



**Board of Directors' Regular Meeting Agenda**  
**Wednesday, August 4, 2010**  
**6:00 p.m.**

55439 29 Palms Highway, Yucca Valley, California

Ph. 760.365.8333

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*Action may be taken on any item listed on the Agenda.*

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **COMMITTEE REPORT**  
Public Advisory Committee Selection – Ad Hoc (Graham/Munsey), July 26, 2010  
Public Information Committee (Graham/Hough), July 28, 2010
5. **PUBLIC COMMENTS**  
This is the opportunity for members of the public to address the Board on matters within the Board's jurisdiction that are not listed on the agenda. Please limit comments to three (3) minutes or less. State law prohibits the Board of Directors from discussing or taking action on items not included on the agenda.
6. **CONSENT CALENDAR**  
*Items on the Consent Calendar are acted upon by one motion, unless a member wishes an item to be acted upon separately, in which case it will be removed from the Consent Calendar.*
  - A. Demand List #73677 – 73779
  - B. Wastewater Demand List #1387 – 1388
  - C. Payroll Demand List for July 15, 2010
  - D. Regular Meeting Minutes for July 21, 2010
  - E. Acceptance of Standby Opt-Out Agreement for Parcel 0594-131-26
7. **PUBLIC ADVISORY COMMITTEE MEMBER APPOINTMENTS**  
Board to appoint members to the Public Advisory Committee.
8. **STRATEGIC PLAN 2010 TIMELINE**  
Board to review the 2010 Strategic Plan Timeline.
9. **ADDING ITEMS TO THE AGENDA**  
Board to consider whether it is necessary to change the procedures on how items are added to the agenda.
10. **2010 URBAN WATER MANAGEMENT PLAN (UWMP)**  
Board to consider authorizing the General Manager to execute a service agreement with Kennedy/Jenks for the preparation of the 2010 Urban Water Management Plan.
11. **LOWER RIDGE RESERVOIR CHANGE ORDER**  
Board to consider authorizing the General Manager to execute change order #1 for Lower Ridge Reservoir not to exceed \$21,456.12.

**12. REPORTS/COMMENTS**

*(For information purposes only on subjects not covered by the agenda. No action to be taken).*

**A. Directors' Reports and Comments**

**B. Managers' Reports**

1. Chief Financial Officer (Frank Luckino)
2. Human Resources (Jill Cohen)
3. Public Information Officer (Jennifer Cusack)
4. General Manager (Ed Muzik)

**13. FUTURE AGENDA ITEMS REQUESTED BY THE BOARD**

**14. ADJOURNMENT**

Posted July 30, 2010  
Randi Munro,  
Administrative Assistant, Operations  
Next Resolution: 10-25  
Next Ordinance: 82

*Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the Hi-Desert Water District office at 55439 29 Palms Hwy, Yucca Valley, California during normal business hours. Such documents are also available on the District website at [www.hdwd.com](http://www.hdwd.com) subject to staff's ability to post the documents before the meeting.*

*If you require special assistance to attend or participate in this meeting, please contact the District at 760.365.8333 at least 48 hours prior to the meeting.*

This meeting is scheduled to air on Time Warner Cable Channel 10 on Wednesday, August 11<sup>th</sup> and Thursday, August 12<sup>th</sup> at 7:00 p.m.



**Public Information Committee Meeting  
Special Meeting Agenda  
Wednesday, July 28, 2010  
5:00 p.m.**

55439 29 Palms Hwy, Yucca Valley, CA 92284

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**President Graham**

**Director Hough**

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

**3. PUBLIC COMMENT**

This is the opportunity for members of the public to address the Committee on matters within the Committee's jurisdiction not listed on the agenda. Please limit comments to three (3) minutes or less. State law prohibits the Committee from discussing or taking action on items not included on the agenda.

**4. OUTREACH FOR WATER SERVICE CHARGE ON PROPERTY TAX BILL**

Committee to discuss outreach to the community on proposed changes to billing service charges to the property tax roll.

**5. NEWSLETTER IDEAS**

Committee to provide staff direction on newsletter ideas.

**6. DIRECTOR COMMENTS/REPORTS**

**7. ADJOURNMENT**

Posted July 27, 2010 at 2:00 p.m.  
Jennifer Cusack  
Deputy Secretary (HDWD)

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# Hi-Desert Water District Demand List

Report Date: 07/28/10

Period: 07/21/10-07/28/10

Checks: 73677-73779

<u>Check No.</u>	<u>Payable To</u>	<u>Amount</u>	<u>Description</u>
73677	Customer Refund	62.53	
73678	Customer Refund	32.67	
73679	Customer Refund	223.90	
73680	Customer Refund	7.87	
73681	Customer Refund	16.90	
73682	Customer Refund	120.31	
73683	Customer Refund	82.21	
73684	Customer Refund	16.90	
73685	Customer Refund	21.50	
73686	Customer Refund	95.50	
73687	Customer Refund	4.82	
73688	Customer Refund	44.53	
73689	Customer Refund	216.17	
73690	Customer Refund	141.88	
73691	Customer Refund	7.26	
73692	Customer Refund	57.00	
73693	Customer Refund	70.86	
73694	Customer Refund	16.44	
73695	Customer Refund	16.90	
73696	Customer Refund	61.43	
73697	Customer Refund	60.73	
73698	Customer Refund	55.69	
73699	Customer Refund	78.82	
73700	Customer Refund	237.21	
73701	Customer Refund	22.62	
73702	Customer Refund	4.43	
73703	Customer Refund	70.97	
73704	Customer Refund	97.03	
73705	Customer Refund	16.90	
73706	Customer Refund	86.20	
73707	Customer Refund	59.80	
73708	Customer Refund	2.20	
73709	Customer Refund	76.78	
73710	Customer Refund	37.01	
73711	Customer Refund	26.17	
73712	Customer Refund	98.56	
73713	Customer Refund	67.37	
73714	Customer Refund	45.76	

73715	Customer Refund	149.07	
73716	Customer Refund	193.94	
73717	Customer Refund	90.57	
73718	Customer Refund	219.67	
73719	Customer Refund	155.61	
73720	Customer Refund	239.16	
73721	Aramark Uniform Services	89.00	
73722	Barr Lumber	28.16	
73723	Desertarc	862.50	
73724	First American Corelogic	150.00	
73725	Fred's Tire & Automotive	211.18	
73726	Home Depot Credit Services	542.27	
73727	Landmark Consultants, Inc.	559.00	
73728	Lloyd Pest Control Co, Inc	100.00	
73729	Pavement Recycling Systems	2,431.00	Rental of Paving Ginder
73730	The SoCo Group, Inc.	2,543.01	June Diesel Fuel
73731	Utility Cost Management LLC	3,849.98	SCE Electricity Service
73732	Valero Marketing and Supply	837.82	
73733	Waxie Enterprises	1,228.74	(3) Waterless Urinals
73734	Customer Refund	16.90	
73735	Customer Refund	49.50	
73736	Customer Refund	66.05	
73737	Customer Refund	793.15	
73738	Customer Refund	199.45	
73739	Customer Refund	113.53	
73740	Customer Refund	18.21	
73741	Customer Refund	26.90	
73742	Customer Refund	16.81	
73743	Customer Refund	26.44	
73744	Customer Refund	34.01	
73745	Customer Refund	137.32	
73746	Customer Refund	100.00	
73747	ACWA-HBA	152.22	
73748	ACWA/JPIA	525.00	
73749	Aramark Uniform Services	765.47	
73750	Assurant Employee Benefits	1,096.16	August Premium
73751	Burrtec Waste & Recycling Svc	391.55	
73752	Burrtec Environmental	164.97	
73753	Fred's Tire & Automotive	75.00	
73754	HD Supply Waterworks, Ltd.	1,855.59	Inventory Supplies
73755	Inland Water Works Supply	1,776.89	Inventory Supplies
73756	Frank Luckino	20.00	Expense Reimbursement
73757	Matich Corporation	2,012.41	Asphalt for CRP
73758	Jared Mayer	105.00	Water Treatment Exam/Cert
73759	MIOX Corp	7.22	
73760	Robert K. Stadum	61.50	Expense Reimbursement
73761	Super Media LLC	40.50	

73762	Transamerica Occidental	80.95	
73763	Alta California Geotechnical	260.00	
73764	Barr Lumber	31.24	
73765	Best Best & Krieger Llp	4,503.12	April & June Legal Services
73766	Copper Mountain Media	520.00	
73767	Fleet Services	2,958.23	6/15-7/15 Gas Charges
73768	Hi-Desert Publishing	389.06	
73769	Mojave Water Agency	200,718.00	June Purchased Water
73770	Nimbus Consulting Group, LLC	2,500.00	Consulting Services
73771	Online Information Services	299.90	
73772	The Outsource Group	31.25	
73773	Pacific Western National Bank	633.13	
73774	Paso Robles Tank Inc.	149,233.76	Lower Ridge Tank
73775	R.D.O. Equipment/Powerplan	1,635.73	Repairs on CRP & C&M Equipment
73776	Severn Trent Water Purifictio	2,400.00	CL2 Injection System
73777	Southwest Networks, Inc.	793.00	
73778	Town Of Yucca Valley	1,930.82	4/1-6/30 Encroachment Permits
73779	Warren Basin Watermaster	10,897.20	3/25-6/28 Pumping Charges
	<b>Total</b>	<b>\$ 407,405.65</b>	

# Hi-Desert Water District Wastewater Fund Demand List

Report Date: 07/28/10

Period : 07/22/10-07/28/10

Checks: 1387-1388

<u>Check No.</u>	<u>Payable To</u>	<u>Amount</u>	<u>Description</u>
1387	Albert A Webb Associates	13,410.50	Assessment Formation Services
1388	Best Best & Krieger	524.80	
	Total	<u>\$ 13,935.30</u>	

**Hi-Desert Water District  
Payroll Demand List**

Wages for Paydate 07/15/10		\$ 87,029.38
Fica (Social Security)		\$ 5,009.58
Medicare		\$ 1,255.24
PERS 8%		\$ 6,335.21
Payroll Fee		\$ 269.77
Paycheck #'s	11908 - 11915	\$ 11,407.72
Direct Deposit #'s	1961001730 - 1961001759	\$ 50,954.92
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Wages for Paydate 07/29/10		\$ 86,578.34
Fica (Social Security)		\$ 4,892.10
Medicare		\$ 1,248.70
PERS 8%		\$ 6,273.80
Payroll Fee		\$ 298.72
Paycheck #'s	11924 - 11931	\$ 8,829.46
Direct Deposit #'s	2101001760 - 2101001789	\$ 55,143.53

***Payroll History***

Wages for Paydate 07/15/10	\$ 87,029.38
Wages for Paydate 07/29/10	\$ 86,578.34

Hi-Desert Water District Board of Directors  
Regular Meeting Minutes  
Wednesday, July 21, 2010

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

President Graham called the meeting to order at 6:00 p.m. Director Stadum led the pledge.

**ROLL CALL**

**Directors Present:** Sheldon Hough, Roger Mayes, Sarann Graham, Dan Munsey, and Bob Stadum.

**Directors Absent:** Dan Munsey.

**Staff Present:** Jennifer Cusack, Ed Muzik, Frank Luckino, Jill Cohen, Tony Culver, and Mark Ban.

**COMMITTEE REPORT**

2+2 Committee (Town/HDWD), July 20, 2010 - Jennifer Cusack gave the report.

**APPROVAL OF AGENDA**

Motion to approve the agenda.

MSC<sup>1</sup> (Stadum/Mayes) motion carried.

Margo Sturges, of Yucca Valley, spoke on the Committee Reports item 4. She commented on the 2+2 Committee Meeting.

**PUBLIC COMMENTS**

Margo Sturges, of Yucca Valley, commented on the agenda packet format.

Bill Horne, of Yucca Valley, commented on the need to raise Standby Fees.

**CONSENT CALENDAR**

- A. Demand List #73561-73676
- B. Wastewater Demand List #1386-1386
- C. Payroll Demand List for July 1, 2010
- D. Regular Meeting Minutes for July 7, 2010

Director Hough made a motion to approve the consent calendar. Director Stadum seconded. Director Mayes recused himself from items 73586 and 73666 on the demand list, due to the fact that his son-in-law works for the company.

MSC<sup>1</sup> (Hough/Stadum) motion carried.

**CAPITAL REPLACEMENT PROGRAM UPDATE**

Frank Luckino gave the staff report.

No public comment.

## **PUBLIC HEARING – CAPITAL REPLACEMENT PROGRAM (CRP) SURCHARGE**

President Graham gave opening comments and opened the public hearing at 6:42 p.m.

General Manager Ed Muzik, gave a report.

President Graham explained the procedure of the public hearing.

Ed Muzik read contents of the record and reported that 55 letters opposed to the increase have been received.

Frank Luckino gave a staff report.

Public Hearing Comments:

Margo Sturges, of Yucca Valley, made a comment about conflict of interest.

Bill Horne, of Yucca Valley, commented in favor of the Capital Replacement Program. He questioned acquisition fees and standby fees.

Margo Sturges, of Yucca Valley, spoke in favor of CRP but questioned the legality of the public hearing and believes all accounts should have to pay it.

Margarita Brown, of Yucca Valley, spoke in opposition to the CRP Surcharge.

Loucinda Ablin, of Yucca Valley, spoke in opposition to the CRP Surcharge.

David Cooper, of Yucca Valley, did not give public comment and stated his questions have been answered.

Larry Callendar, of Yucca Valley, spoke in favor of the CRP Surcharge.

JB Homburg, of Yucca Valley, spoke in opposition of the CRP Surcharge.

