



THREE VALLEYS MUNICIPAL WATER DISTRICT REGULAR BOARD MEETING AGENDA

1021 E. Miramar Avenue, Claremont, CA 91711
June 1, 2022 – 8:00 AM

The mission of Three Valleys Municipal Water District is to supplement and enhance local water supplies to meet our region’s needs in a reliable and cost-effective manner.

SPECIAL NOTICE OF TELECONFERENCE ACCESSIBILITY

Pursuant to the provisions of Assembly Bill 361, which amended certain provisions of the Brown Act regarding teleconference meetings during periods of statewide emergencies, and as a precaution to our Board of Directors, District staff and general public as a result of the ongoing COVID-19 pandemic, Three Valleys MWD will hold this meeting of its Board of Directors both in-person at the above location and via teleconference. The public may participate in the meeting by physical attendance or by teleconference by clicking on the link below:

https://tvmwd.zoom.us/webinar/register/WN_vtKRdF_NTaa4VwIIDKiBuQ

(Dial-in instructions are provided after registering at the link above)

Any member of the public wishing to participate in public comment may do so in any of the following manners: (1) when prompted by the President during the public comment period, (2) by filling out the electronic speaker’s card at the following link <https://arcg.is/0z5GqO> prior to the close of public comment, (3) by sending an email to PublicComment@tvmwd.com prior to the close of public comment, or (4) those attending the meeting in person may complete a speaker’s card and provide it to the Executive Assistant prior to the close of public comment.

- | | |
|---|---------|
| 1. CALL TO ORDER | ROBERTO |
| 2. ROLL CALL | AGUIRRE |
| Jody Roberto, President
Brian Bowcock, Vice President
Carlos Goytia, Secretary
Mike Ti, Treasurer
David De Jesus, Director
Bob Kuhn, Director
Danielle Soto, Director | |
| 3. FLAG SALUTE | ROBERTO |
| 4. AGENDA REORDER/ADDITIONS [<i>Government Code Section 54954.2(b)(2)</i>] | ROBERTO |

Additions to the agenda may be considered when two-thirds of the board members present determine a need for immediate action, and the need to act came to the attention of TVMWD after the agenda was posted; this exception requires a degree of urgency. If fewer than two-thirds of the board members are present, all must affirm the action to add an item to the agenda. The Board shall call for public comment prior to voting to add any item to the agenda after posting.

5. PUBLIC COMMENT (*Government Code Section 54954.3*) ROBERTO

Opportunity for members of the public to directly address the Board on items of public interest that is within the subject matter jurisdiction of TVMWD. The public may also address the Board on items being considered on this agenda.

We request that remarks be limited to three minutes or less. Pursuant to Government Code Section 54954.3, if speaker is utilizing a translator, the total allotted time will be doubled.

6. ACTION AGENDA LITCHFIELD

The following items on the Action Agenda call for discussion and action by the Board. All items are placed on the agenda so that the Board may discuss and take action on the item if the Board is so inclined.

A. ADOPT RESOLUTION NO. 22-06-930 RE-AUTHORIZING REMOTE TELCONFERENCE MEETINGS PURSUANT TO THE PROVISIONS OF ASSEMBLY BILL 361 LITCHFIELD

The Board will consider adopting Resolution No. 22-06-930 re-authorizing remote teleconference meetings pursuant to AB 361.

BOARD ACTION REQUIRED 6.A

Staff Recommendation: Approve as Presented

B. WATER EDUCATION FOR LATINO LEADERS CONFERENCE SPONSORSHIP SOTO

The Board will consider approval of a sponsorship request for the WELL Conference according to TVMWD's Outreach Program Policy.

BOARD ACTION REQUIRED 6.B

Staff Recommendation: None

7. PUBLIC MEETING FY 2022/23 STANDBY CHARGE ROBERTO

The Board will convene a public meeting to consider any comments or testimony regarding the FY 2022/23 Standby Charge. Final action to adopt the standby charge will not be taken at the public meeting; adoption will be considered by the Board following the public hearing scheduled for June 15, 2022, at 8:00 a.m. Pursuant to Government Code 6063, this public meeting was noticed in newspaper(s) of general circulation, Inland Valley Daily Bulletin and San Gabriel Valley Tribune, on April 27, May 4 and May 11, 2022.

- a. Open public meeting
- b. Request staff report
- c. Public testimony
- d. Close public meeting

8. GENERAL MANAGER’S REPORT LITCHFIELD
- The Executive Leadership Team will provide brief updates on existing matters under their purview and will be available to respond to any questions thereof.
- A. REVIEW RESOLUTION NO. 22-05-DRAFT FOR FY 2022/23 WATER STANDBY CHARGE LINTHICUM
- The Board will review Resolution No. 22-05-DRAFT regarding the imposition of a Water Standby Charge for FY 2022/23.
- B. ANNUAL SUNSHINE ORDINANCE REVIEW KENNEDY
- Legal Counsel Kennedy will review updates to the Ralph M. Brown Act and other statutory and regulatory requirements TVMWD must comply with.
- C. SOCIAL MEDIA POLICY – ELECTED OFFICIALS ROBLES
- The Board will discuss the proposed Social Media Policy.
- D. 2022 ANNUAL WATER SHORTAGE REPORT LEE
- Staff will present a draft annual assessment report.
- E. REVIEW OF FY 2022/23 GENERAL MANAGER’S WORK PLAN LITCHFIELD
- The Board will review the General Manager’s Work Plan for FY 2022/23.
- F. ON-CALL PAY RATE INCREASE LANG
- The on-call pay rate for standby operators and lab operators will be reviewed.
- G. PROJECTS SUMMARY UPDATE PERALTA
- The Board will be provided an oral update of ongoing TVMWD projects.
9. CLOSED SESSION ROBERTO
- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
[Government Code Section 54956.9(d)(1)]
- Name of Case: San Diego County Water Authority v. Metropolitan Water District of Southern California, et al., San Francisco County Superior Court Case No. CPF-14-514004
- (Consolidated with Case Nos. CPF-16-515282 and CPF-18-516389)
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
[Government Code Section 54956.9(d)(1)]
- Name of Case: Chino Basin Municipal Water District v. City of Chino, et al., San Bernardino County Superior Court Case No. RCV RS 51010

C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

- Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)
- One potential case

10. FUTURE AGENDA ITEMS

ROBERTO

11. ADJOURNMENT AND NEXT MEETING

ROBERTO

The Board will adjourn to a regular Board Meeting on June 15, 2022 at 8:00 AM.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Executive Assistant at (909) 621-5568 at least 24 hours prior to the meeting.

Pursuant to Government Code Section 54957.5, materials related to an item on this agenda submitted after distribution of the agenda packet will be posted on the TVMWD website at www.threevalleys.com.

Three Valleys MWD Board meeting packets and agendas are available for review at www.threevalleys.com.

RESOLUTION NO. 22-06-930**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE THREE VALLEYS MUNICIPAL WATER DISTRICT RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM, DECLARING THAT LOCAL EMERGENCY CONDITIONS PERSIST, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS AND ITS STANDING COMMITTEES FOR THE PERIOD JUNE 9, 2022, TO JULY 8, 2022, PURSUANT TO BROWN ACT PROVISIONS**

WHEREAS, the Three Valleys Municipal Water District (the “District”) is committed to preserving and nurturing public access and participation in meetings of its Board of Directors; and

WHEREAS, all meetings of the District’s Board of Directors (the “Board”) and its standing committees are open and public, as required by the Ralph M. Brown Act (California Government Code Sections 54950-54963), so that any member of the public may attend, participate, and watch those bodies conduct their business; and

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

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

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

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist in California as a result of the threat of COVID-19, and such proclamation has not yet been lifted; and

WHEREAS, it is further required under Government Code Section 54953(e) that state or local officials have imposed or recommended measures to promote social distancing or that the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board previously adopted Resolution No. 22-04-924 on April 20, 2022, finding that the requisite conditions exist for the Board and its standing committees to conduct

remote teleconference meetings without compliance with Government Code Section 54953(b)(3); and

WHEREAS, as a condition of extending the use of the provisions set forth in Government Code Section 54953(e), the Board must reconsider the circumstances of the state of emergency that exists within the District, and the Board has done so; and

WHEREAS, emergency conditions persist within the District, specifically COVID-19 and its Delta variant remain highly contagious and, therefore, a threat to the health, safety, and well-being of the District's employees, directors, vendors, contractors, customers, visitors, and residents; and

WHEREAS, orders from the Los Angeles County Department of Public Health and regulations from the State of California impose limitations on gatherings and provide guidance on best practices with respect to actions to reduce the spread of COVID-19; and

WHEREAS, the Board does hereby find that a state of emergency continues to exist within the District's service area as a result of the continuing presence of COVID-19, which has caused, and will continue to cause, conditions of imminent risk to attendees of Board meetings, and has resulted in local, State, and federal social distancing orders and related guidance, and which has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and the Board desires to re-affirm that a local emergency exists and re-affirm the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency persisting, the Board does hereby find that the Board and all standing committees thereof shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953, as authorized by subdivision (e) of Government Code Section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Government Code Section 54953; and

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

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE THREE VALLEYS MUNICIPAL WATER DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

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

Section 2. Affirmation that Local Emergency Persists. The Board hereby considers the conditions of the state of emergency within the District and proclaims that a local emergency

persists throughout the District as a result of the continuing presence of COVID-19, which continues to cause conditions of imminent risk to attendees of the District’s Board and standing committee meetings, and which have resulted in local, State, and federal social distancing orders and guidance, and that continuing to conduct the District’s Board and standing committee meetings virtually will minimize the possible spread COVID-19 and any variant thereof.

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

Section 4. Remote Teleconference Meetings. The District’s General Manager, or his or her delegee, and the Board and standing committees of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including but not limited to continuing to conduct open and public meetings in accordance with Government Code Section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect on June 9, 2022 and shall be effective until the earlier of (i) July 8, 2022 or (ii) such time as the Board adopts a subsequent resolution in accordance with Government Code Section 54953(e)(3) to extend the time during which the Board and standing committees of the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953.

PASSED AND ADOPTED at a meeting of the Board of Directors of the Three Valleys Municipal Water District held both in person and via teleconference this 1st day of June 2022, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Jody Roberto
President, Board of Directors


ATTEST:

Carlos Goytia
Secretary, Board of Directors

SEAL:



BOARD OF DIRECTORS STAFF REPORT

To: TVMWD Board of Directors
From: Matthew H. Litchfield, General Manager 
Date: June 1, 2022
Subject: **Water Education for Latino Leaders Sponsorship Request - Southern California Conference**

Funds Budgeted: \$

Fiscal Impact: \$

Recommendation

The Board will consider approval of a **Water Education for Latino Leaders (WELL)** sponsorship request.

Background

Director Soto is requesting a \$7,500 TVMWD sponsorship for WELL's second conference that will take place from Friday, June 10 to Saturday, June 11, 2022. The conference will be held at the Water Replenishment District of Southern California, Albert Robles Center for Water Recycling and Environmental Learning in Pico Rivera, CA.

Discussion

A copy of the proposed conference sponsorship cover letter is attached as **Exhibit A** and the conference sponsorship level flyer is attached as **Exhibit B**. Per the TVMWD *Outreach Program Policy*, any sponsorship requests by Directors of more than \$1,000 shall be brought to the full board for input and approval.

According to the *Outreach Program Policy*, the event must align with the TVMWD Strategic Plan and provide a direct nexus to water. The conference panel discussions will focus on the following: (1) how changes in climate are impacting our water supply; (2) the rising costs of delivering water and resources to mitigate the costs; and (3) new water initiatives, including discussing if water supplies can be increased without importing new water.

Strategic Plan Objective(s)

3.3 Be accountable and transparent with major decisions

Attachment(s)

Exhibit A – Conference Sponsorship Cover Letter

Exhibit B – 2022 Southern California Conference Sponsorship Opportunities

Meeting History

None

NA/ML



May 23, 2022

Honorable Danielle Soto
Director I Division VI
Three Valleys Municipal Water District
1021 E. Miramar Avenue
Claremont, CA 91711

Dear Director Soto:

It brings us great pleasure to invite you to be a sponsor for the Water Education for Latino Leaders (WELL) Southern California Conference, which will take place from Friday, June 10 to Saturday, June 11, 2022, at the WRD Albert Robles Center for Water Recycling and Environmental Learning in Pico Rivera, CA.

Each year we bring together leaders from across California with the aim of helping them learn best practices in water management, innovative solutions for water disparities and challenges, and how to better access financial resources that address both. Our recent conference on April 2, 2022, brought together over 90 guests from throughout the Central Valley region, [click here](#) to view news coverage from CBS 47 on the conference.

As a conference sponsor, you will foster a more resilient California by educating and empowering local elected officials so they can better address and ultimately eliminate water disparities. The conference will bring together city mayors, city council members, county supervisors, school board members, and water district directors to learn and to drive change in their communities and across California.

WELL is a statewide 501(c)(3) nonprofit organization with a 10-year track record of successfully educating California's elected officials about state water policy. To date, WELL has worked with more than 600 local elected officials who have participated in our annual conferences, regional roundtables, water legislative workshops, and WELL UnTapped Fellowship events. WELL considers any person who represents a Latino community to be a Latino leader.

WELL's mission is to educate local Latino elected officials about California water policies in order to promote timely and equitable actions that strive to develop a robust economy, healthy communities, and a resilient environment for all Californians. Join our mission by becoming a conference sponsor and you will be helping to move all of California forward toward equitable and fair water solutions.

Please contact Stephanie Nava-Angeles, Program Manager at WELL, at stephanie@latinosforwater.org, or via phone at 909-670-2928 for more information or to discuss various sponsorship opportunities.

Sincerely,

A handwritten signature in black ink, appearing to read "Victor Griego".

Victor Griego
President & Founder

A handwritten signature in black ink, appearing to read "Paul C. Hernandez".

Paul C. Hernandez
Executive Director



Water Education for Latino Leaders

Item 6.B - Exhibit B

A large, dark blue circle is positioned on the left side of the page, overlapping a background image of water splashing. The water splash is in grayscale and occupies the right half of the page. The text is centered within the blue circle.

**2022
Southern
California
Conference
Sponsorship
Opportunities**

Sponsor Benefit

\$7,500
Amigos

\$12,500
Partiadarío

\$17,500
Socios

\$25,000
Campeones

\$50,000
Triunfador

Sponsor Benefit	\$7,500 Amigos	\$12,500 Partiadarío	\$17,500 Socios	\$25,000 Campeones	\$50,000 Triunfador
Tickets to the conference	2 Tickets	3 Tickets	5 Tickets	7 Tickets	7 Tickets
ad in the event program	1/4 page	1/4 page	1/2 page	Full page	Full page
Digital logo placement in promotional media	1 Logo	1 Logo	1 Logo	1 Logo	1 Logo
Prominent logo placement at event	1 Logo	1 Logo	1 Logo	1 Logo	1 Logo
Recognition in monthly WELL newsletter		2 Newsletters	3 Newsletters	4 Newsletters	5 Newsletters
Sponsor logo on conference web page		1 Logo	1 Logo	1 Logo	1 Logo
Promotional material at conference			Single flyer handed out	Table in morning breakfast area	Table in morning breakfast area
Acknowledgment in opening remarks at both conferences in 2022				Yes	Yes
Invitation to 10-year reception				2 Tickets	2 Tickets
Silver Associate Membership					1 Year

Mission:

WELL educates local Latino elected officials about California water policy to promote timely and equitable actions that serve to develop a robust economy, healthy communities, and a resilient environment for all Californians.



**930 Colorado Blvd, BLDG 1,
Los Angeles, CA 90041**



(909) 670-2928



www.latinosforwater.org


**Follow Us On Social Media:
@LatinosForWater**



WELL is a 501(c)(3) organization.
Tax ID # 84-3563310



BOARD OF DIRECTORS STAFF REPORT

To: TVMWD Board of Directors
From: Matthew H. Litchfield, General Manager 
Date: June 1, 2022
Subject: **Public Meeting Regarding the Imposition of a Water Standby Charge for FY 2022-23**

Funds Budgeted: \$

Fiscal Impact: \$

Staff Recommendation

The Board will conduct a public meeting regarding the imposition of a water standby charge for FY 2022-23.

Discussion

TVMWD is to convene a public meeting regarding the imposition of a water standby charge prior to conducting a public hearing on possible adoption of the water standby charge scheduled for June 15, 2022. This public meeting required proper notice, which was done in the Inland Valley Daily Bulletin and the San Gabriel Valley Tribune on April 27, May 4, and 11, 2022.

Attached is the draft resolution that will be considered for approval at the Board meeting on June 15, 2022. The rate and methodology for the standby charge are described in the draft Engineer's Report, which is "Attachment A" of the resolution.

Strategic Plan Objective(s)

3.3 – Be accountable and transparent with major decisions

Attachment(s)

Exhibit A – Resolution No. 22-06-DRAFT Adopting Procedures to Fix, Adjust, Levy, and Collect a Water Standby Charge

Meeting History

Board of Director's Meeting – March 2, 2022, Information Item Only

Board of Director's Meeting – April 6, 2022, Information Item Only

Board of Director's Meeting – April 20, 2022, FY 2022-23 Budget Adoption and Board Approval of Resolution No. 22-04-926 Initiating Procedures to Fix, Adjust, Levy and Collect a Water Standby Charge

NA/LC

RESOLUTION NO. 22-06-DRAFT

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE THREE VALLEYS MUNICIPAL WATER DISTRICT
ADOPTING PROCEDURES TO FIX, ADJUST, LEVY, AND COLLECT
A WATER STANDBY CHARGE**

WHEREAS, the Three Valleys Municipal Water District (“the District”) is a municipal water district organized and operating pursuant to Water Code Section 71000 et seq.

WHEREAS, under the Uniform Standby Charges Procedures Act, Government Code Section 54984 et seq. (“the Act”), the District is authorized to fix before August 10 of any given year a water standby charge on land within its jurisdiction to which water service is made available for any purpose by the District, whether the water services are actually used or not.

