



# 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

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*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

## August 17, 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/86098365066?pwd=SHQ5Q05qUkVMUTJLK3dGclhDcWZwdz09>

MEETING ID: 860 9836 5066

Password: 586673

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/wuZKb9gwEY7sMACllsr7VSJglB35kNZA/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](mailto: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](http://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**

1. [Review and Possible Action Concerning Establishing Division Based Elections System, Approving Final Map of Electoral Divisions and Setting Sequence of Division Elections](#)

## **CONSENT AGENDA**

## **OLD BUSINESS**

## **NEW BUSINESS**

1. [Review and Possible Action Concerning Adoption of Appropriations Limit for FY 2023-2024](#)
2. [Review and Possible Action Concerning Employee Wellness Program.](#)

## **REPORTS**

1. Sewer Authority Mid-Coastside Meetings (Slater-Carter).
2. Mid-Coast 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 (2 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

### **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 AND SANITARY DISTRICT AGENDA

For Meeting Of: **August 17, 2023**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager *CH*

**SUBJECT: Review and Possible Action Concerning  
Establishing Division Based Elections System,  
Approving Final Map of Electoral Divisions and  
Setting Sequence of Division Elections**

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Over the last several months, the District has been engaged in a transition from an at-large method of electing its Board members to a by-division electoral system. The District has completed its hearing process as required by Elections Code section 10010, this being the last of six (6) public hearings, where the District will chose an electoral division map and adopt a Resolution for the election of directors by-division, establish the boundaries and identification number of each electoral division and the order of election for each division.

Prior to this hearing, the District held five (5) public hearings for the public to provide input in creating five (5) election divisions that comply with both the Federal and California Voting Rights Acts. The purpose of the first two public hearings (held on April 20, 2023 and May 18, 2023) was to gather public input on the composition, population, geography and communities of interest within the District's service area and jurisdiction. Following these two initial hearings, and with the assistance of a demographer, Redistricting Partners, the District prepared, published and considered a series of draft maps as follows:

At the third public hearing on June 1, 2023, three (3) draft Maps marked A, B and C were presented and considered; per Board direction, Redistricting Partners thereafter prepared a revised map, known as Draft Map D, which was then presented and considered at the fourth public hearing on July 20, 2023. Per Board direction, Redistricting Partners prepared another revised map, known as Draft Map D2, along with a proposed election sequence, which was then presented and considered at the fifth public hearing on August 8, 2023. Per Board direction, Redistricting Partners prepared revised Draft Map D2B, along with the proposed election sequence, which will be presented and considered at this, the sixth and final public hearing (See **Draft Map D2B**, marked Exhibit A to the attached proposed Resolution.)



# MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **August 17, 2023**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager

In addition to selecting one of the draft maps, the Board will also need to determine an election sequence for Directors to be elected within their districts at different times to provide for staggered terms in the next two election cycles (2024 and 2026):

- In 2024, Director Boyd and Director Slater-Carter's 4-year terms will end, as well as Director Young's appointed 2-year term, since she filled the first half of Director Lohman's 4-year term following his passing. Therefore, two Director seats will be elected by-division, each for a 4-year term, and one Director seat will be elected at-large, to fulfill Director Lohman's remaining 2-year term.
- In 2026, Director Softky and Director Dekker's 4-year terms will end, as well as the Director who is elected in 2024 to fill Director Young/Lohman's seat.

The election sequence depends on various factors, such as the number of districts drawn, the number of incumbents located in each district, and the incumbents' existing terms. State law does not specifically prescribe the method for election sequencing when transitioning to district elections. However, the Board's exercise and scope of discretion is limited by other statutory requirements, which include:

- The expiration of terms of office can be considered in setting the election rotation.
- In determining the final sequence of the district elections, the District shall give special consideration to the purposes of the CVRA.
- The Board shall take into account the preferences expressed by members of the districts.

Based on the above, staff proposes the following election sequence should the Board adopt **Draft Map D2B**:

- Divisions 2 and 4 (green and purple, respectively) will stand for election in 2024, and thereafter every four years.
- Divisions 1, 3 and 5 (orange, red and brown, respectively) will stand for election in 2026, thereafter election every four years.



# MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **August 17, 2023**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager

## RECOMMENDATION:

Open the public hearing, hear relevant testimony, close the public hearing and adopt RESOLUTION NO. \_\_ , RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER AND SANITARY DISTRICT PROVIDING FOR THE ELECTION OF DIRECTORS BY DIVISION, ESTABLISHING THE BOUNDARIES AND IDENTIFICATION NUMBER OF EACH ELECTORAL DIVISION, AND ESTABLISHING THE ORDER OF ELECTION FOR EACH DIVISION

### *Attachments:*

Proposed Resolution, including Draft Map D2B with proposed election sequence

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER AND SANITARY DISTRICT PROVIDING FOR THE ELECTION OF DIRECTORS BY DIVISION, ESTABLISHING THE BOUNDARIES AND IDENTIFICATION NUMBER OF EACH ELECTORAL DIVISION, AND ESTABLISHING THE ORDER OF ELECTION FOR EACH DIVISION**

**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**, the Board of Directors of the District is an elected legislative public body serving the residents of the District; and

**WHEREAS**, pursuant to law and legislative acts which established the District, the five members of the District are currently elected through an at-large election where all voters within the District vote for each Director; in alternating even-numbered election years the District voters elect either two or three members to the Board of Directors by a plurality-win vote with the top vote-getters elected; and

**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, and may further determine the potential sequence of said elections. (Elections Code § 10010(a)(2) &(b)). 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; and

**WHEREAS**, the California Voting Rights Act (“CVRA”) was enacted by the State of California subsequent to the establishment of the District; and

**WHEREAS**, although the District submits that its election system has been in compliance with the CVRA and all other provisions of law influencing the Federal Voting Rights Act and asserts that its election system has been and is legal in all respects, the Board of Directors has determined that the public interest will be well served by initiating a process for transition to a by-district election system; and

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER AND SANITARY DISTRICT PROVIDING FOR THE ELECTION OF DIRECTORS BY DIVISION, ESTABLISHING THE BOUNDARIES AND IDENTIFICATION NUMBER OF EACH ELECTORAL DIVISION, AND ESTABLISHING THE ORDER OF ELECTION FOR EACH DIVISION**

**WHEREAS**, pursuant to California Election Code 10650, the Board of Directors has determined that the change in the method of electing members of the Board and determining the final sequence of elections to provide for staggered terms of office, is being made in furtherance of the purposes of the CVRA; and

**WHEREAS**, the District's legal counsel retained an experienced demographer, Redistricting Partners, to assist the District with the process of analyzing the District's population, developing draft maps, and gathering input from residents on the possible maps; and

**WHEREAS**, at public hearings on April 20, 2023 and May 18, 2023, the public was invited to provide input regarding the composition of the District's divisions before any draft map(s) was drawn, and the Board of Directors discussed and considered the same; and

**WHEREAS**, Redistricting Partners prepared three (3) draft maps, known as Draft Maps A, B and C, that were published at least seven (7) days in advance of the District's next public hearing on June 1, 2023; and

**WHEREAS**, at a public hearing on June 1, 2023, the public was invited to provide input regarding Draft Maps A, B and C; and

**WHEREAS**, following the June 1, 2023 hearing, Redistricting Partners prepared a revised map for consideration, known as Draft Map D, and the District published the map for public review at least seven (7) days in advance of its next public hearing on July 20, 2023; and

**WHEREAS**, at a public hearing on July 20, 2023, the public was invited to provide input on Draft Map D, and the District published Draft Map D2, along with the proposed election sequence, for public review at least seven (7) days in advance of its next public hearing on August 8, 2023; and

**WHEREAS**, at a public hearing on August 8, 2023, the public was invited to provide input on Draft Map D2, and Redistricting Partners prepared a revised Draft Map D2B that was published, along with the proposed election sequence, for public review at least seven (7) days in advance of its next and final public hearing on August 17, 2023; and

**WHEREAS**, following the conclusion of the August 17, 2023 public hearing, the Board of Directors gave direction to legal counsel to finalize a Resolution to transition the District to by-district elections, including the Voting Divisions Map



RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER AND SANITARY DISTRICT PROVIDING FOR THE ELECTION OF DIRECTORS BY DIVISION, ESTABLISHING THE BOUNDARIES AND IDENTIFICATION NUMBER OF EACH ELECTORAL DIVISION, AND ESTABLISHING THE ORDER OF ELECTION FOR EACH DIVISION**

prepared by the demographer, and putting Divisions 2 and 4 on the November 2024 ballot for the District's first regular election of Board members following adoption of this Resolution, with the remaining Divisions 1, 3, and 5 on the ballot for the November 2026 election; and

**WHEREAS**, in addition to satisfaction of all legal prerequisites, the District engaged in a significant amount of public outreach and engagement above and beyond the public hearings and other procedures required by California Elections Code Section 10010, including but not limited to launching the District's *Elected Community Service Academy*, providing remote access to all public meetings and hearings, translating materials into Spanish, making all materials available on the District's website, posting an interactive map drawing tool for the benefit of the public on the District website, and posting notices of public hearings in the newspaper and at the Post Office(s) located at 2315 Carlos Street, Moss Beach, California, 94038 and 215 7<sup>th</sup> Street, Montara, California 94037; and

**WHEREAS**, in order to further the purposes of the CVRA, the District now wishes to move from its current at-large electoral system to a district-based election system for members of the Board of Directors, and to adopt a Resolution providing that the members of the Board of Directors shall be elected by-district in five divisions, beginning at the November 2024 general Statewide election in accordance with the terms of this Resolution; and

**WHEREAS**, the District Board of Directors finds and determines that the election districts reflected on the Electoral Division Map, attached as **Exhibit A** to this Resolution and on file with the District, create fair and reasonable districts from which Directors can be elected, and that such map and the district-based system for election of Directors adopted by this Resolution complies with and furthers the purposes of the CVRA; and

**WHEREAS**, the District Board of Directors finds and determines that the sequence of elections provided for in this Resolution as described in the Sequence of Elections, attached to this Resolution as **Exhibit B** and on file with the District, is fair and reasonable and adequately addresses all legal requirements and considerations; and

**WHEREAS**, the adoption of a division based electoral system will not affect the term of any sitting Board member, each of whom will serve out his or her current term. Director Ric Lohman's four (4) year at-large seat, left vacant due to his untimely passing, was filled by appointment of Director Carlisle Ann (Cid) Young on March 2, 2023 pursuant to Government Code Section 1780. Because Director

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER AND SANITARY DISTRICT PROVIDING FOR THE ELECTION OF DIRECTORS BY DIVISION, ESTABLISHING THE BOUNDARIES AND IDENTIFICATION NUMBER OF EACH ELECTORAL DIVISION, AND ESTABLISHING THE ORDER OF ELECTION FOR EACH DIVISION**

Lohman’s vacancy occurred within the first half of his term of office (elected by at-large voting in November 2022), appointed Director Young holds office until the next District general election cycle in November 2024, at which time the seat will be filled by at-large voting for a period of two (2) years, which represents the unexpired balance of Director Lohman’s full four (4) year term of office; and

**WHEREAS**, by the adoption of this Resolution and in accordance with the requirements of Elections Code §10010, the District Board of Directors desires to provide for the election of directors by division, establish the boundaries and identification number of each electoral division, and establish the order of election for each division.

**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 1. Incorporation of Recitals.** The recitals stated above are true and correct and the Board of Directors so finds and determines the recitals set forth are incorporated herein and are effective.

**Section 2. By-District Elections.** The District finds that its election system will transition from at-large to by-district elections, beginning with the November 2024 regularly scheduled Statewide general election of members for the Board of Directors.

**Section 3. Establishment of Divisions.** The District hereby establishes five (5) divisions within the District’s jurisdiction. The boundaries and identifying number of each division shall be described on the Electoral Division Map attached hereto as **Exhibit “A”** and incorporated herein by this reference, a copy of which shall also be on file in the District’s administrative office.

**Section 4. Election Process.** The District establishes the following election process:

- a. Members of the Board of Directors shall be elected in the electoral divisions established by this Resolution and subsequently reapportioned as provided for in State law and as set forth in Section 6 of this Resolution. Elections shall take place by Divisions 1, 2, 3, 4, and 5, meaning that one (1) Director shall be elected from each division, by the voters of that respective division.

