



AGENDA
REGULAR MEETING OF THE BOARD OF DIRECTORS
District Board Room, 2890 Mosquito Road, Placerville, California
June 13, 2022 — 9:00 A.M.

Board of Directors

Lori Anzini—Division 4
President

Brian K. Veerkamp—Division 3
Vice President

George Osborne—Division 1
Director

Pat Dwyer—Division 2
Director

Alan Day—Division 5
Director

Executive Staff

Jim Abercrombie
General Manager

Brian D. Poulsen, Jr.
General Counsel

Jennifer Sullivan
Clerk to the Board

Jesse Saich
Communications

Brian Mueller
Engineering

Jamie Bandy
Finance

Jose Perez
Human Resources

Tim Ranstrom
Information Technology

Dan Corcoran
Operations

PUBLIC COMMENT: Anyone wishing to comment about items not on the Agenda may do so during the public comment period. Those wishing to comment about items on the Agenda may do so when that item is heard and when the Board calls for public comment. Public comments are limited to five minutes per person.

PUBLIC RECORDS DISTRIBUTED LESS THAN 72 HOURS BEFORE A MEETING: Any writing that is a public record and is distributed to all or a majority of the Board of Directors less than 72 hours before a meeting shall be available for immediate public inspection in the office of the Clerk to the Board at the address shown above. Public records distributed during the meeting shall be made available at the meeting.

AMERICANS WITH DISABILITIES ACT: In accordance with the Americans with Disabilities Act (ADA) and California law, it is the policy of El Dorado Irrigation District to offer its public programs, services, and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation for this meeting, please contact the EID ADA coordinator at 530-642-4045 or email at adacoordinator@eid.org at least 72 hours prior to the meeting. Advance notification within this guideline will enable the District to make reasonable accommodations to ensure accessibility.

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Dial **1.669.900.6833** and enter Meeting ID **945 6360 8941** when prompted.

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CALL TO ORDER

Roll Call
Pledge of Allegiance
Moment of Silence

ADOPT AGENDA

COMMUNICATIONS

General Manager's Employee Recognition

PUBLIC COMMENT

COMMUNICATIONS

General Manager

Brief reports on District activities or items of interest to the public, including activities or developments that occur after the agenda is posted.

Clerk to the Board

Board of Directors

Brief reports on community activities, meetings, conferences and seminars attended by the Directors of interest to the District and the public.

APPROVE CONSENT CALENDAR

Action on items pulled from the Consent Calendar

CONSENT CALENDAR

1. Clerk to the Board (Sullivan)

Consider approving the minutes of the May 23, 2022 regular meeting of the Board of Directors.

Option 1: Approve as submitted.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

2. Office of the General Manager (Abercrombie)

Consider ratifying Resolution No. 2022-001 to maintain an ongoing emergency declaration related to the Caldor Fire.

Option 1: Ratify Resolution No. 2022-001 to maintain an ongoing emergency declaration related to the Caldor Fire.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

3. Office of the General Manager (Abercrombie)

Consider ratifying Resolution No. 2022-019 to maintain the drought emergency and the Stage 1 Water Alert requesting up to 15 percent voluntary conservation.

Option 1: Ratify Resolution No. 2022-019 to maintain the drought emergency and the Stage 1 Water Alert requesting up to 15 percent voluntary conservation.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

4. Engineering

Consider authorizing additional funding for the Indian Creek Lift Station Upgrade Project, Project No. 18003.01 in the amount of \$20,000 for engineering services and \$30,000 for capitalized labor; Outingdale Water Intake Replacement Project, Project No. 16048 in the amount of \$15,000 for capitalized labor; and Silva Valley and El Dorado Hills Sewerline Project, Project No. 15036.01 in the amount of \$25,000 for capitalized labor.

Option 1: Authorize additional funding for the Indian Creek Lift Station Upgrade Project, Project No. 18003.01 in the amount of \$20,000 for engineering services and \$30,000 for capitalized labor; Outingdale Water Intake Replacement Project, Project No. 16048 in the amount of \$15,000 for capitalized labor; and Silva Valley and El Dorado Hills Sewerline Project, Project No. 15036.01 in the amount of \$25,000 for capitalized labor.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

5. Finance (Deakyne)

Consider awarding two contracts to Univar Solutions USA, Inc. in the not-to-exceed amount of \$688,723 to supply as-needed liquid sodium hydroxide for water and wastewater treatment and the not-to-exceed amount of \$391,093 to supply liquid sodium hypochlorite for wastewater treatment for a period of one year.

Option 1: Award two contracts to Univar Solutions USA, Inc. in the not-to-exceed amount of \$688,723 to supply as-needed liquid sodium hydroxide for water and wastewater treatment and the not-to-exceed amount of \$391,093 to supply liquid sodium hypochlorite for wastewater treatment for a period of one year.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

END OF CONSENT CALENDAR

INFORMATION ITEMS

6. Finance (Bandy)

March 31, 2022 Financial Update.

Recommended Action: None – Information only.

7. Operations (Odzakovic)

Disinfection Byproduct Management in the Drinking Water System following the Caldor Fire.

Recommended Action: None – Information only.

ACTION ITEMS

8. Finance (Pasquarello)

Consider ratifying EID General Warrant Registers for the periods ending May 10, May 17, and May 24, 2022, and Board and Employee Expense Reimbursements for these periods.

Option 1: Ratify the EID General Warrant Registers, and Board and Employee Expense Reimbursements as submitted

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

9. Office of the General Counsel (Leeper)

Consider approving two 2022 Temporary Water Purchase and Sale Agreements with Westlands Water District; and authorize the General Manager to execute the Agreements and any related documents necessary to complete the transfers.

Option 1: Approve two 2022 Temporary Water Purchase and Sale Agreements with Westlands Water District; and authorize the General Manager to execute the Agreements and any related documents necessary to complete the transfers.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

10. Operations (Russell)

Consider awarding a contract to Morbark LLC in the not-to-exceed amount of \$385,499.33 for the purchase of one 2022 Morbark M20R Forestry Track Drum Chipper and authorize funding of \$385,499.33 for the Right-of-Way Vegetation Management Program Project, Project No. 22026.

Option 1: Award a contract to Morbark LLC in the not-to-exceed amount of \$385,499.33 for the purchase of one 2022 Morbark M20R Forestry Track Drum Chipper and authorize funding of \$385,499.33 for the Right-of-Way Vegetation Management Program Project, Project No. 22026.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

Recommended Action: Option 1.

REVIEW OF ASSIGNMENTS

ADJOURNMENT

TENTATIVELY SCHEDULED ITEMS FOR FUTURE MEETINGS

Engineering

- Kyburz Diversion Facility upgrades construction contract, Action, June 27 (Mutschler)
- Camino Safety Project engineering assistance contract amendment, Consent, June 27 (DeLongchamp)
- Capital Improvement Plan funding requests: No Name Creek Gauging, Consent, June 27
- Pleasant Oak Main Pressure Reducing Station #2 material purchase, Consent, June 27 (Wilson)
- Hydro Lumber Rack purchase and installation, Consent, June 27 (Mutschler)
- Headquarters backup power modifications construction contract, Action, June 27 (Money)
- Deer Creek Odor Control Study consultant agreement, Consent, June 27 (Brink)

Engineering / Operations

- 2022 Triennial Public Health Goal Report, Public Hearing, June 27 (Graham/Odzakovic)

Finance

- Fuel contract change order for District vehicles, Action, June 27 (Royal)
- 2021 Annual Audit, Action, June 27 (Pasquarello)

Operations

- Water supply update, Information, June 27 (Corcoran)

EL DORADO IRRIGATION DISTRICT

June 13, 2022

General Manager Communications

Awards and Recognitions

- a) EID employee receives “H.R. LaBounty Safety Award” from the Association of California Water Agencies-Joint Powers Insurance Authority for promoting safety in the workplace – Summary by Daniel Newsom

Staff Reports and Updates

None

General Manager Communications

June 13, 2022

EID employee receives “H.R. LaBounty Safety Award” from the Association of California Water Agencies-Joint Powers Insurance Authority for promoting safety in the workplace

“100% commitment to Safety” is one of the District’s guiding operational principles. Today, we have the privilege of recognizing a staff member for his contribution in improving workplace safety. This individual has received a \$250 monetary award from the Association of California Water Agencies-Joint Powers Insurance Authority (ACWA-JPIA), and is being presented the H.R. LaBounty Safety Award to highlight this achievement.

The award recipient is Chris Soule, Senior Construction and Maintenance Worker, assigned to collections. Mr. Soule has been an employee with the District for eight years. His contribution and innovativeness is an example of 100% Safety by implementing accident prevention actions.

Mr. Soule noticed staff was having a difficult time entering the beds of the crew trucks to get the necessary tools and materials. The step up to the bumper was high which could have led to a manual handling injury, slip, trip or fall. After the hazard was identified, Mr. Soule had a step receiver hitch inserted into the tow hitch receiver of a crew truck. This step allowed staff to take a small step onto the step receiver hitch, and then enter the bed of the truck while maintaining three points of contact.

Industrial ergonomics was the special emphasis program in 2021 at EID, and staff were encouraged to find ways to decrease industrial ergonomic injuries. Mr. Soule was able to help the program, and encourage other staff members to look for ways to decrease hazards in the workplace.

This is an example of properly identifying, reporting, and eliminating a hazard to comply with the District’s Injury Illness and Prevention Program, and is an example of keeping 100% Safety at the operational forefront.

On behalf of the District, it is our privilege to acknowledge Chris Soule for his contribution to improve workplace safety and being the recipient of the ACWA-JPIA “H.R. LaBounty Safety Award”.



MINUTES
REGULAR MEETING OF THE BOARD OF DIRECTORS
District Board Room, 2890 Mosquito Road, Placerville, California
May 23, 2022 — 9:00 A.M.

Board of Directors

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President

Brian K. Veerkamp—Division 3
Vice President

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Pat Dwyer—Division 2
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CALL TO ORDER

President Anzini called the meeting to order at 9:00 A.M.

Roll Call Board

Present: Directors Osborne, Veerkamp, Anzini and Day

Absent: Director Dwyer

Staff

Present: General Manager Abercrombie, General Counsel Poulsen and Board Clerk Sullivan

Pledge of Allegiance and Moment of Silence

Vice President Veerkamp led the Pledge of Allegiance.

ADOPT AGENDA

ACTION: Agenda was adopted.

MOTION PASSED

Ayes: Directors Day, Veerkamp, Osborne and Anzini

Absent: Director Dwyer

COMMUNICATIONS

Awards and Recognitions

None

PUBLIC COMMENT

Jeremiah Garrett-Pinguelo, Georgetown

COMMUNICATIONS

General Manager

Staff reported that the District received a grant reimbursement for the Outingdale Pump Station replacement. General Manager Abercrombie gave an update on the outcome of the District's recent refunding revenue bond issuance.

Clerk to the Board

None

Board of Directors

Director Veerkamp reported on his participation in a recent El Dorado Local Agency Formation Commission meeting.

Director Anzini reported on her attendance at the 2022 Spring Association of California Water Agencies' Conference.

APPROVE CONSENT CALENDAR

ACTION: Consent Calendar was approved.

Public Comment: Jeremiah Garrett-Pinguelo, Georgetown

MOTION PASSED

Ayes: Directors Osborne, Veerkamp, Anzini and Day

Absent: Director Dwyer

CONSENT CALENDAR

1. Clerk to the Board (Sullivan)

Consider approving the minutes of the April 25, 2022 regular meeting of the Board of Directors.

ACTION: Option 1: Approved as submitted.

MOTION PASSED

Ayes: Directors Osborne, Veerkamp, Anzini and Day

Absent: Director Dwyer

2. Office of the General Manager (Abercrombie)

Consider ratifying Resolution No. 2022-001 to maintain an ongoing emergency declaration related to the Caldor Fire.

ACTION: Option 1: Ratified Resolution No. 2022-001 to maintain an ongoing emergency declaration related to the Caldor Fire.

MOTION PASSED

Ayes: Directors Osborne, Veerkamp, Anzini and Day

Absent: Director Dwyer

3. Engineering

Consider authorizing additional funding for the Lakewood Drive Stabilization Project, Project No. 21037.01 in the amount of \$35,000 for capitalized labor; Crestview Pump Station Replacement Project, Project No. 17011.01 in the amount of \$50,000 for capitalized labor; and Sly Park Intertie Improvements Project, Project No. 21079.01 in the amount of \$90,400 for topographic surveys.

ACTION: Option 1: Authorized additional funding for the Lakewood Drive Stabilization Project, Project No. 21037.01 in the amount of \$35,000 for capitalized labor; Crestview Pump Station Replacement Project, Project No. 17011.01 in the amount of \$50,000 for capitalized labor; and Sly Park Intertie Improvements Project, Project No. 21079.01 in the amount of \$90,400 for topographic surveys.

MOTION PASSED

Ayes: Directors Osborne, Veerkamp, Anzini and Day

Absent: Director Dwyer

4. Operations (Petterson)

Consider awarding a contract to G3 Engineering Inc. in the not-to-exceed amount of \$190,085 for the purchase of one replacement pump for the Folsom Reservoir Intake Pump Station B-side facilities and authorize funding of \$190,085 for the Folsom Lake Intake B-Side Pump Replacement Project, Project No. 22024.

ACTION: Option 1: Awarded a contract to G3 Engineering Inc. in the not-to-exceed amount of \$190,085 for the purchase of one replacement pump for the Folsom Reservoir Intake Pump Station B-side facilities and authorized funding of \$190,085 for the Folsom Lake Intake B-Side Pump Replacement, Capital Improvement Plan Project No. 22024.

MOTION PASSED

Ayes: Directors Osborne, Veerkamp, Anzini and Day

Absent: Director Dwyer

5. Engineering (Venable)

Consider awarding contracts to Oneto Tree Service in the not-to-exceed amount of \$288,974 and Coleman Environmental Engineering, Inc. in the not-to-exceed amount of \$62,870 for hazard tree felling services for the Caldor Fire Emergency Response Hazard Tree Mitigation-Project 184 Access Roads Project, Tracking No. T2021.10.

ACTION: Option 1: Awarded contracts to Oneto Tree Service in the not-to-exceed amount of \$288,974 and Coleman Environmental Engineering, Inc. in the not-to-exceed amount of \$62,870 for hazard tree felling services for the Caldor Fire Emergency Response Hazard Tree Mitigation-Project 184 Access Roads Project, Tracking No. T2021.10.

MOTION PASSED

Ayes: Directors Osborne, Veerkamp, Anzini and Day

Absent: Director Dwyer

6. Finance (Pasquarello)

Consider adopting two resolutions to certify signatures for the District's checking accounts at Bank of America and El Dorado Savings Bank.

ACTION: Option 1: Adopted Resolution Nos. 2022-011 and 2022-012 to certify signatures for the District's checking accounts at Bank of America and El Dorado Savings Bank.

MOTION PASSED

Ayes: Directors Osborne, Veerkamp, Anzini and Day

Absent: Director Dwyer

7. Finance (Pasquarello)

Consider adopting five resolutions to authorize specified District personnel to perform specified cash management and investment activities on behalf of the District.

ACTION: Option 1: Adopted Resolution Nos. 2022-013, 2022-014, 2022-015, 2022-016, and 2022-017 to authorize specified District personnel to perform specified cash management and investment activities on behalf of the District.

MOTION PASSED

Ayes: Directors Osborne, Veerkamp, Anzini and Day

Absent: Director Dwyer

8. Clerk to the Board (Sullivan)

Consider adopting a resolution requesting the El Dorado County Elections Department to hold a Consolidated District Election on Tuesday, November 8, 2022.

ACTION: Option 1: Adopted Resolution No. 2022-018 requesting the El Dorado County Elections Departments to hold a Consolidated District Election on Tuesday, November 8, 2022; directed staff to transmit the signed, original resolution to the El Dorado County Elections Department together with the Notice and include accompanying map of the boundaries of the District signed by the District Secretary and providing that candidates will pay for their statements.

MOTION PASSED

Ayes: Directors Osborne, Veerkamp, Anzini and Day

Absent: Director Dwyer

9. Finance (Pasquarello)

Consider receiving and filing the District's Investment Report for the quarter ending March 31, 2022.

ACTION: Option 1: Received and filed the District's Investment Report for the quarter ending March 31, 2022.

MOTION PASSED

Ayes: Directors Osborne, Veerkamp, Anzini and Day

Absent: Director Dwyer

END OF CONSENT CALENDAR

INFORMATION ITEMS

10. Operations (Corcoran)

Status update on 2022 water supplies.

ACTION: None – Information only.

11. Finance (Downey)

Feasibility and costs to restructure the District's utility billing and meter reading schedules.

ACTION: None – Information only.

DIRECTOR ITEMS

12. Board of Directors (Veerkamp)

Consider approving Sierra Pacific Industries' request to use the Temporary Water Use Program at Agricultural commodity rates for a period not-to-exceed six months to water decked logs at their Camino site as a result of the Caldor Fire.

Public Comment: Jeremiah Garrett-Pinguelo, Georgetown

ACTION: Option 1: Approved Sierra Pacific Industries' request to use the Temporary Water Use Program at Agricultural commodity rates for a period not-to-exceed six months to water decked logs at their Camino site as a result of the Caldor Fire.

MOTION PASSED

Ayes: Directors Osborne, Veerkamp, Anzini and Day

Absent: Director Dwyer

ACTION ITEMS

13. Finance (Pasquarello)

Consider ratifying EID General Warrant Registers for the periods ending April 12, April 19, April 26, and May 3, 2022, and Board and Employee Expense Reimbursements for these periods.

Director Veerkamp recused himself from the deliberations and vote on this Item.

ACTION: Option 1: Ratified the EID General Warrant Registers and Board and Employee Expense Reimbursements as submitted.

MOTION PASSED

Ayes: Directors Osborne, Day and Anzini

Absent: Director Dwyer

14. Engineering (Mueller)

Consider adopting a resolution to renew and update the drought emergency declaration and reaffirm a Stage 1 Water Alert requesting up to 15 percent voluntary conservation.

ACTION: Option 1: Adopted Resolution No. 2022-019 renewing and updating the drought emergency declaration and reaffirming a Stage 1 Water Alert requesting up to 15 percent voluntary conservation.

MOTION PASSED

Ayes: Directors Day, Veerkamp, Osborne and Anzini

Absent: Director Dwyer

15. Engineering (Mutschler)

Consider approving Contract Change Order Nos. 9 and 10 to Syblon Reid Contractors in the not-to-exceed amount of \$446,985 for removal of hazardous waste and in the not-to-exceed amount of \$165,300 for the placement of cellular concrete for the Flume 30 Replacement Project, Project No. 17041.02.

Public Comment: Jeremiah Garrett-Pinguelo, Georgetown
Paul Harlow, Syblon Reid Contractors

ACTION: Option 1: Approved Contract Change Order Nos. 9 and 10 to Syblon Reid Contractors in the not-to-exceed amount of \$446,985 for removal of hazardous waste and in the not-to-exceed amount of \$165,300 for the placement of cellular concrete for the Flume 30 Replacement Project, Project No. 17041.02.

MOTION PASSED

Ayes: Directors Osborne, Veerkamp, Anzini and Day
Absent: Director Dwyer

16. Operations (Mikkola)

Consider awarding a contract to Aqua-Tech Company in the not-to-exceed amount of \$367,680 for bi-annual exterior cleaning and repair of seven drinking water reservoir floating covers for a period of two years and authorize the General Manager to extend the contract for up to three additional one-year periods subject to the annual contract amount increasing by no more than five percent annually in each of the years three through five.

ACTION: Option 1: Awarded a contract to Aqua-Tech Company in the not-to-exceed amount of \$367,680 for bi-annual exterior cleaning and repair of seven drinking water reservoir floating covers for a period of two years and authorized the General Manager to extend the contract for up to three additional one-year periods subject to the annual contract amount increasing by no more than five percent annually in each of the years three through five.

MOTION PASSED

Ayes: Directors Veerkamp, Day, Osborne and Anzini
Absent: Director Dwyer

CLOSED SESSION

A. Conference with Real Property Negotiators

Government Code Section 54956.8

Property: District water rights (including pre-1914, licensed and permitted, and contract-based rights (Central Valley Project Water Service Contract No. 14-06-200-1357A-LTR1; Warren Act Contract No. 06-WC-20-3315))

District negotiators: General Manager, General Counsel, Director of Operations

Under negotiation: price and terms of payment for purchase

Negotiating parties: any interested party

ACTION: Board met with its negotiators and provided direction but took no reportable action.

Closed Session continued

B. Conference with General Counsel - Anticipated Litigation (Poulsen)

Government Code Section 54956.9(d)(4) (one potential case)

ACTION: Board met and provided direction but took no reportable action.

REVIEW OF ASSIGNMENTS

Director Anzini requested a presentation on how our customers can reduce water usage in outdoor planting.

ADJOURNMENT

President Anzini adjourned the meeting at 12:14 P.M.

Lori Anzini
Board President
EL DORADO IRRIGATION DISTRICT

ATTEST

Jennifer Sullivan
Clerk to the Board
EL DORADO IRRIGATION DISTRICT

Approved: _____

EL DORADO IRRIGATION DISTRICT

SUBJECT: Consider ratifying Resolution No. 2022-001 to maintain an ongoing emergency declaration related to the Caldor Fire.

PREVIOUS BOARD ACTION

August 23, 2021 – Board adopted Resolution No. 2021-012 ratifying the General Manager’s declaration of an emergency for the Caldor Fire.

September 13, October 12, October 25, November 8, and December 13, 2021 – Board ratified Resolution No. 2021-012 to maintain an emergency declaration regarding the Caldor Fire.

January 10, 2022 – Board adopted Resolution No. 2022-001 declaring an ongoing emergency related to the Caldor Fire.

At every regular Board meeting since its adoption the Board has ratified Resolution No. 2022-001.

BOARD POLICIES (BP), ADMINISTRATIVE REGULATIONS (AR) AND BOARD AUTHORITY

BP 2050 Administrative Leeway in the Absence of Policy

BP 3060 Contracts and Procurement

Public Resources Code section 21080(b) and California Environmental Quality Act (“CEQA”) Guidelines section 15269

SUMMARY OF ISSUE

The Caldor Fire caused significant damage to District facilities and surrounding lands and impacted the District’s water conveyance system. While the District recently replaced the damaged flumes and is now conveying water through the new facilities, recovery efforts are ongoing. The ongoing emergency declaration related to the Caldor Fire reflects the continued emergency, and will facilitate emergency recovery efforts such as hazard tree removal. The General Manager will provide periodic updates to the Board on the District’s response to the Caldor Fire damages.

BACKGROUND/DISCUSSION

The Caldor Fire erupted near the town of Grizzly Flats on August 14, 2021. Shortly thereafter, both the El Dorado County Board of Supervisors and Governor Gavin Newsom proclaimed a state of emergency for El Dorado County. On August 23, 2021, the District adopted Resolution No. 2021-012, ratifying the General Manager’s emergency declaration and directing the General Manager to take all necessary and appropriate actions in response. On September 1, 2021, President Biden declared a federal state of emergency as a result of the Caldor Fire and on September 12, upgraded that designation to a federal disaster status.

The Caldor Fire caused extensive damage to District facilities and surrounding lands, including damage to District flumes that convey water supplies. In response, the District took immediate and ongoing actions to mitigate and address the damage to District facilities. Those emergency actions continued into 2022, and on January 10, 2022, the Board adopted Resolution No. 2022-001, declaring an ongoing emergency related to the Caldor Fire.

Emergency recovery efforts are ongoing, including time-sensitive hazard tree removal. In light of the continued emergency response and recovery efforts, ratification of Resolution No. 2022-001 to maintain the ongoing emergency related to the Caldor Fire is appropriate.

BOARD OPTIONS

Option 1: Ratify Resolution No. 2022-001 to maintain an ongoing emergency declaration related to the Caldor Fire.

Option 2: Take other action as directed by the Board.

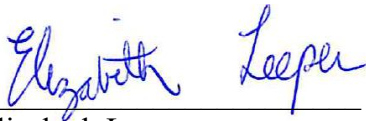
Option 3: Take no action.

RECOMMENDATION


Option 1.

ATTACHMENTS

Attachment A: Resolution No. 2022-001



Elizabeth Leeper
Senior Deputy General Counsel


Jim Abercrombie
General Manager

**RESOLUTION OF THE BOARD OF DIRECTORS OF
EL DORADO IRRIGATION DISTRICT
DECLARING AN ONGOING STATE OF EMERGENCY
AS A RESULT OF THE CALDOR FIRE**

1
2
3
4 WHEREAS, El Dorado Irrigation District (District) provides critical water services and
5 wastewater services to the residents of El Dorado County; and

6 WHEREAS, on August 14, 2021, the Caldor Fire started burning in the Middle Fork
7 Cosumnes River Canyon in El Dorado County; and

8 WHEREAS, on August 17, 2021, Governor Newsom proclaimed a state of emergency to
9 exist in El Dorado County due to the Caldor Fire; and

10 WHEREAS, on August 23, 2021, the District's Board of Directors adopted Resolution No.
11 2021-012 declaring a state of emergency due to the Caldor Fire and directed the District General
12 Manager to take all actions reasonable deemed necessary to respond to the emergency conditions;
13 and

14 WHEREAS, on September 1, 2021, President Biden declared a federal state of emergency
15 as a result of the Caldor Fire; and

16 WHEREAS, on September 12, 2021 President Biden declared the Caldor Fire to be a
17 federal disaster; and

18 WHEREAS, the District has taken, and continues to take, numerous actions in response to
19 the damage caused by the Caldor Fire, in an effort to ensure safe and continuous services to the
20 public; and

21 WHEREAS, the Caldor Fire caused extensive damage to the District's Project 184 system,
22 including the loss of wooden Flumes 4, 5, 6, and 30 along the El Dorado Canal, resulting in
23 ongoing efforts to rebuild and replace damaged flume sections and remove fire-damaged hazard
24 trees; and

25 WHEREAS, the damage caused by the Caldor Fire to District facilities and surrounding
26 lands requires ongoing and immediate action to prevent or mitigate loss of, or damage to life,
27 property, and the essential District public services; and

WHEREAS, Public Resources Code section 21080(b)(4) and CEQA Guidelines section
15269(c) exempt from CEQA any actions that are necessary to prevent or mitigate an
emergency; and

1 WHEREAS, CEQA Guidelines section 15359 defines “emergency” as “a sudden, unexpected
2 occurrence, involving a clear and imminent danger, demanding immediate action to prevent or
3 mitigate loss of, or damage to life, health, property, or essential public services;” and

4 WHEREAS, Public Contract Code section 20567 authorizes irrigation districts to let contracts
5 without notice for bids in case of an emergency; and

6 WHEREAS, Public Contract Code section 22050(a)(2) requires that before action is taken to
7 procure equipment, services, and supplies without giving notice for bids, the governing body must
8 first make a finding, based on substantial evidence set forth in the minutes of its meeting, that the
9 emergency will not permit a delay resulting from a competitive solicitation for bids, and that the
action is necessary to respond to the emergency; and

10 WHEREAS, Public Contract Code section 11102 defines “emergency” as “a sudden,
11 unexpected occurrence that poses a clear and imminent danger, requiring immediate action to
12 prevent or mitigate the loss or impairment of life, health, property, or essential public services;” and

13 WHEREAS, District Board Policy 2050 authorizes the District’s General Manager to act “in
14 emergency situations where no Board Policies or Administrative Regulations exist;” and

15 WHEREAS, District Board Policy 3060 authorizes the District’s General Manager to
16 approve all contracts or procurements or change orders with values of up to and including
\$100,000; and

17 WHEREAS, in the event of an emergency requiring immediate contract or procurement
18 action, District Board Policy 3060 authorizes the District’s General Manager to “approve any and
19 all contracts necessary to abate the emergency after first informing the President of the Board of
20 Directors and scheduling an emergency meeting of the Board of Directors at the earliest possible
opportunity;” and

21 WHEREAS, District Board Policy 3060 requires the District’s General Manager to bring
22 any and all contracts or procurements with values exceeding \$100,000, approved during an
23 emergency, to the Board of Directors for ratification at the first meeting of the Board immediately
24 following the emergency; and

25 WHEREAS, District Administrative Regulation 3061.05, subdivision E, provides for single
26 source procurement for good cause, which may include when “emergency or extraordinary
27 circumstances require immediate action that cannot be delayed for obtaining bids or proposals;”
and

1 NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Directors
2 of the El Dorado Irrigation District as follows:

- 3 1. The Board finds and declares that the Caldor Fire damage continues to constitute an
4 emergency within the meaning of Public Resources Code section 21080(b)(4), CEQA
5 Guidelines section 15359, Public Contracts Code section 11102, District Board Policy
6 2050 and 3060, and District Administrative Regulation 3061.05, subdivision E.
- 7 2. The Board finds and declares that the adoption of this Resolution and all of the
8 delegations, authorizations, and directions to the General Manager and District staff
9 specified in paragraph 4, below, satisfy the requirements and criteria of Public
10 Resources Code section 21080(b)(4), CEQA Guidelines section 15269(c), and Public
11 Contract Code sections 22050(a)(2) and 20567.
- 12 3. The foregoing findings and declarations are based upon all written, oral, and visual
13 evidence, including both facts and professional opinions, presented to the Board at the
14 adoption of this Resolution.
- 15 4. The Board hereby delegates, authorizes, and directs the District General Manager and his
16 designees to take all actions reasonably deemed necessary to respond to the emergency
17 conditions declared herein, including but not limited to the following specific actions:
 - 18 a. Enter into professional services and construction contracts as reasonably deemed
19 necessary to respond to the Caldor Fire damage.
 - 20 b. Report to and seek ratification of the Board for any actions taken in excess of normal
21 authority or authority expressly granted by this Resolution, at the first regular Board
22 meeting held after each such action.
- 23 5. This Resolution shall take effect immediately upon adoption. Subject to the ratification
24 required by Public Contract Code sections 22050(b)(3), (c)(1), and (c)(2), and by District
25 Board Policy 3060, this Resolution shall remain in full force and effect until rescinded by a
26 subsequent Resolution of the Board of Directors.
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The foregoing Resolution was introduced at a regular meeting of the Board of Directors of the EL DORADO IRRIGATION DISTRICT, held on the 10th day of January 2022, by Director Dwyer who moved its adoption. The motion was seconded by Director Veerkamp and a poll vote taken which stood as follows:


AYES: Directors Dwyer, Veerkamp, Anzini and Day

NOES:

ABSENT: Director Osborne

ABSTAIN:

The motion having a majority of votes "Aye", the resolution was declared to have been adopted, and it was so ordered.