WHEREAS, under the Act the Board may establish schedules varying the charge according to land uses, benefit derived or to be derived from the use, availability of facilities to provide water service, the degree of availability or quantity of the use of the water to the affected lands, and may restrict the assessment to one or more improvement districts or zones of benefit established within the jurisdiction of the District, and may impose the charge on an area, frontage, or parcel basis, or a combination thereof.

WHEREAS, on July 10, 1996, the District’s Board of Directors adopted Resolution No. 7-96-361 which established a standby charge under the Act that was designed to fund the Readiness-to-Serve (“RTS”) charge imposed upon the District by the Metropolitan Water District of Southern California (“MWD”) and related administrative costs incurred by the District in connection therewith.

WHEREAS, Resolution No. 7-96-361 expressly provided that the District’s standby charge was based upon the report of a qualified engineer which fixed that amount of the standby charge for the 1996-97 fiscal year at \$5.92 per equivalent dwelling unit (“EDU”) and provided for the adjustment of that standby charge during subsequent fiscal years according to the actual amount by which the RTS charge increased, and subject to a maximum assessment amount of \$29.41 per EDU.

WHEREAS, Water Code Section 71639(b) authorizes the District to adjust the amount of its standby charge if the adjustment is made in the same manner as provided for taxes, fees, and charges in Government Code Section 53750(h)(2), which provides that a tax, fee, or charge is not deemed to be increased by an agency action that does either or both of the following: (A) adjusts the amount thereof in accordance with a schedule of adjustments adopted by the agency prior to November 6, 1996; or (B) implements or collects a previously approved tax, fee, or charge, so long as the rate is not increased beyond the level previously approved by the agency, and the methodology previously approved is not revised by the agency.

WHEREAS, Water Code Section 71639(c) further authorizes the District to adjust the amount of its standby charge if all of the following conditions are met: (1) the amount

Item 8.A - Exhibit A

of the assessment does not exceed \$29.41 per EDU; (2) the revenue raised by the assessment, including its annual adjustments, is used exclusively to fund the RTS charge, or equivalent charge, imposed upon the District by MWD, and related administrative costs; and (3) The District adjusts its water rates to its retail agencies by an amount necessary to prevent surplus funding of the RTS charge imposed upon the District by MWD.

WHEREAS, Water Code Section 71639(c) further provides that in order for the District to fix a standby charge pursuant to the Act, the District's Board of Directors must adopt a resolution to initiate such proceedings, cause notice of intent to adopt the assessment to be published in accordance with Government Code Section 6066 prior to the date set for adoption thereof, and, at the time and place set forth in said notice, conduct a hearing on the assessment and hear and consider any and all objections thereto.

WHEREAS, on April 20, 2022, the District's Board of Directors adopted Resolution No. 22-04-926 initiating proceedings to fix, adjust, levy, and collect a water standby charge in accordance with Water Code Section 71639 and scheduling of a public meeting on June 1, 2022, and a public hearing on June 15, 2022.

WHEREAS, beginning on April 27, 2022, the District published a joint notice of the public meeting and the public hearing by placing a display advertisement of at least 1/8 page in a newspaper of general circulation within the District at least three times and five days apart.

WHEREAS, on June 1, 2022, at 8:00 a.m., at the District offices located at 1021 East Miramar Avenue, Claremont, California, the Board of Directors of the District held a public meeting regarding the imposition of the charge.

WHEREAS, beginning on or about June 1, 2022, the District published a Notice of Public Hearing and Intent to Adopt a Water Standby Charge in a newspaper of general circulation within the District once a week for two successive weeks pursuant to Water Code Section 71639(c) and Government Code Section 6066.

WHEREAS, on June 15, 2022, at 8:00 a.m., at the District offices located at 1021 East Miramar Avenue, Claremont, California, the Board of Directors of the District held a public hearing to hear and consider any and all objections or protests regarding the imposition of the charge, which hearing was duly conducted in the manner set forth in the Act.

NOW, THEREFORE, the Board of Directors of the District does hereby find, resolve, determine, and order as follows:

1. The public interest and necessity requires the Board of Directors of the District to adopt this Resolution hereby fixing, adjusting, levying, and collecting standby charges pursuant to The Act and Water Code Section 71639 in order to meet the RTS financial obligations imposed upon the District by MWD and all administrative costs related thereto.

2. The written protests received by the District's Board of Directors which were not withdrawn at the time of its determination represented less than fifteen percent (15%) of the parcels subject to the charges set forth herein.

3. The standby charge hereby levied by the Board of Directors of the District is based upon the report of a qualified engineer, Harris & Associates, which is attached hereto as Attachment A (“the Engineer’s Report”). The content and findings of the Engineer’s Report are hereby adopted in full by the Board of Directors of the District and are incorporated herein in full by this reference, including, but not limited to, any and all statements and determinations specifically relating to each of the following:

- a. A description of the charge and the method by which it is to be imposed;
- b. A compilation of the amount of the charge for each parcel subject to the charge;
- c. A statement of the methodology and rationale followed in determining the degree of benefit conferred by the service for which the charge is made;
- d. The District’s legal ability to fix and adjust a standby charge, the amount of the charge, and the properties affected thereby;
- e. A description of the lands upon which the charge is to be imposed; and
- f. The amount of the charge for each of the lands so described.

4. All adjustments in the amount of the standby charge set forth in the attached Engineer’s Report are in compliance with the requirements of Water Code Section 71639(b) since the adjustments are made in the same manner as provided for taxes, fees, and charges in Government Code Section 53750(h)(2), which provides that a tax, fee, or charge is not deemed to be increased by an agency action that does either or both of the following: (A) adjusts the amount thereof in accordance with a schedule of adjustments adopted by the agency prior to November 6, 1996; or (B) implements or collects a previously approved tax, fee, or charge, so long as the rate is not increased beyond the level previously approved by the agency, and the methodology previously approved is not revised by the agency.

5. Additionally, all adjustments in the amount of the standby charge set forth in the attached Engineer’s Report are in compliance with the requirements of Water Code Section 71639(c) since (a) the amount of the assessment does not exceed \$29.41 per EDU, (b) the revenue raised by the assessment, including its annual adjustments, is used exclusively to fund the RTS charge, or equivalent charge, imposed upon the District by MWD, and related administrative costs, and (c) the water rates adopted by the District and levied upon its retail agencies have been calculated so as to prevent any surplus funding of the RTS charge imposed upon the District by MWD.

6. The District's General Manager is hereby authorized to take any and all actions necessary to carry out the intent of the District's Board of Directors as is stated herein, and to cause the standby charge hereby adopted to be collected at the same time, and in the same manner, as the levying of property taxes by the County of Los Angeles and/or as is otherwise available under the Act and applicable law.

7. If any charge hereby adopted becomes delinquent, the amount of the delinquency, together with any interest and penalties thereon, shall constitute a lien on the affected property upon the filing of a certificate in the Office of the Los Angeles County Recorder, which lien shall have the same force, effect, and priority as a judgment lien.

ADOPTED and **PASSED** at a meeting of the Three Valleys Municipal Water District's Board of Directors on this 15th day of June 2022, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Jody Roberto, President

ATTEST:

Carlos Goytia, Secretary

SEAL:



THREE VALLEYS MUNICIPAL WATER DISTRICT WATER STANDBY CHARGE ASSESSMENT

2022/2023 ENGINEER'S ANNUAL LEVY REPORT

INTENT MEETING: APRIL 20, 2022

PUBLIC HEARING: JUNE 15, 2022

April 2022

PREPARED BY



Harris & Associates

22 Executive Park, Suite 200

Irvine, CA 92614

www.weareharris.com

TABLE OF CONTENTS

Engineer's Certification.....	i
Executive Summary.....	1
Part I – Description of the Proposed Parcels and Assessment Boundaries.....	2
Part II – Cost Estimate	3
Part III – Description of Assessments.....	5
A. Legal Requirements	5
B. Assessable Parcels.....	6
C. Equivalent Dwelling Units	7
D. Assessment Rates	10
E. Amount of Assessment	12
F. Accuracy of Data	12
Exhibit A – Sample Calculation for Various Land Uses	14
Exhibit B – Assessment Roll for Fiscal Year 2022/2023	15

ENGINEER'S CERTIFICATION

AGENCY: THREE VALLEYS MUNICIPAL WATER DISTRICT
PROJECT: WATER STANDBY CHARGE ASSESSMENTS
TO: BOARD OF DIRECTORS of THREE VALLEYS MUNICIPAL WATER DISTRICT

ENGINEER'S REPORT

Pursuant to the provisions of Section 54984 et seq. of the Government Code of the State of California, being Chapter 12.4, "Uniform Standby Charge Procedures Act" (the "Act"), and in accordance with Resolution No. 7-96-361 of the Board of Directors (the "Board") of the Three Valleys Municipal Water District (the "District"), adopted on July 10, 1996 establishing a Water Standby Charge Assessment, I, Alison Bouley, P.E., duly authorized representative of Harris & Associates Inc., consultant to the District, submit this Engineer's Report for Fiscal Year 2022/2023 consisting of the following parts and exhibits:

Part I

A description of each parcel of property and the boundaries of the area proposed to be subject to the levy of the uniform standby charge assessment.

Part II

An estimate of the costs of water services to be financed from the proceeds of the uniform standby charge assessment.

Part III

A description of the uniform standby charge assessment including:

- A description of each lot or parcel of property proposed to be subject to the assessment.
- The amount of the assessment for each lot or parcel.
- The assessment methodology describing the basis of the assessment.
- A description specifying the requirements for written and oral protests and the protest thresholds necessary for requiring a vote on, or abandonment of, the proposed assessment.

DATED this ____ day of April 2022



Alison M. Bouley P.E., Assessment Engineer
R.C.E. No. C61383
Engineer of Work
County of Riverside
State of California

EXECUTIVE SUMMARY

A. Introduction

Harris & Associates submits this Report, consisting of (3) parts, for the Water Standby Charge Assessment adopted on July 10, 1996 by the Board of Directors of Three Valleys Municipal Water District in accordance with Resolution No. 7-96-361 under the Uniform Standby charges Procedures Act, Government Code Section 54984 et seq. ("the Act). The Act gives the District the authority to fix in any given year a water standby charge on land within its jurisdiction to which water service is made available for any purpose by the District, whether the water services are used or not. The District established the standby charge in 1996 to fund the Readiness-to-Serve ("RTS") charge imposed upon the District by the Metropolitan Water District of Southern California and related administrative costs related to the standby charge. The report provides the information in the following parts:

Part I

Description of the Proposed Parcels and Assessment Boundaries.

Part II

The estimate of costs including the administration of the assessments and the Readiness-to-Serve charge imposed by the Metropolitan Water District of Southern California for the fiscal year 2022/2023.

Part III

The description of assessments includes the methodology developed to establish the basis of assessment for apportioning the cost of providing water services, and the facilities needed to provide water services.



PART I – DESCRIPTION OF THE PROPOSED PARCELS AND ASSESSMENT BOUNDARIES

The proposed uniform standby charge assessment is entitled:

THREE VALLEYS MUNICIPAL WATER DISTRICT WATER STANDBY CHARGE ASSESSMENT

The boundaries of the area proposed to be subject to the levy of the Water Standby Charge Assessment are contiguous with the boundaries of the District. The lines and dimensions of each lot or parcel within the District Boundaries are those lines and dimensions shown on the maps of the Assessor of the County of Los Angeles for the year when this report was prepared and are incorporated herein by reference and made part of this Engineer's Report.

All future annexations to the District shall be included in the Water Standby Charge Assessment. In future years, if any new parcels are created as a result of the division or consolidation of land, re-computation of the assessments will be conducted and the new parcels will be included within the area of assessment.



PART II – ESTIMATE OF COSTS

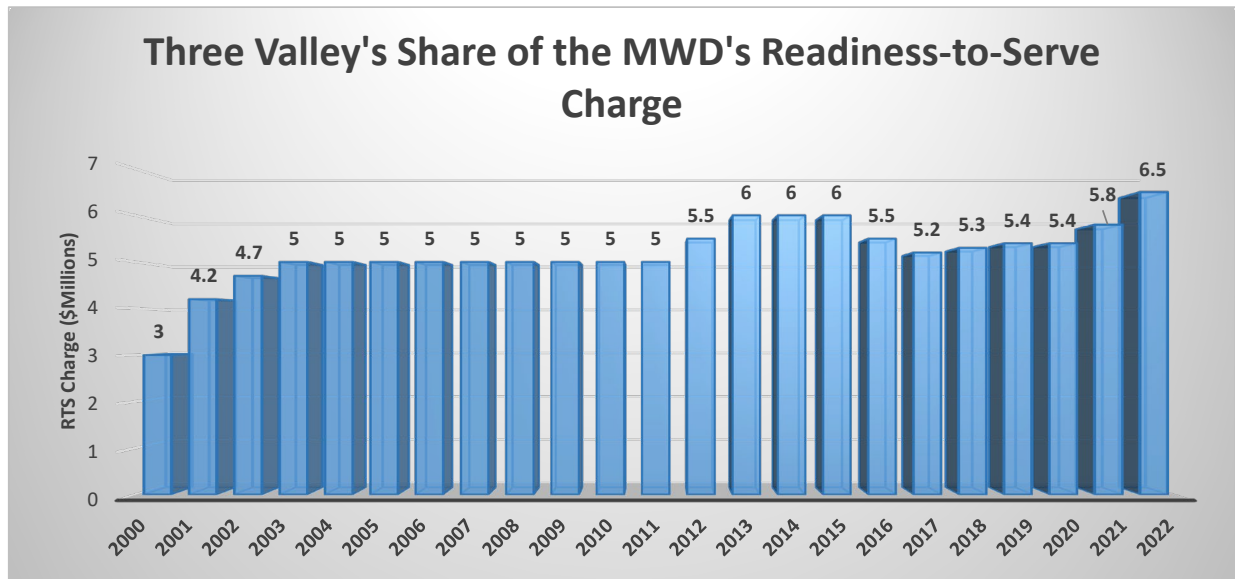
The Water Standby Charge Assessment revenue will be used for the purpose of meeting the Readiness-to-Serve (“RTS”) charge imposed by the Metropolitan Water District of Southern California (“MWD”), and for related administrative costs.

The following table lists the projections for the RTS Charge, Administration Cost for the Administration of the Assessment program and the Estimated Maximum Total Assessment that would be collected if the maximum assessment rate of \$29.41 is used.

	FY 2012/2013	FY 2013/2014	FY 2014/2015	FY 2015/2016	FY 2016/2017	FY 2017/2018	FY 2018/2019	FY 2019/2020
RTS Charge	\$5,541,364	\$6,022,555	\$6,371,116	\$6,074,192	\$5,537,230	\$5,233,954	\$5,274,931	\$5,363,969
Assessment Administration	\$49,832	\$50,332	\$51,056	\$51,675	\$52,057	\$52,709	\$53,383	\$52,074
Est. Maximum Assessment	\$5,379,146	\$5,374,162	\$5,375,222	\$5,441,758	\$5,445,359	\$5,443,845	\$5,425,678	\$5,431,833

	FY 2020/2021	FY 2021/2022	FY 2022/2023
RTS Charge	\$5,494,518	\$5,872,377	\$6,589,633
Assessment Administration	\$51,635	\$64,024	\$71,259
Est. Maximum Assessment	\$5,450,397	\$5,867,266	\$5,840,120

The estimated RTS charge through the year 2002 was based on the schedule provided by MWD shown in the chart below. Years 2003 through 2011 were based on the projected RTS charge of \$5 million. The 2012 through 2022 RTS charges are based on the amount approved by the Southern California Metropolitan Water District Board for each year.



The Metropolitan Water District (MWD) RTS charge will be \$6,589,633. With the anticipated MWD collections anticipated to be \$1,860,137, the Three Valleys MWD requirement should be \$4,800,755. The assessment rate will be adopted to generate Three Valleys MWD requirement. The amount budgeted to be generated by the assessment for FY 2022/2023 is \$4,801,656.44 as calculated in Section III.

Administration of the assessment is performed annually. This administration includes updating the annual assessment roll to ensure consistency with the assessment methodology detailed in this Engineer's Report. The administration also includes an analysis of the revenues and expenditures from the previous Fiscal Year and preparation of an annual report for submittal to the Board of Directors for approval of the proposed Fiscal Year's assessments and expenditures. The table below provides a comparison of the assessment between fiscal years.

	FY 2021/2022 ⁽¹⁾	FY 2022/2023	Difference ⁽²⁾	Percentage Difference
Parcels	136,367	136,306	-61	-0.04%
EDU's	198,835	198,576	-259	-0.13%
Rate/EDU	\$20.43	\$24.18	\$3.75	18.36%
Est. Revenue	\$4,062,181.07	\$4,801,656.44	\$739,475.37	18.20%

(1) Totals for FY 2021/2022 are based on the final applied levy by the Los Angeles County Auditor-Controller's Office.

(2) Note: Difference between Revenue, EDUs and parcels resulted from audit of parcels and land use designations.



PART III – DESCRIPTION OF ASSESSMENTS

This section of the report describes the methodology developed to establish the basis of assessment for apportioning the cost of providing water services, and the facilities needed to provide water services, to each lot or parcel based upon the type of use or potential use of each property. The basis of assessment was developed by Berryman & Henigar based upon information provided by the District, standard and member agency design criteria, and the requirements of Section 54984.2 of the Uniform Standby Charge Procedures Act. The following sections review the requirements of the California Government Code and describe the recommended assessment methodology.

A. LEGAL REQUIREMENTS

Chapter 12.4 "Uniform Standby Charge Procedures Act" of the California Government Code states that any local agency that provides water services may, by resolution adopted after notice and hearing, determine and levy an assessment for water services pursuant to this chapter.

The California Government Code further requires that the agency establish a methodology, which is related to the benefit received from the water services for calculating the assessment to be levied on each parcel. Section 54984.2 provides that:

"...The governing body of the agency which fixes the charge may establish schedules varying the charge according to land uses, benefit derived or to be derived from the use or availability of facilities to provide water, sewer, or water and sewer service, or the degree of availability or quantity of the use of the water, sewer, or water and sewer services to the affected lands, and may restrict the assessment to one or more improvement districts or zones of benefit established within the jurisdiction of the agency. The charge may be imposed on an area, frontage, or parcel basis, or a combination thereof."

