REGULAR MEETING
OF THE BOARD OF DIRECTORS
OF THE LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY

Wednesday, November 17, 2021, 6:00 p.m.

Due to State of Emergency related to Covid-19 and the need to maintain social distancing, this meeting will be conducted via teleconference.

Meeting participants and the public may participate through computer video and audio by clicking on the following link:

https://us02web.zoom.us/j/85151664279

We recommend using your full name to log in for the meeting for ease of identification and recordkeeping purposes.

Meeting ID: 851 5166 4279

One tap mobile if using audio only from a telephone and not a computer
+1 669 900 9128 - 85151664279# US (San Jose)

See below for additional info on participation procedures.

1. **Call to Order**

2. **Pledge of Allegiance**

3. **Roll Call**

4. **Order of Agenda/Acknowledgement of Posting**
(The agenda may be re-ordered by motion of the Board. The agenda has been posted virtually on the Agency's website and, to the extent possible under the circumstances, physically in the display case outside the DSRSD Building, Pleasanton City Hall and Livermore City Hall at least 72 hours prior to a regular meeting and 24 hours prior to a special meeting.)

5. **Public Comment**
(See text in box below for information on how to observe and submit public comments.)

6. **Consent Calendar**
(All items on the Consent Calendar will be considered together by one or more action(s) of the Board unless a Board member pulls an item.)

Pages 4 – 6

6.a. Board Meeting Minutes for the September 29, 2021 meeting
(The Board will consider approving the minutes from the September 29, 2021 Board meeting.)

Resolution **7.** **Consider Adopting a Resolution Authorizing Continued Remote Teleconference Meetings of the Legislative Bodies of the Livermore-Amador Valley Water Management Agency Pursuant to Brown Act Provisions**

Pages 7 – 12
(The Board will consider how the State of Emergency impacts the ability of the LAVWMA Board and its legislative bodies to meet safely in person due to COVID-19, the requirements by local health authorities to maintain social distancing and/or the imminent health and safety risks of meeting in person, and the limitations of the meeting spaces available to LAVWMA, and consider whether to adopt a resolution to continue remote meetings for the next 30 days in compliance with AB 361 to better ensure the health and safety of the public.)

Information **8.** **Financial Reporting for the Fiscal Year Ending June 30, 2022**
Pages 13 – 18
(The Board will review the Financial Reports for the Fiscal Year ending June 30, 2022.)

Action **9.** **Acceptance of Audit Report for Fiscal Year Ending June 30, 2021**
Pages 19 – 49
(The Board will consider accepting the Audit Report for the Fiscal Year ending June 30, 2021 as prepared by Maze & Associates.)

Information **10.** **LAVWMA Quarterly Report of Operations, 1st Quarter, FY2021-2022**
Pages 50 – 72
(The Board will review the Quarterly Report of Operations, 1st Quarter, FY2021-2022.)

Information **11.** **Project Status Reports - Motor Control Center Replacement Project, Purchase of Three Vertical Turbine Pumps, and the San Leandro Sample Station Improvements Project**

Pages 73– 75
(The Board will receive status reports on projects at the Export Pump Station and the San Leandro Sample Station.)

Information **12.** **Update and Response to Various Legal and Legislative Issues**
Pages 76 – 115
(The Board will receive a report regarding proposed legislation and legal developments affecting LAVWMA and its member agencies.)

Information **13.** **General Manager's Report**
Pages 116 – 120
(The Board will review the General Manager's Report regarding the operations and maintenance of the Agency and its facilities.)

Information **14.** **Matters From/For Board Members**
(Board members may make brief announcements or reports on his or her own activities, pose questions for clarification, and/or request that items be placed on a future agenda. Except as authorized by law, no other discussion or action may be taken.)

15. **Next Regular Board Meeting, Wednesday, February 16, 2022, 6:00 p.m.**

IMPORANT NOTICE REGARDING COVID-19 AND TELECONFERENCED MEETINGS:

Due to the State of Emergency declared by the Governor and the recommendation by the County Public Health Officer to maintain social distancing, to minimize the spread of the coronavirus, please note the following changes to LAVWMA's ordinary meeting procedures:
- LAVWMA's facilities are not open to the public during this emergency.

- The meeting will be conducted via teleconference.
- All members of the public seeking to observe and/or to address the Board may participate in the meeting telephonically in the manner described below.

HOW TO PARTICIPATE IN THE MEETING:
For both audio and video through a computer, click on the following link:
https://us02web.zoom.us/j/85151664279 Meeting ID: 851 5166 4279
For audio only via telephone, dial 1 669 900 9128 then enter the following code 85151664279#

NOTE: This is a public meeting that can be heard live by any member of the public. It may be recorded to facilitate taking meeting minutes.

HOW TO SUBMIT PUBLIC COMMENTS:
Written / Read Aloud: Please email your comments to info@lavwma.com, write "Public Comment" in the subject line. In the body of the email, include the agenda item number and title, as well as your comments. If you would like your comment to be read aloud at the meeting (not to exceed three (3) minutes at staff's cadence), prominently write "Read Aloud at Meeting" at the top of the email. All comments received before 12:00 PM the day of the meeting will be included as an agenda supplement on LAVWMA's website under the relevant meeting date and provided to the Directors at the meeting. Comments received after this time will be treated as concurrent comments.

Live Comments: During the meeting, the Board President or designee will announce the opportunity to make public comments. Members of the public may submit a live remote public comment via Zoom. Speakers will be asked to provide their name and city of residence, although providing this is not required for participation. Each speaker will be afforded up to 3 minutes to speak. Speakers will be muted until their opportunity to provide public comment. When the Board President opens a public comment period on an item on which you would like to comment, please use the "raise hand" feature (or press *9 if connecting via telephone) which will alert staff that you have a comment to provide

ACCESSIBILITY INFORMATION:
Board Meetings are accessible to people with disabilities and others who need assistance. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to observe and/or participate in this meeting and access meeting-related materials should contact Chuck Weir, General Manager, as soon as possible but at least 72 hours before the meeting at (925)-875-2202 or info@lavwma.com. Advanced notification will enable LAVWMA to swiftly resolve such requests to ensure accessibility.

PUBLIC RECORDS:
Public records that relate to any item on the open session agenda for a meeting are available for public inspection. Those records that are distributed after the agenda posting deadline for the meeting are available for public inspection at the same time they are distributed to all or a majority of the members of the Board. The Board has designated LAVWMA's website located at http://lavwma.com/agency_meetings.php as the place for making those public records available for inspection. The documents may also be obtained by contacting the General Manager.

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LAVWMA

Livermore-Amador Valley Water Management Agency

DRAFT

Minutes

Special Meeting of Board of Directors

Wednesday, September 29, 2021

Due to Shelter in Place Orders, this was a web meeting available to participants and the public through the following link: https://us02web.zoom.us/j/87001479653

5:00 p.m.

1. Call to Order

Chair Ann Marie Johnson called the meeting to order at 5:00 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Roll Call

Board Members Present: Chair Ann Marie Johnson; Vice Chair Julie Testa; and Directors Valerie Arkin, Gina Bonanno, Bob Carling, and Arun Goel

Board Members Absent: None

Staff Present: General Counsel Alexandra Barnhill and General Manager Chuck Weir

Staff Absent: None

Others Present: None

4. Order of Agenda/Acknowledgement of Posting

There were no changes to the order of the agenda.

5. Comments from the Public

There were no comments from the public.

6. Consent Calendar

a. Minutes of the September 8, 2021 LAVWMA Board Meetings

Director Testa motioned, seconded by Director Bonanno, to approve Consent Calendar Item No. 6.a.

There were no comments from the public. The Motion passed unanimously (6 – 0) by a roll call vote.

7. Authorization for the General Manager to Award a Contract for the Purchase of Three Vertical Turbine Pumps

General Manager Weir noted that on September 8, 2021 the Board approved awarding the pump purchase project to Peerless Pumps and that a Notice of Potential Award (NPA) was issued to them on September 13, 2021. The NPA included the contract from the bid packet with a requirement to sign the contract within ten days. The contract was structured to allow for up to 275 days for delivery of the pumps. On September 13, 2021 Peerless sent an email indicating they could not accept the award. The supplier MuniQuip unsuccessfully attempted to negotiate a buy/resell agreement with Peerless.

Mr. Weir then described various options for the Board to consider, including rejecting all bids and authorizing the General Manager to negotiate an agreement with the lowest bidders at terms that were mutually acceptable to both parties. Board members discussed possible reasons for two pump companies to reject the project due to concerns with the terms and conditions of the contract. Potential reasons included supply chain issues and the merging or acquisition of companies and an unwillingness to accept risk that previously was not an issue. The Board concluded that the best option would be to reject all the bids and authorize the General Manager and General Counsel to negotiate an acceptable contract with the los bidders, starting with Trillium.

Following questions from the Board, Mr. Weir stated that the Board has already approved the project up to the cost of the second low bidder and as such the contract would not need to come back to the Board as long as the final cost was within the parameters of the approved project cost. He further stated that it was their intent to hold Trillium to their bid price and only negotiate specific terms and conditions of the original contract. He anticipated that the negotiations could be concluded in approximately one week.

Director Goel motioned, seconded by Director Carling, to reject all bids and authorize the General Manager to negotiate the procurement on terms acceptable to LAVWMA starting with the low bidder and moving to the next highest bidder if unable to reach a mutually acceptable agreement.

There were no comments from the public. The Motion passed unanimously (6 – 0) by a roll call vote.

8. Consider Adopting a Resolution Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Livermore-Amador Valley Water Management Agency Pursuant to Brown Act Provisions

General Counsel Barnhill described this issue, including the expiration of the Governor's Executive Order that temporarily allowed remote meetings, the recent passage of AB 361 allowing public agencies to continue to meet remotely provided that certain findings (describing the health and safety reasons justifying remote participation) can be made, and an order from the Contra Costa County Public Health Department recommending that public meetings be held remotely to reduce the spread of COVID-19. The end result is that, so long as the findings can continue to be made, remote meetings will be allowed until January 1, 2024, when AB 361 will sunset. A resolution similar to the one proposed making the necessary findings will need to be approved at each regular meeting and some minor changes in the procedures for accepting public comments will be required.

Director Bonanno motioned, seconded by Director Goel, to approve Resolution No. 21-08 Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Livermore-Amador Valley Water Management Agency Pursuant to Brown Act Provisions.

There were no comments from the public. The Motion passed unanimously (6 – 0) by a roll call vote.

9. Matters From/For Board Members
There were no matters from the Board.

10. **Next Regular Board Meeting, Wednesday, November 17, 2021 at 6:00 p.m.**
Following discussion, the Board decided to have a remote meeting in November. The Board also asked that an item to consider the permanent location of regular meetings be added to the agenda.

11. Adjournment
There being no further action, Chair Johnson adjourned the meeting at 5:38 p.m.

Minutes Approved by the Board _____.

Charles V. Weir
General Manager

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Agenda Explanation
Livermore-Amador Valley
Water Management Agency
Board of Directors
November 17, 2021

ITEM NO. 7 CONSIDER ADOPTING A RESOLUTION AUTHORIZING CONTINUED REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY PURSUANT TO BROWN ACT PROVISIONS

Action Requested
Approve Resolution No. 21-09 Authorizing Continued Remote Teleconference Meetings of the Legislative Bodies of the Livermore-Amador Valley Water Management Agency Pursuant to Brown Act Provisions.

Background
On March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple State agencies and departments, and help the State prepare for a broader spread of COVID-19.

On March 17, 2020, the Governor issued Executive Order N-29-20 which authorized meetings of local legislative bodies to be held by teleconference as long as specified notice and comment provisions were followed. Given the state of emergency and authority to meet remotely, on April 3, 2020 the Board President issued a declaration altering the regular meeting location to be held via teleconference only. The Board ratified this declaration at its regular meeting on May 20, 2020. For the past year and a half, LAVWMA has been meeting remotely via Zoom. Meeting remotely has allowed LAVWMA to ensure the public's continued access to government meetings while also ensuring the public's safety.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021 for agencies to transition back to public meetings held in full compliance with the Brown Act. However, the Delta variant has emerged, causing a spike in cases throughout the State. As a result, the Alameda and Contra Costa County Public Health Departments have issued a Health Order requiring masks indoors in public places, regardless of vaccination status.

On September 16, 2021, the Governor approved AB 361, which allowed local legislative bodies to continue to meet remotely after October 1 under certain circumstances. The Board adopted Resolution No. 21-08 finding that a proclaimed state of emergency existed due to coronavirus and unanimously voted that as a result of that emergency, meeting in person would present imminent risks to the health and safety of attendees. In order to continue to meet remotely, the Board must reevaluate and adopt new findings every 30 days.

Discussion
Under AB 361, if the state of emergency remains active for more than 30 days, a local agency must make the following findings by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules. The findings are that:

- The legislative body has reconsidered the circumstances of the emergency; and
- Either of the following circumstances exist: The state of emergency continues to directly impact the ability of members to meet safely in person, or State or local officials continue to impose or recommend social distancing measures.

Staff is recommending that Resolution No. 21-09 be adopted as these findings can be made. All the conditions identified in Resolution No. 21-08 remain unchanged. Specifically, LAVWMA meets the requirements to continue holding meetings remotely in order to ensure the health and safety of the public because:

- LAVWMA is still under a state of emergency as declared by the Governor.
- County Health Orders require that all individuals in indoor public spaces accessible to the public wear masks, regardless of vaccination status.
- County Public Health officers as well as state and federal officials have issued various health orders, recommendations, and updates designed to slow the spread of COVID-19, including strongly recommending social distancing and that public meetings continue to be held remotely to protect public health.[1]
- LAVWMA cannot maintain social distancing requirements for the public, staff, and Directors in its limited meeting space.

LAVWMA staff is concerned about protecting the health and safety of attendees, particularly given that even fully vaccinated people have contracted the Delta variant, people may have and transmit the virus before knowing they are infected and/or if they are asymptomatic, meetings can last several hours, and LAVWMA meeting facilities are limited in space and jointly used by other agencies, with seats close together and limited air circulation.

For these reasons, if the pandemic continues, the Board will be asked to approve a resolution on every agenda making findings regarding the circumstances of the emergency and vote to continue using the law's exemptions. AB 361 sunsets on January 1, 2024.

[1] See, e.g. Contra Costa County Public Health Officer's "Recommendations for Safely Holding Public Meetings" which provides that online meetings are strongly recommended as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19. Available online at https://cchealth.org/covid19/pdf/recommendations-for-safe-public-meetings.pdf

Holding meetings remotely does not compromise the level of transparency or engagement that the Brown Act was designed to ensure. Studies have shown that remote meetings maintain and/or enhance the transparency and accessibility of public agency meetings. The Little Hoover Commission has prepared a white paper which recommends that remote meetings be allowed on a permanent basis because of the evidence gathered showing that bringing meetings to the public, rather than the other way around, promotes public participation and engagement.[2]

Recommendation
Consider Adopting Resolution No. 21-09 Authorizing Continued Remote Teleconference Meetings of the Legislative Bodies of the Livermore-Amador Valley Water Management Agency Pursuant to Brown Act Provisions

Attachments
Resolution No. 21-09 Authorizing Continued Remote Teleconference Meetings of the Legislative Bodies of the Livermore-Amador Valley Water Management Agency Pursuant to Brown Act Provisions.

[2] Available online at The Government of Tomorrow: Online Meetings https://lhc.ca.gov/sites/lhc.ca.gov/files/Reports/261/Report261.pdf

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY
RESOLUTION NO. 21-09

A RESOLUTION OF THE LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY AUTHORIZING CONTINUED REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY PURSUANT TO BROWN ACT PROVISIONS

WHEREAS, on March 4, 2020, the Governor of the State of California issued a Proclamation of a State of Emergency due to COVID-19. Such Proclamation remains and is in effect as of the date of this Resolution, as are the facts, circumstances, and emergency under which it was issued; and

WHEREAS, LAVWMA ordinarily holds its regular meetings on the third Wednesday in February, May, August, and November at 6 p.m. at the Pleasanton City Council Chambers, 200 Old Bernal Avenue, Pleasanton, California 94566; and

WHEREAS, the City of Pleasanton officially closed its public facilities as of March 20, 2020 due to the coronavirus pandemic, making the Council Chambers unavailable to the public; and

WHEREAS, on April 3, 2020 the Livermore-Amador Valley Water Management Agency ("Agency") Board President issued a Declaration altering the regular meeting location to be held via teleconference only pursuant to Executive Order N-29-20. The Board ratified this Declaration at its regular meeting on May 20, 2020; and

WHEREAS, the Health Officers of the County of Alameda and Contra Costa ("Health Officers") have issued various health orders and updates designed to slow the spread of COVID-19 (including variants thereof) such as vaccinations, quarantines, face covering requirements, and social distancing recommendations designed to protect public health; and

WHEREAS, on September 20, 2021, the Health Officer issued recommendations for safely holding public meetings, including strongly recommending teleconferencing meetings as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19, and further recommended social distancing and face masking of all attendees; and

WHEREAS, as of November 10, 2021, 22.5% of Alameda County and 25% of Contra Costa County residents ages 5 and up remain unvaccinated or partially vaccinated. The Health Officers recommend social distancing for those who are not fully vaccinated and further recommend avoiding crowded places, close contact settings, and confined places with poor airflow; and

WHEREAS, COVID-19 continues to spread, the Delta variant (a highly-infectious COVID- 19 strain) is prevalent in the Bay Area. COVID-19 poses imminent health and safety concerns. The risk of exposure to COVID-19 depends on the likelihood of coming into close physical contact with people who may be infected and through contact with contaminated surfaces and objects. The severity of the illness varies. Per the US Centers for Disease Control and Prevention about 14% of the cases are severe (meaning, they required hospitalization), with an infection that affects both lungs and has the potential to lead to severe medical complications (such as

respiratory failure, shock, or multiorgan dysfunction) that can cause death in some people. The number of cases of infections and deaths occurring locally can be determined by viewing the dashboards of the Health Officers; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which placed an end date of September 30, 2021 on such authority; and

WHEREAS, due the rise in COVID-19 cases, including due to the Delta variant, the Agency continues to be deeply concerned about protecting the health and safety of attendees, particularly given that even fully vaccinated people have contracted the Delta variant, people may contract and transmit the virus before knowing they are infected and/or if they are asymptomatic; meetings of the Agency can last several hours, and the Agency's meeting facilities are shared spaces with member agencies, limited in space with seats that are close together, and have restricted air flow; and

WHEREAS, the California State legislature adopted AB 361 as an urgency measure that was signed by the Governor on September 16, 2021. AB 361 amends the Brown Act to allow local governments to use teleconferencing and virtual meeting technology as long as there is a gubernatorial "proclaimed state of emergency" upon the local legislative body finding that State or local officials have imposed or recommended measures to promote social distancing or that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, the Board desires to continue holding public meetings of LAVWMA using teleconferencing and virtual meeting technology in order to avoid the imminent risk to the health and safety of attendees; and

WHEREAS, the Board found that conducting its meetings using virtual meeting technology allowed the equivalent, if not improved, access to the meetings for officials, staff, and the public based on the ease of use and flexibility of technology. This experience has been confirmed by the Little Hoover Commission, which evaluated the effectiveness of remote meetings statewide; and

WHEREAS, the Board held a duly noticed public meeting on September 29, 2021 and considered all pertinent oral and written information, exhibits, testimony, and comments received during the public review process, including, without limitation, information received at the public hearing, the oral report from staff, the written report from staff, draft of Resolution 21-08, and all other information on which each of the Directors has based their decision (collectively, "Remote Meeting Information"); and

WHEREAS, the Board found that a state of emergency remained active due to the coronavirus pandemic, which affects the ability of attendees to meet safely in person and adopted Resolution 21-08; and

WHEREAS, more than 30 days has passed since the adoption of that Resolution and the Board desires to make the findings necessary to continue to meet remotely in light of the fact that there remains a significant portion of the population that is not eligible for vaccination or booster shots and that even fully vaccinated people may contract and transmit the virus and it is not possible to socially distance within the Board meeting room.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of LAVWMA as follows:

Section 1. Recitals. The Board hereby finds and determines that the foregoing recitals are true and correct; the recitals are hereby incorporated by reference into each of the findings as though fully set forth therein. The recitals and the information below constitute findings in this matter, and together with the Remote Meeting Information, serve as an adequate and appropriate evidentiary basis for the findings and actions set forth herein.

Section 2. AB 361 Findings. The Board, on behalf of itself and its legislative bodies, hereby further finds the following: A state of emergency in California remains active due to the coronavirus pandemic, which continues to directly impact the ability of attendees to meet safely in person. Federal, state, and/or local officials have imposed and/or recommended measures to promote social distancing and use face coverings in indoor settings to help stop the spread of the virus. They have strongly recommended public agencies hold their meetings online because doing so presents the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19. COVID-19 continues to pose an imminent risk to the health and safety of attendees to meet in person because it can be contracted and transmitted by people without symptoms and regardless of vaccination status and has the potential to lead to severe disease and death.

Section 4. **Remote Meetings**. Meetings of LAVWMA and its legislative bodies will continue to be conducted remotely using teleconferencing for the next 30 days in compliance with AB 361.

Section 5. **CEQA.** This action does not constitute a "project" within the meaning of Public Resources Code Section 21065, 14 Cal Code Reg. Section 15060(c)(2), 15060(c)(3), and/or 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. In addition, this action is categorically exempt pursuant to Section 15061(b)(3), "Review for Exemptions" of the CEQA Guidelines because there is no possibility that it may have a significant effect on the environment, and no further environmental review is required. No unusual circumstances exist and none of the exceptions under CEQA Guidelines Section 15300.2 apply. This determination reflects the Board's independent judgment and analysis.

DULY AND REGULARLY ADOPTED by the LAVWMA's Board of Directors this 17th day of November, 2021 by the following vote:

AYES:
NOES:
ABSENT:

_____
Ann Marie Johnson, Chair

ATTEST: _____
Charles V. Weir, General Manager

Agenda Explanation
Livermore-Amador Valley
Water Management Agency
Board of Directors
November 17, 2021

ITEM NO. 8 FINANCIAL REPORTING FOR THE FISCAL YEAR ENDING JUNE 30, 2021

Action Requested
None at this time. This is an information item only.

To: LAVWMA Board of Directors

From: Carol Atwood, LAVWMA Treasurer

Subject: Financial Reporting for FYE 2022

Summary
Attached are the financial statements for the period July 1, 2021 through September 30, 2021.

Attachments

Schedule of Sub Fund Account Balance Sheets– Shows the assets and liabilities of LAVWMA in each of its funds.

Schedule of Sub Fund Account Activity – Shows the income and expense transactions for LAVWMA in each fund. Most of LAVWMA's activity will be in the Operations & Maintenance fund.

O&M Fund Budget vs. Actual – Shows the status of the budget to actual expenses for the O&M Fund for the period July 1, 2021 through September 30, 2021 and period July 1, 2020 through September 30, 2020. The PG&E expenses do not yet reflect a credit of approximately $89,000 that was overcharged due to an error in PG&E using the wrong rate schedule. EBDA is now charging on a semiannual basis, which is why the expenses are higher for FYE22.

Treasurer's Report – A report showing how LAVWMA's available cash is invested.

General Management Expenses Listing – All general LAVWMA invoices are approved by the LAVWMA GM and Treasurer prior to payment by DSRSD. Those invoices are summarized and are billed to LAVWMA on a monthly basis via the DSRSD bill to LAVWMA. This listing is supplemental information requested by the LAVWMA General Manager to show the vendor, description, and amount of each invoice in more detail.

Recommendation
None at this time. This is an information item only.

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY
SCHEDULE OF SUB FUND ACCOUNT BALANCE SHEETS
July 2021 through September 2021

				Repair and Replacement Reserve			
	Operation & Maintenance	EBDA Capacity	2021 Debt Service	Joint-use Replacement	Dual-use Replacement	Sole-use Replacement	Total
ASSETS							
Cash and equivalents	$ 1,213,237	$ -	$ 26,846	$ 488,471	$ 12,085	$ 9,029	$ 1,749,667
Investments	491,469	-	30,446	15,742,824	432,296	1,617,350	18,314,385
Investments (LAIF FMV Adj)	3,391	-	12,470	(12,346)	(433)	(1,563)	1,518
Interest receivable	-	-	-	-	-	-	-
Due from members	390,348	-	-	-	-	-	390,348
Advances to members	-	-	-	-	-	-	-
Capital Assets, net of accumulated depreciation	-	2,727,275	-	98,366,761	45,360	3,322,450	104,461,846
Bond Issuance Cost	-	-	428,361	-	-	-	428,361
Total assets	2,098,445	2,727,275	498,123	114,585,710	489,307	4,947,266	125,346,126
LIABILITIES							
Accounts payable	818,905	-	-	1,279,624	-	-	2,098,529
Due To Members	2,825	-	-	-	-	-	2,825
Interest payable	-	-	949,693	-	-	-	949,693
Advances from members	-	-	-	-	-	-	-
Deferred revenue	-	-	-	-	-	-	-
Long-term debt	-	-	-	-	-	-	-
Bond issuance premium, net of amortization	-	-	10,490,675	-	-	-	10,490,675
Due within one year	-	-	-	-	-	-	-
Due in more than one year	-	-	54,790,000	-	-	-	54,790,000
Total liabilities	821,730	-	66,230,368	1,279,624	-	-	68,331,721
NET ASSETS							
Invested in capital assets, net of related debt	-	2,727,275	(65,280,675)	98,366,761	45,360	3,322,450	39,181,171
Unrestricted net assets	1,276,716	-	(451,571)	14,939,325	443,948	1,624,816	17,833,233
Total net assets	$ 1,276,716	$ 2,727,275	$ (65,732,246)	$ 113,306,085	$ 489,308	$ 4,947,266	$ 57,014,404

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY
SCHEDULE OF SUB FUND ACCOUNT ACTIVITY
July 2021 through September 2021

	Operation & Maintenance	EBDA Capacity	2021 Debt Service	Repair and Replacement Reserve: Joint-use Replacement	Repair and Replacement Reserve: Dual-use Replacement	Repair and Replacement Reserve: Sole-use Replacement	Total	
OPERATING REVENUES								
Service charges - DSRSD	$ 556,871	$ -	$ 2,540,591	$ 69,900	$ -	$ -	$ 3,167,362	
Service charges - City of Pleasanton	661,933	-	2,173,418	69,900	-	-	2,905,251	
Service charges - City of Livermore	586,435	-	1,817,729	60,200	-	-	2,464,364	
Total operating revenues	1,805,240	-	6,531,737	(2) 200,000	-	-	8,536,977	
OPERATING EXPENSES								
Power	227,501	-	-	-	-	-	227,501	
LAVWMA share of EBDA O&M - Fixed	381,549	-	-	-	-	-	381,549	(1)
LAVWMA share of EBDA O&M - Variable	83,793	-	-	-	-	-	83,793	(1)
Operations agreement	170,920	-	-	-	-	-	170,920	
Professional services	74,825	-	-	-	-	-	74,825	(1)
Livermore sole use O&M	3,751	-	-	-	-	-	3,751	
Insurance	80,888	-	-	-	-	-	80,888	(1)
Permits	-	-	-	-	-	-	-	
Repairs and Maintenance	-	-	-	-	-	-	-	
Miscellaneous	97	-	3	839	23	84	1,046	
Total operating expenses	1,023,324	-	3	839	23	84	1,024,272	
Capital outlay	-	-	-	1,286,769	-	-	1,286,769	
Total operating expenses and capital outlay	1,023,324	-	3	1,287,608	23	84	2,311,041	
Operating income (loss)	781,916	-	6,531,735	(1,087,608)	(23)	(84)	6,225,936	
NON-OPERATING REVENUES (EXPENSES)								
Amortization/Depreciation	-	-	-	-	-	-	-	
Bond interest expense	-	-	2,611,412	-	-	-	2,611,412	
Other Income	-	-	-	-	-	-	-	
Interest income	88	-	3	726	20	73	909	
Total non-operating revenues (expenses)	88	-	2,611,414	726	20	73	2,612,321	
Changes in net assets	782,004		9,143,149	(1,086,882)	(3)	(11)	8,838,257	
NET ASSETS								
Net assets, beginning of period	494,712	2,727,275	(74,875,395)	114,392,967	489,311	4,947,277	48,176,148	
Net assets, end of period	$ 1,276,716	$ 2,727,275	$ (65,732,246)	$ 113,306,085	$ 489,308	$ 4,947,266	$ 57,014,405	

(1) Total of the noted expenses is $621,055.00. Details see General Management Expenses Listing.

(2) Member advance for 2011 sewer revenue refunding bonds August 2021 debt service payment.

