

MINUTES OF THE ADJOURNED MEETING OF THE
BOARD OF DIRECTORS OF
VISTA IRRIGATION DISTRICT

November 20, 2019

An Adjourned Meeting of the Board of Directors of Vista Irrigation District was held on Wednesday, November 20, 2019, at the offices of the District, 1391 Engineer Street, Vista, California.

1. CALL TO ORDER

President MacKenzie called the meeting to order at 9:00 a.m.

2. ROLL CALL

Directors present: Miller, Vásquez, Dorey, Sanchez, and MacKenzie.

Directors absent: None.

Staff present: Brett Hodgkiss, General Manager; Lisa Soto, Secretary of the Board; Don Smith, Director of Water Resources; Randy Whitmann, Director of Engineering; Frank Wolinski, Director of Operations and Field Services; Marlene Kelleher, Director of Administration; Shallako Goodrick, Finance Supervisor; Matt Atteberry, Engineering Services Manager; Alisa Nichols, Management Analyst; Breona Paz, Customer Service Supervisor; and Ramae Ogilvie, Administrative Assistant. General Counsel David Cosgrove was also present.

Other attendees: None.

3. PLEDGE OF ALLEGIANCE

Director Sanchez led the pledge of allegiance.

4. APPROVAL OF AGENDA

19-11-119	<i>Upon motion by Director Vásquez, seconded by Director Sanchez and unanimously carried (5 ayes: Miller, Vásquez, Dorey, Sanchez, and MacKenzie), the Board of Directors approved the agenda as presented.</i>
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5. ORAL COMMUNICATIONS

No public comments were presented.

6. CONSENT CALENDAR

19-11-120	<i>Upon motion by Director Vásquez, seconded by Director Dorey and unanimously carried (5 ayes: Miller, Vásquez, Dorey, Sanchez, and MacKenzie), the Board of Directors approved the Consent Calendar, including Resolution No. 19-32 approving disbursements.</i>
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A. Grant of Right of Way

1. See staff report attached hereto. Staff recommended and the Board accepted Grant of Right of Way (H97) for a specific easement over a single-family residential property consisting of approximately 2.25 gross acres owned by Santiago and Maria Hernandez, located at 760 Beverly Drive, Vista (APN 177-021-10; DIV NO 3).

2. See staff report attached hereto. Staff recommended and the Board accepted Grant of Right of Way (L53) for a 30-foot wide specific easement over a commercial property owned by Los Altos XV, LP, located at 1150 East Vista Way, Vista (LN 2018-034; APN 173-250-43; DIV NO 1).

B. Encroachment Permit

See staff report attached hereto. Staff recommended and the Board approved Encroachment Permit (129) for a single-family subdivision known as Laurel Creek Condominiums owned by D. R. Horton Los Angeles Holding Company, Inc., located between Durian Street and Grapevine Road, Vista (I-3082; APN 166-110-42 and 166-080-85; DIV 2).

C. Minutes of Board of Directors meeting on November 6, 2019

The minutes of November 6, 2019 were approved as presented.

D. Resolution ratifying check disbursements

RESOLUTION NO. 19-32

BE IT RESOLVED, that the Board of Directors of Vista Irrigation District does hereby approve checks numbered 63006 through 63097 drawn on Union Bank totaling \$288,408.10.

FURTHER RESOLVED that the Board of Directors does hereby authorize the execution of the checks by the appropriate officers of the District.

PASSED AND ADOPTED unanimously by a roll call vote of the Board of Directors of Vista Irrigation District this 20th day of November 2019.

7. POLICY FOR DISCONTINUATION OF WATER SERVICE

See staff report attached hereto.

Ms. Kelleher provided a detailed overview, via a PowerPoint presentation, of the requirements of SB 998 and the proposed revisions to District policies and procedures necessary to comply with the new regulations (attached hereto as Exhibit A). Ms. Kelleher stated that staff has attended numerous meetings with other water agencies to go over the new regulations so that neighboring agencies can be somewhat consistent in their interpretation and implementation. She noted that some of the proposed policy and procedure changes are influenced by the District's operational practices as well as the goal of minimizing impacts to District customers.

Ms. Kelleher said that for multi-family residences, such as apartment complexes, a notice for water service discontinuance will need to be posted in a conspicuous place where people are entering and leaving the property. It was noted that for larger apartment complexes that are delinquent, staff normally reaches out by telephone to resolve the matter. Customer Service Supervisor Breona Paz stated that in the last few years she is not aware of any of the larger apartment complexes having their water service discontinued for non-payment; she stated that is more common for small multi-family complexes (two to four unit complexes) to have water service discontinued for non-payment. It was noted that in the previous year, 782 single-family homes (less than a half of a percent of all accounts) were locked for non-payment. President MacKenzie suggested that if a discontinuation notice is issued to an apartment complex that staff make every attempt to post the second notice in a common area where the tenants are likely to see it.

Ms. Kelleher reviewed the hardship provisions contained in SB 998. She noted that the District may not discontinue water service if a customer (1) submits certification from a primary care physician stating that water service discontinuation would be life threatening or pose a serious threat to the customer's health and safety; (2) demonstrates that he/she is financially unable (e.g. recipient of government assistance such as CalWORKs or CalFresh or self-certifies income that is 200 percent below the Federal poverty level) to pay their bill in the District's normal billing cycle; (3) and is willing to enter into an alternative payment arrangement. A customer entering into alternative payment arrangement (hardship payment agreement) may be allowed to make payments in equal installments for up to 12 months. Director Vásquez took exception with the new law's hardship provision that requires certification from a primary care physician; he said that the added expense associated with obtaining a certification would only exacerbate a customer's financial hardship.

Ms. Kelleher stated the District's written policy for the discontinuation of water service and appeals must be made available in multiple languages to comply with SB 998; she stated that the policy must be made available on the District's website in English, Spanish, Tagalog, Vietnamese, Korean, and Chinese. She noted that if more than 10 percent of the District's population were to speak a language other than these six languages (which is not the case at this time) the policy would have to be made available in that language as well. Ms. Kelleher stated that in addition to information provided by the United States Census Bureau, the District also obtains demographic information, including languages spoken in the District's service area, from San Diego Association of Governments, which updates its information annually. Ms. Kelleher said staff will continue to monitor the languages spoken in the District's service area to assure compliance.

The Board requested an update regarding the implementation of SB 998 in June 2020. President MacKenzie asked that staff keep records to the extent possible regarding how the new policies may affect workflows and about how many customers inquire about the hardship qualifications, how many customers provide the required documentation to qualify, and how many customers enter into hardship payment agreements.

Based on discussion by the Board, the following additional language was suggested by General Counsel Cosgrove to be added as the fourth paragraph to the resolution: "WHEREAS, the rule changes in this resolution represent the District's good faith effort to comply with SB 998." Mr. Hodgkiss stated that revised policies and procedures would be made available on the District's website via a link on the homepage as well as under the Customer Service tab.

Due to different timelines associated with SB 998, it was noted that customers' payment due dates will be affected. The Board asked that the new due dates on customer bills be shown in bold or highlighted in some way, if possible.

19-11-121 *Upon motion by Director Sanchez, seconded by Director Dorey, the Board of Directors adopted Resolution 19-33 with additional language as discussed, amending the Rules and Regulations relative to billing procedures and discontinuation of water service, by the following roll call vote:*

*AYES: Directors Miller, Dorey, Sanchez, and MacKenzie
NOES: Director Vásquez
ABSTAIN: None
ABSENT: None*

A copy of Resolution No. 19-33 is on file in the official Resolution Book of the District.

Director Vásquez clarified that his vote against the adoption of the resolution was because it includes hardship eligibility requirements (per SB 998) that introduce an additional expense for a customer, who may already have a financial hardship, to qualify. He stated that he also objects to the requirement for the District to provide the policy in languages other than English. The Board thanked Director Vásquez for his comments.

The Board thanked staff for its work on the matter; and Mr. Hodgkiss thanked the Board for its support as well as Ms. Kelleher, Ms. Paz, and Ms. Nichols.

8. TREASURER’S REPORT AS OF SEPTEMBER 30, 2019

See staff report attached hereto.

Ms. Kelleher provided an overview of the Treasurer’s Report as of September 30, 2019. She stated that the “Unrealized Gains” column on the staff report represents the gain or loss, which would have occurred if all of the District’s investments were sold on September 30, 2019. She pointed out that the five-year summary also shows the unrealized gains of the District’s investment portfolio for the same dates over a five-year period. She reviewed the “Treasurer’s Report” showing where the District’s funds were invested as of September 30, 2019, noting that this information is constantly changing. Ms. Kelleher reviewed the “Securities Detail” report showing all of the Treasury Bills owned by the District.

Ms. Kelleher reviewed the “Cash Flow Projection” report and the “Master Plan Projects included in Cash Flow” report that was provided at the dais (attached hereto as Exhibit B). Ms. Kelleher reviewed the District’s Service Charge Components pie chart that appears in the District’s Annual Report (attached hereto as Exhibit C). She stated that the chart shows that 59% of service charge revenue collected pays for infrastructure replacement, 23% pays for maintenance and repairs, and 18% pays for customer service.

9. DETACHMENT TERMS AND CONDITIONS

See staff report attached hereto.

Director of Engineering Randy Whitmann presented an overview of the Orchard Hills Reorganization for the detachment of 12.5 acres of undeveloped land from Vista Irrigation District to be annexed into the Vallecitos Water District. Mr. Whitmann updated the Board regarding the proposed trail segment within the Vista Flume easement. Mr. Whitmann stated that the project has been conditioned to execute an Irrevocable Offer of Dedication (IOD) with the County of San Diego (County) for a future trail within the Flume easement. The IOD is conditioned to restrict future public trail improvements within any portion of the Flume easement until written approval is received from the District (following Flume relocation or undergrounding).

Mr. Whitmann stated that staff inquired with the Local Agency Formation Commission (LAFCO) to see if it can also place requirements on the developer regarding the trail. LAFCO staff indicated that LAFCO is prohibited from imposing conditions that would directly regulate land use. Mr. Whitman stated that despite this limitation, staff believes that the negotiated IOD requirement with the County protects the District from risks to the Flume.

Mr. Whitmann reviewed the maps showing trails in existence or being planned near the Flume. He stated that the majority of the Flume is outside the District's service area which makes it a challenge to receive early planning notifications on projects along the Flume, such as those issued for public review in compliance with the California Environmental Quality Act or initial requests for comments that jurisdictions typically send out to affected agencies. Mr. Whitmann stated that staff is sending letters to the cities of Escondido and San Marcos as well as the County requesting meetings with the aforementioned agencies' planning departments to review the Flume alignment and to express the importance of protecting it from encroachments. Mr. Whitman said that the hope is that the District will be identified as an interested party/affected agency in the future and be provided the opportunity for early input on projects that affect the Flume.

Mr. Whitmann said that the IOD is conditioned to require a Joint Use Agreement and that the District will be signatory to the tract map so the District can review and assure that the IOD is clearly stated on the tract map before signing it.

Director Sanchez noted that an inordinate amount of the Director of Engineering's and Engineering staff's time has been spent on this project, and he suggested that if there is any way to recover any of those costs staff should follow up to do so.

President MacKenzie expressed concerns about the IOD only appearing on the tract map and asked if it can be an independent document to be recorded separately. General Counsel responded that the IOD as a dedication on the tract map is effective; however, it and the Joint Use Agreement can both be recorded separately if desired. It was suggested that the IOD and the tract map be presented for the Board's approval together at a future Board meeting. It was further suggested that the IOD and the Joint Use Agreement be recorded before the tract map is signed by the District.

19-11-122 ***Upon motion by Director Vásquez, seconded by Director Miller, the Board of Directors adopted Resolution 19-34 setting the terms and conditions of detachment of 12.5 acres for the Orchard Hills Reorganization and directed staff to file the resolution with the San Diego Local Agency Formation Commission (LN 2013-039; CF 500-369; LAFCO RO19-06; APNs 218-220-10, 218-220-17; DIV NO 5); the Board directed staff to separately document and file with the County Recorder the IOD and the Joint Use Agreement prior to the District's approval of the tract map, by the following roll call vote:***

AYES: Directors Miller, Vásquez, Dorey, Sanchez, and MacKenzie
NOES: None
ABSTAIN: None
ABSENT: None

A copy of Resolution No. 19-34 is on file in the official Resolution Book of the District.

10. ANNEXATION TERMS AND CONDITIONS

See staff report attached hereto.

Mr. Whitmann presented an overview of the annexation stating that half of this single-family lot is situated within Vista Irrigation District boundaries and half is situated within Vallecitos Water District boundaries. All parties agree that since the District has an existing 8-inch water main adjacent to the property, it makes the most sense for the property to be annexed into and water service provided by Vista Irrigation District.

19-11-123 *Upon motion by Director Miller, seconded by Director Sanchez, the Board of Directors adopted Resolution 19-35 setting the terms and conditions of annexation of 1.29 acres for the Catalina Avenue Reorganization and directed staff to file the resolution with San Diego Local Agency Formation Commission (CF 500-371; LN 2019-009; APN 178-040-45; LAFCO RO19-13 SA19-13; DIV NO 3), by the following roll call vote:*

AYES: Directors Miller, Vásquez, Dorey, Sanchez, and MacKenzie
NOES: None
ABSTAIN: None
ABSENT: None

A copy of Resolution No. 19-35 is on file in the official Resolution Book of the District.

11. FEBRUARY 2020 BOARD MEETING DATES

See staff report attached hereto.

Mr. Hodgkiss recalled that a couple of scheduling conflicts for Directors were noted at the last Board meeting which prompted this agenda item proposing a date change for the first Board of Directors meeting in February 2020 from Wednesday, February 5 to Tuesday, February 4, 2020 at 9:00 a.m.

19-11-124 *Upon motion by Director Miller, seconded by Director Vásquez and unanimously carried (5 ayes: Miller, Vásquez, Dorey, Sanchez, and MacKenzie), the Board of Directors changed the first Board of Directors meeting date in February 2020 from Wednesday, February 5 to Tuesday, February 4 at 9:00 a.m.*

At this time the Board took a brief break from 10:43 a.m. to 10:53 a.m.

12. MATTERS PERTAINING TO THE ACTIVITIES OF THE SAN DIEGO COUNTY WATER AUTHORITY

See staff report attached hereto.

Director Miller reported that Sandy Kerl has been selected as the San Diego County Water Authority (Water Authority) General Manager pending finalization contract terms. He reported that the project to repair Pipeline 4 has been completed; during the upcoming Spring shutdown, Pipeline 3 will be assessed to determine if it needs to be relined at this time. Director Miller reported on negotiations between the Water Authority and Metropolitan Water District (MWD), stating that there has been a formal offer of compromise made by MWD and negotiations are ongoing.

Mr. Hodgkiss reported on the Member Agencies Managers meeting where Water Authority staff presented information on the Fiscal Sustainability Task Force's (FS Task Force) proposal to make the "Transitional Special Agricultural Water Rate" (TSAWR) program permanent. The new program would be structured the same as the TSAWR program.

Mr. Hodgkiss stated that he received a letter from Fallbrook Public Utilities District (Fallbrook) and Rainbow Municipal Water District (Rainbow) indicating that they will be moving forward with their potential detachment from the Water Authority. Each agency will be asking their respective boards to adopt resolutions authorizing the filing of their applications with LAFCO.

Mr. Hodgkiss stated that he met with the General Managers of Rainbow and Fallbrook the previous day to gain a better understanding of the timeframe for the process and to understand the rationale for detachment from the Water Authority. He noted that the reasons for detachment are as Director Miller has stated in the past, 1) each agency receives water directly from the MWD system; and 2) it would be much cheaper for both agencies to purchase water from Eastern Municipal Water District than from the Water Authority. Mr. Hodgkiss noted that there is a difference of opinion regarding an "exit fee" for these two agencies to detach from the Water Authority; the Water Authority estimates the potential revenue loss and re-allocation to remaining member agencies at \$13 million. Mr. Hodgkiss stated that he conveyed the District's concern, which is the additional cost that may be borne by the District and its customers if these two agencies detach from the Water Authority.

Director Miller reported on the study to add new infrastructure to transport water from the Imperial Irrigation District to San Diego. The Water Authority's proposed pipeline alignments include two southern alignments and one northern alignment. He stated that the two southern alignments have been studied; however, the third proposed northern alignment is still being analyzed. The northern alignment would pass Lake Henshaw and end at the Twin Oaks Water Treatment Plant. All three alignments are being analyzed in terms of cost and feasibility.

13. MEETINGS AND EVENTS

See staff report attached hereto.

Director Vásquez reported on his attendance at a meeting of the Council of Water Utilities (COWU) the previous morning where an interesting presentation was made by Phil Rosentrater, General Manager and Executive Director for the Salton Sea Authority. Mr. Rosentrater spoke about revitalizing the Salton Sea with three main areas of focus: 1) human health impact of the air quality; 2) habitat loss resulting from the shrinkage of the Salton Sea; and 3) opportunities for renewable energy and recreation. Director Vásquez also reported on potential changes for COWU including proposed changes to its bi-laws and a possible sponsor to help offset the cost of breakfast.

President MacKenzie stated that she would not be able to attend the CSDA Quarterly Dinner meeting; it was noted that Director of Engineering Randy Whitmann would attend in her place.

14. ITEMS FOR FUTURE AGENDAS AND/OR PRESS RELEASES

See staff report attached hereto.

The Board requested the Warner Wellfield Assessment and the Water Supply Planning Workshop be added to the list of upcoming agenda items:

15. COMMENTS BY DIRECTORS

The Board wished staff and each other a happy Thanksgiving and happy holidays.

Director Vásquez inquired about the District’s program to install hydration stations on the campuses of the Vista Unified School District (VUSD). Mr. Hodgkiss stated that VUSD would like hydration stations at all school sites but said it would be cost prohibitive to do so based on the installation requirements set forth by the State. Director Vásquez commented that this is too bad and perhaps the District can speak with State Legislators to see what can be done. Mr. Hodgkiss responded staff has looked into grant funding from MWD that is available through the Water Authority and approached VUSD with the idea. VUSD wanted to install more hydration stations than the available funding could cover so the VUSD declined to continue with further discussions on the matter at this time.

Director Miller stated that Mark Watton, General Manager of Otay Water District has announced his impending retirement in February.

16. COMMENTS BY GENERAL COUNSEL

Mr. Cosgrove stated that he prepared a legislative update via a PowerPoint presentation; however, due to the late hour, he would provide the presentation electronically rather than make a presentation at this time.

17. COMMENTS BY GENERAL MANAGER

None were presented.

Present in the audience for the following agenda item were Marlene Kelleher, Randy Whitmann, and Frank Wolinski.

18. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

President MacKenzie adjourned the meeting to closed session at 11:51 a.m. for a conference with legal counsel to discuss the following anticipated litigation per Government Code section 54956.9(d)(2): 4 potential cases.

The meeting reconvened in open session at 12:05 p.m. President MacKenzie declared that the following action had been taken:

19-11-125	<i>Upon motion by Director Sanchez, seconded by Director Dorey and unanimously carried (5 ayes: Miller, Vásquez, Dorey, Sanchez, and MacKenzie), the Board of Directors denied the claims of Michael Parry, Adrienne Madama-Stoddard, Carlos Warter, and Richard Wilder, and directed the General Manager and General Counsel to communicate that denial conditioned upon none of the existing claims being modified pursuant to previously issued notices on insufficiency that were mailed out for Michael Parry on November 5, 2019 and for the other three claimants on November 8, 2019.</i>
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Following the above closed session, the boardroom was cleared of all staff members in the audience and seated at the dais, including General Counsel Cosgrove, and excluding General Manager Hodgkiss.

19. CLOSED SESSION TO CONDUCT PUBLIC EMPLOYEE PERFORMANCE EVALUATION—GENERAL MANAGER

President MacKenzie adjourned the meeting to closed session at 12:06 p.m. to conduct a performance evaluation of the General Manager, pursuant to Government Code section 54957.

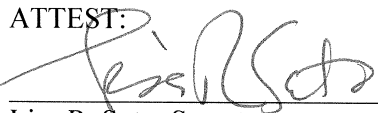
The meeting reconvened in open session at 1:29 p.m. President MacKenzie declared that no reportable action had been taken.

20. ADJOURNMENT

There being no further business to come before the Board, at 1:29 p.m., President MacKenzie adjourned the meeting.



Jo MacKenzie, President

ATTEST:


Lisa R. Soto, Secretary
Board of Directors
VISTA IRRIGATION DISTRICT



STAFF REPORT

Agenda Item: 6.A.1

Board Meeting Date:	November 20, 2019
Prepared By:	Matt Atteberry
Reviewed By:	Randy Whitmann
Approved By:	Brett Hodgkiss

SUBJECT: GRANT OF RIGHT OF WAY

RECOMMENDATION: Accept Grant of Right of Way (H97) for a specific easement over a single-family residential property consisting of approximately 2.25 gross acres owned by Santiago and Maria Hernandez, located at 760 Beverly Drive, Vista (APN 177-021-10; DIV NO 3).

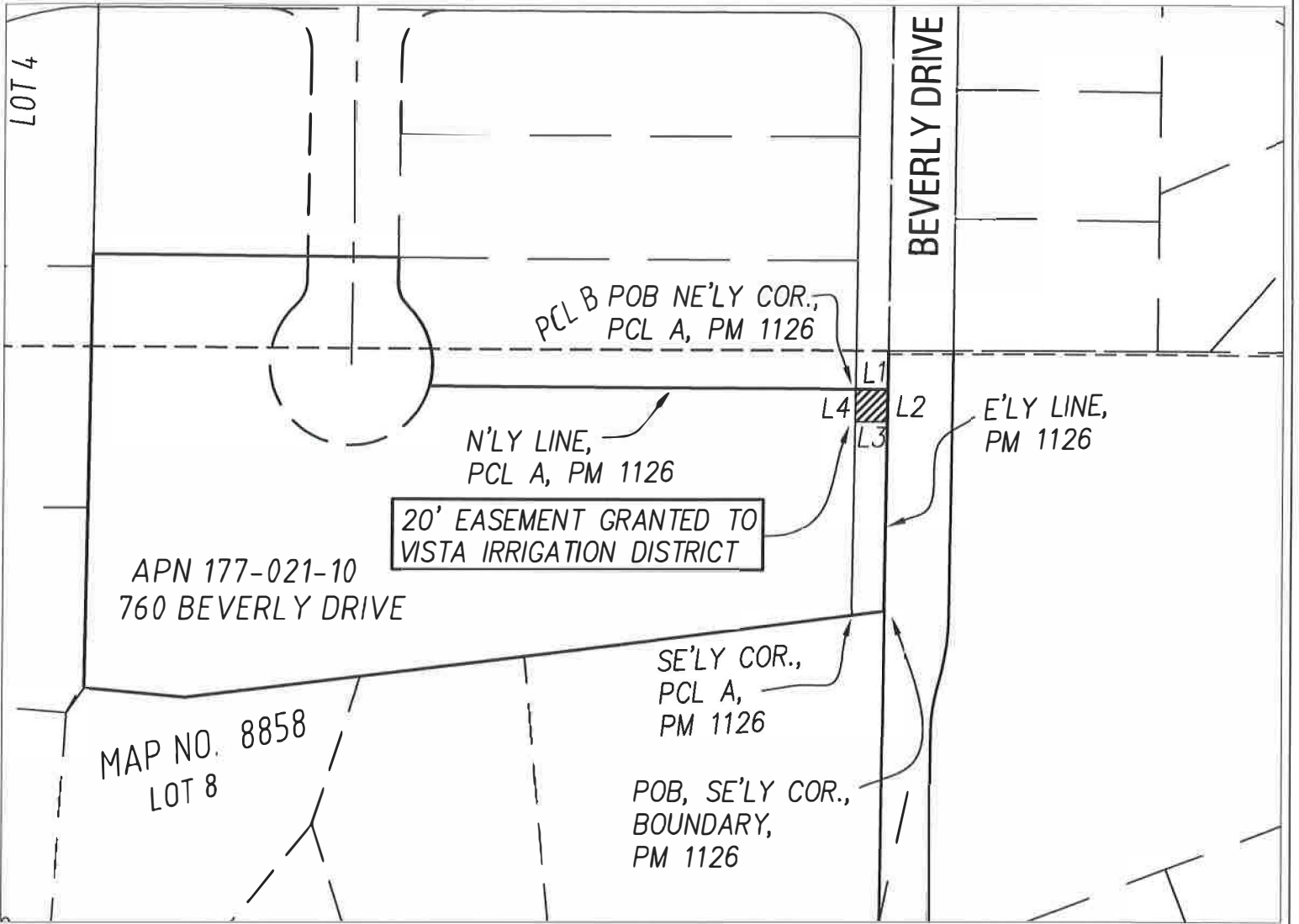
PRIOR BOARD ACTION: None.