Seeing no further public comments, President Graham closed the public hearing at 7:10 p.m.

After board discussion Director Stadum made a motion to adopt Ordinance 81 to increase the Capital Replacement Program (CRP) Surcharge, thereby amending Ordinances 79 & 80 effective September 1, 2010. The motion was seconded by Director Mayes.

Roll call vote:

Ayes: Mayes, Hough, Graham, Stadum.

Noe: None.

Abstain: None.

Absent: Munsey.

MSC<sup>1</sup> (Stadum/Mayes) motion carried.

### **WASTEWATER PROJECT – STEP/STEG ALTERNATIVE**

Director Stadum recused himself from the item and left the room.

Ed Muzik gave the staff report.

Public comments:

Richard Quinlan, of Yucca Valley, and a member of the Wastewater Public Advisory committee commented on the reasons the committee does not support the STEP/STEG Alternative.

Bill Horne, of Yucca Valley, commented on the history of the wastewater project and money spent so far.

After board discussion, Director Hough made a motion to direct staff to pursue a traditional Gravity Sewer and Wastewater Treatment Plant in lieu of any other alternative technologies. The motion was seconded by Director Mayes.

MSC<sup>1</sup> – (Hough/Mayes) motion carried.

Director Stadum returned to the room.

### **ADDING ITEMS TO THE AGENDA**

Jennifer Cusack gave the staff report.

This item was tabled due to the absence of Vice President Munsey who had requested the item be added to the agenda.

Public Comments:

Margo Sturges, of Yucca Valley, commented on future agenda items.

### **CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) BYLAWS AMENDMENTS**

Jennifer Cusack gave the staff report.

No public comments.

Director Mayes made a motion to adopt Resolution 10-23 – approving the CSDA Bylaw Amendments and designate the General Manager as the voting designee. The motion was seconded by Director Hough.

Roll Call Vote:

Ayes: Stadum, Hough, Graham, Mayes.

Noes: None.

Absent: Munsey.

Abstain: None.

MSC<sup>1</sup> (Mayes/Hough) motion carried.

### **CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA), REGION 5, SEAT B, ELECTION**

Jennifer Cusack gave the staff report.

No public comment.

After board discussion, Director Mayes made a motion to direct the General Manager to cast a vote for Kathy Tieg. The motion was seconded by Director Stadum.

MSC<sup>1</sup> (Mayes/Stadum) motion carried.

### **PURCHASING POLICY**

Frank Luckino gave the staff report.

No public comment.

After board discussion, Director Mayes made a motion to adopt Resolution 10-20 approving the Purchasing Policy. The motion was seconded by Director Hough.

Roll Call Vote:

Ayes: Mayes, Graham, Hough, Stadum.

Noes: None.

Absent: Munsey.

Abstain: None.

MSC<sup>1</sup> (Mayes/Hough) motion carried.

### **REPORTS/COMMENTS**

#### **Directors' Reports/Comments:**

Director Stadum commented on his property.

Director Mayes reported on the leaks for the month and total for the last fiscal year.

Bill Horne, of Yucca Valley, commented on the leak report.

President Graham reported on the Association of San Bernardino County Special District's dinner and the ABC's of Water held in Joshua Tree by the San Bernardino County Special Districts.

#### **Managers' Reports:**

Jill Cohen reported on training of supervisors and lead positions.

Jennifer Cusack reported that bags with sample kits with an urgent notice on public safety announcements are being hung door-to-door as a sales pitch to sell water filters. It could confuse customers.

Ed Muzik reported on the Urban Water Management Plan, State Water Reliability, the Lower Ridge Reservoir Project, and the Well 20 West Project.

**FUTURE AGENDA ITEMS REQUESTED FROM THE BOARD**

Director Hough asked for another item on extracting water from the eastern basin.

Ed Muzik said staff is working on the electric toilets and urinals.

**CLOSED SESSION - 8:37 P.M.**

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 (1 potential case)

Bill Horne, of Yucca Valley, asked about the item and any reportable action.

Ed Muzik stated it was regarding one potential case.

The Board returned from closed session at 8:52 p.m.

No reportable action.

**ADJOURNMENT 8:52 p.m.**

ATTESTED BY:

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General Manager-Ed Muzik  
Secretary of the Board of Directors

APPROVED:

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*Sarann Graham*  
*President of the Board of Directors*

*MSC<sup>1</sup> – Motion made, seconded, and carried.*



**Date:** August 4, 2010  
**To:** Board of Directors  
**From:** Ed Muzik, General Manager  
**Prepared/  
Presented by:** Jennifer Cusack, Public Information Officer

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**Acceptance of Standby Opt-Out Agreement for Parcel 0594-131-26**

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**Recommendation:** Board to accept the Opt-Out Agreement for parcel 0594-131-26 in place of 054-131-04 and authorize Staff to record it with the San Bernardino County Recorder's Office.

**Fiscal Impact:** n/a

**Background:** In March 2006, approximately 3,600 acres were annexed into the Hi-Desert Water District to protect the watershed. As part of the annexation it was agreed that customers could opt-out of the standby charges, but will be responsible for the accumulative standby charges if they ever connected to the system. The District charges all property owners without water service a standby charge, which varies according to parcel size and is placed on the County tax roll each year. By paying the standby charge, it provides the property owner the right to connect to the District's water system when water service becomes available. If the property owner chooses to opt-out, at some point when/if the property connects to the system, the deferred standby charges will be due and payable.

Opt-Out agreements are required to be completed by customers wishing to not pay the standby at this time. In June 2008, the incorrect APN was listed on the Standby Opt-Out Agreement for this particular property owner. The property listed on the Opt-Out is actually a developed piece of land that currently has water service and the adjoining vacant land was not listed as it should have been. Staff has executed a new Opt-Out Agreement for parcel 0594-131-26 to replace the one for 0594-131-04.

Staff is asking the Board to accept the Opt-Out Agreement for parcel 0594-131-26 in place of 054-131-04 and authorize Staff to record it with the San Bernardino County Recorder's Office.

NO FEE: Gov. Code 6103

Recording requested by and when recorded  
return to:

Hi-Desert Water District  
55439 29 Palms Hwy.  
Yucca Valley, CA 92284-2503  
Attention: Jennifer Cusack

Accepted by the Board of Directors

On \_\_\_\_\_

\_\_\_\_\_  
District Secretary/Deputy Secretary

**STANDBY AVAILABILITY CHARGE  
EXEMPTION AND DEFERRAL AGREEMENT**

THIS AGREEMENT is made this 29<sup>th</sup> day of May, 2007 by and between the Hi-Desert Water District (hereinafter referred to as "District") and Lehman M H/rt 10-9-04 / Hix, Robert H Jr/rt 10-9-04 (hereinafter referred to as the "Owner").

**Recitals**

WHEREAS, the District currently imposes certain standby availability charges to certain real property within the District's boundaries; and

WHEREAS, Owner has represented to District that Owner is the owner of certain real property, totaling approximately 2.5 acres, more particularly described in Exhibit "A" attached and incorporated herein, and

WHEREAS, Owner has represented to District that currently no water service, or in the future wastewater service, has been or is expected to be requested or is expected to be provided by the District for use on said Property; and that Owner has no plans, intentions or expectations to obtain such water or wastewater service at such time as it may be available for delivery or use on said Property; and

WHEREAS, Owner has made a request ("Request") of the District to exempt the Property from the District's levying of the standby availability charges to the Property based on the facts contained within the Owner's representations made herein;

NOW, THEREFORE, in consideration of the mutual covenants and representations contained herein, the District and Owner agree as follows:

1. Exemption. District hereby approves Owner's Request for exemption of the Property from the levying of Standby availability charges by the District as provided herein. Such

exemption is granted for the current fiscal year and all subsequent fiscal years for which District imposes such standby charges, otherwise provided for herein.

2. Conditions. Owner hereby agrees that, in the event water or wastewater service, or both, is subsequently provided to the Property, the exemption provided by this Agreement shall become null and void. Owner will thereafter pay the following to District within sixty (60) days of demand:

- 2.1 The unpaid water and/or waste standby charges for prior fiscal years not collected by District by reason of the exemption approved by this Agreement.
- 2.2 The unpaid water and/or waste standby charges for the current fiscal year for which District may (except for the provisions of this Agreement) impose a standby charge.
- 2.3 Interest at 3% per annum compounded annually on unpaid standby charges from the date of this Agreement to the date of payment.

3. Exemption Agreement. This Agreement shall be recorded in the Office of the San Bernardino County Recorder. It is intended that the provisions herein are appurtenant to the Property and that any monetary obligations that may arise from this Agreement shall be equally binding upon any and all successors-in-interest, including but not limited to grantees, assignees, or devisees of Owner, until fully discharged.

4. Release. For and in consideration of the mutual promises and representations within this Agreement, the parties (for themselves, their officials, officers, agents, employees, contractors, heirs, executors, affiliates, successors and assigns) hereby release, waive, and discharge the other party and that released party's officials, officers, agents, employees, contractors, heirs, executors, affiliates, successors and assigns, from any and all alleged and actual claims, damages, remedies, causes of action, demands, and other liabilities (collectively, "Claims") arising out of, or in any way related to the Request. Neither party shall bring any claim, action or proceeding, or participate in, encourage, assist in, aid or abet, or finance any such claim, action or proceeding relating to the Claims. The foregoing release and waiver applies to all Claims, whether retrospective, current, or prospective, known or unknown, foreseeable or unforeseeable. This Agreement has been negotiated in contemplation of Civil Code Section 1542. Consequently, and with respect only to the Request, the parties hereby waive the benefits and protections of Civil Code Section 1542 and all other state and federal statutes and decisional authority of similar effect.

5. Confidentiality. The contents of this Agreement and any discussions or materials exchanged by parties pursuant to, related to or arising from this Agreement (collectively, the "Information") shall be considered confidential and privileged and shall not be used or disclosed by either party unless required by law. The parties each hereby represent and reasonably rely on the representations of one another that the Information will be kept confidential by the other, except as specifically permitted by this Agreement. The Information shall be considered privileged under section 1152 of the California Evidence Code, section 408 of the Federal Rules of Evidence, or under any other similar provision or principle of law; provided however, that

these privileges shall not be construed to limit the scope of confidentiality under this Agreement; the protection of confidentiality may be broader than these privileges may otherwise allow. Any disclosure of Information by one or both parties as required by law shall not be deemed a waiver of the confidentiality provided by this Agreement. In such event, the parties shall continue to be bound by the confidentiality provided by this Agreement notwithstanding any disclosure required by law, except to the extent the legally obligated party(ies) may be required to disclose such Information.

6. No Transfer. The parties each represent and warrant to one another that each has not previously assigned, transferred or conveyed any of that party's right, chose in action, or claim related to the Request or Claims. The parties shall defend, indemnify and hold harmless one another, their officials, officers, agents, employees, contractors, heirs, executors, affiliates, successors and assigns from any breach of the foregoing representation and warranty.

7. Venue. Any action or proceeding concerning this Agreement shall be filed and prosecuted in the appropriate California court in the County of San Bernardino, California. Each party hereto consents to the personal jurisdiction of the court. The parties each hereby expressly waive the benefit of any provision of law providing for a change of venue to any other court, including, without limitation, federal district court, due to the fact that the District is a party to such action or proceeding.

8. Arms Length. The parties acknowledge that this Agreement is the product of mutual arms-length negotiation and drafting of this Agreement. Accordingly, the rule of construction which provides that ambiguities in a document shall be construed against the drafter of that document shall have no application to the interpretation and enforcement of this Agreement. In any action or proceeding to interpret or enforce this Agreement, the finder of fact may refer to such extrinsic evidence not in direct conflict with any specific provision of this Agreement to determine and give effect to the intention of the parties hereto. This Agreement shall be interpreted in accordance with California statutes and decisional law, without regard to conflict of laws principles.

9. Execution. This Agreement may be executed in duplicate originals, each of which is deemed to be an original, but when taken together shall constitute but one and the same instrument. This Agreement represents the entire understanding of the parties and supersedes all negotiations or previous agreements between the parties with respect to all or any part of the subject matter hereof.

10. Waiver. Failure to insist on any one occasion upon strict compliance with any of the terms, covenants or conditions hereof shall not be deemed a waiver of such term, covenant or condition, nor shall any waiver or relinquishment of any rights or powers hereunder at any one time or more times be deemed a waiver or relinquishment of such other right or power at any other time or times.

11. Binding Effect. The District and Owner, and their officials, officers, agents, employees, contractors, heirs, executors, affiliates, successors and assigns, shall be bound by this Agreement

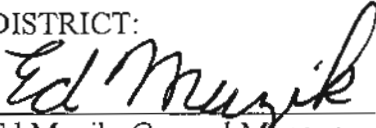
and shall be deemed third party beneficiaries under this Agreement. No other parties shall be third party beneficiaries.

12. Attorneys' Fees. If either party commences an action, either legal, administrative or otherwise, arising out of or in connection with this Agreement, the prevailing party in such action shall be entitled to have and recover from the other party reasonable attorneys' fees and all other costs of such action.

13. Severability. If any provision of this Agreement is held by a court of competent jurisdiction to be unenforceable, such unenforceability shall not affect the enforceability of the remaining provisions of this Agreement, and the parties shall substitute for the affected provision an enforceable provision which approximates the intent and economic effect of the affected provision as closely as possible. Nothing contained in this paragraph shall affect the ability of District to collect the water or waste standby charge in the event that the exempt Property receives water or wastewater service in accordance with Section 2 hereof.

This agreement is executed in the County of San Bernardino on the date first written above.

