions of this Stipulation shall take place during the November
23 2024 regularly scheduled Statewide general election. The remaining seats shall transition at the
24 next regularly scheduled election two years after transition for the first seats. The parties
25 recognize that during this interim period, some board members will be serving “at large” and
26
27
28

1 others will be "by district." In the event of a vacancy in an "at large" seat following Defendant's
2 adoption and publication of its new district boundaries in accordance with the terms of this
3 Stipulation, the parties agree that any appointed or elected replacement shall be made "by
4 district." The parties may stipulate, for good cause, an extension/adjustment of these dates in the
5 event that circumstances make it necessary.
6

7 **3.1.c.** Defendant shall pay, pursuant to the applicable provisions of the CVRA, Plaintiff's
8 attorneys a total amount of 8000.00 in satisfaction of all attorneys fees, costs, and expert's costs/
9 fees incurred in researching, filing, negotiating, and settling this matter. The general breakdown
10 of those costs/fees is as follows: 5000.00 for attorneys fees, 2500.00 for demographer services,
11 and 500.00 for court filing fees and related expenses.
12

13 **4. RESERVATION OF JURISDICTION**

14 The Parties agree that the Court shall retain jurisdiction for a period of not less than ten years
15 from the date of the filing of this Final Stipulation to resolve, in an expedited fashion, any
16 disputes between the Parties arising out of the implementation of this Final Stipulation.
17

18 Plaintiff may file a motion with the Court pursuant to this section to seek enforcement of this
19 Final Stipulation, or to challenge the boundaries adopted by Defendant pursuant to Paragraph
20 3.1a above. In the event that Plaintiff prevails in any such dispute or motion, Plaintiff shall be
21 entitled to further reasonable attorneys fees and costs, to include, but not limited to, expert fees
22 and costs. It is the intent of the Parties to avoid any further litigation and to conserve as much as
23 possible, tax-payer resources in the event of a dispute. Therefore, the parties agree to mediate
24 any dispute prior to seeking court enforcement of the terms of this agreement.
25
26
27
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1 **5. TERMINATION IN THE EVENT OF A CHANGE IN THE LAW**

2 In the event that the CVRA is repealed by the Legislature, or if the California Supreme Court
3 issues a decision invalidating it, Defendant may, but is not required to, revert to the "at-large
4 voting system" presently in effect. However, before reverting back to such system, Defendant
5 must file a notice with the Court, as well as serve Plaintiff, through their counsel, under this case
6 number, announcing its intent to revert back to the "at-large voting system." In the event that
7 there is a dispute as to whether the CVRA has been repealed, or whether a Supreme Court
8 decision makes the CVRA inapplicable, Plaintiff may seek judicial review pursuant to Paragraph
9 4, above.
10

11
12 **6. EFFECT OF JUDGMENT**

13 Except as expressly provided in this Final Judgment, nothing in this Final Judgment is intended
14 nor shall it be construed to preclude Plaintiffs, or any member of the voting public from seeking
15 further relief under the provisions of either the CVRA or the U.S. Voting Rights Act.
16

17
18 **7. LIABILITY OF DEFENDANT**

19 Plaintiff acknowledges that Defendant is not liable to him/her in any manner for any and all
20 allegations giving rise to the allegations in this Complaint other than as described in this Final
21 Stipulation.
22

23 **8. APPLICATION OF FINAL JUDGMENT**

24 This Final Judgment shall apply to and be binding upon Plaintiff and Defendants, and their
25 successors and assigns.
26

27 ///
28

1 **9. AUTHORITY TO ENTER FINAL JUDGMENT**

2 Each signatory to this Final Judgment certifies that he or she is fully authorized by the Party he
3 or she represents to enter this Final Judgment, to execute it on behalf of the Party represented,
4 and to legally bind that party.
5

6 **10. ABILITY TO INSPECT AND COPY RECORDS OR DOCUMENTS**

7 In the event of a dispute arising between the Parties as to the implementation of this Final
8 Stipulation, or the termination in the event of a change in the law (See Paragraphs 4 and 5,
9 above), on reasonable notice and subject to all of the defenses Defendant has to requests for
10 documents made by subpoena or other formal legal process or discovery, Defendant shall permit
11 Plaintiff's counsel, or any duly authorized representative thereof, to inspect and copy
12 Defendant's records and documents as they deem reasonably necessary to determine whether
13 Defendant is in compliance with the terms of this Final Judgment. Nothing in this paragraph is
14 intended to require access to or production of any documents that are protected from production
15 or disclosure by the attorney-client privilege, attorney work-product doctrine, or any other
16 privilege applicable to Defendant under the law.
17
18
19

20 **11. PAYMENT OF LITIGATION EXPENSES AND FEES**

21 Defendant shall pay its own attorney fees, expert witness costs and all other costs of litigation,
22 investigation and any other fees and costs incurred in this matter.
23

24 ///

25 ///

1 **12. INTERPRETATION**

2 This Final Judgment was drafted equally by the Parties. The Parties agree that the rule of
3 construction holding that ambiguity is construed against the drafting party shall not apply to the
4 interpretation of this Final Judgment.
5

6 **13. COUNTSIGN SIGNATURES**

7 This final judgment may be executed by the Parties in counterpart/countersign.

8 ///

12 ///

15 ///

19 ///

22 ///

26 ///

1 **14. ENTRY AFTER FILING OF STIPULATION**


2 The parties seek approval of this Final Judgment without the need for a court appearance in light
3 of the agreement that the resolution is fair and in the public interest. However, in the event that
4 the Court requires one, the parties are willing to appear in open court.
5

6 Dated Jan. 8, 2022

Respectfully Submitted,

7 Law Offices of Melo and Sarsfield LLP

8
9 
10 _____
11 John Sarsfield, Esq
12 Attorneys for Plaintiff

13 
14 _____
15 Marguerite Melo, Esq
16 Attorneys for Plaintiff

17 Dated Jan. 8, 2022


18 _____
19 Sabrina Brennan
20 Plaintiff

Scott Boyd, President


21 Dated Feb. 11, 2022


22 _____
23 obo Montara Water and Sanitary District Board

Attest:


