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**Neumiller
& Beardslee**
ATTORNEYS AND COUNSELORS



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The Brown Act Portion

- History of Brown Act
- Meetings
- Closed Session
- Committees
- Teleconferencing
- Public Comment



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Ralph M. Brown Act: Historical Background

- Prior to 1952, multiple public laws written to govern specific types of agencies. Difficult for public to track.
- In 1952, reporter Michael Harris (left) publishes a 10-part series in the San Francisco Chronicle titled "Your Secret Government"
- The League of California Cities lobbied Assembly Member Ralph M. Brown (right) to adopt one set of reforms to apply to all local public agencies.



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Heart of the Brown Act

“All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as provided in this chapter.”



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What is a
“Legislative Body”?

- Governing body of a local agency (i.e., City Council/Board of Supervisors)
- A local agency created by state or federal statute (i.e., Reclamation District, Water District)
- Any sub-committee, board, or commission created by the local agency

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Exceptions

- Ad Hoc Committee
 - Advisory to legislative body
 - **TEMPORARY**
 - Limited Purpose
 - Composed of less than quorum of legislative body's members
- Special advisory groups
 - Created by staff or a single member of the legislative body
 - Advisory to staff or the single member
- Public employees



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What is a "Meeting"?

1. Any congregation of a **majority of the members** of a legislative body;
2. At the same time and location, including teleconference, to **hear, discuss, deliberate, or take action**;
3. On any item that is **within the subject matter jurisdiction** of the legislative body.

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SERIAL MEETINGS

- A majority of the members of a legislative body shall not, outside a meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.



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Examples of Serial Meetings



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Recommendations for Email/Technology

- Avoid sending emails to the whole Board
- Be careful replying to emails
 - Do not communicate your position on a pending matter
 - Do not direct a reply to majority of the body
- Think carefully before sending any email
 - Remember, your email can be forwarded by others to a majority of the body

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Can I post
about
CityBusiness
on Social
Media?

- YES, . . .
 - BUT members of a board cannot use social media to discuss among themselves “business of a specific nature that is within the subject matter jurisdiction of the legislative body.”
 - CAN use social media to communicate with public
 - CANNOT have one member post on discussions by other members
 - CANNOT weigh in with “likes” or emojis, because emojis count as discussion

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Exceptions to the Definition of Meeting



Individual
Contacts



Conferences



Community
Meetings



Community
Meetings



Social or
Ceremonial
Occasions

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Committees

- All committees established by the Board must comply with the Brown Act, **UNLESS** it:
 - Is **ADVISORY**, not decision-making; **AND**
 - Includes **ONLY** Board Members; **AND**
 - Includes **LESS** than a quorum; **AND**
 - Does **NOT** have continuing subject matter jurisdiction; **AND**
 - Is **NOT** meeting on a fixed schedule set by the Board.



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Meeting Location

Must occur within boundaries of the agency, except to:

- Meet at the agency's principal office;
- Inspect real or personal property;
- Attend a meeting with another legislative body;
- Meet with a state or federal representative to discuss legislative or regulatory issues;
- Meet in a facility outside of, but owned by, the local agency if the topic relates to the facility;
- Visit independent legal counsel's office for a closed session.

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Teleconferencing



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Teleconferencing in Special Situations

AB 361

- State of Emergency

AB 2449

- Just Cause
- Emergency Circumstances



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Different Meetings and Requirements

Meeting Type	Publishing Agenda	Setting Meeting Date, Time, and Place	Public Comment for Items Not on the Agenda
Regular	72 Hours Before Meeting	Set by resolution or ordinance of the majority during a meeting	Yes
Special	24 Hours Before Meeting	Set by presiding officer or majority vote during or outside of a meeting	No
Emergency	As soon as possible; notice to media outlets 1 hour prior	Set by majority vote during or outside of a meeting	No
Adjourned	No reposting if meeting is adjourned for less than 5 days	Set by an order of adjournment adopted by any members present at a regular or special meeting	Depends on whether it is a regular or special meeting