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER AND SANITARY DISTRICT PROVIDING FOR THE ELECTION OF DIRECTORS BY DIVISION, ESTABLISHING THE BOUNDARIES AND IDENTIFICATION NUMBER OF EACH ELECTORAL DIVISION, AND ESTABLISHING THE ORDER OF ELECTION FOR EACH DIVISION**

- b. A Director elected or appointed to represent a division must reside within that division and be a registered voter within that division. Likewise, any candidate for the Board of Directors must reside in and be a registered voter within the division in which he or she seeks election at the time nomination papers are issued.
- c. Notwithstanding any other provision of this Resolution, the Directors in office at the time this Resolution takes effect shall continue in office until the expiration of the term to which he or she was elected. In the event a vacancy occurs before the end of an at-large term of a Director in office at the time this Resolution takes effect, any appointed or elected replacement shall be made by electoral division as established by this Resolution, unless such vacancy causes two or more Directors to be placed in the same election district, at which time this Board may change the election sequence set forth in Section 5 of this Resolution.
- d. The term of each Director elected to the Board of Directors shall remain a four (4) year term.

**Section 5. Order of Elections.** Members of the Board of Directors shall be elected from Divisions 2 and 4 at the November 2024 regularly scheduled Statewide general election, and every four years thereafter; also at the November 2024 regularly scheduled Statewide general election, Director Lohman's seat, currently held by Director Young, shall be elected for the remaining two (2) year term of said seat by a person residing anywhere within the boundaries of the District using an at-large voting election where all voters within the District may vote for said seat. Members of the Board of Directors shall be elected from Divisions 1, 3, and 5 at the November 2026 election, and every four years thereafter.

**Section 6. Adjustment of Boundaries.** Pursuant to Elections Code Section 22000, as it may be amended from time to time, the Board of Directors shall adjust the boundaries of any or all of the divisions following each Decennial Federal Census to ensure that the divisions are in compliance with all applicable provisions of law. If necessary to facilitate the implementation of this Resolution, the General Manager or the General Manager's designee is authorized to make technical adjustments to the voting district boundaries that do not substantively affect the populations of the districts, the eligibility of candidates, or the residence of elected officials within any voting districts.

**Section 7. Severability.** If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, the remainder of the

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER AND SANITARY DISTRICT PROVIDING FOR THE ELECTION OF DIRECTORS BY DIVISION, ESTABLISHING THE BOUNDARIES AND IDENTIFICATION NUMBER OF EACH ELECTORAL DIVISION, AND ESTABLISHING THE ORDER OF ELECTION FOR EACH DIVISION**

Resolution and the application of such provision to other persons or circumstances shall not be affected thereby.

**Section 8. Exemption from the California Environmental Quality Act.** The approval of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 *et seq.*, “CEQA,” and 14 Cal. Code Reg. §§ 15000 *et seq.*, “CEQA Guidelines”). This action is not a project within the meaning of the CEQA Guidelines Sections 15378 and 15061(b)(3), as it is an organizational structure change that will not result in any direct or indirect physical change in the environment. Therefore, pursuant to CEQA Guidelines section 15060, CEQA analysis is not required.

**Section 9. Effective Date.** This Resolution shall become effective upon its adoption.

\_\_\_\_\_  
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 17<sup>th</sup> day of August 2023, by the following vote:

AYES, Directors:

ABSTENTION:

NOES, Directors:

ABSENT, Directors:

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTARA WATER  
AND SANITARY DISTRICT PROVIDING FOR THE ELECTION OF  
DIRECTORS BY DIVISION, ESTABLISHING THE BOUNDARIES AND  
IDENTIFICATION NUMBER OF EACH ELECTORAL DIVISION, AND  
ESTABLISHING THE ORDER OF ELECTION FOR EACH DIVISION**