Lori Anzini, President
Board of Directors
EL DORADO IRRIGATION DISTRICT

ATTEST:


Jennifer Sullivan
Clerk to the Board
EL DORADO IRRIGATION DISTRICT

(SEAL)

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1 I, the undersigned, Clerk to the Board of the EL DORADO IRRIGATION DISTRICT
2 hereby certify that the foregoing resolution is a full, true and correct copy of a Resolution of the
3 Board of Directors of the EL DORADO IRRIGATION DISTRICT entered into and adopted at a
4 regular meeting of the Board of Directors held on the 10th day of January 2022.



Jennifer Sullivan
Clerk to the Board
EL DORADO IRRIGATION DISTRICT

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EL DORADO IRRIGATION DISTRICT

SUBJECT: Consider ratifying Resolution No. 2022-019 to maintain the drought emergency and the Stage 1 Water Alert requesting up to 15 percent voluntary conservation.

PREVIOUS BOARD ACTION

June 14, 2021 – Board adopted the 2021 Drought Action Plan.

June 28, 2021 – Board adopted a resolution declaring a drought emergency and a Stage 1 Water Alert Districtwide, and authorized the General Manager, subject to subsequent Board ratification, to declare a Stage 4 Water Emergency for Outingdale customers when necessary.

July 26, 2021 – Board ratified Resolution No. 2021-009 to maintain the drought emergency and ratified the General Manager’s declaration of a Stage 4 Water Emergency for Outingdale customers.

October 25, 2021 – Board ratified Resolution No. 2021-009 to maintain a drought emergency and declared a return to Stage 1 Water Alert for Outingdale customers.

At every regular Board meeting since the Board adopted Resolution No. 2021-009, the Board ratified Resolution 2021-009 until it adopted Resolution No. 2022-019.

May 23, 2022 – Board adopted Resolution No. 2022-019 renewing and updating the drought emergency declaration and reaffirm a Stage 1 Water Alert requesting up to 15 percent voluntary conservation.

BOARD POLICIES (BP), ADMINISTRATIVE REGULATIONS (AR), AND BOARD AUTHORITY

BP 5010 Water Supply Management

SUMMARY OF ISSUE

On March 28, 2022, Governor Newsom issued Executive Order N-7-22, which ordered the State Water Resources Control Board (SWRCB), by May 25, 2022, to consider adopting emergency regulations for urban water conservation that would require each urban water supplier to implement, at a minimum, water shortage response actions for a shortage level of up to 20 percent (Level 2). On May 24, 2022, the SWRCB adopted an emergency regulation to implement the Governor’s directives. The regulations require each urban water supplier to implement, by June 10, 2022, at a minimum, the demand reduction actions identified in the supplier’s water shortage contingency plan for a shortage level of 10 percent to 20 percent (Level 2).

The District’s Stage 1 voluntary actions requesting 15 percent conservation, which have been in effect since June of 2021, are consistent with these new regulations. Therefore, on May 23, 2022, the Board adopted Resolution No. 2022-019 to renew and update the Board’s declared drought emergency, and to maintain the Stage 1 Water Alert to ensure compliance with the SWRCB’s new emergency regulations.

BACKGROUND/DISCUSSION

Due to local water supply conditions, the District has been under a Stage 1 Water Alert since June 28, 2021 and has requested voluntary conservation of up to 15 percent compared with 2020 demand levels. The Governor also subsequently in 2021 declared a statewide drought emergency and similarly called on Californians to reduce water usage by 15 percent.

After a highly variable weather year that saw heavy precipitation and snow events early, followed by an extended dry period, and then some late season rain and snow, the District's water supply picture is much improved compared to this time last year. However, much of the state continues to experience drought conditions and many of the State's key water supply reservoirs, notably Shasta and Oroville, remain well below average. The overall worsening State-wide drought conditions prompted the Governor's recent executive order calling on all Californians to strive to limit summertime water use and to use water more efficiently indoors and out, and called on the SWRCB to consider adopting emergency regulations to respond to the executive order.

On May 24, 2022, the SWRCB adopted emergency regulations to implement the Governor's recent executive order. Some of the key requirements of the regulation are highlighted below, followed by District staff discussion:

- *Each urban water supplier shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code.*
 - District staff has reviewed the annual requirements for the water supply and demand assessment and submitted the assessment by June 1, 2022. The report shows the District has adequate water supply to meet expected demand this year.
- *Each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources shall implement by June 10, 2022, at a minimum, the demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten to twenty percent (Level 2).*
- *To prevent the unreasonable use of water and to promote water conservation, the use of potable water is prohibited for the irrigation of non-functional turf at commercial, industrial, and institutional sites.*

In 2021, the District updated its most recent Drought Action Plan update and subsequently included it in the 2020 Urban Water Management Plan to serve as the District's Water Shortage Contingency Plan. Water Code Section 10632(a)(3) called on suppliers to identify six standard water shortage levels from the normal reliability (10, 20, 30, 40, 50 and greater than 50 percent shortage) in their Water Shortage Contingency Plan. Rather than identify six new standards for water shortage levels, EID cross-referenced the six standards with the District's existing four shortage levels identified in our Drought Action Plan, for consistency with past droughts and ease of implementation. As Table 2 of the Drought Action Plan indicates, EID's Stage 1 and Stage 2 drought action levels corresponds to the State's shortage Level 2 (10 percent to 20 percent).

Table 2		
State Mandated Shortage Levels	EID Drought Action Plan Levels	
Stage 1: 0 – 10%	Stage 1 – Water Alert	0 – 15%
Stage 2: 10 – 20%	Stage 1 – Water Alert Stage 2 – Water Warning	0 – 15% 15 – 30%
Stage 3: 20 – 30%	Stage 2 – Water Warning	15 – 30%
Stage 4: 30 – 40%	Stage 3 – Water Crisis	30 – 50%
Stage 5: 40 – 50%	Stage 3 – Water Crisis	30 – 50%
Stage 6: >50%	Stage 4 – Water Emergency	>50%

The SWRCB emergency regulation (Attachment B) requires water suppliers to implement demand reduction actions for a shortage level of ten to twenty percent (Level 2). While the District’s local water supply conditions are favorable and the District has sufficient water supplies to meet unrestricted demand during 2022, maintaining the existing Stage 1 Water Alert is necessary to comply with the emergency regulation. Therefore, the District will continue implementing the voluntary conservation actions identified in the Drought Action Plan for Stage 1 to achieve 15% conservation.

The regulation also mandates that irrigation of “non-functional turf” with potable water is not allowed in the “commercial, industrial, and institutional” (CII) sector, unless the use of such water is necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need. The regulation provides that an urban water supplier may approve a request for continued irrigation of non-functional turf where the user certifies that the turf is a low water use plant with a plant factor of 0.3 or less, and demonstrates the actual use is less than 40% of reference evapotranspiration. The District has notified our CII customers of this new regulation.

Below are the key voluntary conservation measures included in Stage 1 that remain in effect. Staff will also continue to communicate other general guidelines and water efficiency practices that our customers can implement to help achieve additional water savings.

Water Efficiency

1) Voluntary:

- a) Apply irrigation water during evening and early morning hours only (7 PM to 10 AM);
- b) Inspect irrigation system for leaks and then repair or replace;
- c) Adjust sprinkler run times to avoid runoff; and
- d) Avoid pursuing construction of new swimming pools or rehabilitation that would require filling with potable water.

Other General Guidelines

- Adjust sprinklers to prevent overspray.
- Stress your lawn and save your trees. Reduce the number of days of outside irrigation and/or reduce sprinkler cycle run times. By reducing your watering times by two minutes across the board you can achieve an instant savings of 20 percent (for every 10 minutes that your sprinklers are currently scheduled).
- Ensure ponds, waterway, decorative basins and swimming pools are equipped with water recirculation devices.
- Do not hose off sidewalks, driveways and other impervious hardscapes, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency.
- Use hoses equipped with a control nozzle capable of completely shutting off the flow of water.
- Turn off irrigation during or within 48 hours of measurable precipitation.

In light of the SWRCB's emergency regulations, District staff requests that the Board ratify Resolution No. 2022-019 to maintain a drought emergency and the existing Stage 1 Water Alert, requesting up to 15 percent customer conservation.

BOARD OPTIONS

Option 1: Ratify Resolution No. 2022-019 to maintain the drought emergency and the Stage 1 Water Alert requesting up to 15 percent voluntary conservation.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

RECOMMENDATION

Option 1

ATTACHMENTS

Attachment A: Resolution No. 2022-019

Attachment B: SWRCB Emergency Regulation



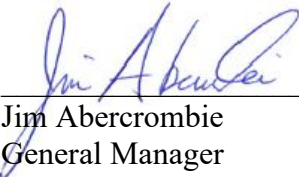
Elizabeth Leeper
Senior Deputy General Counsel



Brian Poulsen
General Counsel



Brian Mueller
Engineering Director



Jim Abercrombie
General Manager

1 **RESOLUTION OF THE BOARD OF DIRECTORS OF**
2 **EL DORADO IRRIGATION DISTRICT RENEWING THE DECLARATION OF A**
3 **DROUGHT EMERGENCY AND STAGE 1 WATER ALERT DISTRICT-WIDE**

4 WHEREAS, El Dorado Irrigation District (District) has experienced dry and critically dry
5 conditions since 2020; and

6 WHEREAS, on May 10, 2021, Governor Gavin Newsom proclaimed that a drought
7 emergency existed in El Dorado County; and

8 WHEREAS, on June 14, 2021, the Board adopted the District’s 2021 Drought Action Plan; and

9 WHEREAS, the District's adopted 2021 Drought Action Plan provides for an incremental,
10 multi-stage drought response, summarized as follows:

- 11 • In a declared Stage 1 Water Supply Alert, customers are called on to voluntarily
12 reduce water usage by up to 15%;
- 13 • In a declared Stage 2 Water Supply Warning, a combination of voluntary and
14 mandatory actions are intended to reduce water usage by up to 30%;
- 15 • In a declared Stage 3 Water Supply Crisis, mandatory actions and/or water
16 rationing are intended to reduce water usage by up to 50%; and
- 17 • If water supplies are still insufficient, a Water Supply Emergency is declared
18 and mandatory rationing is imposed to reduce water usage by more than 50%; and

19 WHEREAS, on June 15, 2021, the State Water Resources Control Board (SWRCB) sent
20 notices of water unavailability to post-1914 water right holders in the Bay-Delta watershed,
21 including the District, urging them to stop diverting to preserve dwindling water supply for both
22 this year and the next; and

23 WHEREAS, on June 28, 2021, the District’s Board of Directors adopted Resolution 2021-
24 009 declaring a drought emergency and a Stage 1 Water Alert District-wide, and authorized the
25 General Manager, subject to subsequent Board ratification, to declare a Stage 4 Water Emergency
26 for Outingdale customers when necessary; and

27 WHEREAS, on July 26, 2021, the District’s Board of Directors ratified Resolution No.
2021-009 to maintain the drought emergency and ratified the General Manager’s declaration of a
Stage 4 Water Emergency for Outingdale customers; and

 WHEREAS, in August of 2021, the SWRCB issued curtailment orders, curtailing the
District’s water rights and those curtailments remained in place until late October of 2021; and

1 WHEREAS, on October 25, 2021, the District's Board of Directors ratified Resolution No.
2 2021-009 to maintain a drought emergency and declared a return to Stage 1 Water Alert for
3 Outingdale customers; and

4 WHEREAS, on March 21, 2022, the SWRCB sent a notice to water right holders warning of
5 the potential for even earlier water right curtailments in 2022 than those issued in 2021; and

6 WHEREAS, on March 28, 2022, Governor Gavin Newsom issued Executive Order N-7-22,
7 which required the SWRCB, by May 25, 2022, to consider adopting emergency regulations that
8 include all of the following:

- 9 a. A requirement that each urban water supplier, as defined in section 10617 of the Water
10 Code, shall submit to the Department of Water Resources a preliminary annual water
11 supply and demand assessment consistent with section 10632.1 of the Water Code no later
12 than June 1, 2022, and submit a final annual water supply and demand assessment to the
13 Department of Water Resources no later than the deadline set by section 10632.1 of the
14 Water Code; and
- 15 b. A requirement that each urban water supplier that has submitted a water shortage
16 contingency plan to the Department of Water Resources implement, at a minimum, the
17 shortage response actions adopted under section 10632 of the Water Code for a shortage
18 level of ten to twenty percent (Level 2), by a date to be set by the Water Board; and
- 19 c. A definition of "non-functional turf" (that is, a definition of turf that is ornamental and not
20 otherwise used for human recreation purposes such as school fields, sports fields, and
21 parks); and
- 22 d. A ban on irrigation of non-functional turf in the commercial, industrial, and institutional
23 sectors except as it may be required to ensure the health of trees and other perennial non-
24 turf plantings.

25 WHEREAS, the SWRCB staff has prepared a draft water conservation emergency regulation
26 to comply with the Governor's order, and the SWRCB will consider its adoption on May 24, 2022;
27 and

WHEREAS, if approved the new regulation would be in effect beginning June 10, 2022; and

WHEREAS, Public Resources Code section 21080(b)(4) and CEQA Guidelines section
15269(c) exempt from CEQA any actions that are necessary to prevent or mitigate an emergency; and

1 WHEREAS, CEQA Guidelines section 15359 defines “emergency” as “a sudden, unexpected
2 occurrence, involving a clear and imminent danger, demanding immediate action to prevent or
3 mitigate loss of, or damage to life, health, property, or essential public services;” and

4 WHEREAS, District Board Policy 2050 authorizes the District’s General Manager to act “in
5 emergency situations where no Board Policies or Administrative Regulations exist;” and

6 WHEREAS, District Board Policy 3060 authorizes the District’s General Manager to
7 approve all contracts or procurements or change orders with values of up to and including
8 \$100,000; and

9 WHEREAS, in the event of an emergency requiring immediate contract or procurement
10 action, District Board Policy 3060 authorizes the District’s General Manager to “approve any and
11 all contracts necessary to abate the emergency after first informing the President of the Board of
12 Directors and scheduling an emergency meeting of the Board of Directors at the earliest possible
13 opportunity;” and

14 WHEREAS, District Board Policy 3060 requires the District’s General Manager to bring any
15 and all contracts or procurements with values exceeding \$100,000, approved during an emergency,
16 to the Board of Directors for ratification at the first meeting of the Board immediately following
17 the emergency; and

18 WHEREAS, District Administrative Regulation 3061.05, subdivision E, provides for single
19 source procurement for good cause, which may include when “emergency or extraordinary
20 circumstances require immediate action that cannot be delayed for obtaining bids or proposals;”
21 and

22 WHEREAS, Water Code sections 350 et seq. authorize the Board of Directors to declare a
23 water supply emergency whenever it finds and determines, during a noticed public hearing, that
24 the ordinary demands and requirements of water consumers cannot be satisfied without depleting
25 the District’s water supplies; and

26 WHEREAS, the District previously published notice of a public hearing to consider a water
27 supply emergency, pursuant to Water Code section 351 and Government Code section 6061, on
June 21, 2021; and

WHEREAS, on June 28, 2021, the District’s Board of Directors adopted Resolution 2021-
009 declaring a drought emergency, and at every regular Board meeting since the Board adopted
Resolution No. 2021-009, the Board has ratified Resolution 2021-009; and

1 WHEREAS, in response to the proposed SWRCB water conservation emergency regulations,
2 which will require the District to implement, at a minimum, the shortage response actions adopted
3 for a shortage level of ten to twenty percent (Level 2), it is appropriate for the Board of Directors
4 to renew and update its drought emergency declaration; and

5 WHEREAS, Water Code section 10632 identifies six standard water shortage levels from the
6 normal reliability (10, 20, 30, 40, 50 and greater than 50 percent shortage), with Level 2 of the six
7 standard water shortage levels corresponding to a shortage level of ten to twenty percent; and

8 WHEREAS, the District's Drought Action Plan describes four shortage levels, Stage 1, Stage
9 2, Stage 3, and Stage 4, and cross-references the six standard water shortage levels identified in
10 Water Code section 10632; and

11 WHEREAS, the State's standard Level 2 (10% to 20% shortage), corresponds to both Stage
12 1 (up to 15% shortage) and Stage 2 (up to 30% shortage) in the District's Drought Action Plan;
13 and

14 WHEREAS, the District is currently implementing a Stage 1 Water Alert and has requested
15 that customers take voluntary conservation actions to achieve up to 15% conservation; and

16 WHEREAS, given the District's favorable local water supply conditions and given that the
17 District's Stage 1 Water Alert corresponds to the Level 2 shortage level required in the emergency
18 regulations, it is appropriate for the District to remain at a Stage 1 Water Alert.

19 NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Board of Directors
20 of the El Dorado Irrigation District as follows:

- 21 1. The Board renews and continues its declaration of a drought emergency and a
22 Stage 1 Water Alert, as first declared in Resolution 2021-009.
- 23 2. The Board finds and declares that the ongoing and current drought conditions
24 continue to constitute an emergency within the meaning of CEQA Guidelines
25 section 15359, District Board Policies 2050 and 3060, and District
26 Administrative Regulation 3061.05, subdivision E.
- 27 3. The Board finds and determines, consistent with Water Code section 350, that
a water shortage emergency condition continues to exist within all or part of
the District's service area and that the ordinary demands and requirements of
District customers cannot be satisfied without depleting District supplies.

- 1 4. Consistent with the Governor’s Executive Order N-7-22 and the SWRCB’s
2 proposed water conservation emergency regulations, the Board renews the
3 declaration of a Stage 1 Water Alert District-wide.
- 4 5. The Board finds and declares that the adoption of this Resolution and all of
5 the delegations, authorizations, and directions to the General Manager and
6 District staff specified in paragraph 7, below, satisfy the requirements and
7 criteria of Public Resources Code section 21080(b)(4), and CEQA Guidelines
8 section 15269(c).
- 9 6. The foregoing findings and declarations are based upon all written, oral, and
10 visual evidence, including both facts and professional opinions, presented to
11 the Board at the meetings held since June of 2021 and in consideration of this
12 Resolution.
- 13 7. The Board hereby delegates, authorizes, and directs the District General
14 Manager and his designees to take all actions reasonably deemed necessary to
15 respond to the continuing emergency conditions declared herein, including but
16 not limited to the following specific actions:
 - 17 a. Implement the Stage 1 Water Alert actions, as detailed in the Drought Action
18 Plan.
 - 19 b. Enter into professional services and construction contracts as reasonably
20 deemed necessary to expedite the preservation and enhancement of water
21 supply availability for the District's customers.
 - 22 c. Report to and seek ratification of the Board for any actions taken in excess of
23 normal authority or authority expressly granted by this Resolution, at the first
24 regular Board meeting held after each such action.
 - 25 d. Report to the Board at least monthly, and more often if necessary, on the
26 current status of the drought conditions, responsive actions taken, weekly
27 water usage data, and the need, if any, for further Board actions.
8. This Resolution shall take effect immediately upon adoption. Subject to the ratification
required by District Board Policy 3060, this Resolution shall remain in full
force and effect until rescinded by a subsequent Resolution of the Board of Directors.

The foregoing Resolution was introduced at a regular meeting of the Board of Directors of EL DORADO IRRIGATION DISTRICT, held on the 23rd day of May 2022, by Director Day, who moved its adoption. The motion was seconded by Director Veerkamp, and a poll vote taken which stood as follows:

AYES: Directors Day, Veerkamp, Osborne and Anzini

NOES:

ABSENT: Director Dwyer

ABSTAIN:

The motion having a majority of votes "Aye", the resolution was declared to have been adopted, and it was so ordered.

Lori Anzini, President
Board of Directors
EL DORADO IRRIGATION DISTRICT

ATTEST:

Jennifer Sullivan
Clerk to the Board
EL DORADO IRRIGATION DISTRICT

(SEAL)

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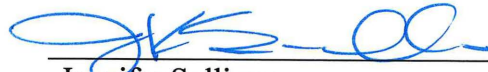
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1 I, the undersigned, Clerk to the Board of the EL DORADO IRRIGATION DISTRICT
2 hereby certify that the foregoing resolution is a full, true and correct copy of a Resolution of the
3 Board of Directors of the EL DORADO IRRIGATION DISTRICT entered into and adopted at a
4 regular meeting of the Board of Directors held on the 23rd day of May 2022.



6 Jennifer Sullivan
7 Clerk to the Board
8 EL DORADO IRRIGATION DISTRICT

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**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2022-0018**

**TO ADOPT AN EMERGENCY REGULATION
TO REDUCE WATER DEMAND AND IMPROVE WATER CONSERVATION**

WHEREAS:

1. On April 21, May 10, July 8, and October 19, 2021, Governor Newsom issued proclamations that a state of emergency exists statewide due to severe drought conditions and directed state agencies to take immediate action to preserve critical water supplies and mitigate the effects of drought and ensure the protection of health, safety, and the environment.
2. These proclamations urge Californians to reduce their water use.
3. On March 28, 2022, Governor Newsom signed an Executive Order directing the State Water Resources Control Board (State Water Board or Board) to consider adopting emergency regulations to increase water conservation. The Executive Order includes a request that the Board require urban water suppliers to implement Level 2 of their water shortage contingency plans, establish water shortage response actions for urban water suppliers that have not submitted water shortage contingency plans, taking into consideration model actions that the Department of Water Resources, and establish a ban on the irrigation of non-functional turf by entities in the commercial, industrial, and institutional sectors.
4. Many Californians and urban water suppliers have taken bold steps over the years to reduce water use; nevertheless, the severity of the current drought requires additional conservation actions from urban water suppliers, residents, and the commercial, industrial, and institutional sectors.
5. Water conservation is the easiest, most efficient, and most cost-effective way to quickly reduce water demand and extend limited water supplies through this summer and into the next year, providing flexibility for all California communities. Water saved is water available next year, giving water suppliers added flexibility to manage their systems effectively over time. The more water that is conserved now, the less likely it is that a community will experience dire shortages that may require water rationing or other emergency actions.
6. Most Californians use more water outdoors than indoors. In many areas, 50 percent or more of daily water use is for irrigation of lawns and outdoor landscaping irrigation. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water.

7. The use of potable water to irrigate turf on commercial, industrial, or institutional properties that is not regularly used for human recreational purposes or for civic or community events can be reduced in commercial, industrial, and institutional areas to protect local water resources and enhance water resiliency.
8. Public information and awareness are critical to achieving conservation goals, and the Save Our Water campaign ([SaveOurWater.com](https://www.saveourwater.com)), run jointly by the Department of Water Resources (DWR) and the Association of California Water Agencies, is an excellent resource for conservation information and messaging that is integral to effective drought response.
9. [SaveWater.CA.Gov](https://www.savewater.ca.gov) is an online tool designed to help save water in communities. This website lets anyone easily report water waste from their phone, tablet, or computer by simply selecting the type of water waste they see, typing in the address where the waste is occurring, and clicking send. These reports are filed directly with the State Water Board and relevant local water supplier.
10. Enforcement against water waste is a key tool in conservation programs. When conservation becomes a social norm in a community, the need for enforcement is reduced or eliminated.
11. On March 28, 2022, the Governor suspended the environmental review required by the California Environmental Quality Act to allow State Water Board-adopted drought conservation emergency regulations and other actions to take place quickly to respond to emergency conditions.
12. Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations in certain drought years in order to: “prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter’s priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports.”
13. On May 13, 2022, the State Water Board issued public notice that it will consider the adoption of the regulation at the Board’s regularly scheduled May 24, 2022 public meeting, in accordance with applicable State laws and regulations. The State Water Board also distributed for public review and comment a Finding of Emergency that complies with State laws and regulations.
14. The emergency regulation exempts suppliers from enforcing connection moratoria, if their Level 2 demand management actions call for them, because new residential connections are critical to addressing the state’s housing supply shortage. However, the Board recognizes connections for other projects may not be appropriate given the shortage conditions and urges water suppliers to carefully evaluate new development projects for their water use impacts.

15. Disadvantaged communities may require assistance responding to Level 2 conservation requirements, including irrigation restrictions, temporary changes to rate structures, and prohibited water uses. State shortage contingency plans aimed at increasing water conservation, and state and local agencies should look for opportunities to provide assistance in promoting water conservation. This assistance should include but not be limited to translation of regulation text and dissemination of water conservation announcements into languages spoken by at least 10 percent of the people who reside in a water supplier's service area, such as in newspaper advertisements, bill inserts, website homepage, social media, and notices in public libraries.
16. The Board directs staff to consider the following in pursuing any enforcement of section 996, subdivision (e): before imposing monetary penalties, staff shall provide one or more warnings; monetary penalties must be based on an ability to pay determination, consider allowing a payment plan of at least 12 months, and shall not result in a tax lien; and Board enforcement shall not result in shutoff.
17. The Board encourages entities other than Board staff that consider any enforcement of this regulation to apply these same factors identified in resolved paragraph 16. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Moreover, the Water Code does not impose a mandatory penalty for violations of the regulation adopted by this resolution, and local agencies retain their enforcement discretion in enforcing the regulation, to the extent authorized, and may develop their own progressive enforcement practices to encourage conservation.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts California Code of Regulations, title 23, section 996, as appended to this resolution as an emergency regulation that applies to urban water suppliers, as defined by Water Code section 10617.
2. State Water Board staff shall submit the regulation to the Office of Administrative Law (OAL) for final approval.
3. If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or designee may make such changes.