24 _____
25 Secretary, Montara Water & Sanitary District

26 Dated 01/20/22


27 _____
28 Christine C. Fitzgerald, Esq.
Attorney for Defendant



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **March 25, 2021**

TO: BOARD OF DIRECTORS

FROM: Christine C. Fitzgerald, District General Counsel
Clemens Heldmaier, General Manager

SUBJECT: Review and Consideration of Response to Notice of Violation of the California Voting Rights Act and Possible Action Concerning Safe Harbor Timelines Under Elections Code Section 10010

On February 12, 2021, the District received a letter via certified mail from attorney John Sarsfield of Melo and Sarsfield LLP titled *Notice of Violation of the California Voting Rights Act (CVRA) and Intent to File Lawsuit* “ (Attachment 1; hereafter referred to as “demand letter”). The demand letter asserts that the Board’s illegal use of at large voting to elect its members violates the California Voting Rights Act, Elections Code Section 14025 et. seq.” and threatens to file a lawsuit without delay in San Mateo County Superior Court following the expiration of the “45 day litigation hold required by AB 350”. Mr. Sarsfield asserts that the 45-day time period is triggered by the date of the District’s receipt of letter, which means that the litigation hold would expire on March 29, 2021.

The letter states that Mr. Sarsfield represents a group of registered voters residing in the District who claim that at large systems are unfair to minority voters and suppress minority voter turnout. The letter concludes by asserting that “it is self-evident that minority representation on the Board has been historically lacking.” The letter makes these conclusionary allegations but is devoid of factual support or evidence.

Follow receipt of the demand letter, District General Counsel contacted Mr. Sarsfield in an attempt to confirm the identity of his clients and/or the identity of the protected class to which his clients belong but he declined to provide such information; consequently, the District has been unable to confirm the accuracy or merit of the alleged claims. Nonetheless, Mr. Sarsfield offered to work with the District towards a potential settlement agreement and entry of consent decree in lieu of litigation.

California Voting Rights Act

The California Voting Rights Act (“CVRA”; Elections Code Sections 14025 through 14032) prohibits at-large election systems from impairing the ability of a protected class (e.g. members of a race, color, or language minority group) to elect candidates of its choice or its ability to influence the outcome of an election. Modeled after the Federal



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Voting Rights Act of 1965 ("FVRA"), the CVRA was specifically enacted to make it easier for plaintiffs to challenge at-large voting systems employed by many public agencies. To prove a violation of the CVRA, plaintiffs need only show the existence of racially polarized voting—that there is a difference between the candidates or ballot measures preferred by the voters in the protected class compared to voters generally. (Elections Code §§ 14026(e), 14028(a).) Plaintiffs are not required to show that members of a protected class live in a geographically compact area or to prove an intent to discriminate on the part of voters or officials. Moreover, prevailing CVRA plaintiffs are guaranteed to recover their attorneys' fees and costs, which are quite substantial in most cases.

By comparison, the FVRA was originally designed to protect minority voters and candidates in states and localities with a history of racial discrimination and barriers to voting by addressing a variety of state actions that denied or abridged the right of citizens to vote and to have an opportunity to elect representatives of their choice. A FVRA plaintiff must prove the following three basic elements:

1. Sufficiently large/geographically compact minority group to form a majority of the eligible voters in a single- member district;
2. Minority group is politically cohesive; and
3. "White bloc voting" is sufficient to prevent minority voters from usually electing candidates of their choice.

If a plaintiff proves these elements, the court then considers the "totality of circumstances" to determine if minority voters have an equal opportunity to elect their chosen candidate in an at-large election system. Historically, California plaintiffs had a losing record under the FVRA. Consequently, the CVRA eliminates certain elements of proof that are essential under the FVRA which, again, makes claims easier to successfully litigate against public agencies.

CVRA Safe Harbor/Fee Cap Provisions

In order to significantly moderate exposure to plaintiff's attorneys fees, the legislature enacted amendments to Elections Code section 10010 that provide the process and timeline by which an agency must transition to a district-based system in order to avoid a lawsuit and not incur additional legal costs. A local jurisdiction can no longer be sued unless the potential plaintiff sends a notice of violation (i.e., demand letter). Upon receiving notice, an agency has 45 days to assess its options without being sued (the



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first safe harbor period). If the process is followed, the agency passes a Resolution of Intent to Transition to District Elections and, thereafter, has 90 days to hold a series of five public hearings, as described below:

- *Public Hearings 1 and 2:* Held over a period of no more than 30 days, the Board invites the public to provide input about how the district lines should be drawn, and what factors should be taken into account in doing so.
- *Draft map(s)* of proposed districts drawn and made available to the public. The District shall also make public the proposed sequence of elections (i.e., which districts will be elected in which general municipal election) if the board members will be elected at different times to provide for staggered terms of office.
- *Public Hearings 3 and 4:* Once the draft maps have been made available to the public for at least 7 days, the Board may hold the third and fourth public hearings over a period of no more than 45 days to invite public input on the draft maps and proposed sequence of elections. At the fourth hearing, the Board may introduce the ordinance to transition to district-based elections.
- *Public Hearing 5:* At the final public hearing, the Board votes to approve the ordinance to transition to district-based elections with a second reading of the ordinance that was introduced at the fourth hearing.

The 90-day period provides a *second* safe-harbor period from litigation during which a jurisdiction can complete the specified process for establishing electoral divisions. If an agency follows the process set forth in Elections Code section 10010 above, its exposure to pay a plaintiff's attorneys' fees and expenses is capped at \$30,000 plus an inflation adjustment.

Applying the above safe harbor timeframes here, Mr. Sarsfield's demand letter was received on February 12, 2021; therefore, the first 45-day safe harbor period expires on March 29, 2021. Thereafter, the second 90-day safe harbor period expires on June 27, 2021.