DISTRICT:

  
Ed Muzik, General Manager  
Hi-Desert Water District

OWNER 1:

  
NOTARIZED SIGNATURE

Maynard Holger Lehman  
NAME TYPED OR PRINTED

OWNER 2:

  
NOTARIZED SIGNATURE

Robert Hart Hix, Jr.  
NAME TYPED OR PRINTED

**EXHIBIT "A"**

**APN: 0594-131-26**

**NW 1/4 SW 1/4 SW 1/4 NW 1/4 SEC 34 TP 1N R 5E 2.5 AC**

California Acknowledgment

State of California }  
County of San Bernardino }

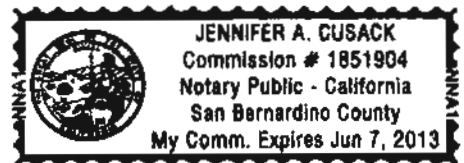
On July 28, 2010 before me, Jennifer A. Cusack, Notary Public, personally appeared Maynard Holger Lehman & Robert Hart Hix, Jr., who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jennifer A. Cusack  
Jennifer A. Cusack, Notary Public

Commission #: 1851904  
Expires: June 7, 2013  
Phone #: (760) 567-9404



(Seal)

California Acknowledgment

State of California }  
County of San Bernardino }

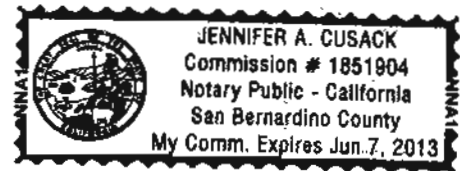
On July 28, 2010 before me, Jennifer A. Cusack, Notary Public, personally appeared Edward Joseph Muzik, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jennifer A. Cusack  
Jennifer A. Cusack, Notary Public

Commission #: 1851904  
Expires: June 7, 2013  
Phone #: (760) 567-9404



(Seal)



**Date:** August 4, 2010  
**To:** Board of Directors  
**From:** Ed Muzik, General Manager  
**Prepared/  
Presented by:** Jennifer Cusack, Public Information Officer

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**Public Advisory Committee Member Appointments**

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**Recommendation:** Board to appoint volunteer members of the community to the Public Advisory Committee.

**Fiscal Impact:** None.

**Background:** On May 19, 2010, the Board of Directors adopted resolution 10-14 forming a Public Advisory Committee to serve in an advisory capacity as the community's voice on certain matters affecting the public. Staff advertised the need for volunteers in the Hi-Desert Star in the "help wanted" section. As a result of the ad and other communications, the District received thirteen applicants.

On July 26, 2010, an Ad Hoc Committee met to review the applications and select eleven members to recommend for the committee. The members selected were as follows:

1. Barbara Schafer-Flint
2. Evelyn Miller
3. David Cooper
4. Lois Salzmann Johnson
5. Loucinda Ablin
6. Joseph Sabo
7. Bill Horne
8. Joanne Keiter
9. R DeVaughn Howie
10. Bill Osgood
11. Mike Poland

Once the Board has appointed members to the committee, Staff will notify the new committee members and set a time for the first meeting. The first matter of business will be the fixed monthly service charges on the property tax roll instead of on the monthly bill.

**Resolution No. 10-14**

**Resolution of the Board of Directors of  
the Hi-Desert Water District  
Forming a Public Advisory Committee**

**Whereas**, the Board of Directors of the Hi-Desert Water District believes it is necessary to solicit citizen input to matters affecting the public, and

**Whereas**, a Public Advisory Committee would serve this ongoing role,

**Now and therefore be It resolved** by the Board of Directors of the Hi-Desert Water District, to form a Public Advisory Committee with the purpose to hear matters affecting the public prior to Board action and advise the board accordingly; and

**Be it further resolved**, the Committee will be made of eleven committee members appointed by the Board of Directors. Meetings will be on an as needed basis.

**Effective** upon adoption.

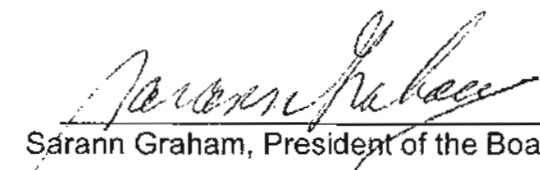
**Adopted** by the Board of Directors of the Hi-Desert Water District on May 19, 2010 by the following vote

Ayes: Stadum, Graham, Mayes, Hough, Munsey

Noes: None

Absent: None

Abstain: None

  
\_\_\_\_\_  
Sarann Graham, President of the Board of Directors

ATTEST:

  
\_\_\_\_\_  
Ed Muzik, Secretary of the Board of Directors

(SEAL)



**Date:** August 4, 2010  
**To:** Board of Directors  
**From:** Ed Muzik, General Manager  
**Prepared/  
Presented by:** Jennifer Cusack, Public Information Officer

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### Strategic Plan 2010 Timeline

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**Recommendation:** Board to review the Strategic Plan 2010 Timeline.

**Fiscal Impact:** None.

**Background:** The Strategic Plan 2010 was updated and approved by the Board on April 7, 2010. The next step has been for the General Manager to assign the items to the appropriate staff member and set goals for achieving the activities for each strategic goal.

Attached is the draft timeline with the following information:

1. Staff member responsible for the item.
2. Estimated fiscal impact, if any.
3. Priority (1-high, 2-med, 3-low).

At this time, staff is asking the board to review the timeline and provide direction and comments on the implementation objectives of the Strategic Plan. Some of the objectives are more specific than others. Staff believes the plan provides a useful tool in prioritizing the activities necessary to achieve the goals of the District.

## 2010 Strategic Plan Timeline Matrix

	Assigned to	Fiscal Impact	Priority 1-High 2-Med 3-Low	July 2010-June 2011												July 2012-July 2014		
				July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	2012	2013	2014
<b>Strategic Goal - Wastewater System for Groundwater Protection</b>																		
<b>1.1 Complete the Wastewater Treatment and Water Reclamation Project</b>																		
1.1.1	Ed	complete	1															
1.1.2	Ed	Staff Time	1															
1.1.3	Ed	Staff Time	2															
1.1.4	Ed	Staff Time	1															
1.1.6	Ed	Staff Time	3															
1.1.7	Ed	\$50,000	2															
1.1.8	Ed	Staff Time	3															
<b>1.2 Develop Funding Plan for the Wastewater Reclamation System</b>																		
1.2.1	Ed	Staff Time	3															
1.2.2	Frank	Staff Time	1															
1.2.3	Frank	\$85,000	1															
1.2.4	Frank	Staff Time	1															
<b>1.3 Wastewater Treatment System Operations</b>																		
1.3.1	Frank	\$2,500	2															
1.3.2	Ed	Staff Time	3															
1.3.3	Ed	Staff Time	2															
1.3.4	Ed	Staff Time	2															

## 2010 Strategic Plan Timeline Matrix

Strategic Goal – Water Resource Management	Assigned to	Fiscal Impact	Priority 1-High 2-Med 3-Low	July 2010–June 2011												July 2012–July 2014		
				July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	2012	2013	2014
<b>2.1 Additional Water Sources</b>																		
2.1.1	Ed	TBD	2															
2.1.2	Ed	Staff Time	1															
2.1.3	Frank	Staff Time	2															
2.1.4	Ed	Staff Time	1															
2.1.5	Ed	Staff Time	1															
2.1.6	Ed	\$100,000	1															
<b>2.2 Manage Groundwater Basin and Reserves</b>																		
2.2.1	Ed	Staff Time	1															
2.2.2	Ed	Staff Time	1															
2.2.3	Ed	Staff Time	1															
2.2.4	Ed	\$55,000	1															
2.2.5	Ed	Staff Time	2															
2.2.6	Ed	Staff Time	2															
<b>2.3 Maintain and protect water quality.</b>																		
2.3.1	Ed	Staff Time	1															
2.3.2	Ed	Staff Time	2															
2.3.3	Ed	Staff Time	2															
2.3.4	Ed	Staff Time	1															

## 2010 Strategic Plan Timeline Matrix

	Assignee	Fiscal Impact	Priority 1-High 2-Med 3-Low	July 2010-June 2011												July 2012-July 2014		
				July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	2012	2013	2014
<b>Strategic Goal -- Emergency and Disaster Preparedness</b>																		
<b>3.1 Update Emergency Response Plan</b>																		
3.1.1	Engage an Emergency Response Plan consultant.	Ed	\$5,000	1														
3.1.2	Prepare action plan and timeline for development and implementation of Emergency Response Plan.	Ed	Staff Time	1														
3.1.3	Achieve State Incident Management System (SIMS)/National Incident Management System (NIMS) compliance.	Ed	Staff Time	1														
3.1.4	Assess vulnerability of water system to identify all threats and develop a response plan.	Ed	Staff Time	1														
3.1.5	Update the Regional Cooperative Agreements for interagency assistance during emergency events.	Ed	Staff Time	1														
3.1.6	Make provisions for communications, shelter, food, backup supplies, materials, contractors, and standby power supply for the continued operation of the District during emergencies.	Ed	TBD	1														
3.1.7	Develop an Emergency Training & Certification Program, including matrix.	Ed	Staff Time	1														
3.1.8	Develop a plan to connect and communication with and account for District employees, board members and their families.	Ed	Staff Time	1														
3.1.9	Outfit all wells with Hubble switches and back-up power.	Ed	incl. in 3.1.6	1														
3.1.10	Mutual aid agreements with agencies located outside the region.	Ed	Staff Time	1														
3.1.11	Develop a public education program for emergency preparedness and response.	Ed	Staff Time	2														

## 2010 Strategic Plan Timeline Matrix

	Assigned to	Fiscal Impact	Priority 1-High 2-Med 3-Low	July 2010-June 2011												July 2012-July 2014		
				July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	2012	2013	2014
<b>Strategic Goal – Public Information and Communication</b>																		
<b>4.1 Improve Public Outreach and Education</b>																		
4.1.1	Update the Annual Public Information & Outreach Program.	Staff Time	1															
4.1.2	Educate the public on regional and statewide water, wastewater, and legislative issues.	\$2,800	1															
4.1.3	Partner with other inter-agencies where appropriate (i.e. AWAC, ACWA, Town, County, Chambers, etc.).	Dues	1															
4.1.4	Develop an annual School Education Program.	\$500/yr*	2															
4.1.5	Implement the Wastewater Treatment and Water Reclamation Project Stakeholder Outreach and Participation Program.	\$80,000/yr**	1															
4.1.6	Promote water use efficiency.	\$2,800	1															
4.1.7	Continue media outreach and relations.	Staff Time	1															

## 2010 Strategic Plan Timeline Matrix

Assignee	Fiscal Impact	Priority 1-High 2-Med 3-Low	July 2010-June 2011												July 2012-July 2014			
			July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	2012	2013	2014	2015
<b>Strategic Goal – Infrastructure Development/Maintenance</b>																		
<b>5.1 Systematically plan, maintain or construct facilities &amp; infrastructure.</b>																		
5.1.1	Identify future organizational facility needs and requirements.	Ed																
5.1.2	Consider legislative requirements affecting public agency facilities.	Ed																
5.1.3	Develop a facilities master plan.	Ed																
5.1.4	Develop a reservoir maintenance program.	Ed																
5.1.5	Update the 2007 Water System Master Plan every five years.	Ed																
5.1.6	Update the Five-Year Capital Improvement Program.	Ed																
5.1.7	Upgrade Geographical Information System (GIS) for planning and tracking system information.	Ed																
5.1.8	Complete and implement a supervisory control and data acquisition (SCADA) system master plan.	Ed																
<b>5.2 Update the District's Water Standards</b>																		
<b>5.3 Promote an environmentally green organization</b>																		
5.3.1	Evaluate and pursue energy conservation opportunities for the District.	Ed																
5.3.2	Explore environmentally conscious alternatives for all projects.	Ed																
5.3.3	Comply with legislative requirements, including AB32 by 2020.	Ed																
5.3.4	Investigate solar/wind energy.	Ed																
5.3.5	Investigate Bloom Box fuel cell and other alternative power sources.	Ed																

## 2010 Strategic Plan Timeline Matrix

	Assigned to	Fiscal Impact	Priority 1-High 2-Med 3-Low	July 2010-June 2011												July 2012-July 2014		
				July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	2012	2013	2014
<b>Strategic Goal – Financial Management</b>																		
<b>6.1 Financial planning</b>																		
6.1.1	Develop a comprehensive budget with a 5-year projection and quarterly updates to the Board of Directors.	Frank	Staff Time	1														
6.1.2	Annual review of the rate and fee structures.	Frank	Staff Time	2														
6.1.3	Annual review of the financial reserve and investment policies.	Frank	Staff Time	2														
6.1.4	Develop a financial component of the Emergency Response Plan.	Frank	Staff Time	2														
<b>6.2 Capital Financing Plan</b>																		
6.2.1	Develop an action plan for additional grant funding including sources, requirements, and deadlines.	Frank	Staff Time	1														
6.2.2	Develop strategies for grant funding for water system improvements, replacements, expansion, water production, conservation, wastewater, etc.	Frank	same as above	1														
6.2.3	Develop a wastewater project finance plan.	Frank	\$ 10,000.00	1														
6.2.4	Additional legislative advocacy for project funding.	Frank	\$ 50,000.00	1														
<b>6.3 Financial Accounting</b>																		
6.3.1	Enhance internal accounting controls.	Frank	Staff Time	2														