FISCAL IMPACT: None.

SUMMARY: Acceptance of Grant of Right of Way (H97) via easement document will allow the District to secure a dedicated 20-foot wide specific easement over existing District facilities.

DETAILED REPORT: City of Vista is in the process of vacating an existing 20-foot wide strip of street right of way located along the frontage of 760 Beverly Drive (APN 177-021-10) owned by Santiago and Maria Hernandez. The District has existing facilities within the proposed area requiring the owners to grant an easement to the District. Acceptance of Grant of Right of Way (H97) will allow the existing water facilities to be within a specific easement.

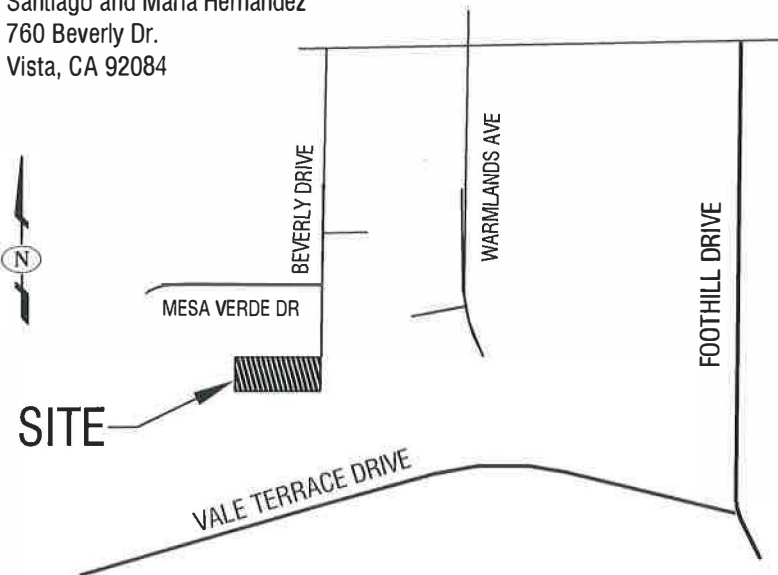
ATTACHMENT: Map



 EASEMENT GRANTED TO VISTA IRRIGATION DISTRICT

OWNER

Santiago and Maria Hernandez
760 Beverly Dr.
Vista, CA 92084




VICINITY MAP
NO SCALE

DATA TABLE

L1 S89°39'20"E 20.00'
L2 S0°47'55"W 20.00'
L3 N89°39'20"W 20.00'
L4 N0°47'55"E 20.00'

**VISTA IRRIGATION DISTRICT
GRANT OF RIGHT OF WAY
NO. H97**

APN	177-021-10	T.B.		
SCALE	1"=100'	L.N.		
APPD. BY		DATE	W.O.	
DRAWN BY	JV	DATE		11/7/19
SHEET	1 OF 1	MAP		G11
REVISED:	11/7/19	Matt Atteberry		
PATH:				



STAFF REPORT

Agenda Item: 6.A.2

Board Meeting Date:	November 20, 2019
Prepared By:	Matt Atteberry
Reviewed By:	Randy Whitmann
Approved By:	Brett Hodgkiss

SUBJECT: GRANT OF RIGHT OF WAY

RECOMMENDATION: Accept Grant of Right of Way (L53) for a 30-foot wide specific easement over a commercial property owned by Los Altos XV, LP, located at 1150 East Vista Way, Vista (LN 2018-034; APN 173-250-43; DIV NO 1).

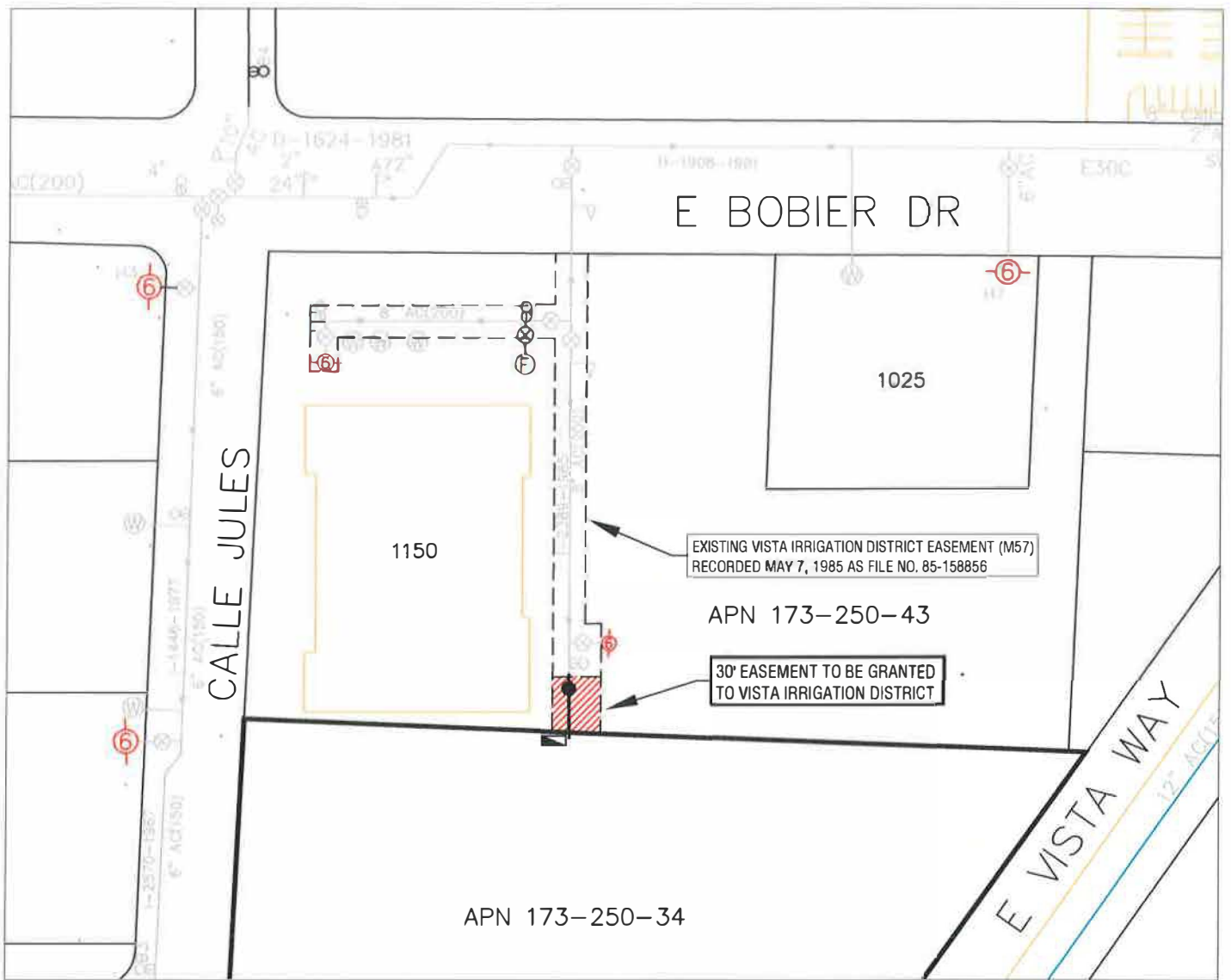
PRIOR BOARD ACTION: None.

FISCAL IMPACT: None.

SUMMARY: Acceptance of Grant of Right of Way (L53) via an easement document will allow the District to secure a dedicated 30-foot wide specific easement over the private property and allow the District to record these documents with the County Recorder.

DETAILED REPORT: August Ventures, LLC is in the process of developing a self-storage project consisting of approximately 4.49 gross acres located at 1100 East Vista Way, Vista (APN 173-250-34). The project is required to install an 8-inch fire service to their property by extending an existing waterline located on the adjacent property owned by Los Altos XV, LP (APN 173-250-43). A dedicated 30-foot wide specific easement over the waterline extension is required for District maintenance; acceptance of Grant of Right of Way (L53) will allow August Ventures, LLC to proceed with developing their property.

ATTACHMENT: Map



 EASEMENT GRANTED TO VISTA IRRIGATION DISTRICT







OWNER
 LOS ALTOS XV, LP
 990 HIGHLAND DR
 SOLANA BEACH, CA 92075

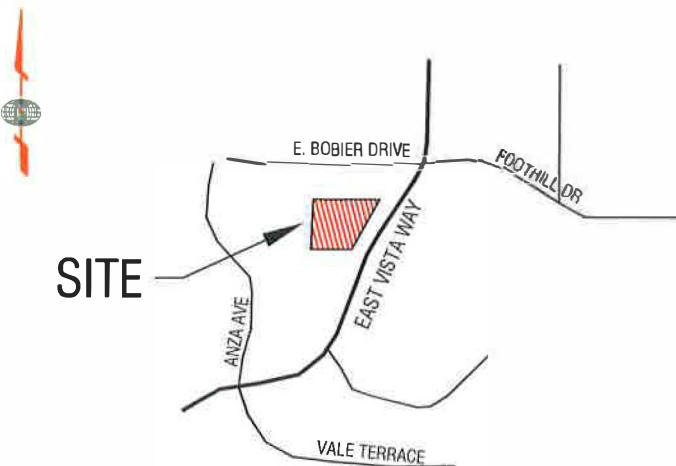
LEGEND

PROPOSED

8" PVC (DR14) WATERLINE 
 8" FIRE SERVICE 


EXISTING

WATERLINE 
 VALVE 
 6" FIRE HYDRANT 
 2" BLOW OFF 
 1" MANUAL AIR RELEASE 
 WATER METER 



VICINITY MAP
 NO SCALE

**VISTA IRRIGATION DISTRICT
 GRANT OF RIGHT OF WAY
 NO. L53**

APN	173-250-43	T.B.
SCALE	NO SCALE	L.N. 2018-034
APPD. BY		DATE
DRAWN BY	JV	DATE
SHEET	1 OF 1	MAP
REVISED:	11/7/19	Matt Atteberry
PATH:		



STAFF REPORT

Agenda Item: 6.B

Board Meeting Date:	November 20, 2019
Prepared By:	Matt Atteberry
Reviewed By:	Randy Whitmann
Approved By:	Brett Hodgkiss

SUBJECT: ENCROACHMENT PERMIT

RECOMMENDATION: Approve Encroachment Permit (129) for a single-family subdivision known as Laurel Creek Condominiums owned by D. R. Horton Los Angeles Holding Company, Inc, located between Durian Street and Grapevine Road, Vista (I-3082; APN 166-110-42 and 166-080-85; DIV 2).

PRIOR BOARD ACTION: On October 24, 2018, the Board approved the waterline project and accepted Grant of Right of Way (W64) via Tract Map No. 16370.

FISCAL IMPACT: None.

SUMMARY: The Laurel Creek Condominium project is required to install permeable concrete pavers within the development, and over District facilities, to satisfy State storm water requirements. Approval of Encroachment Permit (129) will allow the installation of the pavers within Grant of Right of Way (W64); in accordance with said permit, any costs to replace the pavers as the result of a District water main repair will be borne by the permittee.

ATTACHMENT: Map

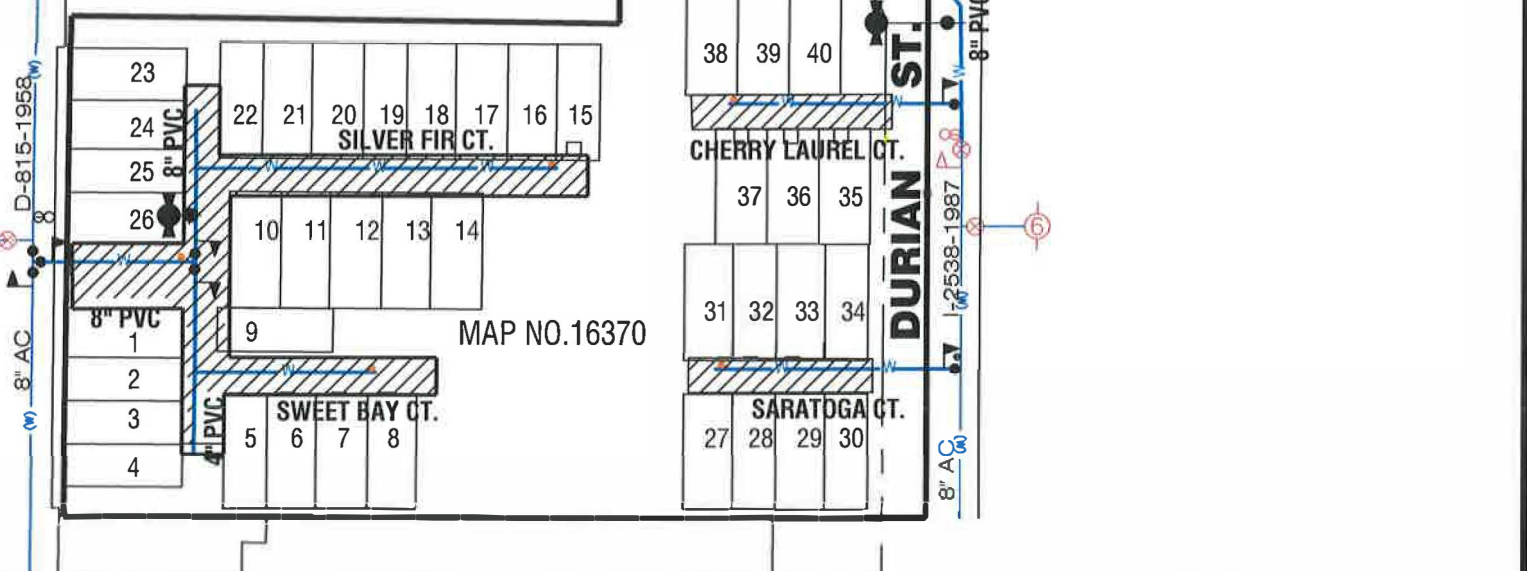
GRAPEVINE ROAD

PROPOSED WATER FACILITIES

- 8" PVC
- 6" PVC
- 4" PVC
- BLOW-OFF
- 1" AIR-VENT
- 8" VALVES
- 6" FIRE HYDRANT

EXISTING WATER FACILITIES

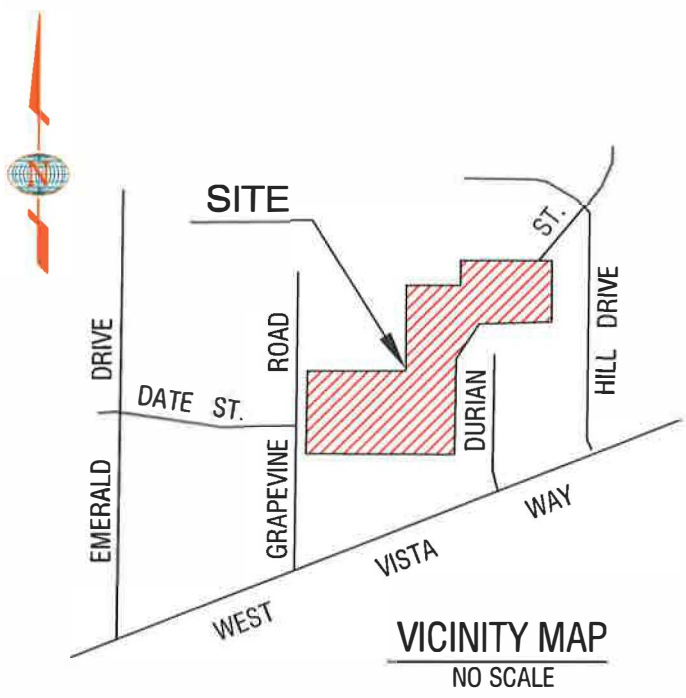
- VALVES
- 8" AC WATERLINE
- 6" FIRE-HYDRANT
- 1" AIR-VENT
- BLOW-OFF



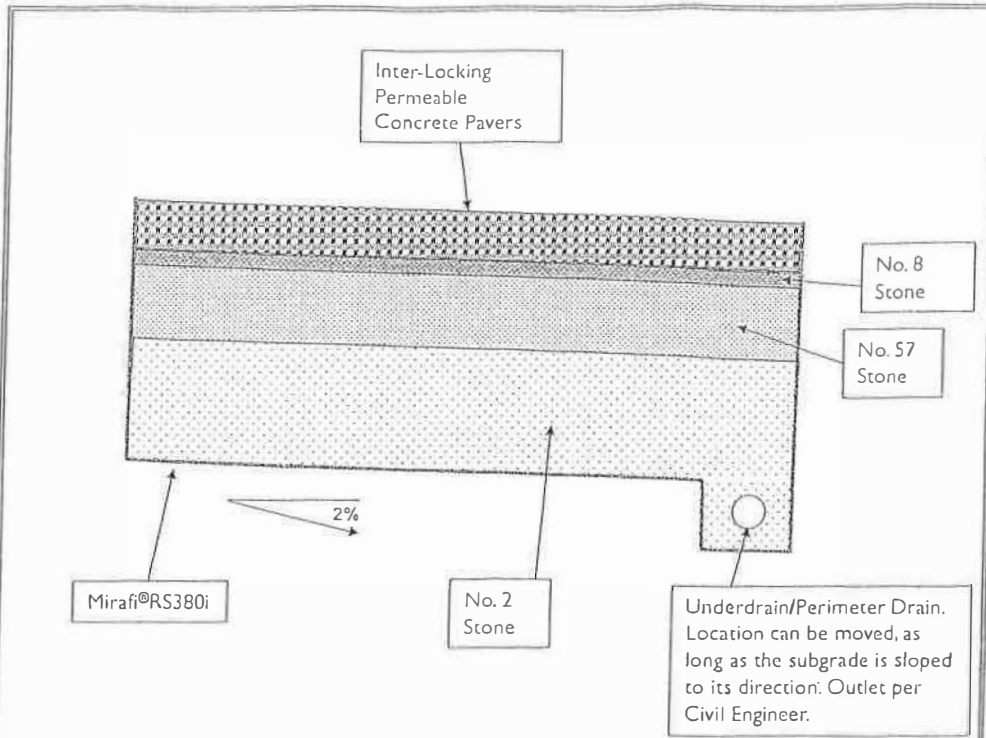
MAP NO.16370

ENCROACHMENT PERMIT AREA & GRANT OF RIGHT OF WAY (W64) TO VISTA IRRIGATION DISTRICT PER MAP NO.16370

OWNER:
 D. R. HORTON
 21300 VICTORY BLVD. STE 700
 WOODLAND HILLS, CA 91367



VISTA IRRIGATION DISTRICT			
ENCROACHMENT PERMIT 129			
DURIAN STREET & GRAPEVINE ROAD			
APNS	166-110-42 & 166-080-85	T.B.	1087;E6
SCALE	NO SCALE	L.N.	2013-024
APPD. BY		DATE	
DRAWN BY	JV	DATE	10/5/18
SHEET	1 OF 2	MAP	B14
REVISED:	10/21/19		
PATH:	Z:ENGINEERING\LN2013_024.DWG		
		W.O.	I-3082



Structural Section For Inter-Locking Permeable Concrete Pavers

Permeable Interlocking Paver Thickness	3.2 inches (80mm)
Bedding Course (No. 8 Stone)	2 inches
Aggregate Base Thickness (No. 57 Stone)	4 inches
Reservoir Thickness (No. 2 Stone)	6 inches

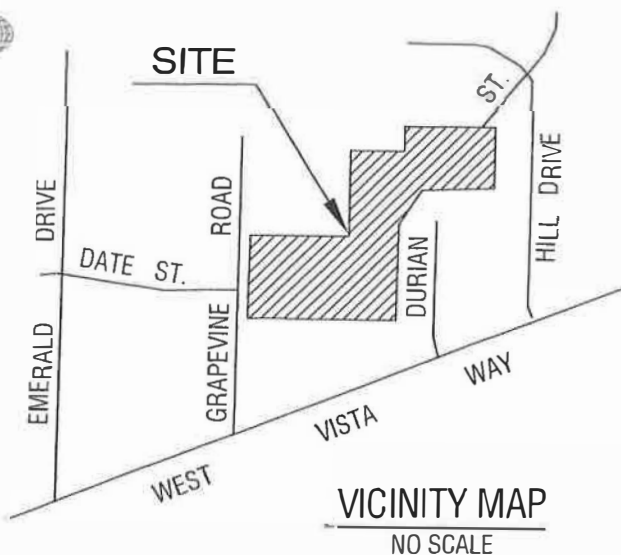
 GEOTEK	1384 Poinsettia Avenue, Suite A Vista, California 92081	Typical Inter-Locking Permeable Concrete Paver Details Laurel Creek Project Vista, California
PN: 3544-SD	March 2019	Figure 1

OWNER:

D. R. HORTON
 21300 VICTORY BLVD. STE 700
 WOODLAND HILLS, CA 91367

ENGINEER:

IBI GROUP
 18401 VON KARMAN AVE.
 STE. 110, IRVINE, CA 92612



VISTA IRRIGATION DISTRICT			
ENCROACHMENT PERMIT 129			
DURIAN STREET & GRAPEVINE ROAD			
APNS	166-110-42 & 166-080-85	T.B. 1087;E6	
SCALE	NO SCALE	L.N. 2013-024	
APPD. BY	<i>JV</i>	DATE	
DRAWN BY	JV	DATE	10/5/18
SHEET	2 OF 2	MAP	B14
REVISED:	10/21/19		
PATH:	Z:ENGINEERING\LN2013_024.DWG		



Cash Disbursement Report

Payment Dates 10/24/2019 - 11/06/2019

Payment Number	Payment Date	Vendor	Description	Amount
63006	10/30/2019	Refund Check 63006	Customer Refund	189.88
63007	10/30/2019	Adrian Donica	Reimburse for Damage - Main Line Break	6,766.22
63008	10/30/2019	Air Technologies Corporation	Office Chair	612.78
63009	10/30/2019	Airgas USA LLC	Welding Wire & Tips	119.83
63010	10/30/2019	Amazon Capital Services	Collet (1)	46.02
	10/30/2019		NFPA 70E Electrical Safety Handbooks (8)	415.60
63011	10/30/2019	Boot Barn Inc	Footwear Program	183.16
63012	10/30/2019	Canon Solutions America, Inc	Canon Service & Supplies	31.26
63013	10/30/2019	Cecilia's Safety Service Inc	Traffic Control - Cananea St/N Santa Fe Ave	1,520.00
	10/30/2019		Traffic Control -3068 Blackwell Dr	712.50
	10/30/2019		Traffic Control - York Dr/Montgomery Dr	4,512.50
	10/30/2019		Traffic Control - Rancho Vista Rd	1,520.00
63014	10/30/2019	Certified Laboratories	Foaming Germicidal Cleaning Spray (12)	183.05
63015	10/30/2019	City Of Escondido	Escondido Canal Operating Cost 07/2019 - 09/2019	83,015.73
63016	10/30/2019	Core & Main	Flange 4" SOW (12)	293.57
	10/30/2019		Coupling 6" Deflection C900 (7)	189.44
	10/30/2019		Angle (1)	150.14
	10/30/2019		Gate Valve (1)	1,210.42
	10/30/2019		Lid 8" Slotted Valve (VID) (130)	3,166.32
63017	10/30/2019	DIRECTV	Direct TV Service	94.99
63018	10/30/2019	Dung Tran	Overpayment Refund	187.91
63019	10/30/2019	Ergostop Inc	Keyboard Tray	339.91
63020	10/30/2019	Ferguson Waterworks	DFW Meter Box Lid Small D1324 (VID Stamp) (83)	4,761.92
	10/30/2019		Tubing 1" Copper Soft 60' (900)	3,546.27
	10/30/2019		Ell 6"x16" POxFL Bury DI (5)	1,450.55
	10/30/2019		Fire Hydrant Spool 6x24 DI (4)	567.23
	10/30/2019		Fire Hydrant Spool 6x12 DI (5)	479.55
	10/30/2019		Pipe Lube 5 gal (4)	320.42
	10/30/2019		Coupling 4" Weld Black (3)	230.57
	10/30/2019		Fire Hydrant Spool 6x6 DI (2)	160.21
	10/30/2019		Material Stock (24)	311.76
	10/30/2019		Weld Coupling 2" Thick (3)	25.66
63021	10/30/2019	Gallagher Benefits Services, Inc	DBM Analysis	425.00
63022	10/30/2019	Glennie's Office Products Inc	Office Supplies	64.45