All assessments described in this Report and approved by the Board are prepared in accordance with the Act and are in compliance with the provisions of the *California Constitution Article XIID* (enacted by the passage of Proposition 218 in November 1996).

Pursuant to the *California Constitution Article XIID Section 5*, certain assessments that were existing on July 1, 1997, the effective date of *Article XIID*, are exempt from the substantive and procedural requirements of *Article XIID Section 4* and property owner balloting for the assessments is not

required until such time that the assessments are increased. Exempt are any assessments imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems, or vector control.

In May of 2005, Senate Bill 376, was enacted to add Article 2.7 (commencing with Section 71639) to Chapter 2 of Part 5 of Division 20 of the Water Code, relating to water. This bill authorizes the agency to adopt the standby charge rate with a schedule of annual adjustments, and to adjust the standby charge rate in relation to the change of the MWD imposed RTS charge, subject to the maximum assessment amount of twenty-nine dollars and forty-one cents (\$29.41) per Equivalent Dwelling Unit (“EDU”).

B. ASSESSABLE PARCELS

The table below summarizes the number of parcels and the total acreage by land use type. This information is based on the records of the Assessor of the County of Los Angeles.

Land Use Category	Number of Parcels	Dwelling Units (DU's)	Acres
Single-Family Residential (SFR)	108,808	108,808	N/A
Multi-Family Residential and Condominiums	18,215	43,911	N/A
Mobile Homes	96	8,599	N/A
Commercial	3,778	N/A	5,639.36
Churches	256	N/A	480.52
Industrial	2,065	N/A	5,481.92
Recreational Camping Facilities	2	N/A	8.13
Vacant Residential	2,190	N/A	7,199.95
Vacant Non-Residential	896	N/A	1,544.69
Exempt	0	N/A	0.00
Total	136,306		

The land use classifications are defined as follows:

Single-Family Residential - parcels designated as single-family residential per the Los Angeles County Assessor's Roll.



Multi-Family Residential (including Condominiums) - parcels designated as multi-family residential, which includes duplexes, apartments, condominiums or other dwelling units with common party walls, per the Los Angeles County Assessor's Roll.

Mobile Homes - parcels designated as mobile homes per the Los Angeles County Assessor's Roll.

Commercial (including Churches) - parcels designated as commercial, institutional or recreational per the Los Angeles County Assessor's Roll.

Industrial - parcels designated as industrial, utility or other miscellaneous uses, per the Los Angeles County Assessor's Roll.

Recreational Camping Facilities - parcels designated as camps per the Los Angeles County Assessor's Roll.

Vacant - parcels designated as vacant residential that have no dwelling units, or parcels designated as vacant commercial/industrial that have no commercial/industrial structures on them, per the Los Angeles County Assessor's Roll.

Exempt - Exempted from the assessment would be any parcel owned by a public agency or within the area of public streets and other public properties, utility easements, right-of-way, public schools, public parks, and common areas or un-developable parcels of land.

C. EQUIVALENT DWELLING UNITS

To determine the benefit to the individual parcels with their varying land uses, an equivalent dwelling unit system was established. Each parcel is assigned equivalent dwelling units (EDUs) in proportion to the estimated benefit the parcel receives from the availability of water services. The total number of EDUs is then divided into the annual revenue requirement to determine the cost per EDU. The assessment for each parcel is then determined by multiplying the number of EDUs for each parcel by the cost per EDU.

Since the assessment is based upon the use of the property and the potential water usage of the property, the assessment methodology has been developed based on land use. The assessment methodology developed determines the number of EDUs to be assigned to each parcel. In determining the number of EDUs assigned, three factors are considered: parcel size, land use (intent of development), and the water use design factor of the land use of the property.

Equivalent Dwelling Unit (EDU) factors have been established to indicate the estimated benefit received by each parcel within the District. This method of assessment has established the single- family



residential parcel as the basic unit for calculation of the assessment and is defined as one EDU. All other parcels within the District are assigned a proportional EDU based on a formula that equates the property's specific development status (land use) and size to that of the single-family parcel.

The assignment of EDUs to each of the different land uses is as follows:

Single-Family Residential (SFR). The single-family parcel has been defined as being 1.0 EDU.

Multi-Family Residential. Multi-family or condominium parcels are converted to EDUs based on the number of dwelling units on each parcel. Due to population density and size of structure relative to the typical single-family residence, each dwelling unit defined as multi-family residential, including condominiums is **0.75 EDU**. Water availability benefit does not increase proportionately as the number of units increase on a multi-family parcel. By decreasing the equivalency as the number of units increase, a reasonable benefit assessment is achieved. Therefore, the equivalency is reduced to **0.5 EDU** per dwelling unit, on the 5th unit or above for apartment buildings with 5 units or more. Parcels with 5 or more units are considered "high density" as opposed to the "medium density" of duplexes, triplexes and four-plexes, and the Los Angeles County Assessor's land use codes segregate these parcels out.

Mobile Homes. Mobile home parks, and mobile homes located within mobile home parks, are converted to EDUs based on the population density and size of structure relative to a single-family residence. Therefore, mobile home parks and mobile homes located in mobile home parks are assessed **0.5 EDU** per mobile home. No decrease is applied to this factor, as mobile homes are all separate dwellings with no common walls.

Studies have consistently shown that the average apartment unit impacts infrastructure approximately 75% as much as a single-family residence, and the average mobile home unit impacts infrastructure approximately 50%, (Sources: Institute of Transportation Engineers Informational Report Trip Generation, Fifth Edition, 1991; Metcalf and Eddy, Wastewater Engineering Treatment, Disposal, Reuse, Third Edition, 1991). Trip generation and wastewater usage are functions of population density. It is concluded that other infrastructure will be similarly impacted at a reduced level. The smaller average unit size of multiple residential and mobile homes and their reduced impact on water use result in a lesser benefit per unit to property.

Commercial/Industrial. Commercial and industrial parcels are converted to EDUs based on the lot size of each parcel of land. The number of equivalent dwelling units per acre for commercial/industrial property has been equated to the average single-family residential lot size of approximately 8,700 square feet, or 5 lots per acre. All properties that are developed for commercial/ industrial uses are therefore assigned **5.0 EDU's** per acre for the first five acres, with a minimum of 1 EDU per parcel.



Based upon a review of large non-residential parcels within the District, as the parcel size increases above five acres, the development density on the parcel generally decreases due to requirements to provide on-site circulation, allow for the storage of materials or equipment, provide buffers to adjacent land uses and other factors associated with the types of development which require larger parcels. Therefore, after the first 5 acres, each additional acre will be charged as vacant land as further described below; 25% of 5.0 EDU's, or 1.25 EDU's per acre.

Additionally, a water use factor is applied to both the commercial and industrial parcels as follows, based on relative average water usage as compared to single-family residential developments:

- Commercial Water Use Factor = 1.4
- Industrial Water Use Factor = 1.1

Recreational Camping Facilities. Recreational camping facilities typically have large land areas comprised of mostly park-like open space and only a few buildings. Therefore, to more accurately assign EDUs to these parcels, a "theoretical area" will be calculated for each of them. The typical developed commercial parcel has 1/3 of its lot area covered by improvements. Using this standard, the "theoretical area" is computed by multiplying the improvement area of each camping parcel by 3. This "theoretical area" is then converted to acreage, and the Equivalent Dwelling Unit factor of 5 EDU per acre is applied.

Vacant. Vacant property receives a benefit from water services availability. Water availability allows the parcel to develop to its maximum use in the future. Based upon the opinions of professional appraisers who appraise current market property values for real estate in Southern California, the land value portion of a property typically ranges from 20 to 30 percent; in the Three Valleys Municipal Water District, the average is about 25 percent. Additionally, the utilization of vacant property is significantly less than improved property. Consequently, vacant property shall be assessed at the rate of 25% of improved property. Therefore, vacant single-family residential parcels are assessed 25% of a developed SFR parcel, or **0.25 EDU** per parcel, and vacant non-SFR parcels are assessed at the rate of 25% of the developed commercial/industrial properties, or **1.25 EDUs** per acre or any portion thereof, up to a maximum of 5 acres per parcel.



A summary of Equivalent Dwelling Units and Benefit Factors is shown on the following table:

EQUIVALENT DWELLING UNITS						
LAND USE	BASIC UNIT		EDU FACTOR		USE FACTOR	EDU RATES
Single-Family Res. (SFR)	1 DU	x	1	x	1	= 1.0 EDU/DU
Multi-Family Res. and Condominiums	1 DU	x	0.75	x	1	0.75 EDU/DU for the first 4 DU's
	1 DU	x	0.5	x	1	= 0.5 EDU/DU after the 4 th DU
Mobile Homes	1 DU	x	0.5	x	1	= 0.5 EDU/DU
Commercial	1 acre	x	5	x	1.4	= 7.0 EDU/acre for the first 5 acres (min. 1 EDU/parcel)
	1 acre	x	1.25	x	1.4	= 1.75 EDU/acre after the 5th acre
Industrial	1 acre	x	5	x	1.1	= 5.5 EDU/acre for the first 5 acres (min. 1 EDU/parcel)
	1 acre	x	1.25	x	1.1	= 1.375 EDU/acre after the 5th acre
Recreational Camping Facilities	1 acre*	x	5	x	1	= 5.0 EDU/acre
Vacant SFR	1 parcel	x	0.25	x	1	= 0.25 EDU/parcel
Vacant Non-SFR	1 acre	x	1.25	x	1	= 1.25 EDU/acre (min. 0.25 EDU/parcel; max of 5 acres/parcel)

D. ASSESSMENT RATES

The total number of Equivalent Dwelling Units (EDUs) has been calculated for the District based upon current land use data as shown on the latest assessor's roll for Los Angeles County and the methodology described above. The number of EDUs by land use type is shown in the table below:



Land-Use Type	Equivalent Dwelling Units
SFR	108,692.00
MFR and Condominium	28,213.25
Mobile Home Parks	4,435.50
Commercial	30,117.67
Churches	3,113.10
Industrial	22,452.41
Recreational Camping Facilities	0.86
Vacant SFR	570.75
Vacant Non-SFR	980.44
Total:	198,575.98

Based upon the budget of \$4,801,656.44 as shown in Section II of this report, the Assessment Rate for FY 2022/2023 per Equivalent Dwelling Unit (EDU) is **\$24.18/EDU**, as calculated below.

FY 2022/2023 Total Assessment Revenue	Total Equivalent Dwelling Units	Applied Assessment Rate/EDU
\$4,801,656.44	198,575.98	\$24.18

Note: Difference in Total Assessment and EDUs multiplied by the Rate is due to rounding.

The following table, Summary of Assessment Rates, provides the proposed Maximum Assessment and Applied Assessment Rates for the ten-year period beginning with FY 2012/2013. The Board may continue to levy the Assessment in future years (i.e. beyond FY 2022/2023) so long as MWD continues to impose the RTS charge upon the District. However, the maximum Assessment Rate per EDU shall never be greater than \$29.41, nor shall the total amount assessed be greater than the sum of the RTS charge and administrative costs.



SUMMARY OF MAXIMUM AND APPLIED ASSESSMENT RATES

Fiscal Year	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Maximum Assessments Rate/EDU	\$29.41	\$29.41	\$29.41	\$29.41	\$29.41	\$29.41	\$29.41	\$29.41
Applied Assessments Rate/EDU	\$20.46	\$23.22	\$25.02	\$23.09	\$20.16	\$18.51	\$18.79	\$19.23

Fiscal Year	2020/2021	2021/2022	2022/2023
Maximum Assessments Rate/EDU	\$29.41	\$29.41	\$29.41
Applied Assessments Rate/EDU	\$19.90	\$20.43	\$24.18

E. AMOUNT OF ASSESSMENT

The amount of the proposed assessment for FY 2022/2023, based on EDUs as apportioned to each parcel shown on the latest roll of the Los Angeles County Assessor, is contained in the Assessment Roll on file in the office of the Secretary of the Three Valleys Municipal Water District. The description of each parcel is part of the records of the County Assessor and these records are, by reference, made a part of this Engineers Report.

F. ACCURACY OF DATA

The data utilized in developing the assessment rate calculations has been taken directly from the Los Angeles County Assessor's Roll.

Some parcels that are partially improved often will appear on the Assessor's roll as improved. These parcels that are brought to the attention of the District, and are found to be so classified after field review, will have their assessment revised per this report: for that portion of the property which is improved, the developed land use benefit formula will apply; for that portion of the property which is unimproved, the vacant land use benefit formula will apply.

Should a property owner find a discrepancy regarding a parcel, it is recommended that the owner notify the Three Valleys Municipal Water District by contacting the Secretary of the Three Valleys Municipal Water District. If warranted, the District will assist the owner in processing a correction with the County Assessor's Office. The District will be responsible for revisions to the Water Standby Charge Assessment for the property for the current Fiscal Year if the change in amount is greater than five



percent (5%). If the change is less than or equal to five percent, then the adjustment for the following year will be made at the time that the annual assessments are determined for the next Fiscal Year, and no refund will be made for the previous year's assessment.

EXHIBIT A

SAMPLE CALCULATIONS FOR VARIOUS LAND USES

Land Use	Benefit Calculation (EDU)	x	(Use Factor)	=	Total EDUs	Assessment \$24.18/EDU
Single Family Res.	(1 DU x 1 EDU/DU)	x	1	=	1	\$24.18
Triplex	(3 DU x 0.75 EDU/DU)	x	1	=	2.25	\$54.41
10-Unit Apartment	[(4 DU x 0.75 EDU/DU) + (6 DU x 0.5EDU/DU)]	x	1	=	6	\$145.08
90-Unit Apartment	[(4 DU x 0.75 EDU/DU) + (86 DU x 0.5EDU/DU)]	x	1	=	46	\$1,112.28
Store ¼ acre parcel	(¼ acre x 5.0 EDU/acre)	x	1.4	=	1.75	\$42.32
Bank/Office Bldg. ½ acre parcel	(½ acre x 5.0 EDU/acre)	x	1.4	=	3.5	\$84.63
Office Building 2 acre parcel	(2 acre x 5.0 EDU/acre)	x	1.4	=	14	\$338.52
Service Station ⅓ acre parcel	(⅓ acre x 5.0 EDU/acre)	x	1.4	=	2.33	\$56.41
Light Manufacturing ¼ acre parcel	(¼ acre x 5.0 EDU/acre)	x	1.1	=	1.38	\$33.25
Heavy Manufacturing 7 acre parcel	[(5 ac x 5.0 EDU/ac) + (2 ac x 1.25 EDU/ac)]	x	1.1	=	30.25	\$731.45
Recreational Camping Facility	[(2,500 sf x 3) ÷ 43,560 sf/ac] x 5.0 EDU/ac	x	1	=	0.86	\$20.82
Vacant SFR	(1 parcel x 0.25 EDU/parcel)	x	1	=	0.25	\$6.05
Vacant Non-SFR 1 acre parcel	(1 acre x 1.25 EDU/acre)	x	1	=	1.25	\$30.23
Vacant Non-SFR 5+ acre parcel	(5 acre x 1.25 EDU/acre)	x	1	=	6.25	\$151.13

Note: Total Assessment EDU may not calculate exactly due to rounding.



EXHIBIT B

ASSESSMENT ROLL FOR FY 2022/2023

Each Assessor Parcel Number and its assessment to be levied for FY 2022/2023 is shown on the Assessment Roll on file in the office of the Secretary of the Three Valleys Municipal Water District and is incorporated herein by reference. Reference is made to the Los Angeles County Assessor's office for further description of the parcels in the District.

BRUNICK, MCELHANEY & KENNEDY

PROFESSIONAL LAW CORPORATION

1839 COMMERCENTER WEST

SAN BERNARDINO, CALIFORNIA 92408

TELEPHONE: (909) 889-8301

FAX: (909) 388-1889

WILLIAM J. BRUNICK
LELAND P. MCELHANEY
STEVEN M. KENNEDY

MAILING ADDRESS:

POST OFFICE BOX 13130

SAN BERNARDINO, CALIFORNIA 92423-3130

May 25, 2022

TO: Board of Directors
THREE VALLEYS MUNICIPAL WATER DISTRICT

FROM: Steven M. Kennedy, General Counsel

RE: Legal Update – Annual Sunshine Ordinance Review

The purpose of this memorandum is to advise the Board with respect to any newly-applicable statutory and/or regulatory developments concerning the above-referenced matter.

Assembly Bill 361

Under the Ralph M. Brown Act (Government Code Section 54950 et seq.), legislative bodies may conduct meetings via teleconference subject to the following conditions set forth in Government Code Section 54953(b):

- (i) A quorum of the body must participate from location with the local agency’s jurisdiction, but other members may participate from outside the jurisdiction;
- (ii) The remote location(s) must be connected to the main meeting location by telephone, video, or both;
- (iii) The notice and agenda for the meeting must identify the remote location(s);
- (iv) The remote location(s) must be posted and accessible to the public;
- (v) All votes must be by roll call; and
- (vi) The meeting must otherwise comply with the Brown Act, which includes allowing participation by members of the public present in remote location(s).

On March 17, 2020, Governor Newsom issued Executive Order N-29-20 to implement social distancing in response to the COVID-19 pandemic, which waived all of the legislative requirements in the Brown Act expressly or impliedly requiring the physical presence of Board members, District staff, or the public as a condition of participation in, or a quorum for, a public meeting. The remote meeting rules of Executive Order N-29-20 expired on September 30, 2021, pursuant to the Governor’s issuance of Executive Order N-15-21.