## 2010 Strategic Plan Timeline Matrix

	Assignee	Fiscal Impact	Priority 1-High 2-Med 3-Low	July 2010-June 2011												July 2012-July 2014		
				July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	2012	2013	2014
<b>Strategic Goal – Information Systems</b>																		
<b>7.1 Effectively Utilize Technology</b>																		
7.1.1	Frank	\$10,000	1															
7.1.2	Frank	included above	1															
7.1.3	Frank	included above	1															
7.1.4	Frank	Staff Time	3															
7.1.5	Frank	\$5,000	3															
7.1.6	Frank	\$5,000	2															
<b>7.2 Continually Improve IT Support Services</b>																		
7.2.1	Frank	Staff Time	1															
7.2.2	Frank	n/a	2															
7.2.3	Frank	Complete																
7.2.4	Frank	\$2,500	1															
7.2.5	Frank	\$5,000	1															
<b>7.3 Improve Hardware and Software Systems</b>																		
7.3.1	Frank	\$2,500	3															
7.3.2	Frank	\$40,000	2															
7.3.3	Frank	\$15,000	3															
7.3.4	Frank	n/a																

Strategic Goal – Human Resource Management	Assignee	Fiscal Impact	Priority 1-High 2-Med 3-Low	July 2010-June 2011												July 2012-July 2014		
				July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	2012	2013	2014
<b>8.1 Streamline Human Resource Processes</b>																		
8.1.1	Implement HROnline.	Jill	\$200/yr*	1														
8.1.2	Develop an Employee Handbook continuous update practice.	Jill	Staff Time	1														
<b>8.2 Communicate with District Employees</b>																		
8.2.1	Formalize an employee communications plan.	Jill	Staff Time	2														
8.2.2	Update the new employee orientation program.	Jill	Staff Time	3														
<b>8.3 Initiate Training, Certification, and Succession Planning Programs</b>																		
8.3.1	Formalize and integrated matrix for career development.	Jill	Staff Time	1														
8.3.2	Implement tuition reimbursement program for employee continuing education.	Jill	\$10,000 (FY11-12)**	3														
8.3.3	Formalize the training program and provide opportunities for all employees	Jill	Staff Time	2														
8.3.4	Formalize and improve the Employee Appreciation/Recognition Program.	Jill	\$2,400/yr ee fund	2														
<b>8.4 Update District Safety Program</b>																		
8.4.1	Adopt Revised Injury and Illness Prevention Plan.	Jill	Staff Time	2														
8.4.2	Develop regular site inspection schedule.	Jill	Staff Time	2														
8.4.3	Develop the human resource component of the Emergency Response Plan.	Jill	Staff Time	1														

## 2010 Strategic Plan Timeline Matrix

	Priority 1-High 2-Med 3-Low	July 2010-June 2011												July 2012-July 2014			
		July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	2012	2013	2014	2015
Assigne d to	Fiscal Impact																
<b>Strategic Goal – Administrative Management</b>																	
<b>9.1 Board of Director Development</b>																	
9.1.1		Jen	Staff Time	1													
9.1.2		Jen	\$23,000/yr*	1													
<b>9.2 Policy and Procedure Development</b>																	
9.2.1		Jen	Staff Time	1													
9.2.2		Jen	Staff Time	2													
9.2.3		Jen	Staff Time	3													
<b>9.3 Records Management</b>																	
9.3.1		Jen	Staff Time	1													
9.3.2		Jen	Staff Time	2													
9.3.3		Jen	Staff Time	3													
<b>9.4 Legal Compliance and Legislative Tracking</b>																	
9.4.1		Frank	Staff Time	1													
9.4.2		Frank	Staff Time	1													
9.4.3		Frank	Staff Time	1													
9.4.4		Frank	Staff Time	1													



**Date:** August 4, 2010  
**To:** Board of Directors  
**From:** Ed Muzik, General Manager  
**Prepared/  
Presented by:** Jennifer Cusack, Public Information Officer

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### Adding Items to the Agenda

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**Recommendation:** Board to consider whether it is necessary to change the procedure on how items are added to the agenda.

**Fiscal Impact:** None

**Background:** This agenda was requested by Dan Munsey at a previous board meeting. Board policy 2020 – Meetings and Rules of Procedures define the current board policy of adding items to the agenda in section 2020.3.2.

It states, “*all general requests to add items to the agenda shall be made at the Board meetings under future agenda items.*”

Currently, if an individual Board Member requests an item to be included on a future agenda, it is added to the future agenda item list. The agendas for meetings are then set by the General Manager with input from the Board President.

The manners by which items are added to the agenda vary in the industry. Some boards allow items to be added to the future agenda item list only if a second is received for that request. Others allow future agenda items to be added to the future agenda item list by simply calling the General Manager or Board President.

Ultimately, it is up to the Board if this process should be very specifically defined or less formal. At this time, staff is seeking direction on whether changes to the process of adding items to the agenda should be amended.

Hi-Desert Water District

# Board Policy

## Meetings and Rules of Order - 2020

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**2020.1. COMPLIANCE WITH THE RALPH M. BROWN ACT (GOV. CODE §§ 54950 ET. SEQ.)**

**2020.1.1** Meetings of the Board of Directors of the Hi-Desert Water District are subject to the Ralph M. Brown Act (the "Brown Act") and its open meeting provisions. With certain exceptions, the Brown Act requires that meetings of the Board shall be open and public, and all persons shall be permitted to attend Board meetings. (Government Code §54953(a).)

**2020.1.2** The District shall provide a copy of the Brown Act to all Directors and staff members. (Gov. Code § 54952.7.)

**2020.1.3** The members of the Board of Directors, and persons elected but who have not yet assumed the duties of office as members of the Board, will fully comply with the provisions of the Brown Act. Any person elected to serve as a member of the Board of Directors but who has not yet assumed the duties of office shall conform his or her conduct to the requirements of the Brown Act and shall be treated as if he or she has already assumed office. (Gov. Code § 54952.1)

**2020.1.4** The Board of Directors and District staff shall at all times comply with all provisions of the Brown Act as it currently exists and as it may be amended by the California State Legislature from time to time. If any portion of this policy conflicts with any provision of the Brown Act or any provision of State or federal law, the law shall prevail.

**2020.2. CLOSED SESSIONS**

**2020.2.1** An individual Director is not authorized, without approval of the majority of the Board of Directors, to disclose information that qualifies as confidential information under applicable provisions of law to a person not authorized to receive it, that (1) has been received for or during, a closed session meeting of the Board, (2) is protected from disclosure under the attorney/client or other evidentiary privilege, or (3) is exempt from disclosure under the California Public Records Act.

**2020.2.2** This section does not prohibit a Director from taking any of the following actions:

(1) Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the illegality of an action taken by the District or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were to be taken by the District.

(2) Expressing an opinion concerning the propriety or legality of actions taken by the District in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action, or

Hi-Desert Water District

# Board Policy

## Meetings and Rules of Order - 2020

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(3) Disclosing information acquired by being present in a closed session that is not confidential information.

However, prior to disclosing confidential information pursuant to (1) or (2), above, a Board member will first bring the matter to attention of either the President of the Board or the full Board, in a lawful and appropriate manner, to provide the Board an opportunity to cure an alleged violation.

**2020.2.3** A Director who willfully and knowingly discloses for pecuniary gain confidential information received by him or her in the course of his or her official duties may be guilty of a misdemeanor under Government Code section 1098.

### **2020.3 AGENDAS**

**2020.3.1** Every Board meeting agenda shall include an item entitled "Public Comments," to provide the public with the opportunity to make comments to the Board on items of interest to the public, before or during the Board's consideration of that item, or concerning items not on the agenda that are within the subject matter jurisdiction of the Board. (Government Code §54954.3.)

**2020.3.2** All general requests to add items to the agenda shall be made at the Board meetings under future agenda items.

### **2020.4 PUBLIC COMMENTS AND DIRECTORS' REPORTS/COMMENTS**

This section applies to the Public Comments and Director's Reports/Comments portion of an agenda.

**2020.4.1** The Board may not take any action or discuss any item not appearing on the agenda, except that Directors or staff may briefly respond to statements or questions raised by the public during the public comment portion of a meeting. However, no extended discussion and no action on any such matter may take place.

**2020.4.2** During the Public Comment portion of the agenda, and during the time for Directors' Reports and Comments, Directors can only do the following:

- (a) Ask staff a question for clarification based on a public comment.
- (b) Make a brief announcement or report on a Director's own activities.
- (c) Provide information to staff or referring a matter to staff for follow-up.
- (d) Ask staff to report back to the Board at a future meeting on any matter.

Hi-Desert Water District

**Board Policy**

**Meetings and Rules of Order - 2020**

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**2020.5 QUESTIONS FOR STAFF**

**2020.5.1** If possible, when Directors have a question regarding the check register or consent calendar, they should contact the General Manager or the Chief Financial Officer before the Board meeting.

**2020.5.2** If a member of the public wishes to ask a question on any item that is not on the agenda, he or she may direct that inquiry to District staff during normal District office hours, outside of a Board meeting.

**2020.6 PUBLIC RECORDS**

If a member of the public wishes to review a public record that is not part of an agenda item under consideration by the Board, or receive a copy of a public record that is not part of an agenda item, he or she must complete the procedures for Public Records Act requests during normal District office hours, outside of a Board meeting.



**Date:** July 30, 2010  
**To:** Board of Directors  
**From:** Ed Muzik, General Manager  
**Prepared/  
Presented by:** Ed Muzik, General Manager

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**2010 Urban Water Management Plan (UWMP)**

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**Recommendation:** That the Board authorize the General Manager to execute a service agreement with Kennedy/Jenks Consultants in the amount not to exceed \$51,000.00, for the preparation of the District's 2010 Urban Water Management Plan.

**Fiscal Impact:** Water Fund \$25,600 and (Watermaster Fund \$25,600).

**Background:** Every five years, the District is required to complete an Urban Water Management Plan and submit this plan to the California Department of Water Resources for review and approval as required by the 1983 Urban Water Management Planning Act, (Division 6 Part 2.6 of the California Water Code §§10610-10656). This plan is used for statewide planning efforts and an approved plan is required for receipt of any state funding. This includes Proposition 84 funding and the State Revolving Fund.

During the last several months, the preparation the 2010 Urban Water Management Plan has been the primary topic of discussion at the Technical Advisory Meetings (TAC) held at Mojave Water Agency (MWA). MWA has engaged Kennedy/Jenks to prepare their 2010 Urban Water Management Plan. An important aspect of this effort is consistency between the District's Urban Water Management Plan and that of our wholesaler, Mojave Water Agency. Staff has provided Kennedy/Jenks all requested information necessary for Mojave's Plan and believes that the consistency in approach and data will be key to a defensible Plan, SB610 Water Supply Assessments and SB221 Written Verifications.

Staff is recommending that Kennedy/Jenks Consultants be awarded this project to expedite the submission and approval of our 2010 Urban Water Management Plan by the California Department of Water Resources.

**Attachment:** Kennedy/Jenks Consultants Letter of Proposal, July 26, 2010

# Kennedy/Jenks Consultants

## Engineers & Scientists

2775 North Ventura Road, Suite 100  
Oxnard, California 93036  
805-973-5700  
FAX: 805-973-1440

26 July 2010

Mr. Ed Muzik  
General Manager  
Hi-Desert Water District  
55439 29 Palms Hwy  
Yucca Valley, CA 92284

Subject: Proposal for Professional Consulting Services - 2010 Urban Water Management Plan Update

Dear Mr. Muzik:

As requested, Kennedy/Jenks Consultants (Consultant) is pleased to provide a proposal for preparation of an Urban Water Management Plan Update (Plan) for the High Desert Water District (District). The scope defined in Exhibit A is based on our understanding of the project requirements, our familiarity with the Mojave Water Agency (Agency), our experience with the applicable regulations and guidance documents, and our experience on similar projects.

An important aspect of this effort is consistency between the District's Urban Water Management Plan and that of its wholesaler, the Agency. Consistency in approach and data will be key to a defensible Plan, SB610 Water Supply Assessments and SB221 Written Verifications.

### **Introduction**

Section 10610 et seq. of the California Water Code (Water Code) requires the preparation of an Urban Water Management Plan (Plan) and periodic updates. The Water Code also specifies the contents and procedures for adoption of the Plan. The Plan must be adopted and submitted to the California Department of Water Resources (DWR) before December 31 for years ending in 5 or 0. Consequently, the District's Plan Update must be adopted and submitted to DWR prior to 31 December 2010.

Please note that as of the date of this letter, significant amendments have been made by the Legislature to the UWMP Act. DWR has therefore indicated that it will not produce a "Guidebook to Assist Water Suppliers in the Preparation of a 2010 Urban Water Management Plan" until late 2010, and that entities initiating preparation of a Plan before that time should utilize the 2005 Guidebook.

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Water conservation-related bills passed during the 2009 session and signed into law by the Governor include SBX7-7 and AB 1465, which amend the Urban Water Management Planning Act effective January 1, 2010, and therefore apply to this round of UWMP preparation.

AB 1420, effective 1 January 2009, amends the Urban Water Management Planning Act (CA Water Code Section 10610-10657) and adds new requirements for the preparation of the District's 2010 Urban Water Management Plan (Plan).

**SBX7 (Steinberg), Chapter No. 4, November 10, 2009**

The main focus of SBX7-7 is achievement of a 20% reduction in statewide urban water use in gallons per capita per day (gpcd) by 2020. It also contains new requirements for agricultural water suppliers. It adds several new sections to the water code.