Payment Number	Payment Date	Vendor	Description	Amount
	10/30/2019		Office Supplies	23.12
63023	10/30/2019	Gold Coast Flood Restorations	Emergency Flood Restoration - Catalina Ave	1,836.40
63024	10/30/2019	Grainger	Terminal Blocks, Sealant	77.88
	10/30/2019		Electrical Safety Gloves	221.02
	10/30/2019		Electrical Safety Gloves	200.44
	10/30/2019		Electrical Safety Gloves	147.34
63025	10/30/2019	InfoSend Inc	Mailing Services 08/2019	4,965.05
	10/30/2019		Data Processing 08/2019	1,978.06
	10/30/2019		Support & Storage 08/2019	1,384.65
	10/30/2019		Mailing Services 09/2019	4,536.98
	10/30/2019		Data Processing 09/2019	1,827.87
	10/30/2019		Support & Storage 09/2019	1,390.74
63026	10/30/2019	Jackson & Blanc	HVAC Maintenance & Service 10/2019 - 12/2019	2,309.00
63027	10/30/2019	Ken Grody Ford Carlsbad	Retainer Clips - Truck 40	8.10
63028	10/30/2019	Kimball Midwest	Hardware Stock - Garage	227.04
63029	10/30/2019	McMaster-Carr Supply Company	Floor Mounts	50.81
63030	10/30/2019	Moody's	Dump Fee (1)	200.00
	10/30/2019		Dump Fees (2)	400.00
63031	10/30/2019	NAPA Auto Parts	"Smart" Battery Charger (1)	501.17
63032	10/30/2019	North County Auto Parts	Filter, Shop Chemicals	22.10
	10/30/2019		Front Brake Parts - Car 9	179.85
	10/30/2019		Turn Rotors	45.00
	10/30/2019		Front Shocks (2) - Truck 15	146.33
	10/30/2019		Rear Shocks (2) - Truck 15	213.56
	10/30/2019		Filters (2)	40.03
	10/30/2019		Radiator & Coolant - Truck 40	709.88
	10/30/2019		Coolant Hoses, Motorcraft Coolant - Truck 40	202.77
	10/30/2019		Filters, Shop Chemicals	42.06
	10/30/2019		Rotor - Car #9	(66.42)
63033	10/30/2019	North County Industrial Park	Association Fees 11/2019	879.30
63034	10/30/2019	One Source Distributors	Glasses (RX)	211.09
63035	10/30/2019	Opto 22	Power Supplies (2)	554.04
63036	10/30/2019	O'Reilly Auto Parts	Machined Front Brake Rotors	20.00
63037	10/30/2019	Pacific Pipeline Supply	Angle Stops (2)	315.62
63038	10/30/2019	Praxis Corporation	2-Day Electrical Training Course	7,600.00
63039	10/30/2019	SDTTC	Property Tax FY2019-2020	600.50
	10/30/2019		Property Tax FY2019-2020	2,536.06
63040	10/30/2019	San Diego Gas & Electric	Electric 10/2019 - Henshaw Buildings & Ground	705.29
	10/30/2019		Electric 10/2019 - Henshaw Wellfield	11,352.15

Payment Number	Payment Date	Vendor	Description	Amount
	10/30/2019		Electrical Transmission 10/2019	3,164.51
	10/30/2019		Electric 10/2019 - Warner Ranch House	257.62
63041	10/30/2019		Gas Use 10/2019	432.44
	10/30/2019		Electric 10/2019 - Dam House	87.59
63042	10/30/2019	Tom Klein	Reimburse for Damage - Main Line Break	1,167.06
63043	10/30/2019	TS Industrial Supply	Suction Hoses, Hose Parts	691.98
	10/30/2019		14" Concrete Diamond Blades (3)	672.88
	10/30/2019		Impact Socket, Suction Hose, High Pressure Hose	338.77
63044	10/30/2019	UniFirst Corporation	Uniform Service	329.30
63045	10/30/2019	Verizon Wireless	Cell Phones 9/16/19 - 10/5/19	1,354.64
	10/30/2019		SCADA Remote Access 09/21/19 - 10/20/19	371.84
63046	10/30/2019	Vista Paint Corporation	Paint for Valve Lids	110.18
63047	10/30/2019	Water District Jobs	Recruitment Advertising - Engineering Specialist	145.00
63048	11/06/2019	Refund Check 63048	Customer Refund	226.27
63049	11/06/2019	Amazon Capital Services	Supplies for Teambuilding Event	(17.61)
	11/06/2019		Mirrors (Set of 2) - Truck 33	266.28
	11/06/2019		Forklift Service Manual	199.10
	11/06/2019		Supplies for Teambuilding Event	(154.90)
63050	11/06/2019	American Water Works Association	Membership Dues 2020	6,857.00
63051	11/06/2019	ASCE	Membership Renewal 2020	295.00
63052	11/06/2019	AT&T	SIP Trunks	433.01
63053	11/06/2019	Norco Trailers	Trailer - 2020 Sun Country 5 x 10 Dump	5,685.07
63054	11/06/2019	Bay City Electric Works	Load Testing & Maintenance - Stationary Generator	1,989.69
63055	11/06/2019	Big Apple Bagels	All Hands Meeting Refreshments 10/29/19	39.18
63056	11/06/2019	Boot Barn Inc	Footwear Program	180.00
63057	11/06/2019	California Special Districts Association	Membership Dues 2020	7,615.00
63058	11/06/2019	CDW Government Inc	Shavlik software renewal 10/27/19-10/26/20	509.00
63059	11/06/2019	Cecilia's Safety Service Inc	Traffic Control - Alta Vista Dr	1,425.00
	11/06/2019		Traffic Control - York Dr/Montgomery Dr	6,175.00
	11/06/2019		Traffic Control - Watson Way	4,227.50
	11/06/2019		Traffic Control - Thibodo Rd	1,045.00
63060	11/06/2019	760Print	Door Hangers	283.62
63061	11/06/2019	Citi Cards	Hybrid System Diagnostic Training (2)	398.00
	11/06/2019		CVU 101/102 Training	143.44
	11/06/2019		Answering Service Care - 1st & Last	790.00
	11/06/2019		CSDA Conference -R Whitmann	10.00
	11/06/2019		GFI FaxMaker Online Service	12.75
	11/06/2019		Liebert Cassidy Whitmore - Seminar	1,000.00
	11/06/2019		Employment Advertising - Engineering Specialist	200.00

Payment Number	Payment Date	Vendor	Description	Amount
	11/06/2019		CSDA Conference - P Sanchez	453.36
	11/06/2019		CRWUA Conference - R Vasquez	95.00
	11/06/2019		ACWA Region Tour & Program - R Vasquez	106.40
	11/06/2019		Western Groundwater Congress - P Dorey	59.28
	11/06/2019		CRWUA Conference - R Vasquez	55.56
	11/06/2019		CRWUA Conference - P Sanchez	505.00
	11/06/2019		ACWA Region 9 Tour & Program - R Vasquez	25.00
	11/06/2019		Southern California Water Coalition - P Dorey	275.00
	11/06/2019		CSDA Conference	10.00
	11/06/2019		CSDA Conference - B Hodgkiss	(211.68)
	11/06/2019		CSDA Conference - B Hodgkiss	(550.00)
	11/06/2019		ACWA Webinar	50.00
63062	11/06/2019	Coast Equipment Rentals	Concrete	205.68
63063	11/06/2019	Core & Main	45° Ell (1)	450.46
	11/06/2019		4" Rubber Transition Gasket AC x PVC (15)	99.86
63064	11/06/2019	CSMFO	2020 CSMFO Membership Dues	110.00
63065	11/06/2019	Dudek	E Reservoir Replacement and Pump Station 09/2019	3,815.00
63066	11/06/2019	EcoVivarium	Education Display @ Health Fair	200.00
63067	11/06/2019	EDCO Waste & Recycling Services Inc	Trash & Recycle 10/2019	225.99
63068	11/06/2019	EH Wachs Company	Vacuum Reservoir Relief Valves -Truck 1	181.43
63069	11/06/2019	Ergostop Inc	Sit/Stand Desk	1,866.56
63070	11/06/2019	Ferguson Waterworks	DFW Meter Box Small DFW1324CH4-12 (11)	869.25
	11/06/2019		CRA Pressure Reducing Controls (3)	1,433.12
	11/06/2019		1" Gasket 1/8" Thick (360)	128.60
63071	11/06/2019	Graham Research Consultants	Training 11/04/19	2,500.00
63072	11/06/2019	Grainger	Voltage Levels	41.51
63073	11/06/2019	Joe's Paving	Patch Paving	6,537.70
63074	11/06/2019	Learnsoft Consulting Inc	Effective Project Mgmt Training 10/11/19	220.00
63075	11/06/2019	Mission Resource Conservation District	Home Water Use Evaluation 10/2019 (4)	188.00
63076	11/06/2019	Mutual of Omaha	LTD, STD, Life Insurance 11/2019	6,857.05
63077	11/06/2019	NAPA Auto Parts	Front Brake Pads - Truck 41	78.03
63078	11/06/2019	North County Auto Parts	Fuel Cap (1) - Truck 50	17.72
	11/06/2019		Oil Filters (3)	11.69
63079	11/06/2019	Olivenhain MWD	Refund Overpayment for Prop 84 Grant	32,341.00
63080	11/06/2019	O'Reilly Auto Parts	Trailer Breakaway Battery	45.23
63081	11/06/2019	Pacific Pipeline Supply	6"X6" Spool (1)	211.79
63082	11/06/2019	Panera Bread	Health Fair Refreshments 10/29/19	1,303.86
63083	11/06/2019	Parkhouse Tire Inc	Tires (2) - B18	729.32
63084	11/06/2019	Paul Dorey	Reimburse- Southern CA Water Coalition Dinner	160.40

Payment Number	Payment Date	Vendor	Description	Amount
63085	11/06/2019	Powerland Equipment, Inc	Hydraulic Fittings	22.90
63086	11/06/2019	Ramona Disposal Service	Trash Service 10/2019	161.10
63087	11/06/2019	RC Auto & Smog	Replaced Struts - Truck 36	324.93
63088	11/06/2019	Interstate All Battery Center	Solar Batteries (3)	265.48
63089	11/06/2019	San Diego Gas & Electric	Electric 10/2019 - T&D	105.52
	11/06/2019		Electric 10/2019 - Reservoirs	58.48
63090	11/06/2019	Shred-it USA LLC	Shredding Services	247.57
63091	11/06/2019	Sunbelt Rentals	Concrete	219.61
	11/06/2019		Concrete	197.96
63092	11/06/2019	Sunrise Materials Inc	Rock - Catalina Ave	40.05
	11/06/2019		Rock - Catalina Ave	40.05
	11/06/2019		Rock - Catalina Ave	246.81
	11/06/2019		Rock- Catalina Ave	74.69
	11/06/2019		Cement 10lb Quikrete (60)	1,750.40
	11/06/2019		Pallet Deposit (2)	43.30
	11/06/2019		Delivery Fee	135.31
	11/06/2019		Gravel Bags (140)	530.43
	11/06/2019		Pallets Returned	(16.24)
63093	11/06/2019	TS Industrial Supply	Smart Fit Ear Plugs (1)	84.92
	11/06/2019		Metal Cutting Wheel (Type 27) (20)	87.25
	11/06/2019		Sqwincher Grape (50 per box) (2)	171.04
	11/06/2019		Pipe Thread Sealant Rector Seal 8 oz (6)	103.60
	11/06/2019		Sea 2" Pipe Wrap Tape (20)	140.73
	11/06/2019		Sqwincher Orange (50 per box) (2)	171.04
	11/06/2019		Wire Brush Mini SS (15)	39.78
	11/06/2019		Sea 3987 Duct Tape 2 x 60 yd (5)	57.37
	11/06/2019		Sea 2" Pipe Wrap Tape (15)	105.54
	11/06/2019		Striping Paint White #710 (36)	186.28
	11/06/2019		Striping Paint Blue #750 (36)	186.28
	11/06/2019		Striping Paint Black #770 (24)	124.18
	11/06/2019		Sea Electrical Tape (20)	20.78
	11/06/2019		Retaining Pins, Water Nozzles	146.89
	11/06/2019		Water Below Tape (1)	45.47
	11/06/2019		Air Couplers (10)	(48.07)
63094	11/06/2019	Johnson Controls Security Solutions LLC	Security Monitoring & Maintenance 11/2019 -1/2020	2,660.23
63095	11/06/2019	UniFirst Corporation	Uniforms	326.65
63096	11/06/2019	Vulcan Materials Company and Affiliates	Cold Mix	2,013.90
63097	11/06/2019	Xerox Corporation	Xerox Service & Supplies	277.81

Grand Total: 288,408.10



STAFF REPORT

Agenda Item: 7

Board Meeting Date: November 20, 2019
Prepared By: Breona Paz
Reviewed By: Marlene Kelleher
Approved By: Brett Hodgkiss

SUBJECT: POLICY FOR DISCONTUATION OF WATER SERVICE

RECOMMENDATION: Adopt Resolution No. 19-XX amending the District Rules and Regulations relative to billing procedures and discontinuation of water service.

PRIOR BOARD ACTION: None

FISCAL IMPACT: Unknown costs to translate discontinuation of water service policy into required languages and print the document.

SUMMARY: On September 28, 2018, Governor Brown signed Senate Bill 998 (SB 998), the Water Shutoff Protection Act, into law. This bill amended existing law to require urban and community water systems (public water system that supplies water to more than 200 service connections) to have a written policy on discontinuation of residential water service. It also extended the timeframe and noticing requirements provided to residential customers prior to any discontinuation of water service and prohibited discontinuation of water service to those residential customers that meet specific medical and financial requirements. Urban and community water systems, like the District, must comply with the bill's provisions by February 1, 2020.

DETAILED REPORT: SB 998 requires urban and community water systems to have a clear written policy on discontinuation of water service. This policy must be made available on the District's website and in print in English and five other languages (Spanish, Chinese, Tagalog, Vietnamese, and Korean) as outlined in Civil Code § 1632 as well as any other language spoken by at least ten percent of the population in our District. The following components are required to be included in the District's discontinuation of water service policy:

- A plan for reduced and/or deferred payments;
- Alternative payment schedules;
- A formal mechanism for customers to appeal or contest their water bill; and
- A telephone number for customers to discuss options to avoid discontinuation due to non-payment.

The District will be required to report annually on its website as well as to the State Water Resources Control Board the number of shut offs due to non-payment.

Discontinuation of water service can only occur when a residential customer is at least 60 days delinquent on their water bill. In order to accommodate this time period the District recommends changing the due date of bills to 15 days after date of mailing and instituting a grace period of 25 days before penalty fees are added and a "Late Notice" is sent. If payment is not received within 21 days of the Late Notice being sent, the District will commence discontinuation of water service 14 days later.

SB998 imposes limits on reconnection fees during and after business hours for residential customers who meet specific medical and financial requirements. On October 16, 2019, the Board adopted fees and charges other than water rates that will become effective January 1, 2020. The fees adopted by the Board included "Delinquent Lock Hardship" and "After Hours Unlock Hardship" fees to comply with the aforementioned requirements.

General Counsel has reviewed the proposed changes to the District's Rules and Regulations and provided comments, which have been incorporated.

ATTACHMENTS:

- Senate Bill 998
- Redline/Strikeout version of revisions to the District Rules and Regulations
- Draft resolution revising the District Rules and Regulations

Senate Bill No. 998

CHAPTER 891

An act to add Chapter 6 (commencing with Section 116900) to Part 12 of Division 104 of the Health and Safety Code, relating to water.

[Approved by Governor September 28, 2018. Filed with Secretary of State September 28, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 998, Dodd. Discontinuation of residential water service: urban and community water systems.

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including water corporations. Existing law requires certain notice to be given before a water corporation, public utility district, municipal utility district, or a municipally owned or operated public utility furnishing water may terminate residential service for nonpayment of a delinquent account, as prescribed.

This bill would require an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, to have a written policy on discontinuation of water service to certain types of residences for nonpayment available in prescribed languages. The bill would require the policy to include certain components, be available on the system's Internet Web site, and be provided to customers in writing, upon request. The bill would provide for enforcement of these provisions, including making a violation of these provisions punishable by a civil penalty issued by the board in an amount not to exceed \$1,000 for each day in which the violation occurs, and would require the enforcement moneys collected by the board to be deposited in the Safe Drinking Water Account. The bill would prohibit an urban and community water system from discontinuing residential service for nonpayment until a payment by a customer has been delinquent for at least 60 days. The bill would require an urban and community water system to contact the customer named on the account and provide the customer with the urban and community water system's policy on discontinuation of residential service for nonpayment no less than 7 business days before discontinuation of residential service, as prescribed.

This bill would prohibit residential service from being discontinued under specified circumstances. The bill would require an urban and community

water system that discontinues residential service to provide the customer with information on how to restore service. The bill would require an urban and community water system to waive interest charges on delinquent bills for, and would limit the amount of a reconnection of service fee imposed on, a residential customer who demonstrates, as prescribed, to the urban and community water system household income below 200% of the federal poverty line. The bill would require an urban and community water system that furnishes individually metered residential service to residential occupants of a detached single-family dwelling, a multiunit structure, mobilehome park, or permanent residential structure in a labor camp, and that the owner, manager, or operator of the dwelling, structure, or park is the customer of record, to make every good faith effort to inform the residential occupants by written notice that service will be terminated and that the residential occupants have the right to become customers, as specified. The bill would require an urban and community water system to report the number of annual discontinuations of residential service for inability to pay on its Internet Web site and to the board, and the bill would require the board to post on its Internet Web site the information reported. The bill would require an urban water supplier, as defined, or an urban and community water system regulated by the commission, to comply with the bill's provisions on and after February 1, 2020, and any other urban and community water system to comply with the bill's provisions on and after April 1, 2020. The bill would provide that the provisions of the bill are in addition to the provisions in existing law duplicative of the bill and that where the provisions are inconsistent, the provisions described in the bill apply.

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

SECTION 1. The Legislature finds and declares as follows:

- (a) All Californians have the right to safe, accessible, and affordable water as declared by Section 106.3 of the Water Code.
- (b) It is the intent of the Legislature to minimize the number of Californians who lose access to water service due to inability to pay.
- (c) Water service discontinuations threaten human health and well-being, and have disproportionate impact on infants, children, the elderly, low-income families, communities of color, people for whom English is a second language, physically disabled persons, and persons with life-threatening medical conditions.
- (d) When there is a delinquent bill, all Californians, regardless of whether they pay a water bill directly, should be treated fairly, and fair treatment includes the ability to contest a bill, seek alternative payment schedules, and demonstrate medical need and severe economic hardship.
- (e) The loss of water service causes tremendous hardship and undue stress, including increased health risks to vulnerable populations.
- (f) It is the intent of the Legislature that this act provide additional procedural protections and expand upon the procedural safeguards contained

in the Public Utilities Code and Government Code as of January 1, 2018, relating to utility service disconnections.

SEC. 2. Chapter 6 (commencing with Section 116900) is added to Part 12 of Division 104 of the Health and Safety Code, to read:

CHAPTER 6. DISCONTINUATION OF RESIDENTIAL WATER SERVICE

116900. This chapter shall be known, and may be cited, as the Water Shutoff Protection Act.

116902. For the purposes of this chapter, the following definitions apply:

(a) "Board" means the State Water Resources Control Board.

(b) "Public water system" has the same meaning as defined in Section 116275.

(c) "Residential service" means water service to a residential connection that includes single-family residences, multifamily residences, mobilehomes, including, but not limited to, mobilehomes in mobilehome parks, or farmworker housing.

(d) "Urban and community water system" means a public water system that supplies water to more than 200 service connections.

(e) "Urban water supplier" has the same meaning as defined in Section 10617 of the Water Code.

116904. (a) An urban water supplier not regulated by the Public Utilities Commission shall comply with this chapter on and after February 1, 2020.

(b) An urban and community water system regulated by the Public Utilities Commission shall comply with this chapter on and after February 1, 2020. The urban and community water system regulated by the Public Utilities Commission shall file advice letters with the commission to conform with this chapter.

(c) An urban and community water system not described in subdivision (a) or (b) shall comply with this chapter on and after April 1, 2020.

116906. (a) An urban and community water system shall have a written policy on discontinuation of residential service for nonpayment available in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by at least 10 percent of the people residing in its service area. The policy shall include all of the following:

(1) A plan for deferred or reduced payments.

(2) Alternative payment schedules.

(3) A formal mechanism for a customer to contest or appeal a bill.

(4) A telephone number for a customer to contact to discuss options for averting discontinuation of residential service for nonpayment.

(b) The policy shall be available on the urban and community water system's Internet Web site, if an Internet Web site exists. If an Internet Web site does not exist, the urban and community water system shall provide the policy to customers in writing, upon request.

(c) (1) The board may enforce the requirements of this section pursuant to Sections 116577, 116650, and 116655. The provisions of Section 116585

and Article 10 (commencing with Section 116700) of Chapter 4 apply to enforcement undertaken for a violation of this section.

(2) All moneys collected pursuant to this subdivision shall be deposited in the Safe Drinking Water Account established pursuant to Section 116590.

116908. (a) (1) (A) An urban and community water system shall not discontinue residential service for nonpayment until a payment by a customer has been delinquent for at least 60 days. No less than seven business days before discontinuation of residential service for nonpayment, an urban and community water system shall contact the customer named on the account by telephone or written notice.

(B) When the urban and community water system contacts the customer named on the account by telephone pursuant to subparagraph (A), it shall offer to provide in writing to the customer the urban and community water system's policy on discontinuation of residential service for nonpayment. An urban and community water system shall offer to discuss options to avert discontinuation of residential service for nonpayment, including, but not limited to, alternative payment schedules, deferred payments, minimum payments, procedures for requesting amortization of the unpaid balance, and petition for bill review and appeal.

(C) When the urban and community water system contacts the customer named on the account by written notice pursuant to subparagraph (A), the written notice of payment delinquency and impending discontinuation shall be mailed to the customer of the residence to which the residential service is provided. If the customer's address is not the address of the property to which residential service is provided, the notice also shall be sent to the address of the property to which residential service is provided, addressed to "Occupant." The notice shall include, but is not limited to, all of the following information in a clear and legible format:

- (i) The customer's name and address.
- (ii) The amount of the delinquency.
- (iii) The date by which payment or arrangement for payment is required in order to avoid discontinuation of residential service.
- (iv) A description of the process to apply for an extension of time to pay the delinquent charges.
- (v) A description of the procedure to petition for bill review and appeal.
- (vi) A description of the procedure by which the customer may request a deferred, reduced, or alternative payment schedule, including an amortization of the delinquent residential service charges, consistent with the written policies provided pursuant to subdivision (a) of Section 116906.

(2) If the urban and community water system is unable to make contact with the customer or an adult occupying the residence by telephone, and written notice is returned through the mail as undeliverable, the urban and community water system shall make a good faith effort to visit the residence and leave, or make other arrangements for placement in a conspicuous place of, a notice of imminent discontinuation of residential service for nonpayment and the urban and community water system's policy for discontinuation of residential service for nonpayment.

(b) If an adult at the residence appeals the water bill to the urban and community water system or any other administrative or legal body to which such an appeal may be lawfully taken, the urban and community water system shall not discontinue residential service while the appeal is pending.