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY
Operations and Maintenance - Budget vs Actual
July - September, 2020 & July - September, 2021

	FYE 2021 Budget	FYE 2021 Actual	Variance		FYE 2022 Budget	FYE 2022 Actual		Variance
OPERATING REVENUES								
Service charges - DSRSD	$ 1,022,075	$ 511,038	$ (511,037)		$ 1,113,743	$ 556,871		$ (556,870)
Service charges - City of Pleasanton	1,230,725	615,363	(615,362)		1,323,867	661,933		(661,932)
Service charges - City of Livermore	1,092,599	546,300	(546,301)		1,172,870	586,435		(586,436)
Total operating revenues	3,345,400	1,672,700	(1,672,699)		3,610,480	1,805,240		(1,805,238)
OPERATING EXPENSES								
Power	1,250,000	155,854	(1,094,146)		1,250,000	227,501		(1,022,499)
LAVWMA share of EBDA O&M - Fixed	523,000	160,265	(362,735)		689,052	381,549	(1)	(307,503)
LAVWMA share of EBDA O&M - Variable	141,000	35,675	(105,325)		150,828	83,793	(1)	(67,035)
Operations agreement	938,000	260,844	(677,156)		1,011,500	170,920		(840,580)
Professional services	405,500	77,529	(327,971)		380,100	74,825	(1)	(305,275)
Livermore sole use O&M	25,000	8,314	(16,686)		25,000	3,751		(21,249)
Insurance	55,508	55,508	-		84,000	80,888	(1)	(3,113)
Permits	7,392	-	(7,392)		20,000	-		(20,000)
Miscellaneous	-	160	160		-	97		97
Total operating expenses	3,345,400	754,149	(2,591,251)		3,610,480	1,023,324		(2,587,156)
Capital outlay			-					-
Total operating expenses and capital outlay	3,345,400	754,149	(2,591,251)		3,610,480	1,023,324		(2,587,156)
Operating income (loss)	-	918,552	918,552		-	781,916		781,918
NON-OPERATING REVENUES (EXPENSES)								
Amortization/Depreciation	-	-	-		-	-		-
EBDA Debt	-	-	-		-	-		-
Interest income	-	127	127		-	88		88
Total non-operating revenues (expenses)	-	127	127		-	88		88
Net Income	$ -	$ 918,679	$ 918,679		$ -	$ 782,004		$ 782,006

(1) Total of the noted expenses is $621,055.00. Details see General Management Expenses Listing.

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY
Treasurer's Report
Portfolio Summary
September 30, 2021

Investments	Par Value	Market Value	Book Value	% of Portfolio	Avg. Term	Avg. Days to Maturity	YTM
LAIF- Operating	$ 18,314,385	$ 18,314,385	$ 18,314,385	100.00	1	1	0.24%
	$ 18,314,385	**$ 18,314,385**	**$ 18,314,385**	**100.00**	**1**	**1**	**0.24%**

Average Daily Balance	$ 18,314,385
Effective Rate of Return	**0.24%**

I certify that this report reflects all Government Agency pooled investments and is in conformity with the investment policy of Livermore-Amador Valley Water Management Agency.

The investment program herein shown provides sufficient cash flow liquidity to meet the next six month's expenses.

Original Signed by Carol Atwood	11/11/2021
Carol Atwood, Treasurer	Date

Livermore-Amador Valley Water Management Agency
General Management Expenses Listing
July - September, 2021

Invoice Date	Vendor Name	Invoice#	Description	Check#	Date Paid	Total Amount
6/3/2021	SDRMA	70396	MEMBER #7119 PROPERTY/LIABILITY PROGRAM	108198	7/22/2021	$80,887.50
7/1/2021	EAST BAY DISCHARGERS AUTHORITY	3259	O&M ASSESSMENT - JULY 1, 2021 - 1ST QTR	108362	8/12/2021	$465,342.96
7/31/2021	JARVIS, FAY & GIBSON, LLP	15520	GENERAL COUNSEL SVCS - JULY 2020	108479	8/26/2021	$6,681.50
8/2/2021	WEIR TECHNICAL SERVICES	LAVWMA_07-21	MANAGEMENT SERVICES - JULY 2021	108569	8/26/2021	$13,575.75
8/18/2021	ARKIN, VALERIE	072121 meeting	REGULAR BOARD MTG ATTENDANCE - 07/21/21	108375	8/19/2021	$50.00
8/18/2021	BONANNO, GINA	072121 meeting	REGULAR BOARD MTG ATTENDANCE - 07/21/21	108378	8/19/2021	$50.00
8/18/2021	TESTA, JULIE	072121 meeting	REGULAR BOARD MTG ATTENDANCE - 07/21/21	108403	8/19/2021	$50.00
8/31/2021	MAZE & ASSOCIATES	42335	LAVWMA AUDIT SVCS - JUNE 2021 (WORK IN AUGUST 2021)	108778	9/22/2021	$4,495.00
8/31/2021	JARVIS, FAY & GIBSON, LLP	15620	GENERAL COUNSEL SVCS - AUGUST 2021	108839	9/30/2021	$11,671.00
9/1/2021	WEIR TECHNICAL SERVICES	LAVWMA_08-21	MANAGEMENT SERVICES - AUGUST 2021	108752	9/22/2021	$15,976.89
9/13/2021	ARKIN, VALERIE	090821 meeting	SPECIAL BOARD MTG ATTENDANCE - 09/08/21	108693	9/16/2021	$50.00
9/13/2021	ARKIN, VALERIE	081821 meeting	REGULAR BOARD MTG ATTENDANCE - 08/18/21	108693	9/16/2021	$50.00
9/13/2021	BONANNO, GINA	090821 meeting	SPECIAL BOARD MTG ATTENDANCE - 09/08/21	108698	9/16/2021	$50.00
9/13/2021	BONANNO, GINA	081821 meeting	REGULAR BOARD MTG ATTENDANCE - 08/18/21	108698	9/16/2021	$50.00
9/13/2021	CARLING, ROBERT	090821 meeting	SPECIAL BOARD MTG ATTENDANCE - 09/08/21	108701	9/16/2021	$50.00
9/13/2021	CARLING, ROBERT	081821 meeting	REGULAR BOARD MTG ATTENDANCE - 08/18/21	108701	9/16/2021	$50.00
9/13/2021	TESTA, JULIE	090821 meeting	SPECIAL BOARD MTG ATTENDANCE - 09/08/21	108729	9/16/2021	$50.00
9/13/2021	TESTA, JULIE	081821 meeting	REGULAR BOARD MTG ATTENDANCE - 08/18/21	108729	9/16/2021	$50.00
						$599,180.60

Expenses from journal entry and payroll:

Postage	$0.00
DSRSD Board Members	$300.00
Admin Support	$783.52
Accounting	$20,790.88
	$21,874.40

TOTAL: $ 621,055.00

Agenda Explanation
Livermore-Amador Valley
Water Management Agency
Board of Directors
November 17, 2021

ITEM NO. 9 ACCEPTANCE OF AUDIT REPORT FOR FISCAL YEAR ENDING JUNE 30, 2021

Action Requested
Accept the Audit Report for the Fiscal Year ending June 30, 2021 as prepared by Maze & Associates.

To: LAVWMA Board of Directors

From: Carol Atwood, LAVWMA Treasurer

Subject: Audit Report for Fiscal Year Ending June 30, 2021

Summary
Maze & Associates prepared and submitted the FYE 2021 Audit consisting of the attached Basic Financial Statements. LAVWMA received a clean audit opinion on its financial statements this year. The Audit also includes the Memorandum on Internal Control and Required Communications (MOIC). The MOIC is intended for the sole use of management and the Board of Directors. Therefore, the MOIC will be distributed to the Board at the meeting. The MOIC concluded that there were no observations or recommendations in this year's Audit requiring action by LAVWMA.

A representative from Maze & Associates will attend the meeting to answer any questions from the Board.

Recommendation
It is recommended the Board accept the Audit Report for the Fiscal Year ending June 30, 2021 as prepared by Maze & Associates.

Attachments
Livermore-Amador Valley Water Management Agency Basic Financial Statements for the Year Ended June 30, 2021.

LIVERMORE-AMADOR VALLEY
WATER MANAGEMENT AGENCY

BASIC FINANCIAL STATEMENTS

FOR THE YEARS ENDED JUNE 30, 2021 AND 2020

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LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY
BASIC FINANCIAL STATEMENTS
For the Years Ended June 30, 2021 and 2020

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MAZE & ASSOCIATES

INDEPENDENT AUDITOR'S REPORT

Board of Directors
Livermore-Amador Valley Water Management Agency
Dublin, California

We have audited the accompanying financial statements of the Livermore-Amador Valley Water Management Agency (Agency), California, as of and for the years ended June 30, 2021 and 2020, and the related notes to the financial statements, which collectively comprise the Agency's basic financial statements as listed in the Table of Contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Agency's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Agency's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Agency as of June 30, 2021 and 2020, and changes in financial position and cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Accountancy Corporation
3478 Buskirk Avenue, Suite 215
Pleasant Hill, CA 94523

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W **mazeassociates.com**

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that Management's Discussion and Analysis be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Agency's basic financial statements. The Introductory Section and Supplemental Information are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The Supplemental Information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the Supplemental Information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Maze + Associates

Pleasant Hill, California
September 17, 2021

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY

Management's Discussion & Analysis

June 30, 2021 and 2020

This section presents management's analysis of the Livermore-Amador Valley Water Management Agency (the Agency) financial condition and activities as of and for the years ended June 30, 2021 and 2020. Management's Discussion and Analysis (MDA) is intended to serve as an introduction to the Agency's basic financial statements. The MDA represents management's examination and analysis of the Agency's financial condition and performance.

This information should be read in conjunction with the audited financial statements that follow this section. The information in the MDA is presented under the following headings:

- Organization and Business
- Overview of the Financial Statements
- Financial Analysis
- Request for Information

Organization and Business

Livermore-Amador Valley Water Management Agency (the Agency) is a joint powers agency that was formed in 1974 by a joint exercise of powers agreement between the cities of Pleasanton and Livermore and the Dublin San Ramon Services District. The Agency has implemented a water quality management program involving wastewater disposal. The Agency operates an export pump station and pipeline connecting with the East Bay Dischargers Authority's system and discharges treated wastewater, through a deep-water outfall, into San Francisco Bay. The Agency currently has an Amended and Restated Joint Exercise of Powers Agreement dated September 10, 1997, among the members. This agreement, among other things, sets forth capacity limitations and capacity rights of each member as well as cost-sharing procedures for debt service and fixed operating costs related to capacity rights and variable operating costs related to actual use of the export facilities. The Agency negotiated a Second Amended and Restated Sewer Service Contract dated August 1, 2021 as part of the 2021 LAVWMA debt refinancing.

For additional information, please see the notes to the basic financial statements.

Overview of the Financial Statements

The basic financial statements include a *statement of net position*, *a statement of revenues, expenses, and changes in net position, a statement of cash flows,* and *notes to financial statements.* The report also contains other required supplementary information in addition to the basic financial statements.

The Agency's basic financial statements include:

The *statement of net position* presents information on the Agency's assets and liabilities, with the difference between the two reported as net position. It provides information about the nature and amount of resources and obligations at year-end.

The *statement of revenues, expenses, and changes in net position* presents the results of the Agency's operations over the course of the fiscal year and information as to how the *net position* changed during the year.

The *statement of cash flows* presents changes in cash and cash equivalents resulting from operational, capital and related financing, and investing activities. This statement summarizes the annual flow of cash receipts and cash payments, without consideration of the timing of the event giving rise to the obligation or receipt.

The *notes to basic financial statements* provide additional information that is essential to a full understanding of the data provided in the basic financial statements. The notes to basic financial statements can be found on pages 6 to 16 of this report.

Financial Analysis:

Table 1 summarizes net position at June 30, 2021 and 2020, and Table 2 summarizes revenues, expenses and changes in net position for the years ended June 30, 2021 and 2020. Both tables also include variances from the prior year.

Table 1

Summary of Net Position

June 30, 2021 and 2020

	2021	2020	Variance	2019	Variance
Assets:					
Current assets	$ 19,301,378	$ 28,197,985	$ (8,896,607)	$ 18,660,220	$ 9,537,765
Non-current assets	-	-	-	345,178	(345,178)
Capital assets, net of accumulated depreciation	104,461,846	107,040,339	(2,578,493)	110,204,567	(3,164,228)
Total assets	123,763,224	135,238,324	(11,475,100)	129,209,965	6,028,359
Liabilities:					
Current liabilities	6,908,367	15,132,701	(8,224,334)	6,378,730	8,753,971
Long-term debt outstanding	68,678,709	74,034,193	(5,355,484)	79,154,677	(5,120,484)
Total Liabilities	75,587,076	89,166,894	(13,579,818)	85,533,407	3,633,487
Net position:					
Invested in capital assets, net of related debt	33,853,495	32,481,873	1,371,622	31,391,513	1,090,360
Unrestricted	14,322,653	13,589,557	733,096	12,285,045	1,304,512
Total net position	$ 48,176,148	$ 46,071,430	$ 2,104,718	$ 43,676,558	$ 2,394,872

- The total assets of the Agency decreased $11.5 million in 2021 from 2020, which had increased $6.0 million in 2020 from 2019. The decrease in current assets of $8.9 million is in cash and investments primarily due to two JPA members paying their contribution for FYE 2021 in advance. The decrease in current assets is offset by an $8.3 million decrease in Advances from members. The decrease in capital assets of $2.6 million is primarily due to depreciation (Note 3).
- Total liabilities decreased $13.6 million in 2021 from 2020, which had increased $3.6 million in 2020 from 2019. The decrease in current liabilities of $8.2 million is primarily due to two JPA members paying their contribution for FYE 2021 in advance; this is offset by a decrease in current assets. The decrease in Long-term liabilities of $5.4 million is due to debt payments and amortization of bond issuance premium (Note 5).
- Net position overall has increased the last two years as debt is being paid down.

Table 2

Summary of Revenues, Expenses and Changes in Net Position

Years ended June 30, 2021 and 2020

	2021	2020	Variance	2019	Variance
Operating revenues:	$ 12,139,023	$ 11,708,912	$ 430,111	$ 16,070,959	$ (4,362,047)
Operating expenses:	7,264,869	6,730,537	534,332	6,653,044	77,493
Net operating income (expenses)	4,874,154	4,978,375	(104,221)	9,417,915	(4,439,540)
Non operating revenues (expenses)	(2,769,436)	(2,583,503)	(185,933)	(2,750,094)	166,591
Change in net position	$ 2,104,718	$ 2,394,872	$ (290,154)	$ 6,667,821	$ (4,272,949)

- Operating revenues come from member agency contributions to cover operating costs, debt, and capital replacement. FYE 2021 operating revenue increased $0.4 million compared to 2020 due to increase in funds needed to cover operating costs.
- Operating expenses increased $0.5 million in FYE 2021 compared to an increase of $0.1 million in the prior fiscal year. The increase in operating expenses is primarily due to contracted administrative and operation staff costs and increased legal services. Energy is over one third of the operating budget, when depreciation is excluded from total operating expenses.
- Non-operating revenues (expenses) reflect a net decrease in non-operating expenses over the last two years primarily due to the decrease in bond interest expense as debt is paid down.

Request for Information

This financial report is designed to provide readers with a general overview of the Livermore-Amador Valley Water Management Agency's finances and demonstrate the Agency's accountability for the monies it manages. If you have any questions about this report or need additional information, please contact: LAVWMA Agency Treasurer, 7051 Dublin Blvd., Dublin, CA 94568.

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY
STATEMENTS OF NET POSITION
JUNE 30, 2021 AND 2020

	2021	2020
ASSETS		
Current assets:		
Cash and cash equivalents (Note 2B)	$18,323,615	$27,570,553
Due From members (Note 4)	977,763	627,432
Total current assets	19,301,378	28,197,985
Non-current assets:		
Capital assets (Note 3):		
Construction in progress	1,248,351	493,466
Depreciable, net of accumulated depreciation	103,213,495	106,546,873
Total non-current assets	104,461,846	107,040,339
Total assets	123,763,224	135,238,324
LIABILITIES		
Current liabilities:		
Accounts payable	486,304	639,774
Due to members (Note 4)	155,615	76,395
Advances from members	-	8,287,063
Interest payable	1,326,448	1,424,469
Current portion of long-term debt (Note 5)	4,940,000	4,705,000
Total current liabilities	6,908,367	15,132,701
Long-term liabilities:		
Bond issuance premium, net of amortization (Note 5)	4,258,709	4,674,193
Long-term debt less current portion (Note 5)	64,420,000	69,360,000
Total long-term liabilities	68,678,709	74,034,193
Total liabilities	75,587,076	89,166,894
NET POSITION (Note 7)		
Net investment in capital assets	33,853,495	32,481,873
Unrestricted	14,322,653	13,589,557
Total net position	$48,176,148	$46,071,430

The accompanying notes are an integral part of these financial statements

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY
STATEMENTS OF REVENUES, EXPENSES
AND CHANGES IN NET POSITION
FOR THE YEARS ENDED JUNE 30, 2021 AND 2020

	2021	2020
Operating revenues:		
Service charges (Note 4)	$11,751,500	$11,491,600
Service charges - other (Note 4)	387,523	217,312
Total operating revenues	12,139,023	11,708,912
Operating expenses:		
Energy	1,337,177	1,275,977
EBDA O&M costs	828,578	840,921
Operations agreement	1,161,036	891,686
Professional services	386,683	255,401
Livermore sole use O&M	38,695	46,139
Miscellaneous	82,110	35,773
Repairs and maintenance	45,949	-
Depreciation and amortization	3,384,641	3,384,640
Total operating expenses	7,264,869	6,730,537
Operating income	4,874,154	4,978,375
Non-operating revenues (expenses)		
Interest income	18,159	438,384
Bond interest expense	(2,787,595)	(3,021,887)
Total non-operating revenues (expenses)	(2,769,436)	(2,583,503)
Change in net position	2,104,718	2,394,872
Net position, beginning of year	46,071,430	43,676,558
Net position, end of year	$48,176,148	$46,071,430

The accompanying notes are an integral part of these financial statements

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY
STATEMENTS OF CASH FLOWS
FOR THE YEARS ENDED JUNE 30, 2021 AND 2020

	2021	2020
Cash flows from operating activities:		
Receipts from member contributions	$3,501,629	$20,102,908
Payments to suppliers	(3,954,478)	(3,015,760)
Net cash provided (used) by operating activities	(452,849)	17,087,148
Cash flows from capital and related financing activities:		
Acquisition of capital assets	(806,148)	(220,412)
Principal paid on long-term debt	(4,705,000)	(4,475,000)
Interest paid on long-term debt	(3,301,100)	(3,530,600)
Net cash provided (used) by capital and related financing activities	(8,812,248)	(8,226,012)
Cash flows from investing activities:		
Interest on cash and investments	18,159	438,384
Net cash provided by investing activities	18,159	438,384
Net (decrease) increase in cash and cash equivalents	(9,246,938)	9,299,520
Cash and cash equivalents - beginning of period	27,570,553	18,271,033
Cash and cash equivalents - end of period	$18,323,615	$27,570,553
Reconciliation of operating income to net cash provided (used) in operating activities:		
Operating income	$4,874,154	$4,978,375
Adjustments to reconcile operating income to cash flows from operating activities:		
Depreciation and amortization	3,384,641	3,384,640
Changes in certain assets and liabilities:		
Decrease (increase) in due from members	(350,331)	(351,532)
Increase in advance to members	-	345,178
Decrease in interest receivable	-	113,287
(Decrease) increase in accounts payable	(153,470)	253,742
Increase in due to members	79,220	76,395
(Decrease) increase in advance from members	(8,287,063)	8,287,063
Net cash provided (used) by operating activities	($452,849)	$17,087,148

The accompanying notes are an integral part of these financial statements

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY
NOTES TO BASIC FINANCIAL STATEMENTS
FOR THE YEARS ENDED JUNE 30, 2021 AND 2020

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. General

Livermore-Amador Valley Water Management Agency (the Agency) is a joint powers agency that was formed in 1974 by a joint exercise of powers agreement between the cities of Pleasanton and Livermore and the Dublin-San Ramon Services District. The Agency has implemented a water quality management program involving wastewater disposal. The Agency operates an export pipeline connecting with the East Bay Dischargers Authority's (EBDA) system and discharges treated wastewater, through a deep-water outfall, into San Francisco Bay. The Agency currently has an Amended and Restated Joint Exercise of Powers Agreement dated September 10, 1997, among the members. This agreement, among other things, sets forth capacity limitations and capacity rights of each member as well as cost-sharing procedures for debt service and fixed operating costs related to capacity rights and variable operating costs related to actual use of the export facilities.

The Agency has a separate Master Agreement with EBDA that governs the terms and conditions by which the Agency uses capacity in the EBDA facilities. The Master Agreement was entered into in 2007 and was set to expire on January 1, 2020. It was extended three times. First through June 30, 2020, secondly through December 31, 2020, and most recently through June 30, 2021. The most recent extension was approved by the Board at the November 18, 2020 meeting. These extensions were granted to give the parties more time to negotiate the terms and conditions for an amended and restated Master Agreement. The Amended and Restated Master Agreement between the Agency and EBDA was approved by both parties in May 2021. The agreement became effective July 1, 2021 and will be in effect until June 30, 2040. The cost terms were retroactive to July 1, 2020.

B. Reporting Entity

The Agency is the only entity included in these financial statements.

C. Fund Accounting

The accounts of the Agency are organized on the basis of funds, each of which is considered a separate accounting entity. The Agency maintains a proprietary fund that is used to account for the financing of goods or services provided by the Agency to other governments on a cost-reimbursement basis.

The Agency is a proprietary entity; it uses an enterprise fund format to report its activities for financial statement purposes. Enterprise funds are used to account for operations that are financed and operated in a manner similar to private business enterprises, where the intent of the governing body is that the costs and expenses, including depreciation, of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges.

An enterprise fund is used to account for activities similar to those in the private sector, where the proper matching of revenues and costs is important and the full accrual basis of accounting is required. With this measurement focus, all assets and all liabilities of the enterprise are recorded in its balance sheet, all revenues are recognized when earned and all expenses, including depreciation, are recognized when incurred.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

D. Basis of Accounting

Records of the Agency are maintained on the accrual basis. Revenues are recognized when earned and expenses are recognized when incurred.

Operating revenues, such as charges for services, result from exchange transactions associated with the principal activity of the fund. Exchange transactions are those in which each party receives and gives up essentially equal values. Non-exchange transactions, in which the Agency gives or receives value without directly receiving or giving equal value in exchange, include member contributions.

Revenue from member contributions is recognized in the fiscal year in which it is earned. Nonoperating revenues, such as interest income, result from nonexchange transactions or ancillary activities.

E. Use of Estimates

The basic financial statements have been prepared in conformity with U.S. generally accepted accounting principles, and as such, include amounts based on informed estimates and judgments of management with consideration given to materiality. Actual results could differ from those estimates.

F. Cash and Cash Equivalents

The Agency places certain funds with the State of California's Local Agency Investment Fund (LAIF). The Agency is a voluntary participant in LAIF, which is regulated by California Government Code Section 16429 under the oversight of the Treasurer of the State of California and the Pooled Money Investment Board. The State Treasurer's office pools these funds with those of other governmental agencies in the state and invests the cash. The fair value of the Agency's investment in this pool is reported in the accompanying financial statements based upon the Agency's pro-rata share of the fair value provided by LAIF for the entire LAIF portfolio (in relation to the amortized cost of that portfolio).

The monies held in the pooled investment funds are not subject to categorization by risk category. The balance available for withdrawal is based on the accounting records maintained by LAIF, which are recorded on the amortized cost basis. Funds are accessible and transferable to the master account with twenty-four hours' notice. Financial statements for LAIF can be obtained from the California State Treasurer's Office: State Treasurer's Office, 915 Capitol Mall, Suite 110, Sacramento, CA 95814.

Cash and investments are used in preparing the statement of cash flows because these assets are highly liquid and are expended to liquidate liabilities arising during the year.

G. Capital Assets

Capital assets are recorded at cost. Assets with an initial cost of more than $10,000 and an estimated useful life greater than three years are capitalized. Infrastructure assets with an initial cost of more than $25,000 are capitalized. Depreciation of property and equipment is provided on the straight-line method over the following useful lives:

Pipeline and Export Facility	20-50 years
Pump Station	10-25 years
Intangible	33 years
Equipment	3-25 years

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

H. Bond Issuance Premium

Bond issuance premium is amortized on a straight-line basis over the term of the bond.

I. Fair Value Measurements

Fair value is defined as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. The Agency categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The fair value hierarchy categorizes the inputs to valuation techniques used to measure fair value into three levels based on the extent to which inputs used in measuring fair value are observable in the market.

Level 1 inputs are quoted prices (unadjusted) in active markets for identical assets or liabilities.

Level 2 inputs are inputs - other than quoted prices included within level 1 - that are observable for an asset or liability, either directly or indirectly.

Level 3 inputs are unobservable inputs for an asset or liability.

If the fair value of an asset or liability is measured using inputs from more than one level of the fair value hierarchy, the measurement is considered to be based on the lowest priority level input that is significant to the entire measurement.

NOTE 2 – CASH AND INVESTMENTS

A. Policies

California Law generally requires banks and savings and loan institutions to pledge government securities with a market value of 110% of the Agency's cash on deposit or first trust deed mortgage notes with a value of 150% of the deposit as collateral for these deposits. Under California Law this collateral is held in a separate investment pool by another institution in the Agency's name and places the Agency ahead of general creditors of the institution. The Agency has waived collateral requirements for the portion of deposits covered by federal depository insurance. As of June 30, 2021 and 2020, the Agency's cash in bank was insured or collateralized as discussed above.

Cash and investments are recorded at market value.

B. Composition

Cash and cash equivalents consist of the following as of June 30:

	2021	2020
Cash in Bank	$7,712	$9,268,921
California Local Agency Investment Fund	18,315,903	18,301,632
Total cash and cash equivalents	$18,323,615	$27,570,553

NOTE 2 – CASH AND INVESTMENTS (Continued)

C. Investments Authorized by the California Government Code and the Agency's Investment Policy

The Agency's Investment Policy and the California Government Code allow the Agency to invest in the following provided the credit ratings of the issuers are acceptable to the Agency; and approved percentages and maturities are not exceeded. The table below also identifies certain provisions of the California Government Code, or the Agency's Investment Policy where the Agency's Investment Policy is more restrictive.

Limit	Minimum Rating	Maximum Maturity	Authorized Investment
None	None	5 years	Collateralized Certificate of Deposits purchased from banks or savings and loan institutions as authorized by statute
30%	None	5 years	Negotiable Certificates of Deposit
None	None	5 years	U.S. Treasury Bills, Notes, and Bonds
None	None	5 years	Securities of Government Agencies (e.g., Federal Home Loan Bank, Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Student Loan Marketing Association, Government National Mortgage Association, Federal Farm Credit Bank, Tennessee Valley Authority)
30%	A	5 years	Medium-Term Corporate Notes
20%	None	N/A	Mutual Funds (Shares of beneficial interest issued by diversified management companies who invest in securities authorized by § 53601)
None	None	5 years	Indebtedness issued by LAVWMA or any local agency in California
Maximum allowed by LAIF	None	N/A	The State of California Local Agency Investment Fund
Maximum allowed by CAMP	None	N/A	The California Asset Management Program

D. Local Agency Investment Fund

The Agency is a voluntary participant in the Local Agency Investment Fund (LAIF) that is regulated by California Government Code Section 16429 under the oversight of the Treasurer of the State of California. The Agency reports its investment in LAIF at the fair value amount provided by LAIF, which is the same as the value of the pool share. The balance available for withdrawal is based on the accounting records maintained by LAIF, which are recorded on an amortized cost basis. Included in LAIF's investment portfolio are collateralized mortgage obligations, mortgage-backed securities, other asset-backed securities, loans to certain state funds, and floating rate securities issued by federal agencies, government-sponsored enterprises, United States Treasury Notes and Bills, and corporations. At June 30, 2021 and 2020, these investments matured in an average of 291 and 191 days, respectively.

NOTE 2 – CASH AND INVESTMENTS (Continued)

E. Fair Value Measurements

The Agency categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure fair value of the assets. Level 1 inputs are quoted prices in an active market for identical assets; Level 2 inputs are significant other observable inputs; and Level 3 inputs are significant unobservable inputs.

The Agency's only investment in the Local Agency Investment Fund is exempt from the fair value measurement hierarchy.