The urban sector requirements of the bill apply mainly to retail urban water suppliers. Retail suppliers must determine their "base daily per capita water use" and report it in their 2010 UWMPs by July 1, 2011 (NOTE: this time extension is granted by the bill). They must utilize one of three methods identified in the bill:

- Average water gross water use over a continuous 10-year period ending no earlier than December 31, 2004 and no later than December 31, 2010 (definition of gross water use is included in the bill).
- For retailers with at least 10% of 2008 demand served by recycled water (either retail or wholesale provided) this calculation may be extended to include an additional five years ending no earlier than December 31, 2004 and no later than December 31, 2010.
- For those retailers that are already close to their gpcd reduction targets (no less than 5% reduction), the estimate of average gross water use reported in gpcd and calculated over a continuous five-year period ending no earlier than December 31, 2007 and no later than December 31, 2010.

Retail suppliers must also identify their demand reduction targets by utilizing one of four methods identified in the bill:

- 80% of baseline gpcd water use (i.e., a 20% reduction).
- The sum of the following performance standards: indoor residential use (provisional standard set at 55 gpcd); plus landscape use, including dedicated and residential meters or connections equivalent to the State Model Landscape Ordinance (70% of ETo); plus 10% reduction in baseline commercial, industrial institutional use by 2020.
- 95% of the applicable state hydrologic region target as set in the Draft 20x2020 Water Conservation Plan (April 03, 2009); see attached table.
- A method to be identified and developed by DWR through a public process and reported to the Legislature by Dec 31, 2010, to achieve a cumulative statewide 20% reduction, An

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agency is not bound to use this new method if it results in a target that is higher than 20%.

Retailers must meet interim gpcd reduction targets by Dec 31, 2015 and final targets by Dec 31, 2020.

The requirements of AB 1420 to provide water use efficiency program information in Section 10631 of UWMPs remain in effect until 2016. Agencies not in compliance with AB 1420 and SBX7-7 will be ineligible for state loan and grant funding.

### **AB 1465 (Hill): Chaptered; Chapter No. 534, Statutes of 2009**

This bill allows agencies that have signed the Urban MOU to continue to utilize their CUWCC BMP reports as a means to fulfill the Demand Management Measures section of the UWMP Act (Section 10631). The BMPs were revised in 2008 and this bill incorporates those revisions as well as any that may take place in the future.

A key subtlety to this bill: section 10631(j) now states that agencies will be in compliance with the UWMP Act "...by complying with all the provisions of the urban MOU...and by submitting the annual reports required by...that MOU." For agencies that have been simply submitting biennial reports but not fulfilling all the terms of the MOU, this means that their BMP reports must be much more complete and all ancillary materials provide to the CUWCC (such as cost-effectiveness, budgetary, or legal exemptions, and other materials).

This project will assist the District with efforts to effectively comply with new laws as well as evaluate the District's water use efficiency programs and compare current efforts with the 14 water use efficiency Demand Management Measures (DMMs), which are equivalent to the urban MOU Best Management Practices (BMPs). Specifically, the tasks will include an evaluation of the level of implementation of the DMMs within the District's water service area; an assessment of the cost-effectiveness of various water use efficiency measures; development of a self-certification statement in compliance with AB 1420; and identification of water use efficiency funding opportunities available to the District. The overall tasks are defined as follows:

### **Scope of Services**

Based on our understanding of the services to be provided, we have presented our proposed Scope of Services in Exhibit A. Our scope includes two optional tasks for your consideration.

### **Proposed Compensation**

Services will be provided by Kennedy/Jenks on a time and expense reimbursement basis in accordance with our attached Schedule of Charges (Exhibit B) dated 1 January 2010. Our estimated budget for the scope of services described in Exhibit A is \$35,200. This amount will not be exceeded without prior authorization by the District. Our estimated budget for Optional Task A, as described in Exhibit A, is \$16,000.

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### **Schedule**

Consultant is prepared to initiate work on this project immediately following receipt of a notice to proceed. Based on discussions with District staff, our experience on other similar projects, the Scope of Services as outlined, and the depth, experience and availability of the project team participants, Consultant will submit the draft report of the subject project within five (5) months from receipt of the Notice to Proceed and the initial District-provided data. The final report will be completed within six (6) weeks following receipt of written District comments.

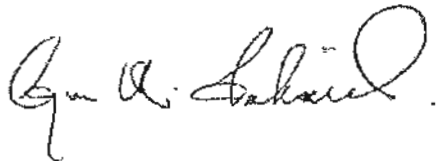
### **Terms and Conditions**

We have assumed that the District will issue its standard agreement for professional services for the proposed services. Exhibits A and B can be attached to this agreement.

We appreciate the opportunity to provide services to the District. Please call if you have any questions or need additional information.

Very truly yours,

KENNEDY/JENKS CONSULTANTS



Lynn Takaichi, P.E.  
Chairman



Mary Lou Cotton  
Senior Water Resources Manager

Enclosures

## **Exhibit A**

### **Task 1 - Collect and Review Background Information**

Consultant will review background information collected for the District's service area, water supply and demand, and water policies. The objective of this task is to gather available data necessary to prepare the UWMP update. Information to be collected and reviewed includes the following:

- Current and proposed land uses
- Population estimates and projections
- Historical, current, and projected (to the year 2030) water consumption by user class, including recycled water consumption, if applicable
- Current seasonal water consumption by user class
- Water sources, including reliability, with specific information required for groundwater supplies
- Water quality issues, including known contaminants
- Saline intrusion
- Current water rate structure
- Water demand management programs over the last five years (note that significant legislation amending Section 10631 of the UWMP Act is now in effect)
- Conservation and No-Waste ordinances currently or previously adopted by the District
- Water shortage contingency plans
- Planned modifications to the District water system and available supply (such as addition of new wells and/or water treatment facilities).

Consultant has briefly reviewed the District's 2005 UWMP completed in August 2009 and prepared by Dudek & Associates. We are assuming that all reference documentation for the 2005 UWMP will be provided to the Consultant. If sources are not available or are not accurate, than updated information is assumed to be supplied to the Consultant.

### **Task 2 - Update Service Area and Demand Characteristics**

Consultant will update the existing description of District's service area to satisfy the requirements of the Urban Water Management Planning Act and subsequent amendments. Land use, population and water consumption estimates and projections will be updated based on District-provided information. Population and water demand projections will be presented in 5-year increments for a 25-year period; through the year 2035 (Kennedy/Jenks Consultants recommends that an additional five years of analysis be incorporated into the Plan to provide shelf life for SB 610 Water Supply Assessments and other purposes).

### **Task 3 – Update Water Resources and Supply Outlook**

Consultant will update the existing description of District's water sources, including local water supplies, imported water supplies, potential for exchanges or transfers, and other potential water supplies. Consultant will update the description of water quality, including any known contamination that may impact water resources. Consultant will evaluate the adequacy of the existing supply to meet the projected water demands as well as assess the frequency and magnitude of supply deficiencies. The reliability

analysis will include the average water year, single dry water year, and multiple dry water years.

Consultant will also include the specific information required by Section 10631 (b) regarding groundwater supplies.

#### **Task 4 – Evaluate Water Recycling**

Consultant will describe the availability of recycled water and its potential for use as a water source within the District.

#### **Task 5 – Review Water Shortage Contingency Plan**

Consultant will review District's existing water shortage contingency plan in compliance with the provisions identified in the Water Code. Consultant will provide District with applicable revisions to the existing Water Shortage Contingency Plan. The plan will include the following elements.

- Description of plan coordination with local and regional suppliers.
- Highest historic total annual water demand and predicted highest water demand at the end of 12, 24, and 36 months.
- Estimate of worst-case water supply at the end of 12, 24, and 36 months.
- Description of stages of rationing and associated triggers.
- Description of mandatory prohibitions and consumption limits.
- Description of adopted penalties and charges for excessive use.
- Revenue and expenditure analysis.
- Implementation resolution or ordinance.
- Description of monitoring mechanisms.
- Description of public noticing and plan adoption.

The water shortage contingency plan must be easily adopted and incorporated into the District municipal code.

#### **Task 6 – Report Water Demand Management Measures Implementation**

AB 1420 (Laird) Chapter No. 628, Statutes of 2007, took effect Jan 1, 2009, and sets new requirements, based on specific content in UWMPs, for urban water suppliers to be able to access State grant or loan funding.

It should be noted that even if a water supplier can justify not implementing certain conservation measures from a cost-effectiveness or other standpoint, all documentation proving the justification must be provided as part of the UWMP. DWR has developed spreadsheets to obtain all information about conservation programs relevant to AB 1420.

Consultant will summarize applicable water demand measures, identified in the Water Code, that are not currently being implemented or scheduled for implementation, and will describe program budgets and proposed implementation schedules based on information provided by District staff.

Based on the District's previous UWMP and discussions with District personnel, Consultant will summarize the water demand management goals, programs implemented to date, overall progress and effectiveness of the current program. This section will also describe future programs anticipated by District staff.

Note that without the work described in Optional Task A, Task 6 may not meet all terms required by AB 1420 to maintain eligibility for State grant and loan funding.

### **Task 7 - Prepare Draft and Final Plans**

Consultant will document the findings in a Draft UWMP Update for the District. An electronic version of the draft UWMP will be submitted to the District for review. Consultant will incorporate District comments on the electronic draft and submit five (5) hard copies of the Final Plan Update to the District. Consultant will also provide the District with the final UWMP on compact disk (CD) and in electronic format. Additional deliverables and copies may require a budget augmentation.

### **Task 8 - Attend Public Hearing**

Consultant will attend the required public hearing and support District's staff providing conclusions and recommendations of the plan.

### **Task 9 - Project Management**

Consultant's project manager will assure that proper resources and staff are dedicated to this project to assure a timely completion of the UWMP. Consultant's Project Manager will also implement and enforce internal Quality Assurance and Quality Control programs. Consultant anticipates a minimum of bi-weekly communication with the District's Project Manager. Any required meetings are assumed to be scheduled on the same day as a Mojave Water Agency TAC meeting.

### **Optional Task A: Evaluation of Water Use Efficiency Programs Overview**

As water shortages and increasing demands upon infrastructure occur throughout the country, water use efficiency planning, technologies and practices are evolving today at an unprecedented rate. The State of California has responded by signing into law AB 1420, effective January 1, 2009. AB 1420 amends the Urban Water Management Planning Act (CA Water Code Section 10610-10657) and adds new requirements for the preparation of District's 2010 UWMP.

In addition, legislation has placed into statute the features of "20 by 2020," which would require that the state reduce its overall urban water demand in gallons per capita per day (gpcd) by 2020. The legislation, SBX7-7 contains various targets and goals that water agencies and regions must meet on a defined timeline. AB 1420 remains in effect until 2016, and will serve as the means by which data will be collected in the 2010 and 2015 UWMP cycles.

This task will assist the District with efforts to effectively comply with new laws, as well as evaluate water use efficiency programs and compare current efforts with the 14 water use efficiency Demand Management Measures (DMMs), which are equivalent to the urban MOU Best Management Practices (BMPs). Recent legislation (AB 1465) has been enacted that aligns the revised BMPs, including the "Foundational" BMPs, with the DMM section of the UWMP Act. Specifically, the tasks will include an evaluation of the level of implementation of the DMMs within the District's retail service area; an assessment of the cost-effectiveness of various water use efficiency measures; development of a self-certification statement in compliance with AB 1420; and

identification of water use efficiency funding opportunities available to the District. The overall tasks are defined as follows:

- **Subtask 1:** Review the District Water Use Efficiency Programs
- **Subtask 2:** Analyze Costs and Benefits (“Cost-Effectiveness”) and Determine Cost-Effectiveness of Identified Measures
- **Subtask 3:** Assist with AB 1420 Compliance
- **Subtask 4:** Deliverables
- **Subtask 5:** Project Management and Meetings
- **Subtask 6:** Identify Funding Sources

### **Subtask 1: Review Existing Water Use Efficiency Programs**

Consultant will review the District's most recent DMM section (from the 2005 UWMP) and implementation data it contains. Since the District is a signatory to the Urban MOU, Kennedy/Jenks will review its most recently-submitted BMP reports via District's password-protected reporting file on the CUWCC website-enabled database site.

This review will assist the District in compliance with the AB 1420 requirement for a self-certification statement (see Task 3) relative to implementation of the BMPs, or determination of a plan to implement them within one year.

Consultant will evaluate the level of implementation saturation that has/has not occurred as well as the water use efficiency savings potential that may be remaining. The task is anticipated to include quantification of the water saved through the implementation of demand management measures DMMs/BMPs as reported in District's historical water use efficiency programs, estimation of the level of market saturation of the DMMs/BMPs, and review of monthly water deliveries for the last 5 years to evaluate indoor vs. outdoor uses. With these three metrics, an estimate of the quantity of water that could be further conserved can be made based on data provided by the District.

#### **1.1: Review Delivery and Consumption Data**

Consultant will obtain the District's water delivery data and will analyze water use patterns. Consultant will confer with the District staff on any additional information that may be needed.

Consultant will review the District's current water use efficiency programs and data collected for the 2006 - 2008 period (assuming data has already been collected by the District staff) and data collected for 2009.

### **Subtask 2: Analyze Costs and Benefits (“Cost-Effectiveness”) and Determine Cost Effectiveness of Identified Measures**

A critical element of water use efficiency planning is to determine the cost-effectiveness of various DMMs/BMPs. The Consultant will perform a cost-effective analysis following the review and analysis conducted in Subtask 1 on the revised CUWCC BMPs. Pending legislation is expected to align the revised BMPs with the DMM section of the UWMP Act.