116910. (a) An urban and community water system shall not discontinue residential service for nonpayment if all of the following conditions are met:

(1) The customer, or a tenant of the customer, submits to the urban and community water system the certification of a primary care provider, as that term is defined in subparagraph (A) of paragraph (1) of subdivision (b) of Section 14088 of the Welfare and Institutions Code, that discontinuation of residential service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where residential service is provided.

(2) The customer demonstrates that he or she is financially unable to pay for residential service within the urban and community water system's normal billing cycle. The customer shall be deemed financially unable to pay for residential service within the urban and community water system's normal billing cycle if any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level.

(3) The customer is willing to enter into an amortization agreement, alternative payment schedule, or a plan for deferred or reduced payment, consistent with the written policies provided pursuant to subdivision (a) of Section 116906, with respect to all delinquent charges.

(b) (1) If the conditions listed in subdivision (a) are met, the urban and community water system shall offer the customer one or more of the following options:

(A) Amortization of the unpaid balance.

(B) Participation in an alternative payment schedule.

(C) A partial or full reduction of the unpaid balance financed without additional charges to other ratepayers.

(D) Temporary deferral of payment.

(2) The urban and community water system may choose which of the payment options described in paragraph (1) the customer undertakes and may set the parameters of that payment option. Ordinarily, the repayment option offered should result in repayment of any remaining outstanding balance within 12 months. An urban and community water system may grant a longer repayment period if it finds the longer period is necessary to avoid undue hardship to the customer based on the circumstances of the individual case.

(3) Residential service may be discontinued no sooner than 5 business days after the urban and community water system posts a final notice of intent to disconnect service in a prominent and conspicuous location at the property under either of the following circumstances:

(A) The customer fails to comply with an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges for 60 days or more.

(B) While undertaking an amortization agreement, an alternative payment schedule, or a deferral or reduction in payment plan for delinquent charges, the customer does not pay his or her current residential service charges for 60 days or more.

116912. An urban and community water system that discontinues residential service for nonpayment shall provide the customer with information on how to restore residential service.

116914. (a) For a residential customer who demonstrates to an urban and community water system household income below 200 percent of the federal poverty line, the urban and community water system shall do both of the following:

(1) Set a reconnection of service fee for reconnection during normal operating hours at fifty dollars (\$50), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021. For the reconnection of residential service during nonoperational hours, an urban and community water system shall set a reconnection of service fee at one hundred fifty dollars (\$150), but not to exceed the actual cost of reconnection if it is less. Reconnection fees shall be subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021.

(2) Waive interest charges on delinquent bills once every 12 months.

(b) An urban and community water system shall deem a residential customer to have a household income below 200 percent of the federal poverty line if any member of the household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level.

116916. (a) This section applies if there is a landlord-tenant relationship between the residential occupants and the owner, manager, or operator of the dwelling.

(b) If an urban and community water system furnishes individually metered residential service to residential occupants of a detached single-family dwelling, a multiunit residential structure, mobilehome park, or permanent residential structure in a labor camp as defined in Section 17008, and the owner, manager, or operator of the dwelling, structure, or park is the customer of record, the urban and community water system shall make every good faith effort to inform the residential occupants, by means of written notice, when the account is in arrears that service will be terminated at least 10 days prior to the termination. The written notice shall further inform the residential occupants that they have the right to become

customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account.

(c) The urban and community water system is not required to make service available to the residential occupants unless each residential occupant agrees to the terms and conditions of service and meets the requirements of law and the urban and community water system's rules and tariffs. However, if one or more of the residential occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the urban and community water system, or if there is a physical means legally available to the urban and community water system of selectively terminating service to those residential occupants who have not met the requirements of the urban and community water system's rules and tariffs, the urban and community water system shall make service available to those residential occupants who have met those requirements.

(d) If prior service for a period of time is a condition for establishing credit with the urban and community water system, residence and proof of prompt payment of rent or other credit obligation acceptable to the urban and community water system for that period of time is a satisfactory equivalent.

(e) Any residential occupant who becomes a customer of the urban and community water system pursuant to this section whose periodic payments, such as rental payments, include charges for residential water service, where those charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the urban and community water system for those services during the preceding payment period.

(f) In the case of a detached single-family dwelling, the urban and community water system may do any of the following:

(1) Give notice of termination at least seven days prior to the proposed termination.

(2) In order for the amount due on the delinquent account to be waived, require an occupant who becomes a customer to verify that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. Verification may include, but is not limited to, a lease or rental agreement, rent receipts, a government document indicating that the occupant is renting the property, or information disclosed pursuant to Section 1962 of the Civil Code.

116918. An urban and community water system shall report the number of annual discontinuations of residential service for inability to pay on the urban and community water system's Internet Web site, if an Internet Web site exists, and to the board. The board shall post on its Internet Web site the information reported.

116920. (a) The Attorney General, at the request of the board or upon his or her own motion, may bring an action in state court to restrain by temporary or permanent injunction the use of any method, act, or practice declared in this chapter to be unlawful.

(b) For an urban and community water system regulated by the Public Utilities Commission, the commission may bring an action in state court to restrain by temporary or permanent injunction the use by an urban and community water system regulated by the commission of any method, act, or practice declared in this chapter to be unlawful.

116922. All written notices required under this chapter shall be provided in English, the languages listed in Section 1632 of the Civil Code, and any other language spoken by 10 percent or more of the customers in the urban and community water system's service area.

116924. Where provisions of existing law are duplicative of this chapter, compliance with one shall be deemed compliance with the other. Where those provisions are inconsistent, the provisions of this chapter shall apply. Nothing in this chapter shall be construed to limit or restrict the procedural safeguards against the disconnection of residential water service existing as of December 31, 2018.

116926. This chapter does not apply to the termination of a service connection by an urban and community water system due to an unauthorized action of a customer.

2.1 ACCURACY OF WATER BILLS

The following administrative steps will be followed to insure accuracy of questioned meter reads.

- A. Upon receiving an inquiry from a customer, staff will determine if there is any explanation for the high ~~reach~~ read, such as warm, dry weather or a change in water use patterns on the property.
- B. If no explanation is found, the District will recheck the meter within five (5) working days. If an error is found in the meter reading, a revised bill will be sent to the customer. If the recheck indicates the meter was read properly and the customer is still dissatisfied, then, upon a request from the customer, the District will do a preliminary accuracy check of the meter in the field at no cost to the customer. If the meter is found to be inaccurate, a revised water bill will be presented to the customer.
- C. If the customer is still dissatisfied, then the customer may request in writing that the meter be pulled and bench tested in the District's meter shop or in the case of large meters, testing using the District's test trailer. The customer will be notified that if the meter proves to be accurate within the limits established by the American Water Works Association (AWWA), the customer will be charged for the cost of testing. If the meter registers more water than allowed by the AWWA standards, a revised water bill will be presented to the customer. The AWWA standards are incorporated into these Rules and Regulations by reference.

If the customer is still dissatisfied, or if the meter proves to be within the limits as established by the AWWA, or if the customer does not wish the meter to be tested, then the customer will be asked to voluntarily read their meter every morning and evening for seven days and to submit the results to the District. The purpose of the voluntary meter reads by the customer is to determine if there is a leak in the customer's private system or if someone has unknowingly tied into the customer's private water system. Should these voluntary reads not indicate the reason for the high read or if the customer elects not to voluntarily make the morning and evening meter reads, the water bill shall be considered correct, due and payable.

- D. All complaints regarding service shall be first taken up with the General Manager or his designee before any action will be taken by the Board of Directors.

It is recognized that in some cases, after the above procedures have been exhausted, that neither staff nor the customer may be able to explain the high water usage. These cases may be referred to the Customer Service ~~Manager~~ Supervisor if the adjustment does not exceed \$250500, or to the General Manager for final resolution. In all cases, the customer has the right to appeal the General Manager's final decision regarding the customer's water bill to the Board of Directors of Vista Irrigation District pursuant to Section 2.2.4 (E).

~~The customer shall submit a written request to the Board Secretary to have his or her billing dispute considered as an item for discussion at an upcoming Board meeting, which would allow the Board to discuss the request and take action. The written request shall include: 1) a description of the issues, 2) evidence supporting the claim, and 3) a request for resolution of the dispute.~~

~~E. If the customer has a dispute regarding an unpaid water bill that is beyond the authority of the Customer Service Manager to resolve, the Customer Service Manager may, at his or her discretion, defer the termination of water service until the dispute can be brought before the General Manager and/or the District's Board of Directors for final resolution. The dispute, however, will not be referred to the General Manager or agendized at a Board meeting until the customer pays a reasonable portion of the disputed water bill. The reasonable portion will be based on the customer's historical usage.~~

2.2 BILLING PROCEDURES

2.2.1 Water Bill Charges

(See Section 4.4.14 for fees related to payment of water bills.)

2.2.2 Definitions

A. Owner

Owner of record per the County of San Diego. The owner ~~is always~~remains liable for water served to the property even when used by a Tenant. The District has no duty to collect any water charges, penalties or fees from a tenant who has vacated the property prior to collecting delinquent amounts from the Owner. Water bills are a lien on the land and may be added to the assessment roll of the District.

B. Tenant

Occupying the premises with the Owner's approval. Per Water code Section 25806, the Owner can elect to have the Tenant billed if the Owner completes and signs the District's authorization form ~~so authorizing~~. However, Owner retains full responsibility for the payment of ~~water bills~~all water charges, penalties and fees. If the District sends a late note to the Tenant, it will also send a late notice to the Owner.

C. ~~Substantial Balance~~Billing Due Date

~~An amount due on the water account that is at least 50% more than an average single billing.~~All water bills are due 15 days from the date of mailing and are subject to late penalty if not received within 25 days after the due date.

D. Good Payment Record

No late charges, returned checks, ~~or~~ broken lock fees or delinquent alternative payment arrangements within the last ~~twelve~~ 12 months.

E. Alternative Payment Arrangements

~~If there is a substantial balance on the account, the~~ A Customer Service Representative may make arrangements of up to four ~~(4)~~ months to clear the account ~~by weekly payments~~. These payments should be approximately in equal in amounts. ~~The Customer Service Manager must approve the arrangement before the Water Account Payment Agreement form is signed. The Agreement form must be signed and returned with the first payment. Weekly payments must be received by 5:00 PM each Tuesday. If payment is not received, the account will be locked on the following Thursday.~~ A customer may be required to sign a payment arrangement. If customer fails to comply with an alternative payment arrangement for delinquent charges or fails to pay the current residential service bill for 60 days or more, the service becomes subject to discontinuation.

A ~~R~~request for ~~Water Account~~ Alternative Payment Agreements in excess of four ~~(4)~~ months must be submitted to and approved by the ~~Board of Directors~~ General Manager or designee. Alternative Payment Arrangements may be granted for up to 12 months.

F. Hardship Payment Agreements

Customers meeting requirements specified in Section 2.2.4 (C) may be qualified to enter in a Hardship Payment Agreement to avoid discontinuation of residential water service. Failure to meet the Hardship Payment Agreements for more than 60 days will subject a customer to discontinuation.

2.2.3 Billing Procedures ~~for Bi-Monthly Cycles (until service is locked)(until service discontinuation)~~

A. ~~A.~~ First billing, which is for approximately two months water use or from the last special read for eight bi-monthly cycles, and one-month use or from last special read for monthly cycles is due within ~~lists a penalty date of 25~~ 15 days from the date of mailing date.

B. If payment is not received in the District office within 25 days after the due date, a late charge is added to the water account, and a Late Notice (second billing notice) is mailed. The Late Notice will include the District policy on Discontinuation of Water Service and identify the delinquent amount and late charge with a penalty date showing "PAST DUE". If payment is not received

within 21 days of the Late Notice being sent, the District will commence discontinuation of service 14 days later as outline in subsection 2.2.3 (D).

C. ~~B.~~—Prior to the penalty date, a customer with a good payment record may ask for an extension of up to 15 days beyond the penalty date with no late charge assessed. This extension may be granted at the discretion of the Customer Service Representative. Any waiver of late charges or extensions of time requested after the penalty date may be granted at the discretion of the Customer Service ~~Manager~~Supervisor. Tenants that do not meet specific income and financial requirements receive no further time extension after discontinuation of service to make payment without owner authorization.

D. ~~C.~~—If payment is not received in the District office by the penalty date, a late charge is added to the water account, and a Late Notice is sent, giving 20 days in which to pay before service is locked. The Late Notice will show the past due amount and late charge, with a penalty date showing “PAST DUE.” The message block will show the date payment must be in the District office or service will be locked~~If the customer does not contact the District after receiving the written notice of impending discontinuation of water service and payment is not received in the District office 14 days before scheduled discontinuation, the District will visit the premises and leave a notice of discontinuation of water service (door hanger) as well as the District’s policy on Discontinuation of Water Service. The notice will advise occupants that the water service will be discontinued unless the bill is PAID IN FULL or alternative payment arrangements are made with the District.~~

~~D.~~—If payment is not received in the District office seven (7) days before lock day, the District will attempt to contact the customer as follows:

~~—1)—~~ At least 48 hours before actual shutoff, the District will make a reasonable attempt to contact an adult person residing at the premises in person by handing them a notice or by placing a door hanger on the premises advising the occupants that the water service will be terminated on the following Thursday unless the bill is PAID IN FULL or satisfactory arrangements are made with the District.

~~—2)—~~ For multiple family residences, the District will make a reasonable attempt to notify the facility manager as set forth in subsection 2.2.3 ~~D.1~~ above, and request that the manager give notice to all of the individual tenants affected by the discontinuation. The District will provide the manager with a sufficient number of door hangers to leave at least one at each residential unit. In addition, the District shall post a written notice of the pending discontinuation of service in conspicuous location on the property served by the service connection, which may, but is not required to be, posted at the vehicular entry to such property from the public right of way. Such notice shall provide both a telephonic and e-mail contact at the District that parties

subject to service discontinuation can contact for further information.

~~2.2.4 Billing Procedures for Monthly Cycles (until service is locked)~~

- ~~A. First billing, which is for approximately one month's water use or from the last Special Read, lists a penalty date of 25 days from the mailing date.~~
- ~~B. Prior to the penalty date, a customer with a good payment record may ask for an extension of up to 15 days beyond the penalty date with no late charge assessed. This extension may be granted at the discretion of the Customer Service Representative. Any waiver of late charges or extensions of time requested after the penalty date may be granted at the discretion of the Customer Service Manager.~~
- ~~C. If payment is not received in the District office by the penalty date, a late charge will be added to the water account.~~
- ~~D. If the original bill is unpaid, it will show as an arrears on the next regular bill. The bill message warns that the arrears payments must be received within 20 days or service will be locked.~~
- ~~E. If payment is not received in the District office seven (7) days before the lock date indicated in the message block on the second bill, the District will attempt to contact the customer as follows:~~

~~1) At least 48 hours before actual shutoff, the District will make a reasonable attempt to contact an adult person residing at the premises in person by handing them a notice or by placing a door hanger on the premises advising the occupants that the water service will be terminated on the following Thursday unless the bill in PAID IN FULL or satisfactory arrangements are made with the District.~~

~~2) For multiple family residences, the District will make a reasonable attempt to notify the facility manager as set forth in subsection 2.2.4 E.1 above, and request that the manager give notice to all of the individual tenants. The District will provide the manager with a sufficient number of door hangers to leave at least one at each residential unit.~~

~~2.2.5 Policy for Locking Water Service—All Cycles~~

- ~~A. The water service will be unlocked only upon payment in FULL of all delinquent charges and penalties.~~
- ~~B. Under special circumstances, the Customer Service Representative(s) may have the account unlocked and payment deferred until 5:00 PM on the following Tuesday. Late or lock fees may be rescinded or allowed to be paid with the next billing upon approve of the Customer Service Manager.~~

~~C. Tenants receive no further credit arrangements because the property owner is obligated to pay tenant's account.~~

2.2.4 Discontinuation of Water Service Policy

A. The District may discontinue water service if the current water bill or alternative payment arrangement is delinquent for at least 60 days.

B. The District will provide written notice to the customer of record at least 14 days prior to discontinuation of water service.

C. For customers facing medical and financial hardship, the District will not discontinue water service if all of the following conditions are met.

1) The customer, or a tenant of the customer, submits to the District the certification of a primary care provider that discontinuation of residential water service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where residential service is provided.

2) The customer demonstrates that he or she is financially unable to pay for residential service within the District's normal billing cycle. The customer is deemed financially unable to pay during the normal billing cycle if: (a) any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants and Children, or (b) the customer declares under penalty of perjury that the household's annual income is less than 200 percent of the federal poverty level; and

3) The customer is willing to enter into a Hardship Payment Agreement.

A customer meeting the above requirements may provide the District with appropriate documentation to demonstrate specified medical and economic hardship and enter into a Hardship Payment Agreement. The customer will be required to demonstrate eligibility for medical and financial hardship on an annual basis.

The District may discontinue water service if a customer granted a Hardship Payment Agreement under this section fails to do any of the following for 60 days or more: (a) pay any amount under a Hardship Payment Agreement or (b) pay the current charges for

water service. The District will post a final notice of intent to discontinue service in a prominent and conspicuous location at the service address at least five business days prior to discontinuation of service. The final notice will not entitle the customer to any investigation or review by the District.

D. In the event of non-payment of a water bill by an Owner for a residence that receives individually metered residential water service, a Tenant may request to become the customer of record to avoid discontinuation of water service. In order to transfer service into Tenant's name, the Owner will be required to complete and sign the District's form of authorization providing approval to transfer into Tenant(s) name within 30 days. Should the District not receive the form of authorization within 30 days, the Tenant may continue to pay the Owner's water bill in order to avoid discontinuation. In the event the Tenant cannot secure the Owner's written authorization within 30 days, the Tenant may request the District to provide to Tenant, duplicate copies of the Owner's water bills for the individually metered residential water service, to facilitate the Tenant's ability to timely pay water bills accruing over time, which payments shall be treated by District as paid on behalf of Owner, until formal transfer is complete. Notwithstanding any such duplicate water bills, or payments accepted by District from Tenant, the Owner retains full responsibility for payment of any unpaid water bills and all subsequent charges to the property pursuant to California Water Code Section 25806.

E. If a customer disputes an unpaid water bill that is beyond the authority of the Customer Service Supervisor to resolve, the Customer Service Supervisor may defer the discontinuation of water service until the dispute can be reviewed by the General Manager and/or brought before the Board for final resolution. The dispute will not be referred to the General Manager or scheduled for consideration by the Board until the customer pays a reasonable portion of the disputed water bill. The reasonable portion of the disputed bill will be based on the customer's account history.

The customer shall submit a written request of appeal to the Board Secretary to have his or her dispute considered as an item for discussion at an upcoming Board meeting, which would allow the Board to hear the dispute and take action. The written request of appeal shall include: 1) a description of the issue, 2) evidence supporting the claim, and 3) a request for resolution.

Water service shall not be discontinued pending an appeal.

F. Water service will be restored only upon payment of all delinquent charges and penalties.

RESOLUTION NO. 19-XX

RESOLUTION OF THE BOARD OF DIRECTORS
OF VISTA IRRIGATION DISTRICT
AMENDING CERTAIN PROVISIONS OF THE DISTRICT'S RULES AND REGULATIONS
RELATIVE TO BILLING PROCEDURES AND DISCONTINUATION OF WATER SERVICE

WHEREAS, Vista Irrigation District's Rules and Regulations contain provisions relative to its billing procedures and discontinuation of water service; and

WHEREAS, Vista Irrigation District is required to implement changes to its billing procedures and policy for discontinuation of residential water service to comply with provisions set forth in SB 998, the Water Shutoff Protection Act; and

WHEREAS, the District must update its Rules and Regulations relative to its billing procedures and policy on discontinuation of water service to comply with SB 998 by February 1, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Vista Irrigation District does hereby amend certain provisions of the District's Rules and Regulations as follows:

2.1 ACCURACY OF WATER BILLS

The following administrative steps will be followed to insure accuracy of questioned meter reads.

- A. Upon receiving an inquiry from a customer, staff will determine if there is any explanation for the high read, such as warm, dry weather or a change in water use patterns on the property.
- B. If no explanation is found, the District will recheck the meter within five (5) working days. If an error is found in the meter reading, a revised bill will be sent to the customer. If the recheck indicates the meter was read properly and the customer is still dissatisfied, then, upon a request from the customer, the District will do a preliminary accuracy check of the meter in the field at no cost to the customer. If the meter is found to be inaccurate, a revised water bill will be presented to the customer.
- C. If the customer is still dissatisfied, then the customer may request in writing that the meter be pulled and bench tested in the District's meter shop or in the case of large meters, testing using the District's test trailer. The customer will be notified that if the meter proves to be accurate within the limits established by the American Water Works Association (AWWA), the customer will be charged for the cost of testing. If the meter registers more water than allowed by the AWWA standards, a revised water bill will be presented to the customer. The AWWA standards are incorporated into these Rules and Regulations by reference.

If the customer is still dissatisfied, or if the meter proves to be within the limits as established by the AWWA, or if the customer does not wish the meter to be tested, then the customer will be asked to voluntarily read their meter every morning and evening for seven days and to submit the results to the District. The purpose of the voluntary meter reads by the customer is to determine if there is a leak in the customer's private system or if someone has unknowingly tied into the customer's private water system. Should these voluntary reads not indicate the reason for the high read or if the customer elects not to voluntarily make the morning and evening meter reads, the water bill shall be considered correct, due and payable.

- D. All complaints regarding service shall be first taken up with the General Manager or his designee before any action will be taken by the Board of Directors.

It is recognized that in some cases, after the above procedures have been exhausted, that neither staff nor the customer may be able to explain the high water usage. These cases may be referred to the Customer Service Supervisor if the adjustment does not exceed \$500, or to the General Manager for final resolution. In all cases, the customer has the right to appeal the General Manager's final decision regarding the customer's water bill to the Board of Directors of Vista Irrigation District pursuant to Section 2.2.4 (E).

2.2 BILLING PROCEDURES

2.2.1 Water Bill Charges

(See Section 4.4.14 for fees related to payment of water bills.)

2.2.2 Definitions

A. Owner

Owner of record per the County of San Diego. The owner remains liable for water served to the property even when used by a Tenant. The District has no duty to collect any water charges, penalties or fees from a tenant who has vacated the property prior to collecting delinquent amounts from the Owner. Water bills are a lien on the land and may be added to the assessment roll of the District.

B. Tenant

Occupying the premises with the Owner's approval. Per Water code Section 25806, the Owner can elect to have the Tenant billed if the Owner completes and signs the District's authorization form. However, Owner retains full responsibility for the payment of all water charges, penalties and fees. If the District sends a late note to the Tenant, it will also send a late notice to the Owner.

C. Billing Due Date

All water bills are due 15 days from the date of mailing and are subject to late penalty if not received within 25 days after the due date.

D. Good Payment Record

No late charges, returned checks, broken lock fees or delinquent alternative payment arrangements within the last two months.

E. Alternative Payment Arrangements

A Customer Service Representative may make arrangements of up to four months to clear the account. These payments should be approximately in equal amounts. A customer may be required to sign a payment arrangement. If customer fails to comply with an alternative payment arrangement for delinquent charges or fails to pay the current residential service bill for 60 days or more, the service becomes subject to discontinuation.

A request for Alternative Payment Agreements in excess of four months must be submitted to and approved by the General Manager or designee. Alternative Payment Arrangements may be granted for up to 12 months.

F. Hardship Payment Agreements

Customers meeting requirements specified in Section 2.2.4 (C) may be qualified to enter in a Hardship Payment Agreement to avoid discontinuation of residential water service. Failure to meet the Hardship Payment Agreements for more than 60 days will subject a customer to discontinuation.

2.2.3 Billing Procedures (until service discontinuation)

A. First billing, which is for approximately two months water use or from the last special read for eight bi-monthly cycles, and one-month use or from last special read for monthly cycles is due within 15 days from the date of mailing.

B. If payment is not received in the District office within 25 days after the due date, a late charge is added to the water account, and a Late Notice (second billing notice) is mailed. The Late Notice will include the District policy on Discontinuation of Water Service and identify the delinquent amount and late charge with a penalty date showing "PAST DUE". If payment is not received within 21 days of the Late Notice being sent, the District will commence discontinuation of service 14 days later as outline in subsection 2.2.3 (D).