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Content of Agenda

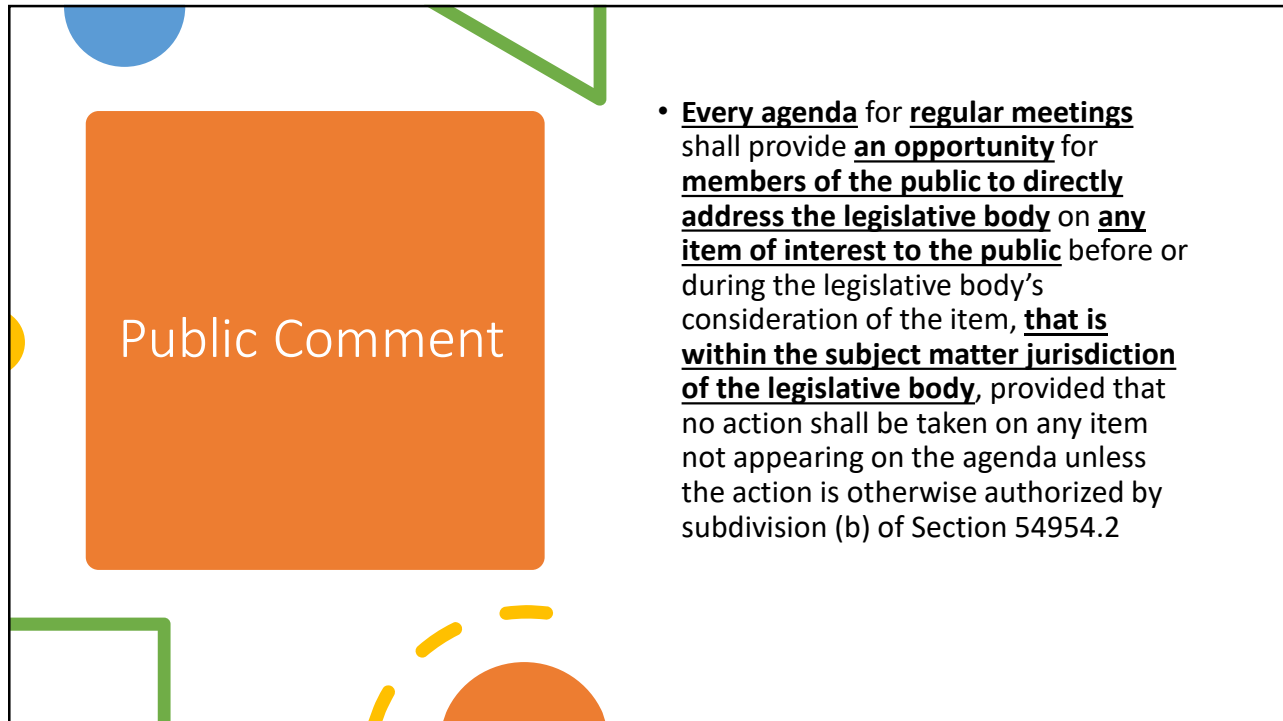
- Call to Order
- Roll Call
- Approval of Agenda
- Approval of Minutes
- Public Comments on Items Not on the Agenda
- Consent Items
- Discussion Items with Brief Description of Each Item
- Future Agenda Items

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Content of Agenda

- MUST CONTAIN
 - Public Comment for all items on agenda
 - Brief general descriptions of each item (need not exceed 20 words)
 - Time and location of meeting
 - How to request disability-related modification or accommodation
- MUST BE POSTED ON AGENCY WEBSITE