As the urban MOU has also been revised to allow signatories more flexibility in BMP implementation, an evaluation of cost-effectiveness will enable the District to efficiently direct funding toward those BMPs/DMMs best able to provide water savings benefits to the District's service area. If a DMM is not cost effective for the District, the analysis will

enable the District to file an exemption with DWR under the terms of AB 1420. Note that the cost-effectiveness exemption and analysis must be reviewed and approved by DWR.

It is important to note that the revised CUWCC BMPs contain a new category of "Foundational BMPs" which signatories are expected to implement as a matter of their regular course of business. These include Utility Operations (metering, water loss control, pricing, conservation coordinator, water waste ordinances) and Public Education (public outreach and school education programs). DWR is utilizing the urban MOU and the BMPs as the guidance documents for AB 1420 compliance. As a wholesaler, the District is responsible for all appropriate Foundational BMPs, particularly activities in the Utility Operations section regarding wholesalers. The District is also allowed to include its BMP reports as part of the reporting mechanism for the DMM section of its UWMP.

The District's current levels of these Foundational activities will be analyzed in Subtask 1. It is anticipated that some of these BMPs are likely part of the District's current program; therefore cost-effectiveness analysis will be performed only on those measures not currently being implemented.

The remaining "Programmatic" BMPs were placed into three categories: 1) Residential (single family and multifamily), 2) Large Landscape, and 3) Commercial, Industrial, Institutional Programs. The cost-effectiveness analysis will focus on these three sectors as appropriate to the District wholesale service area, in order to comply with AB 1420 (see Subtask 3).

### ***2.1: Determine Cost Effectiveness of Best Management Practices/Demand Management Measures***

Consultant will utilize screening criteria to assist the District in determining water use efficiency BMP options, based on common practice protocols, as described below. Each selected BMP/DMM will be ranked according to its total cost, area-wide water savings potential, and cost-effectiveness.

### ***2.2: CUWCC Convention or Other Local Process***

The CUWCC Avoided Cost Model, along with the CUWCC Cost-Effectiveness Model will be used to perform cost-effectiveness analysis for each selected BMP with quantifiable costs and quantifiable savings. Under the terms of AB 1420, DWR will review and approve all cost-effectiveness analyses submitted to support exemptions; therefore use of the CUWCC protocols will assist DWR's analysis. Cost-effectiveness will not be performed for those measures wherein one of the two elements is missing—quantifiable savings (as in the case of education and outreach programs), or quantifiable costs (as in the case of ordinances), such as the Foundational BMPs.

Consultant will use industry standard and CUWCC protocols to estimate likely savings for each type of Programmatic BMP (residential, landscape, CII), corrected for the District-defined customer and service area characteristics based on data provided by the District.

These analyses will require integration with, and comparison to, District's cost of new supply (using a State Water Project or other agreed-upon cost comparison) to estimate avoided costs associated with the portfolio of water use efficiency programs and other water supply programs under consideration. The District staff will provide this avoided cost information, based on discussions with Consultant and utilizing CUWCC protocols.

This task is intended to be a high level analysis to provide a useful tool for the District to conduct an initial evaluation of potential water use efficiency measures and programs

that could be considered for implementation, either at current levels of implementation or at increased levels if shown to be cost-effective. No detailed analysis will be performed, particularly with regards to the determination of potential avoided costs due to reductions in either the size or timing of future infrastructure projects.

The CUWCC, AWWA, and other water agencies have developed water use efficiency program cost assumptions for various BMPs and technologies. Consultant will utilize these cost assumptions to form the basis of inputs to the CUWCC models.

### **Subtask 3: Assist with AB 1420 Compliance**

This law took effect January 1, 2009 and amended the Urban Water Management Planning Act; it applies immediately to State grant and loan eligibility and adds new requirements for preparation of the 2010 UWMPs. Key provisions of AB 1420 include the following:

- Sets new requirements, based on specific content in Urban Water Management Plans (the Demand Management Measures/DMMs of Section 10631, equivalent to the BMPs), for urban water suppliers to be able to access State grant or loan funding.
- Even if a water supplier can justify not implementing certain BMPs from a cost-effectiveness or other standpoint, all documentation proving the justification must be provided as part of the UWMP. DWR has developed spreadsheets to obtain all information about BMPs relevant to AB 1420.
- “Water management grants and loans” include funding for programs and projects for surface water or groundwater storage, recycling, desalination, water use efficiency, water supply reliability, and water supply augmentation. A water supplier may be awarded grants or loans to bring a water use efficiency program into compliance; such funding may be awarded concomitant with funding for other projects if DWR or SWRCB deem appropriate.

Consultant will prepare the AB 1420 self-certification Table 1 of DWR’s AB 1420 compliance requirements in collaboration with District staff. Consultant will review the District’s most recent DMM section (assumed to be from the 2005 UWMP) and other relevant data (such as DMM/BMP data collected and reported between 2006 and 2009) and will format the data so that it may be incorporated into self-certification Table 1 of DWR’s AB 1420 compliance requirements. All data will be reviewed and approved by the District staff. An authorized District representative will be required by DWR to sign Table 1 and to certify, under threat of perjury, that all information is true and accurate. The District legal counsel will review the requirements of AB 1420 before submittal of Table 1 to DWR. Consultant will bear no responsibility for the accuracy of data provided by the District staff.

Table 1 will be provided in the 2010 UWMP as part of the DMM section or as a DMM appendix.

### **Subtask 4: Deliverables**

Consultant will summarize the findings of Subtasks 1 and 2 in a brief Technical Memorandum (approximately 5 to 10 pages including Excel tables and figures). This Technical Memorandum will assist District’s decision-making process regarding which DMMs/BMPs to select for implementation to improve water use efficiency.

Consultant will prepare Table 1 in compliance with AB 1420 (Subtask 3). All data will be reviewed and approved by the District staff. An authorized District representative will be

required by DWR to sign Table 1 and to certify, under threat of perjury, that all information is true and accurate. The District legal counsel will review the requirements of AB 1420 before submittal of Table 1 to DWR.

Consultant will prepare and submit three (3) copies of the administrative draft submittals for each document for the District. Written District comments will be reviewed with the District staff and modifications incorporated into the final submittals. Five (5) copies of the final submittals will be submitted to the District upon completion. Electronic files for the final submittals will be copied to one (1) compact disk and submitted to the District.

### **Subtask 5: Project Management and Meetings**

Consultant will attend up to three (3) meetings (assumed to be scheduled on the same day as a Mojave Water Agency TAC meeting) and up to four (4) one-hour conference calls throughout the evaluation. In addition, Quality Assurance/Quality Control (QA/QC) of the draft and final deliverables will be conducted by Consultant's senior staff as part of this effort.

### **Subtask 6: Identify Funding Sources**

Consultant will explore and evaluate existing federal and state grant funding opportunities for these efforts. In addition, Consultant will assess state legislation that is pending that may provide additional funding sources for water use efficiency programs.

Consultant will prepare a brief Technical Memorandum (approximately 2 to 3 pages) describing various potential funding sources available to the District.

**Exhibit B**

**Client/Address:** Hi-Desert Water District  
55439 29 Palms Hwy  
Yucca Valley, CA 92284

**Contract/Proposal:** 26 July 2010

**Schedule of Charges**

January 1, 2010

**PERSONNEL COMPENSATION**

<b>Classification</b>	<b>Hourly Rate</b>
CAD-Technician .....	\$100
Designer-Senior Technician .....	\$130
Engineer-Scientist-Specialist 2 .....	\$125
Engineer-Scientist-Specialist 3 .....	\$140
Engineer-Scientist-Specialist 4 .....	\$155
Engineer-Scientist-Specialist 5 .....	\$170
Engineer-Scientist-Specialist 6 .....	\$190
Engineer-Scientist-Specialist 7 .....	\$215
Engineer-Scientist-Specialist 8 .....	\$225
Engineer-Scientist-Specialist 9 .....	\$230
Project Administrator .....	\$90
Administrative Assistant .....	\$75
Aide.....	\$60

In addition to the above Hourly Rates, a three percent Communications Surcharge will be added to Personnel Compensation for normal and incidental copies, communications and postage.

**DIRECT EXPENSES**

Reimbursement for direct expenses, as listed below, incurred in connection with the work, will be at cost plus ten percent for items such as:

- Maps, photographs, reproductions, printing, equipment rental, and special supplies related to the work.
- Consultants, soils engineers, surveyors, contractors, and other outside services.
- Rented vehicles, local public transportation and taxis, travel and subsistence.
- Specific telecommunications and delivery charges.
- Special fees, insurance, permits, and licenses applicable to the work.
- Outside computer processing, computation, and proprietary programs purchased for the work.

Reimbursement for vehicles used in connection with the work will be at the federally approved mileage rates or at a negotiated monthly rate..

Reimbursement for use of computerized drafting systems (CAD), geographical information systems (GIS), and other specialized software and hardware will be at the rate of \$12 per hour.

Rates for professional staff for legal proceedings or as expert witnesses will be at rates one and one-half times the Hourly Rates specified above.

Other in-house charges for prints and reproductions, equipment usage, laboratory analyses, etc. will be at standard company rates.

Excise and gross receipts taxes, if any, will be added as a direct expense.

The foregoing Schedule of Charges is incorporated into the agreement for the services provided, effective January 1, 2010 through December 31, 2010. After December 31, 2010, invoices will reflect the Schedule of Charges currently in effect.

**Established:** AB 797, Klehs, 1983

**Amended:** AB 2661, Klehs, 1990

AB 11X, Filante, 1991

AB 1869, Speier, 1991

AB 892, Frazee, 1993

SB 1017, McCorquodale, 1994

AB 2853, Cortese, 1994

AB 1845, Cortese, 1995

SB 1011, Polanco, 1995

AB 2552, Bates, 2000

SB 553, Kelley, 2000

SB 610, Costa, 2001

AB 901, Daucher, 2001

SB 672, Machado, 2001

SB 1348, Brulte, 2002

SB 1384, Costa, 2002

SB 1518, Torlakson, 2002

AB 105, Wiggins, 2004

SB 318, Alpert, 2004

SB 1087, Florez, 2005

SBX7 7, Steinberg, 2009

## **CALIFORNIA WATER CODE DIVISION 6 PART 2.6. URBAN WATER MANAGEMENT PLANNING**

### **CHAPTER 1. GENERAL DECLARATION AND POLICY**

10610. This part shall be known and may be cited as the "Urban Water Management Planning Act."

10610.2. (a) The Legislature finds and declares all of the following:

- (1) The waters of the state are a limited and renewable resource subject to ever-increasing demands.
- (2) The conservation and efficient use of urban water supplies are of statewide concern; however, the planning for that use and the implementation of those plans can best be accomplished at the local level.
- (3) A long-term, reliable supply of water is essential to protect the productivity of California's businesses and economic climate.

- (4) As part of its long-range planning activities, every urban water supplier should make every effort to ensure the appropriate level of reliability in its water service sufficient to meet the needs of its various categories of customers during normal, dry, and multiple dry water years.
- (5) Public health issues have been raised over a number of contaminants that have been identified in certain local and imported water supplies.
- (6) Implementing effective water management strategies, including groundwater storage projects and recycled water projects, may require specific water quality and salinity targets for meeting groundwater basins water quality objectives and promoting beneficial use of recycled water.
- (7) Water quality regulations are becoming an increasingly important factor in water agencies' selection of raw water sources, treatment alternatives, and modifications to existing treatment facilities.
- (8) Changes in drinking water quality standards may also impact the usefulness of water supplies and may ultimately impact supply reliability.
- (9) The quality of source supplies can have a significant impact on water management strategies and supply reliability.

(b) This part is intended to provide assistance to water agencies in carrying out their long-term resource planning responsibilities to ensure adequate water supplies to meet existing and future demands for water.

10610.4. The Legislature finds and declares that it is the policy of the state as follows:

- (a) The management of urban water demands and efficient use of water shall be actively pursued to protect both the people of the state and their water resources.
- (b) The management of urban water demands and efficient use of urban water supplies shall be a guiding criterion in public decisions.
- (c) Urban water suppliers shall be required to develop water management plans to actively pursue the efficient use of available supplies.

## **CHAPTER 2. DEFINITIONS**

10611. Unless the context otherwise requires, the definitions of this chapter govern the construction of this part.

10611.5. "Demand management" means those water conservation measures, programs, and incentives that prevent the waste of water and promote the reasonable and efficient use and reuse of available supplies.

10612. "Customer" means a purchaser of water from a water supplier who uses the water for municipal purposes, including residential, commercial, governmental, and industrial uses.

10613. "Efficient use" means those management measures that result in the most effective use of water so as to prevent its waste or unreasonable use or unreasonable method of use.

10614. "Person" means any individual, firm, association, organization, partnership, business, trust, corporation, company, public agency, or any agency of such an entity.

10615. "Plan" means an urban water management plan prepared pursuant to this part. A plan shall describe and evaluate sources of supply, reasonable and practical efficient uses, reclamation and demand management activities. The components of the plan may vary according to an individual community or area's characteristics and its capabilities to efficiently use and conserve water. The plan shall address measures for residential, commercial, governmental, and industrial water demand management as set forth in Article 2 (commencing with Section 10630) of Chapter 3. In addition, a strategy and time schedule for implementation shall be included in the plan.

10616. "Public agency" means any board, commission, county, city and county, city, regional agency, district, or other public entity.

10616.5. "Recycled water" means the reclamation and reuse of wastewater for beneficial use.

10617. "Urban water supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers. This part applies only to water supplied from public water systems subject to Chapter 4 (commencing with Section 116275) of Part 12 of Division 104 of the Health and Safety Code.

### **CHAPTER 3. URBAN WATER MANAGEMENT PLANS**

#### **Article 1. General Provisions**

10620.