4. This regulation shall remain in effect for one year after filing with the Secretary of State unless the State Water Board determines that it is no longer necessary due to changed conditions or unless the State Water Board renews the regulation due to continued drought conditions, as described in Water Code section 1058.5.
5. The State Water Board directs State Water Board staff to work with the Department of Water Resources and the Save Our Water campaign to disseminate information regarding the emergency regulation.
6. The State Water Board directs staff to, by January 1, 2023, survey urban water suppliers on their experience protecting trees and tree cover during drought, with attention to disadvantaged communities. The survey shall inquire about challenges encountered, strategies used, costs, and successes in protecting trees.
7. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Local agencies are encouraged to develop their own progressive enforcement practices to promote conservation.

CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 24, 2022.

AYE: Chair E. Joaquin Esquivel
Vice Chair Dorene D'Adamo
Board Member Sean Maguire
Board Member Laurel Firestone

NAY: None

ABSENT: Board Member Nichole Morgan

ABSTAIN: None



Jeanine Townsend
Clerk to the Board

ADOPTED EMERGENCY REGULATION TEXT

Version: May 24, 2022

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 3.5. Urban Water Use Efficiency and Conservation

Article 2. Prevention of Drought Wasteful Water Uses

§ 996. Urban Drought Response Actions

(a) As used in this section:

(1) “Commercial, industrial and institutional” refers to commercial water users, industrial water users, and institutional water users as respectively defined in Water Code, section 10608.12, subdivisions (e), (i), and (j), and includes homeowners’ associations, common interest developments, community service organizations, and other similar entities but does not include the residences of these entities’ members or separate interests.

(2) “Common interest development” has the same meaning as in section 4100 of the Civil Code.

(3) “Community service organization or similar entity” has the same meaning as in section 4110 of the Civil Code.

(4) “Homeowners’ association” means an “association” as defined in section 4080 of the Civil Code.

(5) “Non-functional turf” means turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. Non-functional turf does not include sports fields and turf that is regularly used for human recreational purposes or for civic or community events.

(6) “Plant factor” has the same meaning as in section 491.

(7) “Separate interest” has the same meaning as in section 4185 of the Civil Code.

(8) “Turf” has the same meaning as in section 491.

(9) “Urban water supplier” has the same meaning as Water Code section 10617.

(10) “Water shortage contingency plan” means the plan required by Water Code section 10632.

(b) Each urban water supplier shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section

10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code.

- (c) (1) Each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources shall implement by June 10, 2022, at a minimum, all demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2).
- (2) Notwithstanding subdivision (c)(1), urban water suppliers shall not be required to implement new residential connection moratoria pursuant to this section.
- (3) Notwithstanding subdivision (c)(1), an urban water supplier may implement the actions identified in subdivision (d) in lieu of implementing the demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code section 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2), provided the supplier meets all of the following:
- (i) The supplier's annual water supply and demand assessment submitted to the Department of Water Resources demonstrates an ability to maintain reliable supply until September 30, 2023.
- (ii) The supplier does not rely on, for any part of its supply, the Colorado River, State Water Project, or Central Valley Project, and no more than ten (10) percent of its supply comes from critically overdrafted groundwater basins as designated by the Department of Water Resources.
- (iii) The supplier's average number of gallons of water used per person per day by residential customers for the year 2020 is below 55 gallons, as reported to the Board in the Electronic Annual Report.
- (d) Each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources shall, by June 10, 2022, and continuing until the supplier has implemented all demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2), implement at a minimum the following actions:
- (1) Initiate a public information and outreach campaign for water conservation and promptly and effectively reach the supplier's customers, using efforts such as email, paper mail, bill inserts, customer app notifications, news articles, websites, community events, radio and television, billboards, and social media.
- (2) Implement and enforce a rule or ordinance limiting landscape irrigation with potable water to no more than two (2) days per week and prohibiting landscape irrigation with potable water between the hours of 10:00 a.m. and 6:00 p.m.
- (3) Implement and enforce a rule or ordinance banning, at a minimum, the water uses prohibited by section 995. Adoption of a rule or ordinance is not required if the supplier has authority to enforce, as infractions, the prohibitions in section 995 and takes enforcement against violations.

- (e) (1) To prevent the unreasonable use of water and to promote water conservation, the use of potable water is prohibited for the irrigation of non-functional turf at commercial, industrial, and institutional sites.
- (2) Notwithstanding subdivision (e)(1), the use of water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need.
- (3) Notwithstanding subdivision (e)(1), an urban water supplier may approve a request for continued irrigation of non-functional turf where the user certifies that the turf is a low water use plant with a plant factor of 0.3 or less, and demonstrates the actual use is less than 40% of reference evapotranspiration.
- (f) The taking of any action prohibited in subdivision (e) is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.
- (g) A decision or order issued under this section by the Board, or an officer or employee of the Board, is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the Water Code.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 4080, 4100, 4110, and 4185, Civil Code; Section 8627.7, Government Code; Sections 102, 104, 105, 275, 350, 377, 491, 1122, 10608.12, 10617, 10632, and 10632.1, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463; *Stanford Vina Ranch Irrigation Co. v. State of California* (2020) 50 Cal.App.5th 976.

EL DORADO IRRIGATION DISTRICT

SUBJECT: Consider authorizing additional funding for the Indian Creek Lift Station Upgrade Project, Project No. 18003.01 in the amount of \$20,000 for engineering services and \$30,000 for capitalized labor; Outingdale Water Intake Replacement Project, Project No. 16048 in the amount of \$15,000 for capitalized labor; and Silva Valley and El Dorado Hills Sewerline Project, Project No. 15036.01 in the amount of \$25,000 for capitalized labor.

PREVIOUS BOARD ACTION

November 8, 2021 – Board adopted the 2022-2026 CIP, subject to available funding.

BOARD POLICIES (BP), ADMINISTRATIVE REGULATIONS (AR) AND BOARD AUTHORITY

BP 3010 Budget

SUMMARY OF ISSUE

Board approval is required to authorize CIP funding prior to staff proceeding with work on the projects.

BACKGROUND/DISCUSSION

Staff requests funding for the CIP projects identified in Table 1. The expenditures to date, amount of new funding requested and the funding source are listed.

**Table 1
CIP Funding Request**

	Project Name and Number	2022-2026 CIP Plan¹	Funded to Date	Actual Costs to date²	Amount Requested	Funding Source
1.	Indian Creek Lift Station Upgrade Project No. 18003	\$2,695,788	\$445,788	\$427,599	\$50,000	100% Wastewater FCCs
2.	Outingdale Water Intake Replacement Project No. 16048	\$2,036,500³	\$2,086,500	\$2,086,111	\$15,000	100% Water rates
3.	Silva Valley and El Dorado Hills Sewerline Project No. 15036	\$1,220,920	\$220,920	\$211,639	\$25,000	100% Wastewater FCCs
	TOTAL FUNDING REQUEST				\$90,000	

¹ Includes all existing costs plus any expected costs in the 5-year CIP.

² Actual costs include encumbrances.

³ Project 16048 was anticipated to be complete in 2021 and was not included in the 2022-2026 CIP Plan.

The following section contains a brief breakdown and description of the project in Table 1.

CIP Funding Request

Project No.	18003	Board Date	06/13/2022
Project Name	Indian Creek Lift Station Upgrade Project		
Project Manager	Carrington		

Budget Status	\$	%
Funded to date	\$ 445,788	--
Spent to date	\$ 427,599	96%
Current Remaining	\$ 18,189	4%

Funding Request Breakdown	\$
Engineering Services	\$ 20,000
Capitalized Labor	\$ 30,000
Total	\$ 50,000

Funding Source
100% Wastewater FCCs

Description
<p>The Indian Creek Lift Station (ICLS) was originally constructed in 1988 and serves approximately 105 equivalent dwelling units. The lift station is comprised of a wet well to collect influent flow, a separate dry well with dry pit pumps, and an electrical control house approximately 600 feet east of the wells. ICLS is one of twenty lift stations in the collections system that has a programmable logic controller 10 years beyond its useful life and in need of replacement. The pumps, generator, and other mechanical components are also beyond useful life and in need of replacement. This configuration of the remote electrical control house and separated dry pit pumps pose operational safety concerns during regular maintenance activities and emergency situations.</p> <p>This funding request is for engineering services to perform additional electrical design to accommodate a refined pumping configuration. Ideally, lift stations of this size would operate with one duty and one standby submersible pump. Due to fluctuations in flow from the tributary schools and high head conditions, the design engineer proposed duty and standby tandem pumps to efficiently support the wide range of flow operations. The electrical design revision will revise the electrical drawings, revise the utility electrical feed, revise the pump motor controls, design a new duct bank, and revise the control narrative. Capitalized labor included in this funding request will support finalizing the design, performing environmental review, and developing construction bid documents. Per the 2022-2026 CIP, this project is planned to begin construction in 2022 and continue into 2023.</p>

CIP Funding Request

Project No.	16048	Board Date	06/13/2022
Project Name	Outingdale Water Intake Replacement		
Project Manager	Money		

Budget Status	\$	%
Funded to date	\$ 2,086,500	--
Spent to date	\$ 2,086,111	100%
Current Remaining	\$ 389	0%

Funding Request Breakdown	\$
Capitalized Labor	\$ 15,000
Total	\$ 15,000

Funding Source
100% Water rates

Description
<p>The community of Outingdale is a satellite community, with only one source of water for public health and safety purposes. The Outingdale Water Intake Replacement Project (Project) included the replacement of existing water intake pumps, installation of a sand separator, booster pumps, electrical equipment, and a new stairway. The Project is substantially complete and improves service reliability for the District's Outingdale customers.</p> <p>The additional funding is needed for capitalized labor for oversight of minor motor modifications, grant funding administration, and project closeout. With project completion anticipated in early 2022, the project was not included in the preparation of the 2022-2026 CIP.</p>

CIP Funding Request

Project No.	15036	Board Date	06/13/2022
Project Name	Silva Valley and El Dorado Hills Sewerline		
Project Manager	Carrington		

Budget Status	\$	%
Funded to date	\$ 220,920	--
Spent to date	\$ 211,639	96%
Current Remaining	\$ 9,281	4%

Funding Request Breakdown	\$
Capitalized Labor	\$ 25,000
Total	\$ 25,000

Funding Source
100% Wastewater FCCs

Description
<p>The 2013 Wastewater Facility Master Plan (WWMP) identified 2,100 feet of the 18"/21" sewer line along Silva Valley Road and 4,500 feet of 18" sewer line between Silva Valley Rd and the EDH Wastewater Treatment Plant as needing capacity upsizing in the future. In order to further refine the extent and timing of improvements required, flow monitoring and survey work to determine manhole invert and ground elevations was completed. Flow monitoring and survey data has been incorporated into the District collection system model to determine remaining pipeline capacity. The current capacity analysis indicates the peak wet weather flow rate in 12,000 feet of pipeline exceeds design capacity, and of that, 4,700 feet is in a surcharged condition (i.e. water backing up into manholes). Additional wet weather flow data has been collected to calibrate the model further.</p> <p>The hydraulic modeling update in 2020 included a refinement of necessary pipeline sizing and a list of improvement options. This funding request will provide for capitalized labor to develop a Request for Proposals (RFP) to perform a Basis of Design (BODR) that will determine the most cost effective and constructible pipe alignment considering environmental factors and easement acquisition.</p>

BOARD OPTIONS

Option 1: Authorize additional funding for the Indian Creek Lift Station Upgrade Project, Project No. 18003.01 in the amount of \$20,000 for engineering services and \$30,000 for capitalized labor; Outingdale Water Intake Replacement Project, Project No. 16048 in the amount of \$15,000 for capitalized labor; and Silva Valley and El Dorado Hills Sewerline Project, Project No. 15036.01 in the amount of \$25,000 for capitalized labor.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

RECOMMENDATION

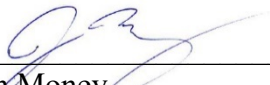
Option 1

ATTACHMENTS

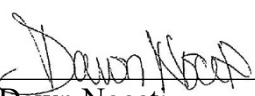
Attachment A: CIP Summaries



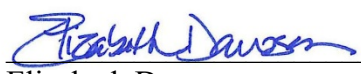
Liz Carrington
Senior Civil Engineer



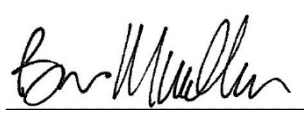
Jon Money
Senior Civil Engineer



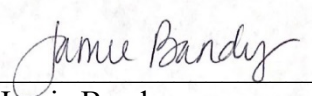
Dawn Noceti
Accountant



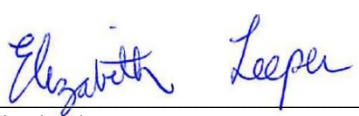
Elizabeth Dawson
Engineering Manager



Brian Mueller
Engineering Director



Jamie Bandy
Finance Director



Elizabeth Leeper
Senior Deputy General Counsel



Jim Abercrombie
General Manager

2022

CAPITAL IMPROVEMENT PLAN Program:

Wastewater

Project Number: 18003
Project Name: Indian Creek Lift Station Upgrades
Project Category: Reliability & Service Level Improvements
Priority: 2 **PM:** Carrington **Board Approval:** 11/08/21

Project Description:

The Indian Creek Lift Station (ICLS) was originally constructed in 1988 and serves approximately 105 equivalent dwelling units. The lift station is comprised of a wet well to collect influent flow, a separate dry well with dry pit pumps, and an electrical control house approximately 600 feet east of the wells. ICLS is one of twenty lift stations in the collections system that has a PLC 10 years beyond its useful life and is in need of replacement. The pumps, generator, and other mechanical components are also beyond useful life and in need of replacement. This configuration of the remote electrical control house and separated dry pit pumps pose operational safety concerns during regular maintenance and emergency situations.

The Indian Creek Lift Station Upgrades project would replace mechanical and electrical components consistent with the District's lift station standards. The PG&E power connection and main disconnect will be replaced at the remote control house while the new PLC, MCC, and generator will be installed near the wet well. New submersible pumps will be installed so that the dry pit pumps can be removed and the dry well can be abandoned. Minor civil site improvements including a four foot retaining wall and new fencing will be installed around the lift station perimeter. Project has been deferred in the CIP to meet financial plan objectives, however the project may be accelerated based on priority and available funding.

Basis for Priority:

This project will upgrade a degrading lift station and ensure reliability and continual operation of the station.

Project Financial Summary:

Funded to Date:	\$ 407,788	Expenditures through end of year:	\$ 367,747
Spent to Date:	\$ 287,747	2022 - 2026 Planned Expenditures:	\$ 2,250,000
Cash flow through end of year:	\$ 80,000	Total Project Estimate:	\$ 2,617,747
Project Balance	\$ 40,041	Additional Funding Required	\$ 2,209,959

Description of Work	Estimated Annual Expenditures					
	2022	2023	2024	2025	2026	Total
Study/Planning						\$ -
Design	\$ 50,000					\$ 50,000
Construction	\$ 1,000,000	\$ 1,000,000				\$ 2,000,000
Inspection/CM	\$ 100,000	\$ 100,000				\$ 200,000
TOTAL	\$ 1,150,000	\$ 1,100,000	\$ -	\$ -	\$ -	\$ 2,250,000

Estimated Funding Sources	Percentage	2022	Amount
Wastewater FCCs	100%		\$1,109,959
			\$0
Total	100%		\$1,109,959

Funding Comments:

Project Number: 15036
Project Name: Silva Valley - El Dorado Hills Sewerline
Project Category: Reliability & Service Level Improvements
Priority: 2 **PM:** Carrington **Board Approval:** 11/08/21

Project Description:

The 2013 Wastewater Facility Master Plan (WWMP) identified 2,100 feet of the 18"/21" sewer line along Silva Valley Road and 4,500 feet of 18" sewer line between Silva Valley Rd and the EDH Wastewater Treatment Plant as needing capacity upsizing in the future. In order to further refine the extent and timing of improvements required, flow monitoring and survey work to determine manhole invert and ground elevations was completed. Flow monitoring and survey data has been incorporated into the District collection system model to determine remaining pipeline capacity. The current capacity analysis indicates the peak wet weather flow rate in 12,000 feet of pipeline exceeds design capacity and of that 4,700 feet is in a surcharged condition, i.e. water backing up into manholes. Additional wet weather flow data has been collected to calibrate the model further.

The hydraulic modeling update in 2020 included a refinement of necessary pipeline sizing as well as a list of improvement options. A Basis of Design (BODR) report is needed to determine the most cost effective and constructable pipe alignment considering environmental concerns and easement acquisition. Because project development is conceptual at this time, construction expenditures are not included. Once the BODR is completed, construction expenditures will be programmed into the Capital Improvement Plan.

Basis for Priority:

This project will replace undersized assets to ensure reliability and continual operation of the El Dorado Hills collection system. If the capacity limitations are not corrected, sanitary sewer overflows could occur and future connections to the collection system will be limited.

Project Financial Summary:

Funded to Date:	\$ 220,920	Expenditures through end of year:	\$ 207,206
Spent to Date:	\$ 197,206	2022 - 2026 Planned Expenditures:	\$ 1,000,000
Cash flow through end of year:	\$ 10,000	Total Project Estimate:	\$ 1,207,206
Project Balance	\$ 13,714	Additional Funding Required	\$ 986,286

Description of Work	Estimated Annual Expenditures					Total
	2022	2023	2024	2025	2026	
Study/Planning	\$ 150,000					\$ 150,000
Environmental	\$ 100,000	\$ 100,000				\$ 200,000
Easement Acquisition		\$ 50,000	\$ 200,000			\$ 250,000
Design		\$ 200,000	\$ 200,000			\$ 400,000
Construction						\$ -
						\$ -
TOTAL	\$ 250,000	\$ 350,000	\$ 400,000	\$ -	\$ -	\$ 1,000,000

Estimated Funding Sources	Percentage	2022	Amount
Wastewater FCCs	100%		\$236,286
Total	100%		\$236,286

Funding Comments: The project provides capacity for new wastewater customers, therefore is funded with wastewater FCCs.

EL DORADO IRRIGATION DISTRICT

SUBJECT: Consider awarding two contracts to Univar Solutions USA, Inc. in the not-to-exceed amount of \$688,723 to supply as-needed liquid sodium hydroxide for water and wastewater treatment and the not-to-exceed amount of \$391,093 to supply liquid sodium hypochlorite for wastewater treatment for a period of one year.

PREVIOUS BOARD ACTION

May 24, 2021 – Board awarded contracts to Univar USA Inc. and Olin Chlor Alkali Products in the not-to-exceed amounts of \$364,270 and \$235,950, respectively, to supply as-needed liquid sodium hydroxide and liquid sodium hypochlorite for water and wastewater treatment.

BOARD POLICIES (BP), ADMINISTRATIVE REGULATIONS (AR) AND BOARD AUTHORITY

BP 3060 Contracts and Procurement

SUMMARY OF ISSUE

The purpose of this item is to award contracts to Univar USA Inc. to supply as-needed liquid sodium hypochlorite and liquid sodium hydroxide for water and wastewater treatment for a period of one year utilizing the Bay Area Clean Water Agencies 2022 bid results.

BACKGROUND/DISCUSSION

Water and wastewater agencies across the greater northern California area collaborate in chemical purchases by combining bid solicitations under the name Bay Area Clean Water Agencies (BACWA). BACWA is a Joint Powers Authority cooperative that advertises and opens sealed competitive bids and then prepares bid recommendations. The BACWA consists of 46 water and wastewater agencies, including El Dorado Irrigation District, in 12 counties. BACWA recently completed the 2022 bidding process and the District is in need of purchasing additional chemicals to support its water and wastewater treatment processes. Despite an aggressive competitive bid process, as evidenced by the annual bid increase, chemical purchases have not been immune to recent inflationary pressures.

Sodium Hypochlorite

Sodium hypochlorite is a liquid disinfectant used in the water and wastewater treatment process. At the Deer Creek and El Dorado Hills wastewater treatment Plants (WWTP), it is used in the recycled water distribution system. The quantity of usage depends on factors such as the amount of effluent being treated, dosage rates, and weather. Recycled water staff estimates a need of 35,000 gallons of sodium hypochlorite per year at both WWTP's combined.

In addition to its use as a disinfectant, sodium hypochlorite also provides necessary oxidation qualities required in the drinking water treatment process. It is used at the El Dorado Hills, Reservoir 1 and Reservoir A water treatment plants (WTP) for this purpose. The total estimated amount required for water treatment at all three WTP for one year is 199,000 gallons.

Thus, the total estimated amount of liquid sodium hypochlorite required for water and wastewater treatment for one year is 234,000 gallons. Since the volume of usage varies based on a variety of factors, District staff recommends that the contract not-to-exceed amount allow for a

10% contingency in the quantity of liquid sodium hypochlorite that may be necessary over the next year. With the 10% contingency on the 234,000 gallon estimate, the contract would allow for a total quantity of 257,400 gallons at the not-to-exceed cost of \$391,093. The bidding results and needs of each division are summarized below. Staff recommends the Board award the contract to Univar Solutions USA Inc. based on the results of the 2022 bid conducted by the BACWA summarized below.

Bid Summary for Sodium Hypochlorite 12.5%

Supplier	Price Per Gallon
Univar Solutions USA Inc.	\$1.5166
Olin Corporation	\$1.5490
Hasa, Inc.	\$5.00

Total Cost by Division

12.5% Hypochlorite Gallons Required x 1,000 (Gallons x 1,000)			
Division	Gal x 1,000	Price/Gal	Cost
Wastewater	35	1.5166	\$53,801
Water	199	1.5166	\$301,803
Contingency 10%	23.4	1.5166	\$35,489
Total	257.4		\$391,093

Sodium Hydroxide

Liquid sodium hydroxide is used in both water and wastewater treatment processes. It is used at the Deer Creek and El Dorado Hills WWTPs to provide pH and alkalinity control for regulatory compliance and process control. Furthermore, it is occasionally used as an odor control agent in the wastewater collection system. Depending on operating conditions at the WWTPs, the systems require sodium hydroxide addition in liquid form of either a 30% or 50% concentrate solution. Approximately 167 dry tons of 30% and 390 dry tons of 50% is required in a one-year period for wastewater. Additionally, 56 tons of 25% and 121 tons of 50% solution are used in the water treatment process at the El Dorado Hills, Reservoir 1, and Reservoir A WTPs each year to make alkalinity adjustments in source water and for pH control in the distribution system to inhibit corrosion. The total amount of liquid sodium hydroxide required for water and wastewater in one year is 734 dry tons. The bidding results and needs of each division are summarized below.

Bid Summary for Sodium Hydroxide in Dry Tons

Supplier	Price / Dry Ton 25%	Price / Dry Ton 30%	Price / Dry Ton 30%
Univar Solutions	\$967.58	\$957.34	\$806.36
Olin Corp.	\$1,043	\$993	\$891
Brenntag Pacific	\$1,020	\$1,005	\$875

Total Cost by Division 25%

Division	Dry Ton Est.	Price / Dry Ton	Cost
Water	56	\$967.58	\$54,185

Total Cost by Division 30%

Division	Dry Ton Est.	Price / Dry Ton	Cost
Wastewater	167	\$957.34	\$159,876

Total Cost by Division 50%

Division	Dry Ton Est.	Price / Dry Ton	Cost
Wastewater	390	\$806.36	\$314,481
Water	121	\$806.36	\$97,570
Total Cost 50%			\$412,051

Division	Total Cost
Water	\$151,755
Wastewater	\$474,357
Contingency 10%	\$62,611
Total	\$688,723

FUNDING

Funding will come from the 2022-2023 Operating Budgets.

BOARD OPTIONS

Option 1: Award two contracts to Univar Solutions USA, Inc. in the not-to-exceed amount of \$688,723 to supply as-needed liquid sodium hydroxide for water and wastewater treatment and the not-to-exceed amount of \$391,093 to supply liquid sodium hypochlorite for wastewater treatment for a period of one year.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

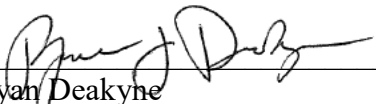
RECOMMENDATION


Option 1


ATTACHMENTS


Attachment A: BACWA Award Letter Sodium Hydroxide – Univar

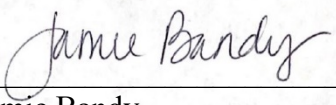
Attachment B: BACWA Award Letter Sodium Hypochlorite – Univar


Ryan Deakyne
Senior Buyer

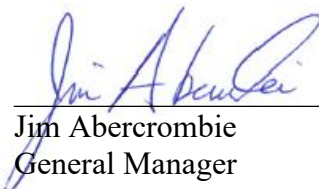

Tracy Crane
Wastewater Operations Manager


Radenko Odzakovic
Water Operations Manager


Dan Corcoran
Operations Director


Jamie Bandy
Finance Director


Brian Poulsen
General Counsel


Jim Abercrombie
General Manager



March 15, 2022

Univar Solutions USA Inc.
Attn: Jennifer Perras
8201 S 212th St.
Kent, WA 98032

RE: Award Contract in Response to Bay Area Chemical Consortium (BACC) Bid No. 12-2022 for Supply and Delivery of SODIUM HYDROXIDE to East Bay, Marin Sonoma Napa, Sacramento, South Bay, North Bay and Tri Valley regions.

Dear Ms. Perras,

We are pleased to advise you that the bid submitted by Univar Solutions USA Inc. for Bid No. 12-2022 was determined to be the lowest responsive bid for the supply and delivery of SODIUM HYDROXIDE during the period July 1, 2022 through June 30, 2023 for regions: East Bay, Marin Sonoma Napa, Sacramento, South Bay, North Bay and Tri Valley.

The participating BACC Agencies should be contacting you shortly to discuss entering into contracts with Univar Solutions USA Inc. for their respective facilities.

Bay Area Chemical Consortium sincerely appreciates your efforts and participation in the competitive bid process.