Governor's Executive Orders Suspending Safe Harbor Timelines

Due to the COVID-19 pandemic, Governor Newsom issued Executive Orders N-34-20 and N-48-20 ("Order" or "Orders") which *toll* the running of the safe-harbor periods. Specifically, Order N-48-20 (Attachment 2), which amends the Governor's initial Order N-34-20 suspending deadlines, clarifies that the suspension of deadlines applies to both of the "safe harbor" periods provided in Elections Code section 10010, subd. (e). It is



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clear the suspension applies to the *first* 45-day period local agencies have to consider adoption of a resolution expressing intention to convert to district elections, as well as the *second*, 90-day period for the public hearings to create districts. The suspension is effective “until further notice.” Here is the relevant excerpt from the Order:

“2) To clarify the scope of Paragraph 1 of Executive Order N-34-20, (March 20, 2020), without changing its effective date, that paragraph is modified to read as follows:

The timeframes set forth in Elections Code section 10010, subdivisions (a) and (e), are suspended as to any political subdivision of the State. The purpose of this suspension is to protect public health and safety during the period when the State Public Health Officer and other public health officials have determined that it is necessary to engage in physical distancing to minimize the spread of COVID-19. This suspension shall be in effect until further notice.

This paragraph pauses the timeframes set forth in Elections Code section 10010, subdivisions (a) and (e), but does not restart them: this paragraph should be construed to toll those timeframes, such that days elapsed during the suspension set forth in this paragraph are not counted, but any days that elapsed prior to that suspension are still counted.

This paragraph shall not preclude a prospective plaintiff obtaining reimbursement from a political subdivision under subdivision (f) of Elections Code section 10010, in the manner set forth in that subdivision.”

Other local jurisdictions receiving demand letters during the Governor’s suspension period have chosen to either continue with the safe harbor public hearing process¹ or suspend it in reliance on the Orders. Pertinent to this Board’s determination is the City of Folsom’s decision to apply the Order to the *first* 45-day period and to *not* proceed with adopting a resolution of intent to transition within the 45 day deadline following receipt of a demand letter. The plaintiffs then filed suit claiming, inter alia, that the Governor lacks authority to toll the running of the time frames set forth in Elections Code section 10010(a) and (e). Recently, the Hon. Shama H. Mesiwala, Judge of the Superior Court, County of Sacramento, issued a ruling in favor of the City, upholding the Orders on the following grounds:

¹ Central Contra Costa Sanitary District and Folsom Cordova Unified School District voted not to suspend the safe harbor timelines under the Orders.



MONTARA WATER AND SANITARY DISTRICT AGENDA

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“Governor Newsom’s Executive Order N-48-20 suspended the running of the 45-day period during which Folsom was to have an opportunity to “pass a resolution outlining its intention to transition from at-large to district-based elections, specific steps it will undertake to facilitate this transition, and an estimated timeframe for doing so.” The 45 -day and 90-day periods in Election Code section 10010 are intended to provide Folsom with an opportunity to voluntarily remedy the Plaintiffs’ claims of a CVRA violation by transitioning to a different election method that has first been fully considered by Folsom and its electorate. That process includes public hearings of direct interest and consequence to every resident in Folsom who would be entitled to have their voices heard on the question and any transition plans. The Governor’s Executive Order N-48-20 suspending both timeframes was expressly issued to protect the public health and safety during the pandemic and to preserve the rights of Folsom’s entire constituency to meaningfully participate in the decision as to whether to transition from at-large elections, and if so, in what manner. The Governor determined that compelling such important public hearings during the pandemic could disenfranchise the public from these significant decisions that are so fundamental to their voting rights.

The Governor’s order acknowledges the importance of the public hearings to the overall process that Plaintiffs initiated, and the impacted public’s right to fully participate in those hearings. The fact that a political body may be able to hold a teleconference meeting does not mean or ensure that every member of the public can fully attend or participate. The Governor’s order suspended the comparatively short time frames in Section 10010 for the protection of the electorate and the community as a whole, not to simply provide political subdivisions like Folsom a respite from claims like those of Plaintiffs. **And, the suspension is not left to the discretion of the political subdivisions under the Governor’s order - the suspension is immediate and total, not conditional.** The preamble to the Governor’s order makes clear that the suspension of this overall process is intended to allow the public to fully participate “in their democratic process” while safeguarding their health and safety and that of the community.” (emphasis added)

The Sacramento Court noted that the purpose behind the Orders – to protect the community’s right to fully participate in the CVRA public hearing process while safeguarding their health and safety – is clearly set forth in the preamble and the suspension of the timelines is necessary to achieve such a purpose. The Court further concluded that the decision of whether to suspend the timelines is not discretionary but, indeed, mandatory. As the Order specifically states, “[t]his suspension *shall* be in effect until further notice.” Under the elections statute, the definition of “Shall” is mandatory. (Elec. Code § 354.)



MONTARA WATER AND SANITARY DISTRICT AGENDA

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It should be noted that the Sacramento Superior Court ruling does not constitute stare decisis, i.e., it is not binding legal authority. Another county could apply same analysis and reach the same conclusion, or not. Nevertheless, the legal basis of the Court's ruling is sound, compelling and persuasive.

Mr. Sarsfield asserts that his demand letter triggers the running of the 45-day litigation hold, thereby ignoring the tolling of the safe harbor timeframes under the Orders. If, however, the District invokes the Orders based on the reasoning that suspension is mandatory until further notice, it is the lifting of the Order that triggers the running of the 45-day safe harbor timeline.

Lastly, even if the District decides to change to by-division elections in accordance with the timeframes required under the law, any new electoral divisions would need to be designed, in part, on the demographic data contained in the United States Census so that the divisions have relatively equal populations. If the District creates electoral divisions now, the most recent Census data available is from the 2010 Census. Although the 2020 Census is underway, because of COVID-19-related shifts in data collection and in the data processing schedule, the results will not be available until Sept. 30, 2021. Consequently, if the District were to transition before receiving the 2020 Census, it will be relying on 2010 Census data.

Public Outreach and Engagement

Should the District decide to suspend the safe harbor timelines, staff recommends that the District undertake a holistic strategic exercise into whether the current at-large voting system is consistent with its commitment to diversity and inclusiveness in its role as a provider of public services. By increasing public awareness and education about its elections in a series of outreach meetings and communications, the District can engage community members, with a committed focus towards any underrepresented population within District boundaries.



MONTARA WATER AND SANITARY DISTRICT AGENDA

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Options

Based upon the foregoing, the District is presented with two options: 1) Disregard the Orders suspending the safe harbor timelines and adopt a resolution of intent to transition from at-large to by-division elections, and proceed to hold the requisite public hearings within 90 days; or, 2) Comply with the Orders and adopt a resolution declaring the District's intention to suspend the safe harbor timelines until the suspension is lifted, and direct staff to proceed with public outreach per Board instruction.