- (a) Every urban water supplier shall prepare and adopt an urban water management plan in the manner set forth in Article 3 (commencing with Section 10640).
- (b) Every person that becomes an urban water supplier shall adopt an urban water management plan within one year after it has become an urban water supplier.
- (c) An urban water supplier indirectly providing water shall not include planning elements in its water management plan as provided in Article 2 (commencing with Section 10630) that would be applicable to urban water suppliers or public agencies directly providing water, or to their customers, without the consent of those suppliers or public agencies.
- (d)
  - (1) An urban water supplier may satisfy the requirements of this part by participation in areawide, regional, watershed, or basinwide urban water management planning where those plans will reduce preparation costs and contribute to the achievement of conservation and efficient water use.
  - (2) Each urban water supplier shall coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable.
- (e) The urban water supplier may prepare the plan with its own staff, by contract, or in cooperation with other governmental agencies.
- (f) An urban water supplier shall describe in the plan water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions.

10621.

- (a) Each urban water supplier shall update its plan at least once every five years on or before December 31, in years ending in five and zero.
- (b) Every urban water supplier required to prepare a plan pursuant to this part shall notify any city or county within which the supplier provides water supplies that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan. The urban water supplier may consult with, and obtain comments from, any city or county that receives notice pursuant to this subdivision.
- (c) The amendments to, or changes in, the plan shall be adopted and filed in the manner set forth in Article 3 (commencing with Section 10640).

## Article 2. Contents of Plans

10630. It is the intention of the Legislature, in enacting this part, to permit levels of water management planning commensurate with the numbers of customers served and the volume of water supplied.

10631. A plan shall be adopted in accordance with this chapter and shall do all of the following:

- (a) Describe the service area of the supplier, including current and projected population, climate, and other demographic factors affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available.
- (b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a). If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information shall be included in the plan:
  - (1) A copy of any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management.
  - (2) A description of any groundwater basin or basins from which the urban water supplier pumps groundwater. For those basins for which a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree.

For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to eliminate the long-term overdraft condition.

- (3) A detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the

past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

- (4) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

- (c) Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following:

- (1) An average water year.
- (2) A single dry water year.
- (3) Multiple dry water years.

For any water source that may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors, describe plans to supplement or replace that source with alternative sources or water demand management measures, to the extent practicable.

- (d) Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.

- (e)
  - (1) Quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a), and projected water use, identifying the uses among water use sectors including, but not necessarily limited to, all of the following uses:

- (A) Single-family residential.
- (B) Multifamily.
- (C) Commercial.
- (D) Industrial.
- (E) Institutional and governmental.
- (F) Landscape.
- (G) Sales to other agencies.
- (H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof.
- (I) Agricultural.

- (2) The water use projections shall be in the same five-year increments described in subdivision (a).
- (f) Provide a description of the supplier's water demand management measures. This description shall include all of the following:
- (1) A description of each water demand management measure that is currently being implemented, or scheduled for implementation, including the steps necessary to implement any proposed measures, including, but not limited to, all of the following:
    - (A) Water survey programs for single-family residential and multifamily residential customers.
    - (B) Residential plumbing retrofit.
    - (C) System water audits, leak detection, and repair.
    - (D) Metering with commodity rates for all new connections and retrofit of existing connections.
    - (E) Large landscape conservation programs and incentives.
    - (F) High-efficiency washing machine rebate programs.
    - (G) Public information programs.
    - (H) School education programs.
    - (I) Conservation programs for commercial, industrial, and institutional accounts.
    - (J) Wholesale agency programs.
    - (K) Conservation pricing.
    - (L) Water conservation coordinator.
    - (M) Water waste prohibition.
    - (N) Residential ultra-low-flush toilet replacement programs.
  - (2) A schedule of implementation for all water demand management measures proposed or described in the plan.

- (3) A description of the methods, if any, that the supplier will use to evaluate the effectiveness of water demand management measures implemented or described under the plan.
  - (4) An estimate, if available, of existing conservation savings on water use within the supplier's service area, and the effect of the savings on the supplier's ability to further reduce demand.
- (g) An evaluation of each water demand management measure listed in paragraph (1) of subdivision (f) that is not currently being implemented or scheduled for implementation. In the course of the evaluation, first consideration shall be given to water demand management measures, or combination of measures, that offer lower incremental costs than expanded or additional water supplies. This evaluation shall do all of the following:
- (1) Take into account economic and noneconomic factors, including environmental, social, health, customer impact, and technological factors.
  - (2) Include a cost-benefit analysis, identifying total benefits and total costs.
  - (3) Include a description of funding available to implement any planned water supply project that would provide water at a higher unit cost.
  - (4) Include a description of the water supplier's legal authority to implement the measure and efforts to work with other relevant agencies to ensure the implementation of the measure and to share the cost of implementation.
- (h) Include a description of all water supply projects and water supply programs that may be undertaken by the urban water supplier to meet the total projected water use as established pursuant to subdivision (a) of Section 10635. The urban water supplier shall include a detailed description of expected future projects and programs, other than the demand management programs identified pursuant to paragraph (1) of subdivision (f), that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in average, single-dry, and multiple-dry water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.

- (i) Describe the opportunities for development of desalinated water, including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply.
- (j) Urban water suppliers that are members of the California Urban Water Conservation Council and submit annual reports to that council in accordance with the "Memorandum of Understanding Regarding Urban Water Conservation in California," dated September 1991, may submit the annual reports identifying water demand management measures currently being implemented, or scheduled for implementation, to satisfy the requirements of subdivisions (f) and (g).
- (k) Urban water suppliers that rely upon a wholesale agency for a source of water, shall provide the wholesale agency with water use projections from that agency for that source of water in five-year increments to 20 years or as far as data is available. The wholesale agency shall provide information to the urban water supplier for inclusion in the urban water supplier's plan that identifies and quantifies, to the extent practicable, the existing and planned sources of water as required by subdivision (b), available from the wholesale agency to the urban water supplier over the same five-year increments, and during various water-year types in accordance with subdivision (c). An urban water supplier may rely upon water supply information provided by the wholesale agency in fulfilling the plan informational requirements of subdivisions (b) and (c), including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply.

10631.5. The department shall take into consideration whether the urban water supplier is implementing or scheduled for implementation, the water demand management activities that the urban water supplier identified in its urban water management plan, pursuant to Section 10631, in evaluating applications for grants and loans made available pursuant to Section 79163. The urban water supplier may submit to the department copies of its annual reports and other relevant documents to assist the department in determining whether the urban water supplier is implementing or scheduling the implementation of water demand management activities.

10632. The plan shall provide an urban water shortage contingency analysis which includes each of the following elements which are within the authority of the urban water supplier:

- (a) Stages of action to be undertaken by the urban water supplier in response to water supply shortages, including up to a 50 percent reduction in water supply, and an outline of specific water supply conditions which are applicable to each stage.

- (b) An estimate of the minimum water supply available during each of the next three water years based on the driest three-year historic sequence for the agency's water supply.
- (c) Actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.
- (d) Additional, mandatory prohibitions against specific water use practices during water shortages, including, but not limited to, prohibiting the use of potable water for street cleaning.
- (e) Consumption reduction methods in the most restrictive stages. Each urban water supplier may use any type of consumption reduction methods in its water shortage contingency analysis that would reduce water use, are appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply.
- (f) Penalties or charges for excessive use, where applicable.
- (g) An analysis of the impacts of each of the actions and conditions described in subdivisions (a) to (f), inclusive, on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.
- (h) A draft water shortage contingency resolution or ordinance.
- (i) A mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency analysis.

10633. The plan shall provide, to the extent available, information on recycled water and its potential for use as a water source in the service area of the urban water supplier. The preparation of the plan shall be coordinated with local water, wastewater, groundwater, and planning agencies that operate within the supplier's service area, and shall include all of the following:

- (a) A description of the wastewater collection and treatment systems in the supplier's service area, including a quantification of the amount of wastewater collected and treated and the methods of wastewater disposal.
- (b) A description of the quantity of treated wastewater that meets recycled water standards, is being discharged, and is otherwise available for use in a recycled water project.

- (c) A description of the recycled water currently being used in the supplier's service area, including, but not limited to, the type, place, and quantity of use.
- (d) A description and quantification of the potential uses of recycled water, including, but not limited to, agricultural irrigation, landscape irrigation, wildlife habitat enhancement, wetlands, industrial reuse, groundwater recharge, and other appropriate uses, and a determination with regard to the technical and economic feasibility of serving those uses.
- (e) The projected use of recycled water within the supplier's service area at the end of 5, 10, 15, and 20 years, and a description of the actual use of recycled water in comparison to uses previously projected pursuant to this subdivision.
- (f) A description of actions, including financial incentives, which may be taken to encourage the use of recycled water, and the projected results of these actions in terms of acre-feet of recycled water used per year.
- (g) A plan for optimizing the use of recycled water in the supplier's service area, including actions to facilitate the installation of dual distribution systems, to promote recirculating uses, to facilitate the increased use of treated wastewater that meets recycled water standards, and to overcome any obstacles to achieving that increased use.

10634. The plan shall include information, to the extent practicable, relating to the quality of existing sources of water available to the supplier over the same five-year increments as described in subdivision (a) of Section 10631, and the manner in which water quality affects water management strategies and supply reliability.

### **Article 2.5 Water Service Reliability**

10635.

- (a) Every urban water supplier shall include, as part of its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry water years. This water supply and demand assessment shall compare the total water supply sources available to the water supplier with the total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and multiple dry water years. The water service reliability assessment shall be based upon the information compiled

pursuant to Section 10631, including available data from state, regional, or local agency population projections within the service area of the urban water supplier.

- (b) The urban water supplier shall provide that portion of its urban water management plan prepared pursuant to this article to any city or county within which it provides water supplies no later than 60 days after the submission of its urban water management plan.
- (c) Nothing in this article is intended to create a right or entitlement to water service or any specific level of water service.
- (d) Nothing in this article is intended to change existing law concerning an urban water supplier's obligation to provide water service to its existing customers or to any potential future customers.

### **Articl 3. Adoption and Implementation of Plans**

10640. Every urban water supplier required to prepare a plan pursuant to this part shall prepare its plan pursuant to Article 2 (commencing with Section 10630).

The supplier shall likewise periodically review the plan as required by Section 10621, and any amendments or changes required as a result of that review shall be adopted pursuant to this article.

10641. An urban water supplier required to prepare a plan may consult with, and obtain comments from, any public agency or state agency or any person who has special expertise with respect to water demand management methods and techniques.

10642. Each urban water supplier shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of the plan. Prior to adopting a plan, the urban water supplier shall make the plan available for public inspection and shall hold a public hearing thereon. Prior to the hearing, notice of the time and place of hearing shall be published within the jurisdiction of the publicly owned water supplier pursuant to Section 6066 of the Government Code. The urban water supplier shall provide notice of the time and place of hearing to any city or county within which the supplier provides water supplies. A privately owned water supplier shall provide an equivalent notice within its service area. After the hearing, the plan shall be adopted as prepared or as modified after the hearing.

10643. An urban water supplier shall implement its plan adopted pursuant to this chapter in accordance with the schedule set forth in its plan.

10644.

- (a) An urban water supplier shall file with the department and any city or county within which the supplier provides water supplies a copy of its plan no later than 30 days after adoption. Copies of amendments or changes to the plans shall be filed with the department and any city or county within which the supplier provides water supplies within 30 days after adoption.
- (b) The department shall prepare and submit to the Legislature, on or before December 31, in the years ending in six and one, a report summarizing the status of the plans adopted pursuant to this part. The report prepared by the department shall identify the outstanding elements of the individual plans. The department shall provide a copy of the report to each urban water supplier that has filed its plan with the department. The department shall also prepare reports and provide data for any legislative hearings designed to consider the effectiveness of plans submitted pursuant to this part.

10645. Not later than 30 days after filing a copy of its plan with the department, the urban water supplier and the department shall make the plan available for public review during normal business hours.

#### **CHAPTER 4. MISCELLANEOUS PROVISIONS**

10650. Any actions or proceedings to attack, review, set aside, void, or annul the acts or decisions of an urban water supplier on the grounds of noncompliance with this part shall be commenced as follows:

- (a) An action or proceeding alleging failure to adopt a plan shall be commenced within 18 months after that adoption is required by this part.
- (b) Any action or proceeding alleging that a plan, or action taken pursuant to the plan, does not comply with this part shall be commenced within 90 days after filing of the plan or amendment thereto pursuant to Section 10644 or the taking of that action.

10651. In any action or proceeding to attack, review, set aside, void, or annul a plan, or an action taken pursuant to the plan by an urban water supplier on the grounds of noncompliance with this part, the inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the supplier has not proceeded in a manner required by law or if the action by the water supplier is not supported by substantial evidence.

10652. The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) does not apply to the preparation and adoption of plans pursuant to this part or to the implementation of actions taken pursuant to Section 10632. Nothing in this part shall be interpreted as exempting from the California Environmental Quality Act any project that would significantly affect water

supplies for fish and wildlife, or any project for implementation of the plan, other than projects implementing Section 10632, or any project for expanded or additional water supplies.

10653. The adoption of a plan shall satisfy any requirements of state law, regulation, or order, including those of the State Water Resources Control Board and the Public Utilities Commission, for the preparation of water management plans or conservation plans; provided, that if the State Water Resources Control Board or the Public Utilities Commission requires additional information concerning water conservation to implement its existing authority, nothing in this part shall be deemed to limit the board or the commission in obtaining that information. The requirements of this part shall be satisfied by any urban water demand management plan prepared to meet federal laws or regulations after the effective date of this part, and which substantially meets the requirements of this part, or by any existing urban water management plan which includes the contents of a plan required under this part.