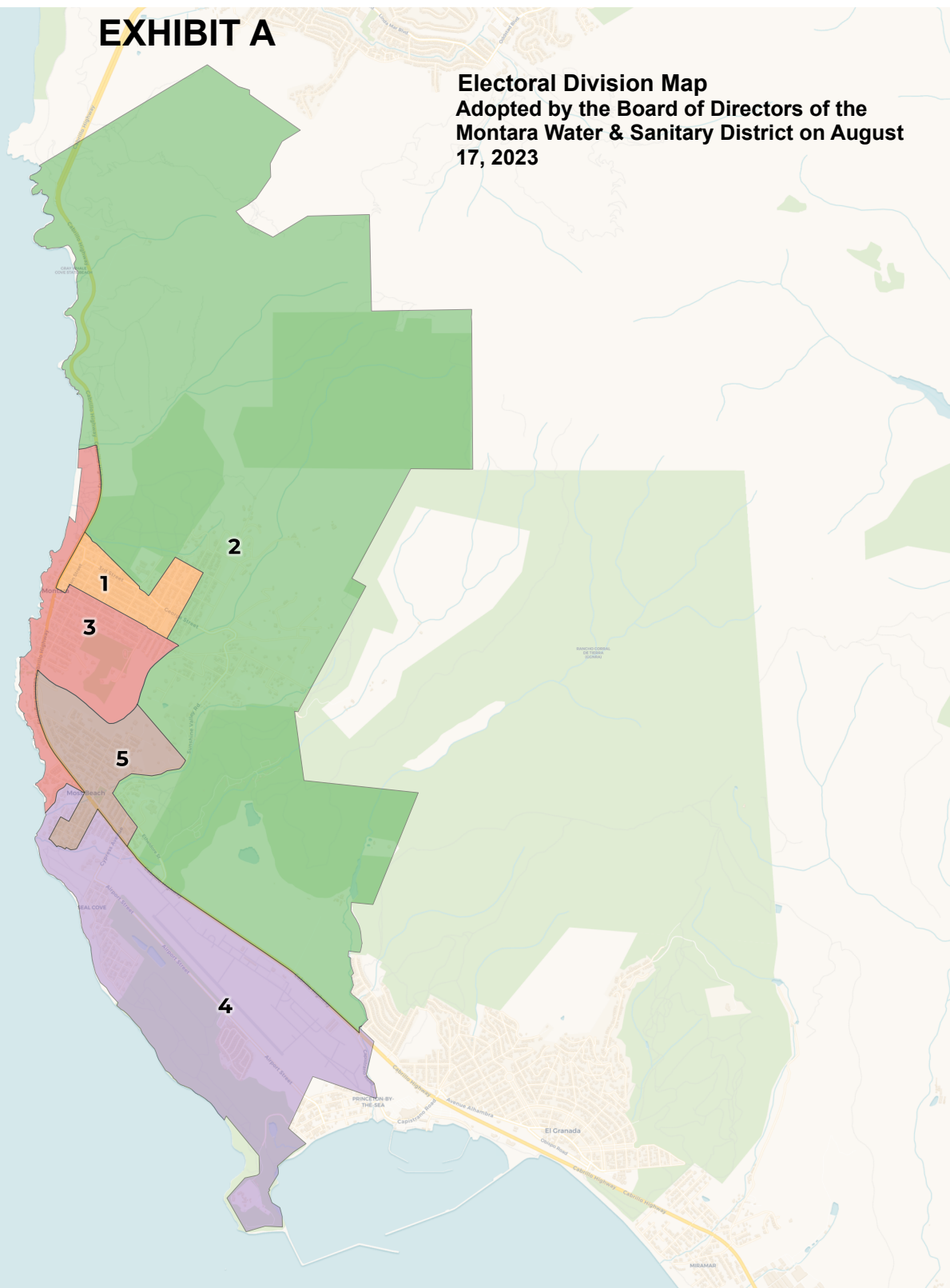
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Secretary, Montara Water and Sanitary District

# EXHIBIT A

**Electoral Division Map**  
Adopted by the Board of Directors of the  
Montara Water & Sanitary District on August  
17, 2023

**Election Sequence**  
2024: Divisions 2 and 4  
2026: Divisions 1, 3 and 5

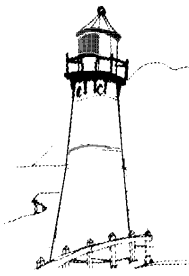


## **EXHIBIT B**

### **SEQUENCING OF BY-DIVISION ELECTIONS**

As shown on Exhibit A, *Electoral Division Map*, Divisions 2 and 4 (green and purple, respectively) will stand for election in 2024, and thereafter every four years.