RECOMMENDATION

Approve Resolution Declaring Intention to Suspend Elections Code Section 10010 Safe Harbor Timelines for Transitioning from At-Large to By-Division Elections Pursuant to Executive Orders Nos. N-34-20, N-48-20

Attachments.



**LAW OFFICES OF MELO AND
SARSFIELD LLP**



ATTACHMENT 1

Mailing:

4216 South Mooney Boulevard
PMB 136
Visalia, California 93277

T (559) 732-3000

Email:

meloandsarsfield@icloud.com

Feb. 9, 2021

Montara Water and Sanitary District
8888 Cabrillo Hwy
Montara, CA 94037

By Certified US Mail

Re: Notice of Violation of the California Voting Rights Act (CVRA) and Intent to File Lawsuit.

Dear Board of Directors and Clerk to the Board:

The Law Offices of Melo and Sarsfield LLP is a law firm that practices in the area of voting rights law. We represent a group of registered voters who reside within the jurisdictional boundaries of the Montara Water and Sanitary District. We have been retained to initiate a lawsuit for the Board's violation of the California Voting Rights Act, Election Code Section 14025 et. seq. This lawsuit will be filed in San Mateo County Superior Court after the 45 day litigation hold required by AB 350.

The pending lawsuit is based upon the Board's illegal use of "at large" voting to elect members of the Board of Directors. The Board's use of "at large" voting is in violation of the California Voting Rights Act.

At large voting schemes are unfair to minority voters and suppress minority vote turnout in violation of both state and federal election law.

MWSD

2/9/2021 Page 2/2

It is self-evident that minority representation on the Board has been historically lacking.

We would be happy to enter into a consent decree to keep litigation costs down to an absolute minimum. Alternatively, the Board can voluntarily agree to go to "by district" elections.


Once the 45 day litigation hold expires, our clients will not delay filing the lawsuit unless the Board is clearly willing to work with them in good faith to develop a remedial plan.

Please be advised that this letter is the pre-litigation administrative "demand letter" that triggers the 45 day litigation hold pursuant to AB 350 (January 2017) (Election Code § 14025 et seq).

We look forward to hearing from the Board in all due haste.

Sincerely,

LAW OFFICES OF MELO AND SANSFIELD LLP

By: 
John Sarsfield, Esq.

cc: Clients

ATTACHMENT 2

EXECUTIVE ORDER N-48-20

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 on March 19, 2020, I issued Executive Order N-33-20, directing all Californians to heed State Public Health Officer directives requiring them to stay home except for essential needs; and

WHEREAS local governments throughout the State have also proclaimed local emergencies, imposed stay-at-home orders and other forms of physical distancing, and taken other significant steps in response to COVID-19; and

WHEREAS on May 19, 2020, a Special Recall Election will be held in the City of Santa Ana, in the County of Orange; and

WHEREAS on June 2, 2020, a Special Municipal Election will be held in the City of Commerce, in the County of Los Angeles; and

WHEREAS on June 2, 2020, a Special Recall Election will be held in the El Rancho Unified School District, in the County of Los Angeles; and

WHEREAS state law would ordinarily require that these elections be conducted using in-person voting at polling locations throughout the jurisdiction; and

WHEREAS the generalized use of in-person voting presents risks to public health and safety in light of the COVID-19 pandemic, and risks undermining physical distancing measures imposed by the State Public Health Officer, as well as other aspects of the response to COVID-19; and

WHEREAS our elections must be accessible, secure, and safe; and

WHEREAS California's existing vote-by-mail procedures can be used to allow these elections to go forward in a manner that is accessible, secure, and safe; and

WHEREAS various political subdivisions of the State have been in the process of changing from an at-large method of election to district-based elections, requiring a series of public hearings, which are intended to be conducted before the expiration of a safe-harbor provision under Elections Code section 10010; and

WHEREAS on March 20, 2020, I issued Executive Order N-34-20, which suspended the timeframes for conducting these public hearings; and

WHEREAS uncertainty regarding Elections Code section 10010 could nevertheless induce political subdivisions to hold these public hearings in the near future—at a time when public health requires that Californians stay home except for essential needs, and otherwise engage in physical distancing, to minimize the spread of COVID-19; and

WHEREAS holding these hearings in the near future—at a time when public health requires that Californians stay home except for essential needs—would threaten public health and safety, and would force Californians to choose between fully participating in their democratic process and safeguarding their own health and safety, as well as the health and safety of their communities; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes 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, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) Notwithstanding Elections Code sections 1500 and 4000–4007 (including, but not limited to, the conditions otherwise imposed on all-mail ballot elections in Elections Code sections 4000 and 4001.5), and any other applicable provision of state law, the following elections shall each be held as an all-mail ballot election:
 - The May 19, 2020, Special Recall Election to be held in the City of Santa Ana;
 - The June 2, 2020, Special Municipal Election to be held in the City of Commerce; and
 - The June 2, 2020, Special Recall Election to be held in the El Rancho Unified School District.

Each of these elections shall be conducted according to the provisions of the Elections Code that govern all-mail ballot elections, including but not limited to Elections Code sections 3000–3026 and 4100. The respective county elections officials responsible for conducting each respective election shall transmit vote-by-mail ballots to all voters eligible to vote in each respective election.

Notwithstanding any other provision of this Order, elections officials are also authorized to make in-person voting opportunities available for each of these elections, on or before Election Day, in a manner that is consistent with public health and safety. The purpose of this authorization is to maximize voter opportunities to participate in these elections without jeopardizing public health and safety.

Elections officials shall provide maximum possible notice to voters about how to participate in each of these elections, paying particular attention to the needs of voters at high risk from COVID-19, individuals with disabilities, and other voters with particularized needs.

- 2) To clarify the scope of Paragraph 1 of Executive Order N-34-20, (March 20, 2020), without changing its effective date, that paragraph is modified to read as follows:

The timeframes set forth in Elections Code section 10010, subdivisions (a) and (e), are suspended as to any political subdivision of the State. The purpose of this suspension is to protect public health and safety during the period when the State Public Health Officer and other public health officials have determined that it is necessary to engage in physical distancing to minimize the spread of COVID-19. This suspension shall be in effect until further notice.