10654. An urban water supplier may recover in its rates the costs incurred in preparing its plan and implementing the reasonable water conservation measures included in the plan. Any best water management practice that is included in the plan that is identified in the "Memorandum of Understanding Regarding Urban Water Conservation in California" is deemed to be reasonable for the purposes of this section.

10655. If any provision of this part or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of this part which can be given effect without the invalid provision or application thereof, and to this end the provisions of this part are severable.

10656. An urban water supplier that does not prepare, adopt, and submit its urban water management plan to the department in accordance with this part, is ineligible to receive funding pursuant to Division 24 (commencing with Section 78500) or Division 26 (commencing with Section 79000), or receive drought assistance from the state until the urban water management plan is submitted pursuant to this article.

10657.

- (a) The department shall take into consideration whether the urban water supplier has submitted an updated urban water management plan that is consistent with Section 10631, as amended by the act that adds this section, in determining whether the urban water supplier is eligible for funds made available pursuant to any program administered by the department.
- (b) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.



**Date:** August 4, 2010  
**To:** Board of Directors  
**From:** Ed Muzik, General Manager  
**Prepared by:** Martha Ostrander  
**Presented by:** Ed Muzik, General Manager

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**Lower Ridge Reservoir Improvements Construction Contract Change Order #1**

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**Recommendation:** That the Board authorize the General Manager to execute change order #1 with Paso Robles Tank, Inc. in the amount not to exceed \$21,456.12.

**Fiscal Impact:** \$21,456.12.

**Background:** The Project Specifications and Geotechnical Report recommended a 4-5 foot excavation down to bedrock and placement of compacted fill under the proposed tank foundation to provide equal settlement under the tank. The conditions actually encountered during the excavation indicated the southeast portion of the property was a previous ravine that had been filled in sometime prior to 1992-93 when the existing tank was relocated to the site. A search of aerial photographs show the roads completed before the early 1970s and the original water plans for this area were designed in 1962. The existing tank was placed partially over the filled in ravine.

In order to properly construct the new tank, provide a stable foundation and prevent unequal settlement underneath the new tank, the southeast portion of the property required additional excavation and recompaction of fill down to a depth of approximately 30 feet below grade.

The work was performed on a time and material basis. The attached extra work summary details the additional equipment and manpower necessary to accomplish the excavation down to bedrock.

# NOTE

## EXTRA WORK SUMMARY

Project: Lower Ridge Reservoir Improvements  
 Owner: Hi-Desert Water District  
 Contractor: Paso Robles Tank, Inc.

Description: Additional overexcavation was required onsite due to unforeseen conditions. All extra work was directed onsite by a representative from Alta California Geotechnics, Inc.

### EQUIPMENT

Description	Unit Cost	Daily Work							TOTAL	NET COST
		5/18/2010	5/19/2010	5/20/2010	7/12/2010	7/13/2010	7/14/2010	7/14/2010		
CAT 330 Excavator	\$144.09	8	8	0	8	8	8	4	36	\$5,187.24
CAT 966H Loader	\$137.74		8	8	6	8	4	4	34	\$4,683.16
Mobilization CAT 330	\$584.50	1			1				2	\$1,169.00
<b>EQUIPMENT SUBTOTAL:</b>									<b>\$11,039.40</b>	

### LABOR

Description	Unit Cost	Daily Work							TOTAL	NET COST
		5/18/2010	5/19/2010	5/20/2010	7/12/2010	7/13/2010	7/14/2010	7/14/2010		
Foreman	\$65.00	8	8	8	8	8	8	4	44	\$2,860.00
Operator	\$65.00				6	8	8	4	18	\$1,170.00
Labor	\$45.00	8	16	16	8	8	8	4	60	\$2,700.00
<b>LABOR SUBTOTAL:</b>									<b>\$6,730.00</b>	

SUBTOTAL EQUIPMENT & LABOR: \$17,769.40

SUBCONTRACTOR MARKUP (15%): \$2,665.00

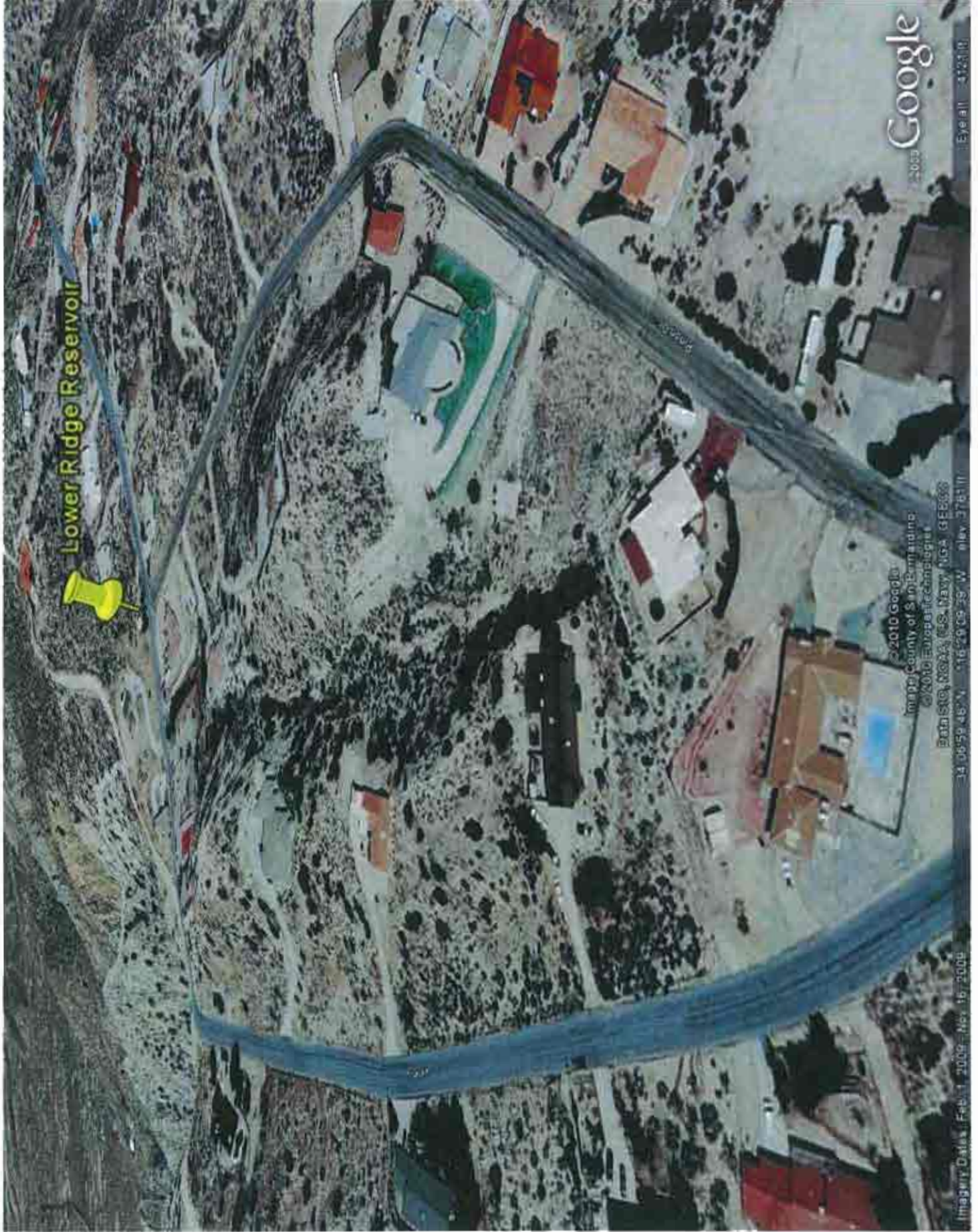
SUBCONTRACTOR TOTAL: \$20,434.40

CONTRACTOR MARKUP (5%): \$1,021.72

**GRAND TOTAL: \$21,456.12**

Recommend that two (2) additional days be given due to this change.

Lower Ridge Reservoir



Google

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34°06'59.48" N, 116°29'08.39" W, elev. 3761 ft

Imagery Date: Feb. 1, 2009 - Nov. 16, 2009

Elevation: 4723 ft



# Lower Ridge Reservoir



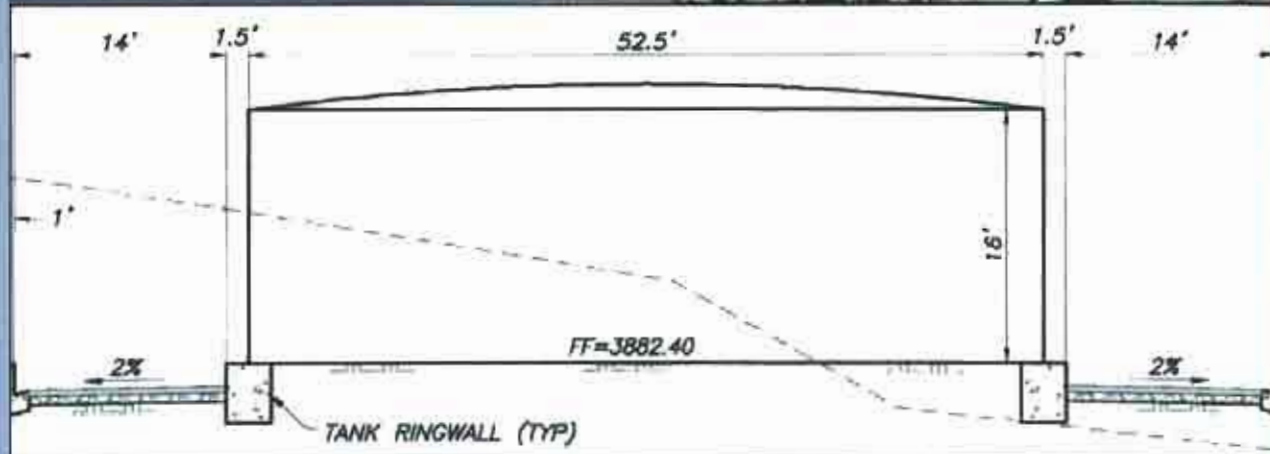
Google  
© 2009

Image © 2010 Google  
Imagery © 2009 San Bernardino

Imagery Date: Feb 11, 2009  
Eye alt: 5051 ft  
41°05'59.20\"/>

# Lower Ridge Reservoir Replacement

Hi-Desert Water District will be replacing the Lower Ridge Reservoir. The existing tank is under-sized and structurally inadequate. The new tank will hold 250,000 gallons versus the existing 30,000 gallon tank. The project will improve water reliability, emergency water supply and fire protection capabilities. Construction will begin in late April and run for approximately four months. The site work will involve grading and eventual landscaping of the site. The District has hired Mike Branning of Unique Landscape to relocate the native plants. Paso Robles Tanks is the contractor performing the construction of the tank. The neighborhood will experience increased traffic and noise due to the construction. Construction hours are limited to Monday–Friday from 7 a.m. to 6 p.m., with no holidays or weekends.



For more information, questions or concerns contact Martha Ostrander at (760) 228-6286.



## FUTURE AGENDA ITEMS REQUESTED FROM THE BOARD

As of the July 21, 2010 Board Meeting

ITEM REQUESTED	REQUESTOR	DATE REQUESTED	STATUS
Investigate sources of additional supplemental water	Mayes	2006	Ongoing
Drilling of additional wells/acquire property	Stadum	2007	Ongoing
USGS hydrological modeling map (updating model to include mid-aquifer)	Graham & Stadum	7/16/2008	
AMES/MEANS project brief	Munsey Mayes	12/10/2008 6/3/2009	Ongoing
LICP alternatives for water and wastewater	Munsey	2/18/2009	
Disaster and Emergency (NIMS) Preparedness Workshop	Mayes/Stadum	6/3/2009 8/5/2009	
Mr. Stevens with MWA present on Drought Water Conservation. (Set up for Spring 2010)	Graham	6/17/2009 (Spring 2010)	
TYV establishing Ordinance on septic tank regulations	Graham	7/15/2009	Pending town review of MOA
Strategic Planning Workshop with TYV/annually	Graham	9/2/2009	
Discussion on starting the BOD meeting at 5:30	Hough	9/16/2009	
Adding Items to the Agenda	Munsey	1/6/2010	8/4/2010
Stormwater Capture	Munsey	1/20/2010	
Water Reserves USGS presentation	Graham	3/17/2010	
Brehm Youth Sports Park demonstration garden	Graham/Hough	4/21/2010	Ongoing
Relining of pipes for CRP	Munsey	5/19/2010	
Official report on ability to extract water from Eastern Subbasin.	Hough	7/21/2010	

## Board Requests/Suggestions

ITEM REQUESTED	REQUESTOR	DATE REQUESTED	DATE COMPLETED
Water Reserve Policy	Graham	11/5/2008	
Quarterly Report to City Council	Graham	11/5/2008	Ongoing
HDWD Board letters on water issues to local legislation separate from Lobbyist	Graham	11/5/2008	Ongoing
Difference between Electric and Waterless Urinals alternative technologies	Stadum/Graham	4/1/2009	
2+2 Committee Meeting	Graham	2/3/2010 & 4/21/2010	Complete
Form a Public Advisory Committee	Graham	4/21/2010	8/4/2010
Grace period for rates/fees effective date and notice of effective date on the mailers	Hough	6/16/2010	Ongoing
Update on new well drilling and Arkansas Customer	Graham	6/16/2010	
Leg Committee to discuss adding lobbyist in DC	Graham	6/16/2010	