NOTE 3 – CAPITAL ASSETS

The following is a summary of changes in capital assets for the year ended June 30, 2021:

	Balance at June 30, 2019	Additions	Transfers	Balance at June 30, 2020	Additions	Transfers	Balance at June 30, 2021
Non-depreciable assets:							
Construction in progress	$273,054	$220,412	-	$493,466	$754,885	-	$1,248,351
Total non-depreciable assets	273,054	220,412	-	493,466	754,885	-	1,248,351
Capital assets being depreciated:							
Pipeline	118,274,222	-	-	118,274,222	-	-	118,274,222
Pump station	18,900,060	-	-	18,900,060	51,263	-	18,951,323
Export facility	5,767,500	-	-	5,767,500	-	-	5,767,500
Intangibles	10,000,000	-	-	10,000,000	-	-	10,000,000
Total capital assets being depreciated/amortized:	152,941,782	-	-	152,941,782	51,263	-	152,993,045
Less:							
Accumulated depreciation	(36,343,605)	(3,081,610)	-	(39,425,215)	(3,081,611)	-	(42,506,826)
Accumulated amortization	(6,666,664)	(303,030)	-	(6,969,694)	(303,030)	-	(7,272,724)
Net capital assets being depreciated/amortized	109,931,513	(3,384,640)	-	106,546,873	(3,333,378)	-	103,213,495
Total capital assets, net	$110,204,567	($3,164,228)	-	$107,040,339	($2,578,493)	-	$104,461,846

Depreciation and amortization expense for the Agency for June 30, 2021 and June 30, 2020 was $3,384,641 and $3,384,640, respectively.

NOTE 4 – SERVICE CHARGES TO MEMBERS

Under the terms of the Agency's Sewer Service Contract with its members, the members pay the Agency a service charge equal to their share of the actual costs of operating the pipeline and pump station. The members are required to make advance payments to the Agency based on estimated costs. When advance payments are more or less than actual costs, differences are billed or refunded to the members in accordance with their participation percentage as specified in the agreement.

The following schedule reconciles the advance payments received from members with the actual costs of operating the pipeline and pump station determine what is owed to or from the members as of June 30, 2021 and 2020:

	2021	2020
Advance payments received from members		
City of Livermore	$3,441,031	$3,360,559
City of Pleasanton	4,034,533	3,941,383
Dublin San Ramon Services District	4,275,936	4,189,658
Total services charges	$11,751,500	$11,491,600
Advance payments received from members	$11,751,500	$11,491,600
Interest earned on operating advances	5,416	38,232
Less advances for:		
Debt service	(8,006,101)	(8,005,600)
Joint Use replacement	(400,000)	(400,000)
Net available for operations and maintenance	3,350,815	3,124,232
Operations and maintenance expenses:		
Power	1,337,177	1,275,977
LAVWMA share of EBDA O&M Costs	828,578	840,921
Operations agreement	1,023,721	891,686
Professional services	386,683	255,401
Livermore Sole Use O&M	38,695	46,139
Miscellaneous	77,535	31,420
Repairs and maintenance	45,949	-
Total operations and maintenance expenses	3,738,338	3,341,544
Amount due to (due from) members, net	($387,523)	($217,312)
Amount due to (due from):		
City of Livermore	($196,884)	($116,541)
City of Pleasanton	(193,464)	(177,166)
Dublin San Ramon Services District	2,825	76,395
	($387,523)	($217,312)

There was an additional due from members in the amount of $434,625 recognized in fiscal year ending 2021, which was billed in July 2021. The Dublin San Ramon Services District refunded an operation deposit to the Agency in the amount of $333,724 on August 20, 2020. The deposit was recognized in fiscal year ending 2020 as due from members, which increased the amount to $627,432 at June 30, 2020.

NOTE 5 – LONG-TERM DEBT

The following is a summary of changes in general long-term liabilities during the year ended June 30, 2021:

	Balance June 30, 2020	Retirements	Balance June 30, 2021	Amount due within one year	More than one year
Revenue Bonds					
2011 Sewer Revenue Refunding Bonds 2% - 5%, due 8/1/2031	$74,065,000	$4,705,000	$69,360,000	$4,940,000	$64,420,000
Total Long-Term Debt	74,065,000	4,705,000	69,360,000	4,940,000	64,420,000
Plus: Unamortized bond premium	4,674,193	415,484	4,258,709	-	4,258,709
Total Long-Term Debt, net	$78,739,193	$5,120,484	$73,618,709	$4,940,000	$68,678,709

The following is a summary of changes in general long-term liabilities during the year ended June 30, 2020:

	Balance June 30, 2019	Retirements	Balance June 30, 2020	Amount due within one year	More than one year
Revenue Bonds					
2011 Sewer Revenue Refunding Bonds 2% - 5%, due 8/1/2031	$78,540,000	$4,475,000	$74,065,000	$4,705,000	$69,360,000
Total Long-Term Debt	78,540,000	4,475,000	74,065,000	4,705,000	69,360,000
Plus: Unamortized bond premium	5,089,677	415,483	4,674,194	-	4,674,194
Total Long-Term Debt, net	$83,629,677	$4,890,483	$78,739,194	$4,705,000	$74,034,194

A. 2011 Sewer Revenue Refunding Bonds

The Agency issued $105,345,000 of 2011 Sewer Revenue Refunding Bonds on September 28, 2011. Proceeds of the issuance were used to refund and retire the Series A Sewer Revenue Bonds and to pay costs of issuance. Principal payments are due annually beginning August 1, 2012 through August 1, 2031.

Debt service on the 2011 Bonds is repayable from Agency Net Revenues which are defined as Gross Revenues less Maintenance and Operations costs, excluding in all cases depreciation, replacement and obsolescence charges or reserves therefore, debt service, amortization of intangibles or other book-keeping entries of a similar nature, and costs paid out of the Sole-Use, Dual-Use and Joint-Use Replacement Funds.

NOTE 5 – LONG-TERM DEBT (Continued)

Member Liens for Repayment of 2011 Bonds: Under an Amended And Restated Sewer Service Contract dated October 1, 2011, between the Agency and Members, the Members pledge and create, in favor of LAVWMA and the Trustee for the 2011 Bonds, a lien on the Net Revenues of their respective wastewater systems (the "Sewer Systems"), to pay to LAVWMA the amounts owed in order for LAVWMA to pay debt service on the 2011 Bonds. There are three important limitations with respect to this pledge of Net Revenues. First, this lien is subordinate to the Members' existing obligations payable from their Net Revenues, as well as obligations payable from their Net Revenues to be issued in the future by the Members to finance or refinance improvements to their respective Sewer System. Second, for DSRSD and Pleasanton, "Net Revenues" are not defined in the Sewer Service Contract to include all of the fees, rates and charges collected by DSRSD and Pleasanton in connection with their Sewer System; DSRSD and Pleasanton have only pledged regional service charges as security for their obligation to make the Payments. Third, Pleasanton, in its capacity as the largest customer of DSRSD's Sewer System, is only obligated to levy regional charges and fees established by DSRSD and to transfer the amount collected to DSRSD.

Pursuant to the official statement, each member agency is required to set rates to achieve coverage of 1.1 times debt service. Furthermore, the official statement contains events of default that require the net revenue of the Agency and Members to be applied by the Trustee as specified in the terms of the agreement if any of the following conditions occur: default on debt service payments; the failure of the Agency or Members to observe or perform the conditions, covenants, or agreement terms of the debt; bankruptcy filing by the Agency or Members; or if any court or competent jurisdiction shall assume custody or control of the Agency or Members.

B. Debt Service Maturity

At June 30, 2021, future annual repayment requirements for long-term debt were as follows:

For The Year Ending June 30	Principal	Interest	Total
2022	$4,940,000	$3,059,975	$7,999,975
2023	5,195,000	2,806,600	8,001,600
2024	5,460,000	2,581,176	8,041,176
2025	5,660,000	2,344,125	8,004,125
2026	5,950,000	2,053,875	8,003,875
2027-2031	34,310,000	5,782,787	40,092,787
2032	7,845,000	176,512	8,021,512
Total payments due	$69,360,000	$18,805,050	$88,165,050

NOTE 6 – RISK MANAGEMENT

The Agency's insurance coverage is as follows:

The Agency is exposed to various risks of loss related to torts: theft, damage, and destruction of assets; errors and omissions; injuries to employees and natural disaster. The Agency joined together with other entities to form the Special District Risk Management Authority (SDRMA), a public entity risk pool currently operating as a common risk management and insurance program for member entities. The purpose of SDRMA is to spread the adverse effects of losses among the member entities and to purchase excess insurance as a group, thereby reducing its cost. The Agency pays annual premiums to SDRMA for its general, liability, and property damage.

SDRMA is governed by a Board composed of one representative from each member agency. The Board controls the operations of SDRMA including selection of management and approval of operating budgets, independent of any influence by member entities.

In addition to the primary insurance types provided for through SDRMA listed above, the Agency also maintains commercial fidelity bonds, public employee dishonesty and public official bonds to protect against employee theft or defalcation. Settled claims for SDRMA or commercial fidelity bonds have not exceeded coverage in any of the past three fiscal years.

The following is a summary of the insurance policies carried by the Agency as of June 30, 2021:

Company Name	Type of Coverage	Limits	Deductibles
Uninsured/underinsured motorists	Each occurrence	$1,000,000	None
Auto Liability	Comprehensive liability	5,000,000	1,000
Property coverage	Comprehensive liability	500,000,000	1,000
Employee dishonesty	Blanket bond	1,000,000	None
Personal liability coverage (board)	Comprehensive liability	500,000	None
General liability	Comprehensive liability	5,000,000	500
Public officials and employee errors	Comprehensive liability	5,000,000	None
Employment practices liability	Comprehensive liability	5,000,000	None
Employee benefits liability	Comprehensive liability	5,000,000	None
Boiler and machinery coverage	Comprehensive liability	500,000,000	1,000

Claims and judgments, including provision for claims incurred but not reported, are recorded when a loss is deemed probable of assertion and the amount of the loss is reasonably determinable. As discussed above, the Agency has coverage for such claims, but it had retained the risk for the deductible or uninsured portion of these claims.

The Agency's liability for uninsured claims is limited to general liability claims, as discussed above, and was estimated to be immaterial. The Agency has not exceeded its insurance coverage limits in any of the last three years.

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY
NOTES TO BASIC FINANCIAL STATEMENTS
FOR THE YEARS ENDED JUNE 30, 2021 AND 2020

NOTE 7 – NET POSITION

Net Position is the excess of all the Agency's assets over all its liabilities. Net Position is divided into three categories which are described as follows:

- ***Net investment in capital assets*** describes the portion of net position that is represented by the current net book value of the Agency's capital assets, less the outstanding balance of any debt issued to finance these assets.
- ***Restricted*** describes the portion of net position that is restricted as to use by the terms and conditions of agreements with outside parties, governmental regulations, laws or other restrictions which the Agency cannot unilaterally alter. These principally include developer fees received for use on capital projects, debt service requirements, and redevelopment funds restricted to low and moderate income purposes. The Agency had no restricted net position.
- ***Unrestricted*** describes the portion of net position that is not restricted to use.

NOTE 8 – CONTINGENT LIABILITIES

The Agency is involved in various claims and litigation arising in the ordinary course of business. Agency management, based upon the opinion of legal counsel, is of the opinion that the ultimate resolution of such matters will not have a materially adverse effect on the Agency's financial position or results of operations.

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY
NOTES TO BASIC FINANCIAL STATEMENTS
FOR THE YEARS ENDED JUNE 30, 2021 AND 2020

NOTE 9 – MEMBER EQUITY ALLOCATION

A review of the member equity calculation was conducted and each type of asset is allocated according to contractually agreed ownership shares. At June 30, 2021, the members' respective shares of the Agency's net position, based on this calculation, are as follows:

	Operation & Maintenance	EBDA Capacity	2011 Debt Service*	Joint-Use Replacement	Dual-Use Replacement	Sole-Use Replacement	TOTAL
Net Position:							
Total Assets	$1,042,377	$2,727,275	$69,763	$114,487,221	$489,311	$4,947,277	$123,763,224
Total Liabilities	547,665	-	74,945,157	94,254	-	-	75,587,076
	$494,712	**$2,727,275**	**($74,875,394)**	**$114,392,967**	**$489,311**	**$4,947,277**	**$48,176,148**
Allocation:							
Livermore	30.10%	18.18%	27.83%	30.10%	-	100.00%	
Pleasanton	34.95%	34.14%	33.27%	34.95%	50.00%	-	
DSRSD	34.95%	47.68%	38.90%	34.95%	50.00%	-	
Member Equity:							
Livermore	$148,908	$495,818	($20,837,208)	$34,432,283	-	$4,947,277	$19,187,078
Pleasanton	172,902	931,092	(24,914,580)	39,980,342	$244,656	-	16,414,412
DSRSD	172,902	1,300,365	(29,123,606)	39,980,342	244,655	-	12,574,658
	$494,712	**$2,727,275**	**($74,875,394)**	**$114,392,967**	**$489,311**	**$4,947,277**	**$48,176,148**

** Note that for debt service, blended allocations are shown above. Actual allocations are below:*

	Livermore	Pleasanton	DSRSD
Repair (30.46% of total debt)	39.95%	36.71%	23.34%
Expansion (69.54% of total debt)	22.52%	31.77%	45.71%

At June 30, 2020, the members' respective share of the Agency's net position, based on this calculation, is as follows:

	Operation & Maintenance	EBDA Capacity	2011 Debt Service*	Joint-Use Replacement	Dual-Use Replacement	Sole-Use Replacement	TOTAL
Net Position:							
Total Assets	$2,718,036	$3,030,305	$6,484,060	$117,300,728	$496,730	$5,208,465	$135,238,324
Total Liabilities	2,223,324	-	86,578,025	365,545	-	-	89,166,894
	$494,712	**$3,030,305**	**($80,093,965)**	**$116,935,183**	**$496,730**	**$5,208,465**	**$46,071,430**
Allocation:							
Livermore	30.10%	18.18%	27.83%	30.10%	-	100.00%	
Pleasanton	34.95%	34.14%	33.27%	34.95%	50.00%	-	
DSRSD	34.95%	47.68%	38.90%	34.95%	50.00%	-	
Member Equity:							
Livermore	$148,908	$550,910	($22,289,492)	$35,197,491	-	$5,208,465	$18,816,282
Pleasanton	172,902	1,034,546	(26,651,046)	40,868,846	$248,365	-	15,673,613
DSRSD	172,902	1,444,849	(31,153,427)	40,868,846	248,365	-	11,581,535
	$494,712	**$3,030,305**	**($80,093,965)**	**$116,935,183**	**$496,730**	**$5,208,465**	**$46,071,430**

** Note that for debt service, blended allocations are shown above. Actual allocations are below:*

	Livermore	Pleasanton	DSRSD
Repair (30.46% of total debt)	39.95%	36.71%	23.34%
Expansion (69.54% of total debt)	22.52%	31.77%	45.71%

NOTE 10 – SUBSEQUENT EVENT

2021 Sewer Revenue Refunding Bonds – On August 11, 2021, the Agency issued Sewer Revenue Refunding Bonds in the amount of $54,790,000 to refund all of the 2011 Sewer Revenue Refunding Bonds. Principal payments are due annually beginning August 1, 2022 through August 1, 2031.

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SUPPLEMENTAL INFORMATION

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY
SCHEDULE OF SUB FUND ACCOUNT BALANCE SHEETS
JUNE 30, 2021

	Maintenance & Operation	EBDA Capacity	2011 Debt Service
ASSETS			
Cash and equivalents	($430,246)	$ -	$26,847
Investments	494,860	-	42,916
Interest receivable	-	-	-
Due from members	977,763	-	-
Advances to members	-	-	-
Capital assets, construction in progress	-	-	-
Capital assets, net of accumulated depreciation	-	2,727,275	-
Total assets	1,042,377	2,727,275	69,763
LIABILITIES			
Accounts payable	392,050	-	-
Due to members	155,615	-	-
Advances to members	-	-	-
Interest payable	-	-	1,326,448
Long-term debt:			
Bond issuance premium, net of amortization	-	-	4,258,709
Due within one year	-	-	4,940,000
Due in more than one year	-	-	64,420,000
Total liabilities	547,665	-	74,945,157
NET POSITION			
Net investment in capital assets	-	2,727,275	(69,360,000)
Unrestricted	494,712	-	(5,515,394)
Total net position	$494,712	$2,727,275	($74,875,394)

Repair and Replacement Reserve			
Joint-use Replacement	Dual-use Replacement	Sole-use Replacement	Total
$389,983	$12,088	$9,040	$7,712
15,730,478	431,863	1,615,786	18,315,903
-	-	-	-
-	-	-	977,763
-	-	-	-
1,248,351	-	-	1,248,351
97,118,409	45,360	3,322,451	103,213,495
114,487,221	489,311	4,947,277	123,763,224
94,254	-	-	486,304
-	-	-	155,615
-	-	-	-
-	-	-	1,326,448
-	-	-	4,258,709
-	-	-	4,940,000
-	-	-	64,420,000
94,254	-	-	75,587,076
98,366,760	45,360	3,322,451	35,101,846
16,026,207	443,951	1,624,826	13,074,302
$114,392,967	$489,311	$4,947,277	$48,176,148

LIVERMORE-AMADOR VALLEY WATER MANAGEMENT AGENCY
SCHEDULE OF SUB FUND ACCOUNT ACTIVITY
For the Year Ended June 30, 2021

	Maintenance & Operation	EBDA Capacity	2011 Debt Service
Operating revenues:			
Service charges - City of Livermore	$1,092,599	$ -	$2,228,032
Service charges - City of Pleasanton	1,230,725	-	2,664,008
Service charges - Dublin San Ramon Services District	1,022,075	-	3,114,061
Service charges other	387,523	-	-
Total operating revenues	3,732,922	-	8,006,101
Operating expenses:			
Power	1,337,177	-	-
LAVWMA share of EBDA O&M	828,578	-	-
Operations agreement	1,023,721	-	-
Professional services	386,683	-	-
Livermore sole use O&M	38,695	-	-
Miscellaneous	77,535	-	153
Total operating expenses and capital outlay	3,692,389	-	153
Repairs and maintenance	45,949	-	-
Total operating expenses	3,738,338	-	153
Operating income (loss)	(5,416)	-	8,005,948
Non-operating revenues (expenses)			
Depreciation and amortization	-	(303,030)	-
Interest income	5,416	-	218
Bond interest expense	-	-	(2,787,595)
Transfers in	-	-	-
Transfers out	-	-	-
Total non-operating revenues (expenses)	5,416	(303,030)	(2,787,377)
Changes in net position		(303,030)	5,218,571
Net position beginning of period	494,712	3,030,305	(80,093,965)
Net position end of period	$494,712	$2,727,275	($74,875,394)

Repair and Replacement Reserve			
Joint-use Replacement	Dual-use Replacement	Sole-use Replacement	Total
$120,400	$ -	$ -	$3,441,031
139,800	-	-	4,034,533
139,800	-	-	4,275,936
-	-	-	387,523
400,000	-	-	12,139,023
-	-	-	1,337,177
-	-	-	828,578
137,315	-	-	1,161,036
-	-	-	386,683
-	-	-	38,695
3,925	106	391	82,110
141,240	106	391	3,834,279
-	-	-	45,949
141,240	106	391	3,880,228
258,760	(106)	(391)	8,258,795
(2,812,349)	(7,560)	(261,702)	(3,384,641)
11,373	247	905	18,159
-	-	-	(2,787,595)
-	-	-	-
-	-	-	-
(2,800,976)	(7,313)	(260,797)	(6,154,077)
(2,542,216)	(7,419)	(261,188)	2,104,718
116,935,183	496,730	5,208,465	46,071,430
$114,392,967	$489,311	$4,947,277	$48,176,148

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Agenda Explanation
Livermore-Amador Valley
Water Management Agency
Board of Directors
November 17, 2021

ITEM NO. 10 QUARTERLY REPORT OF OPERATIONS FOR THE 1st QUARTER FY2021-2022

Action Requested
None at this time. This is an information item only.

Summary
LAVWMA's Quarterly Report of Operations for the 1st Quarter, FY 2021-2022 is attached for the Board's review. These quarterly reports are prepared by DSRSD staff and summarize all LAVWMA operations and maintenance activity for each quarter. Jeff Carson, DSRSD Operations Manager, will be available to answer any questions from the Board. The report includes graphs showing Flows and Pumping Efficiency, Energy Consumption, Budget Variance, and Work Order History. Per the Board's request, the Executive Summary includes a section for Items of Interest. Total expenses are running at 62.9% of the year to date budget. The percentage will increase as winter flows increase. This season's rainfall has been normal. Note that the storms in late October 2021 are not reflected in this report.

Recommendation
None at this time. This is an information item only.

Attachments
LAVWMA Quarterly Report of Operations, 1st Quarter, FY2021-2022.

LAVWMA

QUARTERLY REPORT OF OPERATIONS FY 2021-2022, 1st Quarter

Prepared by

Dublin San Ramon Services District
Water, wastewater, recycled water

QUARTERLY REPORT OF OPERATIONS
LAVWMA PUMPING AND CONVEYANCE SYSTEM
1st Quarter FY 2021-2022: July to September 2021

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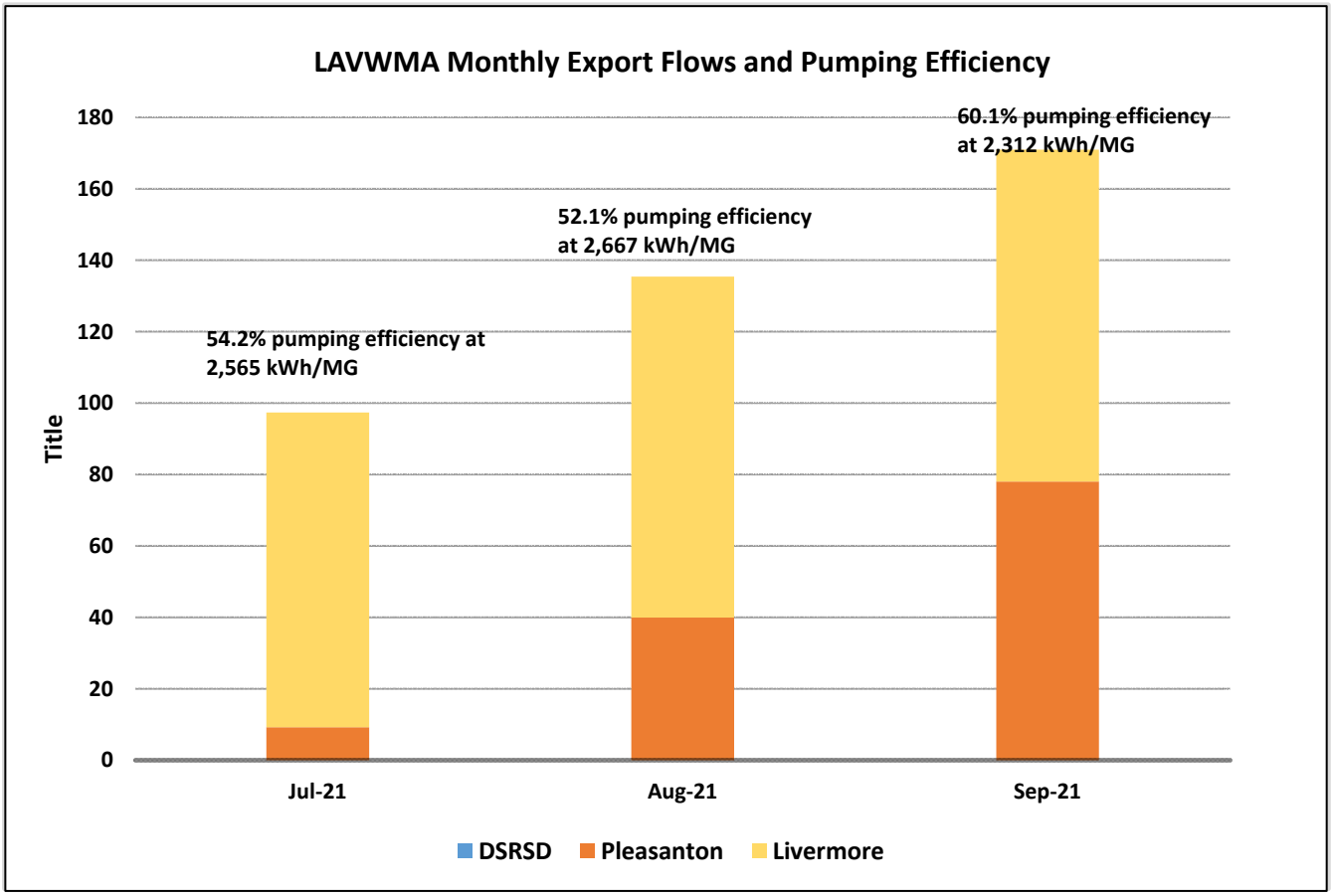
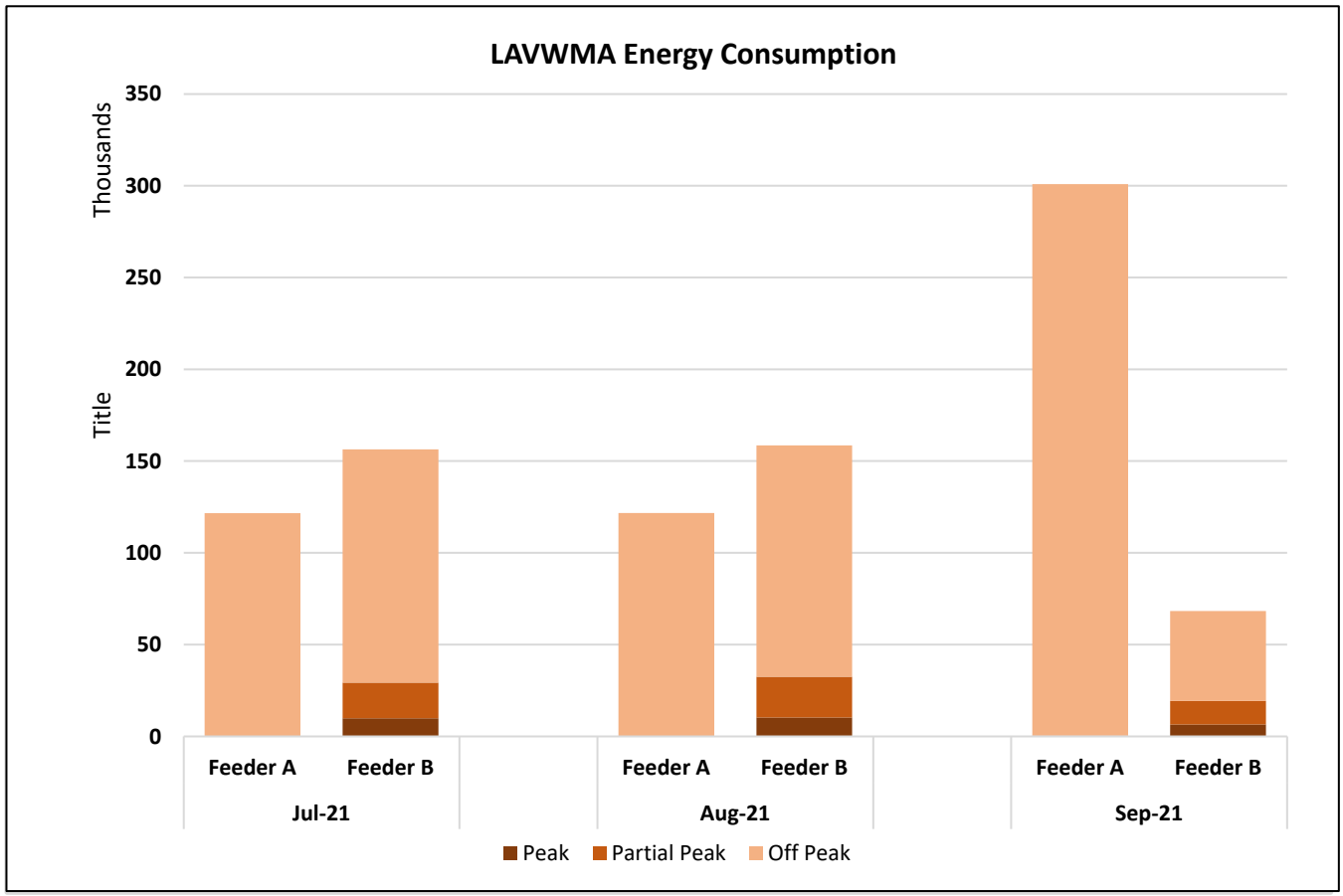
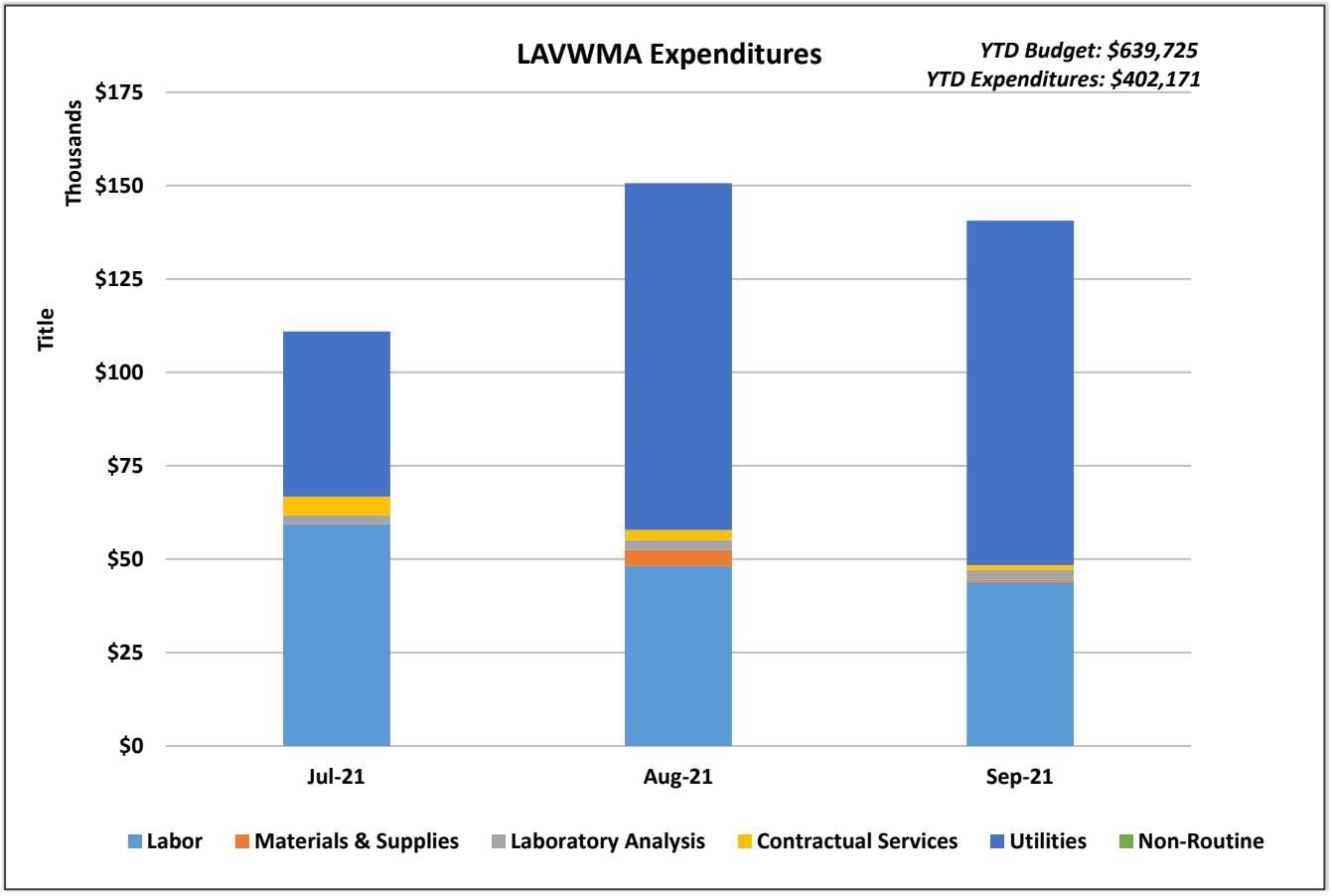
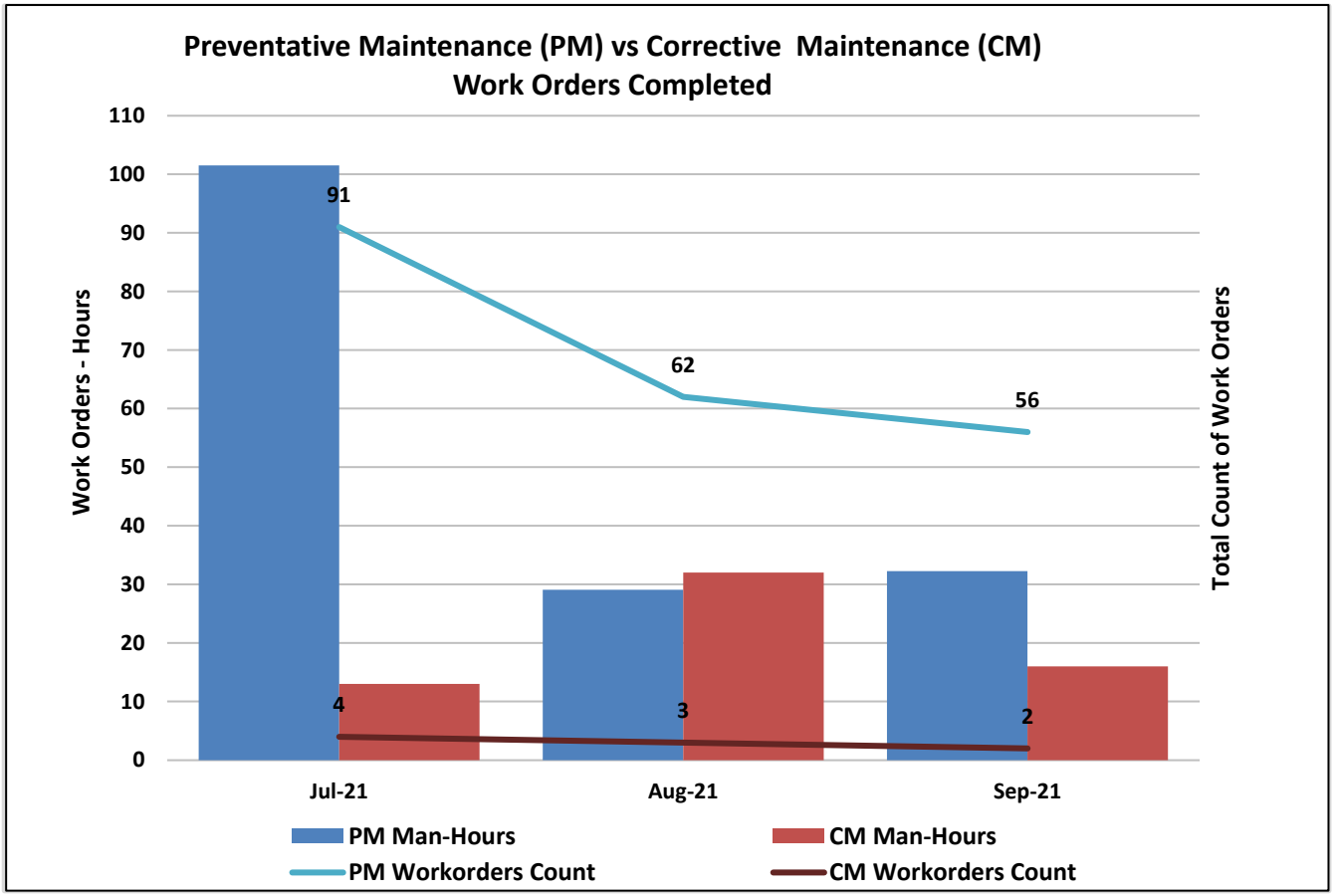
11 – Capital Projects Update 21