- C. Prior to the penalty date, a customer with a good payment record may ask for an extension of up to 15 days beyond the penalty date with no late charge assessed. This extension may be granted at the discretion of the Customer Service Representative. Any waiver of late charges or extensions of time requested after the penalty date may be granted at the discretion of the Customer Service Supervisor. Tenants that do not meet specific income and financial requirements receive no further time extension after discontinuation of service to make payment without owner authorization.
- D. If the customer does not contact the District after receiving the written notice of impending discontinuation of water service and payment is not received in the District office 14 days before scheduled discontinuation, the District will visit the premises and leave a notice of discontinuation of water service (door hanger) as well as the District's policy on Discontinuation of Water Service. The notice will advise occupants that the water service will be discontinued unless the bill is PAID IN FULL or alternative payment arrangements are made with the District.

For multiple family residences, the District will make a reasonable attempt to notify the facility manager as set forth in subsection 2.2.3 above, and request that the manager give notice to all of the individual tenants affected by the discontinuation. In addition, the District shall make a reasonable attempt to post a written notice of the pending discontinuation of service in conspicuous location on the property served by the service connection. Such notice shall provide both a telephonic and e-mail contact at the District that parties subject to service discontinuation can contact for further information.

2.2.4 Discontinuation of Water Service Policy

- A. The District may discontinue water service if the current water bill or alternative payment arrangement is delinquent for at least 60 days.
- B. The District will provide written notice to the customer of record at least 14 days prior to discontinuation of water service.
- C. For customers facing medical and financial hardship, the District will not discontinue water service if all of the following conditions are met.
 - 1) The customer, or a tenant of the customer, submits to the District the certification of a primary care provider that discontinuation of residential water service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where residential service is provided.
 - 2) The customer demonstrates that he or she is financially unable to pay for residential service within the District's

normal billing cycle. The customer is deemed financially unable to pay during the normal billing cycle if: (a) any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants and Children, or (b) the customer declares under penalty of perjury that the household's annual income is less than 200 percent of the federal poverty level; and

- 3) The customer is willing to enter into a Hardship Payment Agreement.

A customer meeting the above requirements may provide the District with appropriate documentation to demonstrate specified medical and economic hardship and enter into a Hardship Payment Agreement. The customer will be required to demonstrate eligibility for medical and financial hardship on an annual basis.

The District may discontinue water service if a customer granted a Hardship Payment Agreement under this section fails to do any of the following for 60 days or more: (a) pay any amount under a Hardship Payment Agreement or (b) pay the current charges for water service. The District will post a final notice of intent to discontinue service in a prominent and conspicuous location at the service address at least five business days prior to discontinuation of service. The final notice will not entitle the customer to any investigation or review by the District.

- D. In the event of non-payment of a water bill by an Owner for a residence that receives individually metered residential water service, a Tenant may request to become the customer of record to avoid discontinuation of water service. In order to transfer service into Tenant's name, the Owner will be required to complete and sign the District's form of authorization providing approval to transfer into Tenant(s) name within 30 days. Should the District not receive the form of authorization within 30 days, the Tenant may continue to pay the Owner's water bill in order to avoid discontinuation. In the event the Tenant cannot secure the Owner's written authorization within 30 days, the Tenant may request the District to provide to Tenant, duplicate copies of the Owner's water bills for the individually metered residential water service, to facilitate the Tenant's ability to timely pay water bills accruing over time, which payments shall be treated by District as paid on behalf of Owner, until formal transfer is complete. Notwithstanding any such duplicate water bills, or payments accepted by District from Tenant, the Owner retains full

responsibility for payment of any unpaid water bills and all subsequent charges to the property pursuant to California Water Code Section 25806.

- E. If a customer disputes an unpaid water bill that is beyond the authority of the Customer Service Supervisor to resolve, the Customer Service Supervisor may defer the discontinuation of water service until the dispute can be reviewed by the General Manager and/or brought before the Board for final resolution. The dispute will not be referred to the General Manager or scheduled for consideration by the Board until the customer pays a reasonable portion of the disputed water bill. The reasonable portion of the disputed bill will be based on the customer's account history.

The customer shall submit a written request of appeal to the Board Secretary to have his or her dispute considered as an item for discussion at an upcoming Board meeting, which would allow the Board to hear the dispute and take action. The written request of appeal shall include: 1) a description of the issue, 2) evidence supporting the claim, and 3) a request for resolution.

Water service shall not be discontinued pending an appeal.

- F. Water service will be restored only upon payment of all delinquent charges and penalties.

THE BOARD OF DIRECTORS HEREBY FINDS as follows:

Upon approval by the Board of Directors, these amendments to certain provisions of the District's Rules and Regulations will be effective January 1, 2020.

PASSED AND ADOPTED by the following roll call vote of the Board of Directors for the Vista Irrigation District this 20th day of November 2019.

AYES:
NOES:
ABSTAIN:
ABSENT:

Jo MacKenzie, President

ATTEST:

Lisa R. Soto, Secretary
Board of Directors



SB 998 WATER SHUT OFF PROTECTION ACT

VISTA IRRIGATION DISTRICT

CURRENT POLICY/PRACTICE

- WATER BILLS ARE DUE 25 DAYS FROM THE MAILING DATE, LATE FEE ASSESSED ON THE 26TH DAY.
 - DISCONTINUATION OF SERVICE OCCURS ON DAY 55.

PROPOSED POLICY/PRACTICE

- WATER BILLS ARE DUE 15 DAYS FROM THE MAILING DATE, LATE FEE ASSESSED 25 DAYS AFTER DUE DATE.
 - IN ORDER TO BEGIN THE 60 DAY DELINQUENT COUNT, TO ALLOW FOR SERVICE DISCONTINUANCE NO EARLIER THAN 75 DAYS AFTER BILL GENERATION.

CURRENT POLICY/PRACTICE

- DOOR HANGER 7 DAYS PRIOR TO DISCONTINUATION.

- DOOR HANGER NOTICES INCLUDE:
 - CUSTOMER ACCOUNT NUMBER
 - SERVICE ADDRESS
 - BALANCE DUE
 - DUE DATE

- LOCK ACCOUNT 1 WEEK AFTER DOOR HANGER

PROPOSED POLICY/PRACTICE

- DOOR HANGER 14 DAYS PRIOR TO DISCONTINUATION. MULTIFAMILY RESIDENCES NOTICE WILL BE POSTED IN CONSPICUOUS PLACE.

- DOOR HANGER NOTICES MUST INCLUDE:
 - CUSTOMER NAME
 - ACCOUNT NUMBER
 - AMOUNT DELINQUENT
 - POLICY ON HOW DISCONTINUATION AND HOW TO APPEAL

- LOCK ACCOUNT 2 WEEKS AFTER DOOR HANGER

CURRENT POLICY/PRACTICE

- PAYMENT ARRANGEMENTS FOR HIGH BILLS CAN BE MADE FOR UP TO FOUR (4) MONTHS, PAYMENT ARRANGEMENTS ON A NORMAL BILL CAN BE MADE BUT NOT PAST DISCONTINUATION DATE.

PROPOSED POLICY/PRACTICE

- PAYMENT ARRANGEMENTS CAN STILL BE MADE.
- HOWEVER CUSTOMERS MEETING SPECIFIED MEDICAL AND FINANCIAL HARDSHIP GUIDELINES CAN REQUEST TO HAVE A NORMAL BILL EXTENDED UNDER THE HARDSHIP PAYMENT AGREEMENT FOR UP TO TWELVE (12) MONTHS.

CURRENT POLICY/PRACTICE PROPOSED POLICY/PRACTICE

- NO HARDSHIP PROGRAM.

- HARDSHIP PROGRAM; CUSTOMERS MUST MEET ALL 3 ITEMS TO QUALIFY:
 - CUSTOMER OR ANYONE RESIDING AT THE PROPERTY MUST SUBMIT A CERTIFICATION FROM THEIR PRIMARY CARE PROVIDER THAT DISCONTINUATION OF RESIDENTIAL WATER SERVICE WOULD BE LIFE THREATING OR POSE A SERIOUS THREAT TO THE HEALTH AND SAFETY.
 - CUSTOMER OR ANYONE RESIDING AT THE PROPERTY MUST DEMONSTRATE THAT THEY ARE FINANCIALLY UNABLE TO PAY WITHIN THE BILLING CYCLE. THIS CAN BE DONE BY PROVIDING PROOF THAT THEY ARE A RECIPIENT OF CALWORKS, CALFRESH, MEDI-CAL, SSI/SSSP, GENERAL ASSISTANCE, OR CALIFORNIA SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN, OR THE CUSTOMER DECLARES THAT THEY ARE 200% BELOW FEDERAL POVERTY LEVEL.
 - CUSTOMER MUST BE WILLING TO ENTER INTO A HARDSHIP PAYMENT AGREEMENT.

CURRENT POLICY/PRACTICE **PROPOSED POLICY/PRACTICE**

- DISTRICT CAN DISCONTINUE SERVICES FOR FAILED ARRANGEMENTS ON THE NEXT DISCONTINUATION DATE WITHOUT PROVIDING ADDITIONAL NOTICES TO ANY CUSTOMERS.

- DISTRICT CAN DISCONTINUE SERVICES FOR FAILED ARRANGEMENTS FOR CUSTOMERS AFTER GIVING ADDITIONAL NOTICE OF 5 DAYS.
- HOWEVER CUSTOMERS WITH HARDSHIP AGREEMENT CAN BE DISCONNECTED ONLY IF:
 - 60 DAYS HAS PASSED SINCE THE FAILED ARRANGEMENT
 - CURRENT BILL IS 60 DAYS DELINQUENT
 - DISTRICT HAS PROVIDED A NOTICE OF PENDING DISCONTINUATION 5 DAYS PRIOR TO DISCONTINUATION DATE.

CURRENT POLICY/PRACTICE PROPOSED POLICY/PRACTICE

- NO INFORMATION PROVIDED IN WRITING TO CUSTOMER ON APPEALS PROCESS. APPEALS PROCESS IS CURRENTLY POSTED ON WEBSITE UNDER RULES & REGULATIONS.
- DISTRICT POLICY LOCATED ON WEBSITE IN THE RULES AND REGULATIONS IN ENGLISH.
- MUST PROVIDE WRITTEN POLICY ON DISCONTINUATION AND APPEALS PROCESS. MUST ALSO CONTINUE TO POST POLICY ON WEBSITE. WATER SERVICE CANNOT BE DISCONTINUED WHILE AN APPEAL IS IN PROCESS.
- DISTRICT POLICY ON DISCONTINUATION MUST BE ON WEBSITE IN (6) LANGUAGES: ENGLISH, SPANISH, TAGALOG, VIETNAMESE, KOREAN, CHINESE.

CURRENT POLICY/PRACTICE PROPOSED POLICY/PRACTICE

- TENANTS MAY BECOME A CUSTOMER OF VID, VID SENDS OUT A LETTER TO THE OWNER REQUESTING AUTHORIZATION. IN SOME CASES IF LETTER IS NOT RETURNED THE ACCOUNT REMAINS UNDER THE TENANT FOR APPROXIMATELY SEVEN (7) MONTHS BEFORE REVERTING BACK TO THE OWNERS NAME.
- RECONNECTION FEE AS ADOPTED BY THE BOARD OF DIRECTORS IN 2019 ARE \$144 FOR DELINQUENT LOCK AND \$164 FOR AFTER HOURS UNLOCK.
- TENANTS HAVE THE RIGHT TO BECOME A CUSTOMER OF VID. VID WILL SEND AN APPLICATION FORM TO THE OWNER TO TRANSFER SERVICE TO THE TENANT'S NAME. WHILE AWAITING RETURN OF FORM, ACCOUNT WILL BE SWITCHED TO TENANTS NAME. **TENANTS CAN PAY ON AN OWNER ACCOUNT AT ANY TIME AND MAY REQUEST A DUPLICATE COPY OF AN OWNERS BILL.
- LIMITS RECONNECTION FEES FOR HARDSHIP QUALIFIED CUSTOMERS TO NO MORE THAN \$50 FOR RECONNECTION (LOCK) AND \$150 FOR AFTER HOURS UNLOCK. RECONNECTION FEE AND DELINQUENT LOCK FEE FOR NON-HARDSHIP CUSTOMERS REMAINS AT \$144 AND \$164, RESPECTIVELY.

SB 998 REQUIREMENTS

- MUST BE IMPLEMENTED BY FEBRUARY 1, 2020.
- REQUIRED TO REPORT ANNUALLY TO THE STATE THE AMOUNT OF SHUT OFFS DUE TO NON-PAYMENT.
- REQUIRED TO REPORT ON VID WEBSITE THE AMOUNT OF SHUT OFFS DUE TO NON-PAYMENT.



CURRENT BILLING EXAMPLE

- MARCH 1 – BILL MAILED FOR JANUARY & FEBRUARY USE
- MARCH 25 – BILL DUE FOR JANUARY & FEBRUARY USE
- MARCH 26 – LATE FEE FOR JANUARY & FEBRUARY USE
- APRIL 9 – DOOR HANGER FOR JANUARY & FEBRUARY USE
- APRIL 16 – METER LOCKED FOR JANUARY AND FEBRUARY USE

IMPACT = 55 DAYS

SB 998 BILLING EXAMPLE

- MARCH 1 – BILL MAILED FOR JANUARY & FEBRUARY USE
- MARCH 15 – BILL DUE FOR JANUARY & FEBRUARY USE
- APRIL 9 – LATE FEE PROCESSED FOR JANUARY & FEBRUARY USE*
- APRIL 15 – LATE FEE APPLIED TO ACCOUNT FOR JANUARY & FEBRUARY USE*
- *MAY 1 – BILL MAILED FOR MARCH & APRIL USE*
- MAY 5 – DOOR HANGER PROCESSED FOR JANUARY & FEBRUARY USE^
- MAY 6 – DOOR HANGER APPLIED TO ACCOUNT FOR JANUARY & FEBRUARY USE^
- MAY 13 – METER LOCK ALLOWED FOR JANUARY & FEBRUARY USE%
- *MAY 15 – BILL DUE FOR MARCH & APRIL USE*
- MAY 20 – METER LOCK PROCESSED FOR JANUARY & FEBRUARY %

IMPACT = 81 DAYS

*LATE FEE APPLIED TO ACCOUNTS ON WEDNESDAYS, SO WILL BE MOVED TO FOLLOWING WEDNESDAY WHEN OCCURS ON ANOTHER DAY OF THE WEEK

^DOOR HANGERS ARE PERFORMED ON THURSDAYS, SO WILL BE MOVED TO FOLLOWING THURSDAY WHEN OCCURS ON ANOTHER DAY OF THE WEEK

%METER LOCK IS PERFORMED ON THURSDAYS AND CANNOT OCCUR SOONER THAN 60 DAYS AFTER DUE DATE, SO WILL OCCUR TWO WEEKS AFTER DOOR HANGER DATE



QUESTIONS?



STAFF REPORT

Agenda Item: 8

Board Meeting Date: November 20, 2019
Prepared By: Shallako Goodrick
Reviewed By: Marlene Kelleher
Approved By: Brett Hodgkiss

SUBJECT: TREASURER’S REPORT AS OF SEPTEMBER 30, 2019

RECOMMENDATION: Informational report concerning the investments of the District.

SUMMARY: Attached for review by the Board of Directors is the Treasurer’s Report as of September 30, 2019. The report is formatted to provide information as required by the California Government Code and the Vista Irrigation District Investment Policy. The Treasurer’s Report contains both an investment summary and a detailed security listing. Also attached is a five-year cash flow forecast, which indicates the District’s investments are sufficiently liquid to meet anticipated cash flow needs.

DETAILED REPORT: Activity for the quarter included deposits and withdrawals from the District’s cash and cash equivalent accounts: checking, California Asset Management Program (CAMP), and Local Agency Investment Fund (LAIF). During the quarter, \$4.5 million of Treasury bills matured and \$4.5 million of new Treasury bills were purchased.

As of September 30, 2019, the net unrealized gain on the portfolio was as follows:

	<u>Unrealized Gain</u>
Treasury Bills	\$289,450
LAIF	<u>21,701</u>
Net Unrealized Gain/(Loss)	<u>\$311,151</u>

All investment transactions have been made in accordance with the District’s Investment Policy.

The following is a five-year summary of the District’s investment portfolio:

	<u>9/30/15</u>	<u>9/30/16</u>	<u>9/30/17</u>	<u>9/30/18</u>	<u>9/30/19</u>
Total Portfolio	\$37,277,085	\$30,888,962	\$25,576,887	\$38,168,266	\$44,243,160
Unrealized Gain	\$43,788	\$74,296	\$66,353	\$116,993	\$311,151
Weighted Average Maturity	96 Days	115 Days	124 Days	88 Days	79 Days
Portfolio Interest Rate	0.26%	0.60%	1.02%	2.05%	2.23%

ATTACHMENTS: Treasurer’s Report
 Securities Detail
 Cash Flow Projection

Vista Irrigation District
TREASURER'S REPORT
September 30, 2019

<u>Category</u>	<u>Maturity Value</u>	<u>Percentage Permitted by Board Policy</u>	<u>Actual Percentage</u>	<u>Weighted Average Maturity (in Days)</u>	<u>Current Interest Rate</u>
Cash and Cash Equivalents					
Checking/Petty Cash	\$ 891,420	n/a	2.0%	0	0.00%
California Asset Management Program	10,642,013	40%	24.1%	1	2.12%
Local Agency Investment Fund	13,209,727	40%	29.9%	1	2.25%
	<u>24,743,160</u>		<u>55.9%</u>	<u>1</u>	<u>2.11%</u>
Securities					
U.S. Treasury	19,500,000	100%	44.1%	178	2.37%
Total Portfolio	<u>\$ 44,243,160</u>		<u>100.0%</u>	<u>79</u>	<u>2.23%</u>

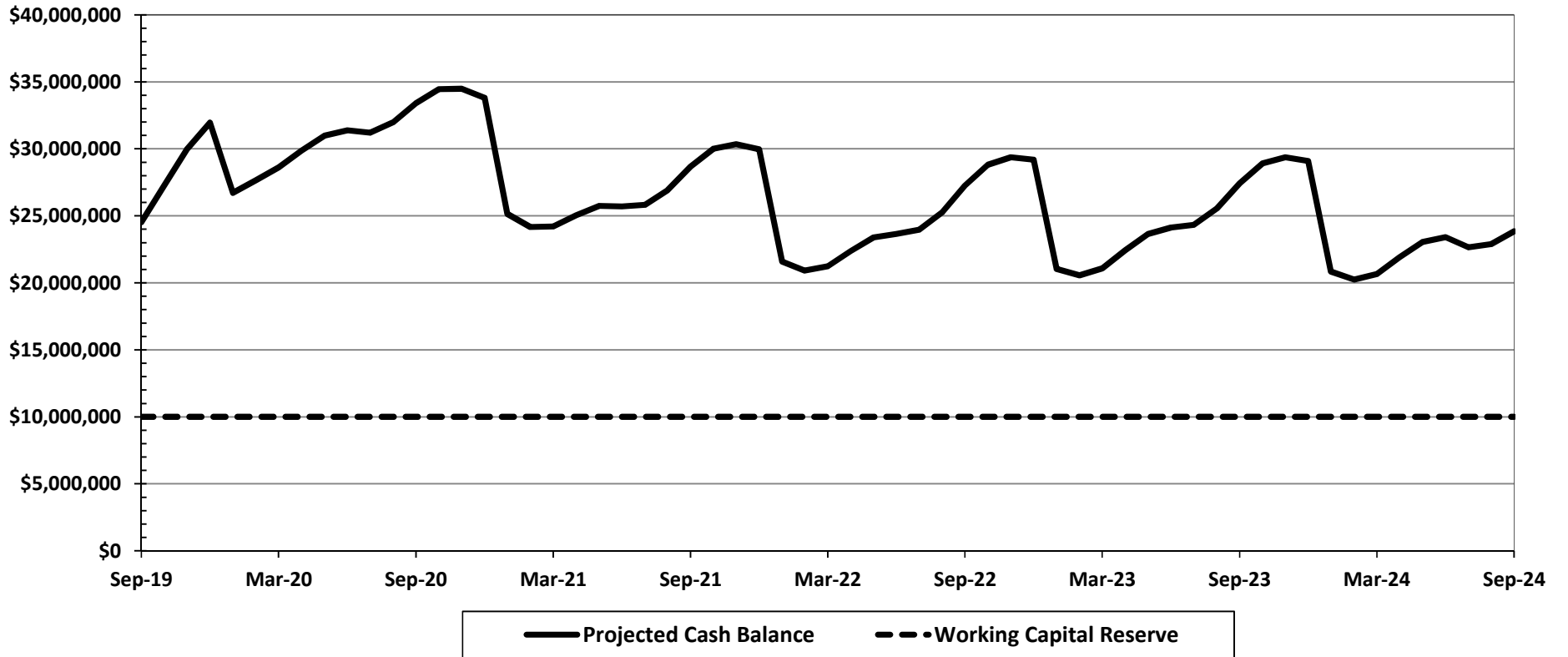
Notes:

- ◆ This report excludes accrued interest and employee flexible spending accounts.
- ◆ California Asset Management Program (CAMP) is a California Joint Powers Authority (JPA) established to provide California public agencies with professional investment services. The CAMP pool is a permitted investment for all local agencies under California Government Code Section 53601(p). The market valuation is provided by PFM Asset Management LLC.
- ◆ Local Agency Investment Fund (LAIF) is a pool of funds invested for California governmental agencies and is managed by the State Treasurer's Office of the State of California. The market valuation is provided by the State Treasurer's Office.
- ◆ The above portfolio is in full compliance with the District's Investment Policy.
- ◆ The District's investment portfolio is adequate to meet the District's cash flow requirements for the next six months.