If you have any questions, please free to contact me at jdymment@bacwa.org

Sincerely,

Jennifer Dymment
Assistant Executive Director
BACWA.org
as Coordinating Agency for the Bay Area Chemical Consortium

Bay Area Clean Water Agencies
 Bid Results for Project 12-2022 SODIUM HYDROXIDE
 Issued on 01/27/2022
 Bid Due on February 24, 2022 4:00 PM (PDT)
 Exported on 02/24/2022
REGIONAL BID AWARD

CENTRAL VALLEY EST ANNUAL dry ton	20% CAUSTIC		25% CAUSTIC		30% CAUSTIC		50% CAUSTIC		TOTAL OVERALL COST FOR REGION
	0		478		0		155		
	BID PRICE PER Dry ton	TOTAL EST COST	BID PRICE PER Dry ton	TOTAL EST COST	BID PRICE PER dry ton	TOTAL EST COST	BID PRICE PER dry ton	TOTAL EST COST	
Olin Corporation			\$994.00000	\$475,132.00			\$866.00000	\$134,230.00	\$609,362.00
Brenntag Pacific, Inc.			\$975.00000	\$466,050.00			\$833.00000	\$129,115.00	\$595,165.00
Univar Solutions USA Inc.			\$1,142.33000	\$546,033.74			\$816.74000	\$126,594.70	\$672,628.44

EAST BAY EST ANNUAL QTY Dry Ton	20% CAUSTIC		25% CAUSTIC		30% CAUSTIC		50% CAUSTIC		TOTAL OVERALL COST FOR REGION
	0		0		0		891		
	BID PRICE PER Dry Ton	TOTAL EST COST	BID PRICE PER Dry Ton	TOTAL EST COST	BID PRICE PER Dry Ton	TOTAL EST COST	BID PRICE PER Dry Ton	TOTAL EST COST	
Olin Corporation							\$877.00000	\$781,407.00	\$781,407.00
Brenntag Pacific, Inc.							\$825.00000	\$735,075.00	\$735,075.00
Univar Solutions USA Inc.							\$777.03000	\$692,333.73	\$692,333.73

MARIN SONOMA NAPA EST ANNUAL QTY Dry Ton	20% CAUSTIC		25% CAUSTIC		30% CAUSTIC		50% CAUSTIC		TOTAL OVERALL COST FOR REGION
	0		80		0		622		
	BID PRICE PER Dry Ton	TOTAL EST COST	BID PRICE PER Dry Ton	TOTAL EST COST	BID PRICE PER Dry Ton	TOTAL EST COST	BID PRICE PER Dry Ton	TOTAL EST COST	
Olin Corporation			\$928.00000	\$74,240.00			\$879.00000	\$546,738.00	\$620,978.00
Brenntag Pacific, Inc.			\$955.00000	\$76,400.00			\$825.00000	\$513,150.00	\$589,550.00
Univar Solutions USA Inc.			\$873.50000	\$69,880.00			\$805.77000	\$501,188.94	\$571,068.94

NORTH BAY EST ANNUAL QTY Dry Ton	20% CAUSTIC		25% CAUSTIC		30% CAUSTIC		50% CAUSTIC		TOTAL OVERALL COST FOR REGION
	0		0		2,432		960		
	BID PRICE PER Dry Ton	TOTAL EST COST	BID PRICE PER Dry Ton	TOTAL EST COST	BID PRICE PER Dry Ton	TOTAL EST COST	BID PRICE PER Dry Ton	TOTAL EST COST	
Olin Corporation					\$955.00000	\$2,322,560.00	\$865.00000	\$830,400.00	\$3,152,960.00
Brenntag Pacific, Inc.					\$935.00000	\$2,273,920.00	\$820.00000	\$787,200.00	\$3,061,120.00
Univar Solutions USA Inc.					\$860.20000	\$2,092,006.40	\$740.45000	\$710,832.00	\$2,802,838.40

SACRAMENTO EST ANNUAL QTY Dry Ton	20% CAUSTIC		25% CAUSTIC		30% CAUSTIC		50% CAUSTIC		TOTAL OVERALL COST FOR REGION
	4		731		167		1,380		
	BID PRICE PER Dry Ton	TOTAL EST COST	BID PRICE PER Dry Ton	TOTAL EST COST	BID PRICE PER Dry Ton	TOTAL EST COST	BID PRICE PER Dry Ton	TOTAL EST COST	
Olin Corporation	\$1,074.00000	\$4,296.00	\$1,043.00000	\$762,433.00	\$993.00000	\$165,831.00	\$891.00000	\$1,229,580.00	\$2,162,140.00
Brenntag Pacific, Inc.	\$1,040.00000	\$4,160.00	\$1,020.00000	\$745,620.00	\$1,005.00000	\$167,835.00	\$875.00000	\$1,207,500.00	\$2,125,115.00
Univar Solutions USA Inc.	\$1,019.35000	\$4,077.40	\$967.58000	\$707,300.98	\$957.34000	\$159,875.78	\$806.36000	\$1,112,776.80	\$1,984,030.96

SOUTH BAY EST ANNUAL QTY Dry Ton	20% CAUSTIC		25% CAUSTIC		30% CAUSTIC		50% CAUSTIC		TOTAL AGGREGATE COST FOR REGION
	0		10		3		2,000		
	BID PRICE PER Dry Ton	TOTAL EST COST	BID PRICE PER Dry Ton	TOTAL EST COST	BID PRICE PER Dry Ton	TOTAL EST COST	BID PRICE PER Dry Ton	TOTAL EST COST	
Olin Corporation			\$1,016.00000	\$10,160.00	\$0.00000	0	\$879.00000	\$1,758,000.00	\$1,768,160.00
Brenntag Pacific, Inc.			\$1,030.00000	\$10,300.00	\$1,550.00000	\$4,650.00000	\$828.00000	\$1,656,000.00	\$1,670,950.00
Univar Solutions USA Inc.			\$975.43000	\$9,754.30	\$2,129.74000	\$6,389.22000	\$779.60000	\$1,559,200.00	\$1,575,343.52

TRI VALLEY EST ANNUAL QTY Dry Ton	20% CAUSTIC		25% CAUSTIC		30% CAUSTIC		50% CAUSTIC		TOTAL OVERALL COST FOR REGION
	0		325		0		650		
	BID PRICE PER Dry Ton	TOTAL EST COST	BID PRICE PER Dry Ton	TOTAL EST COST	BID PRICE PER Dry Ton	TOTAL EST COST	BID PRICE PER Dry Ton	TOTAL EST COST	
Olin Corporation			\$987.00000	\$320,775.00			\$863.00000	\$560,950.00	\$881,725.00
Brenntag Pacific, Inc.			\$965.00000	\$313,625.00			\$827.00000	\$537,550.00	\$851,175.00
Univar Solutions USA Inc.			\$907.90000	\$295,067.50			\$761.37000	\$494,890.50	\$789,958.00

TOTAL EST QTY Dry Ton	4	1,624	2,602	6,658
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CHECK: BID DOC TOTALS	4	1,624	2,602	6,658
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March 15, 2022

Univar Solutions USA Inc.
Attn: Jennifer Perras
8201 S 212th St.
Kent, WA 98032

RE: Regional Award Contract in Response to Bay Area Chemical Consortium (BACC) Bid No. 13-2022 for Supply and Delivery of SODIUM HYPOCHLORITE 12.5% in Central Valley, East Bay, Marin Sonoma Napa, North Bay, Peninsula, Sacramento, South Bay and Tri Valley regions.

Dear Ms. Perras,

We are pleased to advise you that the bid submitted by Univar Solutions USA Inc. for Bid No. 13-2022 was determined to be the lowest responsive bid for the supply and delivery of SODIUM HYPOCHLORITE 12.5% during the period July 1, 2022 through June 30, 2023 in regions: Central Valley, East Bay, Marin Sonoma Napa, North Bay, Peninsula, Sacramento, South Bay and Tri Valley.

The participating BACC Agencies from the above regions should be contacting you shortly to discuss entering into contracts with Univar Solutions USA Inc. for their respective facilities.

Bay Area Chemical Consortium sincerely appreciates your efforts and participation in the competitive bid process.

If you have any questions, please free to contact me at jdymment@bacwa.org

Sincerely,

A handwritten signature in black ink, appearing to read "JDymment", with a long horizontal stroke extending to the right.

Jennifer Dymment
Assistant Executive Director
BACWA.org
as Coordinating Agency for the Bay Area Chemical Consortium

Bay Area Clean Water Agencies
 Bid Results for Project 13-2022 SODIUM HYPOCHLORITE 12.5%
 Issued on 01/27/2022
 Bid Due on February 24, 2022 4:00 PM (PDT)
 Exported on 02/24/2022
REGIONAL BID AWARD

Section	SODIUM HYPOCHLORITE 12.5%									SODIUM HYPOCHLORITE 12.5% In 275-gal totes (Optional bid item)	SODIUM HYPOCHLORITE 12.5% In Drums (Optional bid item)			SODIUM HYPOCHLORITE 5.25% (Optional bid item)
	Central Valley	East Bay	Marin Sonoma	North Bay	Peninsula	Sacramento	South Bay	Tri Valley		North Bay	Central Valley	North Bay	Sacramento	Sacramento
Description	gal	gal	Napa gal	gal	gal	gal	gal	gal	gal	gal	gal	gal	gal	gal
Unit of Measure														
Univar Solutions USA Inc.	1.5469	1.4322	1.4640	1.3852	1.4916	1.5166	1.4642	1.4424		no bid	no bid	no bid	no bid	no bid
Olin Corporation	1.5490	1.4940	1.5890	1.5490	1.5490	1.5490	1.6240	1.4940		no bid	no bid	no bid	no bid	0.9290
Hasa, Inc.	5.0000	1.6300	5.0000	1.6100	5.0000	5.0000	5.0000	5.0000		2.0100	no bid	2.1500	no bid	no bid

Lowest responsive bid for each region

*Per Section 2.16 Method of Award
 Bids may be awarded by the participating BACC agencies to the lowest, responsive, and responsible bidder for each listed region meeting the specifications for bulk loads for the chemical. The lowest responsive bidder for this chemical will be determined for each region listed on the Bid Form. The bidder that meets the specifications and submits the lowest overall bid price for a particular region may be awarded the bid by the participating agencies in that region, assuming the bid is determined by BACC to be complete and in compliance with the bid requirements. The lowest overall bid price for each region will be determined by multiplying the estimated annual quantity for each participating agency within the particular region by the bid prices for the region, and adding up the aggregate cost. BACC has the right to delete terms or options from the bid contract documents and reserves the right to reject any and all bids and to waive irregularities in said bids.*

EL DORADO IRRIGATION DISTRICT

SUBJECT: March 31, 2022 Financial Update.

PREVIOUS BOARD ACTION

Staff presents a financial update to the Board on a quarterly basis.

BOARD POLICIES (BP), ADMINISTRATIVE REGULATIONS (AR), AND BOARD AUTHORITY

BP 3010 Budget

BP 3030 General Manager's Reporting Responsibilities

SUMMARY OF ISSUE

Staff will present to the Board a financial status report on revenues, expenditures, cash compared to the adjusted budget and report on the occurrence of any irregular conditions, such as the need to fund unbudgeted items. This is a financial report for the year ended March 31, 2022.

BACKGROUND/DISCUSSION

This agenda item provides a report on the District's fiscal condition as of March 31, 2022. For the year, the District has recorded about \$13.0 million in revenues and \$11.8 million in operating expenses with a net increase of \$0.2 million. However, total cash decreased by \$23.9 million to \$82.6 million at March 31, 2021 primarily related to debt payments of \$9.8, capital construction of \$16.4 million, and a reduction in yearend accounts payable of \$7.5 million compared to March 31.

March 31, 2022 Financial Update

District Revenues: Tables 1 and 2 represent actual revenues recorded, by fund and category, for the quarter ended March 31, 2022, with comparable 2021 numbers, each as compared with 2021 and 2022 seasonally adjusted budgeted figures.

Table 1
Total Revenues by Fund
(in millions)

Revenue Fund	2021			2022		
	3 Months Adopted Budget	March 31 Revenues	Variance Over / (Under)	3 Months Adopted Budget ⁽¹⁾	March 31 Revenues	Variance Over / (Under)
Water	\$ 14.332	\$ 13.772	\$ (0.560)	\$ 14.130	\$ 7.461	\$ (6.669)
Wastewater	8.487	9.928	1.441	8.091	5.006	(3.085)
Recycled Water	0.599	0.174	(0.425)	0.246	0.148	(0.098)
Hydroelectric	1.750	1.047	(0.703)	0.875	0.001	(0.874)
Recreation	0.375	0.229	(0.146)	0.382	0.372	(0.010)
Total Revenues	\$ 25.543	\$ 25.150	\$ (0.393)	\$ 23.724	\$ 12.988	\$ (10.736)

⁽¹⁾Seasonally adjusted

Table 2
Total Revenues by Category
(in millions)

Revenue Category	2021			2022		
	3 Months Adopted Budget	March 31 Revenues	Variance Over / (Under)	3 Months Adopted Budget ⁽¹⁾	March 31 Revenues	Variance Over / (Under)
Water Sales and Services	\$ 8.701	\$ 6.489	\$ (2.212)	\$ 7.584	\$ 6.983	\$ (0.601)
Wastewater Sales and Services	5.531	4.971	(0.560)	5.405	4.886	(0.519)
Recycled Water Sales	0.599	0.174	(0.425)	0.246	0.148	(0.098)
Hydropower Sales	1.750	1.047	(0.703)	0.875	0.000	(0.875)
Investment Income	0.188	0.000	(0.188)	0.188	0.004	(0.184)
Debt Surcharges	0.396	0.517	0.121	0.210	0.161	(0.049)
Property Tax	3.175	6.921	3.746	3.239	0.000	(3.239)
Other Income	0.647	0.087	(0.560)	0.520	0.080	(0.440)
Grants	0.000	0.000	0.000	1.775	0.000	(1.775)
Recreation	0.375	0.229	(0.146)	0.382	0.372	(0.010)
Subtotal	21.362	20.435	(0.927)	20.424	12.634	(7.790)
FCCs	4.181	4.715	0.534	3.300	0.354	(2.946)
Total Revenues	\$ 25.543	\$ 25.150	\$ (0.393)	\$ 23.724	\$ 12.988	\$ (10.736)

⁽¹⁾Seasonally adjusted

Recorded revenues for 2022 are approximately \$13.228 million lower than one-fourth of the budgeted revenues for the year. Revenue is down \$12.162 million year over year. Many revenue categories show minimal changes year over year with the exception of hydropower sales, property taxes, debt surcharges, and Facility Capacity Charges (FCCs). Property taxes had not yet been received as of March 31, 2022, there were expirations of surcharges during 2021, many FCCs were paid during 2021 for development which was still in process as of the end of this first quarter, and there were no hydropower sales due to major work being done as a result of the Caldor Fire losses sustained. Property taxes were received subsequent to March 31, 2022 and were approximately \$6.413 million. Insurance proceeds are expected for the loss of business during the rebuild of the flumes. To date, the District has received approximately \$11 million in insurance advancements for Business Income Loss and Property Damage Loss. The specific costs associated with these advances will not be determined until the claim is closed and the forensic accountants provide their analysis. On May 7, 2022, the powerhouse generators were reported to be running at full capacity from the water in the newly repaired canal system.

District Operating Expenses: For the quarter ended March 31, 2022 the District has incurred about \$11.9 million of its \$60.5 million annual operating expense budget. Table 3 reflects operating expenses, by category, compared to 3 months of the annual budget.

Table 3
Budget to Actual Operating Expenses by Category
January 1- March 31, 2022
(in millions)

Operating Expense Category	2022		Variance
	3 Months Adopted Budget	March 31 Expenses	Over / (Under)
Salaries	\$ 5.491	\$ 4.228	\$ (1.263)
Benefits	4.291	3.787	(0.504)
Materials and Supplies			
Operating Supplies	1.186	1.250	0.064
Chemicals	0.320	0.202	(0.118)
Administrative Costs	1.145	0.930	(0.215)
Utilities	1.433	0.913	(0.520)
Professional Services	1.293	0.929	(0.364)
Repair Services	0.896	0.179	(0.717)
Insurance	0.265	0.007	(0.258)
Operating Capital	0.132	0.716	0.584
Contingency	0.063	0.000	(0.063)
Grants	0.000	0.000	0.000
Reimbursements from Developers	0.000	0.000	0.000
Labor Offsets	(1.385)	(1.285)	0.100
Total Operating Expenses	\$ 15.130	\$ 11.856	\$ (3.274)

Table 4 shows the District's operating expenses, by category, for the quarter ended March 31, 2022 compared to the budget.

Table 4
Budget to Actual Operating Expenses by Category
January 1- March 31, 2022
(in millions)

Operating Expense Category	3 Months Adopted Budget	March 31 Expenses	% of Budget
Wages	\$ 5.491	\$ 4.228	77.0%
Benefits (Table 5)	4.291	3.787	88.3%
Salaries and Benefits	9.782	8.015	81.9%
CIP and Development Reimbursement Labor Offsets	(1.385)	(1.285)	92.8%
Net personnel expense	8.397	6.730	80.1%
Materials and Services			
-Operating Supplies	1.186	1.250	105.4%
-Chemicals	0.320	0.202	63.1%
-Administration	1.145	0.930	81.2%
-Utilities	1.433	0.913	63.7%
-Professional Services	1.293	0.929	71.8%
-Repair Services	0.896	0.179	20.0%
-Insurance	0.265	0.007	2.6%
-Operating Capital Outlay	0.132	0.716	542.4%
-Contingency	0.063	0.000	n/a
Total Materials and Services	6.733	5.126	76.1%
Total Operating Expenses	\$ 15.130	\$ 11.856	78.4%

Actual expenses for 2022 are 19.6% of the total approved 2022 budget which is on track for this time within the 2022 fiscal year.

Table 5 shows the employee benefits, by type, for the quarter ended March 31, 2022 compared to the budget.

Table 5
Budget to Actual Employee Benefits
January 1-March 31, 2022
(in millions)

Benefits Type	3 Months Adopted Budget	March 31 Expenses	% of Budget
Medical	\$ 1.100	\$ 0.924	84.0%
Retiree Health	0.500	0.335	67.0%
Dental/Vision	0.085	0.074	87.1%
EAP	0.002	0.000	0.0%
Life	0.016	0.006	37.5%
Workers' Compensation	0.067	0.055	82.1%
FICA	0.412	0.384	93.2%
PERS	2.067	1.974	95.5%
Medical Reimbursement	0.015	0.007	46.7%
Vehicle Allowance	0.009	0.009	100.0%
Other Employee Costs	0.018	0.019	105.6%
Total Benefits	\$ 4.291	\$ 3.787	88.3%

Employee benefits are in line for the first three months of 2022. PERS costs will be adjusted to Normal Cost only, after the payment on the Unfunded Actuarial Liability, at July 1, 2022.

Table 6 shows the operating expenses by category comparing 2021 and 2022 results.

Table 6
Operating Expenses by Category
(in millions)

Operating Expense Category	2021	2022	Increase / (Decrease)
	March 31 Expenses	March 31 Expenses	
Salaries	\$ 3.931	\$ 4.228	\$ 0.297
Benefits	3.661	3.787	0.126
Materials and Supplies			
Operating Supplies	0.908	1.250	0.342
Chemicals	0.146	0.202	0.056
Administrative Costs	1.282	0.930	(0.352)
Utilities	0.624	0.913	0.289
Professional Services	1.626	0.929	(0.697)
Repair Services	0.146	0.179	0.033
Insurance	0.520	0.007	(0.513)
Operating Capital	0.057	0.716	0.659
Contingency	0.000	0.000	0.000
Grants	0.000	0.000	0.000
CIP and Development Reimbursement Labor Offsets	(1.039)	(1.285)	(0.246)
Total Operating Expenses	\$ 11.862	\$ 11.856	\$ (0.006)

The increase in benefits in 2022 is related to cost increase for the annual bump in the CalPERS Unfunded Actuarial Liability (UAL) contribution for 2022. The UAL portion is going to zero at June 30, 2022. Professional service costs in 2022 are lower compared to 2021 and were related to the tank recoating project in water operations in the prior year.

District Cash Balances: Table 7 below reflects the dollar change in cash balances from the end of 2021 to the end of the first quarter of 2022.

Table 7
Cash Balance
(in millions)

	12/31/21 Audited	3/31/22	Change
Total	\$106.5	\$82.6	(\$23.9)
Unrestricted	\$17.5	(\$5.3)	(\$22.8)
Reserved (Board defined)	37.8	39.3	1.5
Restricted	51.2	48.6	(2.6)
Total	\$106.5	\$82.6	(\$23.9)

2022-2026 Financial Forecast: Table 8 shows the adopted 5-year forecast from November 2021. Staff has not adjusted the forecast for 2022, at this time, but will do so at the next quarterly update, if necessary.

Table 8
2022-2026 Financial Forecast

Total District	Adopted <u>2022</u>	Projected <u>2023</u>	Projected <u>2024</u>	Projected <u>2025</u>	Projected <u>2026</u>
Total Debt Proceeds	-	-	-	100.0	-
Total Revenues	104.9	97.8	100.6	104.3	108.2
Total Maintenance and Operation Costs	60.0	61.8	63.7	65.0	66.3
Net Revenues	44.9	36.0	36.9	39.3	41.9
Pre-existing State Obligations	-	-	-	-	-
Net Revenues Available After Pre-existing Obligations	44.9	36.0	36.9	39.3	41.9
Senior Debt Service	15.0	15.0	15.0	20.4	23.4
Cash Available from Current Year Activities for Capital Projects or Other Improvements	29.9	21.0	21.9	118.9	18.5
Cash Balance - January 1	80.1	86.7	72.4	50.1	129.8
Total Cash Available for Capital Projects or Debt Pre-payment	110.0	107.7	94.3	169.0	148.3
Total CIP	(42.3)	(30.3)	(38.2)	(33.2)	(39.5)
Debt Reserve Paydown on New Debt	-	-	-	-	-
Pre-funding Debt	(6.0)	(6.0)	(6.0)	(6.0)	(6.0)
Other Receipts-Insurance, FEMA and OES	25.0	1.0	-	-	-
Cash Balance - December 31	86.7	72.4	50.1	129.8	102.8
Senior Debt Service Coverage (1.25x test)	2.99	2.40	2.46	1.93	1.79
Internal Senior Debt Coverage					
Total FCCs in Revenue Above	13.2	10.0	10.0	10.0	10.0
\$\$\$ of FCCs Removed from Calculation	13.2	10.0	10.0	10.0	10.0
Internal Senior Debt Coverage (1.0x test)	2.11	1.73	1.79	1.44	1.36

Table 8 (con't)
2022-2026 Financial Forecast

Water Utility Only	Adopted <u>2022</u>	Projected <u>2023</u>	Projected <u>2024</u>	Projected <u>2025</u>	Projected <u>2026</u>
Total Debt Proceeds	-	-	-	100.0	-
Total Revenues	69.7	63.8	66.0	68.5	71.2
Total Maintenance and Operation Costs	38.4	39.6	40.7	41.6	42.4
Net Revenues	31.3	24.2	25.2	27.0	28.8
Pre-existing State Obligations	-	-	-	-	-
Net Revenues Available After Pre-existing Obligations	31.3	24.2	25.2	27.0	28.8
Senior Debt Service	11.5	11.5	11.4	17.0	20.3
Cash Available from Current Year Activities for Capital Projects or Other Improvements	19.8	12.7	13.8	109.9	8.5
Cash Balance - January 1	38.6	50.5	40.2	18.9	98.2
Total Cash Available for Capital Projects or Debt Pre-payment	58.4	63.2	54.0	128.8	106.7
Total CIP	(29.7)	(20.9)	(32.0)	(27.5)	(33.5)
Debt Reserve Paydown on New Debt					
Pre-funding Debt	(3.2)	(3.2)	(3.2)	(3.2)	(3.2)
Other Receipts-Insurance, FEMA and OES	25.0	1.0	-	-	-
Cash Balance - December 31	50.5	40.2	18.9	98.2	70.1
Senior Debt Service Coverage (1.25x test)	2.73	2.10	2.20	1.58	1.42
Internal Senior Debt Coverage					
Total FCCs in Revenue Above	7.30	5.90	5.90	5.90	5.90
\$\$\$ of FCCs Removed from Calculation	7.30	5.90	5.90	5.90	5.90
Internal Senior Debt Coverage (1.0x test)	2.09	1.59	1.69	1.24	1.13

Table 8 (con't)
2022-2026 Financial Forecast

Wastewater Utility Only	Adopted <u>2022</u>	Projected <u>2023</u>	Projected <u>2024</u>	Projected <u>2025</u>	Projected <u>2026</u>
Total Debt Proceeds	-	-	-	-	-
Total Revenues	35.2	34.0	34.7	35.8	37.0
Total Maintenance and Operation Costs	21.6	22.3	23.0	23.4	23.9
Net Revenues	13.5	11.7	11.7	12.4	13.1
Pre-existing State Obligations	-	-	-	-	-
Net Revenues Available After Pre-existing Obligations	13.5	11.7	11.7	12.4	13.1
Senior Debt Service	3.5	3.5	3.5	3.4	3.2
Cash Available from Current Year Activities for Capital Projects or Other Improvements	10.0	8.2	8.2	8.9	9.9
Cash Balance - January 1	41.5	36.2	32.1	31.2	31.6
Total Cash Available for Capital Projects or Debt Pre-payment	51.5	44.4	40.3	40.2	41.5
Total CIP	(12.5)	(9.4)	(6.3)	(5.8)	(6.1)
Debt Reserve Paydown on New Debt Pre-funding Debt	(2.8)	(2.8)	(2.8)	(2.8)	(2.8)
Other Receipts-Insurance, FEMA and OES	-	-	-	-	-
Cash Balance - December 31	36.2	32.1	31.2	31.6	32.6
Senior Debt Service Coverage (1.25x test)	3.84	3.33	3.32	3.61	4.12
Internal Senior Debt Coverage					
Total FCCs in Revenue Above	5.90	4.10	4.10	4.10	4.10
\$\$\$ of FCCs Removed from Calculation	5.90	4.10	4.10	4.10	4.10
Internal Senior Debt Coverage (1.0x test)	2.16	2.16	2.16	2.41	2.83

BOARD OPTIONS

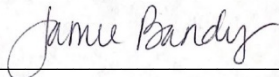
None – Information Only

RECOMMENDATION

None – Information Only

ATTACHMENTS

None



Jamie Bandy
Finance Director



Jim Abercrombie
General Manager

March 31, 2022

Quarterly Financial Update

June 13, 2022

Total District Revenues by Category (in millions)

Revenue Category	2021			2022		
	3 Months Adopted Budget ⁽¹⁾	March 31 Revenues	Variance Over / (Under)	3 Months Adopted Budget ⁽¹⁾	March 31 Revenues	Variance Over / (Under)
Water Sales and Services	\$ 8.701	\$ 6.489	\$ (2.212)	\$ 7.584	\$ 6.983	\$ (0.601)
Wastewater Sales and Services	5.531	4.971	(0.560)	5.405	4.886	(0.519)
Recycled Water Sales	0.599	0.174	(0.425)	0.246	0.148	(0.098)
Hydropower Sales	1.750	1.047	(0.703)	0.875	0.000	(0.875)
Investment Income	0.188	0.000	(0.188)	0.188	0.004	(0.184)
Debt Surcharges	0.396	0.517	0.121	0.210	0.161	(0.049)
Property Tax	3.175	6.921	3.746	3.239	0.000	(3.239)
Other Income	0.647	0.087	(0.560)	0.520	0.080	(0.440)
Grants	0.000	0.000	0.000	1.775	0.000	(1.775)
Recreation	0.375	0.229	(0.146)	0.382	0.372	(0.010)
Subtotal	21.362	20.435	(0.927)	20.424	12.634	(7.790)
FCCs	4.181	4.715	0.534	3.300	0.354	(2.946)
Total Revenues	\$ 25.543	\$ 25.150	\$ (0.393)	\$ 23.724	\$ 12.988	\$ (10.736)

⁽¹⁾Seasonally adjusted

Budget to Actual Operating Expenses by Category

(in millions)

Operating Expense Category	2022		
	3 Months Adopted Budget	March 31 Expenses	Variance Over / (Under)
Salaries	\$ 5.491	\$ 4.228	\$ (1.263)
Benefits	4.291	3.787	(0.504)
Materials and Supplies			
Operating Supplies	1.186	1.250	0.064
Chemicals	0.320	0.202	(0.118)
Administrative Costs	1.145	0.930	(0.215)
Utilities	1.433	0.913	(0.520)
Professional Services	1.293	0.929	(0.364)
Repair Services	0.896	0.179	(0.717)
Insurance	0.265	0.007	(0.258)
Operating Capital	0.132	0.716	0.584
Contingency	0.063	0.000	(0.063)
Labor Offsets	(1.385)	(1.285)	0.100
Total Operating Expenses	\$ 15.130	\$ 11.856	\$ (3.274)

Comparative Operating Expenses by Category (in millions)

Operating Expense Category	2021	2022	Variance
	March 31 Expenses	March 31 Expenses	Increase / (Decrease)
Salaries	\$ 3.931	\$ 4.228	\$ 0.297
Benefits	3.661	3.787	0.126
Materials and Supplies			
Operating Supplies	0.908	1.250	0.342
Chemicals	0.146	0.202	0.056
Administrative Costs	1.282	0.930	(0.352)
Utilities	0.624	0.913	0.289
Professional Services	1.626	0.929	(0.697)
Repair Services	0.146	0.179	0.033
Insurance	0.520	0.007	(0.513)
Operating Capital	0.057	0.716	0.659
Contingency	0.000	0.000	0.000
Grants	0.000	0.000	0.000
CIP and Development Reimbursement Labor Offsets	(1.039)	(1.285)	(0.246)
Total Operating Expenses	\$ 11.862	\$ 11.856	\$ (0.006)

2022-2026 Financial Forecast

- ❑ Reduction in power revenues due to the Caldor Fire should be recovered from Business Income Loss Insurance.
- ❑ The financial forecast will be updated for the second quarter financial update.