This paragraph pauses the timeframes set forth in Elections Code section 10010, subdivisions (a) and (e), but does not restart them: this paragraph should be construed to toll those timeframes, such that days elapsed during the suspension set forth in this paragraph are not counted, but any days that elapsed prior to that suspension are still counted.

This paragraph shall not preclude a prospective plaintiff obtaining reimbursement from a political subdivision under subdivision (f) of Elections Code section 10010, in the manner set forth in that subdivision.

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 9th day of April 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

RESOLUTION NO. _____

RESOLUTION DECLARING INTENTION TO SUSPEND ELECTIONS CODE SECTION 10010 SAFE HARBOR TIMELINES FOR TRANSITIONING FROM AT-LARGE TO BY-DIVISION ELECTIONS PURSUANT TO EXECUTIVE ORDER NOS. N-34-20, N-48-20

WHEREAS, Montara Water and Sanitary District (“District”) is a Sanitary District duly organized under the Sanitary District Act of 1923 (Health & Safety Code §§ 6400 – 6830) and a public agency formed as a special district and authorized under California law, by a special election of August 11, 1992 and MWSD Resolution 978, to exercise all powers of a county water district in the same manner as county water districts formed under the County Water District Law (Division 12 (commencing with Section 30000) of the Water Code); and

WHEREAS, pursuant to law and legislative acts which established the District, the five members of the Board of Directors of the District are currently elected through an at-large election where all voters within the District vote for each Director; and

WHEREAS, the District received a letter titled *Notice of Violation and Intent to File Lawsuit* (“Notice”) asserting that the District’s at-large election system violates the California Voting Rights Act of 2001 (“CVRA”) and threatening litigation if the District does not voluntarily change to a by-division election system for electing Directors; and

WHEREAS, the Notice fails to identify the potential plaintiffs or the protected class to which the Plaintiff’s belong; and

WHEREAS, the District denies that its at-large system for electing Directors violates the CVRA or any other provision of law and asserts the District’s election system is legal in all respects and further denies any wrongdoing in connection with the manner in which it has conducted its elections; and

WHEREAS, the California Legislature, in amendments to Elections Code section 10010 and enacting section 10650, has provided a safe harbor process whereby a jurisdiction can change to a by-division election system and be protected from litigation under the CVRA (Elec. Code § 10010(e));

WHEREAS, Governor Gavin Newsom, in Executive Orders N-34-20 and N-48-20 (“Orders”) tolled the safe harbor timeframes set forth in Elections Code sections 10010(a) & (e) to protect public health and safety during the COVID-19 pandemic and to protect the rights of Californians to fully participate in their democratic process, effective until further notice; and

WHEREAS, Executive Order No. N-48-20 (attached), issued on April 9, 2020, clarifies Order No. 34-20, declaring in pertinent part:

2) To clarify the scope of Paragraph 1 of Executive Order N-34-20, (March 20, 2020), without changing its effective date, that paragraph is modified to read as follows:

RESOLUTION NO. _____

RESOLUTION DECLARING INTENTION TO SUSPEND ELECTIONS CODE SECTION 10010 SAFE HARBOR TIMELINES FOR TRANSITIONING FROM AT-LARGE TO BY-DIVISION ELECTIONS PURSUANT TO EXECUTIVE ORDER NOS. N-34-20, N-48-20

The timeframes set forth in Elections Code section 10010, subdivisions (a) and (e), are suspended as to any political subdivision of the State. The purpose of this suspension is to protect public health and safety during the period when the State Public Health Officer and other public health officials have determined that it is necessary to engage in physical distancing to minimize the spread of COVID-19. This suspension shall be in effect until further notice.

This paragraph pauses the timeframes set forth in Elections Code section 10010, subdivisions (a) and (e), but does not restart them: this paragraph should be construed to toll those timeframes, such that days elapsed during the suspension set forth in this paragraph are not counted, but any days that elapsed prior to that suspension are still counted.

This paragraph shall not preclude a prospective plaintiff obtaining reimbursement from a political subdivision under subdivision (f) of Elections Code section 10010, in the manner set forth in that subdivision.

WHEREAS, the State of California, as well as the nation and much of the world, is currently in the midst of the COVID-19 (Coronavirus) emergency, and subject to social distancing measures as evidenced by, *inter alia*, Executive Order No. 33-20 issued by Governor Newsom on March 19, 2020, and such measures compromise the ability of persons to participate in the hearing process set forth in Section 10010 of the Elections Code.

WHEREAS, at least one other local jurisdiction receiving a CVRA violation notice during the period the Orders are in effect has chosen to suspend the timeframes set forth in Elections Code sections 10010(a) & (e) based on the Orders; and

WHEREAS, in connection with suspension of the timeframes set forth in Elections Code sections 10010(a) & (e), the Superior Court of the State of California, in and for the County of Sacramento, upheld the Governor's authority to toll the running of the time frames set forth in Elections Code section 10010(a) and (e) under the Orders.

NOW, THEREFORE, be it resolved by the Board of the Montara Water and Sanitary District, a public agency in the County of San Mateo, California, as follows:

1. The foregoing recitals are hereby adopted as true and correct and form the basis of this Resolution.
2. The Staff Report dated March 25, 2021 titled "Review and Consideration of Response to Notice of Violation of the California Voting Rights Act and Possible Action

RESOLUTION NO. _____

RESOLUTION DECLARING INTENTION TO SUSPEND ELECTIONS CODE SECTION 10010 SAFE HARBOR TIMELINES FOR TRANSITIONING FROM AT-LARGE TO BY-DIVISION ELECTIONS PURSUANT TO EXECUTIVE ORDER NOS. N-34-20, N-48-20

Concerning Safe Harbor Timelines Under Elections Code Section 10010” submitted in support of this Resolution is incorporated by this reference as though fully set forth herein, and further forms the basis of this Resolution.