Vista Irrigation District
SECURITIES DETAIL
September 30, 2019

Issuer	Investment Type	Interest Rate	Maturity Date	Days to Maturity	Maturity Value	Cost	Market Value	Unrealized Gain
U.S. Treasury	Treasury Bill	2.668%	10/10/19	10	1,500,000	\$ 1,460,870	\$ 1,499,290	\$ 38,420
U.S. Treasury	Treasury Bill	2.737%	11/07/19	38	1,500,000	1,459,884	1,497,364	37,480
U.S. Treasury	Treasury Bill	2.726%	12/05/19	66	1,500,000	1,460,036	1,495,348	35,313
U.S. Treasury	Treasury Bill	2.631%	01/02/20	94	1,500,000	1,461,401	1,493,151	31,750
U.S. Treasury	Treasury Bill	2.600%	01/30/20	122	1,500,000	1,461,856	1,491,286	29,430
U.S. Treasury	Treasury Bill	2.552%	02/27/20	150	1,500,000	1,462,538	1,489,212	26,674
U.S. Treasury	Treasury Bill	2.443%	03/26/20	178	1,500,000	1,464,207	1,487,213	23,007
U.S. Treasury	Treasury Bill	2.443%	04/23/20	206	1,500,000	1,464,207	1,485,329	21,122
U.S. Treasury	Treasury Bill	2.359%	05/21/20	234	1,500,000	1,465,420	1,483,431	18,011
U.S. Treasury	Treasury Bill	2.049%	06/18/20	262	1,500,000	1,469,894	1,481,556	11,662
U.S. Treasury	Treasury Bill	1.976%	07/16/20	290	1,500,000	1,470,956	1,479,585	8,629
U.S. Treasury	Treasury Bill	1.855%	08/13/20	318	1,500,000	1,472,700	1,477,980	5,280
U.S. Treasury	Treasury Bill	1.793%	09/10/20	346	1,500,000	1,473,610	1,476,282	2,672
		<u>2.372%</u>		<u>178</u>	<u>\$ 19,500,000</u>	<u>\$ 19,047,579</u>	<u>19,337,027</u>	<u>289,450</u>

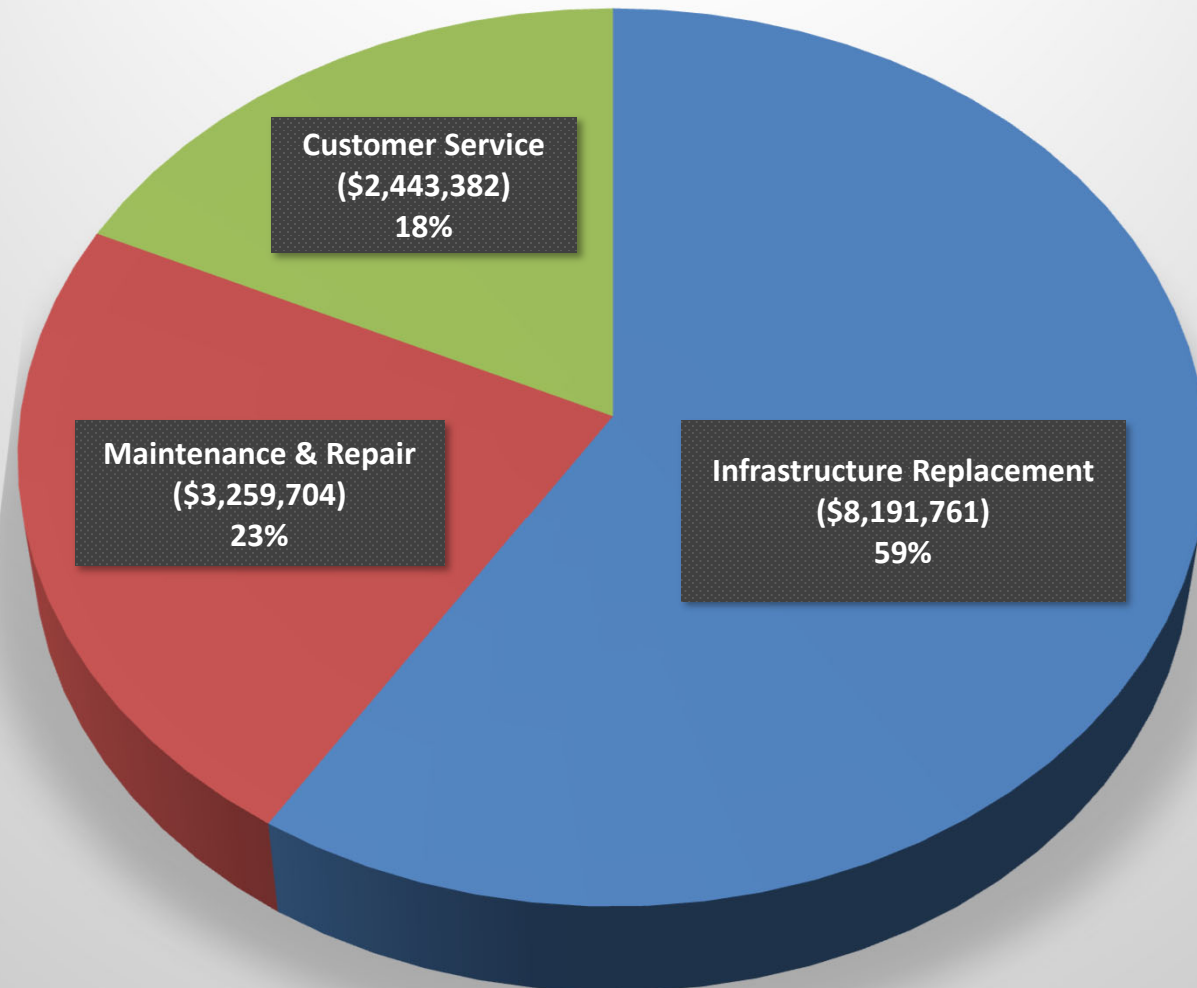
**Vista Irrigation District
CASH FLOW PROJECTION
September 30, 2019**



Master Plan Projects included in Cash Flow

Projects (individually listed over \$1 million)		5 Years		6-20 years		Total	
1	Mainline Replacement	\$	12,250,000	\$	42,750,000	\$	55,000,000
2	Flume Rehabilitation		-		50,500,000		50,500,000
3	San Pasqual Undergrounding		12,800,000		-		12,800,000
4	E Reservoir Replace/Upsize		11,100,000		-		11,100,000
5	Pechstein Rehabilitation		500,000		10,500,000		11,000,000
6	Pechstein II Reservoir		6,000,000		2,500,000		8,500,000
7	Four Reservoir Rehabilitation Projects		650,000		6,850,000		7,500,000
8	HB Reservoir Rehabilitation		7,000,000		-		7,000,000
9	Well Field Repair/Replace		2,100,000		4,900,000		7,000,000
10	Pechstein Reservoir Secondary Feed		-		5,100,000		5,100,000
11	County of SD, Santa Fe Ave – Widening		-		4,100,000		4,100,000
12	Robelini/Buena Creek Pipeline		-		3,800,000		3,800,000
13	Flume – Siphon Replacement		-		1,300,000		1,300,000
14	Vista Flume Rehab – Beehive Bench		-		1,000,000		1,000,000
15	All Other Capital Projects Combined		1,037,000		5,106,731		6,143,731
		\$	53,437,000	\$	138,406,731	\$	191,843,731

**VID Service Charge Components
FY2018 (\$13,894,847)**





STAFF REPORT

Agenda Item: 9

Board Meeting Date: November 20, 2019
Prepared By: Randy Whitmann
Approved By: Brett Hodgkiss

SUBJECT: DETACHMENT TERMS AND CONDITIONS

RECOMMENDATION: Adopt Resolution No. 19-XX setting the terms and conditions of detachment of 12.5 acres for the Orchard Hills Reorganization and direct staff to file the resolution with the San Diego Local Agency Formation Commission (LN 2013-039; CF 500-369; LAFCO RO19-06; APNs 218-220-10, 218-220-17; DIV NO 5).

PRIOR BOARD ACTION: On October 16, 2019, the Board tabled consideration of adopting a resolution setting the terms and conditions of detachment of 12.5 acres for the Orchard Hills Reorganization pending additional information and clarification regarding the proposed trail segment within the Vista Flume easement.

FISCAL IMPACT: None.

SUMMARY: The proposed Orchard Hills project is located on approximately 12.5 acres of undeveloped land along Richland Road, just north of Borden Road, within an unincorporated area between the City of Escondido (Escondido) and City of San Marcos (San Marcos). A 20-lot single-family residential subdivision is proposed and located within Vista Irrigation District's (District's) "Boot" service area. The project is also located within Vallecitos Water District's (Vallecitos's) sphere of influence and required to receive both water and sewer service from Vallecitos; the owner, Warmington Residential California, Inc., has filed a reorganization request with the San Diego Local Agency Formation Commission (LAFCO).

The project has been conditioned to execute an Irrevocable Offer of Dedication (IOD) with the County of San Diego (County) for a future trail along the northern border and within the Flume easement. To ensure that future trail improvements do not interfere with District operations or present risks to the Flume or public safety, the County's trail requirements for the project specify that the IOD is conditioned to restrict future public trail improvements within any portion of the District's easement until receiving written approval from the District (following Flume relocation or replacement underground). The form of the IOD's provisions regarding the Flume will be reviewed and approved by the District prior to its recording.

The draft resolution previously presented to the Board on October 16, 2019 only set forth conditions related to the payment of fees and the completion of annexation procedures with Vallecitos prior to final detachment from the District; it did not include conditions related to approval of the use of the Flume easement, undergrounding the Flume, or other Flume-related improvements. The Board has requested that staff engage LAFCO to discuss additional conditions to be specified in the resolution regarding the trail before considering approval.

DETAILED REPORT: Input received from LAFCO indicates that they are prohibited from imposing conditions that would directly regulate land use density or intensity, property development, or subdivision requirements under Government Code section 56375(a)(6). Therefore, terms related to the trail have not been included in the detachment resolution for the Orchard Hills Reorganization. Despite this limitation, staff feels that the negotiated IOD requirement with the County protects the District from risks to the Flume or public safety by requiring the trail to be a future improvement following District written approval after the Flume is relocated or replaced underground (or retired altogether based on the results of the Water Supply Planning Study).

Review of the planning documents for San Marcos, Escondido and the County indicate that the 1.2 mile Borden Bench section of the Flume is the only reach considered as part of a trail system (see relevant maps attached). In reviewing aerial photographs along the Borden Bench, there appears to only be one other candidate for similar development; the adjacent property is of similar size and consists of a single-family residence and horse stables that are currently served

by the District. The remaining existing development along the Borden Bench primarily consists of single-family residences on smaller lots.

Unfortunately, the majority of the Flume is outside the District's service area and it is a challenge to receive early planning notifications on projects along the Flume, such as those issued for public review in compliance with the California Environmental Quality Act or initial requests for comments that jurisdictions typically send out to all affected agencies. In an effort to be identified as an interested party/affected agency and be provided the opportunity for early input on projects, staff is sending letters and requesting meetings with the aforementioned agencies' planning departments to review the Flume alignment and to express the importance of protecting it from encroachments.

ATTACHMENTS: LAFCO Agenda Report - October 7, 2019
 Draft Resolution
 Orchard Hills and Borden Bench Map
 Orchard Hills Preliminary Grading Plan
 County, San Marcos, and Escondido Planned Trail Maps along the Flume



San Diego County
Local Agency Formation Commission
 Regional Service Planning | Subdivision of the State of California

6c

AGENDA REPORT
 Consent | Action

October 7, 2019

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Robert Barry, Chief Policy Analyst

**SUBJECT: Proposed “Orchard Hills Reorganization” |
 Concurrent Annexation to the Vallecitos Water District and Detachment from
 the Vista Irrigation District (RO19-06)**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a reorganization proposal filed by an interested landowner with the principal action to annex 12.5 unincorporated acres outside the City of San Marcos to the Vallecitos Water District (WD). A concurrent detachment of the affected territory from Vista Irrigation District (ID) is also proposed. The proposal’s purpose is to extend Vallecitos Water District’s wastewater and water services to facilitate the development of the affected territory into a 20-lot residential subdivision titled “Orchard Hills” consistent with an earlier County of San Diego entitlement. Staff recommends approval of the proposal without modifications. Standard approval terms are also recommended along with waiving protest proceedings.

BACKGROUND

Applicant Request

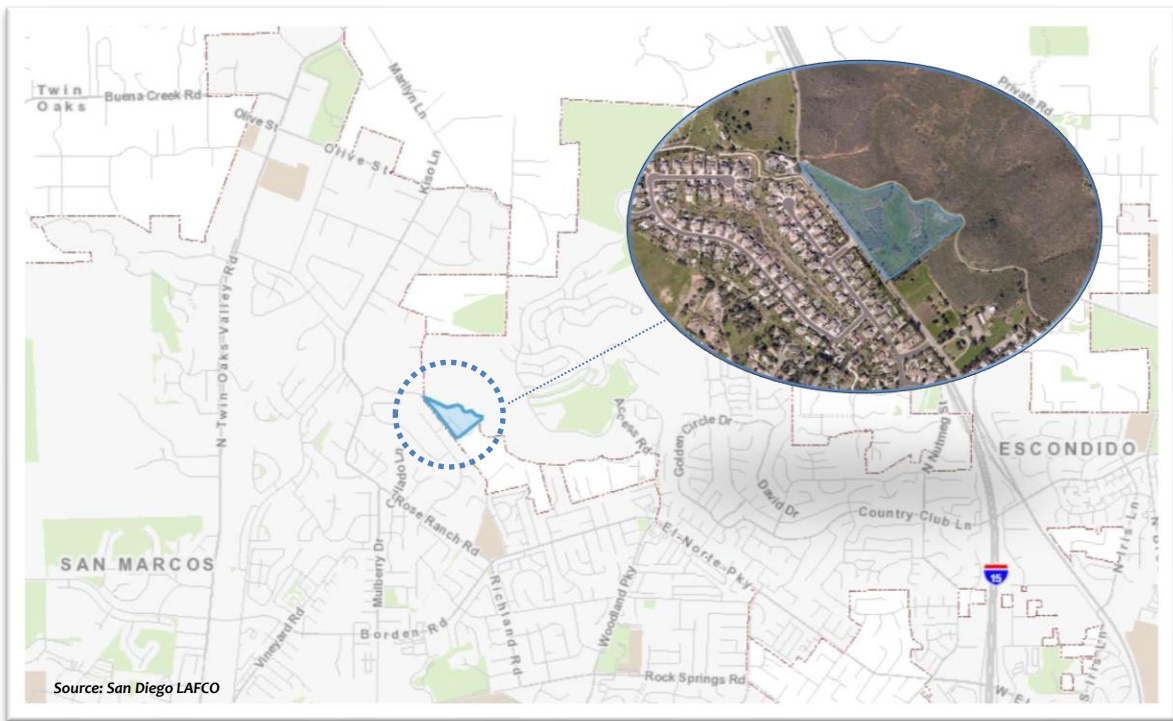
San Diego LAFCO has received an application from a landowner – Warmington Residential California, Inc. – requesting approval to reorganize approximately 12.5 acres of unincorporated and undeveloped land with the principal action to annex to Vallecitos WD. A concurrent detachment from the Vista ID is also proposed. The affected territory as

<p>Administration Keene Simonds, Executive Officer County Operations Center 9335 Hazard Way, Suite 200 San Diego, California 92123 T 858.614.7755 F 858.614.7766 www.sdlafco.org</p>	<p>Jim Desmond County of San Diego</p> <p>Dianne Jacob County of San Diego</p> <p>Greg Cox, Alternate County of San Diego</p>	<p>Mary Casillas Salas City of Chula Vista</p> <p>Bill Wells City of El Cajon</p> <p>Paul McNamara, Alternate City of Escondido</p>	<p>Mark Kersey City of San Diego</p> <p>Chris Cate, Alternate City of San Diego</p>	<p>Chair Jo MacKenzie Vista Irrigation</p> <p>Barry Willis Alpine Fire Protection</p> <p>Erin Lump, Alternate Rincon del Diablo MWD</p>	<p>Andy Vanderlaan General Public</p> <p>Harry Mathis, Alternate General Public</p>
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submitted includes two vacant parcels located along Richland Road near its intersection with Tide Way and immediately adjacent to the Cities of San Marcos and Escondido. The two subject parcels are 9.8 and 0.9 acres in size and identified by the County of San Diego Assessor's Office as 218-220-10 and 218-220-17, respectively. A 1.8-acre frontage segment of Richland Road is also included in the reorganization. The affected territory lies entirely within Vallecitos WD's sphere of influence.

Affected Territory

The following map shows the approximate location of the affected territory in context to the greater San Marcos region. Attachment One shows the affected territory relative to the proposed boundary changes involving the subject agencies.



Subject Agencies

The proposed reorganization filed with San Diego LAFCO involves two subject agencies: Vallecitos WD and Vista ID.¹ Summaries of both subject agencies in terms of resident population, municipal service activities, and financial standing follows.

(continued)

¹ State law defines "subject agency" to mean any district or city for which a change of organization or reorganization is proposed.

- Vallecitos WD is an independent special district formed in 1955 and spans approximately 28,800 acres or 45 square miles with 51% overlapping the City of San Marcos. Most of the remaining jurisdictional boundary extends into the unincorporated communities of Twin Oaks and Deer Springs. A five-member Board of Directors oversees Vallecitos WD's three municipal service activities: (a) potable water; (b) recycled water; and (c) wastewater. The estimated resident population is 102,129 with an average annual growth rate of 1.9% since 2010. LAFCO established a sphere of influence for Vallecitos WD in 1985, which was last updated in 2007 with a larger-than-agency designation to include 2,150 non-jurisdictional acres and equals 7.5% of the jurisdictional boundary. Vallecitos WD's audited net position is \$262.2 million as of June 30, 2018 and has increased by 5.1% over the prior three fiscal years.
- Vista ID is an independent special district formed in 1923 and spans approximately 63,569 acres or 99 square miles with 18.7% overlapping the City of Vista. Most of the remaining jurisdictional boundary extends into the City of San Marcos and the unincorporated community of Twin Oaks.² A five-member Board of Directors oversees Vista ID's one municipal service activity: (a) potable water. The estimated resident population is 134,829 with an average annual growth rate of 1.1% since 2010. LAFCO established a sphere of influence for Vista ID in 1988, which was last updated in 2007 with a smaller-than-agency designation to exclude 43,459 jurisdictional acres and equals 68.4% of the District boundary. Vista ID's audited net position is \$112.7 million as of June 30, 2018 and has increased by 6.2% over the prior three fiscal years.

Affected Local Agencies

The affected territory lies within the jurisdictional boundaries directly subject to San Diego LAFCO and as such qualify as "affected agencies" relative to the proposed reorganization.³

- San Marcos Fire Protection District
- County Service Area No. 135 - Regional Communications
- North County Cemetery District
- San Diego County Water Authority
- Metropolitan Water District of Southern California
- Resource Conservation District of Greater San Diego County
- San Diego County Flood Control District
- San Diego County Street Lighting District
- Palomar Health Healthcare District
- Vista Irrigation District

² Vista ID's service area includes the Lake Henshaw territory that lies outside of the County Water Authority boundary.

³ State law defines "affected local agency" as any entity that contains, or would contain, or whose sphere contains or would contain, any territory for which a change of organization is proposed or ordered. Notice of the proposal and hearing were provided to the agencies.

DISCUSSION

This item is for San Diego LAFCO to consider approving – with or without discretionary modifications – the reorganization proposal and the principal action to annex the affected territory to the Vallecitos WD. An associated boundary change to concurrently detach the affected territory from Vista ID is also part of the requested reorganization. The Commission may also consider applying conditions so long as it does not directly regulate land use, property development, or subdivision requirements. Additional discussion with respect to proposal purpose and Commission focus follows.

Proposal Purpose

The primary purpose of the proposed reorganization before San Diego LAFCO is to facilitate the development of the affected territory into a 20-lot single-family residential subdivision by making available public wastewater and water services. This planned development has been entitled by the County of San Diego as the current land use authority through its earlier approval of a tentative subdivision map applying to both subject parcels in December 2014. The County conditioned its approval, notably, on the applicant securing water and wastewater service connections with Vallecitos WD. Vallecitos WD has separately conditioned its will-serve letters to require detachment from Vista ID.

Development Potential

The County of San Diego contemplates residential development of the affected territory as part of its North County Metro Community Planning Area. This includes designating all of the affected territory as Village Residential with a density assignment of up to 2.9 dwelling units per acre. The County separately zones the affected territory as Light Agriculture (A70) with a minimum lot size of 15,000 square feet or 0.35 acres. This latter assignment produces a maximum density within the two subject parcels of 31 lots less any applicable setback and ancillary dedications. The County has approved a residential subdivision and development of 20 single-family residences, which produces the equivalent of 1.9 dwelling units per acre. No further development other than accessory units would be feasible due to slope conditions and the limited size of the subject parcels.

Commission Focus

Two central and sequential policy items underlie San Diego LAFCO's consideration of the reorganization. These policy items take the form of determinations and orient the Commission to consider the stand-alone merits of the (a) timing of the reorganization and (b) whether discretionary boundary modifications or approval terms are appropriate. The Commission must also consider other relevant statutes in and outside of LAFCO law as detailed in the proceeding section.

ANALYSIS

The analysis of the reorganization proposal is organized into two subsections below. The first subsection considers the two central and sequential policy issues introduced in the preceding section. This pertains to evaluating the timing of the reorganization and specifically the annexation to Vallecitos WD and concurrent detachment from Vista ID paired with whether approval modifications and/or terms are appropriate. The second subsection considers other germane issues under LAFCO law or applicable State statutes.

Central Policy Items

Item No. 1 |

Reorganization Timing

The timing of the reorganization – and specifically the annexation of the affected territory to Vallecitos WD and concurrent detachment from Vista ID – appears appropriate and highlighted by the analysis of the factors required for consideration under LAFCO law anytime jurisdictional changes are proposed. The majority of the prescribed factors focus on the impacts of the proposed annexation on the service and financial capacities of the *receiving agency*, Vallecitos WD (emphasis added). No single factor is determinative. A summary of key conclusions generated in the review of these items follows with additional analysis provided in Appendix A.

- Service Needs

The reorganization involves unincorporated territory located within Vallecitos WD’s sphere of influence and adjacent to its jurisdictional boundary. Annexation of the affected territory to Vallecitos WD would represent an anticipated and orderly expansion of the District’s jurisdictional boundary and provision of wastewater and water services therein consistent with planned residential land uses. Additional details on serve needs follow.

- The Commission has previously designated Vallecitos WD as the appropriate long-term wastewater and water provider for the affected territory through the standing inclusion of the subject land within the District’s sphere of influence. Annexation now implements this standing expectation through a public process and accommodates the expressed interest of the affected landowner as evident in their decision to petition LAFCO for initiation of proceedings.
- Annexation of the affected territory to Vallecitos WD for purpose of establishing permanent public wastewater and water services is consistent with the adopted residential land use policies of the County of San Diego. Annexation is also – pertinently – consistent with the land use policies contemplated for the affected territory by the City of San Marcos; the anticipated future land use authority for the affected territory as determined by the Commission and marked by the subject lands standing inclusion in the City’s sphere.

- The County of San Diego’s approval of a 20-lot residential subdivision for the affected territory helps to quantify the annexation to Vallecitos WD is appropriate by synching the timing of the boundary change with a known and pending development action.
- Service Capacities and Levels

Vallecitos WD has sufficient and excess wastewater and water system capacities to accommodate projected service demands within the affected territory at its potential maximum uses without significant expansion of any public infrastructure. Additional details on relevant service capacities and levels follow.

 - An existing Vallecitos WD 8-inch wastewater main is located approximately 1,000 feet from the affected territory within the intersection of Richland Road and Tuscany Avenue public rights-of-way. Vallecitos WD projects the average day wastewater demand generated within the affected territory based on the approved 20-lot subdivision at 5,795 gallons. This projected amount can be readily accommodated by Vallecitos WD and represents 0.5% of its available contract capacity remaining at the assigned treatment facility based on current system demands. Ultimate buildout would potentially include accessory units for each single-family residence and increase the average day wastewater flow to 11,590 gallons per day or 1.0% of the remaining available capacity.
 - An existing Vallecitos WD 12-inch water main is located immediately adjacent to the affected territory along the Richland Road public right-of-way. Vallecitos WD projects the average day water demand generated within the affected territory based on the approved 20-lot residential subdivision at 17,556 gallons. This projected amount can be readily accommodated by Vallecitos WD and represents 0.02% of its available supply capacity remaining within its connected distribution system based on recent demands. Ultimate buildout would potentially include accessory units for each single-family residence and increase the average day water demand to 35,112 gallons per day or 0.05% of the remaining available capacity.
- Service Funding and Costs

Vallecitos WD has the financial resources coupled with administrative controls to provide wastewater and water services to the affected territory in support of its planned development without adversely impacting current ratepayers. This comment is reflected in the staff analysis of Vallecitos WD’s recent audited statements which shows – among other items – the District remained profitable in each of the last three audited fiscal years with an average total margin of 8.3%.⁴

⁴ Audited statements cover FY2016, 2017, and 2018.

Conclusion | Merits of Reorganization Timing

The timing of the reorganization and annexation therein of the affected territory to Vallecitos WD is warranted. Justification is marked by accommodating the planned development of the affected territory consistent with County of San Diego land use policies in a manner that reflects available infrastructure and capacities. Approval also – pertinently – consolidates water and wastewater services under a single provider. Additional analysis supporting the conclusion is provided in Appendix A.

Item No. 2 |

Modifications and Terms

No boundary modifications to the reorganization proposal have been identified by staff meriting consideration by San Diego LAFCO at this time. Staff relatedly recognizes the affected territory lies in the City of San Marcos' sphere of influence and reflects the Commission's policy expectation the lands ultimately annex to the City. The decision by the landowner to pursue a development project with the County coupled with no documented requests or comments otherwise from San Marcos substantively suggests annexation to the City would be premature based on these local conditions.⁵ Standard approval terms are separately recommended.

Conclusion | Modifications and Terms

No modifications appear warranted. Standard terms are recommended.