LAVWMA Monthly Export Flows and Pumping Efficiency
180
160
140
120
100
80
60
40
20
0
Title
54.2% pumping efficiency at 2,565 kWh/MG
52.1% pumping efficiency at 2,667 kWh/MG
60.1% pumping efficiency at 2,312 kWh/MG
Jul-21
Aug-21
Sep-21
DSRSD
Pleasanton
Livermore


LAVWMA Energy Consumption
Thousands
350
300
250
200
150
100
50
0
Title
Feeder A
Feeder B
Jul-21
Aug-21
Sep-21
Peak
Partial Peak
Off Peak


LAVWMA Expenditures
YTD Budget: $639,725
YTD Expenditures: $402,171
Thousands
Title
$175
$150
$125
$100
$75
$50
$25
$0
Jul-21
Aug-21
Sep-21
Labor
Materials & Supplies
Laboratory Analysis
Contractual Services
Utilities
Non-Routine


Preventative Maintenance (PM) vs Corrective Maintenance (CM)
Work Orders Completed
Work Orders - Hours
Total Count of Work Orders
110
100
90
80
70
60
50
40
30
20
10
0
91
62
56
4
3
2
Jul-21
Aug-21
Sep-21
PM Man-Hours
CM Man-Hours
PM Workorders Count
CM Workorders Count

QUARTERLY REPORT OF OPERATIONS
LAVWMA PUMPING AND CONVEYANCE SYSTEM
1st Quarter FY 2021-2022: July to September 2021

1. EXECUTIVE SUMMARY

The Livermore-Amador Valley Water Management Agency (LAVWMA) pumping and effluent conveyance system operated normally during the first quarter of FY 2021-2022. During the quarter, a total of 403.69 million gallons of fully treated secondary effluent were pumped to San Francisco Bay via the East Bay Dischargers Authority (EBDA) outfall diffuser and San Leandro Sample Station (SLSS); the overall efficiency of the pumping system averaged 56%, with an average electrical cost of $641 per million gallons, or $209 per acre-foot.

2. OPERATIONS

Of the 403.69 million gallons of effluent conveyed through the LAVWMA system for the fiscal year to date, approximately 277 million gallons was from the City of Livermore, 127 million gallons from City of Pleasanton and none from DSRSD. Monthly export flow summary is shown on Table 4. Monthly reports sent to EBDA which detail daily export flows and monitoring analysis of the treated effluent during the quarter are shown on Table 9.

Operators successfully managed the least number of pumps in service each month during PG&E Time-of-Use Summer Peak corresponding to the volume of treated water pumped to the Bay via EBDA.

PG&E's new Time of Use Schedule took effect on March 1, 2021. The new schedule includes a peak demand period from 4:00 - 9:00 p.m. every day of the year. In addition, there is a partial peak period from 2:00 - 4:00 p.m. and 9:00 - 11:00 p.m. during the summer period from June 1 to September 30. Operations staff were successful in not pumping during both the partial peak and peak periods.

Unfortunately, PG&E inexplicably reverted to the old schedule for Feeder B during the months of May – August, 2020. PG&E has corrected this error and has credited the account $89,058.20. The PG&E cost data shown in the Table 1 does not yet reflect that credit. The table will be updated in the second quarter report.

3. MAINTENANCE

During the quarter, 163 hours were spent to complete 209 preventative maintenance work orders and 61 hours to complete 9 corrective maintenance work orders on LAVWMA equipment and systems.

The following are some noteworthy maintenance activities during the quarter:

Electrical:

- LAVWMA PS MCC Replacement construction support
- LAVWMA SLSS Rehab design support

Instrumentation and Controls:

- Repaired the LAVWMA PS chlorine analyzer
- Continuing the planning and design of the upgrade of remote monitoring devices for all remote rectifier panels. The new system is to replace Samsara.

- Continuing the planning and design of the web interface to allow 3rd party agencies to see LAVWMA PS data remotely. The new system is to replace Samsara.
- Modified SCADA trends per Ops requests to add additional data for monitoring (levels, line pressures)
- LAVWMA PS MCC Replacement construction support
- Corrected a problem with the iFIX Alarms & Events database which was causing some applications to lock up
- LAVWMA SCADA server upgrade (VM and Windows Server OS)
- LAVWMA SLSS Rehab design support
- Confirmed that the TOU change to Fall/Winter worked on October 1st.

Mechanical:

- The 30" flow control valve that controls flow to EBDA had a sump pump failure in the valve vault causing flooding in the vault which submerged the actuator and drive motor mechanical replaced the sump pump and contacted city of San Leandro to make repairs on water sprinkler system that failed creating the excess water intrusion to vault.

5. BUDGET VARIANCE AND EXPENSES

First quarter labor expenses totaled $151,346 for 889 man-hours of effort, an average of 1.7 full time equivalents (FTEs). O&M expenses for the quarter including labor, supplies, laboratory analysis, contractual services, and utilities totaled $402,171 for an average cost of $966 per million gallons pumped or $325 per acre-foot. The total expense for the Livermore sole use pipeline for the quarter was $484.

Operation and maintenance (O&M) expenses and budget utilization details are shown on Tables 5, 6, 7, and 8.

6. ITEMS OF INTEREST

There were three PG&E peak day pricing events that affected the LAVMWA facilities during the quarter on the following dates: July 29, August 12, and September 8.

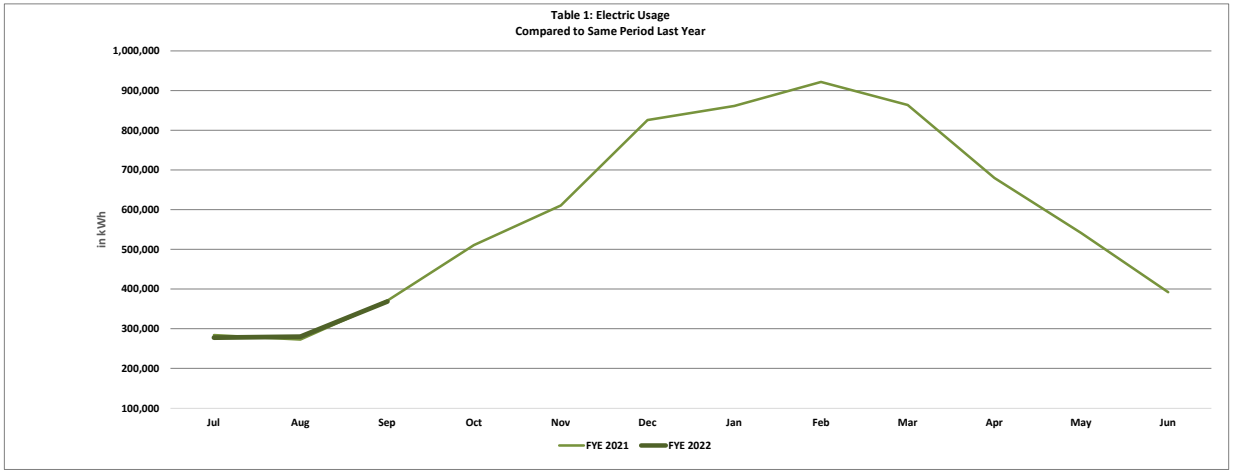
6. CAPITAL PROJECTS

As additional information, Table 11 provides a status summary of the capital projects that are primarily managed by the LAVWMA General Manager. The O&M budget and expenditures discussed in this quarterly report do not include capital projects.

TABLE 1 - Electric Usage, Efficiency and Costs

LAVWMA SYSTEM: Fiscal Year 2021-2022, Quarterly Report

	PG&E Service Accounts: Rate Schedule B20 starting March 2021														Total	Pumping			
	Acct # 8482061923-1 Service A					Acct # 8440395259-5 Service B					Billing	Total			Export	Energy	Cost		Efficiency
Month	kWh	Peak	Partial Peak	Off Peak	$	kWh	Peak	Partial Peak	Off Peak	$	Days	kWh	$/kWh	$	Flow[1] MG	kWh/MG	$/MG	$/AF	%
Jul-21	**121,614**	**0**	**0**	**121,614**	**$30,679**	**156,361**	**9,910**	**19,424**	**127,027**	**$43,366**	**30**	**277,975**	**$0.27**	**$74,045**	**108**	**2,565**	**$683**	**$223**	**54.2%**
Aug-21	**121,695**	**0**	**52**	**121,643**	**$26,843**	**158,567**	**10,283**	**22,241**	**126,043**	**$43,175**	**32**	**280,262**	**$0.25**	**$70,019**	**105**	**2,667**	**$666**	**$217**	**52.1%**
Sep-21	**300,902**	**0**	**300**	**300,602**	**$60,010**	**68,264**	**6,492**	**12,791**	**48,981**	**$31,359**	**30**	**369,166**	**$0.25**	**$91,368**	**160**	**2,312**	**$572**	**$186**	**60.1%**
Oct-21																			
Nov-21																			
Dec-21																			
Jan-22																			
Feb-22																			
Mar-22																			
Apr-22																			
May-22																			
Jun-22																			
Quarter																			
Average	181,404				$39,177	127,731				$39,300	31	309,134	$0.25	$78,477	124	2,515	**$641**	**$209**	**55.5%**
Total	544,211				$117,532	383,192				$117,900	92	927,403		$235,432	373	7,545			
Minimum	121,614				$26,843	68,264				$31,359	30	277,975	$0.25	$70,019	105	2,312	$572	$186	52.1%
Maximum	300,902				$60,010	158,567				$43,366	32	369,166	$0.27	$91,368	160	2,667	$683	$223	60.1%
YTD																			
Average	181,404				$39,177	127,731				$39,300	31	309,134	$0.25	$78,477	124	2,515	$641	$209	55.5%
Total	544,211				$117,532	383,192				$117,900	92	927,403		$235,432	373	7,545			
Minimum	121,614				$26,843	68,264				$31,359	30	277,975	$0.25	$70,019	105	2,312	$572	$186	52.1%
Maximum	300,902				$60,010	158,567				$43,366	32	369,166	$0.27	$91,368	160	2,667	$683	$223	60.1%



NOTES:

1) **This Table 1 does not reflect what was the actual expenditures paid for the month and may not match what is in Table 8 Expenditures. The primary purpose of Table 1 is to show the electric usage and efficiency for the month it actually occured.**

2) To calculate pumping efficiency, read dates, electric usage, and export flows are **matched to PG&E billing periods**: 6/15 - 7/14 for July, 7/15 - 8/15 for August, and 8/16 - 9/14 for September.

3) Pumping efficiency is based on continuous average flows and a TDH of 442.8 feet, including static lift of 408.8 feet and piping losses of 34 feet (per Charlie Joyce, B&C, 2/12/07).

4) Low pumping efficiency in October is related to the pipeline inspection when the system was pumping at odd times and also repumping water due to the need to drain the lines to allow inspection.

TABLE 2 - Pump Run Time Hours

LAVWMA SYSTEM: Fiscal Year 2021-2022, Quarterly Report

Month	Pump No. 1 Hours	Pump No. 2 Hours	Pump No. 3 Hours	Pump No. 4 Hours	Pump No. 5 Hours	Pump No. 6 Hours	Pump No. 7 Hours	Pump No. 8 Hours	Pump No. 9 Hours	Pump No. 10 Hours	TOTAL Pump Run Hours	TOTAL Pump Utilization %
Jul-21	**0**	**29**	**87**	**204**	**0**	**0**	**0**	**200**	**84**	**26**	**631**	**8.5%**
Aug-21	**0**	**220**	**81**	**1**	**91**	**62**	**0**	**29**	**81**	**219**	**783**	**10.5%**
Sep-21	**0**	**2**	**110**	**3**	**359**	**240**	**1**	**352**	**1**	**0**	**1,067**	**14.8%**
Oct-21											0	0.0%
Nov-21											0	0.0%
Dec-21											0	0.0%
Jan-22											0	0.0%
Feb-22											0	0.0%
Mar-22											0	0.0%
Apr-22											0	0.0%
May-22											0	0.0%
Jun-22											0	0.0%
Quarter												
Average	0	84	93	69	150	101	1	194	55	82	827	11.3%
Total	0	251	278	208	449	302	2	581	165	245	2,481	
Minimum	0	2	81	1	0	0	0	29	1	0	631	8.5%
Maximum	0	220	110	204	359	240	1	352	84	219	1,067	14.8%
YTD												
Average	0	84	93	69	150	101	1	194	55	82	207	2.8%
Total	0	251	278	208	449	302	2	581	165	245	2,481	
Minimum	0	2	81	1	0	0	0	29	1	0	0	0.0%
Maximum	0	220	110	204	359	240	1	352	84	219	1,067	14.8%

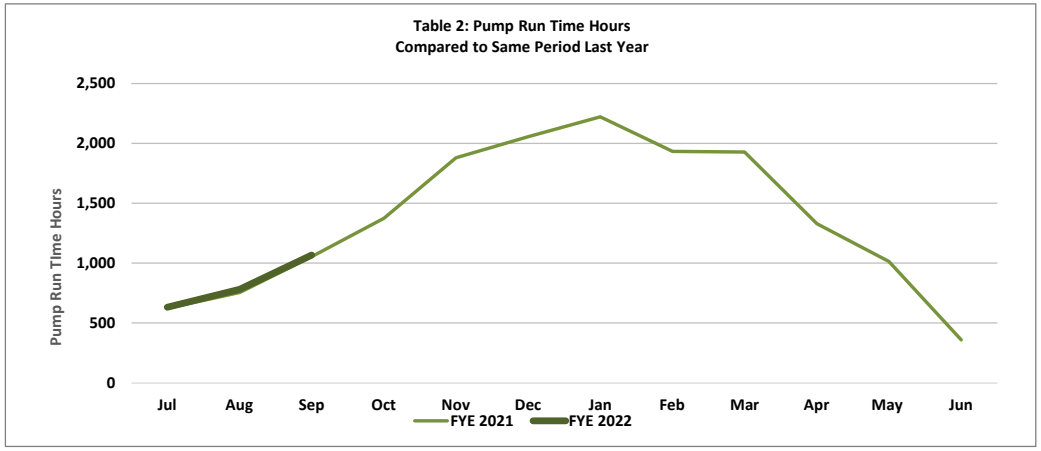
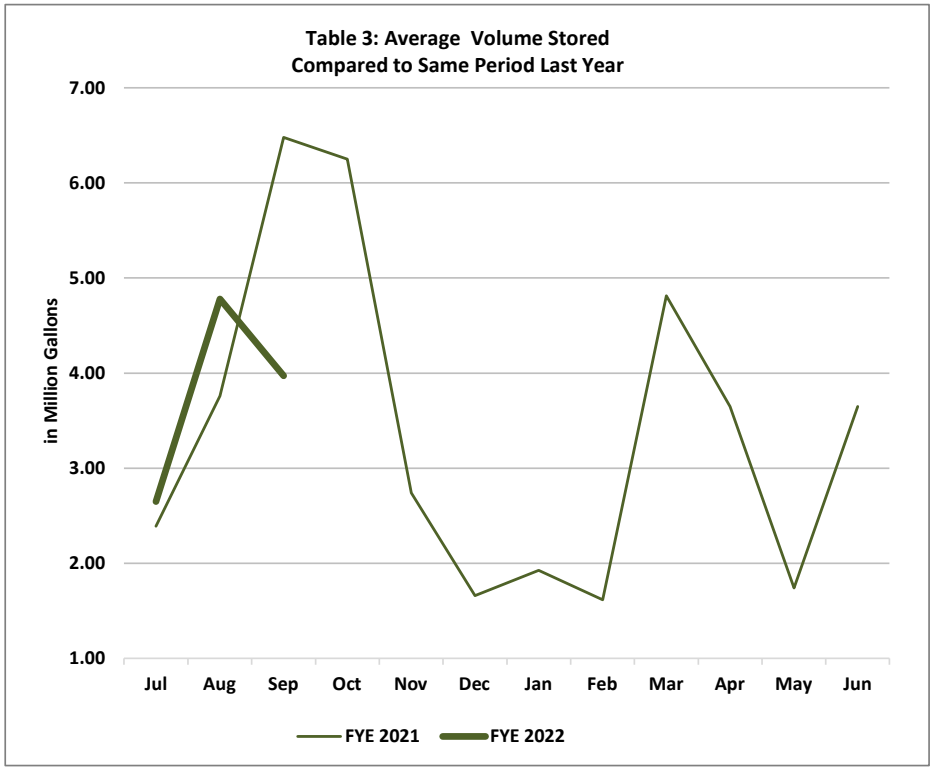


TABLE 3 - Monthly Average Storage Basin Levels and Volume

LAVWMA SYSTEM: Fiscal Year 2021-2022, Quarterly Report

	Average Daily Volume			Average		Storage
	Basin	Basin	Basin	Volume	Storage	Basin
	No. 1	No. 2	No. 3	Stored	Available	Utilization
Month	Feet	Feet	Feet	MG	MG	%
Jul-21	**2.17**	**0.22**	**3.19**	**2.65**	**18**	**14.7%**
Aug-21	**4.97**	**3.44**	**0.53**	**4.78**	**18**	**26.6%**
Sep-21	**4.19**	**2.35**	**1.08**	**3.97**	**18**	**22.1%**
Oct-21					18	0.0%
Nov-21					18	0.0%
Dec-21					18	0.0%
Jan-22					18	0.0%
Feb-22					18	0.0%
Mar-22					18	0.0%
Apr-22					18	0.0%
May-22					18	0.0%
Jun-22					18	0.0%
Quarter						
Average	3.78	2.00	1.60	3.80		0.21
Minimum	2.17	0.22	0.53	2.65		0.15
Maximum	4.97	3.44	3.19	4.78		0.27
YTD						
Average	3.78	2.00	1.60	3.80		5.3%
Minimum	2.17	0.22	0.53	2.65		0.0%
Maximum	4.97	3.44	3.19	4.78		26.6%

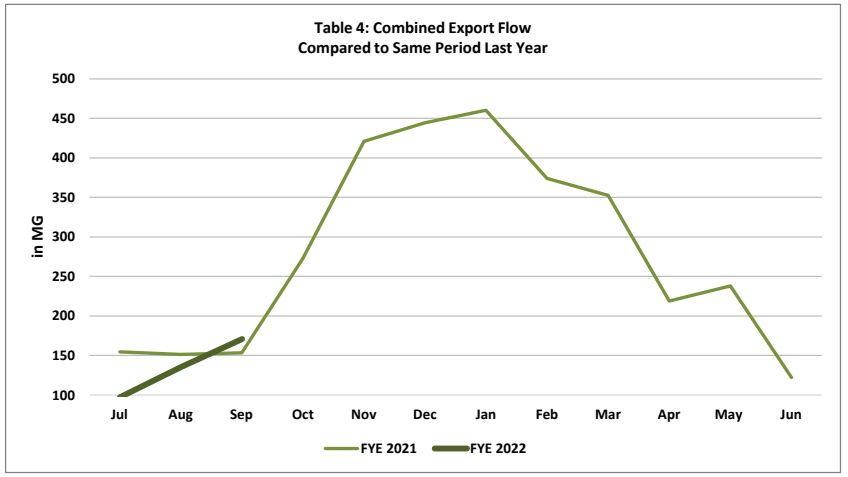


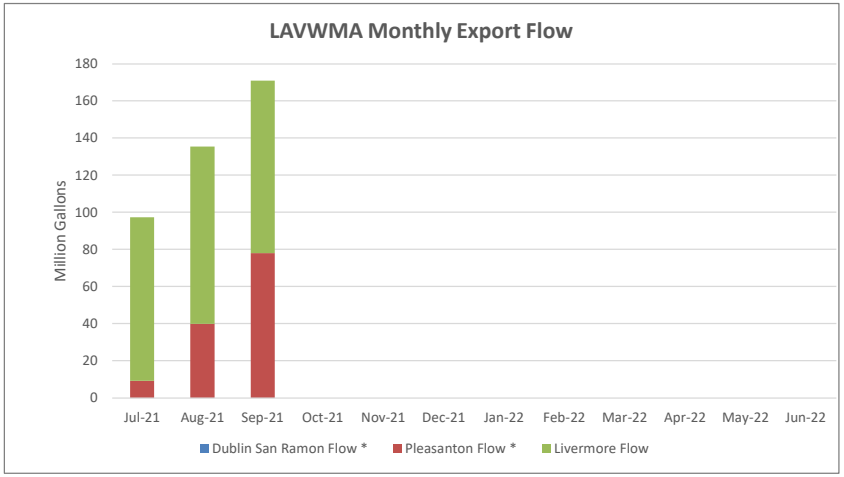
Note: Total available storage volume is 18 million gallons.

TABLE 4 - Monthly Export Flow

LAVWMA SYSTEM: Fiscal Year 2021-2022, Quarterly Report
Estimated Flow: 3,358 MG

Month	Dublin San Ramon Flow * MG	Pleasanton Flow * MG	Livermore Flow MG	Combined Export Flow MG	Total for Quarter
Jul-21	**0.00**	**9.24**	**88.11**	**97.35**	
Aug-21	**0.00**	**39.90**	**95.49**	**135.39**	
Sep-21	**0.00**	**77.99**	**92.97**	**170.96**	**403.69**
Oct-21	0.00	0.00			
Nov-21	0.00	0.00			
Dec-21	0.00	0.00			0.00
Jan-22	0.00	0.00			
Feb-22	0.00	0.00			
Mar-22	0.00	0.00			0.00
Apr-22	0.00	0.00			
May-22	0.00	0.00			
Jun-22	0.00	0.00			0.00
Quarter					
Total	0.00	127.13	276.56	**403.69**	
Average	0.00	42.38	92.19	134.56	
Minimum	0.00	9.24	88.11	97.35	
Maximum	0.00	77.99	95.49	170.96	
YTD					Budgeted Flow:
Total	0.00	127.13	276.56	**403.69**	3,358 MG
Average	0.00	10.59	92.19	134.56	
Minimum	0.00	0.00	88.11	97.35	
Maximum	0.00	77.99	95.49	170.96	





* Monthly totals do not include flows diverted for recycling use by DERWA and Pleasanton.