As shown on Exhibit A, *Electoral Division Map*, Divisions 1, 3 and 5 (orange, red and brown, respectively) will stand for election in 2026, thereafter election every four years.



# MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **August 17, 2023**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager 

**SUBJECT: Review and Possible Action Concerning  
Adoption of Appropriations Limit for FY 2023-  
2024**

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Article XIII B of the California State Constitution, commonly referred to as the Gann Initiative or Gann Appropriations Limit, was adopted by California voters in 1980 and placed limits on the amount of proceeds of taxes that State and local agencies can appropriate and spend each year.

The limit is different for every agency and changes each year. The annual limit is based on the amount of tax proceeds that were authorized to be spent in fiscal year 1978-79, modified for changes in inflation and population. Inflationary adjustments are based on increases in the California per capita income and changes in County population.

The appropriation limit for the prior fiscal year was \$2,770,979. Factoring in San Mateo County's County overall area's change in population (0.43%), and the change in the California per capita personal income (4.44%) provides the appropriation limit for the new fiscal year. This information is found in the State Department of Finance report received in May 2023. Based on these adjustments the appropriation limit for Fiscal Year 2023-2024 is \$2,881,566. This is the maximum amount of tax proceeds the District is able to spend in fiscal year 2023-2024. As the attached worksheet shows, the District is \$1,269,869 below its Gann Limit.

Section 7910 of the State Government Code requires a governing body to annually adopt, by resolution, an Appropriations Limit for the upcoming fiscal year.

## RECOMMENDATION:

Adopt Resolution No. \_\_\_\_\_, Resolution of the Montara Water and Sanitary District Determining the 2023-2024 Appropriation Limit.

Attachment



**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE MONTARA WATER AND  
SANITARY DISTRICT DETERMINING THE 2023-2024  
APPROPRIATION LIMIT**

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 District, on the basis of appropriations limit calculations, which have been on file and available for public review in the office of the Secretary of the District, has calculated the maximum limit applicable to the appropriations of tax proceeds for the Fiscal Year 2023-2024 to be the sum of Two Million Eight Hundred Eighty One Thousand Five Hundred And Sixty Six Dollars (\$2,881,566).
2. The basis for said calculations are available and on file in the office of the Secretary of said District.

COUNTERSIGNED:

\_\_\_\_\_  
President, Montara Water and Sanitary District

\_\_\_\_\_  
Secretary, Montara Water and Sanitary District

\* \* \*

I HEREBY CERTIFY that the foregoing Resolution No. \_\_\_\_\_ was duly and regularly adopted and passed by the Board of the Montara Water and Sanitary District, San Mateo County, California, at a meeting thereof on the 17<sup>nd</sup> day of August 2023, by the following vote:

AYES, Directors:

NOES, Directors:

ABSENT, Directors:

\_\_\_\_\_  
Secretary, Montara Water and Sanitary District

# MONTARA WATER AND SANITARY DISTRICT

Appropriations Limit  
FY 2023/2024

USER FEES	SUB-TOTAL	TOTAL
<b>SEWER</b>		
Sewer Service Charges	\$ 3,883,231	
Sewer Connection Fees	\$ 295,000	
Application and Inspection Fees	\$ 18,000	
<b>WATER</b>		
Water Sales and Charges	\$ 2,014,000	
Water Connection Fees	\$ 240,000	
Water Application Fees	\$ 8,600	
Water Reliability Charge	\$ 1,111,460	
<b>TOTAL</b>		\$ 7,570,291
<b>LESS:</b>		
Total Operating Expenses - Sewer	\$ 3,376,096	
Total Operating Expenses - Water	\$ 2,267,015	
Debt Instruments:		
Water Loan Costs	\$ 328,341	
Sewer Loan Costs	\$ 139,683	
<b>TOTAL</b>		\$ 6,111,135
<b>USER FEES IN EXCESS OF COSTS</b>		\$ 1,459,156
<b>ADD:</b>		
User Fees in Excess of Costs	\$ 1,459,156	
Taxes	\$ 600,000	
Franchise Fee	\$ 30,000	
Interest Income	\$ 120,000	
Operating Income or Loss (From Audit)	\$ (597,459)	
<b>TOTAL</b>		\$ 1,611,697
<b>TOTAL APPROPRIATIONS SUBJECT TO LIMIT FOR FY 2023/24</b>		\$ 1,611,697