3. Based on Executive Orders N-34-20 and N-48-20 (attached hereto and incorporated herein by this reference), the Board hereby suspends the 45-day timeframe to adopt a resolution of intent to transition from at large to by division elections of its Board of Directors within 45-days of receipt of the Notice and the 90-day timeframe thereafter to conduct the public hearings required to transition from an at-large method of election to a district-based election, as set forth in Elections Code section 10010, until such time as the Orders are lifted, at which time the 45-day timeline is triggered pursuant to Section 10010 of the Elections Code.
4. The District General Manager or District General Counsel shall inform the Board of Directors as soon as the tolling/suspension pursuant to Executive Orders N-34- 20 and N-48-20 is terminated.
5. The Board of Directors reserves the right to repeal this resolution in accordance with the law should the CVRA or the Orders be declared illegal, or as may be in the best interests of the District.
6. The Board of Directors delegates to the General Manager responsibility to coordinate the development and execution of a program to inform the residents of the District of this Resolution and the process set forth in the CVRA, and to facilitate and encourage public participation and input related to the District’s election process.
7. The District General Manager and the District General Counsel are hereby authorized and directed to take such action as necessary or appropriate, or as deemed necessary and appropriate to carry out the purposes this Resolution.
8. The District Manager is further authorized to make customary expenditures, not to exceed the District Manager’s general authority for approval of expenditures, and to take such other and further action as may be necessary or convenient to carry out the purpose and intent of this Resolution.

[con’t next page]

RESOLUTION NO. _____

RESOLUTION DECLARING INTENTION TO SUSPEND ELECTIONS CODE SECTION 10010 SAFE HARBOR TIMELINES FOR TRANSITIONING FROM AT-LARGE TO BY-DIVISION ELECTIONS PURSUANT TO EXECUTIVE ORDER NOS. N-34-20, N-48-20

President, Montara Water and Sanitary District

COUNTERSIGNED:

Secretary, Montara Water and Sanitary District

* * * *

I HEREBY CERTIFY that the foregoing Resolution No. _____ duly and regularly adopted and passed by the Board of the Montara Water and Sanitary District, County of San Mateo, California, at a Special Adjourned Meeting thereof held on the 25th day of March 2021, by the following vote:

AYES, Directors:

ABSTENTION:

NOES, Directors:

ABSENT, Directors:

Secretary, Montara Water and Sanitary District

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-48-20

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 on March 19, 2020, I issued Executive Order N-33-20, directing all Californians to heed State Public Health Officer directives requiring them to stay home except for essential needs; and

WHEREAS local governments throughout the State have also proclaimed local emergencies, imposed stay-at-home orders and other forms of physical distancing, and taken other significant steps in response to COVID-19; and

WHEREAS on May 19, 2020, a Special Recall Election will be held in the City of Santa Ana, in the County of Orange; and

WHEREAS on June 2, 2020, a Special Municipal Election will be held in the City of Commerce, in the County of Los Angeles; and

WHEREAS on June 2, 2020, a Special Recall Election will be held in the El Rancho Unified School District, in the County of Los Angeles; and

WHEREAS state law would ordinarily require that these elections be conducted using in-person voting at polling locations throughout the jurisdiction; and

WHEREAS the generalized use of in-person voting presents risks to public health and safety in light of the COVID-19 pandemic, and risks undermining physical distancing measures imposed by the State Public Health Officer, as well as other aspects of the response to COVID-19; and

WHEREAS our elections must be accessible, secure, and safe; and

WHEREAS California's existing vote-by-mail procedures can be used to allow these elections to go forward in a manner that is accessible, secure, and safe; and

WHEREAS various political subdivisions of the State have been in the process of changing from an at-large method of election to district-based elections, requiring a series of public hearings, which are intended to be conducted before the expiration of a safe-harbor provision under Elections Code section 10010; and

WHEREAS on March 20, 2020, I issued Executive Order N-34-20, which suspended the timeframes for conducting these public hearings; and

WHEREAS uncertainty regarding Elections Code section 10010 could nevertheless induce political subdivisions to hold these public hearings in the near future—at a time when public health requires that Californians stay home except for essential needs, and otherwise engage in physical distancing, to minimize the spread of COVID-19; and

WHEREAS holding these hearings in the near future—at a time when public health requires that Californians stay home except for essential needs—would threaten public health and safety, and would force Californians to choose between fully participating in their democratic process and safeguarding their own health and safety, as well as the health and safety of their communities; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes 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, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) Notwithstanding Elections Code sections 1500 and 4000–4007 (including, but not limited to, the conditions otherwise imposed on all-mail ballot elections in Elections Code sections 4000 and 4001.5), and any other applicable provision of state law, the following elections shall each be held as an all-mail ballot election:
 - The May 19, 2020, Special Recall Election to be held in the City of Santa Ana;
 - The June 2, 2020, Special Municipal Election to be held in the City of Commerce; and
 - The June 2, 2020, Special Recall Election to be held in the El Rancho Unified School District.

Each of these elections shall be conducted according to the provisions of the Elections Code that govern all-mail ballot elections, including but not limited to Elections Code sections 3000–3026 and 4100. The respective county elections officials responsible for conducting each respective election shall transmit vote-by-mail ballots to all voters eligible to vote in each respective election.

Notwithstanding any other provision of this Order, elections officials are also authorized to make in-person voting opportunities available for each of these elections, on or before Election Day, in a manner that is consistent with public health and safety. The purpose of this authorization is to maximize voter opportunities to participate in these elections without jeopardizing public health and safety.

Elections officials shall provide maximum possible notice to voters about how to participate in each of these elections, paying particular attention to the needs of voters at high risk from COVID-19, individuals with disabilities, and other voters with particularized needs.

- 2) To clarify the scope of Paragraph 1 of Executive Order N-34-20, (March 20, 2020), without changing its effective date, that paragraph is modified to read as follows:

The timeframes set forth in Elections Code section 10010, subdivisions (a) and (e), are suspended as to any political subdivision of the State. The purpose of this suspension is to protect public health and safety during the period when the State Public Health Officer and other public health officials have determined that it is necessary to engage in physical distancing to minimize the spread of COVID-19. This suspension shall be in effect until further notice.

This paragraph pauses the timeframes set forth in Elections Code section 10010, subdivisions (a) and (e), but does not restart them: this paragraph should be construed to toll those timeframes, such that days elapsed during the suspension set forth in this paragraph are not counted, but any days that elapsed prior to that suspension are still counted.