2022-2026 Financial Forecast

Total District	Adopted <u>2022</u>	Projected <u>2023</u>	Projected <u>2024</u>	Projected <u>2025</u>	Projected <u>2026</u>
Total Debt Proceeds	-	-	-	100.0	-
Total Revenues	104.9	97.8	100.6	104.3	108.2
Total Maintenance and Operation Costs	60.0	61.8	63.7	65.0	66.3
Net Revenues	44.9	36.0	36.9	39.3	41.9
Pre-existing State Obligations	-	-	-	-	-
Net Revenues Available After Pre-existing Obligations	44.9	36.0	36.9	39.3	41.9
Senior Debt Service	15.0	15.0	15.0	20.4	23.4
Cash Available from Current Year Activities for Capital Projects or Other Improvements	29.9	21.0	21.9	118.9	18.5
Cash Balance - January 1	80.1	86.7	72.4	50.1	129.8
Total Cash Available for Capital Projects or Debt Pre-payment	110.0	107.7	94.3	169.0	148.3
Total CIP	(42.3)	(30.3)	(38.2)	(33.2)	(39.5)
Debt Reserve Paydown on New Debt	-	-	-	-	-
Pre-funding Debt	(6.0)	(6.0)	(6.0)	(6.0)	(6.0)
Other Receipts-Insurance, FEMA and OES	25.0	1.0	-	-	-
Cash Balance - December 31	86.7	72.4	50.1	129.8	102.8
Senior Debt Service Coverage (1.25x test)	2.99	2.40	2.46	1.93	1.79
Internal Senior Debt Coverage					
Total FCCs in Revenue Above	13.2	10.0	10.0	10.0	10.0
\$\$\$ of FCCs Removed from Calculation	13.2	10.0	10.0	10.0	10.0
Internal Senior Debt Coverage (1.0x test)	2.11	1.73	1.79	1.44	1.36

2022-2026 Financial Forecast

Water Utility Only	Adopted 2022	Projected 2023	Projected 2024	Projected 2025	Projected 2026
Total Debt Proceeds	-	-	-	100.0	-
Total Revenues	69.7	63.8	66.0	68.5	71.2
Total Maintenance and Operation Costs	38.4	39.6	40.7	41.6	42.4
Net Revenues	31.3	24.2	25.2	27.0	28.8
Pre-existing State Obligations	-	-	-	-	-
Net Revenues Available After Pre-existing Obligations	31.3	24.2	25.2	27.0	28.8
Senior Debt Service	11.5	11.5	11.4	17.0	20.3
Cash Available from Current Year Activities for Capital Projects or Other Improvements	19.8	12.7	13.8	109.9	8.5
Cash Balance - January 1	38.6	50.5	40.2	18.9	98.2
Total Cash Available for Capital Projects or Debt Pre-payment	58.4	63.2	54.0	128.8	106.7
Total CIP	(29.7)	(20.9)	(32.0)	(27.5)	(33.5)
Debt Reserve Paydown on New Debt					
Pre-funding Debt	(3.2)	(3.2)	(3.2)	(3.2)	(3.2)
Other Receipts-Insurance, FEMA and OES	25.0	1.0	-	-	-
Cash Balance - December 31	50.5	40.2	18.9	98.2	70.1
Senior Debt Service Coverage (1.25x test)	2.73	2.10	2.20	1.58	1.42
Internal Senior Debt Coverage					
Total FCCs in Revenue Above	7.30	5.90	5.90	5.90	5.90
\$\$\$ of FCCs Removed from Calculation	7.30	5.90	5.90	5.90	5.90
Internal Senior Debt Coverage (1.0x test)	2.09	1.59	1.69	1.24	1.13

2022-2026 Financial Forecast

Wastewater Utility Only	Adopted <u>2022</u>	Projected <u>2023</u>	Projected <u>2024</u>	Projected <u>2025</u>	Projected <u>2026</u>
Total Debt Proceeds	-	-	-	-	-
Total Revenues	35.2	34.0	34.7	35.8	37.0
Total Maintenance and Operation Costs	21.6	22.3	23.0	23.4	23.9
Net Revenues	13.5	11.7	11.7	12.4	13.1
Pre-existing State Obligations	-	-	-	-	-
Net Revenues Available After Pre-existing Obligations	13.5	11.7	11.7	12.4	13.1
Senior Debt Service	3.5	3.5	3.5	3.4	3.2
Cash Available from Current Year Activities for Capital Projects or Other Improvements	10.0	8.2	8.2	8.9	9.9
Cash Balance - January 1	41.5	36.2	32.1	31.2	31.6
Total Cash Available for Capital Projects or Debt Pre-payment	51.5	44.4	40.3	40.2	41.5
Total CIP	(12.5)	(9.4)	(6.3)	(5.8)	(6.1)
Debt Reserve Paydown on New Debt					
Pre-funding Debt	(2.8)	(2.8)	(2.8)	(2.8)	(2.8)
Other Receipts-Insurance, FEMA and OES	-	-	-	-	-
Cash Balance - December 31	36.2	32.1	31.2	31.6	32.6
Senior Debt Service Coverage (1.25x test)	3.84	3.33	3.32	3.61	4.12
Internal Senior Debt Coverage					
Total FCCs in Revenue Above	5.90	4.10	4.10	4.10	4.10
\$\$\$ of FCCs Removed from Calculation	5.90	4.10	4.10	4.10	4.10
Internal Senior Debt Coverage (1.0x test)	2.16	2.16	2.16	2.41	2.83

Board Options

No Board Action Required
Information Only

Discussion / Questions



EL DORADO IRRIGATION DISTRICT

SUBJECT: Disinfection Byproduct Management in the Drinking Water System following the Caldor Fire.

PREVIOUS BOARD ACTION

December 12, 2021 – Board received water supply update including fall storm response and management of disinfection byproduct formation in the drinking water system

BOARD POLICIES (BP), ADMINISTRATIVE REGULATIONS (AR) AND BOARD AUTHORITY

Board Policy 0010 District Mission Statement
Board Policy 5010 Water Supply Management

SUMMARY OF ISSUE

During August through October 2021, the Caldor fire burned 221,835 acres, much of which is located in the North Fork Cosumnes and South Fork American River watersheds upstream of the Reservoir A Water Treatment Plant (Res A WTP) and Reservoir 1 Water Treatment Plant (Res 1 WTP). Following the fires, significant rainstorms in late October and early November caused debris flows over the burn scar and elevated natural organic matter (NOM) concentration in the influent water to the Res A WTP, which in turn increased the chlorine demand of the water and resulted in a large increase in the concentrations of disinfection byproducts (DBPs) in the treated water and distribution system. With significant efforts the District was able to maintain compliance with applicable regulatory requirements. However, ongoing diligence is required, including potential capital investments, to maintain regulatory compliance while the watersheds recover from the catastrophic wildfire.

BACKGROUND/DISCUSSION

The Caldor Fire has affected the District's ability to management DBP levels within the public water system. These effects are manifested during periods of precipitation when NOM is carried from watershed areas to the WTP influent. DBPs are formed from the reaction between carbon contained within the NOM and chlorine added for oxidation and disinfection. Although the filters of the WTP are able to remove the particulate portion of the total organic carbon (TOC) within the source water, the dissolved organic carbon (DOC) passes through standard filters. Therefore, managing concentrations of TOC and chlorine dosage are key to ensuring proper disinfection, while concurrently managing DBP levels to maintain regulatory compliance.

According to the District's ongoing water quality monitoring for DBP compliance, TOC concentration in the Res A WTP influent water increased by about 65% after the Caldor Fire, causing a sharp increase in DBP formation. The two DBPs of concern are total trihalomethanes (TTHM) and haloacetic acids (HAA5). Ongoing post-fire monitoring results to date have revealed that TTHM levels are not a major concern. However, the HAA5 concentrations are posing a challenge for regulatory compliant. Close monitoring and tight management of the treatment and distribution processes are necessary in order to maintain regulatory compliance.

Pilot study

Given the unique technical challenges associated with wildfire-impacted source water, the District hired Water Quality Treatment Solutions (WQTS) to assist in its evaluation of potential measures to manage DBP formation. WQTS has previously assisted several water purveyors in California when faced with similar challenges following a catastrophic wildfire in the watersheds upstream of their treatment plant. WQTS' approach was focused on TOC (and specifically DOC) removal during the treatment process to reduce the interaction with chlorine during disinfection. This approach was formulated into a technical study proposal, which was approved by the State Water Resources Control Board – Division of Drinking Water. The pilot study consisted of a bench evaluation utilizing granulated activated carbon (GAC) filter media in lieu of the existing anthracite coal on one-third of the filters at Res A WTP. The study identified that GAC would successfully reduce DOC levels and, therefore, facilitate DBP level reduction. However, there is a tradeoff that must be managed for overall water quality management. GAC, compared with anthracite coal, is not capable of removing manganese, a known constituent in the District's source water that could contribute to staining concerns if not properly treated.

Based on the results of the pilot study, a viable short-term (temporary) DBP reduction strategy would involve installation of GAC filtration for only a portion of the filters (4 of 12), while the remaining filters continued to operate with anthracite. GAC installation on only a portion of the filters would balance the management of both DBP and manganese levels. This solution could be implemented within a few months, assuming media was readily available. Staff does not believe capital intensive organics removal is necessary on a permanent basis due to excellent historical source water quality, however it is not clear how quickly the watershed and associated source water quality will recover from the fire.

Fortunately, through close monitoring of the treatment and distribution process, DBP levels are currently trending in the right direction. The District will closely watch for algal blooms this summer, which would increase chlorine demand and the risk of increased DBP levels. Additionally, staff will watch for the potential for increased TOC levels this fall with the return of rainfall in the watershed.

With the trend in reduced DBP levels, staff is proposing to not proceed with GAC installation at this time, but be ready to do so should conditions warrant. If DBP levels trend upward, staff may recommend the Board consider installation of GAC in four of the 12 Res A WTP filters. GAC installation is a costly, temporary solution that may exceed \$1 million and the extent of the challenge remains unknown. Further, the effectiveness of GAC is relatively short-lived when exposed to chlorine. Therefore, staff instead is currently taking a more cost-effective approach at this time to invest in enhanced water age control through tank mixers and auto flushers at a fraction of the cost of GAC, which will also provide long-term water age and DBP management benefits.

FUNDING

No funding is being requested at this time.

BOARD OPTIONS

None – Information only.

RECOMMENDATION

None – Information only.

ATTACHMENTS


None



Radenko Odzakovic
Drinking Water Operations Manager



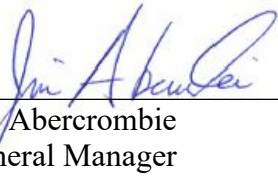
Nicole Graham
Environmental Compliance Supervisor



Brian Mueller
Engineering Director



Dan Corcoran
Operations Director



Jim Abercrombie
General Manager



Management of Disinfection Byproduct Formation in the Drinking Water System Following the Caldor Fire

June 13, 2022

Summary of Issue

- Caldor Fire burned large portions of watersheds upstream of Reservoir A and Reservoir 1 Water Treatment Plants (WTP)
- Fall 2021 rainstorms caused debris flows runoff from fire scar
- Significant Natural Organic Matter (NOM) entered source water
- Impacted treatment operations, but compliance maintained
- Ongoing diligence required, including potential mitigation investments

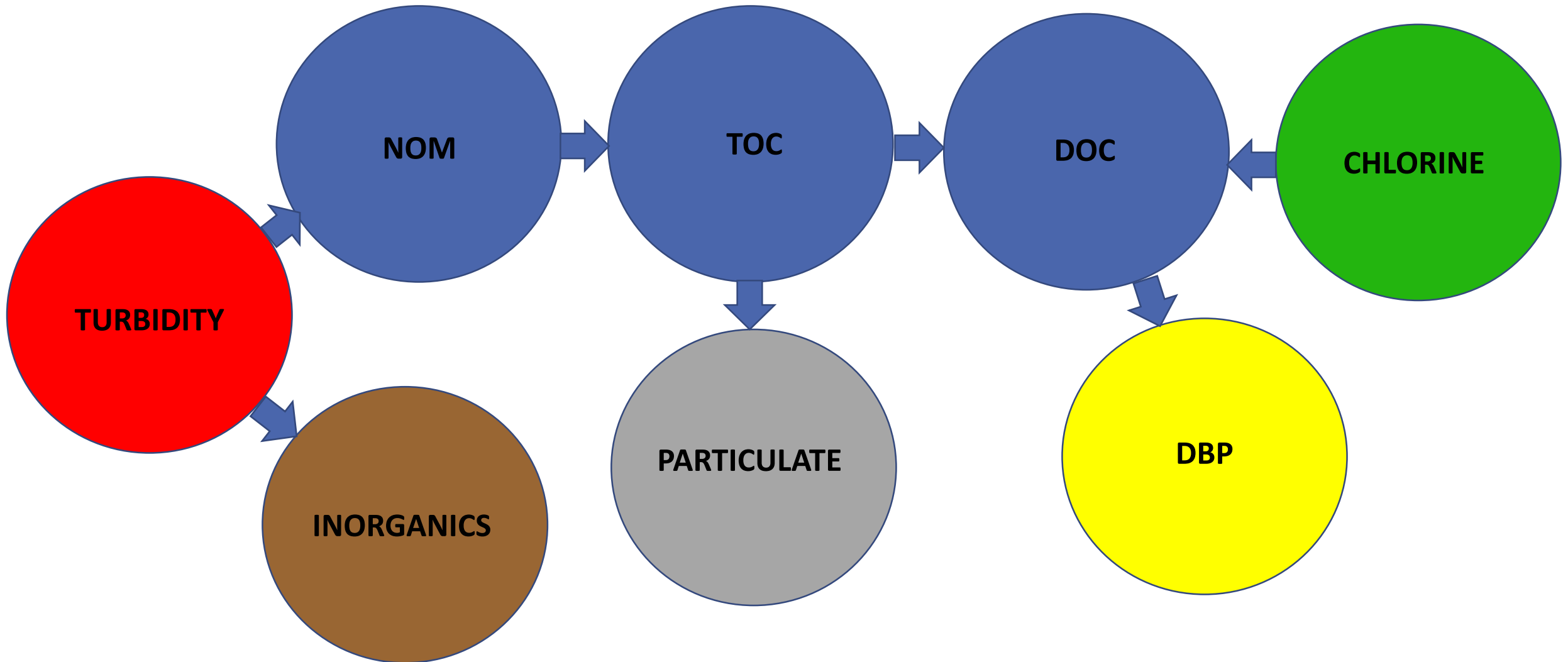
Camp Creek Waterfall



Water Treatment Plant Fall 2021 Response

- Reservoir A WTP experienced extremely high turbidity
- High turbidity combined with high concentration of NOM caused multifold increase in chlorine demand
- Excessive NOM and Total organic carbon (TOC) interacted with chlorine causing increased Disinfection Byproducts (DBP) levels
 - Dissolved Organic Carbon (DOC) passes through filters
- Chronic exposure to elevated DBP levels exceed applicable regulatory limits

NOM AND RELATION TO DBP

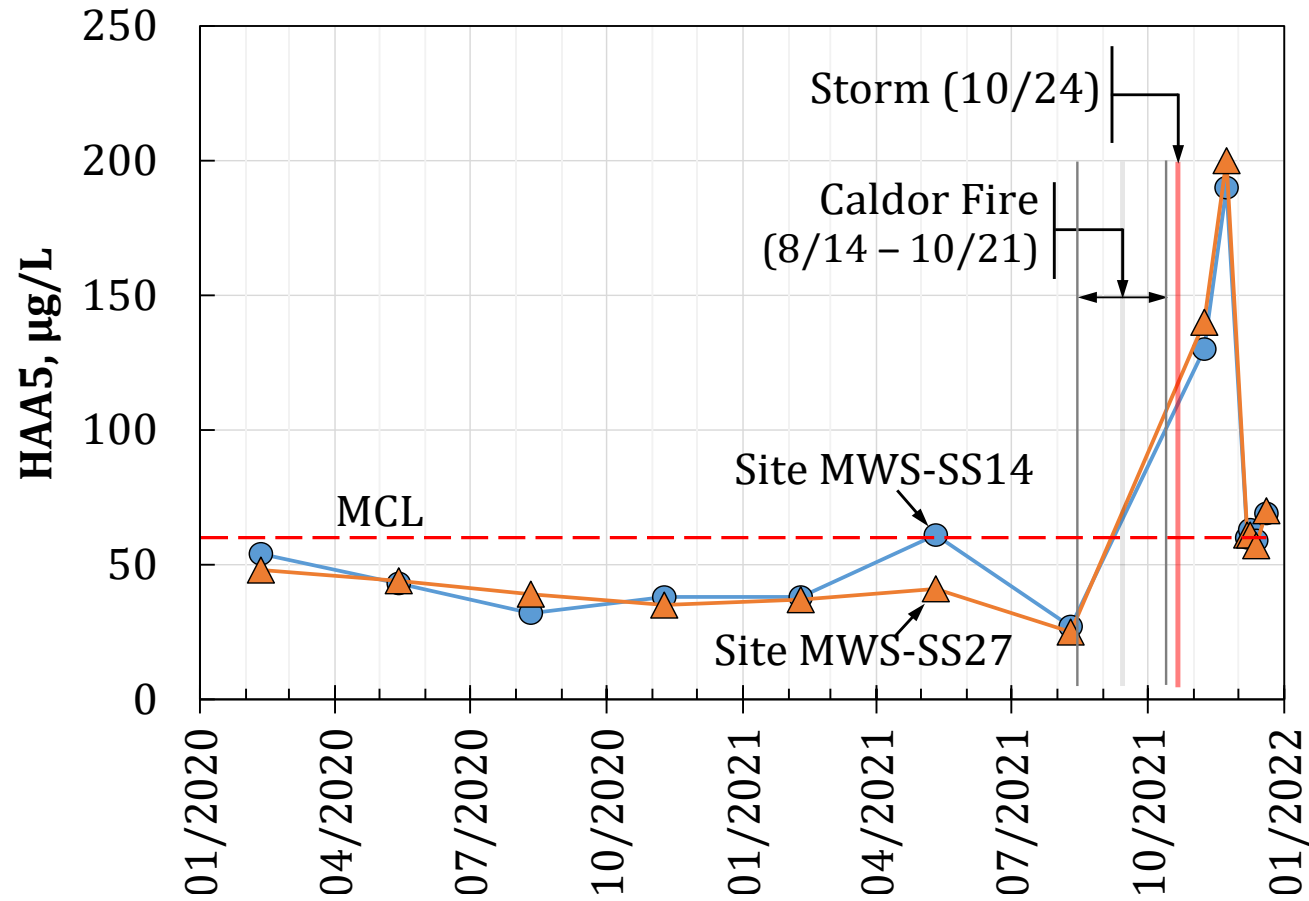


DBP Monitoring Results

- DBP monitored quarterly at (8) designated locations
- Compliance is determined on running annual average (RAA)
 - * Rolling past four quarters
- Fourth quarter 2021 DBP levels dramatically increased
- DBP data triggered need to identify mitigation measures to maintain regulatory compliance
 - * Implement if necessary depending on ongoing monitoring results



DBPs After the Caldor Fire



Looking ahead

- Experiencing first summer since fire
- Unclear how reservoir water quality will respond
 - Summer impacts identified in some (not all) similar circumstances
- Risk of algae bloom triggered by elevated TOC
 - Would increase chlorine demand
 - Risk of elevated DBPs and Taste-and-Odor (T&O) challenges



Potential Approaches

- Two overall near-term approaches
 - Continue to monitor trends and prepare plan for execution if necessary
 - Implement plan now to reduce DOC prior to chlorination
- Reservoir A WTP not designed for organics removal
 - Source water historically low in organics and turbidity
- These approaches do not provide long-term solution
 - Modifying and/or adding new unit processes would be required at significant costs
 - Length of problem unknown so long-term investment not warranted at this time

Viable Near-Term Solution

- Replace anthracite coal (filter media) with Granular Activated Carbon (GAC)
- GAC is designed to remove organics from water
- GAC comes with its own challenges
 - It is more expensive than anthracite or sand filter media
 - Its effectiveness is short-lived
 - Reduces ability to remove manganese leading to potential for staining
- May potentially only require portion of media filter to be changed
 - 4 of 12 filters

Pilot Testing

- Pilot test conducted following Division of Drinking Water approval
 - Quantify TOC removal efficiency and weigh against cost
 - Assess for potential manganese removal impacts
- 4-week study operating two bench-scale filters in parallel
 - Anthracite over Sand (Anthracite/Sand) – existing filtration process
 - GAC over Sand (GAC/Sand)



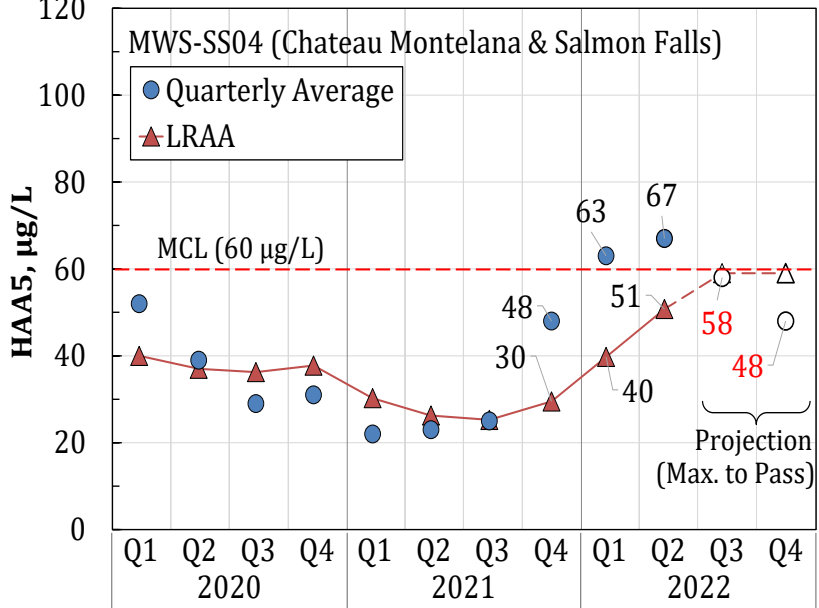
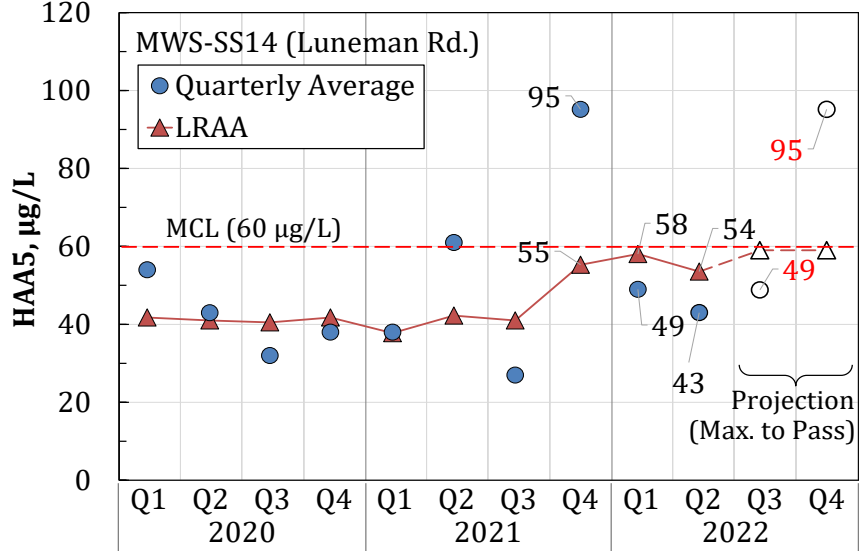
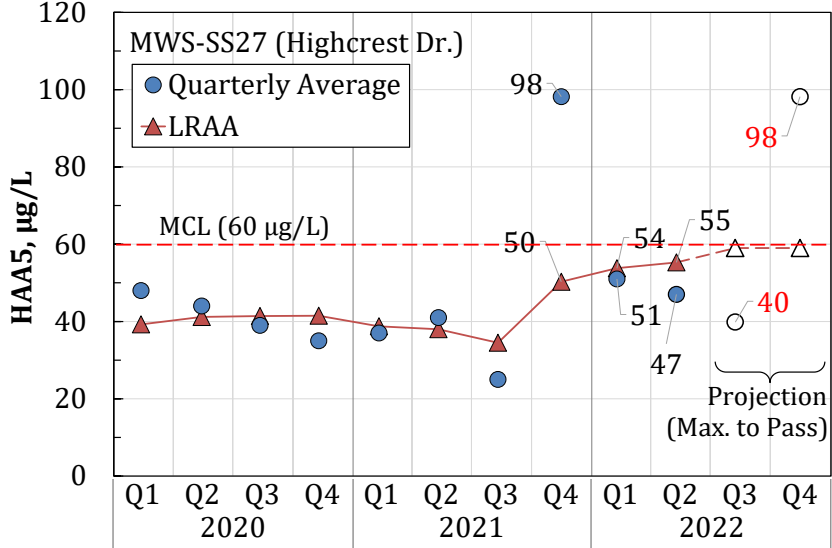
GAC/Sand vs. Anthracite/Sand Performance

- Filter head-loss and run time and turbidity profiles identical
- TOC removal through GAC (24%) vs. anthracite (0%) at max flow
- Manganese removal GAC (30%) vs. anthracite (100%) at max flow
- If District chose to change 4 of 12 filters to GAC
 - Manganese removal expected 85% to 90% (vs existing 100%)
 - DBP levels expected to decrease 10% to 15% (vs existing levels)

2022 DBP Data to Date

- Data indicates that District remains in compliance
- Three sites may exceed Operational Exceedance Level (OEL) during second quarter
 - Not a violation - indicator of possible challenge to comply in third quarter
- Data indicates that DBP formation issues are present in EDH area
 - Implicates source water quality from American River in addition to Jenkinson Lake
 - Pilot study conducted only on source water from Jenkinson Lake
 - GAC installation was not considered for EDHWTP
- District needs to enhance water age control to remain in compliance

Projected DBPs during 2022 at Example Sites



Recommended Path Forward

- Enhance water age control (tank management and water quality flushing)
 - Mixers in treated water storage tanks
 - Additional auto flushers
- Increase chlorine residual monitoring
- Conduct weekly DBP operational samples through June and July
- Prepare for third quarter compliance sampling in August



Recommended Path Forward

- Determine whether GAC installation is appropriate based on third quarter data
 - Costs for installation of GAC and removal of existing media may exceed \$1 million
- Since fourth quarter 2021, DBP levels have normalized





Questions?

EL DORADO IRRIGATION DISTRICT

SUBJECT: Consider ratifying EID General Warrant Registers for the periods ending May 10, May 17, and May 24, 2022, and Board and Employee Expense Reimbursements for these periods.

PREVIOUS BOARD ACTION

The Board ratifies the District’s General Warrant Registers at each regular meeting of the Board.

BOARD POLICIES (BP), ADMINISTRATIVE REGULATIONS (AR) AND BOARD AUTHORITY

Section 24600 of the Water Code provides that no claim shall be paid unless allowed by the Board.

SUMMARY OF ISSUE

District staff notifies the Board of proposed payments via email and requests ratification of the warrant registers at the subsequent regular meeting of the Board. Copies of the Warrant Registers are sent to the Board on the Friday preceding the Warrant Register’s date. If no comment or request to withhold payment is received from any Director prior to the following Tuesday morning, the warrants are mailed out and formal ratification of said warrants is agendized on the next regular Board agenda.

BACKGROUND/DISCUSSION

Current Warrant Register Information

Warrants are prepared by Accounts Payable; reviewed and approved by the Finance Manager, the Director of Finance and the General Manager or their designee.

Register Date	Check Numbers	Amount
May 10, 2022	697178 – 697262	\$779,247.50
May 17, 2022	697263 – 697380	\$596,652.02
May 24, 2022	697381 – 697492	\$1,921,643.45

Current Employee Expense Reimbursements

Employee Expenses and Reimbursements have been reviewed and approved by the Finance Manager and General Manager prior to the warrants being released. These expenses and reimbursements are for activities performed in the interest of the District in accordance with Board Policy 12065 and Resolution No. 2007-059.

Additional information regarding Board and employee expense reimbursements is available for copying or public inspection at District headquarters in compliance with Government Code Section 53065.5.