Other Statutory Considerations

Exchange of Property Tax Revenues

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before San Diego LAFCO can consider any jurisdictional change unless an applicable master agreement applies. The associated statutes also empower the County of San Diego to make all related property tax exchange determinations on behalf of special districts. Staff has confirmed the County Board of Supervisors has adopted a master tax exchange agreement applicable to the proposed reorganization. The application of this master tax exchange agreement will result in a transfer of property taxes in year one totaling \$14.35 from Vista ID to Vallecitos WD.⁶

⁵ As part of a broad and regional discussion it would be appropriate for LAFCO, County, and San Marcos to discuss opportunities to time the annexation of lands within the existing San Marcos sphere to the City following land use entitlement as part of future municipal service reviews.

⁶ The County Assessor and Auditor have identified the total assessed valuation for the affected territory as \$309,642 with corresponding annual property tax revenue of \$3,096. Current property tax revenue allocation to the County is \$527.84 and a total of \$14.35 will be transferred from Vista ID to Vallecitos WD should the Commission approve the reorganization proposal.

Environmental Review

The California Environmental Quality Act (CEQA) requires San Diego LAFCO to assess whether impacts would result from activities approved under the Commission's statutory authority. Accordingly, San Diego LAFCO is tasked with making one distinct determination as responsible agency under CEQA with respect to considering the proposed reorganization and the associated boundary changes. Staff's analysis and recommendations follow.

- The County of San Diego serves as lead agency under CEQA for the reorganization and boundary changes therein to annex all of the affected territory to Vallecitos WD and concurrent detachment from Vista ID. The County has determined this activity and associated development entitlement is a project under CEQA but exempt from further review under State CEQA Guidelines Section 15183. Staff independently concurs the County has made an appropriate determination this exemption adequately applies given the affected territory involves an annexation of land planned for development consistent with a community plan and zoning.

Protest Proceedings

Protest proceeding for the reorganization may be waived by San Diego LAFCO should the Commission proceed with an approval under statute.⁷ The waiver appropriately applies under this statute given the affected territory is uninhabited as defined under LAFCO law, the subject agencies have not filed objections, and the landowner has consented to the underlying actions as the initiating petitioner.⁸

RECOMMENDATION

Staff recommends approval of the reorganization proposal without modifications along with standard terms based on the analysis provided in the preceding analysis. This recommendation is consistent with Alternative One in the proceeding section and would generate the following jurisdictional boundary changes in San Diego County:

- Annexation of all 12.5 acres of the affected territory to Vallecitos WD.
- Detachment of all 12.5 acres of the affected territory from Vista ID.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO and can be accomplished with a single-motion:

⁷ Reference to Government Code Section 5662.

⁸ LAFCO law defines uninhabited as territory in which 11 or less registered voters reside.

Alternative One (recommended):

Adopt the attached draft resolution approving the reorganization proposal without modifications and with standard terms.

Alternative Two:

Continue consideration to the next regular meeting and provide direction to staff concerning additional information, as needed.

Alternative Three:

Disapprove the reorganization proposal with direction to staff to return at the next regular meeting with a conforming resolution for adoption.

PROCEDURES FOR CONSIDERATION

This item has been placed on San Diego LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified.

On behalf of the Executive Officer,



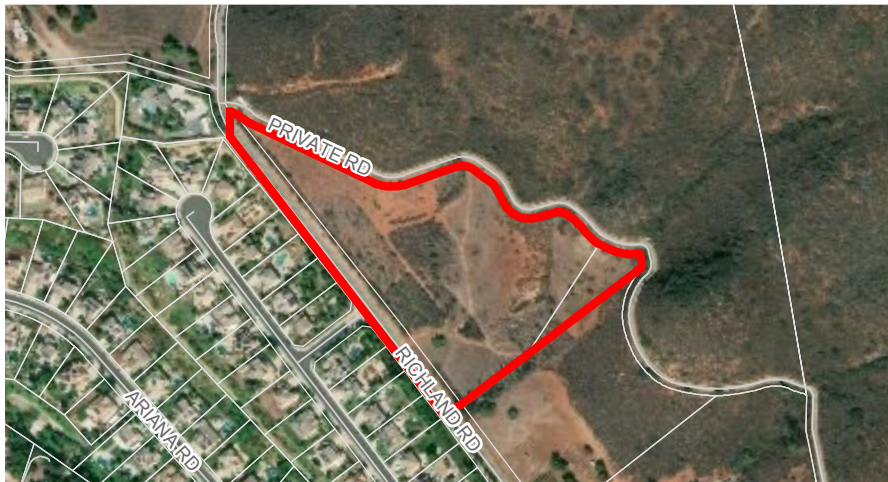
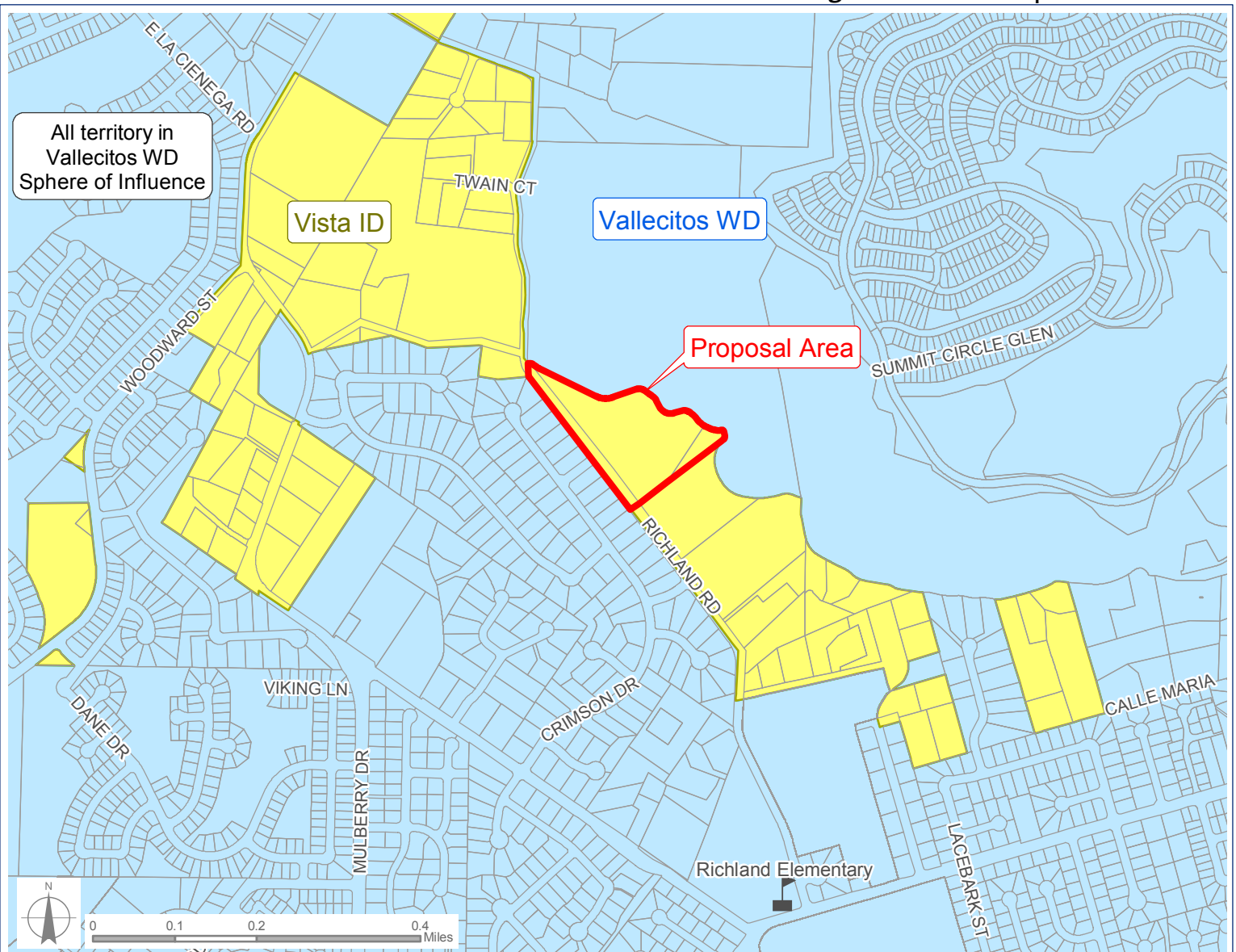
Robert Barry, AICP
Chief Policy Analyst

Appendices:

- A) Analysis of Boundary Change Factors

Attachments:

- 1) Map of the Affected Territory
- 2) Draft Resolution of Approval
- 3) Landowner Petition



RO19-06

PROPOSED "ORCHARD HILLS REORGANIZATION" ANNEXATION TO VALLECITOS WD AND CONCURRENT DETACHMENT FROM VISTA ID

- ▭ Proposal Area
- ▭ Vallecitos WD
- ▭ Vista ID



San Diego County
Local Agency Formation Commission
 Regional Service Planning | Subdivision of the State of California

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RESOLUTION NO. 19-XX

RESOLUTION OF THE BOARD OF DIRECTORS OF
VISTA IRRIGATION DISTRICT

SETTING THE TERMS AND CONDITIONS OF DETACHMENT FOR
ORCHARD HILLS REORGANIZATION

APNs 218-220-10, 218-220-17; LN 2013-039;
CF 500-369; LAFCO RO19-06; DIV NO 5

WHEREAS, a petition was submitted by the property owners to the San Diego Local Agency Formation Commission (LAFCO), the lead agency, for a reorganization of territory, including the detachment of 12.5 gross acres from the Vista Irrigation District (District) and annexation to Vallecitos Water District (Vallecitos) for water service; and

WHEREAS, LAFCO has requested terms and conditions of detachment for the two parcels consisting of approximately 10.7 gross acres which will be included and developed into 20-lot single-family residences along with 1.8 acres of frontage along Richland Road.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Vista Irrigation District that this detachment is conditioned upon the following:

1. Payment of the District administration fee of \$2,234.
2. Submittal of final maps and geographic descriptions of the affected territory and associated boundary changes as approved by LAFCO.

BE IT FURTHER RESOLVED that compliance with the above terms and conditions shall be completed prior to adoption by LAFCO of the finalizing resolution ordering the detachment.

PASSED AND ADOPTED by the following roll call vote of the Board of Directors for the Vista Irrigation District this 20th day of November 2019.

AYES:

NOES:

ABSTAIN:

ABSENT:

Jo MacKenzie, President

ATTEST:

Lisa R. Soto, Secretary
Board of Directors
VISTA IRRIGATION DISTRICT



TWIN OAKS SIPHON

ORCHARD HILLS
DETACHMENT AREA

CITY OF ESCONDIDO

BEEHIVE SIPHON

BORDEN BENCH

CITY OF SAN MARCOS

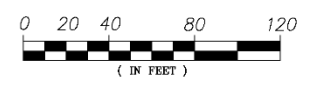
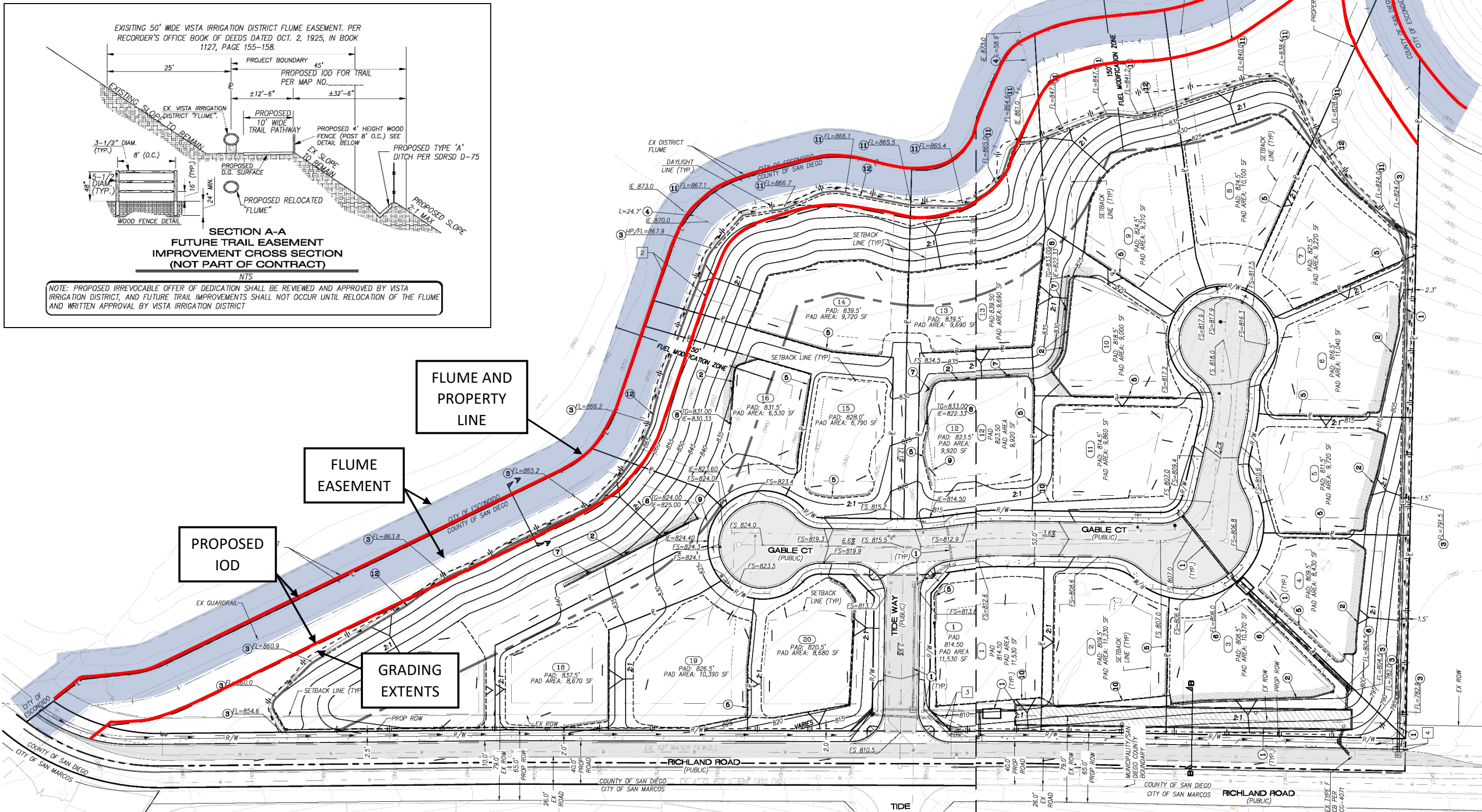
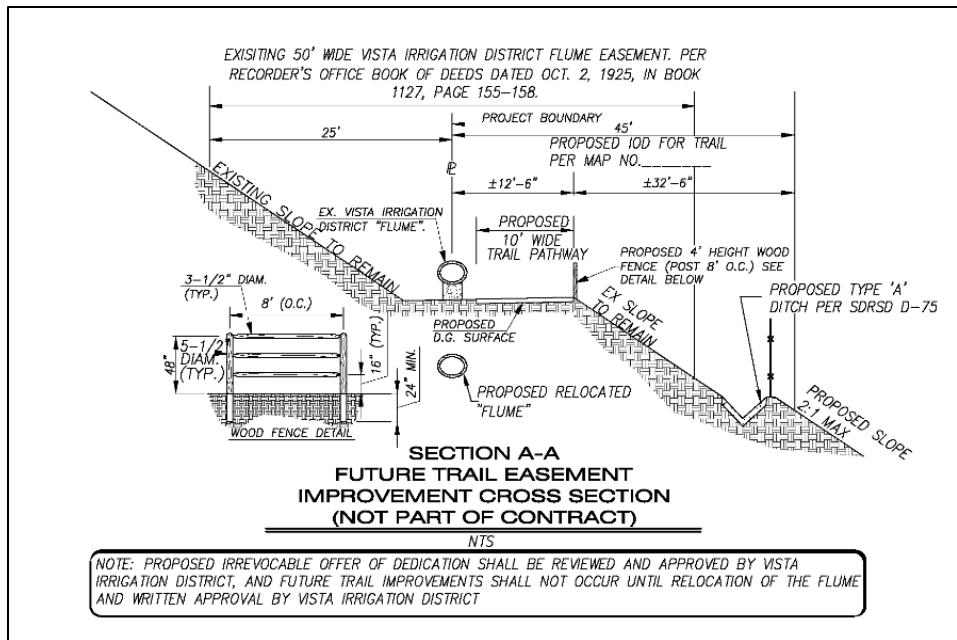
TIDE WAY

RICHLAND ROAD

BORDEN ROAD

WOODLAND PARKWAY

ORCHARD HILLS PRELIMINARY GRADING PLAN



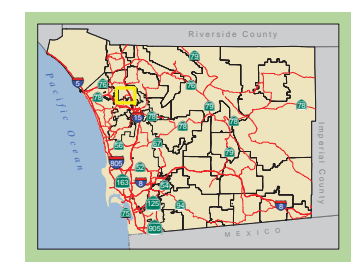
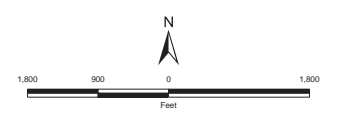
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Twin Oaks Valley

Community Trails and Pathways Plan

FOR PLANNING PURPOSES ONLY

- Regional Trail Proposed
- Regional Trail Existing
- Existing Community Trails
- Proposed Community Pathways
- Proposed Community Trails
- Existing Staging Area
- Proposed Staging Area
- Community Planning Areas
- Municipal Boundaries
- Trail and Pathway Easements
- Biological or Open Space Easement
- County Park Owned, Managed, or Other Property
- Other County Lands
- City Lands
- State Parks
- California Department of Fish and Game
- Bureau of Land Management
- U.S. Fish and Wildlife Service
- U.S. Forest Service
- Military Reservations
- Indian Reservations
- Special District Lands
- Other Federal Lands
- Other State Lands
- Water Body
- Freeway
- Highway
- Roads
- River
- Intermittent Stream
- 40' Topographic Contours



**COMMUNITY TRAILS MAP
APPROVED SEPTEMBER 23, 2009
BY COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS**

County of San Diego
Department of Parks and Recreation
Geographic Information Services

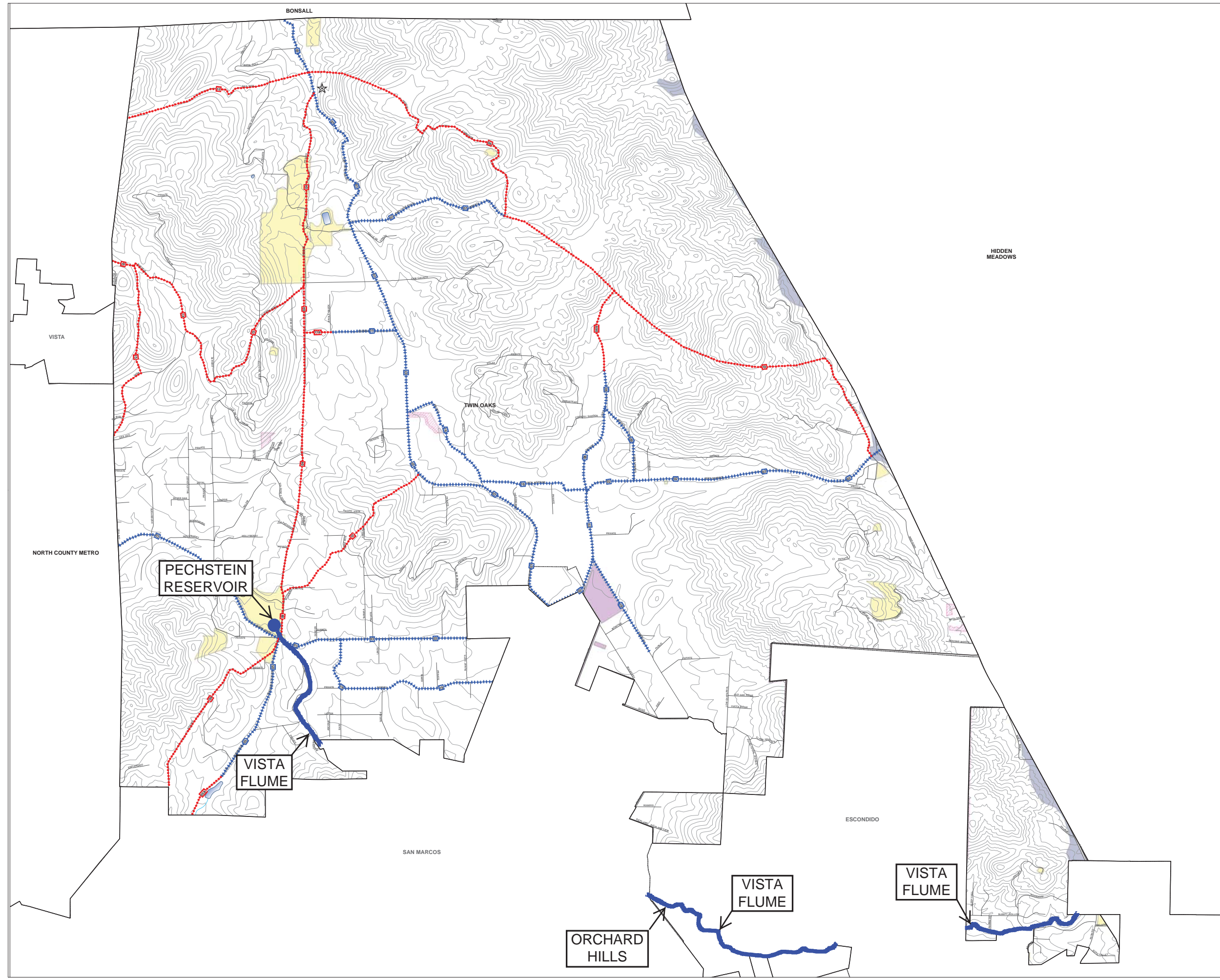
For more information regarding this map please contact:
Department of Parks and Recreation
Maryanne Vancio, Trails Program Coordinator at (658) 966-1372

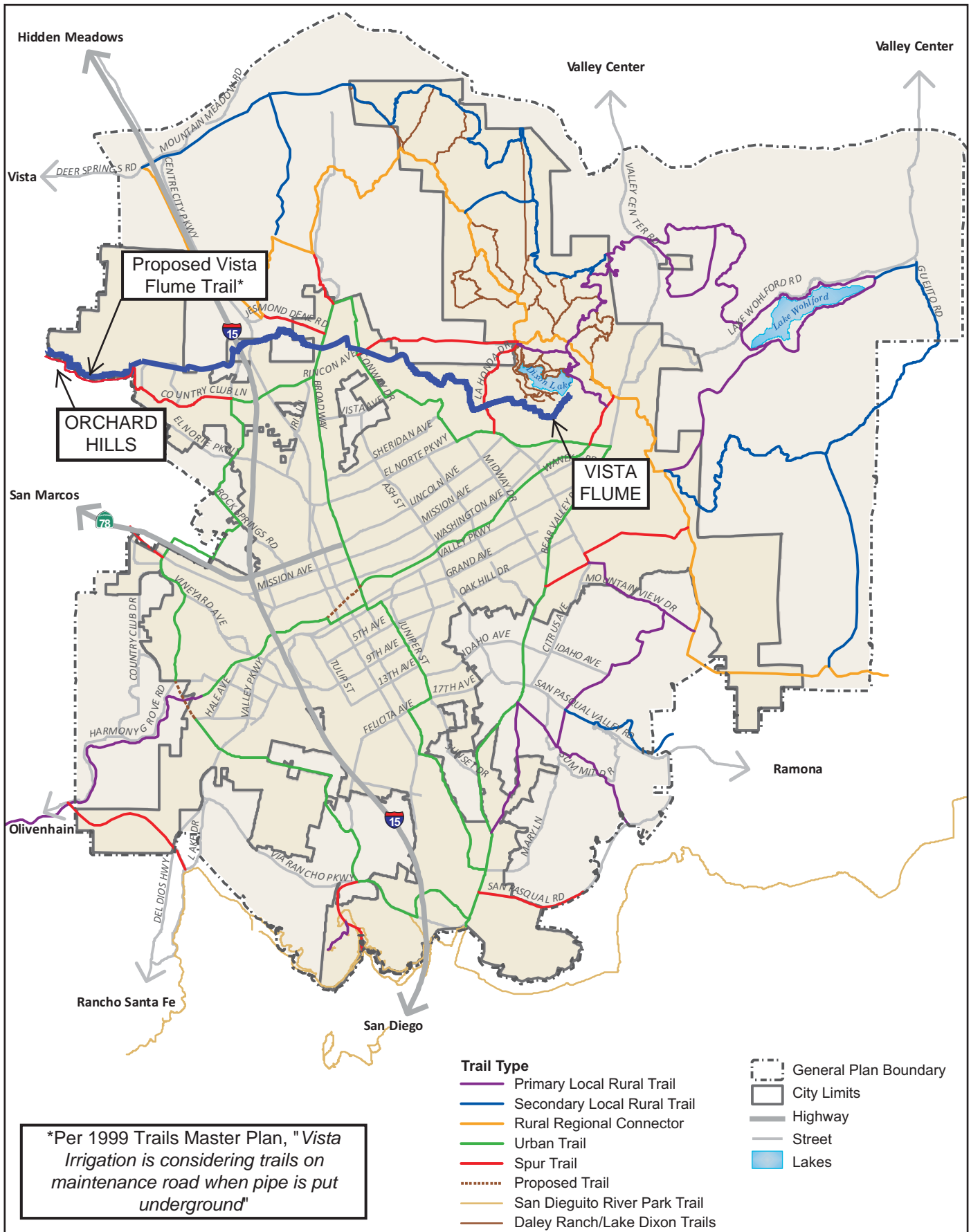
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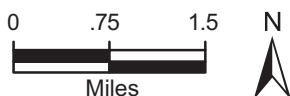
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*Per 1999 Trails Master Plan, "Vista Irrigation is considering trails on maintenance road when pipe is put underground"

Source: City of Escondido 2011



**MASTER PLAN FOR PARKS,
TRAILS AND OPEN SPACE TRAILS
FIGURE 4.15-2**



STAFF REPORT

Agenda Item: 10

Board Meeting Date: November 20, 2019
Prepared By: Matt Atteberry
Reviewed By: Randy Whitmann
Approved By: Brett Hodgkiss

SUBJECT: ANNEXATION TERMS AND CONDITIONS

RECOMMENDATION: Adopt Resolution No. 19-XX setting the terms and conditions of annexation of 1.29 acres for the Catalina Avenue Reorganization and direct staff to file the resolution with San Diego Local Agency Formation Commission (CF 500-371; LN 2019-009; APN 178-040-45; LAFCO RO19-13 SA19-13; DIV NO 3).