RECONCILIATION/ CALCULATION	
<b>FY 22/23</b>	
<b>Appropriations Limit</b>	
\$	2,770,979
May 2023 State Department of Finance Report:	
Per Capita Personal Income Increase: 4.44%	
San Mateo County Population Change = -0.43%	
Unincorporated Population Change = -0.53%	
<b><u>Calculation</u></b>	
1.0444 x (0.9957) = (1.03990908)	
1.03990908 X \$2,770,979 = 2,881,566	
\$	<b>2,881,566</b>
<b>Appropriations Limit for FY 22/23</b>	
\$	2,881,566
\$	(1,611,697)
\$	1,269,869
<b>BELOW APPROPRIATIONS LIMIT</b>	

Dear Fiscal Officer:

**Subject: Price Factor and Population Information**

**Appropriations Limit**

California Revenue and Taxation Code section 2227 requires the Department of Finance (Finance) to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2023, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2023-24. Attachment A provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2023-24 appropriations limit. Attachment B provides the city and unincorporated county population percentage change. Attachment C provides the population percentage change for counties and their summed incorporated areas. The population percentage change data excludes federal and state institutionalized populations and military populations.

**Population Percent Change for Special Districts**

Some special districts must establish an annual appropriations limit. California Revenue and Taxation Code section 2228 provides additional information regarding the appropriations limit. Article XIII B, section 9(C) of the California Constitution exempts certain special districts from the appropriations limit calculation mandate. The code section and the California Constitution can be accessed at the following website: <http://leginfo.ca.gov/faces/codes.xhtml>.

Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this requirement should be directed to their county, district legal counsel, or the law itself. No state agency reviews the local appropriations limits.

**Population Certification**

The population certification program applies only to cities and counties. California Revenue and Taxation Code section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2023.**

**Please Note:** The prior year's city population estimates may be revised. The per capita personal income change is based on historical data.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

JOE SPEPHENSHAW  
Director  
By:

Erika Li  
Chief Deputy Director

Attachment

- A. **Price Factor:** Article XIII B specifies that local jurisdictions select their cost of living factor to compute their appropriation limit by a vote of their governing body. The cost of living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the fiscal year 2023-24 appropriation limit is:

Per Capita Personal Income

Fiscal Year (FY)	Percentage change over prior year
2023-24	4.44

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2023-24 appropriation limit.

**2023-24:**

Per Capita Cost of Living Change = 4.44 percent  
Population Change = -0.35 percent

Per Capita Cost of Living converted to a ratio:  $\frac{4.44 + 100}{100} = 1.0444$

Population converted to a ratio:  $\frac{-0.35 + 100}{100} = 0.9965$

Calculation of factor for FY 2023-24:  $1.0444 \times 0.9965 = 1.0407$

Fiscal Year 2023-24

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023**

<b>County City</b>	<b><u>Percent Change</u></b>	<b><u>--- Population Minus Exclusions ---</u></b>		<b><u>Total Population</u></b>
	<b>2022-2023</b>	<b>1-1-22</b>	<b>1-1-23</b>	<b>1-1-2023</b>
San Mateo				
Atherton	-0.48	6,710	6,678	6,678
Belmont	-0.88	27,030	26,793	26,793
Brisbane	-0.51	4,672	4,648	4,648
Burlingame	0.22	30,069	30,136	30,136
Colma	-0.88	1,371	1,359	1,359
Daly City	-0.56	102,040	101,471	101,471
East Palo Alto	-0.66	28,776	28,586	28,586
Foster City	-0.45	32,852	32,703	32,703
Half Moon Bay	-0.77	11,313	11,226	11,226
Hillsborough	-0.20	10,984	10,962	10,962
Menlo Park	-0.91	32,645	32,349	32,478
Millbrae	0.08	22,468	22,487	22,487
Pacifica	-0.41	37,236	37,082	37,082
Portola Valley	-0.54	4,270	4,247	4,247
Redwood City	-0.32	81,753	81,495	81,495
San Bruno	-0.68	42,340	42,054	42,054
San Carlos	-0.89	29,762	29,496	29,496
San Mateo	-0.32	103,651	103,318	103,318
South San Francisco	0.00	64,325	64,323	64,323
Woodside	-0.29	5,143	5,128	5,128
Unincorporated	-0.53	61,301	60,974	60,974
County Total	-0.43	740,711	737,515	737,644


\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.



# MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **August 17, 2023**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager 

**SUBJECT: Review and Possible Action Concerning  
Employee Wellness Program.**

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The District has an established Wellness Program for its full-time employees whereby the District contributes twenty-five dollars (\$25.00) monthly towards a health or fitness expenditure of their choice, upon proper documentation by the employee.

The District was once more awarded a Wellness Grant of \$320 in July from the Association of California Water Agencies Joint Powers Insurance Authority (ACWA JPIA). Voluntary Wellness programs of formal and informal activities are designed to improve the health and well-being employees and reduce or eliminate personal problems affecting employee health and work productivity. Wellness programs have the potential to decrease absenteeism, improve productivity, improve employee retention, leads to a more energetic, positive and productive workplace, lower overall health care costs, and reduce on-the-job accidents and injuries. The current pandemic has further increased the need to support and encourage employees self-care.

The program was authorized from September to September each year. If all employees participate and ask for the full monthly reimbursement the annual cost would amount to a total of \$2,400. This year the MWSD employees used to date a total of \$806.73.

Recommendation:

Authorize up to \$2,400 of District funds for contributions to MWSD full time employee's participation in wellness activities of \$25 per month per employee after proof of payment by the employee.

Attachment



July 12, 2023

Tracy Beardsley - clerk.mwsd@coastside.net  
Montara Water & Sanitary District

RE: ACWA JPIA 2023 Wellness Grant

Dear Tracy,

Congratulations! The 2023 Wellness Grant Application for Montara Water & Sanitary District has been approved in the amount of \$320. We will send a check directly to your agency within 30 days of this letter. Please be on the lookout for the check and promptly deposit it upon receipt.

We have made some **important updates** to the guidelines for the proper use and documentation of wellness grant funds. Before spending your grant funds, please read the enclosed guidelines and keep them for future reference.

If you have any questions regarding your grant, please contact me at (916) 474-1773. Thank you for your participation.

A handwritten signature in black ink, appearing to read 'JR' or 'Jackie Rech', is positioned above the typed name.

Jackie Rech  
Employee Benefits Specialist

## GUIDELINES FOR SPENDING AND DOCUMENTING THE USE OF GRANT FUNDS

- **Starting with the 2023/24 grant year, grant funds may no longer be spent on food or drink.** This includes groceries, restaurants or other food/drink vendors. The only exceptions are as follows:
  - Classes about nutrition and healthy cooking will be allowed. Food purchased for use in the class (i.e. to cook the demonstration meal with or as examples of nutritious food) may be purchased with grant dollars. However, any other food brought into the class (i.e. breakfast or lunch) must be purchased outside of grant dollars.
  - Restaurant/food/grocery gift cards given as a prize for participating in a fitness or weight loss challenge.
- **Gift Cards – New Guidelines**
  - Gift cards should not be the core of your wellness program. They cannot be used as a fitness stipend. They may be used only to supplement a well-rounded wellness campaign.
  - If given as a prize for participating in or winning a fitness or weight loss challenge, then there is no restriction on the type of gift card that may be purchased.
  - If not tied to a fitness or weight loss challenge, then the gift card must be fitness related. Examples include – yoga or other fitness studios or classes, sporting goods stores like Dicks, Big 5 or REI, athletic shoe or fitness apparel stores like Athleta, Adidas, Merrell, Nike, Under Armour, etc.
- **Safety equipment**, services, and training are not considered eligible wellness grant expenses.
- **Teambuilding** events, while worthwhile, are not considered eligible wellness grant expenses.
- **Please save your receipts** for your purchases. Once you have used the funds, submit them to the JPIA at [jrech@acwajpia.com](mailto:jrech@acwajpia.com). All funds must be used and receipts submitted by **June 24, 2024**.