TVMWD Board of Directors
May 25, 2022
Page Two

Beginning October 1, 2021, Assembly Bill (“AB”) 361 amended the Brown Act by adding Government Code Section 54953(e) to allow local agencies to meeting virtually without complying with the above requirements under the following rules:

- (1) Declared State of Emergency. The Governor must have declared a state of emergency, regarding which either (a) State or local officials have imposed or recommended measures to promote social distancing or (b) the legislative body determines, by majority vote, that meeting in person would present imminent risks to the health or safety of attendees due to the emergency.
- (2) Public Comment Opportunities in Real Time. A legislative body that meets virtually pursuant to AB 361 must allow members of the public to access the meeting via a call-in option or an internet-based service option, and the agenda for the remote meeting must provide an opportunity for members of the public to directly address the body in real time. A legislative body cannot require public comments to be submitted in advance of the meeting.
- (3) No Action During Disruptions. In the event of a disruption that prevents the local agency from broadcasting the virtual meeting, or in the event of a disruption within the local agency’s control that prevents members of the public from offering public comments using the call-in option or internet-based option, the legislative body is prohibited from taking any further action on items appearing on the meeting agenda until public access to the meeting via the call-in or internet-based option is restored.
- (4) Periodic Findings. Every 30 days, starting when it first meets virtually under AB 361, the legislative body must find, by majority vote, that it has reconsidered the circumstances of the state of emergency, and either (a) the state of emergency continues to directly impact the ability of the members to meet safely in person or (b) State or local officials continue to impose or recommend measures to promote social distancing.

Pursuant to new Government Code Section 54953(f), AB 361 will sunset on January 1, 2024.

In this regard, the Board has not established a formal procedure for conducting its meetings via teleconference in its Sunshine Ordinance (a copy of which is attached as **Exhibit A** hereto). Therefore, no change to the Sunshine Ordinance is recommended at this time; rather, it is merely recommended that District staff and legal counsel continue to monitor the Executive Orders that are issued from the Governor’s office in connection with the COVID-19 pandemic, as well as any statutory and/or judicial developments concerning the Brown Act that may occur, and to timely advise the Board accordingly. In connection therewith, attached hereto as **Exhibit B** please find a current copy of Assembly Bill 2449 (Rubio) which proposes various statutory changes to the Brown Act that the District has prepared and circulated for legislative consideration to make a permanent option available for public agencies to conduct its Board meetings remotely.

TVMWD Board of Directors
May 25, 2022
Page Three

Senate Bill 274

Effective January 1, 2022, Senate Bill 274 amended Government Code Section 54954.1 to require local agencies that have an internet website to e-mail a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if a party seeking such documents requests that the item(s) be delivered by e-mail. If the local agency determines that it is technologically infeasible to send a copy of all documents constituting the agenda packet or a link to a website that contains the documents by e-mail or by other electronic means, the agency must send by mail a copy of the agenda, or a website link to the agenda, and mail a copy of all other documents constituting the agenda packet in accordance with the mailing requirements of the Brown Act.

If any member of the Board has any questions or comments, please feel free to address them to me as appropriate.

Enclosures: Exhibit A (Ordinance No. 21-02-22)
Exhibit B (AB 2449)

ORDINANCE NO. 21-02-22

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE THREE VALLEYS MUNICIPAL WATER DISTRICT
CONCERNING THE CONDUCT OF ITS PUBLIC MEETINGS**

WHEREAS, the Board of Directors of the Three Valleys Municipal Water District finds as follows:

A. The Three Valleys Municipal Water District (“the District”) is a municipal water district organized and operating pursuant to California Water Code Section 71000 et seq.

B. The District is governed by an elected Board of Directors (“the Board”) whose meetings are subject to the requirements of the Ralph M. Brown Act, California Government Code Section 54950 et seq. (“the Brown Act”).

C. On March 7, 2001, the Board adopted Ordinance No. 3-01-8 in order to clarify and supplement the Brown Act and to ensure that the Board’s deliberations and the District’s operations are open to the public to the full extent permitted by law.

D. On May 7, 2001, the Board adopted Ordinance No. 5-01-9 which amended Ordinance No. 3-01-8 to impose further requirements upon itself which allow greater access to the meetings of the Board than prescribed in the Brown Act.

E. On February 22, 2002, the Board adopted Ordinance No. 02-02-11 which further amended Ordinance No. 3-01-8 with respect to the date, time, and place of the Board’s regular meetings.

F. On June 25, 2003, the Board adopted Ordinance No. 6-03-12 which further amended Ordinance No. 3-01-8 with respect to closed session agenda descriptions and the date, time, and place of the Board’s regular meetings.

G. On May 19, 2004, the Board adopted Ordinance No. 05-04-13 which further amended Ordinance No. 3-01-8 with respect to the date, time, and place of the Board's regular meetings, and consolidated all of the amendments to Ordinance No. 3-01-8 into a single comprehensive document.

H. On January 18, 2012, the Board adopted Ordinance No. 12-01-19 which amended Ordinance No. 05-04-13 with respect to the dates of the Board's regular meetings and the posting of its agendas.

I. On April 17, 2013, the Board adopted Ordinance No. 13-04-20 which amended Ordinance No. 12-01-19 with respect to the closed session descriptions attached hereto as Exhibit A so as to maintain compliance with statutory amendments to the Brown Act.

J. The purpose of this ordinance is to modify Section 2.3.5 hereof to expand the availability of background material to the public beyond the requirements of Government Code Section 54957.5 and to ensure that the Board's deliberations are performed in a manner that reflect a dedication to the highest standards of integrity and accountability so as to continue to earn the trust and confidence of the parties served by the District.

THEREFORE, THE BOARD OF DIRECTORS of the Three Valleys Municipal Water District does hereby adopt and ordain as follows:

Section 1. **COMPLIANCE WITH STATUTORY REQUIREMENTS.**

All meetings of the Board and all committees thereof shall be conducted in compliance with all applicable requirements of the Brown Act.

Section 2. **ADDITIONAL REQUIREMENTS.**

2.1. **Regular Meetings.** Pursuant to Government Code Section 54954(a), all regular

meetings of the Board shall be held at 8:00 a.m. on the first and third Wednesdays of each month at the District offices located at 1021 East Miramar Avenue, Claremont, California, unless otherwise provided in the agenda that is prepared and posted therefor in accordance with Section 2.3 hereof.

2.2. **Special Meetings.** Special meetings of the Board may be called from time to time and will be conducted in accordance with Government Code Section 54956. The Board shall not add any non-agendized item to the agenda of a special meeting. Further, no agenda for a special meeting shall provide an opportunity for the Board to consider the possible addition of any non-agendized item to the agenda.

2.3. **Agendas.**

2.3.1. **Descriptions.** The agenda for all Board meetings and all committee meetings that are open to the public shall contain a brief, general description of each item of business to be transacted or discussed during the meeting and shall avoid the use of undefined abbreviations or acronyms not in common usage and terms whose meaning is not known to the general public. The agendas may refer to explanatory documents, including but not limited to correspondence or reports, within the written material prepared and/or forwarded by District staff to the Board concerning the subject matter of any agenda item. The description of an agenda item is adequate if it is sufficiently clear and specific to alert a person whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information about the item.

2.3.2. **Additions.** The Board shall not discuss or take action on any item not appearing on the posted agenda for the meeting unless otherwise authorized by the Brown Act.

All findings and/or determinations required by Government Code Section 54954.2(b) shall be expressly made by the Board and duly reflected in the minutes of the meeting.

2.3.3. Public Comment. The agenda for all meetings of the Board shall include an item for Public Comment so as to provide an express opportunity for members of the public to directly address the Board in accordance with the requirements of Government Code Section 54954.3(a) prior to the Board's consideration of the merits of any item placed on the agenda. In the event that a motion is made to reorder the agenda, or add an item to the agenda, or otherwise take any Board action prior to the Public Comment portion of the agenda, the President of the Board shall ask any members of the public in attendance at the meeting whether they wish to comment on the motion that is pending before the Board. During the Board's consideration of items discussed after the Public Comment portion of the agenda, the President of the Board should exercise best efforts to recognize any member of the public who wishes to speak on that issue prior to any action thereon that is taken by the Board. While testimony and input received from the public during Board meetings is a valuable part of the Board's decision-making process, the Board President is nevertheless authorized pursuant to Government Code Section 54954.3(b) to limit public testimony to three minutes for each individual speaker.

2.3.4. Posting. The agendas of all Board meetings and all committee meetings which are open to the public shall be posted in the following locations: (1) an exterior bulletin board located outside the District headquarters that is accessible twenty-four (24) hours a day; (2) on-line at the District's website known as www.threevalleys.com; and (3) an interior bulletin board located in the lobby of the District headquarters.

2.3.5. Background Material. Staff material, consisting of agendas, staff reports,

and other material prepared and forwarded by staff which provide background information and recommendations, regarding agenda items, when distributed to all or to a majority of the members of the Board in connection with a matter which is subject to discussion or consideration in open session at a public meeting, shall be made readily available to the public on the District's website and upon request.

2.4. **Closed Sessions.**

2.4.1. **Agenda Descriptions.** Substantial compliance with the permissive provisions of Government Code Section 54954.5, as generally reflected in Exhibit A attached hereto and incorporated herein by this reference, is mandatory under this ordinance with respect to the description of any closed session items on any Board meeting agenda. For closed sessions held pursuant to Government Code Section 54957, the agenda will use the description in Exhibit A that best describes the purpose of the closed session. When the purpose of the closed session is to conduct a hearing on specific complaints or charges brought against an employee of the District, the agenda description shall read "PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE, employee given 24-hour notice."

2.4.2. **Advance Announcement.** Prior to holding any closed session, the Board shall state in open session the item or items to be discussed in the closed session. The statement may take the form of a reference to the item or items as they are listed by number or letter on the agenda, and must include any and all matters otherwise required to be disclosed under the Brown Act. For closed sessions held pursuant to Government Code Section 54956.9(d)(3), the Board must announce the existing facts and circumstances which authorize the holding of the closed session or specifically state that it believes that facts and circumstances that might result in

litigation against the District are not yet known to a potential plaintiff or plaintiffs. In the closed session, the Board shall consider only those matters covered in its statement. Nothing in this section shall require or authorize the release of information which is exempt from disclosure under state or federal law.

2.4.3. Public Reports on Closed Session Actions. The Board shall publicly report any action taken in closed session, and the vote or abstention of every member present thereon, in the manner and to the extent required by Government Code Section 54957.1.

2.5. Ad Hoc Committees. In order to be exempt from the notice, agenda, and public participation requirements of the Brown Act, all ad hoc committees of the Board shall substantially comply with the following guidelines: (1) The committee shall be comprised of less than a quorum of the Board; (2) The committee's life should be restricted to a relatively short period of time; (3) The committee's purpose should be limited to a single and specific task; (4) The committee shall not be given any independent discretionary authority to make ultimate decisions on behalf of the Board with respect to the final resolution of the task; (5) The committee's charge should not be automatically renewed upon completion of its particular assignment or expiration of its fixed term; (6) The committee's meeting schedule should not be on a regular basis or established by formal action of the Board; and (7) Public notice of the formation of the committee shall be given in a timely manner.

Section 3. REVIEW OF ORDINANCE ON ANNUAL BASIS.

Each year, the Board may review this ordinance to determine its effectiveness and the necessity for its continued operation. As such time, the District's General Manager shall report to the Board on the operation of this ordinance, and make any recommendations deemed

appropriate, including proposals to amend the ordinance. Upon conclusion of its review, the Board may take any action it deems appropriate concerning this ordinance. Nothing herein shall preclude the Board from taking action on the ordinance at times other than upon conclusion of the annual review. The Board's failure to conduct the annual review shall result in the continued operation of this ordinance for another year or until otherwise modified by the Board.

Section 4. **SEVERABILITY.**

If any provision of this ordinance, or the application thereof to any person or circumstance, is held to be invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 5. **EFFECTIVE DATE.**

The provisions of this ordinance shall supersede all prior inconsistent ordinances and shall take effect immediately upon adoption.

Adopted this 17th day of February, 2021.


ROLL CALL:

AYES: Bowcock, De Jesus, Goytia, Kuhn, Roberto, Soto, Ti
NOES:
ABSTAIN:
ABSENT:



Bob Kuhn
President, Board of Directors

ATTEST:



Carlos Goytia
Secretary, Board of Directors

EXHIBIT A

Under Government Code Section 54954.5, the following language has been provided by the State Legislature as sample language which will meet the mandate of the Brown Act for properly identifying closed session items on the Board's agenda:

LICENSE/PERMIT DETERMINATION (Government Code Section 54956.7)

Applicant(s): (Specify number of applicants)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)

Property: (Specify street address; parcel number if no street address; or other unique reference of parcel under negotiation)

District Negotiator: (Specify names of negotiators attending closed session) (If the specified negotiator is to be absent, an agent or designee may participate provided the name of the agent or designee is announced publicly prior to the closed session.)

Negotiating parties: [Specify name of party (not agent)]

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION [Government Code Section 54956.9(d)(1)]

Name of case: (Specify by reference to claimant's name, name of parties, case or claim numbers)

or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2):
(Specify number of potential cases)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): (Specify
number of potential cases)

LIABILITY CLAIMS (Government Code Section 54956.95)

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

THREAT TO PUBLIC SERVICES OR FACILITIES (Government Code Section 54957)

Consultation with: (Specify name of law enforcement agency and title of officer, or name
of applicable District representative and title)

PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957)

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section
54957)

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Government Code Section
54957)

(No additional information is required in connection with a closed session to consider
discipline, dismissal, or release.)

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

District designated representatives: (Specify names of designated representatives)

attending the closed session) (If circumstances necessitate the absence of a specified representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: (Specify name of organization representing employee or employees in question)

or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of negotiations)

CASE REVIEW/PLANNING (Government Code Section 54957.8)

(No additional information is required in connection with a closed session to consider case review or planning.)

AMENDED IN ASSEMBLY MAY 23, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2449

Introduced by Assembly Member Blanca Rubio

February 17, 2022

An act to ~~amend~~ *amend, repeal, and add* Section 54953 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2449, as amended, Blanca Rubio. Open meetings: local agencies: teleconferences.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified

teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health.

This bill would *revise and recast those teleconferencing provisions and, until January 1, 2028, would authorize a local agency to use teleconferencing without complying with those specified the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public* if at least a quorum of the members of the legislative body participates in person from a singular *physical* location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. ~~The~~ *Under this exception, the bill would authorize a member to participate remotely only under specified circumstances and for a period of three consecutive months.*

This bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law.

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

This bill would make legislative findings to that effect.

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

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 54953 of the Government Code, as
2 amended by Section 3 of Chapter 165 of the Statutes of 2021, is
3 amended to read:

4 54953. (a) All meetings of the legislative body of a local
5 agency shall be open and public, and all persons shall be permitted
6 to attend any meeting of the legislative body of a local agency,
7 except as otherwise provided in this chapter.

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

16 (2) Teleconferencing, as authorized by this section, may be used
17 for all purposes in connection with any meeting within the subject
18 matter jurisdiction of the legislative body. ~~At~~ *If the legislative*
19 *body of a local agency elects to use teleconferencing, the legislative*
20 *body of a local agency shall comply with all of the following:*

21 (A) All votes taken during a teleconferenced meeting shall be
22 by rollcall.

23 (B) *The teleconferenced meetings shall be conducted in a*
24 *manner that protects the statutory and constitutional rights of the*
25 *parties or the public appearing before the legislative body of a*
26 *local agency.*

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

29 (D) *The legislative body shall allow members of the public to*
30 *access the meeting and the agenda shall provide an opportunity*
31 *for members of the public to address the legislative body directly*
32 *pursuant to Section 54954.3.*

33 (3) If the legislative body of a local agency elects to use
34 teleconferencing, it shall post agendas at all teleconference
35 ~~locations and conduct teleconference meetings in a manner that~~
36 ~~protects the statutory and constitutional rights of the parties or the~~
37 ~~public appearing before the legislative body of a local agency.~~
38 *locations.* Each teleconference location shall be identified in the

1 notice and agenda of the meeting or proceeding, and each
 2 teleconference location shall be accessible to the public. During
 3 the teleconference, at least a quorum of the members of the
 4 legislative body shall participate from locations within the
 5 boundaries of the territory over which the local agency exercises
 6 jurisdiction, except as provided in subdivisions (d) and (e). ~~The~~
 7 ~~agenda shall provide an opportunity for members of the public to~~
 8 ~~address the legislative body directly pursuant to Section 54954.3~~
 9 ~~at each teleconference location.~~

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

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

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

20 (3) Prior to taking final action, the legislative body shall orally
 21 report a summary of a recommendation for a final action on the
 22 salaries, salary schedules, or compensation paid in the form of
 23 fringe benefits of a local agency executive, as defined in
 24 subdivision (d) of Section 3511.1, during the open meeting in
 25 which the final action is to be taken. This paragraph shall not affect
 26 the public’s right under the California Public Records Act (Division
 27 10 (commencing with Section 7920.000) ~~if of~~ Title 1) to inspect
 28 or copy records created or received in the process of developing
 29 the recommendation.

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

1 number and access codes are identified in the notice and agenda
2 of the meeting.

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

10 (3) For purposes of this subdivision, a health authority means
11 any entity created pursuant to Sections 14018.7, 14087.31,
12 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
13 and Institutions Code, any joint powers authority created pursuant
14 to Article 1 (commencing with Section 6500) of Chapter 5 of
15 Division 7 for the purpose of contracting pursuant to Section
16 14087.3 of the Welfare and Institutions Code, and any advisory
17 committee to a county-sponsored health plan licensed pursuant to
18 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
19 Health and Safety Code if the advisory committee has 12 or more
20 members.