BOARD OPTIONS

Option 1: Ratify the EID General Warrant Registers, and Board and Employee Expense Reimbursements as submitted.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

RECOMMENDATION

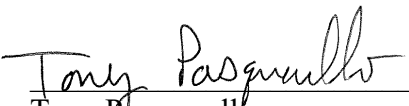
Option 1

ATTACHMENTS

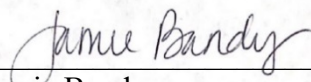
Attachment A: Executive Summaries

Attachment B: Board Expense Reimbursements


Attachment C: Employee Expense Reimbursements totaling \$100 or more




Tony Pasquarello
Finance Manager



Jamie Bandy
Finance Director



Jennifer Sullivan
Clerk to the Board



Jim Abercrombie
General Manager

Executive Summary for May 10, 2022 -- \$779,247.50:

This summary highlights significant disbursements made by major business activity:

Development Services (Fund 105)

- \$7,890—Domenichelli and Associates, Inc. for construction inspection services

General District Operations (Fund 110)

- \$5,990—APTIM Environmental & Infrastructure, LLC for FEMA consulting services
- \$24,220—Aqua Metrics Sales Company for warehouse inventory
- \$3,548—Doug Veerkamp General Engineering for a credit balance refund on customer account
- \$62,736—Ferguson Enterprises, LLC for warehouse inventory
- \$68,026—Infor Public Sector, Inc. for software maintenance
- \$3,089—Intech Mechanical Company, LLC for server room A/C and heater service
- \$7,221—PowerPlan for mobile mechanic service

Engineering Operations (Fund 210)

- \$25,000—USDI Bureau of Land Management for the 2021 partial funding of the Pine Hill Preserve Manager position

Water Operations (Fund 310)

- \$389,063—Advanced Industrial Services, Inc. for Reservoirs 2 and 2A recoating (\$409,540). Retention held \$20,477
- \$3,486—Capital Rubber & Gasket, Inc. for rubber gaskets and a discharge hose
- \$50,355—Sterling Water Technologies, LLC for flocculant at Reservoir A
- \$4,859—USA Bluebook for two conductivity meter kits

Wastewater Operations (Fund 410)

- \$3,007—Flo-Line Technology, Inc. for a hydraulics kit

Recycled Water Operations (Fund 510) – none to report

Hydroelectric Operations (Fund 610) – none to report

Recreation Operations (Fund 710) – none to report

Capital Improvement Projects (Construction Funds 140, 340, 440, 540, 640 and 740)

- \$26,231—CDW Government for firewall hardware – Datacenter SCADA Segmentation (Project #19028.01)
- \$45,178—G3 Engineering, Inc. for sump pump lubricant – DCWWTP Recycled Water Pump (Project #21052.01)
- \$8,712—State Water Resources Control Board for annual permit fee – Forebay Dam Modifications (Project #17013.01)

Executive Summary for May 17, 2022 -- \$596,652.02:

This summary highlights significant disbursements made by major business activity:

Development Services (Fund 105) – none to report

General District Operations (Fund 110)

- \$21,439—Aqua Metric Sales Company for warehouse inventory
- \$4,465—CA Employment Development Department for first quarter 2022 unemployment
- \$16,013—Dataprose, LLC for March 2022 billing services
- \$3,182—Ferguson Enterprises, LLC for warehouse inventory
- \$3,656—Hunt & Sons, Inc. for fuel deliveries
- \$19,132—Maze & Associates for audit services for fiscal year 2021
- \$5,554—Sierra Nevada Tire and Wheel for tires and tire service
- \$3,204—Thomson Reuters - West for library plan and software subscription
- \$6,557—U.S. Bank for employee training, recruitment and teleconference services

Engineering Operations (Fund 210) – none to report

Water Operations (Fund 310)

- \$11,850—Education & Training Services, LLC for management training
- \$3,313—Grainger for saw blades, welding jacket and miscellaneous operating supplies
- \$17,544—MCS Inspection for Reservoirs 2 and 2A tank recoating services
- \$46,551—PG&E for electric service
- \$5,978—U.S. Bank for employee conference, training, airfare and miscellaneous operating supplies
- \$23,197—Water Quality & Treatment Solutions, Inc. for pilot testing at Reservoir A

Wastewater Operations (Fund 410)

- \$11,315—CLS Labs for lab analysis

Recycled Water Operations (Fund 510)

- \$3,158—Harrington Industrial Plastics, LLC for fluoropolymer tubing

Hydroelectric Operations (Fund 610)

- \$7,425—GEI Consultants, Inc. for Camp 2 inspection services
- \$39,231—TCB Industrial, Inc. for emergency powerhouse generator repair
- \$4,404—U.S. Bank for employee training, powerhouse repair, radio accessories and fast drying resin

Recreation Operations (Fund 710)

- \$6,080—Blue Ribbon Personnel Services for temporary labor at Sly Park Recreation
- \$18,585—California Conservation Corps for fuel reduction support
- \$3,024—El Dorado Disposal Service, Inc. for trash disposal

Capital Improvement Projects (Construction Funds 140, 340, 440, 540, 640 and 740)

- \$8,432—4RF USA, Inc. for Res A radio Equipment – Reservoir A SCADA Remote Telemetry System Replacement ([Project #21080.01](#))
- \$7,220—A T.E.E.M. Electrical Engineering, Inc. for powerhouse design services – El Dorado Powerhouse Electric Upgrades ([Project #21028.01](#))
- \$25,630—Aecom Technical Services, Inc. for fish monitoring – FERC C37.1 Fish Monitoring ([Project #06087H.01](#))
- \$3,547—Apex Underground Supply for a splitter head and expander – Water Service Line Replacement ([Project #22002.01](#))
- \$7,828—Carollo Engineers, Inc. for hydraulic analysis – EDM 1 Relocate/Camino Safety ([Project #19008.01](#))
- \$14,185—GEI Consultants, Inc. for consulting services – Canal Fire Burned Assessment ([Project #STUDY20.01](#))
- \$75,604—GHD, Inc. for engineering, design and inspection services:
 - > Project #21008.01 – Diversion – Facility Upgrades (\$15,996)
 - > Project #21013.01 – Flumes 45A, 46A, 47A and B Rep Design (26,440)
 - > Project #17041.01 – Flume 30_Rehabilitation (\$33,168)
- \$24,264—Herwit Engineering for engineering, design and construction services:
 - >Project #18035.01 – EDHWWTP WAS DAFT Rehabilitation (\$8,503)
 - >Project #17033.01 – DCWWTP Process Control Design (\$12,165)
 - >Project #21006.01 – EDHWWTP Anoxic Mixing Box Improvement (\$800)
 - >Project #21077.01 – EDHWWTP Effluent Pump Station Upgrade (\$2796)
- \$27,780—ICM for construction services – Wastewater Collection Facility Relocation ([Project #17034.01](#))
- \$28,266—MCK Americas, Inc. for construction management services – Main Ditch-Forebay to Reservoir 1 ([Project #11032.01](#))
- \$23,395—MGE Engineering, Inc. for engineering services – El Dorado Powerhouse Penstock Drainage/Erosion ([Project #21016.01](#))
- \$5,520—Technical Systems, Inc. for hardware installation and configuration – Monte Vista Generator ([Project #18048.06](#))

Executive Summary for May 24, 2022 -- \$1,921,643.45:

This summary highlights significant disbursements made by major business activity:

Development Services (Fund 105) – none to report

General District Operations (Fund 110)

- \$13,202—AT&T for phone service
- \$68,003—Aqua Metric Sales Company for warehouse inventory
- \$117,539—CDW Government for Smartnet software renewal, video kits and a cable
- \$18,837—Hunt & Sons, Inc. for card lock fuel
- \$42,867—Iconix Waterworks (US), Inc. for warehouse inventory
- \$4,000—Pacific Parks Landscaping for a hydrant refund
- \$24,346—PG&E for electric service
- \$4,968—Thyssenkrupp Elevator Corporation for elevator service
- \$5,675—Truepoint Solutions for software subscription renewal

Engineering Operations (Fund 210) – none to report

Water Operations (Fund 310)

- \$5,183—CLS Labs for regulatory lab testing
- \$119,367—Joe Vicini, Inc. for rock deliveries
- \$5,676—McMaster-Carr Supply Company for miscellaneous operating supplies
- \$113,931—PG&E for electric service
- \$35,902—U.S. Bureau of Reclamation for Sly Park restoration fees

Wastewater Operations (Fund 410)

- \$3,500—Cousin John’s Building Maintenance for janitorial services at EDHWWTP
- \$8,927—Lhoist North America of Arizona, Inc. for quicklime at DCWWTP
- \$163,012—PG&E for electric service
- \$35,568—Suez Treatment Solutions, Inc. for ultraviolet products at EDHWWTP
- \$10,367—Seepex, Inc. for miscellaneous operating supplies

Recycled Water Operations (Fund 510)

- \$34,222—PG&E for electric service

Hydroelectric Operations (Fund 610)

- \$14,867—GEI Consultants, Inc. for dam safety engineering services
- \$9,406—PG&E for electric service
- \$16,250—Willowstick Technologies, LLC for geophysical investigations

Recreation Operations (Fund 710)

- \$19,802—Blue Ribbon Personnel Services for temporary labor at Sly Park Recreation

Capital Improvement Projects (Construction Funds 140, 340, 440, 540, 640 and 740)

- \$13,241—GEI Consultants, Inc. for engineering services – Silver Lake Dam Rehabilitation (Project #19031.01)
- \$3,639—Joe Vicini, Inc. for patch paving services – Water Service Line Replacement (Project #22002.01)
- \$23,000—Raftelis for consulting services – Hansen 7 Software Replacement (Project #18055.01)
- \$855,247—Syblon Reid for construction services (\$900,260) – Flume 30 Rehabilitation (Project #17041.01 and .02). Retention held \$45,013
- \$27,495—Technology Integration Group for twelve laptops and docking stations – Wyse Laptop Replacement Program (Project #19029.01)
- \$24,820—Tesco Controls, Inc. for electrical instrumentation services – EDHWTP ARC Flash Risk Assessment (Project #STUDY17.01)
- \$37,643—Water Works Engineers, LLC for design services – Sly Park Intertie Improvements (Project #21079.01)

Attachment B

Board Expense Reimbursements Warrant Registers dated 05/10/22 - 05/24/22

DESCRIPTION	Lori Anzini	Alan Day	Pat Dwyer	Brian Veerkamp	George Osborne	Total
Personal Vehicle Expense						\$0.00
Hotel						\$0.00
Meals or Incidentals Allowance						\$0.00
Airfare, Car Rental, Misc Travel	\$125.21					\$125.21
Fax, Cell or Internet Service						\$0.00
Meeting or Conference Registration						\$0.00
Meals with Others						\$0.00
Membership Fees/Dues						\$0.00
Office Supplies						\$0.00
Reimburse prepaid expenses						\$0.00
Miscellaneous Reimbursements						\$0.00
	\$125.21	\$0.00	\$0.00	\$0.00	\$0.00	\$125.21

EL DORADO IRRIGATION DISTRICT

SUBJECT: Consider approving two 2022 Temporary Water Purchase and Sale Agreements with Westlands Water District; and authorize the General Manager to execute the Agreements and any related documents necessary to complete the transfers.

PREVIOUS BOARD ACTIONS

January 24, 2022 – Board adopted Resolution No. 2022-004 declaring an intent to retain control of the water conserved as a result of the Upper Main Ditch Piping Project.

BOARD POLICIES (BP) ADMINISTRATIVE REGULATIONS (AR), AND BOARD AUTHORITY

BP 3050 Financial Condition and Activities

BP 5010 Water Supply Management

Prior to approving a project, the District must consider its environmental effects as required by the California Environmental Quality Act (CEQA), CEQA Guidelines, and the District's Procedures for implementing CEQA.

SUMMARY OF ISSUE

Staff requests the Board approve and authorize the General Manager to sign two water purchase and sale agreements (Agreements), in substantial form as the drafts attached hereto, with Westlands Water District (Westlands) to implement the 2022 Weber Reservoir Reoperation Temporary Water Transfer Project and the 2022 Temporary Conserved Water Transfer Project (Projects). The Agreements and Projects would involve the transfer of up to 2,550 acre-feet (AF) of water to Westlands in 2022. The water proposed for transfer is not necessary to meet the District customer demands during 2022 and, absent the transfer, the water to be transferred from Weber Reservoir would otherwise remain in storage in Weber Reservoir and the conserved water would not be consumed by the District during 2022.

BACKGROUND/DISCUSSION

Water transfers provide valuable non-rate revenue if and when conditions are favorable for the sale of water out of the District. In 2015, the District completed its first successful water transfer. Since that time, the District has conducted two additional transfers in 2018 and 2020. Prior transfers involved reoperation of the District's reservoirs utilizing supplies not necessary to meet District customer drinking water needs. In 2022, the District once again proposes to conduct a reservoir reoperation transfer using Weber Reservoir—a supply not needed to meet customer demands this year. Additionally, pursuant to Water Code section 1011, the District proposes to conduct a conserved water transfer with the water that has been conserved as a result of the Upper Main Ditch Piping Project. Conservation of this water began last month when the new pipeline was brought online. This conserved water is also not needed to meet customer demands this year.

Although neither of these supplies are needed to meet District customer demands this year, both of the proposed transfer Agreements with Westlands expressly recognize that the need for water within El Dorado County shall supersede delivery of water under the Agreements. Both

Agreements provide a mechanism for the District to withdraw from the Agreements should such circumstances arise. However, as described below, the District's primary integrated drinking water system has sufficient supplies to meet its customers' needs during 2022, while continuing to prepare for 2023 should dry conditions continue.

After negotiations with potential transfer partners during 2022, staff is proposing that the District enter into the Agreements to transfer water to Westlands. Westlands' offer best represents the District's interests with a guaranteed assurance of revenue, and Westlands has the ability to receive water later in the season when the District can deliver it. Given the independent utility and mechanism for transfer for each source of water (Weber Reservoir and conserved water), staff proposes that the Board approve two separate Agreements for the two transfers.

District Supply Status

The District is currently in a Stage 1 Water Alert and is requesting that District customers implement voluntary conservation actions to achieve 15% conservation. Although District water supply conditions have substantially improved this spring, the overall State water supply is in worse shape, therefore the District is required, under the State Water Resources Control Board's recently adopted emergency regulations, to implement actions for 10 percent to 20 percent water conservation. At a minimum, the District must remain at a Stage 1 Water Alert while the emergency regulations are in place.

Fortunately for the District, the District's primary integrated water system, serviced by Project 184 and Jenkinson Lake, has sufficient water supplies to meet the demands of those customers served by the primary system during 2022. The District only considers transferring water if and when there are sufficient supplies to first meet its customers' demands. Over the past five years, the District has utilized 32,000 to 38,000 AF of water to meet the needs of its customers. Due to the District's investments in water supplies and long-term planning efforts, in an average year the District has 67,000 AF available. In 2022, 55,000 AF will be available to meet the needs of the District's customers, while still providing carryover in reservoirs should drought conditions persist into 2023.

Operating as one integrated system, Project 184 and Jenkinson Lake provide the ability to move water as necessary to meet water supply targets when yield (runoff) differs between the watersheds (American and Cosumnes). During an average year, Project 184 and Jenkinson Lake reservoirs equally contribute to meeting the District's customers served from the integrated water system. However, in 2021 Project 184 supplies provided approximately three times the amount of water than what was available locally at Jenkinson Lake, illustrating the importance and benefits of reservoirs in two watersheds, with a tunnel connecting the reservoirs to move water as needed to meet customer needs.

The District has two satellite drinking water systems in Strawberry and Outingdale served by supplies other than Project 184 and Jenkinson Lake, and those systems are subject to local conditions. Therefore, even when the District's primary water system has sufficient water supplies, these satellite systems may be subject to reduced water availability and potential health and safety water allocations, as was the case in recent years when extremely dry conditions affected Outingdale water supplies. However, the supplies proposed to be transferred are not supplies that would otherwise be available to these satellite systems, and therefore, the proposed transfers do not affect the water availability for these systems.

Supplies Proposed to be Transferred

Under the Weber Reservoir Reoperation Agreement, the District would transfer up to 750 AF of water licensed by the State Water Resources Control Board (SWRCB) to Westlands during summer and fall 2022. The District would make the water available from Weber Reservoir by releasing water that would otherwise remain stored within the reservoir throughout the season. Because Weber Reservoir typically fills in any given year, staff has determined that maintaining this water in storage in 2022 is not necessary to ensure adequate supplies in 2023. Additionally, staff has determined that Weber Reservoir water is not needed to meet demands in the El Dorado Hills area in 2022. The reservoir and downstream rivers/creeks would all operate consistent with their historic flow and release schedules, and the District would meet all applicable rules and requirements, including minimum lake levels and minimum streamflow requirements. The actual transfer amount from Weber Reservoir, up to a maximum of 750AF, will depend on hydrology and compliance with all other requirements including minimum releases, and most importantly, fulfillment of District customer needs.

Under the Conserved Water Transfer Agreement, the District would transfer up to 1,800 AF of pre-1914 water conserved through operation of the new Upper Main Ditch Piping Project during 2022 and potentially into 2023 if possible. The amount to be transferred will be calculated based on the volume of water conveyed through the pipeline to the Reservoir 1 Water Treatment Plant during the term of the Transfer Agreement. Further, the methodology used to determine the amount of water conserved and available for transfer must be confirmed by the Bureau of Reclamation (USBR) and/or Department of Water Resources, who would convey the water to Westlands utilizing either the state or federal pumping and conveyance facilities. With or without the proposed transfer, this conserved water, which was previously lost through evaporation and seepage from the ditch, will be used for non-consumptive hydropower production and then returned to the South Fork of the American River and then flow to Folsom Reservoir. This conserved water supply is not an approved source of water to be diverted at Folsom Reservoir by the District under its Warren Act contract with USBR, so this supply would not be available to meet consumptive demands at Folsom Reservoir. The proposed transfer provides a valuable opportunity to sell the water conserved as a result of the District's investment in the Upper Main Ditch Piping Project, in the first year the new piped system is in operation.

Agreement Terms and Pricing Structure

The price under both Agreements will be \$800/AF for any water delivered to Folsom Reservoir during 2022—the Point of Delivery under the District's obligations. Westlands is responsible for securing delivery of the water from Folsom Reservoir, through the Sacramento-San Joaquin River Delta (Delta), and into the Westlands' service area, as well as all costs associated with such delivery.

Under both Agreements, payments are structured in installments:

1) a non-refundable \$25/AF option payment due within 5 days of the Agreements being executed; 2) a second "call" payment of \$100/AF when certain regulatory requirements have been satisfied and Westlands orders a specific quantity of water; and 3) final payments of \$675/AF following delivery of the water to Folsom Reservoir for Westlands' receipt. The District and Westlands will cooperatively seek all necessary regulatory approvals for the transfer, which will include proceedings before SWRCB and negotiations with USBR. Each party bears the costs of the approvals it needs, except for Westlands reimbursement of up to \$25,000 of combined District administrative expenses between the two Agreements. Upon receiving and agreeing to the terms of the approvals, Westlands makes a "call" for the amount of water it wants—presumably the entire amount potentially available through both Agreements based upon

anticipated demands. The District is deemed to have delivered the transfer water when it resides in Folsom Reservoir, which includes a 5% conveyance loss between the sources and Folsom Reservoir; Westlands is responsible for conveyance losses from Folsom Reservoir to Westlands' customers. Upon delivery, the District invoices Westlands for a final payment.

Several factors could affect the volume, if any, ultimately transferred. First, the transfer amount may be reduced by the District as necessary to meet District customer demands. Second, depending on available capacity within state and/or federal pumps in the Delta to export the water, Westland's ability to convey water through the Delta may be constrained. There are certain regulatory constraints that limit transfer of water through the Delta during a July through approximately September period annually, albeit this transfer window is anticipated to be expanded during 2022 so the District may be able to deliver water later. Third, the pre-1914 water right that is the source of the conserved water transfer could be subject to curtailment by the SWRCB. Finally, the transfer is subject to various state and federal environmental review processes and approvals determining whether, and on what terms, the transfer is approved. Therefore, the actual amount of water transferred is likely to be less than the maximum contract total of 2,550 AF and, although not anticipated, could even be zero.

Because of these uncertainties, and because this is one-time revenue, it would not be prudent for the District to assume any water transfer proceeds in any year. To the extent they are realized, however, they will provide extra revenue to retire debt, fund needed "pay-go" capital projects, or similar efforts to reduce pressures of rates. Staff's proposed approach at this time is to follow prior Board direction and utilize any transfer proceeds to prepay required Other Post-Employment Benefits (OPEB) obligations related to retiree health benefits.

Priority to the District

The proposed agreements include an assurance that the transfer will not deprive District customers of water supplies they need. If, at any time, the District determines that water to be transferred is needed for District customers, the District can reduce or cancel the transfer on short notice and return all refundable payments already made for the cancelled water. These terms put our customers first, by ensuring that the District will not be required to transfer any water that our customers will actually need in 2022. As described above, the District does not anticipate needing the proposed sources of transfer water to meet District customer demands in 2022.

Out-of-District transfers provide substantial benefit to District customers by generating non-rate revenues to offset the costs of the District's operations, thereby reducing the pressure on rate revenue. Given these expected benefits, and the strong protections the transfer provides to the District's first priority—our customers' needs—staff recommend that the Board approve and authorize the General Manager to sign the Agreements.

Environmental Review Process

The District, as lead CEQA agency, must comply with CEQA prior to implementing the projects described in the Agreements. Water Code section 1729 provides that temporary changes due to transfers pursuant to Water Code section 1725, et seq., are exempt from the requirements of the California Environmental Quality Act (CEQA, Public Resources Code section 21000, et seq.). The Weber Reservoir Reoperation transfer, which involves a post-1914 water right, falls within this exemption. Therefore, the District will file a Notice of Exemption from CEQA for implementation of the project described in the Weber Reservoir Reoperation Agreement and complete all required documentation to secure approval from the SWRCB to implement the 2022 Weber Reservoir Reoperation Transfer Project.

The Conserved Water Transfer involves a pre-1914 water right that is not subject to SWRCB review, and therefore does not fall within the CEQA exemption described above. The District will prepare a CEQA Initial Study for the 2022 Conserved Water Transfer Project and schedule a public hearing for the Board to make appropriate CEQA findings prior to implementing the 2022 Conserved Water Transfer Project.

BOARD OPTIONS

Option 1: Approve two 2022 Temporary Water Purchase and Sale Agreements with Westlands Water District; and authorize the General Manager to execute the Agreements and any related documents necessary to complete the transfers.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

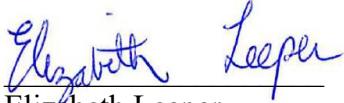
RECOMMENDATION

Option 1

ATTACHMENTS

Attachment A: Water Purchase and Sale Agreement Between Westlands Water District and El Dorado Irrigation District for 2022 Weber Reservoir Reoperation Temporary Water Purchase

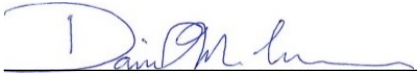
Attachment B: Water Purchase and Sale Agreement Between Westlands Water District and El Dorado Irrigation District for 2022 Conserved Water Temporary Water Purchase



Elizabeth Leeper
Senior Deputy General Counsel



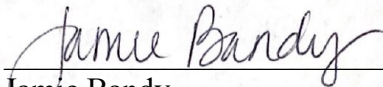
Brian Deason
Environmental Resources Supervisor



Dan Corcoran
Operations Director



Brian Mueller
Engineering Director



Jamie Bandy
Finance Director



Jesse Saich
Communications & Media Relations Manager



Jim Abercrombie
General Manager

**WATER PURCHASE AGREEMENT
BETWEEN
WESTLANDS WATER DISTRICT
AND
EL DORADO IRRIGATION DISTRICT
FOR
2022 WEBER RESERVOIR REOPERATION
TEMPORARY WATER PURCHASE**

THIS AGREEMENT is made as of _____, 2022 (“Effective Date”), between Westlands Water District (“WWD”), a public agency in the State of California, and El Dorado Irrigation District (“EID”), a public agency in the State of California.

RECITALS

A. WWD is a public agency formed and operating under the California Water District Act, Water Code §§ 34000 *et seq.*, that delivers water to its landowners for agricultural and municipal uses within the district; and

B. Due to constraints on the annual water supply available to it, WWD will be water short in 2022 and wishes to acquire supplemental supplies; and

C. EID is a public agency created and existing pursuant to the provisions of the Irrigation District Law, Water Code §§ 20500 *et seq.*, and is empowered to enter into contracts to sell water for use outside of El Dorado County; and

D. EID has up to 750 acre-feet of water available for transfer by reoperation of EID’s Weber Reservoir; and

E. The water supplies to be transferred under this agreement will be a portion of the water available to EID under its License 2184 made available by reoperation of EID’s Weber Reservoir; and

F. WWD is willing to make the specified payments to EID for the water that EID makes available for transfer to WWD in 2022, subject to the terms and conditions set forth herein and under a schedule acceptable to WWD.

AGREEMENT

In consideration of the foregoing recitals and the terms and conditions contained herein, WWD and EID agree to the following:

1. Definitions. When used in this Agreement, the following definitions will apply:

- (a) **“Agreement”** means this Water Purchase Agreement.
- (b) **“Carryover”** means temporary storage of Transfer Water in Folsom Reservoir by USBR after the annual through delta transfer window and/or in advance of the annual through delta transfer window.
- (c) **“WWD”** means Westlands Water District.
- (d) **“Parties”** means WWD and EID.
- (e) **“EID”** means El Dorado Irrigation District.
- (f) **“Temporary”** means one (1) year or less.
- (g) **“Transfer Water”** means the reservoir reoperation water made available for transfer by EID up to 750 acre-feet, for delivery to WWD pursuant to this Agreement.
- (h) **“SWRCB”** means the California State Water Resources Control Board.
- (i) **“USBR”** means the U.S. Bureau of Reclamation of the Department of Interior.
- (j) **“Point of Delivery”** means the point at which EID is responsible for delivering Transfer Water, which is Folsom Reservoir, a USBR facility.

2. Term.

- (a) This Agreement will become effective upon the date set forth above.
- (b) Except as provided in Articles 6.a.(i)(1) and 6.a.(ii) below, the Parties will have no obligation to deliver or to pay for delivery of water under this Agreement until the last of the following has occurred, unless the occurrence has been waived in writing by both Parties:
 - (i) Execution of Refill Agreements between USBR and EID setting forth conditions for the operation of Weber Reservoir related to the conveyance of Transfer Water to WWD via the Point of Delivery;
 - (ii) Execution of a Warren Act Contract or equivalent agreement between WWD and USBR, if necessary, authorizing delivery of the Transfer Water to the Point of Delivery and scheduling the release of the Transfer Water from the Point of Delivery;
 - (iii) Execution of a Warren Act Contract or equivalent agreement between WWD and USBR, or similar agreement with DWR, if necessary, covering the storage and conveyance of the Transfer Water from the Point of Delivery;
 - (iv) Approval by SWRCB on terms acceptable to both Parties of Temporary changes in places of use and purposes of use, as necessary, of the Weber Reservoir licensed water right to the area served by the Transfer Water.

This Agreement will terminate on December 31, 2022 unless succeeded or terminated by

either Party according to the term of this Agreement or carryover of 2022 water is authorized by USBR, in which case the Agreement shall terminate upon satisfaction of all applicable requirements by EID and WWD following conveyance of Transfer Water from the Point of Delivery.

3. Approvals and Environmental Compliance.

(a) Water Code section 1729 provides that Temporary changes due to transfers pursuant to Water Code section 1725, et seq., are exempt from the requirements of the California Environmental Quality Act (CEQA, Public Resources Code section 21000, et seq.). Water Code section 1727(a)(2) requires that before the SWRCB can approve Temporary changes, it must find that the proposed changes would not unreasonably affect fish, wildlife or other instream beneficial uses. In accordance with Water Code section 1727(a)(2), EID will develop and submit a Petition For Change Involving Water Transfers to to SWRCB for the Temporary transfer of Weber Reservoir water under this Agreement.

(b) WWD shall be solely responsible for arranging for and shall pay all costs incurred for the conveyance of Transfer Water from the Point of Delivery to the WWD service area, including a Warren Act contract with USBR (if required), and supporting National Environmental Policy Act documentation, for conveyance and/or storage of Transfer Water, if necessary.

(c) EID shall be solely responsible for CEQA documentation for EID's actions related to the delivery, conveyance and/or storage of Transfer Water.