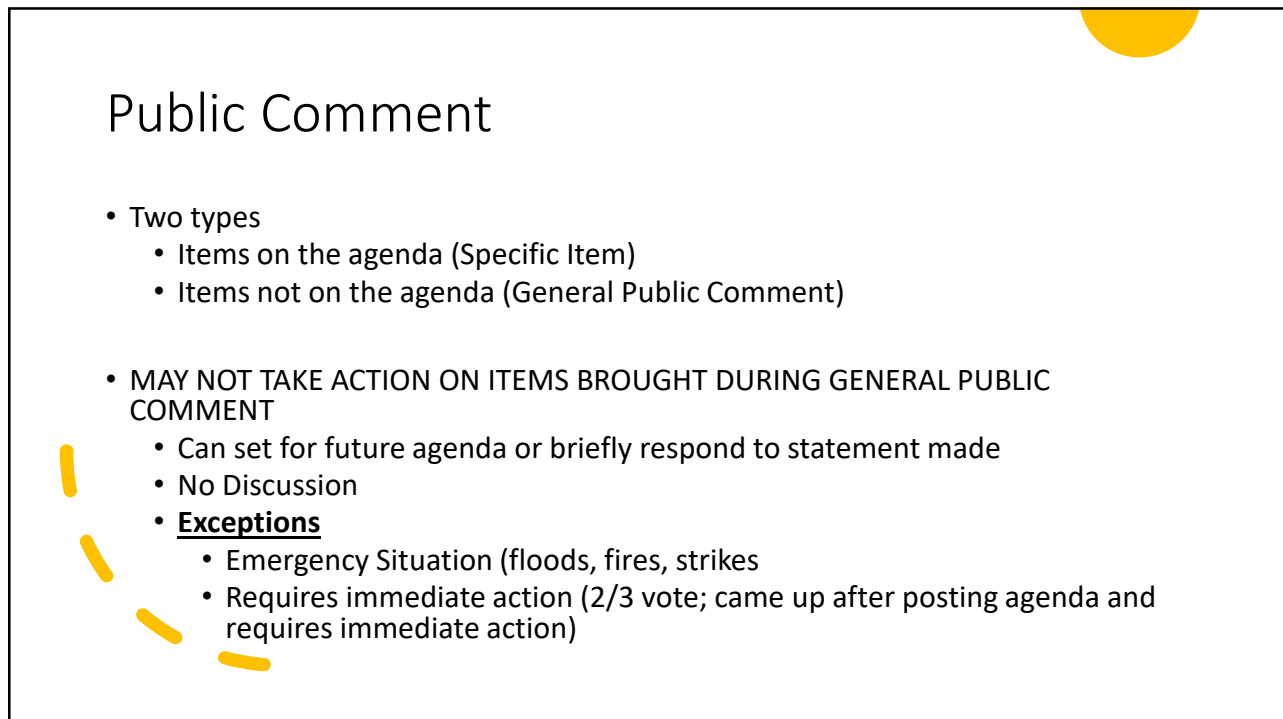
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Public Comment

- **Every agenda** for **regular meetings** shall provide **an opportunity** for **members of the public to directly address the legislative body** on **any item of interest to the public** before or during the legislative body's consideration of the item, **that is within the subject matter jurisdiction of the legislative body**, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2

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Public Comment

- Two types
 - Items on the agenda (Specific Item)
 - Items not on the agenda (General Public Comment)
- MAY NOT TAKE ACTION ON ITEMS BROUGHT DURING GENERAL PUBLIC COMMENT
 - Can set for future agenda or briefly respond to statement made
 - No Discussion
 - **Exceptions**
 - Emergency Situation (floods, fires, strikes)
 - Requires immediate action (2/3 vote; came up after posting agenda and requires immediate action)

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General Public Comment

- Four appropriate responses
 - Ask clarifying question of commenter
 - Briefly respond to comment
 - Refer matter to staff
 - Ask to agendize for subsequent discussion



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Right to Public Comment

- School may establish “reasonable regulations” to ensure intent if carried out
 - Can adopt reasonable regulation limiting time for speakers
 - Number of minutes per speaker per topic can be adjusted
 - Must provide at least twice allotted time for people using a translator

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Right to Public Comment

- “Reasonable regulations”
 - 3-minute time limit for speaker
 - 2-minute time limit unreasonable for evidentiary presentation
 - May depart from limitations as reasonable discretion
 - Complexity of item
 - Total number of speakers
- May require speaker cards
 - CANNOT require public to provide names or other information

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Right to Public Comment

- Speaker should not be interrupted unless speech is not protected by First Amendment (e.g., threats, incitement of violence, extreme obscenity)
- When should we cut this individual off?
 - When they get loud?
 - When the Board Chair feels insulted?
 - When they say a swear word?
 - When their 3 minutes are up?
 - When they cause a disruption of the meeting?