21 (e) (1) ~~A~~ *The legislative body of a local agency* may use
22 teleconferencing without complying with the requirements of
23 paragraph (3) of subdivision (b) if the legislative body complies
24 with the requirements of paragraph (2) of this subdivision in any
25 of the following circumstances:

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

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

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

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

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

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

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

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

20 ~~(D)~~

21 ~~(B) In the event of a disruption that prevents the public agency~~
22 ~~legislative body from broadcasting the meeting to members of the~~
23 ~~public using the call-in option or internet-based service option, or~~
24 ~~in the event of a disruption within the local agency's control that~~
25 ~~prevents members of the public from offering public comments~~
26 ~~using the call-in option or internet-based service option, the~~
27 ~~legislative body shall take no further action on items appearing on~~
28 ~~the meeting agenda until public access to the meeting via the call-in~~
29 ~~option or internet-based service option is restored. Actions taken~~
30 ~~on agenda items during a disruption that prevents the public agency~~
31 ~~legislative body from broadcasting the meeting may be challenged~~
32 ~~pursuant to Section 54960.1.~~

33 ~~(E)~~

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

40 ~~(F)~~

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

7 ~~(G)~~

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

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

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

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

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

35 (B) Any of the following circumstances exist:

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

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

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

5 ~~(4) This subdivision shall not be construed to require the~~
 6 ~~legislative body to provide a physical location from which the~~
 7 ~~public may attend or comment.~~

8 ~~(f) A—(1) The legislative body of a local agency may use~~
 9 ~~teleconferencing without complying with paragraph (3) of~~
 10 ~~subdivision (b) if, during the teleconference meeting, at least a~~
 11 ~~quorum of the members of the legislative body participates in~~
 12 ~~person from a singular *physical* location clearly identified on the~~
 13 ~~agenda, which location shall be open to the public and situated~~
 14 ~~within the boundaries of the territory over which the local agency~~
 15 ~~exercises jurisdiction and the legislative body complies with all~~
 16 ~~of the following:~~

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

19 ~~(2) All members of the legislative body attending the meeting~~
 20 ~~by teleconference shall participate only through both audio and~~
 21 ~~visual technology.~~

22 ~~(A) The legislative body shall provide at least one of the~~
 23 ~~following as a means by which the public may remotely hear and~~
 24 ~~visually observe the meeting, and remotely address the legislative~~
 25 ~~body:~~

26 ~~(i) A two-way audio-visual platform.~~

27 ~~(ii) A two-way telephonic service and a live webcasting of the~~
 28 ~~meeting.~~

29 ~~(B) In each instance in which notice of the time of the~~
 30 ~~teleconferenced meeting is otherwise given or the agenda for the~~
 31 ~~meeting is otherwise posted, the legislative body shall also give~~
 32 ~~notice of the means by which members of the public may access~~
 33 ~~the meeting and offer public comment.~~

34 ~~(3) The legislative body shall allow members of the public to~~
 35 ~~access the meeting and the agenda shall provide an opportunity~~
 36 ~~for members of the public to address the legislative body directly~~
 37 ~~pursuant to Section 54954.3. In each instance in which notice of~~
 38 ~~the time of the meeting is otherwise given or the agenda for the~~
 39 ~~meeting is otherwise posted, the legislative body shall also give~~

1 notice of the means by which members of the public may access
2 the meeting and offer public comment. The

3 (C) The agenda shall identify and include an opportunity for all
4 persons to attend *and address the legislative body directly pursuant*
5 *to Section 54954.3* via a call-in ~~option or option~~, via an
6 internet-based service option, ~~and an opportunity for members of~~
7 ~~the public to attend and address the legislative body at the in-person~~
8 ~~location of the meeting.~~

9 (4) ~~The legislative body shall conduct teleconference meetings~~
10 ~~in a manner that protects the statutory and constitutional rights of~~
11 ~~the parties and the public appearing before the legislative body of~~
12 ~~a local agency, and at the in-person location of the meeting.~~

13 (5)

14 (D) In the event of a disruption that prevents the ~~public agency~~
15 *legislative body* from broadcasting the meeting to members of the
16 public using the call-in option or internet-based service option, or
17 in the event of a disruption within the local agency's control that
18 prevents members of the public from offering public comments
19 using the call-in option or internet-based service option, the
20 *legislative body* shall take no further action on items appearing on
21 the meeting agenda until public access to the meeting via the call-in
22 option or internet-based service option is restored. Actions taken
23 on agenda items during a disruption that prevents the ~~public agency~~
24 *legislative body* from broadcasting the meeting may be challenged
25 pursuant to Section 54960.1.

26 (6)

27 (E) The legislative body shall not require public comments to
28 be submitted in advance of the meeting and must provide an
29 opportunity for the public to address the legislative body and offer
30 comment in real time.

31 (7)

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

38 (2) *A member of the legislative body shall only participate in*
39 *the meeting remotely pursuant to this subdivision, if all of the*
40 *following requirements are met:*

1 (A) One of the following circumstances applies:

2 (i) The agenda identifies that the member of the legislative body
3 will participate in the meeting remotely and provides a brief
4 general description of the circumstances relating to their need to
5 appear remotely at the given meeting. A brief general description
6 of an item generally needs not to exceed 20 words.

7 (ii) The circumstances relating to the member's need to
8 participate remotely arose after the agenda for the meeting was
9 posted and those circumstances are publicly disclosed at the
10 meeting before any action is taken.

11 (B) The member shall publicly disclose at the meeting before
12 any action is taken, whether any other individuals 18 years of age
13 or older are present in the room at the remote location with the
14 member, and the general nature of the member's relationship with
15 any such individuals.

16 (C) The member shall participate through both audio and visual
17 technology.

18 (3) The provisions of this subdivision shall not serve as a means
19 for any member of a legislative body to participate in meetings of
20 the legislative body solely by teleconference from a remote location
21 for a period of three consecutive months.

22 ~~(8)~~

23 (g) The legislative body shall have and implement a procedure
24 for receiving and swiftly resolving requests for reasonable
25 accommodation for individuals with disabilities, consistent with
26 the federal Americans with Disabilities Act of 1990 (42 U.S.C.
27 Sec. 12132), and resolving any doubt in favor of accessibility. In
28 each instance in which notice of the time of the meeting is
29 otherwise given or the agenda for the meeting is otherwise posted,
30 the legislative body shall also give notice of the procedure for
31 receiving and resolving requests for accommodation.

32 (h) The legislative body shall conduct meetings subject to this
33 chapter consistent with applicable state and federal civil rights
34 laws, including, but not limited to, the language access and other
35 nondiscrimination obligations of Section 11135 and Subchapter
36 V (commencing with Section 2000d) of Chapter 21 of Title 42 of
37 the United States Code.

38 (i) (1) Nothing in this section shall prohibit a legislative body
39 from providing the public with additional teleconference locations.

1 (2) *Nothing in this section shall prohibit a legislative body from*
2 *providing members of the public with additional physical locations*
3 *in which the public may observe and address the legislative body*
4 *by electronic means.*

5 (j) *For the purposes of this section, the following definitions*
6 *shall apply:*

7 (1) *“Remote location” means a location from which a member*
8 *of a legislative body participates in a meeting pursuant to*
9 *subdivision (f), other than any physical meeting location designated*
10 *in the notice of the meeting. Remote locations need not be*
11 *accessible to the public.*

12 (2) *“Remote participation” means participation in a meeting*
13 *by teleconference at a location other than any physical meeting*
14 *location designated in the notice of the meeting. Watching or*
15 *listening to a meeting via webcasting or another similar electronic*
16 *medium that does not permit members to interactively hear,*
17 *discuss, or deliberate on matters, does not constitute remote*
18 *participation.*

19 (3) *“State of emergency” means a state of emergency*
20 *proclaimed pursuant to Section 8625 of the California Emergency*
21 *Services Act (Article 1 (commencing with Section 8550) of Chapter*
22 *7 of Division 1 of Title 2).*

23 (4) *“Teleconference” means a meeting of a legislative body,*
24 *the members of which are in different locations, connected by*
25 *electronic means, through either audio or video, or both.*

26 (5) *“Two-way audio-visual platform” means an online platform*
27 *that provides participants with the ability to participate in a*
28 *meeting via both an interactive video conference and a two-way*
29 *telephonic function.*

30 (6) *“Two-way telephonic service” means a telephone service*
31 *that does not require internet access, is not provided as part of a*
32 *two-way audio-visual platform, and allows participants to dial a*
33 *telephone number to listen and verbally participate.*

34 (7) *“Webcasting” means a streaming video broadcast online*
35 *or on television, using streaming media technology to distribute*
36 *a single content source to many simultaneous listeners and viewers.*

37 ~~(g)~~

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

1 SEC. 2. Section 54953 of the Government Code, as added by
2 Section 4 of Chapter 165 of the Statutes of 2021, is amended to
3 read:

4 54953. (a) All meetings of the legislative body of a local
5 agency shall be open and public, and all persons shall be permitted
6 to attend any meeting of the legislative body of a local agency,
7 except as otherwise provided in this chapter.

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

16 (2) Teleconferencing, as authorized by this section, may be used
17 for all purposes in connection with any meeting within the subject
18 matter jurisdiction of the legislative body. ~~At~~ *If the legislative*
19 *body of a local agency elects to use teleconferencing, the legislative*
20 *body of a local agency shall comply with all of the following:*

21 (A) All votes taken during a teleconferenced meeting shall be
22 by rollcall.

23 (B) *The teleconferenced meetings shall be conducted in a*
24 *manner that protects the statutory and constitutional rights of the*
25 *parties or the public appearing before the legislative body of a*
26 *local agency.*

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

29 (D) *The legislative body shall allow members of the public to*
30 *access the meeting and the agenda shall provide an opportunity*
31 *for members of the public to address the legislative body directly*
32 *pursuant to Section 54954.3.*

33 (3) If the legislative body of a local agency elects to use
34 teleconferencing, it shall post agendas at all teleconference
35 ~~locations and conduct teleconference meetings in a manner that~~
36 ~~protects the statutory and constitutional rights of the parties or the~~
37 ~~public appearing before the legislative body of a local agency.~~
38 *locations.* Each teleconference location shall be identified in the
39 notice and agenda of the meeting or proceeding, and each
40 teleconference location shall be accessible to the public. During

1 the teleconference, at least a quorum of the members of the
2 legislative body shall participate from locations within the
3 boundaries of the territory over which the local agency exercises
4 jurisdiction, except as provided in subdivision (d). ~~The agenda~~
5 ~~shall provide an opportunity for members of the public to address~~
6 ~~the legislative body directly pursuant to Section 54954.3 at each~~
7 ~~teleconference location.~~

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

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

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

18 (3) Prior to taking final action, the legislative body shall orally
19 report a summary of a recommendation for a final action on the
20 salaries, salary schedules, or compensation paid in the form of
21 fringe benefits of a local agency executive, as defined in
22 subdivision (d) of Section 3511.1, during the open meeting in
23 which the final action is to be taken. This paragraph shall not affect
24 the public’s right under the California Public Records Act (Division
25 10 (commencing with Section 7920.000) of Title 1) to inspect or
26 copy records created or received in the process of developing the
27 recommendation.

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

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

8 (3) For purposes of this subdivision, a health authority means
 9 any entity created pursuant to Sections 14018.7, 14087.31,
 10 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
 11 and Institutions Code, any joint powers authority created pursuant
 12 to Article 1 (commencing with Section 6500) of Chapter 5 of
 13 Division 7 for the purpose of contracting pursuant to Section
 14 14087.3 of the Welfare and Institutions Code, and any advisory
 15 committee to a county-sponsored health plan licensed pursuant to
 16 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
 17 Health and Safety Code if the advisory committee has 12 or more
 18 members.

19 (e) ~~(1) The legislative body of a local agency may use~~
 20 ~~teleconferencing without complying with the requirements of~~
 21 ~~paragraph (3) of subdivision (b) if, during the teleconference~~
 22 ~~meeting, at least a quorum of the members of the legislative body~~
 23 ~~participates in person from a singular physical location clearly~~
 24 ~~identified on the agenda, which location shall be open to the public~~
 25 ~~and situated within the boundaries of the territory over which the~~
 26 ~~local agency exercises jurisdiction and the legislative body~~
 27 ~~complies with all of the following:~~

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

30 ~~(2) All members of the legislative body attending the meeting~~
 31 ~~by teleconference shall participate only through both audio and~~
 32 ~~visual technology.~~

33 ~~(A) The legislative body shall provide at least one of the~~
 34 ~~following as a means by which the public may remotely hear and~~
 35 ~~visually observe the meeting, and remotely address the legislative~~
 36 ~~body:~~

37 ~~(i) A two-way audio-visual platform.~~

38 ~~(ii) A two-way telephonic service and a live webcasting of the~~
 39 ~~meeting.~~

1 (B) In each instance in which notice of the time of the
2 teleconferenced meeting is otherwise given or the agenda for the
3 meeting is otherwise posted, the legislative body shall also give
4 notice of the means by which members of the public may access
5 the meeting and offer public comment.

6 ~~(3) The legislative body shall allow members of the public to
7 access the meeting and the agenda shall provide an opportunity
8 for members of the public to address the legislative body directly
9 pursuant to Section 54954.3. In each instance in which notice of
10 the time of the meeting is otherwise given or the agenda for the
11 meeting is otherwise posted, the legislative body shall also give
12 notice of the means by which members of the public may access
13 the meeting and offer public comment. The~~

14 (C) The agenda shall identify and include an opportunity for
15 all persons to attend and address the legislative body directly
16 pursuant to Section 54954.3 via a call-in option or option, via an
17 internet-based service option, and an opportunity for members of
18 the public to attend and address the legislative body at the in-person
19 location of the meeting.

20 ~~(4) The legislative body shall conduct teleconference meetings
21 in a manner that protects the statutory and constitutional rights of
22 the parties and the public appearing before the legislative body of
23 a local agency.~~

24 ~~(5)~~

25 (D) In the event of a disruption that prevents the public agency
26 legislative body from broadcasting the meeting to members of the
27 public using the call-in option or internet-based service option, or
28 in the event of a disruption within the local agency's control that
29 prevents members of the public from offering public comments
30 using the call-in option or internet-based service option, the
31 legislative body shall take no further action on items appearing on
32 the meeting agenda until public access to the meeting via the call-in
33 option or internet-based service option is restored. Actions taken
34 on agenda items during a disruption that prevents the public agency
35 legislative body from broadcasting the meeting may be challenged
36 pursuant to Section 54960.1.

37 ~~(6)~~

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

1 opportunity for the public to address the legislative body and offer
2 comment in real time.

3 ~~(7)~~

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

10 (2) *A member of the legislative body shall only participate in*
11 *the meeting remotely pursuant to this subdivision, if all of the*
12 *following requirements are met:*

13 (A) *One of the following circumstances applies:*

14 (i) *The agenda identifies that the member of the legislative body*
15 *will participate in the meeting remotely and provides a brief*
16 *general description of the circumstances relating to their need to*
17 *appear remotely at the given meeting. A brief general description*
18 *of an item generally need not exceed 20 words.*

19 (ii) *The circumstances relating to the member's need to*
20 *participate remotely arose after the agenda for the meeting was*
21 *posted and those circumstances are publicly disclosed at the*
22 *meeting before any action is taken.*

23 (B) *The member shall publicly disclose at the meeting before*
24 *any action is taken whether any other individuals 18 years of age*
25 *or older are present in the room at the remote location with the*
26 *member, and the general nature of the member's relationship with*
27 *any such individuals.*

28 (C) *The member shall participate through both audio and visual*
29 *technology.*

30 (3) *The provisions of this subdivision shall not serve as a means*
31 *for any member of a legislative body to participate in meetings of*
32 *the legislative body solely by teleconference from a remote location*
33 *for a period of three consecutive months.*

34 ~~(8)~~

35 (f) The legislative body shall have and implement a procedure
36 for receiving and swiftly resolving requests for reasonable
37 accommodation for individuals with disabilities, consistent with
38 the federal Americans with Disabilities Act of 1990 (42 U.S.C.
39 Sec. 12132), and resolving any doubt in favor of accessibility. In
40 each instance in which notice of the time of the meeting is

1 otherwise given or the agenda for the meeting is otherwise posted,
2 the legislative body shall also give notice of the procedure for
3 receiving and resolving requests for accommodation.

4 (g) *The legislative body shall conduct meetings subject to this*
5 *chapter consistent with applicable state and federal civil rights*
6 *laws, including, but not limited to, the language access and other*
7 *nondiscrimination obligations of Section 11135 and Subchapter*
8 *V (commencing with Section 2000d) of Chapter 21 of Title 42 of*
9 *the United States Code.*

10 (h) (1) *Nothing in this section shall prohibit a legislative body*
11 *from providing the public with additional teleconference locations.*

12 (2) *Nothing in this section shall prohibit a legislative body from*
13 *providing members of the public with additional physical locations*
14 *in which the public may observe and address the legislative body*
15 *by electronic means.*

16 (i) *For the purposes of this section, the following definitions*
17 *shall apply:*

18 (1) *“Remote location” means a location from which a member*
19 *of a legislative body participates in a meeting pursuant to*
20 *subdivision (e), other than any physical meeting location*
21 *designated in the notice of the meeting. Remote locations need not*
22 *be accessible to the public.*

23 (2) *“Remote participation” means participation in a meeting*
24 *by teleconference at a location other than any physical meeting*
25 *location designated in the notice of the meeting. Watching or*
26 *listening to a meeting via webcasting or another similar electronic*
27 *medium that does not permit members to interactively hear,*
28 *discuss, or deliberate on matters, does not constitute remote*
29 *participation.*

30 (3) *“Teleconference” means a meeting of a legislative body,*
31 *the members of which are in different locations, connected by*
32 *electronic means, through either audio or video, or both.*

33 (4) *“Two-way audio-visual platform” means an online platform*
34 *that provides participants with the ability to participate in a*
35 *meeting via both an interactive video conference and a two-way*
36 *telephonic function.*

37 (5) *“Two-way telephonic service” means a telephone service*
38 *that does not require internet access, is not provided as part of a*
39 *two-way audio-visual platform, and allows participants to dial a*
40 *telephone number to listen and verbally participate.*

1 (6) “Webcasting” means a streaming video broadcast online
 2 or on television, using streaming media technology to distribute
 3 a single content source to many simultaneous listeners and viewers.

4 ⊕

5 (j) This section shall become operative January 1, ~~2024~~, 2024,
 6 shall remain in effect only until January 1, 2028, and as of that
 7 date is repealed.

8 SEC. 3. Section 54953 is added to the Government Code, to
 9 read:

10 54953. (a) All meetings of the legislative body of a local
 11 agency shall be open and public, and all persons shall be permitted
 12 to attend any meeting of the legislative body of a local agency,
 13 except as otherwise provided in this chapter.