PRIOR BOARD ACTION: On September 4, 2019, the Board approved in concept the annexation of this project into the Vista Irrigation District.

FISCAL IMPACT: None.

SUMMARY: The proposed Catalina Avenue Reorganization involves building a single-family residence on 2.18 acres of unimproved land consisting of two assessor parcel numbers (APNs 178-040-12; -45) at Catalina Avenue and Catalina Heights Way in Vista. The northern half of the property (APN 178-040-45) is approximately 1.29 acres and located within Vallecitos Water District (Vallecitos); the southern half of the property (APN 178-040-12) is located within Vista Irrigation District (District). Due to the property being split between two water districts, the owners have the option of requesting water service from either district provided both agencies and the San Diego Local Agency Formation Commission (LAFCO) are in agreement.

Vallecitos does not have any immediate facilities available to provide water. The District has an existing 8-inch water main adjacent to the property within Catalina Heights Way. The owners, Robert & Theresa Gualtieri, have requested water service from the District and filed a reorganization application with LAFCO.

DETAILED REPORT: Approval of the boundary adjustment will require approvals from the District, Vallecitos, and LAFCO. Vallecitos's Board of Directors approved the detachment on September 18, 2019. LAFCO issued a Notice of Proposal on September 27, 2019, requesting terms and conditions for the Catalina Avenue Reorganization.

The attached resolution is presented for the Board's consideration to set the terms and conditions of annexation for the Catalina Avenue Reorganization. Following Board approval, the resolution will be submitted to LAFCO for filing.

ATTACHMENTS: LAFCO Notice of Proposal / Preliminary Staff Report
Draft Resolution
Map



San Diego County Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

NOTICE OF PROPOSAL PRELIMINARY STAFF REPORT

Title of Proposal: "Catalina Avenue Reorganization" | Annexation to Vista Irrigation District; Detachment from Vallecitos Water District

Reference. Nos.: RO19-13; SA19-13

Affected APN: 178-040-45

Date Received: July 30, 2019

Applicant: Landowners, by Petition

Subject Agency: Vista Irrigation District

Sphere Amendment: Yes

Project Manager: Alex Vidal | alex.vidal@sdcounty.ca.gov

I. Proposal Request

The San Diego Local Agency Formation Commission (LAFCO) has received a request from the landowners for approval of a reorganization consisting of one unincorporated and undeveloped parcel totaling approximately 1.29 acres. The subject parcel is not located within the City of Vista, but is located within its sphere of influence. The proposal involves a concurrent detachment from Vallecitos Water District as water service will be provided by VID. The affected territory is south of Gopher Canyon Rd, east of Foothill Drive, north of Catalina Avenue, and west of I-15. A vicinity map and copy of the key proposal materials is attached.

II. Proposal Purpose

The purpose of the proposal is to develop the subject property with one single-family residence that will receive water service from Vista Irrigation District. The affected territory is located within the Vallecitos Water District sphere of influence, but does not currently receive water services. The affected territory is better positioned to receive water services from Vista Irrigation District given the proximity to existing infrastructure and annexation will require amendments to the Vista ID and Vallecitos WD spheres. Additionally, one adjacent and undeveloped parcel currently within the Vista ID sphere will be part of the development project for one planned single-family residence and its need for water service. The subject parcel does not contain an assigned situs address and is located at the cross section of Catalina Avenue and Ipanema Lane, Vista, CA 92084.

Parcel consolidated into one lot due to slope conditions and need for septic system

Administration
Keene Simonds, Executive Officer
County Operations Center
9335 Hazard Way, Suite 200
San Diego, California 92123
T 858.614.7755 F 858.614.7766
www.sdlafco.org

Jim Desmond
County of San Diego

Dianne Jacob, Vice Chair
County of San Diego

Greg Cox, Alternate
County of San Diego

Mary Casillas Salas
City of Chula Vista

Bill Wells
City of El Cajon

Paul McNamara, Alternate
City of Escondido

Mark Kersey
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Chris Cate, Alternate
City of San Diego

Jo MacKenzie, Chair
Vista Irrigation

Barry Willis
Alpine Fire Protection

Erin Lump, Alternate
Binion del Diablo MWD

Andy Vanderlaan
General Public

Harry Mathis, Alternate
General Public

III. LAFCO Considerations

An initial review of the proposal identifies the following pertinent item(s) germane to LAFCO staff's review and ahead of the Commission's deliberations:

Sphere Amendment Timing-

The affected territory is presently located within the sphere of influence and jurisdictional boundary of Vallecitos Water District for the provision of water service and does not currently receive service. The proposed annexation to Vista ID will require a concurrent detachment of the proposal area from Vallecitos WD and an amendment to the WD's sphere of influence to exclude the proposal area. The concurrent sphere amendment would provide consistency with the removal of the affected territory from Vallecitos WD and its placement in Vista ID. As the parcel is not presently located within the Vista ID sphere of influence, annexation will require a concurrent amendment to the Vista ID sphere to include the proposal area.

Reorganization Timing-

The timing of the proposed annexation of the affected territory to Vista ID and detachment from Vallecitos WD serves the primary focus of the analysis given the affected territory is located within the sphere of influence of the Vallecitos WD and does not receive water service. This analysis is prefaced on addressing the factors required for Commission consideration of proposed jurisdictional changes and enumerated under Government Code 56668. The majority of the prescribed review factors for the proposed reorganization will focus on the service and financial capacities of the affected agency, Vista ID.

IV. Proposal Referrals

This proposal notice and preliminary staff report is being provided to all of the following agencies:

- Vallecitos Water District | Clerk of the Board
- Vista Irrigation District | Clerk of the Board
- City of Vista | City Clerk
- County of San Diego | County Service Area No. 135 (Regional Communications); Department of Planning and Development Services; Auditor/PTS; Assessor/Mapping; San Diego County Flood Control District; San Diego County Street Lighting District; District 5 Office of Supervisor Desmond
- Fire Protection | Vista Fire Protection District
- Water District | San Diego County Water Authority
- Other Agencies | Unified Vista School District; Palomar Resource Conservation District of Greater San Diego County; North County Cemetery District; Tri City Hospital District

IV. Review and Comment

All interested agencies and related stakeholders are invited to review and submit comments on the proposal – including any requested terms – by **Friday, October 25, 2019**. Comments should be directed to LAFCO Analyst Alex Vidal at alex.vidal@sdcounty.ca.gov.

San Diego LAFCO
September 27, 2019
"Catalina Avenue Reorganization" | Annexation to Vista Irrigation District

Attachments:

- 1) Proposed Reorganization Area
- 2) Proposal Materials

RESOLUTION NO. 19-XX
RESOLUTION OF THE BOARD OF DIRECTORS OF
VISTA IRRIGATION DISTRICT
SETTING TERMS AND CONDITIONS OF ANNEXATION
FOR CATALINA AVENUE REORGANIZATION
(APN 178-040-45, LN 2019-009, CF 500-371,
LAFCO REF NOS. RO19-13, SA19-13, DIV NO.3)

WHEREAS, a resolution petitioning the Local Agency Formation Commission (LAFCO) for a reorganization of territory including the annexation of a portion of a parcel into Vista Irrigation District (District) and detachment from Vallecitos Water District (Vallecitos) for water service; and

WHEREAS, San Diego LAFCO has requested terms and conditions of annexation for a vacant single-family parcel owned by Robert and Theresa Gualtieri consisting of 1.29 acres.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Vista Irrigation District that this annexation is conditioned upon the following:

1. Payment of the District administration fee of \$2,234.
2. Payment of an annexation fee in the amount of \$8,530.77 ($\$6,613 \times 1.29/\text{ac} = \$8,530.77$ total).
3. Completion of detachment procedures with Vallecitos prior to final annexation with District.
4. Submittal of final maps and geographic descriptions of the affected territory and associated boundary changes as approved by LAFCO.
5. No commitment for water service is made to the property as a result of this annexation. Prior to LAFCO approval, temporary water service to the property will only be allowed by use of a temporary construction meter. Permanent water service, including payment of all capacity and installation fees, shall be made after LAFCO annexation is finalized.

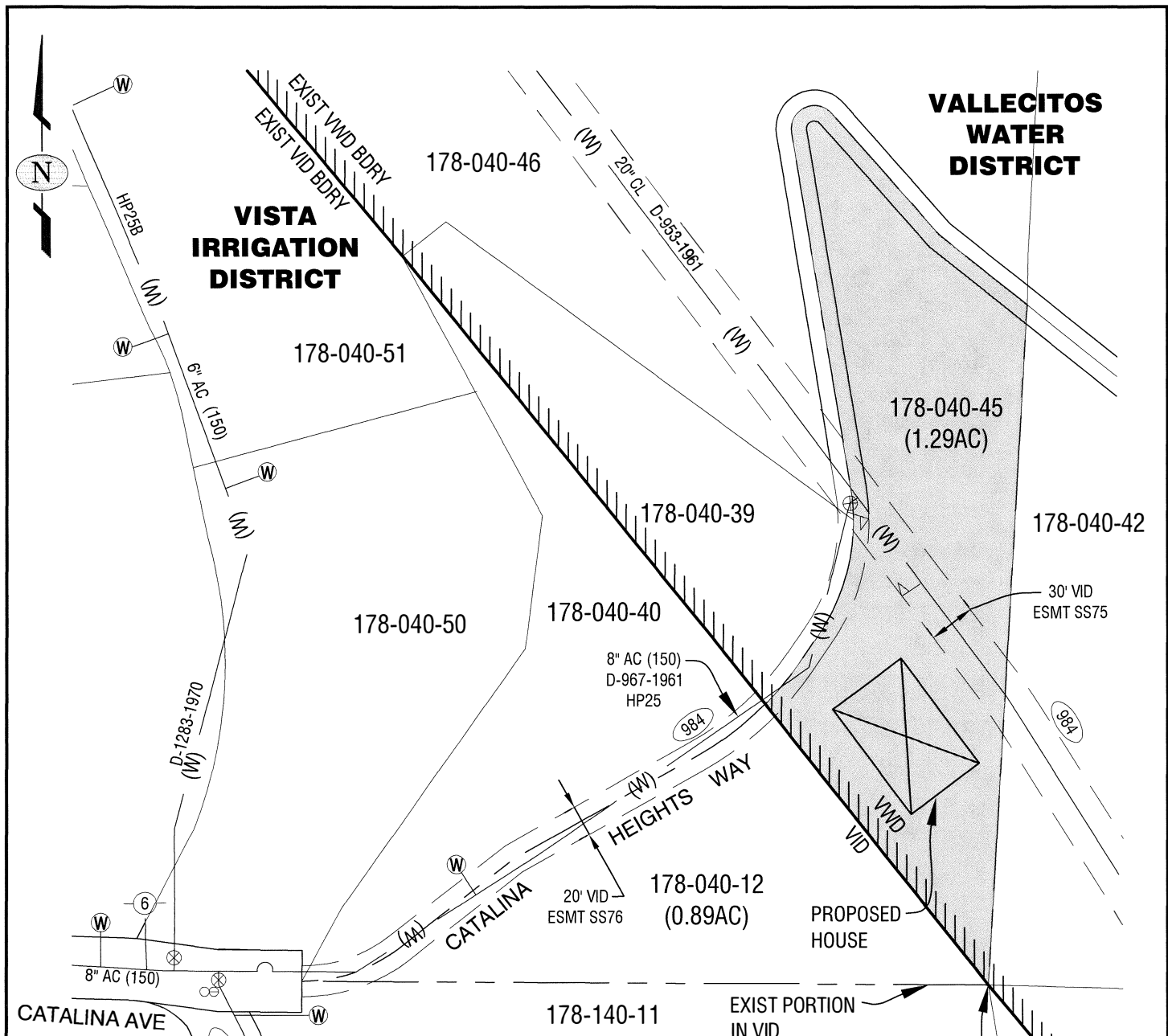
PASSED AND ADOPTED by the Board of Directors for the Vista Irrigation District this 20th day of November 2019.

AYES:
NOES:
ABSTAIN:
ABSENT:

Jo MacKenzie, President



ATTEST:

Lisa Soto, Secretary
Board of Directors
VISTA IRRIGATION DISTRICT

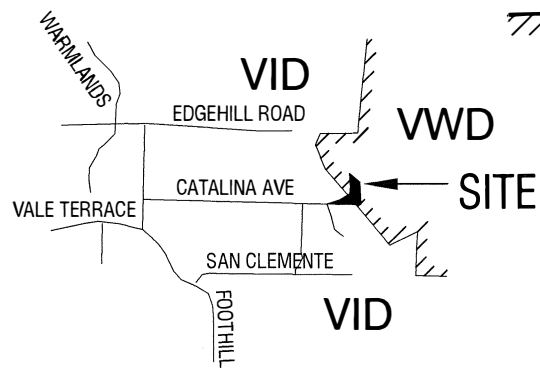


OWNER:
 ROBERT & THERESA GUALTIERI
 419 LADO DE LOMA DR
 VISTA, CA 92083

LEGEND

-  PORTION TO BE ANNEXED TO VID
-  DISTRICT BOUNDARY

SE CORNER OF
 NW¹/₄ OF NE¹/₄
 OF SEC. 21
 T11S R3W



VICINITY MAP
 NO SCALE

VISTA IRRIGATION DISTRICT	
CATALINA AVENUE REORGANIZATION ANNEXATION	
APN 178-040-12 & -45	T.B.
SCALE:	L.N. 2019-009
APPD. BY <i>[Signature]</i>	DATE
DRAWN BY: JB	DATE: 8/22/19
SHEET 1 OF 1	MAP:
CF 500-371	



STAFF REPORT

Board Meeting Date: November 20, 2019
Prepared By: Lisa Soto
Approved By: Brett Hodgkiss

SUBJECT: FEBRUARY 2020 BOARD MEETING DATES

RECOMMENDATION: Consider changing the first Board of Directors meeting date in February 2020 from Wednesday, February 5 to Tuesday, February 4 at 9:00 a.m.

PRIOR BOARD ACTION: On October 16, 2019 the Board established the 2020 Board meeting calendar.

FISCAL IMPACT: None.

SUMMARY: When the Board of Directors set its meeting schedule for 2020, a scheduling conflict was noted for the second meeting in February 2020; consequently, the Board moved the second meeting of the month from Wednesday, February 19 to Tuesday, February 18. It recently came to staff’s attention that two Directors may have a scheduling conflict for first meeting of the month on Wednesday, February 5. In order to assure that there will be a quorum of the Board present for the first meeting in February, staff recommends moving the Wednesday, February 5 meeting to Tuesday, February 4; it is recommended that the meeting start time remain at 9:00 a.m.

FEBRUARY 2020						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17 <i>Holiday</i>	18	19	20	21	22
23	24	25	26	27	28	29



Agenda Item: 12

STAFF REPORT

Board Meeting Date: November 20, 2019
Prepared By: Brett Hodgkiss

SUBJECT: MATTERS PERTAINING TO THE ACTIVITIES OF THE SAN DIEGO COUNTY WATER AUTHORITY

SUMMARY: Informational report by staff and directors concerning the San Diego County Water Authority. No action will be required.



STAFF REPORT

Agenda Item: 13.A

Board Meeting Date:	November 20, 2019
Prepared By:	Lisa Soto
Approved By:	Brett Hodgkiss

SUBJECT: REPORTS ON MEETINGS AND EVENTS ATTENDED BY DIRECTORS

SUMMARY: Directors will present brief reports on meetings and events attended since the last Board meeting.



STAFF REPORT

Agenda Item: 13.B

Board Meeting Date: November 20, 2019
Prepared By: Lisa Soto
Approved By: Brett Hodgkiss

SUBJECT: SCHEDULE OF UPCOMING MEETINGS AND EVENTS

SUMMARY: The following is a listing of upcoming meetings and events. Requests to attend any of the following events should be made during this agenda item.

	SCHEDULE OF UPCOMING MEETINGS AND EVENTS	ATTENDEES
1 *	CSDA Quarterly Dinner Meeting <i>Nov. 21, 2019 – 6:00-9:00 p.m. – The Butcher Shop Steakhouse, Kearny Mesa</i> <i>Reservation deadline: Closed</i>	MacKenzie (R) Vásquez (R)
2	ACWA Fall Conference <i>Dec. 3-6, 2019 – Manchester Grand Hyatt, San Diego</i> <i>Registration deadline: 12/3/19</i>	MacKenzie (R, H) Dorey (R, H) Miller (R, H) Sanchez (R, H) Vásquez (R, H)
3	Colorado River Water Users Association Conference (CRWUA) <i>Dec. 11-13, 2019 – <u>Change of venue: Bally's, Las Vegas</u></i> <i>Registration deadline: 11/24/19</i>	Vásquez (R, H, A) Sanchez (R, H)
4 *	Council of Water Utilities Meeting <i>(No meeting in December)</i>	
5 *	Council of Water Utilities Meeting <i>Jan. 21, 2020 – The Butcher Shop Steakhouse, Kearny Mesa</i> <i>Reservation deadline: 1/16/20</i>	
6 *	Council of Water Utilities Meeting <i>Feb. 18, 2020 – The Butcher Shop Steakhouse, Kearny Mesa</i> <i>Reservation deadline: 2/13/20</i>	
7	Urban Water Institute's Spring Water Conference <i>Feb. 19-21, 2020 – Hilton Palm Springs</i> <i>Registration deadline: 1/15/20</i>	
8 *	CSDA Quarterly Dinner Meeting <i>Feb. 20, 2020 – 6:00-9:00 p.m. – The Butcher Shop Steakhouse, Kearny Mesa</i> <i>Reservation deadline: 2/13/20</i>	
9	ACWA Legislative Symposium <i>Mar. 12, 2020 – Sutter Club, Sacramento</i> <i>Registration deadline: TBD</i>	MacKenzie
10 *	Council of Water Utilities Meeting <i>Mar. 17, 2020 – The Butcher Shop Steakhouse, Kearny Mesa</i> <i>Reservation deadline: 3/12/20</i>	
11	ACWA Spring Conference <i>May 5-8, 2020 – Monterey</i> <i>Registration deadline: TBD</i>	MacKenzie
12	Special Districts Legislative Days (CSDA) <i>May 19-20, 2020 – Sheraton Grand Sacramento</i> <i>Registration deadline: TBD</i>	
13 *	CSDA Quarterly Dinner Meeting <i>May 21, 2020 – 6:00-9:00 p.m. – The Butcher Shop Steakhouse, Kearny Mesa</i> <i>Reservation deadline: 5/14/20</i>	

	SCHEDULE OF UPCOMING MEETINGS AND EVENTS	ATTENDEES
14	Third Annual Groundwater Sustainability Summit (Groundwater Resources Association) <i>June 10-11, 2020—Hilton Sacramento Arden West</i> <i>Registration deadline: TBD</i>	
15	Urban Water Institute Annual Water Conference <i>Aug. 19-21, 2020 – Hilton San Diego</i> <i>Registration deadline: TBD</i>	
16 *	CSDA Quarterly Dinner Meeting <i>Aug. 20, 2020 – 6:00-9:00 p.m. – The Butcher Shop Steakhouse, Kearny Mesa</i> <i>Reservation deadline: 8/13/20</i>	
17	CSDA Annual Conference <i>August 24-27, 2020 – Palm Springs</i> <i>Registration deadline: TBD</i>	
18 *	CSDA Quarterly Dinner Meeting <i>Nov. 19, 2020 – 6:00-9:00 p.m. – The Butcher Shop Steakhouse, Kearny Mesa</i> <i>Reservation deadline: 11/12/20</i>	
19	ACWA Fall Conference <i>Dec. 1-4, 2020 – Indian Wells; Registration deadline: TBD</i>	
20	Colorado River Water Users Association Conference (CRWUA) <i>Dec. 14-16, 2020 – TBD, Las Vegas; Registration deadline: TBD</i>	

* Non-per diem meeting except when serving as an officer of the organization

The following abbreviations indicate arrangements that have been made by staff:

R=Registration; **H**=Hotel; **A**=Airline; **S**=Shuttle; **C**=Car; **T**=Tentative



STAFF REPORT

Board Meeting Date: November 20, 2019
Prepared By: Lisa Soto

SUBJECT: ITEMS FOR FUTURE AGENDAS AND/OR PRESS RELEASES

SUMMARY: This item is placed on the agenda to enable the Board to identify and schedule future items for discussion at upcoming Board meetings and/or identify press release opportunities.

Staff-generated list of tentative items for future agendas:

- Annual organizational meeting
- Committee appointments
- San Pasqual Undergrounding Project update



Agenda Item: 15

STAFF REPORT

Board Meeting Date: November 20, 2019
Prepared By: Lisa Soto

SUBJECT: COMMENTS BY DIRECTORS

SUMMARY: This item is placed on the agenda to enable individual Board members to convey information to the Board and the public not requiring discussion or action.



Agenda Item: 16

STAFF REPORT

Board Meeting Date: November 20, 2019
Prepared By: Brett Hodgkiss

SUBJECT: COMMENTS BY GENERAL COUNSEL

SUMMARY: Informational report by the General Counsel on items not requiring discussion or action.



Agenda Item: 17

STAFF REPORT

Board Meeting Date: November 20, 2019
Prepared By: Brett Hodgkiss

SUBJECT: COMMENTS BY GENERAL MANAGER

SUMMARY: Informational report by the General Manager on items not requiring discussion or action.



Agenda Item: 18

STAFF REPORT

Board Meeting Date: November 20, 2019
Prepared By: Brett Hodgkiss

SUBJECT: CLOSED SESSION FOR CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

SUMMARY: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: 4 potential cases.



Agenda Item: 19

STAFF REPORT

Board Meeting Date: November 20, 2019
Prepared By: Brett Hodgkiss

SUBJECT: CLOSED SESSION TO CONDUCT PUBLIC EMPLOYEE PERFORMANCE EVALUATION – GENERAL MANAGER

SUMMARY: Performance evaluation of public employee pursuant to Government Code section 54957.