TABLE 5 - Labor Effort, Expenditures, and Budget Utilization

LAVWMA SYSTEM: Fiscal Year 2021-2022, Quarterly Report

FY Labor Budget $968,151

Month	Billed Labor Hours	FTE Equiv	Labor Invoice	YTD Labor Expense	Budget Utilization	Labor Budget Remaining	Export Flow MG	Export Flow AF
Jul-21	**353.5**	**2.0**	**$59,266**	**$59,266**	**6.1%**	**$908,885**	**97.35**	**299**
Aug-21	**279.5**	**1.6**	**$48,140**	**$107,406**	**11.1%**	**$860,745**	**135.39**	**416**
Sep-21	**256.2**	**1.5**	**$43,940**	**$151,346**	**15.6%**	**$816,805**	**170.96**	**525**
Oct-21								
Nov-21								
Dec-21								
Jan-22								
Feb-22								
Mar-22								
Apr-22								
May-22								
Jun-22								
QUARTER								
Total	**889.2**		**$151,346**				403.69	1,239
Average	296.4	**1.7**	$50,449				134.56	413
Minimum	256.2	1.5	$43,940				97.35	299
Maximum	353.5	2.0	$59,266				170.96	525
YTD								
Total YTD	889.2		$151,346		**15.6%**	$816,805	403.69	1,239
Average YTD	296.4	1.7	$50,449				134.56	413
Minimum	256.2	1.5	$43,940				97.35	299
Maximum	353.5	2.0	$59,266				170.96	525

Notes:

TABLE 6 - O&M Expenditures and Budget Utilization

LAVWMA SYSTEM: Fiscal Year 2021-2022, Quarterly Report

Total O&M Budget: $2,558,901

Month	Labor Expenses	A/P Expenses	Total O&M Expenses	YTD O&M Expenses	Budget Utilization	O&M Budget Remaining	Overall O&M Cost $/MG	Overall O&M Cost $/AF	Export Flow MG	Export Flow AF
Jul-21	**$59,266**	**$51,654**	**$110,921**	**$110,921**	**4.3%**	**$2,447,980**	**$1,139**	**$371**	**97.35**	**299**
Aug-21	**$48,140**	**$102,505**	**$150,645**	**$261,566**	**10.2%**	**$2,297,335**	**$1,113**	**$363**	**135.39**	**416**
Sep-21	**$43,940**	**$96,666**	**$140,606**	**$402,171**	**15.7%**	**$2,156,730**	**$822**	**$268**	**170.96**	**525**
Oct-21										
Nov-21										
Dec-21										
Jan-22										
Feb-22										
Mar-22										
Apr-22										
May-22										
Jun-22										
QUARTER										
Total	$151,346	$250,825	**$402,171**				**$996**	**$325**	403.69	1,239
Average	$50,449	$83,608	$134,057						134.56	413
Minimum	$43,940	$51,654	$110,921				$822	$268	97.35	299
Maximum	$59,266	$102,505	$150,645				$1,139	$371	170.96	525
YTD										
Total YTD	$151,346	$250,825	**$402,171**		**15.7%**	**$2,156,730**	**$996**	**$325**	**403.69**	**1,239**
Average YTD	$50,449	$83,608	$134,057							
Minimum	$43,940	$51,654	$110,921				$822	$268	97.35	299
Maximum	$59,266	$102,505	$150,645				$1,139	$371	170.96	525

Notes:

TABLE 7 - O&M Expenditures and Budget Utilization for Livermore Sole Use Facilities

LAVWMA SYSTEM: Fiscal Year 2021-2022, Quarterly Report

	Livermore Sole Use Facilities		
Month	Labor Expenses	A/P Expenses	Total Expenses
Jul-21	**$0**	**$167**	**$167**
Aug-21	**$0**	**$151**	**$151**
Sep-21	**$0**	**$166**	**$166**
Oct-21			
Nov-21			
Dec-21			
Jan-22			
Feb-22			
Mar-22			
Apr-22			
May-22			
Jun-22			
Quarter			
Total	**$0**	**$484**	**$484**
Average	$0	$161	$161
Minimum	$0	$151	$151
Maximum	$0	$167	$167
YTD			
YTD Total	$0	$484	$484
YTD Average	$0	$161	$161
YTD Minimum	$0	$151	$151
YTD Maximum	$0	$167	$167

LAVWMA
BUDGET COMPARISON TO ACTUAL EXPENSES: GOODS & SERVICES

Current FY Period: 3

ACTUAL EXPENSES BILLED TO LAVWMA FOR REGULAR O&M

	Budget	July	August	September	October	November	December	January	February	March	April	May	June	YTD	YTD
	FY 2021-2022	2021	2021	2021	2021	2021	2021	2022	2022	2022	2022	2022	2022	TOTAL	Budget
Labor															
Staff	$968,151	$59,266	$48,140	$43,940										$151,346	$242,038
Subtotal	**$968,151**	**$59,266**	**$48,140**	**$43,940**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$151,346**	**$242,038**
Materials & Supplies															
Operations Supplies	$13,000	$10	$47	$10										$67	$3,250
Mechanical Supplies	$25,000		$1,039											$1,039	$6,250
Electrical Supplies	$59,400		$3,177	$540										$3,716	$14,850
Subtotal	**$97,400**	**$10**	**$4,263**	**$550**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$4,823**	**$24,350**
Laboratory Analysis															
Compliance Testing	$10,000	$792	$792	$990										$2,574	$2,500
Operational Support Testing	$4,000	$366	$366	$366										$1,098	$1,000
Special Sampling	$22,000	$1,288	$1,610	$1,288										$4,186	$5,500
Subtotal	**$36,000**	**$2,446**	**$2,768**	**$2,644**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$7,858**	**$9,000**
Contractual Services															
Sub-surface Repairs	$15,000													$0	$3,750
Street Sweeping	$5,000		$500	$400										$900	$1,250
Cathodic Protection Survey & Repairs	$30,000													$0	$7,500
Underground Service Alert	$4,500		$896											$896	$1,125
SCADA software maintenance contract	$17,000	$5,029													
Remote monitoring annual service for PS and Rec	$5,000														
Med voltage switchgear 3-yr PM (FY22, $18k))	$20,000														
HVAC Maintenance/Repairs	$750													$0	$188
Termite/Pest Control	$900													$0	$225
Landscape/weed maintenance	$10,000													$0	$2,500
Janitorial Service	$9,500		$1,220											$1,220	$2,375
Fire Extinguisher Maintenance	$200													$0	$50
Postage/Shipping Charges	$0													$0	$0
Professional Services, misc	$30,000			$876										$876	$7,500
Subtotal	**$147,850**	**$5,029**	**$2,616**	**$1,276**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$8,921**	**$36,963**
Utilities															
Electricity (PG&E)	$1,301,600	$43,818	$92,858	$91,816										$228,492	$325,400
Water & Sewer (Pleasanton)	$900	$154		$163										$317	$225
Water (EBMUD)	$1,000	$197		$217										$414	$250
Telephone/communications	$6,000													$0	$1,500
WW Treatment (DSRSD)	$0													$0	$0
Subtotal	**$1,309,500**	**$44,169**	**$92,858**	**$92,196**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$229,223**	**$327,375**
Non-Routine															
	$0													$0	$0
	$0													$0	$0
Subtotal	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**
Monthly Total		**$110,921**	**$150,645**	**$140,606**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$402,171**	**$639,725**
YTD Total	**$2,558,901**	**$110,921**	**$261,566**	**$402,171**	**$402,171**	**$402,171**	**$402,171**	**$402,171**	**$402,171**	**$402,171**	**$402,171**	**$402,171**	**$402,171**		
Combined Export Flow, mg	**3358**	**97**	**135**	**171**										**404**	**24**
Pumping Efficiency		**54.2%**	**52.1%**	**60.1%**											
Monthly Cost, $/mg		**$1,139**	**$1,113**	**$822**											
YTD Running Cost, $/mg	**$762**													**$996**	

Q1 Notes:
a) July PG&E bill for Feeder A for $31K was not paid until August so it will show as part of August expenditure
b) August PG&E bill for Feeder B includes $8292 credit

LAVWMA
BUDGET COMPARISON TO ACTUAL EXPENSES: LABOR

Current FY Period: 3

ACTUAL EXPENSES BILLED TO LAVWMA FOR REGULAR O&M															
FY 2021-2022		Jul 2021	Aug 2021	Sep 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Feb 2022	Mar 2022	Apr 2022	May 2022	Jun 2022	YTD TOTAL	YTD Budget
Estimated Personnel Hours															
Division 50 - Ops Admin	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	0	-	-	-	-	-	-	-	-	-	-	-		-	
Division 51 - FOD	40	-	-	-	-	-	-	-	-	-	-	-	-	-	10.00
Water/Wastewater Sys Lead Op	0													-	-
Water/Wastewater Sys OP IV-On Call	0													-	-
Water/Wastewater Sys OP IV	30													-	7.50
Water/Wastewater Sys OP III	0													-	-
Water/Wastewater Sys OP II	10													-	2.50
Maintenance Worker	0													-	-
Supervisor	0													-	-
Division 52 - WWTP	3,080	180.50	123.50	127.19	-	-	-	-	-	-	-	-	-	431.19	770.00
Process Lead Operator IV/V	150													-	37.50
Senior WWTP Operator III	720	22.50	22.00	23.00										67.50	180.00
Operator In Training	400													-	100.00
Operator II	1,700	158.00	101.50	104.19										363.69	425.00
Operator II (SLSS)	0													-	-
Operations Superintendent	110													-	27.50
Division 53 - MECH	1,230	129.50	126.50	95.50	-	-	-	-	-	-	-	-	-	351.50	307.50
Senior Mechanic-Crane Cert	60	43.50	47.50	32.00										123.00	15.00
Senior Mechanic - USA	80	1.50		1.00										2.50	20.00
Maintenance Worker	60													-	15.00
Mechanic I/II	980	18.00												18.00	245.00
Mechanic II-Crane Cert	0	44.50	50.00	48.50										143.00	-
Mechanic I/II - USA	0													-	-
Mechanic II-Crane Cert - USA	0	22.00	29.00	14.00										65.00	-
Supervisor	50													-	12.50
Division 54 - ELEC	1,130	43.50	28.00	31.00	-	-	-	-	-	-	-	-	-	102.50	282.50
Senior Instrument/Controls Tech	30													-	7.50
Instrumentation & Controls Tech I/II	300	2.50	28.00	20.00										50.50	75.00
OPS Control Sys Spec	300													-	75.00
Senior Electrician	30	13.00		4.00										17.00	7.50
Electrician I/II	440	27.00		5.00										32.00	110.00
Principal Eletrical Engineer	30	1.00		2.00										3.00	7.50
Division 26 - SAFETY	60	-	-	-	-	-	-	-	-	-	-	-	-	-	15.00
Safety Officer	60	-	-	-	-	-	-	-	-	-	-	-		-	15.00
Division 40 - ENG	260	-	1.50	2.50	-	-	-	-	-	-	-	-	-	4.00	65.00
Senior Engineer-Supervisory	0														-
Associate/Senior Civil Engineer-SME	100		1.50	2.50										4.00	25.00
Construction Inspector I	80													-	20.00
Engineering Technician II	40													-	10.00
GIS Analyst	40													-	10.00
Total Estimated Personnel Hours	5,800														
FTE	2.8														
Total Monthly Hours		**353.50**	**279.50**	**256.19**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**889.19**	**1,450.00**

LAVWMA	July	2021

FILL IN FIRST

Parameter	Flow	CBOD	TSS	pH	pH	Chlorine Residual	Chlorine Residual	Fecal Coliforms	Enterococci	NH3-N	Flow	TSS	CBOD	NH3-N	NO3-N	NO2-N	Total P	Recycled Water Production	Recycled Water Production	Recycled Water Production	ECO ONLY			
																					Acute Toxicity	Chronic Toxicity	DO	Temp
Units	MGD	mg/L	mg/L	SU	SU	mg/L	mg/L	MPN/100mL	MPN/100mL	mg/L	MGD	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	MGD	MGD	MGD	%	TUc	mg/L	C
Test Method	Daily Average	SM 5210 B-2011	SM 2540 D-2011	SM 4500-H+B-2011	SM 4500-H+B-2011	Daily Average	Daily Average	SM 9221 C,E-2006	Enterolert	SM 4500-NH3	Daily Average	SM 2540 D-20	SM 5210 B-20	SM 4500-NH3 D-2011				Daily Average	Daily Average	Daily Average	EPA-821-R-	EPA-821-R	Field	Field
MDL																								
RL		3.0	2.5					2	10															
Location	DSR-exp	DSR-exp	DSR-exp	DSR-exp	DSR-exp	DSR-exp	SLSS	SLSS	SLSS	INF-002C	EFF-002C	EFF-002C	EFF-002C	EFF-002C				Skywest						
7/1/2021	2.99			7.53	7.64	7.713	0.001																	
7/2/2021	3.16			7.49	7.58	2.449	0.001																	
7/3/2021	5.00			7.53	7.59	1.156	0.001																	
7/4/2021	4.95			7.51	7.60	0.829	0.001																	
7/5/2021	2.84			7.51	7.60	0.707	0.001																	
7/6/2021	2.75			7.53	7.64	0.763	0.001	4	<10															
7/7/2021	3.14			7.58	7.64	0.667	0.001																	
7/8/2021	2.65	3.0	5.8	7.51	7.66	0.807	0.001																	
7/9/2021	3.12			7.47	7.54	1.257	0.001																	
7/10/2021	3.11			7.44	7.53	0.731	0.001																	
7/11/2021	3.60			7.51	7.59	0.477	0.001																	
7/12/2021	2.64			7.56	7.62	0.848	0.001																	
7/13/2021	2.75			7.44	7.63	0.711	0.001	50	<10															
7/14/2021	2.98	6.1	6.2	7.59	7.64	1.323	0.003																	
7/15/2021	2.91			7.63	7.69	1.057	0.005																	
7/16/2021	2.57			7.28	7.68	0.779	0.003																	
7/17/2021	4.55			7.5	7.63	1.251	0.002																	
7/18/2021	3.37			7.53	7.63	1.607	0.001																	
7/19/2021	2.48			7.49	7.61	1.545	0.001																	
7/20/2021	1.98			7.56	7.71	0.937	0.001	2	10															
7/21/2021	2.84			7.46	7.67	0.746	0.001																	
7/22/2021	3.15	5.7	8.4	7.55	7.65	0.826	0.001																	
7/23/2021	2.89			7.48	7.61	1.053	0.001																	
7/24/2021	3.57			7.55	7.62	0.698	0.001																	
7/25/2021	3.43			7.56	7.61	0.947	0.001																	
7/26/2021	3.16			7.53	7.61	0.992	0.001																	
7/27/2021	3.29			7.47	7.61	0.909	0.001	11	<10															
7/28/2021	2.67	3.8	6.2	7.54	7.61	0.794	0.001																	
7/29/2021	2.97			7.55	7.63	0.789	0.001																	
7/30/2021	2.81			7.53	7.66	0.853	0.001																	
7/31/2021	3.01			7.58	7.67	0.820	0.001																	

Note:
Column E - pH Minimum
Column F - pH Maximum

LAVWMA	August	2021

FILL IN FIRST

Parameter	Flow	CBOD	TSS	pH	pH	Chlorine Residual	Chlorine Residual	Fecal Coliforms	Enterococci	NH3-N	Flow	TSS	CBOD	NH3-N	NO3-N	NO2-N	Total P	Recycled Water Production	Recycled Water Production	Recycled Water Production	ECO ONLY			
																					Acute Toxicity	Chronic Toxicity	DO	Temp
Units	MGD	mg/L	mg/L	SU	SU	mg/L	mg/L	MPN/100mL	MPN/100mL	mg/L	MGD	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	MGD	MGD	MGD	%	TUc	mg/L	C
Test Method	Daily Average	SM 5210 B-2011	SM 2540 D-2011	SM 4500-H+B-2011	SM 4500-H+B-2011	Daily Average	Daily Average	SM 9221 C,E-2006	Enterolert	SM 4500-NH3	Daily Average	SM 2540 D-20	SM 5210 B-20	SM 4500-NH3 D-2011				Daily Average	Daily Average	Daily Average	EPA-821-R-	EPA-821-I	Field	Field
MDL																								
RL		3.0	2.5					2	10															
Location	DSR-exp	DSR-exp	DSR-exp	DSR-exp	DSR-exp	DSR-exp	SLSS	SLSS	SLSS	INF-002C	EFF-002C	EFF-002C	EFF-002C	EFF-002C				Skywest						
8/1/2021	3.51			7.56	7.68	0.809	0.001																	
8/2/2021	3.32			7.56	7.64	1.012	0.001																	
8/3/2021	3.72			7.53	7.67	0.945	0.001	4	<10															
8/4/2021	3.29	3.0	7.9	7.50	7.72	0.917	0.001																	
8/5/2021	3.62			7.58	7.68	1.499	0.001																	
8/6/2021	3.06			7.39	7.71	1.773	0.001																	
8/7/2021	3.91			7.51	7.61	2.429	0.001																	
8/8/2021	3.94			7.58	7.64	2.154	0.001																	
8/9/2021	4.17			7.51	7.62	2.391	0.001																	
8/10/2021	3.09			7.47	7.57	1.867	0.001	4	<10															
8/11/2021	3.22	4.5	8.9	7.41	7.69	1.126	0.001																	
8/12/2021	3.39			7.50	7.58	1.363	0.001																	
8/13/2021	4.20			7.55	7.61	2.639	0.001																	
8/14/2021	4.77			7.51	7.6	2.374	0.001																	
8/15/2021	5.13			7.51	7.59	3.044	0.001																	
8/16/2021	5.14			7.53	7.58	2.618	0.001																	
8/17/2021	5.24			7.53	7.59	1.892	0.001	22	<10															
8/18/2021	5.15	2.9	6.5	7.49	7.56	1.082	0.001																	
8/19/2021	5.14			7.46	7.54	1.548	0.001																	
8/20/2021	4.95			7.45	7.54	1.114	0.001																	
8/21/2021	5.12			7.49	7.57	1.533	0.001																	
8/22/2021	4.98			7.49	7.54	1.962	0.001																	
8/23/2021	5.15			7.49	7.56	2.069	0.001																	
8/24/2021	4.80			7.49	7.56	1.330	0.001	<2	<10															
8/25/2021	4.73			7.49	7.55	0.705	0.001																	
8/26/2021	4.62			7.49	7.55	0.464	0.001																	
8/27/2021	4.61	4.8	9.1	7.44	7.52	0.300	0.001																	
8/28/2021	4.58			7.44	7.53	0.083	0.001																	
8/29/2021	4.52			7.42	7.53	0.107	0.001																	
8/30/2021	4.46			7.34	7.47	0.054	0.001																	
8/31/2021	5.85			7.47	7.59	0.030	0.001	17	<10															

Note:
Column E - pH Minimum
Column F - pH Maximum

LAVWMA	September	2021

SELECT FIRST

Enter only numerical data in the result columns and only qualifiers in the qualifier columns. Any other comments should go in the corresponding cell on the Comments tab.

Parameter	Flow	CBOD	TSS	pH	pH	Total Residual Chlorine	Total Residual Chlorine	Fecal Coliforms	Enterococci	CBOD Qual	NH3-N Qual	NH3-N	Flow	TSS Qual	TSS	CBOD Qual	CBOD	NH3-N Qual	NH3-N	Fecal Qual	Entero Qual	Recycled Water Production	Recycled Water Production	ECO ONLY: Recycled Water Productio	ECO ONLY: Acute Toxicity	ECO ONLY: Chronic Toxicity	ECO ONLY: DO	ECO ONLY: Temp
Units	MGD	mg/L	mg/L	SU	SU	mg/L	mg/L	MPN/100mL	MPN/100mL			mg/L	MGD		mg/L		mg/L		mg/L			MG	MG	MG	%	TUc	mg/L	C
Test Method	Daily Average	SM 5210 B-2011	SM 2540 D-2011	SM 4500-H+B-2011	SM 4500-H+B-2011	Daily Average	Daily Average	SM 9221 C,E-2006	Enterolert			SM 4500-NH3	Daily Average (Mean)		SM 2540 D-2011		SM 5210 B-2011		SM 4500-NH3 D-2011			Total	Total	Total	EPA-821-R	EPA-821-R	Field	Field
MDL																												
RL		3.0	2.5					2	10																			
Location	LAVWMA-EXP	LAVWMA-EXP	LAVWMA-EXP	LAVWMA-EXP	LAVWMA-EXP	LAVWMA-EXP	SLSS	SLSS	SLSS	INF-002C	INF-002C	INF-002C	EFF-002C	EFF-002C	EFF-002C	FF-002	EFF-002C	EFF-002C	EFF-002C	EFF-002C	EFF-002C	Skywest						
9/1/2021	5.80	4.6	19.8	7.44	7.54	0.286	0.001																					
9/2/2021	6.67			7.45	7.54	1.455	0.001																					
9/3/2021	6.14			7.47	7.53	4.280	0.001																					
9/4/2021	6.72			7.47	7.55	7.696	0.001																					
9/5/2021	6.84			7.46	7.53	9.724	0.001																					
9/6/2021	5.64			7.44	7.53	9.281	0.001																					
9/7/2021	5.63			7.40	7.50	8.050	0.001	130	<10																			
9/8/2021	4.40	4.3	12.2	7.39	7.50	8.416	0.001																					
9/9/2021	4.98			7.45	7.58	5.363	0.001																					
9/10/2021	4.35			7.50	7.57	6.536	0.001																					
9/11/2021	6.25			7.51	7.58	8.221	0.001																					
9/12/2021	5.70			7.51	7.58	9.905	0.001																					
9/13/2021	5.51			7.45	7.56	9.835	0.001																					
9/14/2021	5.98			7.47	7.57	9.972	0.011	11	<10																			
9/15/2021	4.65	3.5	10.0	7.49	7.61	4.839	0.051																					
9/16/2021	5.06			7.32	7.56	2.364	0.023																					
9/17/2021	4.83			7.34	7.53	2.570	0.011																					
9/18/2021	6.17			7.39	7.61	2.942	0.001																					
9/19/2021	4.96			7.53	7.58	3.098	0.001																					
9/20/2021	6.42			7.49	7.56	2.892	0.001																					
9/21/2021	4.56			7.47	7.56	2.023	0.001	2	<10																			
9/22/2021	4.81	3.7	5.3	7.49	7.57	1.317	0.001																					
9/23/2021	5.89			7.48	7.55	0.674	0.001																					
9/24/2021	4.22			7.46	7.54	0.307	0.001																					
9/25/2021	6.85			7.44	7.63	0.322	0.001																					
9/26/2021	5.41			7.55	7.61	0.642	0.001																					
9/27/2021	6.84			7.53	7.60	0.841	0.001																					
9/28/2021	6.19			7.53	7.57	0.690	0.001	4	<10																			
9/29/2021	7.19	3.6	7.6	7.51	7.56	0.638	0.001																					
9/30/2021	6.32			7.48	7.55	0.547	0.001																					

Note:
Column E - pH Minimum; online
Column F - pH Maximum; online

DUBLIN SAN RAMON SERVICES DISTRICT
WASTEWATER TREATMENT FACILITY

LAVWMA - 3rd Quarter 2021

Langelier pH Saturation Index

Collection DATE	TDS (mg/L)	Temp (ºC)	Ca Hardness (mg/L $CaCO_3$)	Alkalinity (mg/L $CaCO_3$)	pH (Actual)	pH Saturation	Langlier Index
07/11/21	816	25.9	116	354	7.6	7.2	0.4
08/07/21	844	26.2	154	400	7.4	7.0	0.3
09/18/21	830	24.4	164	384	7.7	7.1	0.6
MAXIMUM	844	26.2	164	400	7.7	7.2	0.6
MINIMUM	816	24.4	116	354	7.4	7.0	0.3
AVERAGE	830	25.5	145	379	7.5	7.1	0.4

DUBLIN SAN RAMON SERVICES DISTRICT
WASTEWATER TREATMENT FACILITY

DSRSD - 3rd Quarter 2021

Langelier pH Saturation Index

Collection DATE	TDS (mg/L)	Temp (ºC)	Ca Hardness (mg/L $CaCO_3$)	Alkalinity (mg/L $CaCO_3$)	pH (Actual)	pH Saturation	Langlier Index
07/11/21	892	26.0	152	378	7.5	7.1	0.4
08/07/21	849	26.8	158	416	7.5	7.0	0.4
09/18/21	852	24.5	158	408	7.6	7.0	0.6
MAXIMUM	892	26.8	158	416	7.6	7.1	0.6
MINIMUM	849	24.5	152	378	7.5	7.0	0.4
AVERAGE	864	25.8	156	401	7.5	7.0	0.5

TABLE 10

CITY OF LIVERMORE
LIVERMORE WATER RECLAMATION PLANT

Langelier pH Saturation Index

Collection DATE	TDS (mg/L)	Temp (ºC)	Ca Hardness (mg/L $CaCO_3$)	Alkalinity (mg/L $CaCO_3$)	pH (Actual)	pH Saturation	Langlier Index
07/07/21	670	26.0	83	364	7.6	7.4	0.2
08/04/21	721	27.0	97	389	7.6	7.3	0.4
09/01/21	680	26.0	67	330	7.5	7.5	0.0
MAXIMUM	721	27.0	97	389	7.6	7.5	0.4
MINIMUM	670	26.0	67	330	7.5	7.3	0.0
AVERAGE	690	26.3	82	361	7.6	7.4	0.2

TABLE 11

LAVWMA Action Item List **Month:** **Nov-21**

SAG Task	**Responsible Party**	**Due Date**	**Status**	**Completion Date**
Items for November 17, 2021 LAVWMA Board Meeting.	SAG	NA	Primary activity since the last Board meeting has been management of capital projects. SAG to be updated on projects prior to Board meeting.	
Operations Coordination Committee Task	**Responsible Party**	**Due Date**	**Status**	**Completion Date**
FYE21 Replacement Projects: See Items Below	Weir/Zavadil/Delight	Various dates	Refer to information below.	
MCC and Soft Starter Replacement Project. Carryover from FYE20 and into FYE21. Estimated design cost $250,000. Project now includes Electrical Improvements to the Main Switchgear at the Pump Station. Total estimated cost $2,300,000 - $2,500,000.	Weir/Atendido	12/31/2021	Project is proceeding on schedule. All submittals and RFIs have been addressed. Royal Electric moved on site July 6, 2021. The schedule has extended to December 11, 2021 to account for having to demo and pour a new concrete pad for MCC-P1. MCC-P2 has been completed and is in service. MCC-P1 is nearing completion and testing should begin in mid November. There have been three contract change orders issues at a cost of $34,738 or 1.56% of the contract price. The new system includes a much slower stop time on the motors which results in much quieter shutdown. This will reduce wear and tear on the check valves, pumps, and motors.	
Purchase Three New Pumps and Rebuild Two Associated Motors. Estimated cost has increased to $460,000	Weir/Quinlan	6/30/2022	Bid packet was posted and distributed on July 6, 2021. A mandatory prebid meeting was held on July 15, 2021 and was attended by four pump vendors. Addendum No. 1 was issued on August 2, 2021. Four bids were received by the deadline of August 5, 2021. Bids ranged from $357,057 to $941,200. Trillium submitted the low bid. References have been contacted and have been positive. Budget Modification No. 1 to increase the project cost was approved by the Board August 18, 2021. Both Trillium and Peerless rejected the Notice of Potential Award citing objections to the contract. The Board had two special meetings in September to provide direction. All bids sere rejected and the GM and General Counsel were directed to negotiate the best deal with the low bidder Trillium. Over the last month negotiations have continued and a final contract is expected to be agreed upon by mid-November. Issues included liquidated damages (LD), delivery dates, liability, and intellectual property. Trillium stated they would not accept more that a 10% cap on LD. Current negotiations have LDs capped at 25% at 2,500 per day and a possible incentive to Trillium for early delivery and acceptance of the pumps. The other issues have also been resolved.	
Resealing of all Three Storage Basins. Estimated cost $200,000	Quinlan	12/31/2020	Project is complete.	5/1/2021
San Leandro Sample Station Design Improvements. Estimated cost $670,000	Weir	6/30/2022	RFP for engineering services was posted to the website on June 28, 2021. A non-mandatory site visit is scheduled for June 13, 2021. Proposals were due 5:00 p.m. Monday, July 26, 2021. HydroScience (HS) was the only one to submit a bid. SAG members reviewed and rated the proposal; average score of 81.5 out of 90. HS was awarded the contract at a total of $185,000. HS has held a kickoff meeting and has been to the site several times taking measurements, talking to DSRSD staff, and taking pictures. A 30% design memo should be received this week. Due to COVID-related issues, including inflation and supply chain issues, the engineer's estimated cost of the project has increased approximately 40% from the original estimate. The total project cost will likely need to be increased to at least $900,000. Since the construction will take carry over into the next fiscal year, increasing the project cost can occur during the next budget approval process. DSRSD staff has reviewed the new estimated costs and has found it reasonable.	
Road Drainage Improvements at the Pump Station. Estimated cost $35,000	TBD	12/31/2020	To be combined with similar projects at DSRSD.	
Cathodic Protection Projects. Estimated cost $185,000	Weir/Atendido	12/31/2020	Corrpro has completed most items that did not require any excavation. Permits have been received for three projects needing excavation and were provided to Corrpro. They are in the process of scheduling their work. Corrpro had planned to begin the week of November 1, but had to cancel due the inability to get certain equipment for excavation to the site.	
PLC Upgrade at the Pump Station. Estimated cost $300,000	TBD	6/30/2021	Will be included in DSRSD SCADA project, which is design build. Project has begun. Scoping meetings with staff have been held and the project is still in development.	
Pipeline Inspection. Estimated cost $100,000	TBD	6/30/2021	Scope will be based on the results and recommendations of the HydroScience (National Plant Services) inspection project. Inspection site selection will begin soon. A planning meeting with DRSD staff was held in early November. The project will likely occur after the rainy season.	
Smart Detectors on High Maintenance Air/Vac and Air Release Valves. Estimated cost $40,000	TBD	6/30/2021	The smart detectors are intended to help prevent leaks from the valves along the forcemain system. Three have been installed for testing and have proven to be beneficial.	
Rewiring the actuators on the pump deck. Estimated cost $50,000.	Atendido	12/31/2021	Royal Electric provided a change order estimate of $10,500, which has been issued.	
Other Items				
Wet Weather Issues	Sevilla	10/31/2020	DSRSD Operations successfully managed the storm on October 24 and 25, 2021. The basins were emptied in advance of the storm. Both MCCs happened to be available. A maximum of seven pumps were run to send flow to EBDA. Operations has indicated that had MCC-P1 not been available they still would have been able to manage the storm through a combination of pumping and storage.	
Live test of SLSS system	Sevilla/Atendido	TBD	Conducted in April 2019. No significant issues. Has been impossible to plan for a test due to COVID-19 restrictions.	
Live test of Alamo Canal discharge during wet weather	Carson/Sevilla	TBD	Test postponed due to COVID-19. Was planning on this winter, but will likely be delayed until 2022 due to COVID-19.	
Wet Well Isolation Gates	Quinlan	6/30/2019	Gate is in good shape but won't fully close. No date set, perhaps this winter.	
EBDA Enterococcus Issue	Sevilla		No issues at this time.	
YTD O&M Expenses compared to budget	Carson, Weir	Ongoing	No issues at this time. PG&E switched Feeder B back to the old rate schedule and overcharges $89,000, which has been credited back to LAVWMA.	