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

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

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

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

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

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

11 (3) Prior to taking final action, the legislative body shall orally
12 report a summary of a recommendation for a final action on the
13 salaries, salary schedules, or compensation paid in the form of
14 fringe benefits of a local agency executive, as defined in subdivision

15 (d) of Section 3511.1, during the open meeting in which the final
16 action is to be taken. This paragraph shall not affect the public’s
17 right under the California Public Records Act (Chapter 3.5
18 commencing with Section 6250) of Division 7 of Title 1) to inspect
19 or copy records created or received in the process of developing
20 the recommendation.

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

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

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

12 (e) This section shall become operative January 1, 2028.

13 ~~SEC. 3.~~

14 SEC. 4. The Legislature finds and declares that Sections 1 and
 15 2 of this act, which amend Section 54953 of the Government Code,
 16 impose a limitation on the public's right of access to the meetings
 17 of public bodies or the writings of public officials and agencies
 18 within the meaning of Section 3 of Article I of the California
 19 Constitution. Pursuant to that constitutional provision, the
 20 Legislature makes the following findings to demonstrate the interest
 21 protected by this limitation and the need for protecting that interest:

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

28 ~~SEC. 4.~~


29 SEC. 5. The Legislature finds and declares that Sections 1 and
 30 2 of this act, which amend Section 54953 of the Government Code,
 31 further, within the meaning of paragraph (7) of subdivision (b) of
 32 Section 3 of Article I of the California Constitution, the purposes
 33 of that constitutional section as it relates to the right of public
 34 access to the meetings of local public bodies or the writings of
 35 local public officials and local agencies. Pursuant to paragraph (7)
 36 of subdivision (b) of Section 3 of Article I of the California
 37 Constitution, the Legislature makes the following findings:

1 This act is necessary to ensure minimum standards for public
2 participation and notice requirements allowing for greater public
3 participation in teleconference meetings.

O



BOARD OF DIRECTORS STAFF REPORT

To: TVMWD Board of Directors
From: Matthew H. Litchfield, General Manager 
Date: June 1, 2022
Subject: **Social Media Policy- Elected Officials**

Funds Budgeted: \$

Fiscal Impact: \$

Staff Recommendation

No Action Necessary – Informational Item Only

Background

On February 2, 2022, a draft of the Social Media Policy for elected officials was presented to the Board. After further input from Board Members, additional edits were made to the Social Media Policy by our legal counsel. This policy will assist elected officials in making responsible decisions about their use of social media and other online engagement platforms.

Discussion

This policy intends to further the transparency and pertinent activities that TVMWD is becoming more involved with. Staff will provide an update on the Social Media Policy this morning and bring it back to the Board on June 15, 2022 for additional review and consideration of approval.

Strategic Plan Objective(s)

3.3 – Be accountable and transparent with major decisions

Attachment(s)


Exhibit A – Social Media Policy - Elected Officials (clean version)

Exhibit B – Social Media Policy - Elected Officials (redline version)

Meeting History

Board of Directors Meeting, February 2, 2022, Informational Item Only

NA/VR

	POLICY TITLE Social Media Policy- Elected Officials	APPROVAL DATE TBD	Page 1 of 5
---	--	------------------------------------	-------------

SECTION 1: Purpose of policy

Three Valleys Municipal Water District (“District”) understands that its elected officials, officers, and employees use social media sites and other online engagement platforms to share events in their lives, to communicate, and to discuss their opinions with others, including family, friends, and co-workers. However, the use of social media and other online engagement platforms may present certain risks and carries with it certain responsibilities.

To assist the District’s Board of Directors (“Board”) in making responsible decisions about their use of social media and other online engagement platforms, the District provides these guidelines and recommendations for appropriate use.

SECTION 2: Background

The District does not create or provide support for individual social media accounts for Board members. Board members who maintain personal social and other digital media accounts should be aware that--similar to District email or any other written or recorded communication related to the official conduct of District business--digital communications, social media posts and messages by Board members regarding matters that are before the District for action or within District jurisdiction can be “official District business” subject to laws and policies regarding freedom of speech, records retention and production, and public transparency. Those laws and policies include, but are not necessarily limited to: the California and United States Constitution, the California Public Records Act, the Ralph M. Brown Act, and the District’s records retention regulations.

SECTION 3: Understanding Rights/Responsibilities Using Social Media Technology

Complying with the Ralph M. Brown Act

One potential pitfall elected officials face in using social media is in ensuring compliance with the Ralph M. Brown Act (the “Act”). Elected members of a Board must be careful, through their use of social media, not to engage in “serial meetings” with other members of the Board. A serial meeting is covered by the Act. It involves communications by individual members of less-than-a-quorum group, which ultimately involves a majority of the body’s members. Outside a meeting, a majority of members of the Board may not use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate or take action on any item of business that is within the subject matter jurisdiction of the Board, whether or not the members of the Board reach a collective concurrence. This communication may involve several separate conversations between



POLICY TITLE
**Social Media Policy- Elected
 Officials**

APPROVAL DATE
TBD

Page 2 of 5

different members, or several separate conversations between members and a single person (e.g., attorney, agency staff member) for the purpose of discussing, deliberating, or taking any action on any item of business.

Conceivably, a prohibited serial meeting could take place through private messaging or even public messaging on social media.

The Act does not prevent Board members from engaging in separate conversations or communications on an internet-based social media platform to answer questions, to provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the Board, but this is provided that a majority of the members of the Board do not use the internet-based social media platform to discuss among themselves business of a specific nature that is within the Board's subject matter jurisdiction. "Discuss among themselves" here means communications made, posted, or shared on an internet-based social media platform between members of the Board, including comments or use of digital icons that express reactions to communications made by other members of the Board. This means that even a single "emoji" or "like" could constitute part of a discussion that falls within the scope of the Act.

As a member of the Board, there is one other item of importance to consider. Under recent law, you should **not respond directly** to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the Board that is made, posted, or shared by **any other member** of the Board. Doing so alone could result in a violation of the Act.

To avoid any violations of the Act, consistent with the update provided by AB 992, Board members are permitted to use a social media site to engage in conversations or communications on matters within the subject matter jurisdiction of the Board:

1. To answer questions;
2. To provide information to the public; and
3. To solicit information from the public.

However, a majority of Board members may not use social media to "discuss among themselves" official business. AB 992 broadly defines the meaning of "discuss among themselves" to include any "communications made, posted, or shared on an internet-based social media network between members of [the Board], including comments or use of digital icons that express reactions to communications made by other members of the [Board]." AB 992 prohibits a Board member from communicating directly with the social media of **any other member** on a subject within the jurisdiction of the Board.



POLICY TITLE
**Social Media Policy- Elected
 Officials**

APPROVAL DATE
TBD

Page 3 of 5

Board members must refrain from using the District's official social media sites or any form of electronic communication to respond to, blog, or engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body without complying with the Act.

If there are questions about whether communications could potentially violate the Act, Board members should consult with the District's management and/or legal counsel.

Accuracy and Honesty

Strive for accuracy in any blog or post. Include a link to your sources of information. If a Board member makes a mistake, correct the information, or retract it promptly. Never post any information or rumors that you know to be false about employees, other officials, or anyone.

Board members should be honest and accurate when posting information or news, especially when communicating during a crisis or emergency. Any mistakes, misstatements and/or factual errors must be corrected quickly upon discovery. When possible, news of District-wide importance should first be announced by the District's official social media sites. This information can then be shared by Board members, linking back to the original post or official District website, when possible. Unless the Board member has been designated to serve as a District spokesperson, a Board member should never represent themselves as a spokesperson for the entire Board or the District. Board members should be mindful of recognizing that accomplishments of the District or the Board are achieved by collective action of the entire body or organization.

Avoiding Commingling Social Media Accounts

Board members should not use District email addresses to register on social networks, blogs, or other online tools utilized for personal use.

Board members participating in digital or social media communications shall maintain and clearly delineate between separate accounts for official and personal/campaign statements, taking precaution not to convey personal/campaign communications in a manner that suggests such communications represent the position of the District or the Board as a whole. To avoid ambiguity, all statements, headings, profile pictures, or biographies on personal or campaign accounts shall:



POLICY TITLE
**Social Media Policy- Elected
 Officials**

APPROVAL DATE
TBD

Page 4 of 5

1. Not be made in the name of the position to which the Board member was elected or appointed;
2. Clearly reflect that content on such accounts does not represent the official positions of the District or the Board; and
3. Not display the District logo or any other official District mark or title.

The District requires that Board members use only District accounts to send or receive electronic communications in connection with the conduct of District business. As a result, there is no expectation of privacy if personal accounts are used to conduct District business or District accounts are used to conduct personal business. If a Board member receives an electronic communication regarding District business on a personal account, he or she should copy that information to his or her official District account for transparency and ease of access for public records requests.

Digital records relating to public business are required to be in a manner capable of maintaining the record for the applicable retention period, including through the use of highlights, bins, or archives for temporary and disappearing stories, reels, posts, or otherwise.

Hosting Comments on Blog, Website, Facebook Page, or Other Social Media Platforms

Another potential pitfall Board members face in using social media is by hosting a site or social media platform in your capacity as a government officer in which the public can post comments. Although the law in this area is murky and currently under development, some authority suggests that a Board member who hosts comments in his or her capacity as a government official and deletes, hides, or otherwise obscures any comment by a member of the public has thereby engaged in censorship in violation of the First Amendment. This is under the theory that the page hosting the comments constitutes a forum opened up by a government official, so that those who participate have constitutional rights to provide expression. Violation of the First Amendment can create liability, including liability for the plaintiff's attorneys' fees. Accordingly, if you host comments, you should make a clear distinction to those who visit your page or platform whether the page is yours in a strictly personal or other capacity or instead in your capacity as an elected official or member of the government. If the latter, Board members should avoid deleting comments or blocking individuals on official pages or sites they maintain. Social media content should be treated the same as any written document and retained in accordance with the District retention schedules or the minimum period required under applicable law, whichever is longest.



POLICY TITLE
**Social Media Policy- Elected
 Officials**

APPROVAL DATE
TBD

Page 5 of 5

Exercising Sound Discretion

Use good and ethical judgment. To the extent your social media use impacts District employees, Board members should follow District policies and regulations as applicable, including but not limited to those that protect individual privacy rights, anti-discrimination and harassment policies, and the anti-workplace violence policy.

Board Members shall not post complaints or criticism of fellow Board members, District employees, or personnel (or anyone). Board members should avoid using statements, photographs, video, or audio that reasonably could be viewed as unlawful harassment or discrimination or other violation of the law such as unlawful threatening conduct. Examples of such conduct might include offensive posts that could contribute to a hostile work environment on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or any other status protected by law. Examples of unlawful threatening conduct include posting material that would make a reasonable person afraid for one's safety or the safety of one's family.

Do not disclose information that may violate the rights of others. For example, do not disclose another individual's social security number, medical information, financial information, or other protected information in a manner that violates that person's rights.

If, as a Board member, you publish a blog or post online related to your work as an elected official, make it clear that you are not speaking on behalf of the District itself. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the District."

For more information

If you have questions or need further guidance, please contact the General Manager.



POLICY TITLE
**Social Media Policy- Elected
 Officials**

APPROVAL DATE
TBD

Page 1 of 7

SECTION 1: Purpose of policy

Three Valleys Municipal Water District (“District”) understands that its elected officials, officers, and employees use social media sites and other online engagement platforms to share events in their lives, to communicate, and to discuss their opinions with others, including family, friends, and co-workers. However, the use of social media and other online engagement platforms may present certain risks and carries with it certain responsibilities.

To assist ~~elected officials in particular~~ the District’s Board of Directors (“Board”) in making responsible decisions about their use of social media and other online engagement platforms, the District provides these guidelines and recommendations for appropriate use.

SECTION 2: Background

~~In the rapidly expanding world of electronic communication, social media can mean many things. In general, social media encompasses the various activities that integrate technology, social interaction, and content creation. Through social media, individuals can create online content, can organize, edit, or comment on content, as well as combine and share content on their own website or on someone else’s. Social media uses many technologies and forms, including web feeds, blogs, wikis, photography and video sharing, web logs, journals, diaries, chat rooms, bulletin boards, affinity web sites, podcasts, social networking, fansites, mashups, and virtual worlds.~~

~~The District does not create or provide support for individual social media accounts for Board members. Board members who maintain personal social and other digital media accounts should be aware that--similar to District email or any other written or recorded communication related to the official conduct of District business--digital communications, social media posts and messages by Board members regarding matters that are before the District for action or within District jurisdiction can be “official District business” subject to laws and policies regarding freedom of speech, records retention and production, and public transparency. Those laws and policies include, but are not necessarily limited to: the California and United States Constitution, the California Public Records Act, the Ralph M. Brown Act, and the District’s records retention regulations.~~

SECTION 3: Application of policy

~~Understand Your~~ Understanding ~~Rights and /Responsibilities in~~ **Using Social Media Technology**

~~Use good and ethical judgment. To the extent your social media use impacts District employees, you should follow District policies and regulations as applicable, including but~~



POLICY TITLE
**Social Media Policy- Elected
 Officials**

APPROVAL DATE
TBD

Page 2 of 7

~~not limited to those that protect individual privacy rights, anti-discrimination and harassment policies, and the anti-workplace violence policy.~~

~~Board Members shall not post complaints or criticism of District employees or personnel (or anyone), you should avoid using statements, photographs, video, or audio that reasonably could be viewed as unlawful harassment or discrimination or other violation of the law such as unlawful threatening conduct. Examples of such conduct might include offensive posts that could contribute to a hostile work environment on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or any other status protected by law. Examples of unlawful threatening conduct include posting material that would make a reasonable person afraid for one's safety or the safety of one's family.~~

~~Strive for accuracy in any blog or post. Include a link to your sources of information. If you make a mistake, correct the information, or retract it promptly. Never post any information or rumors that you know to be false about employees, other officials, or anyone.~~

~~Do not disclose information that may violate the rights of others. For example, do not disclose another individual's social security number, medical information, financial information, or other protected information in a manner that violates that person's rights.~~

~~If you publish a blog or post online related to your work as an elected official, make it clear that you are not speaking on behalf of the District itself. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the District."~~

~~If you want to keep your personal life separate from your professional or work life, use privacy settings to restrict personal information on public sites. Consider who you invite or accept to join your social network as those individuals will have access to your profile, photographs, etc.~~

~~Understand that even if you have a private setting, those you invite into your network can easily, print, save, cut, paste, modify, or publish anything you post. Material can be archived on the Internet even after you remove it.~~

Using Social Media at Work



POLICY TITLE
**Social Media Policy- Elected
 Officials**

APPROVAL DATE
TBD

Page 3 of 7

~~You should not use District email addresses to register on social networks, blogs, or other online tools utilized for personal use.~~

~~Hosting Comments on Your Blog, Website, Facebook Page, or Other Social Media Platform~~

~~One potential pitfall elected officials face in using social media is by hosting a site or social media platform in your capacity as a government officer in which the public can post comments. Although the law in this area is murky and currently under development, some authority suggests that an elected official who hosts comments in their capacity as a government officer and deletes, hides, or otherwise obscures any comment by a member of the public has thereby engaged in censorship in violation of the First Amendment. This is under the theory that the page hosting the comments constitutes a forum opened up by a government actor, so that those who participate have constitutional rights to provide expression. Violation of the First Amendment can create liability, including liability for the plaintiff's attorneys' fees. Accordingly, if you host comments, you should make a clear distinction to those who visit your page or platform whether the page is yours in a strictly personal or other capacity or instead in your capacity as an elected official or member of the government. If the latter, you should consult legal counsel about creating a policy that allows you to limit comments in a manner consistent with applicable law. You should consult with the District's legal counsel before deleting or hiding comments.~~

Complying with the Ralph M. Brown Act

~~One~~Another potential pitfall elected officials face in using social media is in ensuring compliance with the Ralph M. Brown Act (the "Act"). Elected members of a Board must be careful, through their use of social media, not to engage in "serial meetings" with other members of the Board. A serial meeting is covered by the Act. It involves communications by individual members of less-than-a-quorum group, which ultimately involves a majority of the body's members. Outside a meeting, a majority of members of ~~a legislative body~~the Board may not use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate or take action on any item of business that is within the subject matter jurisdiction of the ~~legislative body~~Board, whether or not the members of the ~~body~~Board reach a collective concurrence. This communication may involve several separate conversations between different members, or several separate conversations between members and a single person (e.g., attorney, agency staff member) for the purpose of discussing, deliberating, or taking any action on any item of business.

Conceivably, a prohibited serial meeting could take place through private messaging or even public messaging on social media.



POLICY TITLE
**Social Media Policy- Elected
 Officials**

APPROVAL DATE
TBD

Page 4 of 7

The ~~Brown~~ Act does not prevent ~~you~~ Board members from engaging in separate conversations or communications on an internet-based social media platform to answer questions, to provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the Board, but this is provided that a majority of the members of the Board do not use the internet-based social media platform to discuss among themselves business of a specific nature that is within the Board's subject matter jurisdiction. "Discuss among themselves" here means communications made, posted, or shared on an internet-based social media platform between members of ~~a legislative body~~ the Board, including comments or use of digital icons that express reactions to communications made by other members of the ~~legislative body~~ Board. This means that even a single "emoji" or "like" could constitute part of a discussion that falls within the scope of the Act.

As ~~an elected~~ a member of the Board, there is one other item of ~~important~~ importance to consider. Under recent law, you should **not respond directly** to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the ~~legislative body~~ Board that is made, posted, or shared by **any other member** of the Board. Doing so alone could result in a ~~Brown Act~~ violation of the Act.

To avoid any violations of the Act, consistent with the update provided by AB 992, Board members are permitted to use a social media site to engage in conversations or communications on matters within the subject matter jurisdiction of the Board:

1. To answer questions;
2. To provide information to the public; and
3. To solicit information from the public.

However, a majority of Board members may not use social media to "discuss among themselves" official business. AB 992 broadly defines the meaning of "discuss among themselves" to include any "communications made, posted, or shared on an internet-based social media network between members of [the Board], including comments or use of digital icons that express reactions to communications made by other members of the [Board]." AB 992 prohibits a Board member from communicating directly with the social media of **any other member** on a subject within the jurisdiction of the Board.

Board members must refrain from using the District's official social media sites or any form of electronic communication to respond to, blog, or engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body without complying with the Act.