4. Schedule and Delivery of Water.

(a) Subject to satisfaction of the requirements of Article 2(b) and the other provisions of this Agreement, commencing on or after July 1, 2022, EID will release from its Weber Reservoir, in addition to normal operating requirements, up to 750 acre-feet, for delivery to the Point of Delivery in accordance with EID's operations schedule.

(b) The amount of water transferred from Weber Reservoir under this Agreement will be the difference between releases from Weber Reservoir with and without transfer, as reported to WWD by EID's statement of releases pursuant to Article 5 (Reporting and Verification of Water Releases), less 5% conveyance loss between Weber Reservoir and the Point of Delivery.

(c) EID will reduce or terminate release of Transfer Water from Weber Reservoir for this Agreement as soon as possible after telephone notification by USBR that the transfer is having, or is about to have, an adverse effect on a listed threatened or endangered species. However, Transfer Water previously released from Weber Reservoir will be considered transferred to WWD pursuant to this Agreement. EID will resume release of Transfer Water from Weber Reservoir as soon as possible after telephone notification by USBR that the transfer will no longer cause adverse effects on a listed

threatened or endangered species. All telephone notifications will be confirmed in writing, with copies to WWD. Except for water previously released from Weber Reservoir that is actually unavailable for transfer to WWD pursuant to this Article 4(c), nothing in this Article 4(c) will reduce the amount of water made available to WWD under this Agreement.

(d) Following fulfillment of those obligations specified in Article 2(b), any water delivered to the Point of Delivery from July 1 through September 30 shall be deemed delivered by EID to WWD. If USBR approves an extended transfer period, this timeline may be extended up November 30 with the mutual agreement of EID and WWD. Should carryover of non-Central Valley Project water be possible, WWD shall be responsible for obtaining a Warren Act Contract or equivalent from USBR for carryover storage of non-Central Valley Project water in Folsom Reservoir until the following 2023 transfer period.

5. Reporting and Verification of Water Releases.

(a) Consistent with the minimum instream flow obligations imposed by License 2184, EID will draw down the storage in Weber Reservoir to approximately 120 acre-feet by September 30, 2022, unless both Parties mutually agree to a later date in consultation with, and after approval from, USBR. Transfer Water shall be measured upon its release from Weber Reservoir and, after factoring the 5% conveyance loss between Weber Reservoir and Folsom Reservoir, shall be deemed delivered to WWD at the Point of Delivery.

(b) Beginning on July 1, 2022, and continuing until EID has released up to the amount of water requested by WWD, EID will measure flows released from Weber Reservoir (gage W-3), which the Parties agree, minus minimum reservoir outflows and the conveyance losses outlined in Article 4(b) and upon satisfaction of all requirements under Article 2, will document the daily transfer of water to WWD. EID will provide WWD and USBR with a statement within 15 days of the last day of each month that includes daily operations records for the previous month showing releases from Weber Reservoir and deliveries being made for transfer to WWD pursuant to this Agreement. EID's monthly statement will be emailed and mailed to WWD at the address provided in Article 6 (Payments) and will be attached to invoices for payment when applicable.

6. Payments.

(a) WWD agrees to pay for the Transfer Water on a per-acre-foot basis for water delivered to the Point of Delivery as follows:

(i) Price for Delivered Water. The purchase price of the Transfer Water is \$800 for each acre-foot of water delivered by EID to the Point of Delivery. The purchase price will be payable as follows:

(1) *Option Payment:* Within 5 days of full execution of this Agreement, WWD will pay to EID \$25 per acre-foot (AF) of the amount intended for

transfer, for the exclusive option of purchasing up to 750 acre-feet of Transfer Water pursuant to the terms of this Agreement, which sum will be credited to amounts due for the purchase. This Option Payment will be non-refundable unless EID fails to perform; *provided, however*, that if the events specified in Article 2(b) have not occurred in time to allow the Transfer Water to be conveyed through the delta, the Option Payment shall be an offset credited against any Option Payment or other payments from WWD to EID in a future water transfer agreement.

(2) *Call Payment*: On or before the later of July 1, 2022, or 7 days after the satisfaction of all conditions set forth in Article 2(b) above, WWD will notify EID in writing of the amount of Transfer Water it desires to purchase and have delivered (the “Call Notice”), together with a “Call Payment” of \$100.00 for each acre-foot of water it desires to purchase. WWD shall not be obligated to purchase any Transfer Water in excess of the amount specified in the Call Notice. The Call Payment shall be credited towards the purchase price of the Transfer Water, and shall be refundable, pursuant to Article 6(a)(i)(4) hereof, for each acre-foot that EID fails to deliver to the Point of Delivery.

(3) *Delivery Payment*: Within thirty (30) days of receipt of each monthly invoice statement received from EID, and upon confirmation from USBR that EID had delivered the water to the Point of Delivery pursuant to Article 5 (Reporting and Verification of Water Releases), WWD will pay to EID \$675.00 per acre-foot for water delivered to the Point of Delivery for transfer to WWD.

(4) If EID fails to deliver all of the water WWD has requested in its Call Notice, **despite all the requirements of Article 2(b) hereinabove having been satisfied**, EID will promptly refund to WWD \$100.00 per acre-foot for every acre-foot of water requested by WWD in the Call Notice that remains undelivered. It is expressly recognized by the parties that the need for water within El Dorado County shall supersede EID’s obligation to deliver the Transfer Water to WWD, *provided, however*, that in the event that EID determines that it cannot provide all of the water specified in the Call Notice due to the needs of El Dorado County, it shall notify WWD in writing within three days of such determination, and shall refund to WWD all sums it has paid for Transfer Water not delivered pursuant to this Article 6, excluding the Option Payment and out-of-pocket expenses as specified in Article 6(a)(ii).

(5) The purchase price for the Transfer Water shall be subject to modification if, during the term of this Agreement, WWD executes another reservoir reoperation water purchase and sale agreement with a final purchase price per acre-foot greater than that specified by this Agreement. Such modification shall automatically adjust the final purchase price for the Transfer Water to the purchase price of any successor agreements of those seller(s) WWD will provide documentation to EID of final purchase price of other reservoir reoperation agreements, if applicable, concurrent with Call Payment. EID will reflect adjusted purchase price, if any, in Delivery Invoice.

(ii) Expenses of Water Transfer. EID shall bear all costs, including engineering and technical expenses, filing fees, attorney fees and other related

expenses necessary for accomplishing the Temporary water transfer pursuant to this Agreement, with the exception of any costs and expenses necessary to convey water from the Point of Delivery to WWD's boundaries, provided, however, that WWD shall reimburse EID up to a maximum amount of \$5,000 for EID's out-of-pocket CEQA and SWRCB-related expenses identified in Article 3.

(b) One (1) electronic copy and two (2) hard copies of each invoice for Delivery Payments, together with supporting documentation, will be submitted to the Deputy General Manager for WWD at the following address:

Russ Freeman, Deputy General Manager-Resources
Westlands Water District
Post Office Box 6056
3130 N. Fresno Street
Fresno, CA 93703-6056
rfreeman@wwd.ca.gov

7. Cancellation.

(a) This Agreement may be canceled by EID or WWD within five business days of the issuance of an order of the SWRCB approving the Weber Reservoir Temporary water transfer if either Party reasonably determines that any term or condition of the order is unacceptable. The Parties will consult with each other and make a good faith effort to amend this Agreement, if necessary, to attempt to address any unacceptable term of the SWRCB order.

(b) Cancellation under this Article may be effected by delivering to the other Party written notice of cancellation within the five-day period. Upon any cancellation, all amounts theretofore paid by WWD, except the Option Payment and reimbursement of expenses under Article 6(a)(ii), shall be promptly refunded by EID.

8. Water Rights Protection.

WWD and EID agree that neither Party will assert that any activities under this Agreement affect the validity of any existing water rights or contracts held by either Party to this Agreement. The execution of this Agreement is not intended to indicate any recognition by either Party of water rights claimed by the other Party. Releases of water pursuant to this Agreement will not confer any appropriative, public trust or other right to water on any person or entity. In the event WWD forfeits the Option Payment by not purchasing any water under this Agreement, the amount of the Option Payment will be credited in any transfer agreement the Parties enter into during the next two (2) calendar years from the Effective Date of this Agreement. WWD understands and agrees that there is no guarantee that EID will have water available in future years for transfer to WWD.

9. Hold Harmless, Indemnification and Remedies.

(a) To the extent permitted by State law, and subject to the reimbursement of

expenses under Article 6(a)(ii), EID will indemnify, defend and hold WWD and its directors, officers, agents, and employees safe and harmless from any and all claims, judgments, damages, penalties, costs, liabilities and losses (including without limitation, sums paid in settlement of claims, actual attorneys' fees, paralegal fees, consultant fees, engineering fees, expert fees and any other professional fees) that arise from or are related in any way to EID's activities under this Agreement that are under the exclusive control of EID, including but not limited to the release, conveyance, use or distribution of water released by EID from Weber Reservoir for purposes of this Agreement.

(b) To the extent permitted by State law, WWD will indemnify, defend and hold EID and its directors, officers, agents and employees safe and harmless from any and all claims, judgments, damages, penalties, costs, liabilities and losses (including without limitation, sums paid in settlement of claims, actual attorneys' fees, paralegal fees, consultant fees, engineering fees, expert fees and any other professional fees) that arise from or are related in any way to WWD's activities under this Agreement that are under the exclusive control of WWD or USBR, including but not limited to the conveyance, use or distribution of water transferred under this Agreement.

(c) WWD acknowledges that the source of the water made available by EID will be from the Sacramento River watershed, which is the same as the source of supplies WWD receives through the Central Valley Project, and that EID and its directors, officers, agents and employees will not be responsible for the quality of water released, or for interruptions or reductions in water releases due to system failures, accidents, inadequate capacity, or any other reason beyond EID's control.

10. Disputes.

Any claim that a Party may have against the other Party regarding the performance of this Agreement including, but not limited to, claims for compensation or extension of time, will be submitted to the other Party. Parties will attempt to negotiate a resolution of such claim and if necessary process an amendment to this Agreement or a settlement agreement to implement the terms of any such resolution.

11. Agreement Not a Precedent.

The Parties intend that the provisions of this Agreement will not bind the Parties as to the provisions of any future agreement between them. This Agreement was developed specifically for the 2022 water year and the specified Agreement term.

12. Notices.

Except as provided in Article 4 (Schedule and Release of Water) and Article 6 (Payments), any notice, demand, or request made in connection with this Agreement must be in writing and will be deemed properly served if delivered in person or sent by United States mail, postage prepaid, to the addresses specified below:

To WWD: Russ Freeman, Deputy General Manager-Resources
Westlands Water District
Post Office Box 6056
3130 N. Fresno Street
Fresno, CA 93703-6056

With Copy to: Jon Rubin
Westlands Water District
1545 River Park Drive,
Suite 525
Sacramento, CA 95815

To EID: Jim Abercrombie, General Manager
El Dorado Irrigation District
2890 Mosquito Road
Placerville, CA 95667

With Copy to: Brian Poulsen, General Counsel
El Dorado Irrigation District
2890 Mosquito Road
Placerville, CA 95667

13. Modification.

This Agreement may be modified only upon the mutual written consent of the Parties.

14. No Third-Party Beneficiaries.

No third-party beneficiaries are intended or created by this Agreement.

15. Severability.

If any term or provision of this Agreement is deemed invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, it will not affect the validity of any other provision, which will remain in full force and effect.

16. Complete Agreement.

Other than as specified herein, no document or communication passing between the Parties to this Agreement will be deemed to be part of this Agreement.

17. Counterpart.

This Agreement may be executed in counterpart. EID will deliver its executed counterpart to WWD, and WWD will deliver a fully-conformed counterpart to EID. Facsimile and electronic signatures shall be binding.

18. Assignment.

This Agreement is not assignable either in whole or in part, except upon mutual written consent of the Parties.

19. Time of the Essence.

Time is of the essence in this Agreement.

20. Waiver.

The waiver at any time by either Party of its right with respect to default or other matter arising in connection with this Agreement will not be deemed a waiver by that Party with respect to any subsequent default or matter.

21. Governing Law.

This Agreement is governed by and will be interpreted in accordance with the laws of the State of California.

22. Litigation/Joint Defense.

- (a) In the event of an administrative challenge and/or litigation related to the proposed Temporary transfer, the Parties will promptly meet and confer to perform a risk assessment of the litigation/challenge, and cooperate in good faith to determine whether to terminate the Agreement due to the litigation/challenge. If litigation and/or an administrative challenge is pending prior to July 1, 2022, either party may elect to terminate the Agreement due to any such litigation/challenge. If either party so elects to terminate the Agreement prior to July 1, 2022, WWD shall still be obligated to pay EID's reasonable and documented out-of-pocket administrative expenses set forth in Section 6(a)(ii). If litigation and/or an administrative challenge is initiated after July 1, 2022, the Parties will promptly meet and confer to perform a risk assessment of the litigation/challenge, but termination of this Agreement may only occur through agreement of both Parties. If both Parties so elect to terminate the Agreement after July 1, 2022, WWD shall still be obligated to pay EID's reasonable and documented out-of-pocket administrative expenses set forth in Section 6(a)(ii), and for all of the water delivered to the Point of Delivery for transfer to WWD prior to such termination, and for any litigation expenses to dismiss or otherwise resolve the litigation and/or administrative challenge.

(b) Except as set forth herein, WWD will reimburse 100% of EID's actual out-of-pocket expenses incurred in defending this proposed Weber Reservoir reoperation Temporary transfer. WWD shall bear their own costs of any litigation and/or administrative challenge and shall pay any remedial award associated therewith, whether levied against WWD or EID.

(c) As to claims solely challenging EID's conduct within EID's service area or above the Point of Delivery, EID shall have primary responsibility for defending such claims on behalf of both EID and WWD, and WWD shall participate in defending against such claims to the extent they deem necessary or appropriate, in WWD's sole discretion. WWD shall bear their own fees and costs of defending against such claims. EID shall bear its own fees and costs of defending against such claims and shall pay any monetary awards associated therewith.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date set forth above.

Westlands Water District

By: _____
Jose Gutierrez
Chief Operating Officer

El Dorado Irrigation District

By: _____
Jim Abercrombie
General Manager

APPROVED AS TO FORM:

By: _____
Office of General Counsel

**WATER PURCHASE AGREEMENT
BETWEEN
WESTLANDS WATER DISTRICT
AND
EL DORADO IRRIGATION DISTRICT
FOR
2022 CONSERVED WATER TEMPORARY WATER PURCHASE**

THIS AGREEMENT is made as of the ___ day of _____ 2022 (“Effective Date”), between Westlands Water District (“WWD”), a public agency in the State of California, and El Dorado Irrigation District (“EID”), a public agency in the State of California.

RECITALS

A. WWD is a public agency formed and operating under the California Water District Act, Water Code §§ 34000 *et seq.*, that delivers water to its landowners for agricultural and municipal uses within the district; and

B. Due to constraints on the annual water supply available to it, WWD will be water short in 2022 and wishes to acquire supplemental supplies; and

C. EID is a public agency created and existing pursuant to the provisions of the Irrigation District Law, Water Code §§ 20500 *et seq.*, and is empowered to enter into contracts to sell water for use outside of El Dorado County; and

D. EID recently completed its Upper Main Ditch Piping Project (“Piping Project”), which piped the water previously conveyed through the open and unlined Main Ditch, from EID’s El Dorado Forebay to the its Reservoir 1 Water Treatment Plant; and

E. EID conducted a detailed analysis of historical water loss through the Main Ditch and calculated that the Piping Project will conserve an average of ten to thirty-three percent of all conveyance flows (“Conserved Water”), depending on flow rate and time of year, which were previously lost to evapotranspiration and seepage prior to implementing the Piping Project; and

F. It is estimated that the Piping Project will result in Conserved Water in amounts ranging from approximately 1,350 to 2,100 acre-feet per year, with an average estimated water savings of approximately 1,800 acre-feet annually; and

G. On January 24, 2022, the El Dorado Irrigation District Board of Directors adopted Resolution 2022-004 recognizing the Conserved Water that would result from

implementing the Piping Project and declaring its intention to retain control and ownership of such water for its intended use as it sought fit; and

H. In May of 2022, EID began conveying water through the completed Piping Project and has commenced the Conserved Water benefits of the Piping Project; and

I. EID wishes to conduct a temporary transfer of the Conserved Water, pursuant to Water Code § 1011 (water conservation efforts), to WWD who has a demonstrated need for the Conserved Water to meet the needs of its customers; and

J. WWD is willing to make the specified payments to EID for the Conserved Water EID makes available for transfer to WWD, subject to the terms and conditions set forth herein and under a schedule acceptable to WWD.

AGREEMENT

In consideration of the foregoing recitals and the terms and conditions contained herein, WWD and EID agree to the following:

1. Definitions

When used in this Agreement, the following definitions will apply:

- (a) **“Agreement”** means this 2022 Conserved Water Temporary Water Purchase Agreement.
- (b) **“Carryover”** means temporary storage of Conserved Water in Folsom Reservoir by USBR after the annual through delta transfer window and/or in advance of the annual through delta transfer window.
- (c) **“Conserved Water”** means the water made available for transfer due to implementation of the Piping Project.
- (d) **“DWR”** means the California Department of Water Resources.
- (e) **“EID”** means El Dorado Irrigation District.
- (f) **“Parties”** means WWD and EID.
- (g) **“Point of Delivery”** means the point at which EID is responsible for delivering Conserved Water, which is Folsom Reservoir, a USBR facility.
- (h) **“Piping Project”** means the Upper Main Ditch Piping Project.
- (i) **“Project”** means the 2022 Conserved Water Temporary Water Transfer.

- (j) “**SWRCB**” means the California State Water Resources Control Board.
- (k) “**Temporary**” means one (1) year or less.
- (l) “**USBR**” means the U.S. Bureau of Reclamation of the Department of Interior.
- (m) “**WWD**” means Westlands Water District.

2. **Term**

(a) This Agreement will become effective upon the date set forth above.

(b) Except as provided in Articles 7.a.(i)(l) and 7.a.(ii) below, the Parties will have no obligation to deliver or to pay for delivery of Conserved Water under this Agreement until the following condition has been satisfied, unless the occurrence has been waived in writing by both Parties:

i. Execution of a Warren Act Contract or equivalent agreement between WWD and USBR authorizing delivery of the Conserved Water to the Point of Delivery, storage and conveyance of the Conserved Water from the Point of Delivery, and delivery of the Conserved Water into WWD’s service area;

(c) This Agreement will terminate on December 31, 2022 unless succeeded or terminated by either Party according to the terms of this Agreement or Carryover of Conserved Water is authorized by USBR, in which case the Agreement shall terminate upon satisfaction of all applicable requirements by EID and WWD following conveyance of Conserved Water.

3. **Approvals and Environmental Compliance**

(a) The Parties agree to work together in good faith to secure all necessary approvals and agreement to transfer the Conserved Water in accordance with this Agreement and any necessary successor agreement(s). Such efforts shall include, but not be limited to, acceptance by USBR and DWR, as applicable, of the methodology for calculating the volume of Conserved Water available to be transferred under this Agreement pursuant to Water Code Section 1011; demonstration, if necessary, to SWRCB that the water rights for the Conserved Water are pre-1914 appropriative rights and, as such, the transfer is not subject to SWRCB jurisdiction; and any and all related efforts necessary to effectuate the Conserved Water transfer. The Parties agree to share in certain specific outside consultant costs associated with completing these activities pursuant to and subject to the limitations described in Article 4 (Cost Sharing) below.

(b) WWD shall be solely responsible for arranging for and shall pay all costs incurred for the conveyance of Conserved Water from the Point of Delivery to the WWD service area, including a Warren Act contract with USBR (if required), and supporting National Environmental Policy Act documentation, for conveyance and/or storage of Conserved Water, if necessary.

(c) Transfers of water other than under Water Code section 1725, et seq. are subject to the requirements of California Environmental Quality Act (CEQA). EID's potential transfer of the Conserved Water is conditioned upon compliance with CEQA and the District has not made a decision to proceed with the Conserved Water transfer Project. EID shall be solely responsible for CEQA documentation for EID's actions related to the delivery of Conserved Water to the Point of Delivery. EID shall conduct the appropriate CEQA environmental analysis and make the appropriate CEQA findings prior to transferring the Conserved Water. EID would utilize an on-call consultant to assist staff with these efforts. The Parties agree to share in certain specific on-call consultant costs associated with completing these activities pursuant to and subject to the limitations described in Article 4 (Cost Sharing) below.

4. Cost Sharing

(a) The Parties shall each bear their own costs, including engineering and technical expenses, attorney fees and other related expenses necessary for accomplishing the transfer of Conserved Water pursuant to this Agreement, with the exception of those certain and specific outside consultant costs described below. The Parties agree to share in these certain costs to conduct the activities described in Article 3 above as follows:

(i) EID may find it necessary to secure the services of a consultant to assist in securing certain approvals and agreements from USBR, DWR, and/or SWRCB, as necessary, to implement the Project. If an outside consultant is necessary, WWD shall reimburse EID one-half of the actual demonstrated costs, subject to a maximum reimbursement of \$5,000, for these services.

(ii) EID proposes to utilize the services of a consultant to assist completing its CEQA review of the Project. WWD shall reimburse EID one-half of the actual demonstrated costs, subject to a maximum reimbursement of \$15,000, for EID's costs for CEQA consultant services.

5. Schedule and Delivery of Water

(a) Subject to satisfaction of the requirements of Articles 2(b) and 3, EID will deliver up to 1,800 acre-feet of Conserved Water to WWD during the term of this Agreement.

(b) The amount of water transferred to WWD will be equivalent to the amount of Conserved Water calculated to be conserved from the Piping Project based upon water deliveries from El Dorado Forebay to the Reservoir 1 Water Treatment Plant,

as reported to WWD by EID's statement of deliveries pursuant to Article 6 (Reporting and Verification of Water Deliveries), less 5% conveyance loss between Forebay Reservoir and the Point of Delivery.

(c) Following fulfillment of those obligations specified in Article 2(b), any water delivered to the Point of Delivery from May 11 (the date delivery of Conserved Water first began by implementation of the Piping Project), or alternate date approved by USBR and the Parties, through September 30 (or until the end of delivery of Conserved Water during 2022) shall be deemed delivered by EID to WWD.

(d) If Carryover of Conserved Water is authorized by USBR following the end of delivery of Conserved Water during 2022, and that water is not lost to spill or storage management operations of Folsom Reservoir during winter/spring 2023 such that is available for transfer during summer 2023, EID may continue to deliver Conserved Water up to and including June 30, 2023 with the mutual agreement of EID and WWD.

6. Reporting and Verification of Water Deliveries.

(a) EID will measure flows released from El Dorado Forebay for conveyance through the Piping Project and calculate the deliveries of Conserved Water to WWD using the estimated loss rate approved by USBR and/or DWR, as applicable, which the Parties agree to, minus the conveyance losses outlined in Article 5(b), and upon satisfaction of all requirements under Article 2, EID will document the daily transfer of Conserved Water to WWD. EID will provide WWD and USBR with an estimated delivery schedule prior to the first day of each month and a statement of delivery within 15 days of the last day of each month that includes daily operations records for the previous month showing deliveries from El Dorado Forebay and the calculated Conserved Water, minus any conveyance losses, generated by those deliveries. EID's monthly statement will be emailed and mailed to WWD and at the addresses provided in Article 7 (Payments) and will be attached to invoices for payment when applicable.

7. Payments.

(a) WWD agrees to pay for the Conserved Water on a per-acre-foot basis for water delivered to the Point of Delivery as follows:

(i) Price for Delivered Water. The purchase price of the Conserved Water is \$800 for each acre-foot of water delivered by EID to the Point of Delivery during 2022. The purchase price will be payable as follows:

1) Option Payment: Within 5 days of full execution of this Agreement, WWD will pay to EID \$25.00 per acre-foot (AF) of the amount intended for transfer, for the exclusive option of purchasing up to 1,800 acre-feet of Conserved Water pursuant to the terms of this Agreement, which sum will be credited to amounts due for the purchase. This Option Payment will be non-refundable unless

EID fails to perform; *provided, however*, that if the events specified in Article 2(b) have not occurred in time to allow the Conserved Water to be conveyed through the Delta, the Option Payment shall be an offset credited against any Option Payment or other payments from WWD to EID in any future water transfer agreement between the Parties.

2) Call Payment: On or before the later of July 1, 2022, or 7 days after the satisfaction of all conditions set forth in Article 2(b) above, WWD will notify EID in writing of the amount of Conserved Water it desires to purchase (the "Call Notice"), together with a "Call Payment" of \$100.00 for each acre-foot of water it desires to purchase. WWD shall not be obligated to purchase any Conserved Water in excess of the amount specified in the Call Notice. The Call Payment shall be credited towards the purchase price of the Conserved Water, and shall be refundable, pursuant to Article 7(a)(i)(4) hereof: for each acre-foot that EID fails to deliver to the Point of Delivery.

3) Delivery Payment: Within thirty (30) days of receipt of each monthly invoice statement received from EID, and upon confirmation from USBR that EID had delivered the water to the Point of Delivery pursuant to Article 6 (Reporting and Verification of Water Deliveries), WWD will pay to EID \$675.00 per acre-foot for water delivered to the Point of Delivery for transfer to WWD.

4) If EID fails to deliver all of the water WWD has requested in its Call Notice, **despite all the requirements of Article 2(b) hereinabove having been satisfied**, EID will promptly refund to WWD \$100.00 per acre-foot for every acre-foot of water requested by WWD in the Call Notice that remains undelivered. It is expressly recognized by the parties that the need for water within El Dorado County shall supersede EID's obligation to deliver the Conserved Water to WWD, *provided, however*, that in the event that EID determines that it cannot provide *all* of the water specified in the Call Notice due to the needs of El Dorado County, it shall notify WWD in writing within three days of such determination, and shall refund to WWD all sums it has paid for Conserved Water not delivered pursuant to this Article 7, excluding the Option Payment and out-of-pocket expenses as specified in Article 7(a)(ii).

5) The purchase price for the Conserved Water transferred during 2022 shall be subject to modification if, during the term of this Agreement, WWD executes another water purchase and sale agreement with a final purchase price per acre-foot greater than that specified by this Agreement. Such modification shall automatically adjust the final purchase price for the Conserved Water to the purchase price of any successor agreements of those seller(s). WWD will provide documentation to EID of final purchase price of other water purchase agreements, if applicable, concurrent with Call Payment. EID will reflect adjusted purchase price, if any, in the Delivery Invoice.

6) Any Conserved Water that can be transferred during 2023 shall be subject to the per acre-foot price WWD is paying for other north of Delta transfers during 2023.

(ii) Expenses of Conserved Water Transfer. EID shall bear all costs, including engineering and technical expenses, filing fees, attorney fees and other related expenses necessary for accomplishing this Conserved Water Transfer pursuant to this Agreement, with the exception of any costs and expenses necessary to convey water from the Point of Delivery to WWD's boundaries, provided, however, that WWD shall reimburse EID up to a maximum amount of \$20,000 for those expenses identified in Article 4.

(iii) One (1) electronic copy and two (2) hard copies of each invoice for Delivery Payments, together with supporting documentation, will be submitted to the Deputy General Manager for WWD at the following address:

Russ Freeman, Deputy General Manager-Resources
Westlands Water District
Post Office Box 6056
3130 N. Fresno Street
Fresno, CA 93703-6056
rfreeman@wwd.ca.gov

8. Cancellation.

(a) This Agreement may be canceled by EID or WWD within five business days of USBR and/or DWR determination of the amount of Conserved Water available for transfer during the term of this Agreement, if such volume of Conserved Water is deemed unacceptable by either Party. The Parties will consult with each other and make a good faith effort to amend this Agreement, if necessary, to attempt to address such conditions.

(b) Cancellation under this Article may be effected by delivering to the other Party written notice of cancellation within the five-day period. Upon any cancellation, all amounts theretofore paid by WWD, except the Option Payment and reimbursement of expenses under Article 7(a)(ii), shall be promptly refunded by EID.