Agenda Explanation
Livermore-Amador Valley
Water Management Agency
Board of Directors
November 17, 2021

ITEM NO. 11 PROJECT STATUS REPORTS - MOTOR CONTROL CENTER REPLACEMENT PROJECT AND THE SAN LEANDRO SAMPLE STATION IMPROVEMENTS PROJECT

Action Requested
None at this time.

Summary
The Board previously authorized both the Motor Control Center Replacement Project (MCC Project), Purchase of Three Vertical Turbine Pumps, and the San Leandro Sample Station Improvements Project (SLSS Project). Each project is discussed in more detail below.

MCC Replacement Design and Construction Project Status
DTN Engineers is the design engineer, Royal Electric is the contractor, and Psomas is the construction manager. This project is proceeding smoothly and all COVID-19 requirements are being followed. All required documents have been submitted (submittals) by Royal Electric and their subcontractors. MCC-P2 has been completed and is in service. MCC-P1 has been installed and will be ready for testing in mid-November. Testing ensures that all control wiring, SCADA connections, and safety features are operating properly.

When MCC-P1 was removed the contractor discovered that the concrete pad was not installed correctly. It needed to be demolished and repoured. That added one week to the schedule to allow for demolition, framing, concrete pouring, and curing. The completion date has been extended to December 11, 2021. However, it is expected that the project will be completed ahead of schedule. There have been three contract change orders issued for a total of $34,738 or 1.56% of the contract price.

The new system includes a much slower stop time on the motors which results in much quieter shutdown. This will reduce wear and tear on the check valves, pumps, and motors.

Purchase of Three Vertical Turbine Pumps
The two lowest bidders, Trillium and Peerless, both rejected the Notice of Potential Award due to objections with the contract language. At the September 29, 2021 meeting, the Board rejected all bids and authorized the General Manager and General Counsel to negotiate an acceptable contract with Trillium or Peerless. Negotiations with Trillium have been ongoing since that time and it appears that consensus is near. Trillium's objections to the contract included liquidated damages, delivery schedule, liability, and intellectual property rights. Trillium's corporate counsel normally will not accept liquidated damages above 10% of the contract price nor will they accept liability above 100% of the contract price.

Negotiations have settled on liquidated damages at $2,000 per day with a cap of 25% of the contract price. The original contract had $500 per day with no limit. In addition, LAVWMA has agreed on the possibility of a sliding incentive from 5-25% of the contract for early delivery and acceptance of the pumps. LAVWMA had originally offered a delivery date of 275 days. Trillium has requested 203 days for delivery after approval of the submittals. LAVWMA has agreed with that schedule as it is to its advantage to have the pumps earlier. Staff anticipates that the contract can be completed within the next couple of weeks.

San Leandro Sample Station Improvements Project

HydroScience Engineers (HS) is the design engineer for this project. Their contract is for $185,000. The original estimate for the construction cost was $485,000. HS held a kick off meeting with DSRSD staff that included a site visit. In addition, HS attended the test of the system pursuant to the NPDES permit on November 3, 2021. HS has completed a 30% design technical memo (TM). The estimated construction cost has increased to $730,000 as excerpted below from the TM:

- Some scope was added to the project since the Evaluation TM, and there is updated pricing info on some items.
- EBDA valve: Original estimate was to replace existing 30” with a 24” valve to provide finer control for managing flows under the anticipated new EBDA agreement at the time. Since original EBDA agreement language was ultimately retained (reducing the need for finer flow control), and given concerns about raising the Hydraulic Grade Line under high flows which could cause the remaining Pressure Relief Valve to open unintended, we decided to stick with recommending a 30” valve. The 30” actuated ball valve is significantly more expensive than a 24” valve. There are other options we could discuss here to reduce this price. Perhaps the existing ball valve is in good condition in which case maybe we just replace the actuator/electronics. However, verifying valve condition without a major shutdown is tricky. Or perhaps after replacement, the existing ball valve could be refurbished and have value elsewhere in the system or as a spare. A segmented ball valve is another less costly option but it does have a slightly less favorable Cv rating.
- Vaults: Original estimate was to excavate then replace existing vault tops after improvements. Now buying new tops with hatches and safety grates. Customization required to fit within sidewalk and stay clear of park path.
- Controls/programming and Wiring: Recent bid tabs are showing escalating costs in this region, particularly recent Tesco quotes. We allowed for that to avoid surprises later. Also, during the site visit we learned that some additional panel wiring changes were needed.
- Arc flash: While not required for 240v gear, it is becoming more common to do this when modifying an existing panel. So we included a line item under “Testing and Adjusting.” If preferred, we can take it out.
- Mobilization/Demobilization: Increased since it is a percentage of the rest of the estimate.

Some of the increases are related to general inflation, which has been high this year. Impacts from COVID-19 are also likely causes for the price increase. Since this project will carry over into FYE23, there is no action required at this time. The project should go out for bid in Spring 2022 and the bid prices can be used to inform the need to increase the budget for this project in the FYE23 Operating and Capital Budget.

Recommendation
None at this time.

Attachments
None

Agenda Explanation
Livermore-Amador Valley
Water Management Agency
Board of Directors
November 17, 2021

ITEM NO. 12 UPDATE AND RESPONSE TO VARIOUS LEGAL AND LEGISLATIVE ISSUES

Action Requested
None at this time.

Summary
Attached for the Board's information are the following items **Attachment No. 12.a**, California Association of Sanitation Agencies (CASA) Regulatory Update for November 2021 and **Attachment No. 12.b**, Bay Area Clean Water Agencies (BACWA) Bulletin for November 2021. Both documents provide current information on the legal, legislative, and regulatory fronts that are of interest to wastewater treatment agencies.

The blanket permit amendment allowing higher chlorine residuals for Bay dischargers including East Bay Dischargers Authority has been approved., This will save on dechlorination costs for sodium bisulfite. The wipes legislation requiring proper labeling on packaging was approved and signed by the Governor. Both documents contain hyperlinks that will lead to detailed information on each subject.

Attachment No. 12.c provides information on SB323 which provides for a 120 day statute of limitations for a plaintiff to challenge water or sewer rate increases.

Attachment No. 12.d is a copy of California Attorney General Opinion 18-201. This opinion provides new guidance on how a legislative body may direct its JPA-representative to act (and due process limitations) in an adjudicative matter. In short, each member of a JPA must base his or her decision on the information presented at the hearing before the JPA. The member is not beholden to its appointing body and the appointing body separately acting on or directing a vote regarding a matter to be decided by the JPA could deny due process for the party seeking an entitlement. For LAVWMA's purposes, there are very few adjudicative decisions made by the Board. The one example staff can think of is the decision whether to permit out of area service extensions. Nevertheless, it is good to be aware of the laws governing your service on the Board.

Recommendation
There is no recommendation at this time.

Attachments
12.a CASA Regulatory Update for November, 2021
12.b BACWA Bulletin for November 2021
12.c 120 Day Statute of Limitations for New or Increased California Water and Sewer Rates
12.d California Attorney General Opinion 18-201

chuckweir@sbcglobal.net

From: Jared Voskuhl <JVoskuhl@casaweb.org>
Sent: Monday, November 1, 2021 6:01 PM
Subject: [Regulatory] CASA November 2021 Regulatory Update

Good Evening,

Please find below updates from October and for November. Our prior September and October newsletters are also hyperlinked. CASA's next Regulatory Workgroup meetings will be on Thursday, November 18, and our Collection Systems Workgroup will meet the day before on Wednesday, November 17. Please let us know if you have any problems accessing these hyperlinked resources.

Thank you,
The RWG Team

WATER

SWB Report on 2020 Volumetric Report– 1M AF Recycled, 14% Decrease to Coastal Discharge
At the SWB's October 19 meeting, staff reported on the 2020 volumetric annual report of wastewater and recycled water. In 2020, the amount of water recycled in California under the state's Title 22 regulations grew 6 percent over the previous year to reach 728,000 acre-feet per year. Combined with recycled water used for environmental protection, which is not considered a Title 22 use, California now exceeds 1 million acre-feet of water recycling annually. WateReuse California (WRCA) testified that the potable reuse totals are expected to more than double in the next few years as major projects have begun construction and direct potable reuse regulations are in draft form, and WRCA also asked that the State Water Board include the "instream flow" and "natural systems" recycled water uses in its statewide totals for the 2021 report, as this will give the public a more complete understanding of the benefits of recycled water to California. Further analysis by WRCA also revealed that there was a 14% decrease in coastal discharges. Please reach out to Jared Voskuhl with feedback or questions.

Summit Partners Hosting Advanced Treatment Webinar for Policymakers

On December 6, the Clean Water Summit Partners (BACWA, CASA, CVCWA, CWEA, and SCAP) will host a free afternoon webinar focusing on opportunities and challenges for advanced wastewater treatment. The webinar is designed to provide a high-level overview of various advanced treatment options as well as costs and limitations, particularly in the context of finding the most effective means of addressing constituents of emerging concern (including PFAS), nutrients, energy consumption and emissions issues, and recycled water production and usage. All are welcome, and the programming is intended for state legislative officials and staff, State and Regional Water Board Members and staff, and environmental advocacy organizations, to hear from the experts on wastewater planning and treatment, including specific case studies and examples being implemented or planned across California. You may register for the event here, the event flyer is here, and for additional information, contact Jared Voskuhl.

CA Climate Adaptation Strategy Proposes Coastal Discharge Ban

On October 18, the Newsom Administration and California Natural Resources Agency released for public comment its draft 2021 Climate Adaptation Strategy, as required by the Legislature. Their goal is to deliver a 2021 strategy that (1) outlines the state's key climate resilience priorities, (2) includes specific and measurable steps, and (3) serves as a framework for action across sectors and regions in California.

Notably, Action 7 pertains to research and policies towards eliminating coastal discharges, and specifically proposes a 2022-2040 time frame for "significantly reducing nutrient loading and/or phasing out coastal wastewater discharge into the ocean; work with partners to achieve a goal of 80- 90% coastal wastewater recycling that can be put to beneficial use."

Comments are due November 17, and Sarah Deslauriers, CASA's Climate Change and Program Manager, is preparing comments for us. Please reach out to her with your input. For general questions, you can review the strategy's webpage, or to contact their staff about this effort, please email the Strategy's coordination team in the California Natural Resources Agency and Governor's Office of Planning and Research at icarp@opr.ca.gov.

"Recycle the Runoff" Stormwater Reuse Event on 11/10

On November 10, the Los Angeles County Sanitation Districts (LACSD) and the Council for Watershed Health, are hosting a technical webinar exploring stormwater diversions as tools to improve water quality and capture dry-weather and wet-weather flows for treatment. The workshop will offer a roadmap for stormwater permittees interested in planning and implementing stormwater diversions in LA County. Expert panelists will cover the requirements, permitting needs, costs, benefits, and limitations of diversion projects. Agencies considering stormwater diversions under SB 273 will get an in-depth look at the evaluation and acceptance process used by LACSD, a large agency with extensive experience in stormwater diversion. More details are here, and you may register here. CASA, SCAP, and CASQA are collaborative partners for the event, and SCAP's Steve Jepsen will be one of the presenters. We hope you will attend and learn more about using existing infrastructure for MS4 compliance and water supply resiliency!

Cerio Study ESP Meeting Features Early Findings from Analysis of Within-Lab Variability

On October 20, the Expert Science Panel (ESP) for the "Development of Quality Assurance Recommendations for the *Ceriodaphnia dubia* Toxicity Test" (cerio study) met for the first time

since May. SCCWRP staff presented about the initial analysis of the historical data that accredited labs provided to them over the summer. When this slide was displayed showing the average number of neonates per females in each test reported by each lab, the ESP expressed surprise at the amount of historical variability within labs, and due to its extent, speculated there must have been a data entry issue. One ESP member confirmed that a level of variability is expected, however the degree of variability in the presented data exceeded expectations. SCCWRP staff are going to re-examine this while further developing their proposed data analysis plan. Additionally, at the beginning of the meeting, ELAP staff provided an update about their operations as it pertains to accrediting labs to perform the cerio testing, and SCCWRP staff received direction from the ESP to also consider performance test data required by each laboratory as part of ELAP accreditation along with other information ELAP holds about accredited labs. These actions will lengthen the time to conduct Task 2, Part 1 of the revised conceptual study plan. SCCWRP staff is developing a revised schedule of deliverables and will present it in the coming months. If you have any questions about these developments, please reach out to Jared Voskuhl.

SWB Re-Adopts Toxicity Provisions on 10/5

On October 5, the State Water Resources Control Board (State Water Board/SWB) re-adopted the toxicity provisions, which had been rescinded on June 25. This action was a byproduct of the California Superior Court's ruling on December 17, 2020 in *San Joaquin Tributaries Authority v. California State Water Resources Control Board* which held that the SWB was enjoined from utilizing the Water Quality Control Plan for Inland Surface Waters and Enclosed Bays [and Estuaries] to adopt policies for waters other than those for which water quality standards are required by the Federal Clean Water Act. CVCWA submitted comments, SCAP submitted comments, and the Los Angeles Department of Water & Power submitted comments, to which the State Water Board provided responses to comments on September 30. These exchanges related to legal issues raised by the SWB's new approach for adopting the toxicity provisions, towards which there was no discussion by the Board after staff's presentation before re-adopting the toxicity provisions. Please reach out to Jared Voskuhl with questions about either of these matters.

SWB Hosts Workshop on Wastewater Infrastructure Projects

On October 20, the State Water Board hosted a meeting on wastewater infrastructure projects under the state legislative appropriation this year of $650 million. CASA participated in the workshop and provided comments during it, and the workshop presentation is available here. Staff presented on their tentative plan which entails septic-to-sewer grants for projects in Disadvantaged Communities (DACs) of up to $10 million, including up to $75,000 per household, and for non-DACs of $6 million per project and $30,000 per household. Applications will be due in spring 2023, and construction must start by spring 2024 and be completed by the end of 2025. There are currently 14 septic-to-sewer projects under construction, and 3 in planning, totaling ~$200m. Staff requested stakeholders' input on a series of questions, like whether they should broaden existing grant criteria in the CWSRF IUP, if there should be a $350m septic-to-sewer set aside from the appropriation, and whether grant funding should be only for DACs. Staff plan to hold a public workshop in December, with adoption by the SWB tentatively scheduled for February 2022. Please reach out to Adam Link with questions.

SWB Hosts Water Utility Arrearages Payment Program Workshop

On October 20, the State Water Board hosted a meeting on the implementation of the water utility arrearages payment program, following their adoption on September 21 of the funding plan guidelines that established the steps and process for drinking water utilities to participate in the water and wastewater arrearage payment program. For the clean water community, beyond initiating a wastewater survey in the coming months, the wastewater arrearages payment program is not expected to launch until mid-winter. Please reach out to Jared Voskuhl with comments or questions.

Annual WQCC Meeting Held on 10/21 & 10/22

On October 21 and 22, the State Water Board hosted its annual Water Quality Coordinating Committee, which is a meeting of all the board members from the State and Regional Water Boards. The agenda is here, and their focus this year was on the federal Clean Water Act (CWA) and planning for the Water Boards' 2022 CWA Campaign for its 50th anniversary. CASA's Bobbi Larson was one of the esteemed panelists in the afternoon on the first day who participated in a discussion with the Honorable Justice Robe and Denise Kadara, Vice Chair of the R5 Central Valley Regional Water Board, about success stories in California with implementing the Clean Water Act. The meetings will soon be available online, and CASA monitored them, so please reach out to Jared Voskuhl with inquiries.

CalEPA DTSC Workshop on Microplastics Research and Policy

On November 5, the Green Ribbon Science Panel for the California Department of Toxic Substances Control (DTSC) will host a workshop on microplastics research and policy. The meeting Notice is here, and the agenda is here. There will be a presentation on this in-depth background document, followed by discussion. CASA will monitor this meeting, and if you have questions or comments, please reach out to Jared Voskuhl.

SWB Workshop on 11/17 for Methods and Monitoring of Microplastics in Drinking Water

On November 17, the State Water Board is hosting a public workshop on their development of drinking water analytical methods and a testing and reporting plan for drinking water utilities. Previously, on September 28, the State Water Board's microplastics webpage was updated with SOPs for using raman spectroscopy and infrared spectroscopy, while the proposed drinking water testing and report plan will be released on November 10. Comments on the methods and plan are due on December 22, and they're expected to be adopted by the State Water Board at their February 15, 2022 meeting. Please contact Jared Voskuhl with your comments, feedback, or questions.

OPC's Microplastics Strategy is Forthcoming

On September 14, the Ocean Protection Council (OPC) met, and their agenda is here. Item #6 included a written update from Director Gold about the development of the statewide microplastics strategy, for which the proposed final version will be presented at the OPC's December meeting, and then will be up for adoption early in 2022. During the meeting, Director Gold shared the preliminary strategy outline and policy recommendations, which are being prepared for the official draft strategy later this fall, and include requiring microplastic filters on new washing machines. CASA supported this approach and co-sponsored AB 622 (Friedman) earlier this year, but unfortunately that bill did not advance out the Assembly. Please reach out to Jared Voskuhl with any questions.

California Ocean Liter Strategy Meeting on 11/10

On November 10, California Sea Grant/University California San Diego will host their biannual California Ocean Liter Strategy (OLS) update webinar. This event will include updates from California marine debris leaders, CA OLS partners, workgroup leads, agency updates, and legislative developments in California. Please register by Monday, November 1.

Water Conservation and Water Use Efficiency Implementation Nears Major Milestone
On October 25, the Department of Water Resources (DWR) hosted a meeting on implementing the Water Use Efficiency (WUE) legislation passed in 2018. DWR plans to present its recommendations to the State Water Resource Control Board in mid-December. These recommendations will cover a wide range of topics, including how the Potable Reuse Credit will be calculated and the Area Landscape Measurement. This has been a multi-year project and is nearing the finish line. Please reach out to Jared Voskuhl if you have any questions

SWB Agenda Roundup
Here are the recent State Water Board agendas for their meetings on October 5 (toxicity provisions re-adoption), October 19 (volumetric annual report), and November 2 (arrearages program, 2021 SWB performance report). The Executive Director reports are available for October and September with multiple items of interest (regulatory relief requests because of COVID, groundwater monitoring, irrigated lands program, water and wastewater arrearages program, operator certification, drought response, ELAP, enforcement updates), which features a link to the SWB's updated Statewide Policies and General Permits report calendar.

BIOSOLIDS

CASA Submits Comments to OEHHA on PHG for PFOA and PFOS
On October 28, CASA, CVCWA, and SCAP submitted comments to the Office of Environmental Health Hazard Assessment (OEHHA) on their Draft Public Health Goals (PHG) for PFOA and PFOS. The draft PHG are 0.007 ppt for PFOA and 1.0 ppt for PFOS, and OEHHA held a workshop on September 28 where they explained how they derived these values and shared there will be a second comment period after they revise the first draft for peer reviewers' input and the comments received from stakeholders. A brief recap by GSI Environmental of OEHHA's workshop is available here. CASA engaged GSI Environmental to perform an independent review and technical evaluation of the PHG's supporting materials, and their report is used as the basis for the comment letter and included as an attachment to our letter. Many thanks are due to our members for their support in funding the robust scientific review, including the City of Corona, the City of Los Angeles's Bureau of Sanitation, the City of Roseville, Encina JPA, LACSD, OC San, and Responsible Biosolids Management. Please reach out to Greg Kester with questions or feedback.

US EPA Releases PFAS Strategic Roadmap To Address PFAS Contamination
On October 18, the U.S. Environmental Protection Agency (US EPA) announced the release its PFAS Strategic Roadmap, which outlines how it will take a holistic approach to address PFAS pollution. Upon the roadmap's release, USEPA Administrator Michael Regan stated that the roadmap would deliver protections to the public by advancing actions addressing these forever

chemicals' entire lifecycle. The roadmap can be accessed here. Following the roadmap's release, USEPA will engage with stakeholders to identify collaborative solutions and will hold two national webinars on October 26 and November 2 that are open to the public. To attend the November webinar, RSVP using the hyperlinked date above.

Greg Kester Nominated for US EPA Science Advisory Board, Support Due by 11/3

On September 1, US EPA announced the formation of a Science Advisory Board to review their White Paper: A Standardized Approach to Biosolids Chemical Risk Assessment and a Biosolids Screening Tool with an accompanying User Guide. The White Paper, which includes a prioritization method, deterministic screening model, and a probabilistic risk assessment modeling framework will be used to modernize, standardize, and streamline the risk assessment process to efficiently and thoroughly assess risk to chemical pollutants found in biosolids. US EPA are accepting comments until November 3 on their list of candidates, including CASA's own Greg Kester.

CASA Seeking Support for National PFAS Research Project

On October 21, Dr. Ian Pepper and Greg Kester presented to CASA's regulatory workgroup biosolids committee on the Scope of Work for their National PFAS research project. This presentation summarized the details which Board members and other decision-makers can use when considering contributing to this. The study would be a two-year project in which the first year would evaluate PFAS transport to groundwater at biosolids land application sites and the second year would focus on crop uptake. CASA is now requesting funding pledges which will be through the U of AZ Water Environment Technology (WET) Center. Contributors will be able to review the final scope of work and provide comments and recommendations. It is expected that this project will complement and be coordinated with the recently funded biosolids research projects by USEPA. Please let Greg Kester know if you have any questions or comments in the meantime.

US EPA Awards Nearly $6 Million for Research on Risks from Pollutants Found in Biosolids

On September 28, US EPA announced that they have awarded four research grants for biosolids, totaling $6 million dollars, signifying the largest investment in the biosolids program in many years. They generally include a timeline beginning this fall and concluding by late summer/early fall 2024. They will provide needed data on emerging constituents of concern including PFAS which will allow EPA to conduct credible risk assessment. More details on each project are here. Please let Greg Kester know if you have questions or comments.

US EPA Releases Listing for GenX Chemicals (PFOA Substitute)

On October 25, US EPA announced it has issued an updated toxicity assessment with a lower safe daily dose limit for GenX chemicals, specifically, Hexafluoropropylene Oxide (HFPO) Dimer Acid and its Ammonium Salt. HFPO dimer acid and its ammonium salt are also known as "GenX chemicals" because they are the two major chemicals associated with the GenX processing aid technology. GenX is a trade name for a processing aid technology used to make high-performance fluoropolymers without the use of PFOA. The GenX chemicals toxicity assessment provides hazard identification, dose-response information, and derives toxicity values called oral reference doses (RfDs) for chronic and subchronic exposures. The assessment underwent external peer review and public comment. Policy makers can use the GenX chemicals toxicity assessment along with exposure information and other important considerations to determine if, and when, it is appropriate to take action to reduce exposure to GenX chemicals. The

supporting materials are on the EPA's website linked above, and a fact sheet is here. Please reach out to Greg Kester with more questions.

SB 1383 Webinars on Measurement Reporting
On October 26, CalRecycle hosted a webinar on the new requirements for facilities to measure and report organic materials pursuant to the SB 1383 regulations. This webinar included discussion of the measurement requirements as well as the changes to the Recycling and Disposal Reporting System (RDRS) based on the implementation of SB 1383. The first reporting period pursuant to SB 1383 requirements is the 1st quarter of 2022. The webinar was aimed to help agencies understand the requirements and provided an opportunity for attendees to ask questions. Both will be archived on CalRecycle's webpage. Let Greg Kester know if you attended or have questions about this information.

DTSC Listing Treatments on Textiles Containing PFAS, Comments due 11/8
On September 22, DTSC released a proposed action to list treatments of PFAS used on textiles or leathers as a Priority Product. The public comment period is open until November 8. CASA will be submitting comments supporting this listing. Please let Greg Kester know if you have any questions or comments.

November Research Library (Human contributions to wastewater)
Here is the summary for this month's biosolids research library from Dr. Sally Brown (University of Washington) and NW Biosolids. Please let Greg Kester know if you would like any of the abstracts or complete articles.

DATES

November 2	SWB MEETING
November 2	US EPA Webinar on PFAS Strategic Roadmap
November 5	DTSC Microplastics Research and Policy Workshop

November 8	DTSC Comment Deadline on PFAS Treatments for Textiles
November 9	California Environmental Flows Workgroup
November 10	LACSD “Reuse the Runoff” Event
November 10	California Water Quality Monitoring Council Meeting
November 10	California OLS Biannual Meeting
November 16	SWB Meeting
November 16	CASA Air Quality, Climate Change, and Energy Workgroup
November 17-19	NACWA Law Conference (Charleston)

November 17	SWB Microplastics Workshop
November 17	CNRA 2021 Climate Adaptation Strategy Comment Deadline
November 17	CASA Collection Systems Workgroup
November 18	CASA Regulatory Workgroup
December 6	Summit Partners Advanced Treatment Workshop
December 7	SWB Meeting

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From: Bay Area Clean Water Agencies <noreply@bacwa.org>
Sent: Thursday, November 4, 2021 9:32 AM
To: Charles
Subject: BACWA Bulletin - November 2021

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BACWA Bulletin - November 2021

Meetings

- Monthly TNI Training for Labs - Tues 11/16
- Recycled Water Committee - Tues 11/16
- AIR Committee - Wed 11/17
- Collection Systems Committee - Thurs 11/18
- Executive Board - Fri 11/19

- BAPPG - Wed 12/1
- Visit the Calendar for details.

Upcoming Events

- Danish Water Day 2021 - Thurs 12/2
- Advanced Treatment Webinar for Policymakers - Mon 12/6

View previous BACWA Bulletins

Nominate a BACWA member for the 2022 Arleen Navarret Award!

This award for staff at a BACWA member agency was created in honor of Arleen Navarret and her dedication to improving the health of San Francisco Bay. Recipients are awarded $2,500 to be used for professional development, honoring emerging leaders in the BACWA community exhibiting characteristics possessed by former BACWA Chair Arleen Navarret. **Applications** are due by December 1, and should be submitted by e-mail as an attachment to **jdyment@bacwa.org**.