POLICY TITLE
**Social Media Policy- Elected
 Officials**

APPROVAL DATE
TBD

Page 5 of 7

If there are questions about whether communications could potentially violate the Act, you Board members should consult with the District's management and/or legal counsel.

Accuracy and Honesty

Strive for accuracy in any blog or post. Include a link to your sources of information. If a Board member makes a mistake, correct the information, or retract it promptly. Never post any information or rumors that you know to be false about employees, other officials, or anyone.

Board members should be honest and accurate when posting information or news, especially when communicating during a crisis or emergency. Any mistakes, misstatements and/or factual errors must be corrected quickly upon discovery. When possible, news of District-wide importance should first be announced by the District's official social media sites. This information can then be shared by Board members, linking back to the original post or official District website, when possible. Unless the Board member has been designated to serve as a District spokesperson, a Board member should never represent themselves as a spokesperson for the entire Board or the District. Board members should be mindful of recognizing that accomplishments of the District or the Board are achieved by collective action of the entire body or organization.

Avoiding Commingling Social Media Accounts

Board members should not use District email addresses to register on social networks, blogs, or other online tools utilized for personal use.

Board members participating in digital or social media communications shall maintain and clearly delineate between separate accounts for official and personal/campaign statements, taking precaution not to convey personal/campaign communications in a manner that suggests such communications represent the position of the District or the Board as a whole. To avoid ambiguity, all statements, headings, profile pictures, or biographies on personal or campaign accounts shall:

1. Not be made in the name of the position to which the Board member was elected or appointed;
2. Clearly reflect that content on such accounts does not represent the official positions of the District or the Board; and
3. Not display the District logo or any other official District mark or title.



POLICY TITLE
**Social Media Policy- Elected
 Officials**

APPROVAL DATE
TBD

Page 6 of 7

The District requires that Board members use only District accounts to send or receive electronic communications in connection with the conduct of District business. As a result, there is no expectation of privacy if personal accounts are used to conduct District business or District accounts are used to conduct personal business. If a Board member receives an electronic communication regarding District business on a personal account, he or she should copy that information to his or her official District account for transparency and ease of access for public records requests.

Digital records relating to public business are required to be in a manner capable of maintaining the record for the applicable retention period, including through the use of highlights, bins, or archives for temporary and disappearing stories, reels, posts, or otherwise.

Hosting Comments on Blog, Website, Facebook Page, or Other Social Media Platforms

Another potential pitfall Board members face in using social media is by hosting a site or social media platform in your capacity as a government officer in which the public can post comments. Although the law in this area is murky and currently under development, some authority suggests that a Board member who hosts comments in his or her capacity as a government official and deletes, hides, or otherwise obscures any comment by a member of the public has thereby engaged in censorship in violation of the First Amendment. This is under the theory that the page hosting the comments constitutes a forum opened up by a government official, so that those who participate have constitutional rights to provide expression. Violation of the First Amendment can create liability, including liability for the plaintiff's attorneys' fees. Accordingly, if you host comments, you should make a clear distinction to those who visit your page or platform whether the page is yours in a strictly personal or other capacity or instead in your capacity as an elected official or member of the government. If the latter, Board members should avoid deleting comments or blocking individuals on official pages or sites they maintain. Social media content should be treated the same as any written document and retained in accordance with the District retention schedules or the minimum period required under applicable law, whichever is longest.

Exercising Sound Discretion

Use good and ethical judgment. To the extent your social media use impacts District employees, Board members should follow District policies and regulations as applicable.



POLICY TITLE
**Social Media Policy- Elected
 Officials**

APPROVAL DATE
TBD

Page 7 of 7

including but not limited to those that protect individual privacy rights, anti-discrimination and harassment policies, and the anti-workplace violence policy.

Board Members shall not post complaints or criticism of fellow Board members, District employees, or personnel (or anyone). Board members should avoid using statements, photographs, video, or audio that reasonably could be viewed as unlawful harassment or discrimination or other violation of the law such as unlawful threatening conduct. Examples of such conduct might include offensive posts that could contribute to a hostile work environment on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or any other status protected by law. Examples of unlawful threatening conduct include posting material that would make a reasonable person afraid for one's safety or the safety of one's family.

Do not disclose information that may violate the rights of others. For example, do not disclose another individual's social security number, medical information, financial information, or other protected information in a manner that violates that person's rights.


If, as a Board member, you publish a blog or post online related to your work as an elected official, make it clear that you are not speaking on behalf of the District itself. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the District."

For more information

If you have questions or need further guidance, please contact the General Manager.



BOARD OF DIRECTORS STAFF REPORT

To: TVMWD Board of Directors
From: Matthew H. Litchfield, General Manager 
Date: June 1, 2022
Subject: **2022 Annual Water Shortage Report**

Funds Budgeted: \$

Fiscal Impact: \$

Staff Recommendation

No Action Necessary – Informational Item Only

Background

In 2018, the California Legislature enacted into law new requirements for urban water suppliers to increase drought resilience and to improve communication of water shortage response actions. Each urban water supplier is required to prepare an Annual Water Supply and Demand Assessment (Annual Assessment) and submit an Annual Water Shortage Assessment Report (Annual Shortage Report) to the California Department of Water Resources (DWR) on or before July 1, 2022, and every year thereafter.

Discussion

DWR finalized the Annual Assessment guidance document in late April 2022. Since then, staff has coordinated with Metropolitan Water District of Southern California (Metropolitan) and TVMWD's member agencies in developing the imported water supply conditions as required by the Annual Assessment.

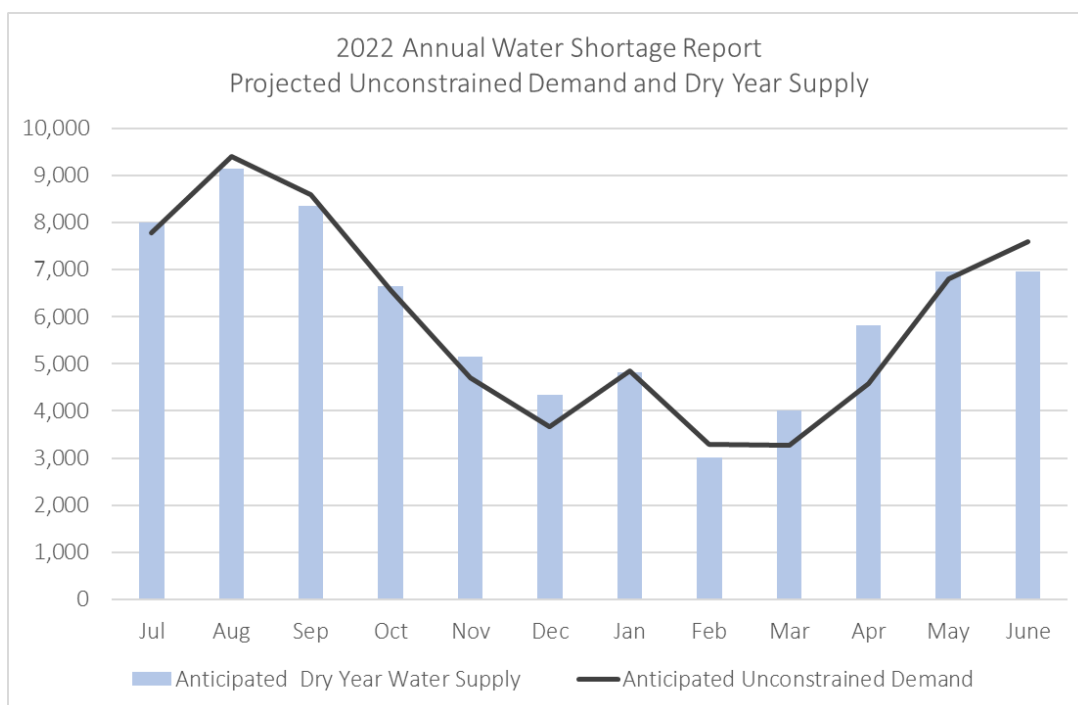
Each urban water supplier is required to conduct an Annual Assessment for the purpose of (i) evaluating its water supply reliability for the current year and one dry year and (ii) generating and submitting an Annual Shortage Report by July 1 every year starting July 1, 2022. The Annual Shortage Report will present the assessment results regarding any anticipated shortages and actions to DWR. The 2022 Annual Shortage Report was prepared using methodologies consistent with the DWR guidelines and TVMWD's 2020 Water Shortage Contingency Plan.

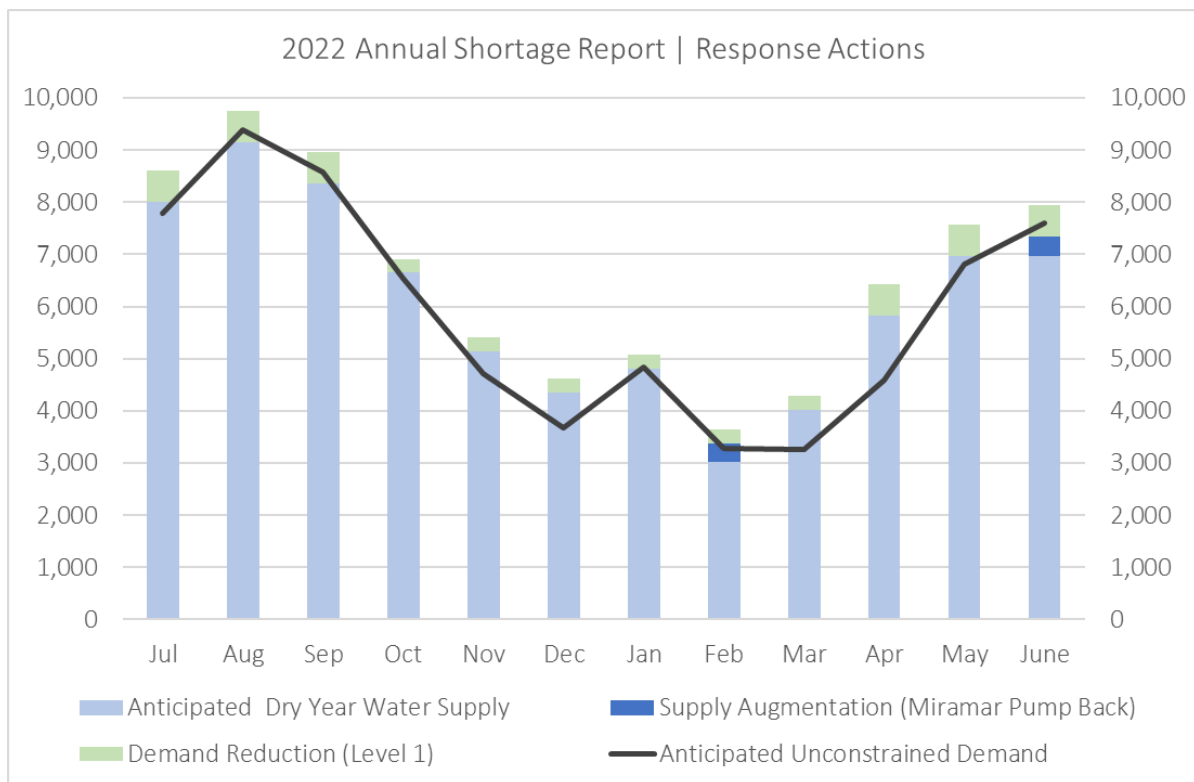
The Annual Shortage Report for TVMWD is included as **Exhibit A**, which includes Tables 1 through 5. **Exhibit B** summarizes the assumptions for the demand and supply projections. Highlights of the assumptions and results are provided below:

Table 2 of the Annual Shortage Report includes estimated hypothetical unconstrained demands, without any water use restrictions (or demand reduction actions) currently in place. Table 3 requires the Supplier to provide projected supplies for an assumed Dry Year. The main purpose of the hypothetical conditions is to theoretically predict next year's [FY 2022-23] shortages for the Annual Shortage Report.

- **Table 2:** Unconstrained demands was estimated using Fiscal Year 2013-14 actual demands. In review of historical data over the last 10 years, FY 2013-14 had the highest demands.
- **Table 3:** The imported water supplies was obtained from Metropolitan. Metropolitan used its 2020 Urban Water Management Plan (UWMP) for the dry year scenario, resulting in a 6% State Water Project (SWP) allocation and no constraints in the Colorado River supplies. Therefore, TVMWD's 2022 SWP allocation was used as available supplies for next year FY 2022-23; July – December 2022 resulted in SWP allocation of 7,600 acre-feet including the added supplies for public health and safety. January – June 2023 resulted in SWP allocation of 1,400 acre-feet which did not include any additional public health and safety allocation.
- **Table 4:** The assessment shows a predictive scenario of supply shortages in the SWP constrained areas intermittently between February – June 2023. The response actions to address the potential shortage conditions included the activation of the Miramar Pump Back operations to provide 350 – 700 acre-feet per month as needed. Response actions also included activation of Level I Water Shortage Conditions to reduce demands by 5,240 AF, as identified in TVMWD's 2020 UWMP.

The assessment results and response actions provided in Table 4 are consistent with the drought actions that TVMWD has initiated and working with the SWP constrained areas of the cities of Claremont (Golden State Water Company) and La Verne. The results are depicted graphically in the two charts below.





Preliminary report was submitted per the requirements on May 31st. The final report will be presented to the TVMWD Board's consideration on June 15th for approval and submittal to DWR before July 1, 2022.

Strategic Plan Objective(s)

- I.1 Secure water supplies that exceed the estimated annual demands
- I.3 Maintain diverse sources of water supplies and storage
- I.4 Maintain water infrastructure to assure 100% reliability

Attachment(s)

Exhibit A – 2022 Annual Water Shortage Report

Exhibit B – 2022 Annual Water Supply and Demand Assessment Notes and Assumptions

Meeting History

None

NA/SL

Table 1. Annual Assessment Information

Annual Assessment Information (Required)	
Year Covered By This Shortage Report	
Start: July 1,	2022
End: June 30,	2023
Supplier's Annual Assessment Planning Cycle	
Start Month:	MONTH
End Month:	MONTH
Data Reporting Interval Used:	MONTHLY, Bi-MONTHLY, QUARTERLY, or ANNUALLY
Volume Unit for Reported Supply and Demand: <i>(Must use the same unit throughout)</i>	AF
Water Supplier's Contact Information	
Water Supplier's Name:	Three Valleys Municipal Water District
Contact Name:	Sylvie Lee
Contact Title:	Chief Water Resources Officer
Street Address:	1021 E Miramar Avenue
ZIP Code:	91711
Phone Number:	909-621-5568
Email Address:	slee@tvmwd.com
Report Preparer's Contact Information <i>(if different from above)</i>	
Preparer's Organization Name:	
Preparer's Contact Name:	
Phone Number:	
Email Address:	
Supplier's Water Shortage Contingency Plan	
WSCP Title	TVMWD 2020 Urban Water Management Plan
WSCP Adoption Date	6/16/2021
Other Annual Assessment Related Activities (Optional)	
Activity	Timeline/ Outcomes / Links / Notes
Annual Assessment/ Shortage Report Title:	Three Valleys MWD 2022 Water Supply and Demand Assessment
Annual Assessment / Shortage Report Approval Date:	6/15/2022
Other Annual Assessment Related Activities:	Optional
(Add rows as needed)	

Item 8.D - Exhibit A

= From prior tables
= Auto calculated

Table 2: Water Demands ¹															
Use Type	Start Year: 2022					Volumetric Unit Used ² : AF									
Drop-down list May select each use multiple times These are the only Use Types that will be recognized by the WUEdata online submittal tool (Add additional rows as needed)	Additional Description (as needed)	Level of Treatment for Non-Potable Supplies Drop-down list	Projected Water Demands - Volume ³												
			Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total by Water Demand Type
Demands Served by Potable Supplies															
Sales to other agencies			7,673	8,076	7,883	6,290	4,471	3,518	4,584	3,276	3,208	4,590	6,804	7,589	67,961
Groundwater recharge			110	1,315	698	258	244	155	261	13	56	0	4	3	3,116
															0
															0
															0
															0
															0
															0
															0
Total by Month (Potable)			7,783	9,391	8,581	6,548	4,715	3,673	4,845	3,289	3,264	4,590	6,808	7,592	71,077
Demands Served by Non-Potable Supplies															
															0
															0
															0
															0
															0
															0
Total by Month (Non-Potable)			0	0	0	0	0	0	0	0	0	0	0	0	0
Notes: List considered factors impacting demands															

¹Projections are based on best available data at time of submitting the report and actual demand volumes could be different due to many factors.

²Units of measure (AF, CCF, MG) must remain consistent.

³When opting to provide other than monthly volumes (bi-monthly, quarterly, or annual), please see directions on entering data for Projected Water Demand in the Table Instructions.

Optional (for comparison purposes)	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Last year's total demand													0
Two years ago total demand													0
Three years ago total demand													0
Four years ago total demand													0

Item 8.D - Exhibit A

= From prior tables
= Auto calculated

Table 3: Water Supplies ¹																	
Water Supply	Start Year:	2022					Volumetric Unit Used ² :					AF					
Drop-down List May use each category multiple times. These are the only water supply categories that will be recognized by the WUEdata online submittal tool (Add additional rows as needed)	Additional Detail on Water Supply	Projected Water Supplies - Volume ³													Water Quality Drop-down List	Total Right or Safe Yield* (optional)	
		Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total by Water Supply Type			
Potable Supplies																	
Purchased/Imported Water	MWD - SWP	1,267	1,267	1,267	1,267	1,267	1,267	233	233	233	233	233	233	233	9,000		
Purchased/Imported Water	MWD - CRA	6,650	7,800	7,000	5,300	3,800	3,000	4,500	2,700	3,700	5,500	6,650	6,650	63,250			
Groundwater (not desal.)	TVMWD -GW	83	83	83	83	83	83	83	83	83	83	83	83	1,000			
														0			
														0			
														0			
														0			
														0			
														0			
Total by Month (Potable)		8,000	9,150	8,350	6,650	5,150	4,350	4,817	3,017	4,017	5,817	6,967	6,967	73,250		0	
Non-Potable Supplies																	
														0			
														0			
														0			
														0			
														0			
Total by Month (Non-Potable)		0	0	0	0	0	0	0	0	0	0	0	0	0		0	

Notes: List hydrological and regulatory conditions, infrastructure capabilities, and plausible constraints which may impact the water supplies

¹Projections are based on best available data at time of submitting the report and actual supply volumes could be different due to many factors.
²Units of measure (AF, CCF, MG) must remain consistent.
³When opting to provide other than monthly volumes (bi-monthly, quarterly, or annual), please see directions on entering data for Projected Water Supplies in the Table Instructions.