This paragraph shall not preclude a prospective plaintiff obtaining reimbursement from a political subdivision under subdivision (f) of Elections Code section 10010, in the manner set forth in that subdivision.

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 9th day of April 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-34-20

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 hundreds of local governments across the state have also declared states of emergency, imposed or recommended social distancing, and taken other significant steps in response to COVID-19; and

WHEREAS various political subdivisions within California are in the process of changing from an at-large method of election to district elections, existing law requires public hearings to be conducted within prescribed timeframes as part of this change, and conducting such hearings within these timeframes would be incongruent with public health officials' guidance regarding social distancing; and

WHEREAS California held a Presidential Primary Election on March 3, 2020, for which ballot counting, tabulation, and other responsibilities related to the official canvass, including certification of the canvass, audits and/or manual tallies of election results, and reporting of the official canvass results, remain outstanding or ongoing; and

WHEREAS COVID-19 and the response thereto may impair the ability of relevant state and local officials, including county elections officials and the Secretary of State, and the volunteers supporting them, to meet statutory deadlines associated with these responsibilities; and

WHEREAS on November 15, 2019, I proclaimed a Special General Election to be held on May 12, 2020, to fill a vacancy in the State Senate seat representing the 28th Senate District of the State, in Riverside County; and

WHEREAS on November 15, 2019, I proclaimed a Special General Election to be held on May 12, 2020, to fill a vacancy in the U.S. House of Representatives seat representing the 25th Congressional District of the State, which covers portions of the counties of Ventura and Los Angeles; and

WHEREAS on April 7, 2020, a Special Recall Election will be held in the City of Westminster, in the County of Orange; and

WHEREAS state law would ordinarily require that these elections be conducted using in-person voting at polling locations throughout the jurisdiction; and

WHEREAS the generalized use of in-person voting presents risks to public health and safety in light of the COVID-19 pandemic, and could risk undermining social distancing measures imposed by the State Public Health Officer, as well as other aspects of the response to COVID-19; and

WHEREAS our elections must be accessible, secure, and safe; and

WHEREAS California's existing vote-by-mail procedures can be used to allow these three elections to go forward in a manner that is accessible, secure, and safe.

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) The timeframes for conducting the hearings required when a political subdivision changes from an at-large method of election to a district-based election, as set forth in Elections Code section 10010, are suspended for any subdivision, until such time as neither state nor local public health officials recommend or impose social distancing measures in the relevant subdivision. Following that time, the relevant subdivision shall hold the required hearings in a manner that ensures the public is provided advance notice and is afforded an opportunity to participate in the postponed hearings; subdivisions are urged to ensure that this process includes effective outreach to individuals with disabilities, individuals who primarily speak languages other than English, and other individuals who may have particularized needs.
- 2) Notwithstanding Elections Code sections 3019, 15100–15112, 15300–15376, 15400–15402, 15450–15490, and 15500–15505; California Code of Regulations, Title 2, sections 20027, 20108.75, 20108.8, and 20110–20126; and any other applicable provision of state law, all deadlines associated with completing, auditing, and reporting on the official canvass of the March 3, 2020, Presidential Primary Election are extended by 21 days. Counties are urged to complete activities related to the official canvass according to the deadlines ordinarily imposed by state law, to the extent possible. The Secretary of State is requested to issue guidance to county elections officials concerning compliance with this paragraph.
- 3) Notwithstanding Elections Code sections 1500 and 4000–4007 (including, but not limited to, the conditions otherwise imposed on all-mail ballot elections in Election Code section 4000 and 4001.5), and any other applicable provision of state law, the April 7, 2020, Special Recall Election to be held in the City of Westminster; the May 12, 2020, Special General Election to be held within the 25th Congressional District of the State; and the May 12, 2020, Special General Election to be held within the 28th Senate District of the State shall each be held as an all-mail ballot election and conducted according to those provisions of the Elections Code that govern all-mail ballot elections, including but not limited to Elections Code sections 3000–3026 and 4100. The respective county elections officials responsible for conducting each respective election shall transmit vote-by-mail ballots to all voters eligible to vote in each respective election. Notwithstanding the other provisions of this Order, elections officials are

also authorized, and encouraged, to make in-person voting opportunities available on or before Election Day for each of these elections in a manner consistent with public health and safety, to maximize voter accessibility. Elections officials shall provide maximum possible notice to voters about how to participate in each of these elections, paying particular attention to the needs of voters at high risk from COVID-19, individuals with disabilities, and other voters with particularized needs.

- 4) Notwithstanding Elections Code sections 3019, 15100–15112, 15300–15376, 15400–15402, 15450–15490, and 15500–15505; California Code of Regulations, Title 2, sections 20027, 20108.75, 20108.8, and 20110–20126; and any other applicable provision of state law including, but not limited to, any applicable state regulation, all deadlines associated with completing, auditing, and reporting on the official canvass of the May 12, 2020, Special General Elections to be held within the 25th Congressional District of the State and the 28th Senate District of the State are extended by 21 days. Counties are urged to complete activities related to the official canvass according to the deadlines ordinarily imposed by state law, to the extent possible. The Secretary of State is requested to issue guidance to county elections officials concerning compliance with this paragraph.

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 March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **March 2, 2023**

FROM: Clemens Heldmaier, General Manager

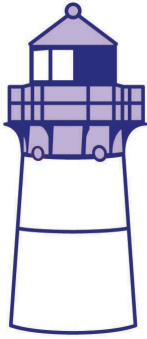
SUBJECT: General Manager's Report

Operations Report FEBRUARY 2023

811 Dig Alerts

- 2/6/23- 455 Nevada. Work for residential property work, pipe bursting. Water marked within USA marks.
- 2/7/23- 800 Sierra. Work to install utilities. Main marked.
 - 831 Kelmore. Work to install utilities. Main marked.
 - 1855 SVR. Work to install utilities. Main marked.
- 2/8/23- 462 California. Work for landscaping/irrigation/drainage work. Service line and meter box marked.
 - 1100 Le Conte. Work for vertical boring soil sampling.
- 2/9/23- 239 Beach. Work to install utilities. Water marked.
- 2/10/23- 1400 Avery. Work for landscaping, irrigation, drainage work. No water within USA.
- 2/13/23- 1171 Date. Work to reinforce utility pole. Nearest service line, meter box, and main marked.
 - 450 Cypress. Work for footings/foundation work. No water within USA.
 - 46 Precita. Work for fence/gate/wall. Meter box and service line marked.
- 2/15/23- 740 Stetson. Work for landscaping, irrigation, drainage. No water within USA.
 - 820 Edison. Work for landscaping, irrigation, drainage. Service lines and main marked.
 - 520 7th. Work for landscaping, irrigation, drainage. Service line marked.
- 2/16/23- 1100 Le Conte. Work for soil sampling, boring. No water within USA marks.
- 2/20/23- 520 Lancaster. Work for foundations and footings. Lines marked.
- 2/21/23- 839 Sierra. Work to install utilities. Lines marked.