Tentative Order NPDES Permit Amendment released to support RMP CECs Studies

On October 11th, Regional Water Board staff released a **Tentative Order NPDES permit amendment** that will modify Bay dischargers' monitoring and reporting requirements for Dioxin-TEQ, mercury, PCBs, and other priority pollutants. The Tentative Order also proposes to reduce the frequency for conducting chronic toxicity sensitive species screening studies, subject to the forthcoming statewide **Toxicity Provisions**. Cost savings from these monitoring reductions will be used to raise additional funds for the Regional Monitoring Program (RMP) to conduct monitoring of Constituents of Emerging Concern (CECs). For most Bay dischargers, the draft Order is a replacement of the 2016 Alternate Monitoring and Reporting Program (**Order No. R2-2016-0008**) but will be incorporated directly into NPDES permits rather than being a separate, voluntary Order.

The Tentative Order identifies a total funding commitment of $320,000 / year for RMP CEC studies, which will be divided among Bay dischargers based on the benefits from reduced monitoring to each member agency. The allocation of this funding commitment among Bay dischargers is available **here**. **Bay dischargers should plan to see a line item for supplemental CEC monitoring in their 2022 RMP invoices issued this Fall.** For nearly all dischargers, this will replace the optional invoice line item derived from the 2016 Alternate Monitoring and Reporting Program. The smallest dischargers will pay $640/year, while most medium and large dischargers will pay approximately $8,000-12,000 per year.

Preparation of 2020-2021 Group Annual Report for Nutrients Begins

Preparation of the Group Annual Report required by the **2nd Nutrient Watershed Permit** is underway, and will characterize nutrient loading from BACWA members to San Francisco Bay for the period October 1, 2020 through September 30, 2021. This year's report will also incorporate recycled water information. Dischargers have until Friday, November 19th to submit data to HDR using **this template**. Thank you to the early respondents!

Cooking Oil graphics available for public outreach

BAPPG's fall advertising campaign focused on FOG and "Toilets aren't trash cans" messaging. The new graphics below are available on the **BAPPG website**. **Baywise.org** has also been recently updated to include a page on Fat, Grease, and Oil.

Regulatory Issues Matrix Updated

The **October 2021 version of the Key Regulatory Issues Summary** matrix is now available to familiarize members and their governing bodies with the regulatory issues facing BACWA and its member agencies. Questions? Ask Regulatory Program Manager **Mary Cousins**

State Water Board releases Recycled Water use data

The State Water Board recently released the 2020 results of the volumetric reporting requirements for recycled water. Reporting began in 2019, and complete information is available from the State Water Board's **Volumetric Annual Reporting** website. Overall, BACWA member agencies produced 56,000 acre-feet of recycled water in 2020, an increase of 8% compared to 2019. Well done!

Recent Comment Letters

BACWA has recently submitted a comment letters to the Regional Water Board on the **2021 Triennial Review Staff Report,** and to the EPA on **Neonicotinoid pesticides**, and **Pyrethrin pesticides**. Looking for a BACWA comment letter? All comment letters are posted to the **BACWA website**.

COVID-19 Updates

With limited exceptions, BACWA continues to hold nearly all Executive Board and Committee meetings by videoconference. Regular Executive Board meetings will resume in-person when required by State law regarding public meetings. Committee meetings will resume in-person after meeting venues are open, which is not expected until Winter 2021. Questions and concerns can be directed toward Executive Director **Lorien Fono**.

Member News

Send in *updates from your agency to post here.*

The SFPUC and Anchor Brewing Company recently celebrated the grand opening of a new water reuse project at the flagship San Francisco brewery. The initiative will significantly reduce Anchor's water usage and have the capacity to save 20 million gallons of water per year, making it the largest commercial water reuse project in the history of San Francisco. Read all about it **here**.

What's new in BACWA's Committees

AIR Committee

The **September meeting** included updates on proposed amendments to **BAAQMD Regulation 2**; Health Risk Assessments to be conducted under BAAQMD Rule 11-18; SB1383 implementation; and a draft summary of results from our recently completed methane and VOCs survey. The survey results will soon be shared with BAAQMD staff. The next meeting is scheduled for Wednesday, Nov. 17.

BAPPG

The **October meeting** included updates on PFAS monitoring and public outreach during COVID. The next meeting scheduled for Wednesday, December 1, will feature a presentation from the National Product Stewardship Council.

Collections Systems Committee

The next meeting is scheduled for Thursday, Nov. 18. Come share your stories from the October 24th Atmospheric River event!

Laboratory Committee

At the **October meeting**, members learned about preparing for ELAP third-party on-site assessments. The next **TNI monthly training session** is on November 16th at 10 AM. Videos of the previous sessions are available on the committee website.

O&M Infoshare

The next meeting will be re-scheduled and will include a discussion of SCADA re-programming and chemical shortages.

Permits Committee

The **October Meeting** included updates on PFAS, nutrients, microplastics, the chlorine blanket permit amendment, and the Tentative Order Alternate Monitoring & Reporting Program (see above).

Pretreatment Committee

The September meeting featured an **update from EPA** and Regional Water Board staff, as well as a discussion of the proposed NPDES permit amendment for monitoring & reporting programs.

Recycled Water Committee

The next meeting is scheduled for Tuesday, November 16th and will include a presentation about indirect potable reuse from Soquel Creek Water District.

Upcoming Events

December 2: Danish Water Day

Wastewater managers from BACWA member agencies are invited to participate in an exciting half-day of knowledge-sharing, workshop on different aspects of optimizing water operations, and networking when we bring together Bay Area

utilities and Danish water professionals on December 2, 2021. The SFPUC is hosting this information exchange workshop, which will include Lea Wermelin, Minister of the Environment for Denmark, along with representatives from the Danish Consulate General Office and 10 Danish businesses. The purpose of this workshop is for Bay area utilities and the Danish delegation to better understand one other's key issues and approaches to clean water solutions.

More information is available at **Danish Water Day 2021**.

December 6: Advanced Treatment Workshop for Policymakers
The Clean Water Summit Partners (including BACWA) are hosting a **free afternoon webinar** focusing on opportunities and challenges for advanced wastewater treatment. The webinar is designed to provide a high-level overview of various advanced treatment options as well as costs and limitations, particularly in the context of finding the most effective means of addressing constituents of emerging concern (including PFAS), nutrients, energy consumption and emissions issues, and recycled water production and usage. All are welcome, and the programming is intended for state legislative officials and staff, State and Regional Water Board Members and staff, and environmental advocacy organizations, to hear from the experts on wastewater planning and treatment, including specific case studies and examples being implemented or planned across California. You may register for the event **here**, the event flyer is **here**, and for additional information, contact **Jared Voskuhl**.

BACWA External Representation

Collaboration with outside groups and initiatives is an important facet of BACWA's mission. Below is a list of BACWA's representatives to these technical, regulatory, and management groups:

- RMP-Technical Review Committee: **Mary Lou Esparza**; **Yuyun Shang**; **Samantha Engelage**
- RMP Steering Committee: **Karin North**; **Eric Dunlavey**; **Amanda Roa**
- ASC/SFEI Governing Board: **Eileen White**; **Lorien Fono**

- San Francisco Bay Nutrient Governance Steering Committee: **Eric Dunlavey**; **Eileen White**; **Lori Schectel**
- San Francisco Bay Nutrient Planning Subcommittee: **Eric Dunlavey**
- San Francisco Bay Nutrient Technical Workgroup: **Eric Dunlavey**
- NACWA Task Force of Dental Amalgam: **Tim Potter**
- Summit Partners: **Amit Mutsuddy**
- BAIRWP: **Cheryl Muñoz**; **Florence Wedington**
- NACWA Emerging Contaminants: **Karin North**, **Melody LaBella**
- CASA State Legislative Committee - **Lori Schectel**
- ReNUWIt - **Jackie Zipkin**; **Karin North**
- ReNUWIt One Water - **Jackie Zipkin**;
- RMP Microplastics Liaison - **Artem Dyachenko**
- CASA Regulatory Workgroup - **Mary Cousins**
- Bay Area Regional Reliability Task Force - **Eileen White**
- WateReuse Workgroup on Recycled Water Policy - **Cheryl Muñoz**
- San Francisco Estuary Partnership - **Lorien Fono**; **Eileen White**
- CPSC Policy Education Advisory Committee - **Colleen Henry**
- Ocean Protection Council - **Lorien Fono**
- SCVWD's Countywide Reuse Master Plan - **Karin North**; **Pedro Hernandez**
- CHARG - Coastal Hazards Adaptation Resiliency Group - **Jackie Zipkin**
- BayCAN - **Lorien Fono**, **Mary Cousins**

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LEGAL ALERTS | SEP 23, 2021

120-Day Statute of Limitations for New or Increased California Water and Sewer Rates

SB 323 Signed Into Law and Effective Jan. 1

A challenge to new or increased California water or sewer rates must be brought within 120 days pursuant to Senate Bill 323, which was signed into law this week. SB 323 applies to rates for both retail and wholesale water and sewer fees adopted or increased after January 1, 2022. How will this impact local agencies across the state?

Agency Liability

Before SB 323 was signed and enacted, a plaintiff seeking to challenge water or sewer rates could generally bring an action for a refund for amounts paid within the preceding year, or could seek to invalidate the rates within 3 years of payment. This meant, for example, that an agency could be sued many years after water or sewer rates were adopted so long as those rates are still imposed, and even for some time after new rates are adopted.

SB 323 Specifcs

With the enactment of SB 323, plaintiffs must bring a challenge to new or increased water or sewer rates within 120 days of the effective date or date of final passage, adoption, or approval of the ordinance or resolution adopting the water or sewer rate. Proposition 218 requires local agencies to mail a notice of proposed new or increased water or sewer rate to property owners and tenants

directly responsible for the bill at least 45 days before the public hearing on the rate increases. In order to take advantage of SB 323's statute of limitations for retail water or sewer rates, the notice must include a statement that there is a 120-day statute of limitations for challenging the rates. No such requirement applies to wholesale rates.

SB 323 does not apply where there is another statute that establishes a more specific time or procedure for challenging water or sewer service rates. The statute of limitations also does not apply to legal actions arising from billing errors, such as overbilling resulting from incorrect implementation of otherwise validly approved water or sewer service rates.

Agency Relief

SB 323 is consistent with other statutes of limitations governing other types of fees, including capacity fees and certain types of electric fees. The perpetual risk of challenge causes uncertainty and prevents public agencies from effectively planning for the future, while placing vital public revenues at risk. Together, these statutes afford relief to agencies furnishing necessary public services by providing finality for legal exposure to rate challenges.

Disclosure: SB 323 was sponsored by the Association of California Water Agencies (ACWA) and authored by Sen. Anna Caballero (D-Salinas). BB&K Partner Lutfi Kharuf, who sits on ACWA's Legal Affairs Committee and authored this Legal Alert, assisted with this bill. Nearly 100 public agencies were part of a coalition in support of SB 323.

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OFFICE OF THE ATTORNEY GENERAL
State of California

ROB BONTA
Attorney General

OPINION	:	No. 18-201
of	:	September 17, 2021
ROB BONTA Attorney General	:	
CATHERINE BIDART Deputy Attorney General	:	

THE HONORABLE MARGO A. RAISON, COUNSEL FOR THE COUNTY OF KERN, has requested an opinion on the following questions related to the application of public meeting and procedural due process requirements to a joint powers authority.

QUESTIONS PRESENTED AND CONCLUSIONS

1. Would it violate the Ralph M. Brown Act for appointees to a joint powers authority to discuss a matter that is pending before that authority with their respective member agencies, at those agencies' separately held open meetings?

No. The contemplated discussions would not violate the Act because they would occur at open, public meetings, and there would be no collective deliberation by a majority of the members of any legislative body outside of such a meeting.

2. Would it violate procedural due process for a member agency of a joint powers authority to discuss with its appointee to that authority, at the member agency's open meeting, how to decide or vote a particular way on an adjudicative matter that is pending before the authority?

Depending on the particular circumstances, such discussion could violate procedural due process by infringing on a party's right to a neutral, impartial decision-maker.

BACKGROUND

A joint powers authority is an entity created when public agencies agree to exercise a power shared by the agencies.[1] The agencies creating a joint powers authority may come from different levels of government and be subject to different statutory requirements. In this Opinion, we address questions related to a joint powers authority called the Indian Wells Valley Groundwater Sustainability Agency (Indian Wells).

The agreement creating this joint powers authority states that its purpose is to manage local groundwater pursuant to the Sustainable Groundwater Management Act, by adopting and implementing a Groundwater Sustainability Plan and providing technical and financial assistance to local groundwater agencies.[2] Among other powers and responsibilities, the Indian Wells joint powers authority may impose a penalty for groundwater extraction in violation of the Plan.[3]

Five local agencies created the Indian Wells joint powers authority and comprise its voting members.[4] Each member agency has appointed a representative to serve on the joint

---

[1] See Gov. Code, §§ 6500 et seq. (Joint Exercise of Powers Act).

[2] Indian Wells Valley Groundwater Authority Joint Exercise of Powers Agreement (Agreement), pp. 1-2, available at <https://static1.squarespace.com/static/5a70e98dd55b41f44cbb2be0/t/5ae205a4575d1f737b70678e/1524762023428/Full+JPA+Agreement.pdf> [as of September 17, 2021]; see also Wat. Code, §§ 10720–10737.8 (Sustainable Groundwater Management Act), 10723.6, subd. (a)(1) (authorizing formation of groundwater sustainability agency by joint powers agreement).

[3] See Wat. Code, § 10732, subd. (b)(2) (authorizing groundwater sustainability agency to impose certain civil penalties after providing notice and opportunity for hearing).

[4] These member agencies are the Counties of Kern, Inyo, and San Bernardino, the City of Ridgecrest, and the Indian Wells Valley Water District. (Agreement, *supra*, pp. 6–7, 9 & Exh. A.) There are also two non-voting member agencies: the United States Bureau of Land Management and the United States Naval Air Weapons Station China Lake.

powers authority's board of directors.[5] We are informed that in advance of the joint powers authority's board meetings (but after the agenda for those meetings is posted), two member agencies have held their own respective open meetings at which they took public comment on matters that were pending before the authority, and then advised or directed their respective appointees to the authority with respect to those pending matters.[6] We assume for the purpose of our analysis that the appointee was the only one from the Indian Wells joint powers authority board of directors who was present at the member agency's open meeting.

ANALYSIS

Question 1

We first consider whether the Brown Act prohibits members of the Indian Wells joint powers authority board of directors from discussing matters that are pending before the board when they attend open public meetings of the member agency that appointed them to the board.[7]

1. The Brown Act's open meeting requirements

The objective of the Brown Act is to facilitate public participation in local government decisions and to curb misuse of the democratic process by secret legislation.[8] Public agencies "exist to aid in the conduct of the people's business," and the intent underlying the Act is that public agencies' "actions be taken openly and that their

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(Agreement, *supra*, p. 7 & Exh. B.)

[5] Agreement, *supra*, pp. 6–7, 9 & Exh. A. Some, but not all, member agencies are required to select their appointees to the Indian Wells board of directors from the agency's own legislative body. (Agreement, *supra*, p. 7; see also Gov. Code, § 6508 [authorizing such provision in joint powers authority agreement].) In practice, each agency has selected its appointee from its own legislative body whether or not it is required to do so.

[6] These two member agencies—the City of Ridgecrest and the Indian Wells Valley Water District—have special voting status at the joint powers authority, and at least one of them must vote in favor of a proposed action for the Board to approve the action. (Agreement, *supra*, p. 9.)

[7] The Brown Act is set forth in Government Code sections 54950–54963. (See Gov. Code, § 54950.5 [naming those sections the Brown Act].)

[8] *Galbiso v. Orosi Public Utility Dist.* (2008) 167 Cal.App.4th 1063, 1075–1076.

deliberations be conducted openly."[9] Because the Act is a remedial statute that seeks to protect the public, courts interpret it broadly to effectuate its purpose.[10]

The Brown Act applies to "[a]ll meetings of the legislative body of a local agency."[11] And it is expressly incorporated in the agreement creating the Indian Wells joint powers authority.[12] Except as the Act otherwise provides, all meetings of local legislative bodies are required to be "open and public, and all persons shall be permitted to attend."[13] A "meeting" is "any congregation of a majority of the members of a legislative body at the same time and location . . . to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body."[14]

To further the Act's purpose of facilitating public participation in local government decision-making, the legislative bodies of local agencies must give public notice of their meetings by providing the time, place, and agenda.[15] Additionally, the public must have an opportunity at meetings "to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item."[16] The Act prohibits local legislative bodies from taking action by secret ballot.[17] It also prohibits

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[9] Gov. Code, § 54950; see also *ibid.* ("The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.").

[10] See *Golightly v. Molina* (2014) 229 Cal.App.4th 1501, 1512.

[11] Gov. Code, § 54953; see, e.g., *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force* (2005) 134 Cal.App.4th 354, 362; see Gov. Code, § 54952 (defining "legislative body" to include "governing body of a local agency or any other local body created by state or federal statute").

[12] Agreement, *supra*, pp. 8–9.

[13] Gov. Code, § 54953, subd. (a); see also *Sacramento Newspaper Guild v. Sacramento County Bd. of Supervisors* (1968) 263 Cal.App.2d 41, 47–48; 63 Ops.Cal.Atty.Gen. 820 (1980).

[14] Gov. Code, § 54952.2.

[15] Gov. Code, §§ 54954, 54954.2.

[16] Gov. Code, § 54954.3, subd. (a).

[17] Gov. Code, § 54953, subd. (c)(1).

them from holding closed sessions, with certain statutory exceptions.[18] Further, the Act's open meetings requirement may not be evaded through "serial" meetings.[19] Specifically, outside of a meeting held in compliance with the Act, the Act prohibits a majority of members of a legislative body from using "a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body."[20]

2. In the scenario presented by the requestor, there is no collective deliberation by members of any legislative body outside of a public meeting

The scenario we confront here is one in which the legislative body of a joint powers authority is composed of one appointee from each of the member agencies. The requestor has asked us whether it violates the Brown Act for these appointees to discuss matters that are pending before the joint powers authority, while attending an open meeting of the legislative body of their own member agency. We assume for the sake of our analysis that no other member of the legislative body of the joint powers authority is present at the member agency meeting.[21]

We recognize that the Brown Act "does not purport to regulate the *individual* conduct of individual" members of any legislative body.[22] Instead, the Act is concerned with collective deliberation among a majority of the members of a legislative body.[23] As

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[18] Gov. Code, § 54962; see, e.g., Gov. Code, §§ 54956.9 (allowing closed session relating to litigation, as specified), 54957, subd. (b) (allowing closed session relating to personnel matters, as specified); see also Gov. Code, § 54957.7 (requiring body to disclose items that will be discussed in closed session, limiting discussion to those items during closed session, and requiring body to reconvene in open session and report certain actions and votes taken in closed session).

[19] Gov. Code, § 54952.2, subd. (b).

[20] Gov. Code, § 54952.2, subd. (b)(1); see *Page v. MiraCosta Community College Dist.* (2009) 180 Cal.App.4th 471, 503–504.

[21] If we were instead presented with a scenario where more than one director of the joint powers authority board attended the meeting of a particular member agency, we would look to Government Code section 54952.2, subdivision (c)(4), which explicitly allows a majority of one legislative body to attend and participate at another legislative body's meeting. See footnotes 32–33 and accompanying text.

[22] 65 Ops.Cal.Atty.Gen. 63, 66 (1982).

[23] Gov. Code, § 54952.2, subds. (a) (providing that Brown Act applies to congregation of majority of legislative body's members to hear, discuss, deliberate, or take action on

the California Supreme Court has observed, some sort of collective decision-making of the body must be at stake:

> [T]he action of one public official is not a "meeting" . . . because the [Brown Act] uniformly speaks in terms of collective action, and because the term "meeting," as a matter of ordinary usage, conveys the presence of more than one person, it follows that under [the Act], the term "meeting" means that "two or more persons are required in order to conduct a 'meeting' within the meaning of the Act."[24]

The scenario presented here does not involve any collective deliberation by a majority of any legislative body outside of its open meeting. The deliberation by each of the member agencies occurs at the open meeting of that agency's legislative body. And that deliberation is not among a majority of the board of directors of the Indian Wells joint powers authority because there is only one board member on each member agency's legislative body—the appointee.[25] Indeed, even if every appointee deliberated with their appointing agency at its open meeting, that would not add up to a prohibited collective deliberation by the Indian Wells joint powers authority under the Brown Act because the appointees would not be deliberating with each other.

3. Consideration of opposing views does not alter our conclusion

We have considered and evaluated opposing views submitted to our Office. Ultimately, however, those views do not change our conclusion.

First, we address a concern that it would undermine the public's opportunity to participate in decision-making on matters pending before a joint powers authority if those matters were previously discussed by the legislative bodies of the member agencies.

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item within body's jurisdiction), (c)(1) (exempting from Act "[i]ndividual contacts or conversations between a member of a legislative body and any other person," so long as the contacts are not used to conduct a "serial" meeting by a majority of members of that body); see *Golightly v. Molina*, *supra*, 229 Cal.App.4th at p. 1514 ("[I]t is collective decisionmaking by a legislative body, not the solitary decisionmaking of an individual public official, which is subject to the Brown Act").

[24] *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363, 375–376, quoting *Wilson v. San Francisco Municipal Ry.* (1973) 29 Cal.App.3d 870, 879.

[25] See Gov. Code, § 54952.2, subds. (a)–(b); *Golightly v. Molina*, *supra*, 229 Cal.App.4th at pp. 1513–1514; *Sacramento Newspaper Guild v. Sacramento County Bd. of Supervisors*, *supra*, 263 Cal.App.2d at pp. 47–48.

Proponents of this view reason that, if a number of appointees to the joint powers authority sufficient for a majority vote were to definitively reach the same decision based on discussions with their member agencies, it would render the public input at the joint powers authority's own meeting irrelevant and unlawfully pre-determine a matter pending before the joint powers authority. They assert that an earlier Attorney General opinion supports this reasoning.

We disagree. The situation addressed by that earlier opinion is unlike the situation we consider here. It involved collective deliberation by a majority of the members of the same legislative body at that body's advisory subcommittee meeting.[26] The members of that subcommittee comprised three of the legislative body's seven members. We concluded that no additional members of the parent legislative body could attend the subcommittee meetings because otherwise those meetings would be attended by a majority of the members of the parent body.[27] As we described, a Brown Act problem arose because the unanticipated presence of a majority of the members of the parent body at the subcommittee meeting created the possibility that the parent body would effectively resolve matters at the subcommittee meeting, reducing the parent body's next meeting to a "rubber stamp."[28] We explained:

> Although the subcommittee meeting would be noticed and open to the public, the public would not anticipate that items will be resolved at that meeting due to the less than a quorum composition of the subcommittee. Members of the public wishing to present their views when the item is to be decided will attend the legislative body's meeting only to find that the decision has in effect already been made. The public will effectively be denied the right to present views prior to the legislative body's actual determination. Such result would undermine the Legislature's purposes in requiring notice, a posted agenda, and public participation prior to the resolution of a matter by a legislative body.[29]

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[26] 79 Ops.Cal.Atty.Gen. 69, 69 (1996).

[27] *Id*. ("A fourth member of a seven member legislative body of a local agency may not attend, as a member of the public, an open and noticed meeting of a less than a quorum advisory committee of that body, without violating the notice, agenda, and public participation requirements of the Ralph M. Brown Act applicable to meetings of the parent legislative body.").

[28] 79 Ops.Cal.Atty.Gen., *supra*, at pp. 75–76.

[29] *Ibid*.

Following our Opinion, the Legislature amended the Brown Act to allow a majority of the members of a legislative body to attend committee meetings, "provided that the members of the legislative body who are not members of the standing committee attend only as observers."[30] Further, the situation described in Question 1 is quite different from that addressed in our prior opinion. The member agencies who appoint the board of directors of the joint powers authority are independent legislative bodies—not advisory subcommittees of the joint powers authority. And they are not comprised solely of members of the board of directors of the joint powers authority. Instead, there is only one member in common between each of the member agencies' legislative bodies and the board of directors of the joint powers authority. So the problematic situation in our earlier opinion is not present.

Second, we consider a suggestion that a Brown Act violation may be found on these facts because reports and media broadcasts of the meetings of member agencies would allow the appointed members of the board of directors of the joint powers authority to gain knowledge of each other's deliberations that occurred at the meetings of their respective member agencies. We do not see how this could be grounds for a Brown Act violation. An enumerated exception to the Act allows members of one legislative body to attend meetings of another legislative body—and, consequently, to gain first-hand knowledge of those meetings.[31] Specifically, the exception states that the Act does not apply to

> *[t]he attendance of a majority of the members of a legislative body at an . . . open and noticed meeting of a legislative body of another local agency*, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.[32]

If members of the board of directors of a joint powers authority may *attend* a member agency meeting without violating the Brown Act, it follows that they may also read or listen to second-hand media reports of such a meeting without running afoul of the Act.

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[30] Gov. Code, § 54952.2, subd. (c)(6) (added by 1997 Cal. Stat., ch. 253, § 1).

[31] See Gov. Code, § 54952.2, subd. (c)(4). The members are limited to observing the meeting only when the majority is attending a meeting of its own standing committee. (See Gov. Code, § 54952.2, subd. (c)(6).)

[32] Gov. Code, § 54952.2, subd. (c)(4), italics added.

Finally, we consider a suggestion that another Attorney General opinion, dealing with a joint powers authority, supports the conclusion that the circumstances here violate the Brown Act. That opinion concluded that a vote by an appointee to a joint powers authority was valid even though the appointee's vote was contrary to the appointing agency's position on the matter.[33] We recognized that a member of a joint powers authority's legislative body has independent discretion when voting on authority matters.[34] If anything, that earlier opinion supports—rather than undercuts—the conclusion we reach here. Because an appointee to the legislative body of a joint powers authority is not bound by the appointing agency's position, an opportunity would remain for public participation in the appointee's decision-making at the meeting of the joint powers authority.

Question 2

The second question asks whether a procedural due process violation would occur if a member agency at its open meeting discussed with its appointee to a joint powers authority how to decide or vote a particular way on an adjudicative matter that comes before the authority. A matter is "adjudicative" if it involves "the actual application of already existing rules to a specific set of existing facts," in the manner of a tribunal, as opposed to the development of legislative rules to apply to future cases.[35] In the scenario presented by Question 2, then, the appointed directors of the joint powers authority would "act in a quasi-adjudicatory capacity similar to judges."[36]

When "an administrative agency conducts adjudicative proceedings, the constitutional guarantee of due process of law requires a fair tribunal."[37] This requirement

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[33] See 83 Ops.Cal.Atty.Gen. 267, 267–268 (2000).

[34] *Id*. at p. 268, citing *Harbach v. El Pueblo De Los Angeles etc. Com.* (1971) 14 Cal.App.3d 828, 834, and finding nothing to the contrary in the relevant statute, ordinances, resolutions, or joint powers agreement.

[35] *Meridian Ocean Systems, Inc. v. State Lands Com.* (1990) 222 Cal.App.3d 153, 167.

[36] *Petrovich Development Co., LLC v. City of Sacramento* (2020) 48 Cal.App.5th 963, 973.

[37] *Morongo Band of Mission Indians v. State Water Resources Control Bd.* (2009) 45 Cal.4th 731, 737. Our due process analysis is limited to constitutional principles that would govern any joint powers authority. A particular joint powers authority may also be governed by a statute that provides additional procedural rules. (See, e.g., Gov. Code, § 11400, subd. (a) [identifying "administrative adjudication provisions of the Administrative Procedure Act"]; see also Gov. Code, §§ 11410.10–11410.30 [applicability of administrative adjudication provisions].)

derives from both the federal and state Constitutions, which prohibit a governmental agency from depriving any person of property without due process of law.[38] "The touchstone of due process is fundamental fairness."[39] Due process therefore requires (among other things) an impartial adjudicator who is "free of bias for or against a party."[40]

To be sure, due process requirements in administrative adjudications "allow[] more flexibility" than in the context of judicial proceedings.[41] In applying due process principles to administrative proceedings, our state court of appeal has emphasized that "the question is simply what process is due in a given circumstance."[42] "The standard of impartiality required at an administrative hearing is less exacting than that required in a judicial proceeding."[43] But due process "*always* requires a relatively level playing field, the 'constitutional floor' of a 'fair trial in a fair tribunal.'"[44] "[I]n other words," it requires "a

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[38] U.S. Const., 14th Amend., § 1; Cal. Const., art. 1, § 7, subd. (a).

[39] *People v. Lemcke* (2021) 11 Cal.5th 644, 655; see *id.* at p. 659, fn. 7 ("While the protections afforded under the due process clauses of the California Constitution and the federal Constitution are not coterminous [citations], we have previously acknowledged that, as with the federal Constitution, the 'essence' of our state due process clause is 'fundamental[] fair[ness in the] decision-making process.' [Citations.]").