Optional (for comparison purposes)	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
eAR Reported Total Water Supplies													0

Item 8.D - Exhibit A

	= Auto calculated
	= From prior tables
	= For manual input

Table 4(P): Potable Water Shortage Assessment ¹	Start Year: 2022					Volumetric Unit Used ² :						AF	Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun ³	
Anticipated Unconstrained Demand	7,783	9,391	8,581	6,548	4,715	3,673	4,845	3,289	3,264	4,590	6,808	7,592	71,077
Anticipated Total Water Supply	8,000	9,150	8,350	6,650	5,150	4,350	4,817	3,017	4,017	5,817	6,967	6,967	73,250
Surplus/Shortage w/o WSCP Action	217	-241	-231	102	435	677	-28	-273	753	1,227	159	-625	2,173
% Surplus/Shortage w/o WSCP Action	3%	-3%	-3%	2%	9%	18%	-1%	-8%	23%	27%	2%	-8%	3%
State Standard Shortage Level	0	1	1	0	0	0	1	1	0	0	0	1	0
Planned WSCP Actions													
Benefit from WSCP: Supply Augmentation								367				367	733
Benefit from WSCP: Demand Reduction	611	611	611	262	262	262	262	262	262	611	611	611	5,240
Revised Surplus/Shortage with WSCP	828	370	381	364	697	939	234	356	1,015	1,838	770	353	8,146
% Revised Surplus/Shortage with WSCP	11%	4%	4%	6%	15%	26%	5%	11%	31%	40%	11%	5%	11%

¹Assessments are based on best available data at time of submitting the report and actual volumes could be different due to many factors.
²Units of measure (AF, CCF, MG) must remain consistent.
³When optional monthly volumes aren't provided, verify Tables 2 and 3 use the same columns for data entry and are reflected properly in Table 4 and make sure to use those same columns to enter the benefits from Planned WSCP Actions. Please see directions on the shortage balancing exercise in the Table Instructions. If a shortage is projected, the supplier is highly recommended to perform a monthly analysis to more accurately identify the time of shortage.

	= Auto calculated
	= From prior tables
	= For manual input

Table 4(NP): Non-Potable Water Shortage Assessment ¹	Start Year: 2022					Volumetric Unit Used ² :						AF	Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun ³	
Anticipated Unconstrained Demand: Non-Potable	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Anticipated Total Water Supply: Non-Potable	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Surplus/Shortage w/o WSCP Action: Non-Potable	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
% Surplus/Shortage w/o WSCP Action: Non-Potable													
Planned WSCP Actions													
Benefit from WSCP: Supply Augmentation													0.0
Benefit from WSCP: Demand Reduction													0.0
Revised Surplus/Shortage with WSCP	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
% Revised Surplus/Shortage with WSCP													

¹Assessments are based on best available data at time of submitting the report and actual volumes could be different due to many factors.
²Units of measure (AF, CCF, MG) must remain consistent.
³When optional monthly volumes aren't provided, verify Tables 2 and 3 use the same columns for data entry and are reflected properly in Table 4 and make sure to use those same columns to enter the benefits from Planned WSCP Actions. Please see directions on the shortage balancing exercise in the Table Instructions. If a shortage is projected, the supplier is highly recommended to perform a monthly analysis to more accurately identify the time of shortage.

DWR Annual Water Supply and Demand Assessment Guidelines:

https://wuedata.water.ca.gov/public/public_resources/3517484366/AWSDA-Final-Guidance-4-2022.pdf

As **Table 2** is for quantifying unconstrained demands, Suppliers will need to estimate the hypothetical unconstrained demand without any water use restrictions (or demand reduction actions) currently in place. The main purpose of Table 2 is to calculate next year's estimated demand for the purpose of predicting next year's shortages for the Annual Shortage Report. Table 2 as formatted can also be used by the Supplier to determine the Current Year's estimated demand from the July through June period preceding the July 1 submittal date of the Annual Shortage Report. The Current Year's demands will be based on known demands for months prior to the assessment and predicted up to and including June before the July 1 submittal date. The Current Year's data will provide the realistic foundation for projecting water supplies and demands into the Next Year starting in July where July 1st is the due date of the Annual Shortage Report. However, Suppliers will only be required to upload Next Year's projected data (July through June) into WUE data Portal.

CWC requires each urban water supplier to provide a description of the data used to characterize and quantify the water supplies in **Table 3**. For the current year, the Supplier is to evaluate the water supplies as determined from the current year's conditions. The water quantity needs to factor in such information as stored supplies, contracted supplies, projected supplies based on current and recent historical influencing factors. For the Dry Year, the water supplies should be adjusted for assumed dry-year conditions, which may affect availability of local surface and ground waters as well as imported supplies.

The assessment of water supplies and demands includes calculating potential shortages and determining potential water shortage response actions to meet their customers' needs and included in **Table 4**.

TVMWD 2022 Annual Report Preparation Notes and Assumptions

Table 2 Assumptions

- Fiscal Year 2013-14 was used as the “unconstrained demand” since it was the highest in water use in the past 10 years. 71,077 AF total demand, with GWR of 3,116 AF.

Table 3 Assumptions


- Golden State Water Company – Claremont and La Verne, each are ~10% of the total demands, totaling 20%. The demands for the two SWP dependent/constrained areas were assumed to be 20% of the total demands.
- Therefore, 80 percent of the demands was assumed to be met by CRA supplies and was calculated monthly as such.
- For the “dry year” 2022-23, Metropolitan stated to use no restrictions on Colorado River supplies.
- SWP supplies were limited to a 6 percent allocation based on their single dry year hydrology for 1973. Jul – Dec 2022 was assumed to have the same allocation that was received in 2022 for the human health and safety of 1,267 AF per month (7,600 AF for six months) and Jan – Jun at 1,400 AF.
- Groundwater was assumed to be operated for 1,000 AF

Table 4 Assumptions

- The supply deficit had the following response actions:
 - Pumpback operation of the Miramar system to pump CRA water into the SWP constrained areas. At 6 cfs, 367 AF per month was included as needed during Jan – Jun 2023.
 - Conservation at Level 1 was used, using the demand reduction as stated in the 2020 UWMP Table 8-2.



BOARD OF DIRECTORS STAFF REPORT

To: TVMWD Board of Directors
From: Matthew H. Litchfield, General Manager 
Date: June 1, 2022
Subject: **General Manager FY 2022-23 Work Plan**

Funds Budgeted: \$

Fiscal Impact: \$

Staff Recommendation

No Action Necessary – Informational Item Only

Background

Each year, the General Manager and Executive Staff prepare the General Manager Work Plan (“Work Plan”) that lays out the specific projects or initiatives to meet the overall goals in support of the TVMWD mission outlined in the Annual Strategic Plan.

Discussion

The FY 2022-23 Work Plan outlines specific projects, initiatives and activities that are measurable with specific performance objectives. A copy of the proposed Work Plan is attached as **Exhibit A**. All the activities outlined in the Work Plan are designed to further the mission of TVMWD and each activity listed is referenced back to each specific strategic goal outlined in the FY 2022/23 Strategic Plan.

Strategic Plan Objective(s)

3.3 – Be accountable and transparent with major decisions

3.4 – Communicate what TVMWD’s role is in the delivery of water

Attachment(s)

Exhibit A – General Manager’s Work Plan, Fiscal Year 2022-23

Meeting History

None

NA/ML



THREE VALLEYS MUNICIPAL WATER DISTRICT
GENERAL MANAGER’S WORK PLAN
FISCAL YEAR 2022-23 (Draft)

The mission of Three Valleys Municipal Water District is to supplement and enhance local water supplies to meet our region’s needs in a reliable and cost-effective manner.

PLANNED ACTIVITIES

	Activity	Success Measure	District Strategic Objectives
1.	<u>TVMWD Miragrand Avenue Well</u> Complete construction activities, amend DDW permit and place into service.	<ul style="list-style-type: none"> • DDW permit amendment issued to operate • Landscape improvements completed • Equipping and placing well into service in CY 2022 	1.1, 1.3, 1.4, 1.5 2.1
2.	<u>TVMWD Padua Avenue Well/Pump Station Property</u> Pursue purchase of a portion of property owned by Caltrans near Baseline and Padua for a future well and/or pump station.	<ul style="list-style-type: none"> • Execute Decertification Agreement with Caltrans • Negotiate a purchase agreement with Caltrans 	1.1, 1.3, 1.4, 1.5, 2.1
3.	<u>TVMWD Emergency Electrical Upgrade</u> Construction of new electrical facilities to allow a portable generator to connect to Miramar Water Treatment Plant.	<ul style="list-style-type: none"> • Complete RFP and publicly bid • Construct new facilities • Test system to be prepared for emergency electrical shutdowns 	1.4, 1.5
4.	<u>Maximize Energy Production from Hydrogeneration Units</u> Maximize run times for all three hydro stations to maximize revenue.	<ul style="list-style-type: none"> • Meet or exceed budgeted goals for power production 	2.1, 2.7
5.	<u>PM-26 Service Connection Modifications</u> Install new 18” pipeline to deliver water to the Big Dalton Spreading Grounds with flows of up to 20 cfs.	<ul style="list-style-type: none"> • Execute Letter of Intent followed by memorandum of agreement to fund and construct between TVMWD, Glendora and LA County Flood Control District • Complete design of the 18” pipeline and appurtenances • Publicly bid and construct project 	1.3, 2.5
6.	<u>Groundwater Reliability Partnership</u> City of Glendora Well Nos. 3 and 4 replacement and well head treatment in the Main San Gabriel Basin to benefit multiple TVMWD Member Agencies.	<ul style="list-style-type: none"> • Execute Letter Partnership Agreement with Glendora, Walnut Valley WD and Rowland WD and other interested Member Agencies to collaboratively conduct a feasibility study, design, and CEQA • Review existing studies and prepare an updated feasibility study to determine a go or no-go decision • Execute future agreements as necessary to push project forward • Pursue external funding sources 	1.5, 2.5, 3.3, 3.4, 4.4
7.	<u>Maximize Water Sales Through Miramar</u> Maximizing water production in treatment plant decreases unit cost of water. Includes maximizing well production year-round.	<ul style="list-style-type: none"> • Meet or exceed budgeted goals for water sales • Maintaining strong working relationships with Member Agencies • Execute OSCOP agreement amendments with MWD to respond to low SWP supplies to ensure TVMWD’s financial integrity 	2.1, 2.2, 2.3

PLANNED ACTIVITIES


Activity	Success Measure	District Strategic Objectives
8. <u>Miramar Building and Site Improvements</u> Continue to improve office space efficiency for staff as well as replacement of covered parking structure and other facility improvements.	<ul style="list-style-type: none"> • Explore cost-effective options to replace or repair covered parking due to structural deficiencies • Provide covered sunscreen structures for critical infrastructure • Install additional security at remote sites • Begin planning for Miramar Admin Building roof replacement • Upgrade office lighting for energy efficiency 	1.4, 2.6, 2.7
9. <u>Financial/Human Resources Software Replacement Planning</u> Tyler Technologies has provided an end date to their support of our EDEN financial software. Identify and select a replacement software.	<ul style="list-style-type: none"> • Vendor selection and contract negotiations should be completed by July of 2022 • Implementation goal of March of 2023 	4.1
10. <u>Job Continuity Guidelines</u> Work with administrative staff to finalize and maintain job continuity guidelines for each individual job classification.	<ul style="list-style-type: none"> • Managers will work with staff to complete handbooks • HR/Risk Manager will provide refresher presentation to staff 	4.2, 4.6
11. <u>Emergency Response</u> Continue to work with PWAG and conduct internal tabletop exercise and one “surprise” drill (Date TBD). Implement additional NIMS/SEMS training and develop ICS form library and EOC supplies.	<ul style="list-style-type: none"> • EOC hands-on drill with a up to two (2) drills per year • Train staff on specific roles in ICS • SEMS/NIMS/ICS training completed March 2022 • Utilize training and tools for staff development and implementation of ICS procedures 	1.4, 1.5, 2.6 3.5
12. <u>Geographical Information Systems (GIS) Implementation</u> Develop and institute GIS District wide to improve workflow efficiencies and improve asset management capabilities.	<ul style="list-style-type: none"> • Work with consultant to complete ESRI-based GIS applications to improve efficiency of operations 	1.4, 4.3
13. <u>Information Technology Master Plan</u> Develop planning documentation to ensure the efficient and effective use of technology to support TVMWD’s strategic goals and deliver value to its stakeholders.	<ul style="list-style-type: none"> • Support Financial software conversion project • Replace and modernize phone system to enable a hybrid work environment • Replace and upgrade data center Uninterruptible Power Supply (UPS) to enhance resiliency • Maintain a consistent hardware refresh cycle by replacing end-of-life hardware • Continue developing the Geographic Information System to improve business processes and accessibility to information • Prioritize and implement cyber security initiatives to enhance the TVMWD’s cyber security posture and mitigate ongoing cyber threats 	4.1, 4.3

PLANNED ACTIVITIES

Activity	Success Measure	District Strategic Objectives
14. <u>TVMWD Sponsored Legislation</u> Pursue legislation that modifies Brown Act teleconferencing rules and improves access to public meetings by the public.	<ul style="list-style-type: none"> • Assembly Bill 2449 (AB 2449) successfully signed into law by the Governor by September 2022 	3.4, 3.5
15. <u>Water Supply Portfolio Development</u> Develop strategies for augmenting water supply portfolio and storage through partnerships.	<ul style="list-style-type: none"> • Pursue regional project concepts that benefits multiple agencies overlying the various groundwater basins • Develop Water Resources Master Plan that creates a road map to provide water supply reliability across the region • Develop partnership agreements • Collaborate with MWD on regional solution and funding mechanisms • Pursue funding opportunities to help offset local costs 	1.3, 1.5 2.4
16. <u>MWD Regional Recycled Water Project (“Carson Project”)</u> Pursue potential capacity in the Carson Project for recharge in the Main San Gabriel Basin.	<ul style="list-style-type: none"> • Execute non-binding LOI among MWD, USGVMWD, and MSGBWM with a potential range of capacity of take of advanced treated water • Pursue agreement with PBWA for capacity in Carson Project 	1.1, 1.3, 1.5 2.4 3.4 3.5
17. <u>MWD Rate Refinement</u> Actively participate in the Rate Refinement Process ensuring the future financial stability of MWD.	<ul style="list-style-type: none"> • Participate in all workshops and committee meetings • Advocate for rate changes that align with rate refinement principles developed in 2021 by the MWD Member Agencies • Advocate for MWD operating budget cost cutting measures 	2.4, 3.4
18. <u>Increase Water Storage Capabilities</u> Pursue opportunities to store additional SWP water in local groundwater basins.	<ul style="list-style-type: none"> • Pursue Storage Agreement in Chino Basin • Store additional water in the Main San Gabriel Groundwater Basin when water supplies and district finances are sufficient • Pursue additional sources of replenishment water in 6 Basins Groundwater Basin due to additional TVMWD well extractions 	1.1, 1.3, 1.5, 2.4, 2.5
19. <u>TVMWD Water Conservation Support Programs</u> Continue to promote all water conservation programs on behalf of our Member Agencies.	<ul style="list-style-type: none"> • Promote MWD funding for programs and rebates • Support Member Agency Conservation Coordinators’ (MACC) group and provide current industry topics for the benefit of the member agencies • Provide outreach in support of conservation initiatives and current drought • Participate in new CET group for the benefit of our member agency cities 	1.3



BOARD OF DIRECTORS STAFF REPORT

To: TVMWD Board of Directors
From: Matthew H. Litchfield, General Manager 
Date: June 1, 2022
Subject: **On-Call Pay Rate Increase**

Funds Budgeted: \$ Fiscal Impact: \$ 7,600

Staff Recommendation

No Action Necessary – Informational Item Only

Background

TVMWD is recommending an increase to the On-Call Pay for the standby operators and lab operators. The last change that was made to the on-call pay was in 2019. The current standby operator's pay is \$35, and the lab operator's pay is \$90 per day (the holiday rate is double).

On-Call Pay

- Standby operators who serve as the on-call standby operator each evening will be paid \$35 per day (\$70 on holidays).
- Lab operators who serve as the on-call plant operator each evening will be paid \$90 per day (\$180 on holidays).
- In addition to receiving the on-call pay noted above, the on-call operators will be paid for the additional time spent responding to situations.
 - If responding by phone/tablet/laptop only, the on-call operator will be guaranteed at least 15 minutes of additional pay. All time over 15 minutes will be rounded up to the nearest 15 minute increment.
 - If responding in person, the on-call operator will be guaranteed at least two hours of additional pay. All time over two hours (portal to portal) will be rounded up to the nearest 15 minute increment.
 - Operators will be eligible for OT and shift differential pay as applicable for time spent responding.
- On-call pay is not considered special compensation and thus will not be included as a part of final compensation in calculating CalPERS pension.

Discussion

Provided for review is our recommendation to increase the on-call pay by \$10 per day, effective July 1, 2022. The standby operator's pay will increase from \$35 to \$45, and the lab operator's pay will increase from \$90 to \$100 (the holiday rate is double). This increase will result in a \$7,600 increase in the budget. This increased amount was not included in the budget for FY2022-23.

The request to increase the on-call pay comes from an on-call comparison analysis based on the 2021 salary survey. The data shows that TVMWD is 27% (about \$25) below the market average. To ensure that going forward the on-call pay stays consistent with the market average, a review of the on-call pay will be reviewed with every triennial salary survey.

Strategic Plan Objective(s)

3.3 – Be accountable and transparent with major decisions

Attachment(s)

None

Meeting History

None

NA/VR