9. Water Rights Protection.

WWD and EID agree that neither Party will assert that any activities under this Agreement affect the validity of any existing water rights or contracts held by either Party to this Agreement. The execution of this Agreement is not intended to indicate any recognition by either Party of water rights claimed by the other Party. Deliveries of water pursuant to this Agreement will not confer any appropriative, public trust or other right to water on any person or entity. In the event WWD forfeits the Option Payment by not purchasing any water under this Agreement, the amount of the Option Payment will be credited in any transfer agreement the Parties enter into during the next two (2) calendar years from the Effective Date of this Agreement. WWD understands and agrees that there is no guarantee that EID will have water available in future years for transfer to WWD.

10. Hold Harmless, Indemnification and Remedies.

(a) To the extent permitted by State law, and subject to the reimbursement of expenses under Article 7(a)(ii), EID will indemnify, defend and hold WWD and its directors, officers, agents, and employees safe and harmless from any and all claims, judgments, damages, penalties, costs, liabilities and losses (including without limitation, sums paid in settlement of claims, actual attorneys' fees, paralegal fees, consultant fees, engineering fees, expert fees and any other professional fees) that arise from or are related in any way to EID's activities under this Agreement that are under the exclusive control of EID, including but not limited to the release, conveyance, use or distribution of water released by EID from El Dorado Forebay, for purposes of this Agreement.

(b) To the extent permitted by State law, WWD will indemnify, defend and hold EID and its directors, officers, agents and employees safe and harmless from any and all claims, judgments, damages, penalties, costs, liabilities and losses (including without limitation, sums paid in settlement of claims, actual attorneys' fees, paralegal fees, consultant fees, engineering fees, expert fees and any other professional fees) that arise from or are related in any way to WWD's activities under this Agreement that are under the exclusive control of WWD or USBR, including but not limited to the conveyance, use or distribution of water transferred under this Agreement.

(c) WWD acknowledges that the source of the water made available by EID will be from the Sacramento River watershed, which is the same as the source of supplies WWD receives through the Central Valley Project, and that EID and its directors, officers, agents and employees will not be responsible for the quality of water released, or for interruptions or reductions in water deliveries due to system failures, accidents, inadequate capacity, or any other reason beyond EID's control.

11. Disputes.

Any claim that a Party may have against the other Party regarding the performance of this Agreement including, but not limited to, claims for compensation or extension of time, will be submitted to the other Party. Parties will attempt to negotiate a resolution of such claim and if necessary process an amendment to this Agreement or a settlement agreement to implement the terms of any such resolution.

12. Agreement Not a Precedent.

The Parties intend that the provisions of this Agreement will not bind the Parties as to the provisions of any future agreement between them. This Agreement was developed specifically for the 2022 water year and the specified Agreement term.

13. Notices.

Except as provided in Article 5 (Schedule and Delivery of Water) and Article 7 (Payments), any notice, demand, or request made in connection with this Agreement must be in writing and will be deemed properly served if delivered in person or sent by United States mail, postage prepaid, to the addresses specified below:

To WWD: Russ Freeman, Deputy General Manager-Resources
Westlands Water District
Post Office Box 6056
3130 N. Fresno Street
Fresno, CA 93703-6056

With Copy to: Jon Rubin, General Counsel
Westlands Water District
1545 River Park Drive, Suite 525
Sacramento, CA 95815

To EID: Jim Abercrombie, General Manager
El Dorado Irrigation District
2890 Mosquito Road
Placerville, CA 95667

With Copy to: Brian Poulsen, General Counsel
El Dorado Irrigation District
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14. Modification.

This Agreement may be modified only upon the mutual written consent of the Parties.

15. No Third-Party Beneficiaries.

No third-party beneficiaries are intended or created by this Agreement.

16. Severability.

If any term or provision of this Agreement is deemed invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, it will not affect the validity of any other provision, which will remain in full force and effect.

17. Complete Agreement.

Other than as specified herein, no document or communication passing between the Parties to this Agreement will be deemed to be part of this Agreement.

18. Counterpart.

This Agreement may be executed in counterpart. EID will deliver its executed counterpart to WWD, and WWD will deliver a fully-conformed counterpart to EID. Facsimile and electronic signatures shall be binding.

19. Assignment.

This Agreement is not assignable either in whole or in part, except upon mutual written consent of the Parties.

20. Time of the Essence.

Time is of the essence in this Agreement.

21. Waiver.

The waiver at any time by either Party of its right with respect to default or other matter arising in connection with this Agreement will not be deemed a waiver by that Party with respect to any subsequent default or matter.

22. Governing Law.

This Agreement is governed by and will be interpreted in accordance with the laws of the State of California.

23. Litigation/Joint Defense.

(a) In the event of an administrative challenge and/or litigation related to the proposed

temporary Conserved Water transfer, the Parties will promptly meet and confer to perform a risk assessment of the litigation/challenge, and cooperate in good faith to determine whether to terminate the Agreement due to the litigation/challenge. If litigation and/or an administrative challenge is pending prior to July 1, 2022, either party may elect to terminate the Agreement due to any such litigation/challenge. If either party so elects to terminate the Agreement prior to July 1, 2022, WWD shall still be obligated to pay EID's reasonable and documented out-of-pocket administrative expenses set forth in Section 7(a)(ii). If litigation and/or an administrative challenge is initiated after July 1, 2022, the Parties will promptly meet and confer to perform a risk assessment of the litigation/challenge, but termination of this Agreement may only occur through agreement of both Parties. If both Parties so elect to terminate the Agreement after July 1, 2022, WWD shall still be obligated to pay EID's reasonable and documented out-of-pocket administrative expenses set forth in Section 7(a)(ii), and for all of the water delivered to the Point of Delivery for transfer to WWD prior to such termination, and for any litigation expenses to dismiss or otherwise resolve the litigation and/or administrative challenge.

(b) Except as set forth herein, WWD will reimburse 100% of EID's actual out-of-pocket expenses incurred in defending this proposed temporary Conserved Water transfer. WWD shall bear their own costs of any litigation and/or administrative challenge and shall pay any remedial award associated therewith, whether levied against WWD or EID.

(c) As to claims solely challenging EID's conduct within EID's service area or above the Point of Delivery, EID shall have primary responsibility for defending such claims on behalf of both EID and WWD, and WWD shall participate in defending against such claims to the extent they deem necessary or appropriate, in WWD's sole discretion. WWD shall bear their own fees and costs of defending against such claims. EID shall bear its own fees and costs of defending against such claims and shall pay any monetary awards associated therewith.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date set forth above.

Westlands Water District

By: _____

Jose Gutierrez

Chief Operating Officer

El Dorado Irrigation District

By: _____

Jim Abercrombie
General Manager

APPROVED AS TO FORM:

By: _____

Office of General Counsel

DRAFT

Consideration of Water Transfer Agreements

JUNE 13, 2022

Prior Board Actions

January 24, 2022 – Adopted Resolution No. 2022-004 declaring an intent to retain control of the water conserved as a result of the Upper Main Ditch Piping Project.

Summary of Issue

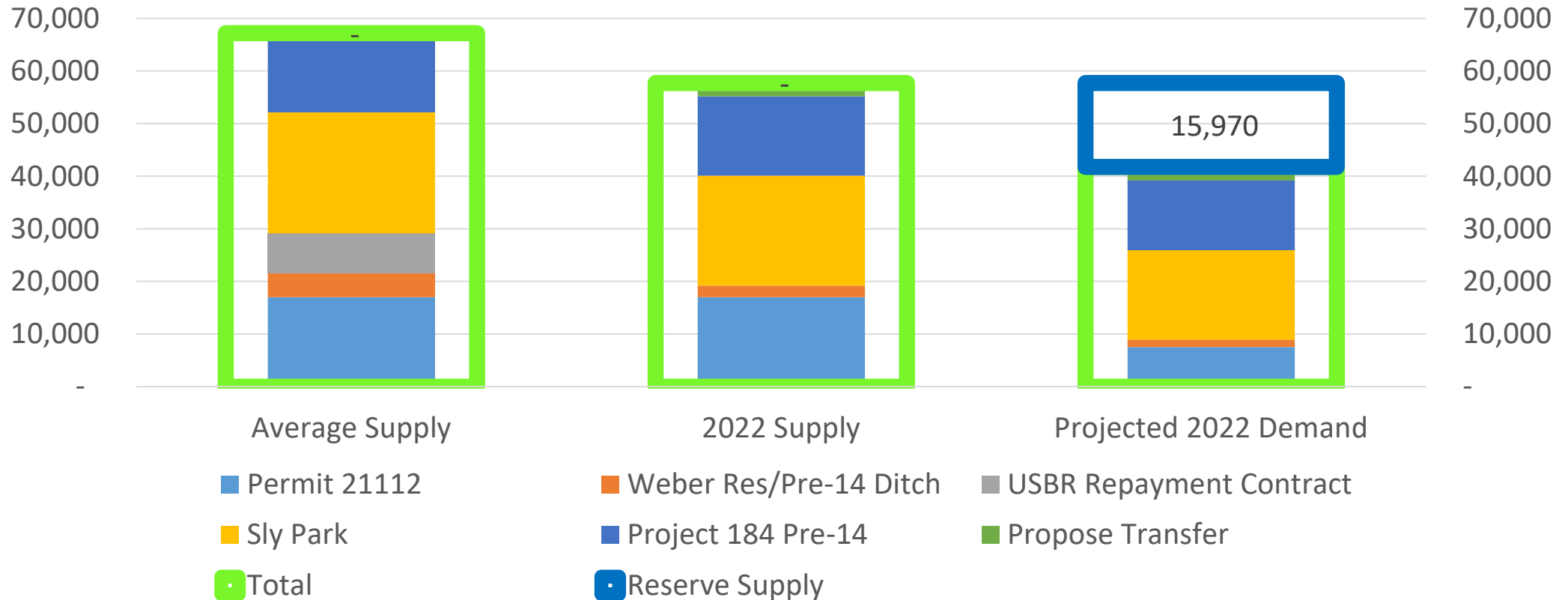
- ❖ Despite being in a Stage 1 Water Alert for regulatory compliance purposes, Project 184 and Jenkinson Lake supplies are sufficient to meet District customer demand in the primary drinking water system. The proposed transfer supplies are not needed to meet these demands.
- ❖ The District has two sources of supply available for potential transfer to provide non-rate revenue for the District, while ensuring adequate supplies for District customers.
 - ❖ **Weber Reservoir:** reservoir reoperation to release up to 750 acre-feet (AF) for transfer
 - ❖ **Upper Main Ditch Piping Project (Conserved Water):** conserved water resulting from piping project, previously lost through the ditch, in the amount up to 1,800 AF for transfer
- ❖ Staff requests the Board approve and authorize the General Manager to execute two water purchase and sale agreements with Westlands Water District (Westlands), for a total of up to 2,550 AF.

Background: District Supply Status

- ❖ Despite improved local supplies, District remains in Stage 1 Water Alert (voluntary 15% conservation) to comply with statewide emergency regulations
- ❖ Project 184 and Jenkinson Lake supplies are sufficient to meet customer demand for primary integrated drinking water system
- ❖ Satellite systems are dependent on isolated local supplies and local hydrology
- ❖ District has available supplies (Weber Reservoir and Conserved Water) that will not be consumed by District customers in 2022

Background: District Supply Status

Water Supply and Demand Picture



Background: Supplies to be Transferred

UPPER MAIN DITCH PIPING: CONSERVED WATER

- ❖ Piping project completed May 2022
- ❖ Water previously lost through ditch (evaporation and seepage) is now conserved
- ❖ Water Code 1011 allows for transfer of conserved water
- ❖ Average annual of 1,800 AF conserved
- ❖ Actual amount available for transfer depends on flows in pipe and calculated conservation
- ❖ 2022 first opportunity to transfer this supply
- ❖ Conserved water used for hydro power and then available for transfer; not authorized source at Folsom for District to divert at this time

WEBER RESERVOIR REOPERATION

- ❖ Weber Reservoir undersized for watershed; fills annually and will recoup storage
- ❖ Weber Reservoir supplies can be used at Folsom Reservoir but District will use Permit 21112 supplies at Folsom in 2022
- ❖ Weber Reservoir water not needed to meet District customer demands
- ❖ Water can be made available for transfer from reservoir releases
- ❖ Weber Reservoir was a supply source in prior transfers

Background: Agreements Terms & Pricing

- Two separate purchase and sale agreements for the independent sources of supply: Weber Reservoir (up to 750AF) & Conserved Water (up to 1,800AF)
 - Purchase price: \$800/AF
 - Option Payment: non-refundable \$25/AF option payment for option to purchase
 - Call Payment: \$100/AF payment for quantity of water Westlands “calls”/requests
 - Final Payment: remainder \$675/AF for transfer water delivered to Folsom Reservoir
- Each party bears administrative costs, except \$25,000 reimbursement from Westlands
 - Agreements subject to necessary approvals:
 - Weber Reservoir: Subject to State Water Board & Bureau of Reclamation approvals
 - Conserved Water: subject to Bureau of Reclamation approvals and negotiations
 - District can reduce or cancel transfer at any time if these supplies are needed for District customers

Background: Environmental Review

- ❖ The purchase and sale agreements for the transfers are conditioned upon CEQA compliance.
- ❖ **Weber Reservoir:** as a post-1914 water right temporary transfer, this transfer is exempt from CEQA. The District will file a Notice of Exemption.
- ❖ **Conserved Water:** as a pre-1914 water right temporary transfer, this transfer is subject to CEQA. The District will prepare an Initial Study and schedule a public hearing for the Board to make the appropriate findings prior to implementing the transfer.

Board Options

- Option 1:** Approve two 2022 Temporary Water Purchase Agreements with Westlands Water District; and authorize the General Manager to execute the Agreements and any related documents necessary to complete the transfers.
- Option 2:** Take other action as directed by the Board.
- Option 3:** Take no action.

Staff Recommendation

Option 1: Approve two 2022 Temporary Water Purchase Agreements with Westlands Water District; and authorize the General Manager to execute the Agreements and any related documents necessary to complete the transfers.

EL DORADO IRRIGATION DISTRICT

SUBJECT: Consider awarding a contract to Morbark LLC in the not-to-exceed amount of \$385,499.33 for the purchase of one 2022 Morbark M20R Forestry Track Drum Chipper and authorize funding of \$385,499.33 for the Right-of-Way Vegetation Management Program Project, Project No. 22026.

PREVIOUS BOARD ACTION

October 12, 2021 – Board received an update regarding vegetation management conditions along District transmission line rights-of-way.

November 8, 2021 – Board adopted the 2022-2026 Capital Improvement Plan (CIP), which included the Right-of-Way Vegetation Management Program Project subject to available funding.

December 11, 2021 – Board adopted the 2021-2022 Mid-Cycle Operating Budget, which included three new positions dedicated to vegetation management.

April 25, 2022 – Board received an update regarding implementation of the Right-of-way Reinforcement Program.

BOARD POLICIES (BP), ADMINISTRATIVE REGULATIONS (AR) AND BOARD AUTHORITY

BP 0010 District Mission Statement
BP 3060 Contracts and Procurement
AR 3061.04 Procurement and Contract Authority
AR 5012 District Infrastructure and Facilities

SUMMARY OF ISSUE

During the April 25, 2022 Board meeting, staff provided an update regarding implementation of the Right-of-Way Reinforcement (ROWR) Program. During that update, staff informed the Board the District was awaiting a funding determination regarding the pending CalFire equipment grant application. Unfortunately, the District was recently informed that its application was not funded. However, the need for the equipment remains, and therefore staff immediately sought a current quote to acquire the most urgent piece of equipment – a tracked chipper. This agenda requests Board approval of that purchase through Sourcewell, a national competitively pre-negotiated pricing program for public agencies.

BACKGROUND/DISCUSSION

The ROWR Program requires chipping and/or masticating equipment to manage large volumes of vegetation covering the District's rights-of-way. Hauling this material away would be very costly and not possible in many cases due to the cross-country nature of many transmission lines with no roads in the immediate vicinity. Instead, the material will be safely chipped or masticated onsite where it originated.

Staff has previously advised the Board of the proposed approach for equipment to assist staff with the physically intensive efforts and improve overall ergonomic safety working on the ROWR program. During the last update, staff was still hopeful that the initial equipment purchase costs would be offset by grant funds. However, the District was informed on June 1, 2022 that its \$250,000 California Climate Investments Wildfire Prevention Grant application was not approved for funding during this grant cycle. Nevertheless, the equipment is still necessary to perform this work, and therefore staff is requesting purchase of the most urgent piece – the tracked chipper.

Through the efforts staff have implemented to date since the ROWR Program was implemented, staff has determined that the previously identified tracked chipper in the CIP worksheet is not sufficiently sized to safely and reliably handle the vegetation originating on these easements. While waiting for the grant to be processed, staff has been utilizing the existing similarly-sized District trailered chipper and associated winch together with a mini excavator to handle the vegetation as best as possible. However, this effort has proven very labor intensive and is rapidly decreasing the service life of the sole District chipper due to the sheer amount and size of vegetation. The amount of biomass that has accumulated within the easements has affected the overall production rate for staff. This is particularly true within portions of the District’s service area dominated by mix coniferous forest and black oak woodland where fast growing conifers dominate the landscape.

Staff has developed a proposed approach to more efficiently and safely handle this material. This approach utilizes the excavator purchased by the Board last fall (when it is not needed to manage Camp Creek debris flows) to move material to where it can be chipped by a tracked chipper large than that identified in the CIP, which will increase the costs of the chipper acquisition but will improve overall efficiency. Currently this material is primarily winched or moved in smaller pieces by a mini excavator, which increases labor allocation and decreases production rates. The recommended larger piece of equipment would improve efficiency and provide an overall safer ergonomic handling of the vegetation.

To help manage overall equipment costs of the CIP, staff have determined that an existing trailer and dump truck can be used to transport the chipper for now. Further, staff is proposing to defer purchase of the skid steer masticator and use the tracked chipper as much as possible. In locations where the masticator may be more efficient at specific sites, it can more readily and cost-efficiently be rented.

Procurement Process

Staff conducted a detailed evaluation of required specifications and potential manufacturers to determine what product would best meet the District’s long-term interests. This process identified the Morbark M20R as the most appropriate model for the District. Extended lead time for vehicles and equipment continues due to supply chain and labor challenges. Fortunately, by issuing a Notice of Intent to award the District was able to reserve, pending Board action, a unit at Morbark that is scheduled to be available August 2022. This unit will meet California Air Resources Control Board (CARB) emissions requirements, which affects both availability and costs.

Consistent with District AR 3061, the proposed equipment purchase will piggyback on a contract competitively awarded or negotiated pricing through Sourcewell to ensure the best value for the District. By using centralized cooperative competitive bidding services like Sourcewell that are available to government, education and non-profit organizations for equipment of this nature, the District takes advantage of the collective bargaining power of many public entities and achieves pricing and discounts that would otherwise be unavailable, especially in the current economic

environment. Sourcewell achieves the best pricing by combining the buying power of more than 50,000 government, education, and nonprofit organizations. The equipment would be acquired pursuant to Sourcewell contract #050119-MBI.

FUNDING

Funding for the tracked chipper is partially identified in the 2022-2026 CIP. Anticipated 2022 expenditures were \$150,000. Total funding requested for the tracked chipper purchase is \$385,499.33. To manage overall costs for this CIP, staff is no longer proposing to purchase a truck and trailer through this CIP this year, and instead utilize existing transportation equipment until a future year.

BOARD OPTIONS

Option 1: Award a contract to Morbark LLC in the not-to-exceed amount of \$385,499.33 for the purchase of one 2022 Morbark M20R Forestry Track Drum Chipper and authorize funding of \$385,499.33 for the Right-of-Way Vegetation Management Program Project, Project No. 22026.

Option 2: Take other action as directed by the Board.

Option 3: Take no action.

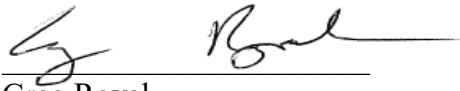
RECOMMENDATION

Option 1

ATTACHMENTS

Attachment A: Morbark M20R Forestry Track Drum Chipper Quote

Attachment B: CIP Summary



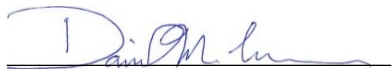
Greg Royal
Fleet Maintenance Supervisor



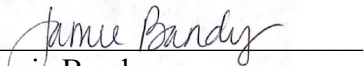
Noel Russell
Drinking Water Construction Supervisor



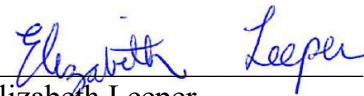
Radenko Odzakovic
Drinking Water Operations Manager



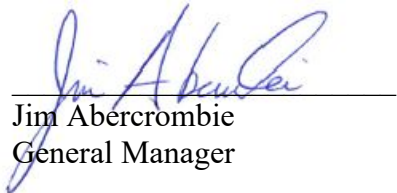
Dan Corcoran
Operations Director



Jamie Bandy
Finance Director



Elizabeth Leeper
Senior Deputy General Counsel



Jim Abercrombie
General Manager



P.O. Box 1000 | Winn, Michigan, 48896
 Telephone: 989-866-2381
 Fax: 989-866-2280
 www.morbark.com

Ship To: Bailey's
 1222 Commerce Ave
 Woodland, CA 95776
 (to deliver to El Dorado)

Sold To: The El Dorado Irrigation District
 2890 Mosquito Rd
 Placerville, CA 95667-4700

Final Delivery: The El Dorado Irrigation District
 2890 Mosquito Rd
 Placerville, CA 95667-4700

Quote No. 90585-22 **Quote Date:** 5/19/2022 **Contact:** Noel Russell **Lead Time:** as scheduled w/Bailey's - currently in stock
Terms: Net 30 Days **Contact #:** 530-642-4018 **Delivery Instructions:** FOB-Destination
Preparer: Erika Snyder **Email:** nrussell@eid.org

SKU# 50155T -2022 MORBARK M20R FORESTRY TRACK DRUM CHIPPER

EQUIPMENT AND OPTIONS

STANDARD UNIT:

- ♣ 20" chipping capacity
- ♣ Wireless remote control with tethered back-up system
- ♣ Hydraulic feed wheel compression system with bed chain and feed system stop switch located at the infeed
- ♣ Reversing automatic feed system
- ♣ 36" diameter x 33 3/8" Advantage 3 drum, with six (6) babbited knives and removable knife holders
- ♣ Directional flow discharge system
- ♣ Electronic three position flow control
- ♣ 312B Caterpillar Undercarriage with 20" (500 mm) grouser pads
- ♣ Caterpillar C9.3B, Tier 4F, EU Stage V, 415-HP diesel engine, Flexaire reversing fan, PT Tech HPTO12 hydraulic clutch and block heater **Sourcewell**
\$ 318,487.50

OPTIONAL EQUIPMENT:

- ♣ Top Load Discharge System, P/N 41094-459 with 360-degree hydraulic swivel, hydraulically actuated chip deflect, folding for transport with bottom clean- \$ 1,050.00
- ♣ Advantage 3 Drum with (6) Babbited Knives, removable knife holders and dual air impellers, P/N 41703-459 in lieu of standard \$ 600.00

Sourcewell #050119-MBI, Member ID#101387

TOTAL CALCULATION

	Entries		Calculation.
Configured Total		= \$	320,137.50
Freight In \$	8,000.00	= \$	8,000.00
Tax Applied	8.25%	=	
PDI \$	750.00	= \$	750.00
Material Surcharge \$	26,539.13	= \$	26,539.13
Non-Taxable Delivery \$	750.00	= \$	750.00
Extended Price		=	\$385,499.33

**QUOTE IS VALID FOR 30 DAYS
 PRICES SUBJECT TO CHANGE AFTER 30 DAYS**

2022 CAPITAL IMPROVEMENT PLAN Program: Water

Project Number: PLANNED
Project Name: ROW Vegetation Maintenance
Project Category: Regulatory Requirements
Priority: 2 **PM:** Odzakovic **Board Approval:** 11/08/21

Project Description:

El Dorado Irrigation District owns and operates drinking water transmission mains to convey water to the District's treatment plants for treatment and then to various treated water storage tanks for ultimate delivery to approximately 130,000 customers. These mains cross both public and private property, passing through a variety of terrain and vegetation types, from Pollock Pines to El Dorado Hills. Vegetation within overland (cross-country) portions of the alignments must be maintained to allow for proper access and inspection when necessary for leak detection, maintenance needs, and repairs, including emergency repairs. Staff have not been able to conduct regular maintenance of the vegetation, which has resulted in overgrown conditions that limit or preclude access for detection of leaks, periodic inspection and maintenance, and complicate access during emergency repairs. The purpose of this project is to improve maintenance and have more reliable operation of the facilities.

Basis for Priority:

Compliance with AR 5012 District Infrastructure and Facilities

Project Financial Summary:			
Funded to Date:	\$ -	Expenditures through end of year:	\$ -
Spent to Date:	\$ -	2022 - 2026 Planned Expenditures:	\$ 150,000
Cash flow through end of year:	\$ -	Total Project Estimate:	\$ 150,000
Project Balance	\$ -	Additional Funding Required	\$ 150,000

Description of Work	Estimated Annual Expenditures					Total
	2022	2023	2024	2025	2026	
1 - Ton Crew Truck	\$ 50,000					\$ 50,000
Tracked Chipper	\$ 85,000					\$ 85,000
Flat Bed Trailer with Storage Boxes	\$ 10,000					\$ 10,000
Small Equipment	\$ 5,000					\$ 5,000
TOTAL	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ 150,000

Funding Sources	Percentage	2022	Amount
Water Rates	100%		\$150,000
Total	100%		\$150,000

Funding Comments: Project involves ROV vegetation maintenance to extend the life of existing assets by protecting transmission lines from overgrown vegetation and secures access for regular and emergency maintenance and inspection.

**MORBARK M20R FORESTRY
TRACK DRUM CHIPPER PURCHASE
FOR
RIGHT-OF-WAY
VEGETATION MANAGEMENT PROGRAM
PROJECT NO. 22026**

June 13, 2022

Summary of Issue

- Equipment necessary to support staff vegetation management efforts
- CalFire equipment grant application not funded
- Tracker chipper priority acquisition
- Recommended purchase through Sourcewell

Overview

- Right-of-Way Reinforcement (ROWR) reinforcement program requires chipping and/or masticating equipment
 - Large volumes of vegetation covering the District's rights-of-way
- Hauling would be very costly and not possible in many cases
 - Cross-country nature of many transmission lines

Grant Funds Sought

- June 1, 2022 \$250,000 grant application not approved for funding
 - California Climate Investments Wildfire Prevention Grant Program
- Equipment still necessary
 - Tracked chipper most urgent

Updated Chipper Specifications

- Tracked chipper in CIP worksheet not sufficiently sized
 - 74 horsepower (HP) brush chipper
- While awaiting new equipment using existing District trailered chipper (130 HP)
 - Very labor intensive and rapidly decreasing service life
- Amount of accumulated biomass has affected overall production rate for staff



Revised Approach

- Areas with large diameter vegetation
 - Utilize excavator when not needed for Camp Creek debris flows
 - Move material to landings for larger tracked chipper (415 HP)
- Currently material is primarily winched or moved in smaller pieces by mini excavator
- Improve efficiency and provide overall safer ergonomic handling



Procurement Process

- Detailed evaluation of required specifications and potential manufacturers
- Morbark M20R identified to best meet long-term interests
 - Unit available August 2022
- Sourcewell contract #: 050119-MBI
 - District AR 3061 piggyback contract

Funding

- Partially identified in 2022-2026 CIP
 - \$150,000
- Total funding requested \$385,499.33
- Defer other ROWR equipment
 - Using existing transportation equipment until a future year
 - Defer skid steer masticator and rent if needed

Board Options

- Option 1: Award a contract to Morbark LLC in the not-to-exceed amount of \$385,499.33 for the purchase of one 2022 Morbark M20R Forestry Track Drum Chipper and authorize funding of \$385,499.33 for the Right-of-Way Vegetation Management Program Project, Project No. 22026.
- Option 2: Take other action as directed by the Board.
- Option 3: Take no action.

Recommendation

- Option 1

Questions?