[40] *Morongo Band of Mission Indians v. State Water Resources Control Bd.*, *supra*, 45 Cal.4th at p. 737; see *Today's Fresh Start, Inc. v. Los Angeles County Office of Education* (2013) 57 Cal.4th 197, 214 (discussing due process in administrative adjudications); *Horn v. County of Ventura* (1979) 24 Cal.3d 605, 612 (procedural due process applies to administrative but not legislative matters); *Nasha v. City of Los Angeles* (2004) 125 Cal.App.4th 470, 482 (same); 78 Ops.Cal.Atty.Gen. 77, 78 (1995).

[41] *Today's Fresh Start, Inc. v. Los Angeles County Office of Education*, *supra*, 57 Cal.4th at p. 214 (noting that while the "bar against financially interested adjudicators applies with as much force to administrative adjudicators as to judicial officers" in other respects, "administrative hearings need not be conducted with the same rigor demanded of judicial proceedings," citing *Haas v. County of San Bernardino* (2002) 27 Cal.4th 1017, 1027 and *Gai v. City of Selma* (1998) 68 Cal.App.4th 213, 219).

[42] *Nightlife Partners v. City of Beverly Hills* (2003) 108 Cal.App.4th 81, 90.

[43] *Gai v. City of Selma*, *supra*, 68 Cal.App.4th at p. 219; see, e.g., *Withrow v. Larkin* (1975) 421 U.S. 35, 56 (recognizing that it does not violate due process for an agency decision maker "to receive the results of investigations, to approve the filing of charges or formal complaints instituting enforcement proceedings, and then to participate in the ensuing hearings").

[44] *Nightlife Partners*, *supra*, 108 Cal.App.4th 81, 90, original emphasis.

fair hearing before a neutral or unbiased decision-maker."[45]

When analyzing claims of a prohibited bias, the balancing inquiry called for in most procedural due process cases does not apply.[46] "[T]he unfairness that results from biased decisionmakers strikes so deeply at our sense of justice that it differs qualitatively from the injury that results from insufficient procedures."[47] The fact that a decision-maker with a prohibited bias participated in an adjudicatory decision is enough to invalidate the decision.[48] And if a legislative body performs the adjudication, the participation of one member with demonstrable bias generally taints the adjudication, because it is impossible to know what effect it had on other members of the body.[49]

A due process violation can be established "by proof of actual bias" or by "showing a situation 'in which experience teaches that the probability of actual bias on the part of the

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[45] *Ibid*.

[46] *Haas v. County of San Bernardino, supra,* 27 Cal.4th at p. 1035. Generally, courts analyze federal due process claims by balancing three factors: "First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." (*Mathews v. Eldridge* (1976) 424 U.S. 329, 335.) Due process analysis under the California Constitution also weighs a fourth factor: "the dignitary interest in informing individuals of the nature, grounds, and consequences of the action and in enabling them to present their side of the story before a responsible government official." (*People v. Allen* (2008) 44 Cal. 4th 843, 862–863, 868.)

[47] *Haas v. County of San Bernardino*, *supra*, 27 Cal.4th at p. 1036. "In Justice Holmes' famous phrase, 'even a dog distinguishes between being stumbled over and being kicked.'" (*Ibid.*)

[48] *Woody's Group, Inc. v. City of Newport Beach* (2015) 233 Cal.App.4th 1012, 1022–1023; *Nasha v. City of Los Angeles, supra,* 125 Cal.App.4th at p. 485 ("Because the Planning Commission's decision was tainted by bias and must be vacated, it is unnecessary to address Nasha's other contentions").

[49] *Cinderella Career & Finishing Schools, Inc. v. FTC* (D.C. Cir. 1970) 425 F.2d 583, 592 ("Litigants are entitled to an impartial tribunal whether it consists of one [person] or twenty and there is no way which we know of whereby the influence of one upon the others can be quantitatively measured"); see, e.g., *Nasha v. City of Los Angeles, supra,* 125 Cal.App.4th at pp. 478, 485 (bias of one of three planning commissioners tainted commission's decision).

judge or decisionmaker is too high to be constitutionally tolerable.'"[50] Whether such a situation exists is determined "based on an objective assessment of the circumstances in the particular case."[51] The focus of that assessment is whether, "under a realistic appraisal of psychological tendencies and human weakness," the situation "poses such a risk of actual bias or prejudgment that the practice must be forbidden if the guarantee of due process is to be adequately implemented."[52]

Bias may result from an adjudicator's financial interests or other circumstances.[53] When a decision maker has a "financial interest [that] would offer a possible temptation to the average person as judge not to hold the balance nice, clear and true," that violates due process.[54] But "[a]bsent a financial interest, adjudicators are presumed impartial."[55] This "presumption of impartiality can be overcome only by specific evidence demonstrating actual bias or a particular combination of circumstances creating an unacceptable risk of bias."[56] A mere subjective appearance of bias is not grounds for disqualification.[57] Ultimately, bias "must be established with concrete facts rather than inferred from mere appearances."[58]

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[50] *Morongo Band of Mission Indians v. State Water Resources Control Bd.*, *supra*, 45 Cal.4th at p. 737, quoting *Withrow*, *supra*, 421 U.S. at p. 47; see *Golden Day Schools, Inc. v. State Dept. of Educ.* (2000) 83 Cal.App.4th 695, 709.

[51] See *People v. Peoples* (2016) 62 Cal.4th 718, 788.

[52] *Withrow*, *supra*, 421 U.S. at p. 47.

[53] See *Caperton v. A.T. Massey Coal Co.* (2009) 556 U.S. 868, 876–877.

[54] *Haas v. County of San Bernardino*, *supra*, 27 Cal.4th at p. 1026.

[55] *Today's Fresh Start, Inc. v. Los Angeles Cty. Off. of Educ.*, *supra*, 57 Cal. 4th at p. 219.

[56] *Morongo Band of Mission Indians v. State Water Resources Control Bd.*, *supra*, 45 Cal.4th at p. 741; see also *Lent v. California Coastal Commission* (2021) 62 Cal.App.5th 812, 855 ("A party must allege concrete facts that demonstrate the challenged judicial officer is contaminated with bias or prejudice. 'Bias and prejudice are never implied and must be established by clear averments,'" quoting *Andrews v. Agricultural Labor Relations Bd.* (1981) 28 Cal.3d 781, 792).

[57] *Andrews v. Agricultural Labor Relations Bd.*, *supra*, 28 Cal.3d at pp. 791–794.

[58] *Petrovich Development Co.*, *supra*, 48 Cal.App.5th at p. 974, quoting *Independent Roofing Contractors v. California Apprenticeship Council* (2003) 114 Cal.App.4th 1330, 1340.

We are asked whether, in light of the above principles, it would violate procedural due process for a member agency to discuss with its appointee to the board of directors of a joint powers authority how to decide or vote a particular way on an adjudicative matter that is pending before the authority. We have not found any judicial precedent addressing this precise scenario. And we recognize that a member agency's instruction to vote a certain way would not legally bind an appointee during the adjudication before the joint powers authority.[59] Nevertheless, existing precedent suggests that the member agency's discussion of the pending matter could compromise the appointee's neutrality in at least two ways.

First, a member agency's consideration of a matter could, in some circumstances, create a situation where the appointee relies on evidence outside the record that is before the joint powers authority, or prejudges the matter prior to the adjudicatory proceeding by the joint powers authority. The requestor's legal analysis focuses on this possibility, reasoning that the member agency's deliberations about the matter would effectively be a separate hearing at which the appointee would hear evidence and testimony that the appointee would later rely on during the adjudicatory proceeding before the joint powers authority. We agree that it could violate due process if the appointee voted based on evidence presented to the member agency—but not to the joint powers authority—or on other "information of which the parties were not apprised and which they had no opportunity to controvert."[60] The right to a fair hearing "would be meaningless if the tribunal were permitted to base its determination upon information received without the knowledge of the parties."[61] We also take seriously the concern that the appointee might prejudge the matter as a result of the proceedings before the member agency. We recognize that courts have upheld a variety of administrative procedures where agency decision makers investigate, hold hearings, and even form tentative views before adjudicating a matter.[62] "[A]dvance knowledge of adjudicative facts that are in dispute . . . does not

[59] See 83 Ops.Cal.Atty.Gen., *supra*, at p. 267.

[60] *English v. City of Long Beach* (1950) 35 Cal. 2d 155, 158.

[61] *Id*. at p. 159; see also *ibid.* ("A hearing requires that the party be apprised of the evidence against [it] so that [it] may have an opportunity to refute, test, and explain it, and the requirement of a hearing necessarily contemplates a decision in light of the evidence there introduced"), *Vollstedt v. City of Stockton* (1990) 220 Cal. App. 3d 265, 269 (holding that a city manager violated due process by upholding a demotion based on information received from the city's personnel director instead of from the hearing before the city's civil service commission).

[62] *Today's Fresh Start, Inc. v. Los Angeles Cty. Off. of Educ.*, *supra*, 57 Cal. 4th at pp. 226–227 (rejecting the view "that engaging in an administrative investigation and forming opinions based on the fruits of that investigation yields the sort of extrinsic bias the due

disqualify the members of an adjudicatory body from adjudicating a dispute."[63] But if it were demonstrated that the appointee was unwilling to reconsider the recommendation of the member agency, that could violate due process.[64]

Second, we believe that a member agency's discussion with its appointee about how to vote in a particular way in an adjudicative matter, coupled with the agency's position of influence over the appointee, could create independent due process concerns. As a general matter, procedural due process concerns can arise when someone with an interest in a proceeding has disproportionate influence over the decision maker. In *Caperton v. A.T. Massey Coal Company* (2009) 556 U.S. 868, for instance, the United States Supreme Court held that it violated due process for a judge to hear an appeal brought by a company whose chairman made massive contributions to the judge's election campaign shortly before the company filed the appeal. The Court reasoned that "there is a serious risk of actual bias—based on objective and reasonable perceptions—when a person with a personal stake in a particular case *had a significant and disproportionate influence in placing the judge on the case* by raising funds or directing the judge's election campaign when the case was pending or imminent."[65] In a similar vein, courts in other states have repeatedly disapproved of the appearance at the hearing on behalf of a party by one who appoints the adjudicator.[66]

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process clause was intended to prohibit").

[63] *State Water Resources Control Bd. Cases* (2006) 136 Cal.App.4th 674, 841, quoting *Breakzone Billiards v. City of Torrance* (2000) 81 Cal.App.4th 1205, 1236.

[64] *Id*. ("There must be . . . a commitment to a result (albeit, perhaps, even a tentative commitment), before the process will be found violative of due process"); see, e.g., *Furtney v. Simsbury Zoning Comm'n* (1970) 159 Conn. 585, 594 ("The decisive question in the instant case is whether Eno [a commissioner] had actually made up his mind, in advance of the public hearing, that he was going to approve the proposed change of zone regardless of any changes or arguments in opposition which might be urged at the hearing"); cf. *Today's Fresh Start*, *supra*, 57 Cal. 4th at p. 227, discussing the United States Supreme Court's decision in *Trade Comm'n. v. Cement Institute* (1948) 333 U.S. 683 ("Even assuming that the entire commission had formed the view, based on its investigation, that the cement industry was engaged in unlawful price fixing, that view did not prevent members of the cement industry from producing voluminous evidence, presenting testimony and argument, and persuading the commission to revise its conclusions").

[65] *Caperton*, *supra*, 556 U.S. at 884, italics added.

[66] See, e.g., *Place v. Board of Adjustment of Borough of Saddle River* (1964) 42 N.J. 324, 332 (declaring this practice "patently improper"); *Barkey v. Nick* (Mich. Ct. App. 1968) 11 Mich.App. 381, 384–385 (voiding a decision "made pursuant to an argument by one charged in part with the appointment of that administrative body," and finding it

Courts have also recognized that, in certain circumstances, an appointee's desire to appease other government officials creates an unacceptable risk of bias. In *Jarrott v. Scrivener* (D.D.C. 1964) 225 F.Supp. 827, for example, the court found a due process violation based on secret communications from highly placed government officials to members of a zoning board. The two board members, both "relatively subordinate government employees," were informed "that a favorable decision" on a zoning matter "would be pleasing, and an unfavorable decision displeasing, to persons in very high governmental brackets."[67] The court found that these communications created pressure that was real, "and the Board members contacted could not fail to be aware that they would incur administrative displeasure if they decided the appeal unfavorably."[68] The court added that there "might be room" for a different conclusion if the communications had been public.[69]

The question presented here potentially implicates the general concerns underlying these cases, but the factual scenario is obviously different from the ones discussed above. Unlike *Jarrott*, we assume that any discussion on how to vote would be communicated to the appointee in the context of an open meeting of the member agency. And unlike *Caperton*, there is no indication that anyone at the member agency holds a personal stake in the matter or made the appointment with a particular matter in mind. Nonetheless, we recognize that the scenario contemplated in the question presented could potentially exert a substantial external influence on the appointee's decision with respect to an adjudicative matter. For example, an appointee could face significant political repercussions for breaking with the member agency's direction, including the possibility of losing the appointment on the joint powers authority board. And the appointee might even face financial pressure if, for example, the appointee receives remuneration for the appointment.

Ultimately, more facts would be needed to assess bias in any given case. A recent state court of appeal decision further illustrates the fact-specific nature of the inquiry that would be required. In *Petrovich Development Co., LLC v. City of Sacramento* (2020) 48 Cal.App.5th 963, the court considered an adjudicatory hearing conducted by a city council about a conditional use permit for a gas station. One of the city councilmembers lived in a neighborhood near the proposed station, belonged to a neighborhood association that

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imposed "duress on the members of the board, not as a matter of fact, but as a matter of law").

[67] *Jarrott v. Scrivener* (D.D.C. 1964) 225 F.Supp. 827, 834.

[68] *Ibid.*

[69] *Ibid.*

opposed the station, and made statements opposing it.[70] The court held that these facts, standing alone, did not demonstrate an unacceptable probability of bias, but that the councilmember "crossed the line into advocacy against the project" in specific actions leading up to the hearing.[71] The "concrete facts" showing bias included "affirmative steps to assist opponents of the gas station conditional use permit" and the councilmember's work to organize opposition at the very hearing where he was supposed to be a neutral decision maker.[72]

The question before us today is framed in general terms and, as illustrated, procedural due process analysis requires a careful inquiry into "the circumstances in the particular case."[73] As a general matter, however, we believe that the scenario presented here could create a substantial risk of infringing a party's due process right to a neutral, impartial decision-maker in the adjudicatory proceeding. The member agency's discussion of how to vote a particular way could lead the appointee to rely on extrinsic evidence or prejudge the matter. And it could also create varying degrees and types of pressure on the appointee. The result could very well be a risk of actual bias or prejudgment too high to be constitutionally tolerable.[74]

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[70] *Petrovich Development Co., LLC v. City of Sacramento, supra,* 48 Cal.App.5th at p. 974.

[71] *Ibid.*

[72] *Id*. at 976.

[73] *People v. Peoples, supra,* 62 Cal.4th at p. 788.

[74] See *Morongo Band of Mission Indians v. State Water Resources Control Bd., supra,* 45 Cal.4th at p. 737.

Agenda Explanation
Livermore-Amador Valley
Water Management Agency
Board of Directors
November 17, 2021

ITEM NO. 13 GENERAL MANAGER'S REPORT

Action Requested
None at this time. This is an information item only.

Summary
The General Manager's (GM) tenure began on April 17, 2014. A two-year extension was approved on April 20, 2016, a three-year extension was approved on February 21, 2018, and an additional three year extension was approved on February 17, 2021. The agreement requires a report on hours worked during the fiscal year at each Board meeting. There is a limitation of 1,000 hours per fiscal year. For the fiscal year ending June 30, 2021 the General Manager billed LAVWMA 782.25 hours. For the fiscal year ending June 30, 2022 the General Manager has billed LAVWMA approximately 265 hours. Hours for FYE21 were high due to the NPDES permit renewal, refunding, and capital project issues. The level of effort for FYE22 should be somewhat less since the permit and refunding have been completed. However, there are still several capital projects to complete over the next two years.

In addition to the brief descriptions below, there are several items of interest for the Board's review:

1. Asset Management.
Asset Management continues to proceed. The current focus is to get all items, particularly pipeline associated items into the GIS system. DSRSD started adding the LAVWMA manhole lid info into the GIS.

The Mechanical Maintenance Group has moved from paper work order management to Mobile. All of the work and work requests can be managed via an iPhone app now. That has been a big focus recently. Operators can use the phones to scan the ID Tags and create work requests. DSRSD staff are working on getting staff to make better work requests and get more information on the asset tied to the request which will improve the work order management. It has been a slow roll out. DSRSD staff were bound by the fact that they had to be connected to the network. However they now have everyone moving to a new app that works over cellular.

DSRSD rolled out the new branding for Lucity, the Maintenance Management System. Lucity was purchased by Central Square a few years back. The new application is called Central Square Enterprise Asset Management. Some staff call it CSAM. If you need something go "See Sam." .

The new MCCs will be brought into the system. The new equipment labels will confirm to the new naming conventions. Adjustments will be made to the life cycle costs. The submittals and the record drawings will be checked to ensure accuracy.

DSRSD staff has been assisting Corrpro on the cathodic protection project.

The DSRSD General Manager has made some changes to the Asset Management steering committee recently. He is going to start rotating in a Sr. Manager to the group. Right now its Judy Zavadil, the Engineering Manager.

Lastly, DSRSD staff are working on finalizing asset management goals for 2022

2. Records Management Project.
The project itself has been completed. The Administrative Assistant search has been put on hold pending a return to normalcy once COVID-19 is behind us. One person under consideration has taken a full time job with a local consulting firm. As a consequence, files are backing up and not being entered into the system. This would include agendas, minutes, resolutions, agreements, and other items. EBDA has recently hired a parttime administrative person and that person could also possibly work for LAVWMA.

3. Wastewater Agency Response to COVID-19
Member Agency staff continue to follow all current guidelines issued by the Governor and Alameda County. Plans are underway for staff to begin returning to the office under prescribed conditions. The Delta variant has resulted in mask requirements for all persons when indoors.

4. FYE21 Capital Project Planning
Please refer to the Action Item List, **Item No. 13** for a status report on all capital projects for FYE22. The General Manager is working closely with DSRSD staff to ensure that projects are managed as effectively as possible. The Action Item List has been modified to track all capital projects in addition to other key tasks.

5. Succession Planning
Work on this task is on target. A job description has been reviewed by the Staff Advisory Group (SAG). The succession plan includes the following elements: 1) interfacing with staff at the member agencies to identify key persons to assist a new General Manger in the transition, and 2) identifying which member agency staff will fill in on a temporary basis if the General Manager becomes unavailable to serve. It is anticipated that a Request for Qualifications/Proposal for a new General Manager will be issued approximately one year before the incumbent's current agreement ends, April 17, 2024. This should allow adequate time for a transition and potential overlap between the two individuals.

Following is a brief description of major activities since the August 18, 2021 Board meeting:

- Attended LAVWMA O&M meetings with DSRSD, Livermore and Pleasanton staff. Recent meetings have been Zoom web meetings.
- Updated Capital Project Planning and Action Item List.
- Prepared items for the September 8 and September 29, 2021 Special Board Meeting Agendas and prepared packets for distribution. Posted same on the website.
- Prepared items for the November 17, 2021 Board Meeting Agenda and prepared packet for distribution. Posted same on the website.
- Drafted minutes from August 18, September 8, and September 29, 2021 Board meetings and revised based on comments received. Posted approved minutes on the website.
- Provided input for and reviewed draft financial statements for FYE21. Met with Treasurer to discuss the MOIC and outline a plan to review the possibility of contracting for financial management services.
- Managed various capital projects, including reviewing all documents, submittals, RFIs, contract change orders, invoices, etc. Major projects include the MCC, pump purchase, and SLSS improvements project.
- Began planning process with DSRSD staff for pipeline inspection project to begin spring 2022.
- Reviewed PG&E bills for 2021 and noted arbitrary switch from S20 to E20 rate schedule for Feeder B. Contacted PG&E and was able to get a credit of approximately $89,000 that was overcharged.
- Worked with General Counsel to modify the pump purchase contract ant technical specifications to address Trillium concerns.
- Made updates to website as needed for files and legal requirements.
- Kept SAG members informed on various issues and projects. Hosted November 10, 2021 SAG meeting.
- Participated in SLSS project kickoff meeting and site tour.
- Participated in SLSS flap gate test on November 3, 2021 and provided comments and observations to DSRSD staff.
- Continued to work with General Counsel to track legislation of interest to LAVWMA and the member agencies.
- Worked with DSRSD staff and DTN Engineers on the MCC replacement project. Attended project update meetings. Reviewed all documents and correspondence between contractor, design engineer, and construction manager, including submittals, responses, requests for information, responses, and various technical reports required by the project. Approved three contract change orders for a total of $34,738, 1.56%
- Worked with DSRSD staff as they implemented procedures responding to the new PG&E time of use schedule. DSRSD staff has done an excellent job during the summer period which has both peak and partial peak periods lasting from 2:00 p.m. to 11:00 p.m. Two

pumps only have been used to pump fairly steadily during the off peak hours. This has greatly reduced cycling of the pumps.

- Monitored progress of other pump station and O&M projects managed by DSRSD staff, including SCADA and basin sealing.
- Reviewed and approved invoices for MCC design, Royal Electric, MCC construction management, SLSS design, and corrosion control project for payment by DSRSD.
- Continued to Discuss Asset Management issues with DSRSD staff. LAVWMA will follow their lead.
- Worked with DSRSD staff on various inquiries regarding projects near the forcemain to ensure there would be no issues of concern with the integrity of the forcemain.
- Reviewed and provided comments on EBDA's disinfection master plan. Attended Zoom meetings and provided requested data.
- Tracked progress of Corrpro cathodic protection project on the pipelines.
- Continued working on coordinating a replacement for Sue Montague when she retires. Temporarily on hold pending COVID-19 issues.
- Participated in CASA/CWEA/WEF webinars related to managing COVID-19 issues including the virus's presence in wastewater influent, effluent, biosolids, and disinfection practices.
- Attended EBDA Managers Advisory Committee (MAC) meetings. Made notes of same and shared with SAG members.
- Participated in NPDES permit renewal process for EBDA, DSRSD, and Livermore.
- Prepared and submitted monthly invoices for LAVWMA General Management services.
- Logged into Samsara website at various times to monitor pump station and flows.
- Reviewed and approved DSRSD monthly invoices for O&M services.
- Continued working with EBDA and LAVWMA agency staff to address enterococcus issues.
- Used DocuSign system for Board Resolutions, Agreements, minutes, and other documents.
- Reviewed EBDA and DSRSD agenda packets.
- Responded to various emails and phone calls from outside agencies and organizations.

Next Meeting
The next Regular Board meeting is scheduled for February 16, 2022.

Recommendation
None at this time. This is an information item only.

Attachments
Action Item List

LAVWMA Action Item List **Month:** **Nov-21**

SAG Task	Responsible Party	Due Date	Status	Completion Date
Items for November 17, 2021 LAVWMA Board Meeting.	SAG	NA	Primary activity since the last Board meeting has been management of capital projects. SAG to be updated on projects prior to Board meeting.	
Operations Coordination Committee Task	**Responsible Party**	**Due Date**	**Status**	**Completion Date**
FYE21 Replacement Projects: See Items Below	Weir/Zavadil/Delight	Various dates	Refer to information below.	
MCC and Soft Starter Replacement Project. Carryover from FYE20 and into FYE21. Estimated design cost $250,000. Project now includes Electrical Improvements to the Main Switchgear at the Pump Station. Total estimated cost $2,300,000 - $2,500,000.	Weir/Atendido	12/31/2021	Project is proceeding on schedule. All submittals and RFIs have been addressed. Royal Electric moved on site July 6, 2021. The schedule has extended to December 11, 2021 to account for having to demo and pour a new concrete pad for MCC-P1. MCC-P2 has been completed and is in service. MCC-P1 is nearing completion and testing should begin in mid November. There have been three contract change orders issues at a cost of $34,738 or 1.56% of the contract price. The new system includes a much slower stop time on the motors which results in much quieter shutdown. This will reduce wear and tear on the check valves, pumps, and motors.	
Purchase Three New Pumps and Rebuild Two Associated Motors. Estimated cost has increased to $460,000	Weir/Quinlan	6/30/2022	Bid packet was posted and distributed on July 6, 2021. A mandatory prebid meeting was held on July 15, 2021 and was attended by four pump vendors. Addendum No. 1 was issued on August 2, 2021. Four bids were received by the deadline of August 5, 2021. Bids ranged from $357,057 to $941,200. Trillium submitted the low bid. References have been contacted and have been positive. Budget Modification No. 1 to increase the project cost was approved by the Board August 18, 2021. Both Trillium and Peerless rejected the Notice of Potential Award citing objections to the contract. The Board had two special meetings in September to provide direction. All bids sere rejected and the GM and General Counsel were directed to negotiate the best deal with the low bidder Trillium. Over the last month negotiations have continued and a final contract is expected to be agreed upon by mid-November. Issues included liquidated damages (LD), delivery dates, liability, and intellectual property. Trillium stated they would not accept more that a 10% cap on LD. Current negotiations have LDs capped at 25% at 2,500 per day and a possible incentive to Trillium for early delivery and acceptance of the pumps. The other issues have also been resolved.	
Resealing of all Three Storage Basins. Estimated cost $200,000	Quinlan	12/31/2020	Project is complete. Some issues due to water getting under some of the seal areas. Area has been cleaned and all three basins are in service and will be fine through the winter. Solutions will be reevaluated after wet weather.	5/1/2021
San Leandro Sample Station Design Improvements. Estimated cost $670,000	Weir	6/30/2022	RFP for engineering services was posted to the website on June 28, 2021. A non-mandatory site visit is scheduled for June 13, 2021. Proposals were due 5:00 p.m. Monday, July 26, 2021. HydroScience (HS) was the only one to submit a bid. SAG members reviewed and rated the proposal; average score of 81.5 out of 90. HS was awarded the contract at a total of $185,000. HS has held a kickoff meeting and has been to the site several times taking measurements, talking to DSRSD staff, and taking pictures. A 30% design memo should be received this week. Due to COVID-related issues, including inflation and supply chain issues, the engineer's estimated cost of the project has increased approximately 40% from the original estimate. The total project cost will likely need to be increased to at least $900,000. Since the construction will take carry over into the next fiscal year, increasing the project cost can occur during the next budget approval process. DSRSD staff has reviewed the new estimated costs and has found it reasonable.	
Road Drainage Improvements at the Pump Station. Estimated cost $35,000	TBD	12/31/2020	To be combined with similar projects at DSRSD.	
Cathodic Protection Projects. Estimated cost $185,000	Weir/Atendido	12/31/2020	Corrpro has completed most items that did not require any excavation. Permits have been received for three projects needing excavation and were provided to Corrpro. They are in the process of scheduling their work. Corrpro had planned to begin the week of November 1, but had to cancel due the inability to get certain equipment for excavation to the site.	
PLC Upgrade at the Pump Station. Estimated cost $300,000	TBD	6/30/2021	Will be included in DSRSD SCADA project, which is design build. Project has begun. Scoping meetings with staff have been held and the project is still in development.	
Pipeline Inspection. Estimated cost $100,000	TBD	6/30/2021	Scope will be based on the results and recommendations of the HydroScience (National Plant Services) inspection project. Inspection site selection will begin soon. A planning meeting with DRSD staff was held in early November. The project will likely occur after the rainy season.	
Smart Detectors on High Maintenance Air/Vac and Air Release Valves. Estimated cost $40,000	TBD	6/30/2021	The smart detectors are intended to help prevent leaks from the valves along the forcemain system. Three have been installed for testing and have proven to be beneficial. Three additional units are being ordered to be used in areas that could cause problems if there were leaks.	
Rewiring the actuators on the pump deck. Estimated cost $50,000.	Atendido	12/31/2021	Royal Electric provided a change order estimate of $10,500, which has been issued.	
Other Items				
Wet Weather Issues	Sevilla	10/31/2020	DSRSD Operations successfully managed the storm on October 24 and 25, 2021. The basins were emptied in advance of the storm. Both MCCs happened to be available. A maximum of seven pumps were run to send flow to EBDA. Operations has indicated that had MCC-P1 not been available they still would have been able to manage the storm through a combination of pumping and storage.	
Live test of SLSS system	Sevilla/Atendido	TBD	A test was conducted on November 3, 2021. A meeting will be held to review and develop a list of lessons learned. The EBDA valve does not close completely and that needs to be addressed.	
Live test of Alamo Canal discharge during wet weather	Carson/Sevilla	TBD	Test postponed due to COVID-19. Was planning on this winter, but will likely be delayed until 2022 due to COVID-19.	
Wet Well Isolation Gates	Quinlan	6/30/2019	Gate is in good shape but won't fully close. No date set, perhaps this winter.	
EBDA Enterococcus Issue	Sevilla		No issues at this time.	
YTD O&M Expenses compared to budget	Carson, Weir	Ongoing	No issues at this time. PG&E switched Feeder B back to the old rate schedule and overcharged $89,000, which has been credited back to LAVWMA.	