- 2/22/23- 101 Beach. Work for electric pole replacement. Main and service line marked.



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **March 2, 2023**

FROM: Clemens Heldmaier, General Manager

- Grant Road. Work to inspect electric poles. No water.

Work Orders

- 1/31/23-1116 Date. Locate missing meter. Meter located by district operator.
 - 821 Kelmore. Customer has water leak and needs water shut off at meter. Tree trimming company fell log onto water meter and broke customers side of service line. Operator dug out and removed meter box to access shutoff and expose leak. Customer notified to make repairs and contact MWSD office to turn on water after repairs are made. New meter box installed.
- 2/1/23- 1031 Cedar. MOVO. Final read taken and water left on.
 - 503 4th. MOVO. Final read taken and water left on.
- 2/2/23- 1339 Ivy. Customer called concerned about sediment coming out of fixtures in house. MWSD operator checked psi at house and nearest hydrant with finding in normal range. cl2 residual od 0.80 mg/l. White bucket test shows no signs of discoloration and no visual signs of sediment/debris in water, no odor. System seems to be functioning properly. Customer instructed to contact MWSD if problem persists.
 - 1106 Date. Customer called saying that there are 2 water meters in front of his house and requests one be removed. Customer informed that one meter belongs to his address and the other to his neighbor. No further contact since.
- 2/3/23- 1924 SVR. Homeowner called requesting water be shut off at meter so repairs can be made by plumber. Water shut off at meter.
 - 930 Edison. New PFP account had strange read on meter. Photos taken of meter face, meter number, and transmitter.
 - 1201 Audubon. MOVO. Final read taken and water left on.
 - 831 Kelmore. New meter box installed after repairs were made to customers service line.
- 2/6/23- 247 8th. Customer called stating their water pressure is significantly lower this morning. Psi tested at house=35psi, psi at neighbor's house=155. Pulled meter and checked psi from main=155. Meter body flushed. Customer informed that pressure loss is most likely due to failed pressure regulator.



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **March 2, 2023**

FROM: Clemens Heldmaier, General Manager

- 315 5th. Spike in usage please verify. While inspecting meter MWSD operator notice leak on customers side service line. Customer notified.
- 2/7/23- 589 Kanoff. Manual read is much higher than last AMR, please investigate. Transmitter faulty, address will be manually read until replacement available.
 - 351 7th. Customer called requesting broken meter lid be replaced. Lid replaced.
 - 455 Nevada. Replaced register head and transmitter.
 - 431 Vermont. Replaced register head and transmitter.
- 2/9/23 – 896 Kelmore, shut off meter for customer to repair house valve and PRV.
 - 1380 Le Conte. Customer received leak notice and experiencing high water pressure in house. PSI checked at nearest hydrant and house, both @ 125psi. Blue dial spinning very slowly. Customer notified that PRV may have failed and there is also a small ongoing leak. Customer told to contact office once repairs are made.
 - 1100 Irving. MIA meter for billing. Meter located and read taken.
- 2/14/23- 801 Kelmore. Customer received leak notice and requests profile. Profile is corrupted and does not represent actual usage. Blue dial not spinning during meter inspection. Customer notified.
 - 475 California. Resident notice backflow device leaking water at Latter-day Saints church. Device visually inspected and customer emailed.
- 2/15/23- 900 Franklin. MOVO. Final read taken and water left on.
- 2/23/23 – 880 Park. Contractor needs new PFP backflow device tested, device was tested and contractor was present for test

After Hours Call Outs

- 2/9/23 - 896 Kelmore st. stand by while customer repairs house valve as meter shutoff would not shut down water completely, pulled meter and kept box empty of running water.
- 2/21/23- Power out at School House. Auxiliary generator setup for coms.
 - Automatic Transfer Switch alarms for AVTP, W3, DW. Coms failure for AVTP and AVW. Replace battery in Verbatim at AVTP, it



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **March 2, 2023**

FROM: Clemens Heldmaier, General Manager

continued to call whenever generator power and PGE power would switch during power outage.

- Troubleshoot coms issues at SH during power outage.
- Power out at PRTP, valve 36 opened.
- 2/22/23- Automatic Transfer Switch alarm and coms failure for W3 & DW.

Repairs and Leaks

- N/A

Miscellaneous

- Board room preparations.
 - Install new baseboard heaters.
 - Install infrared heaters.
 - Install exhausts fans.
 - Repair windows to accept exhaust fans.
 - Install air quality monitor.
 - Purchase heated blankets for board members.
 - Purchase custom MWSD beanies for board members.
 - Purchase and setup new laptop for Zoom meetings.
 - Purchase exterior tent for outside mounted TV.
 - Mounts TV to wall.
 - Repair Emergency Exit doors.
 - Test circuits for added amperage draw.
 - Add new circuits to accommodate added amperage draw.
 - Rearrange furniture and remove old unnecessary chairs.
 - Replace lock and repair gate for boardroom access.
- Operation Dead Endpoint Absent Reads.
O.D.E.A.R.
 - 245 missed reads
 - 9 missed reads not on missed read report.
 - 9 High Usages
 - 9 No Usage.

Maintenance

- Generator re - fueling during power outages X 5



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **March 2, 2023**

FROM: Clemens Heldmaier, General Manager

Conferences: The General Manager will attend the CalGovHR conference In Sonoma from March 8-10.

RECOMMENDATION:

This is for Board information only.

Attachment