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Public Rights

- Public has a right to photograph and record meetings
 - UNLESS board makes reasonable finding that recording cannot continue because of noise, illumination, or persistent disruption of meeting
 - Broadcasting permitted unless disruptive
- Cannot limit public access
- Reasonable time, place, manner restrictions permitted

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Closed Sessions

- Narrow exception to open meeting requirement allowing meeting without the public or the press
- **Limited to topics identified in State law**
- Limited to Board and necessary staff
- Specified agenda format and “reporting out” requirements
- PRO TIPS
 - Don’t go into closed session w/o legal assistance
 - All discussions in Closed Session are CONFIDENTIAL and may not be discussed outside of Closed Session



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Closed Sessions

- Real estate negotiations
- Pending litigation
 - Existing Litigation
 - Anticipated/Threatened Litigation
- Personnel Matters
 - Appointment/Evaluation/Dismissal/Release
 - Only to those employees directly reportable to the Board
- Labor Negotiations
- Threats to public services



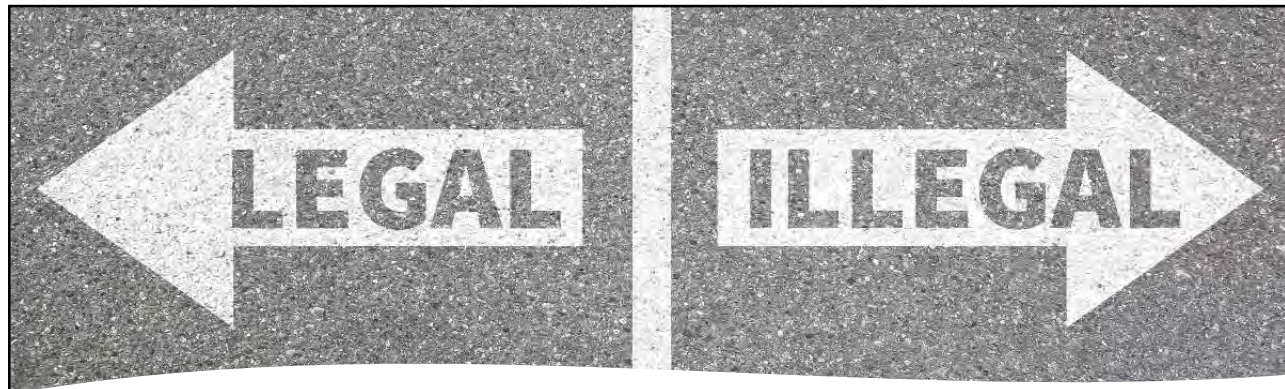
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Closed Session Reporting

- The Brown Act has nuanced requirements for reporting final actions taken in closed session.
 - Finalizing Agreements
 - Approving litigation defense
 - Approval of Settlement if Agency is Final Party for Acceptance
 - Action taken to appoint public employee



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Closed Session Confidentiality

- It is illegal to disclose closed session confidences
 - Confidentiality **can only be waived** by vote of the entire Board
 - Local agency may discipline leaker or seek injunctive relief
 - Local agency may refer Board Member disclosing confidential information to the grand jury

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- Sign-In Sheet
 - CANNOT require public to provide names or other information as a condition of attending meeting
 - CAN have sign-in sheet if CLEARLY indicated that signing is **voluntary**
- Access to Documents
 - Agendas and other documents distributed to a majority of Board Members must be made available to public
- Voting
 - No action by secret ballot, whether preliminary or final
 - Agency shall publicly report all votes, including abstentions, of all members present for the action
- Salaries for local agency executive
 - Action only at regular meeting
 - Orally report summary of salary, schedules, or compensation paid in fringe benefits prior to vote

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Violation of the Brown Act

- What happens when the Board or a individual violates the Brown Act?
 - Criminal prosecution possible
 - Civil Action: District Attorney or Interested Person
 - Must send Cease and Desist Letter within 9 months
 - Agency must respond within 30 days to cure alleged violation
 - Lawsuit must be filed within 15 days after the 30 day cure period expires
 - Mandamus Action
 - To declare action taken by agency is null and void
 - Must make written demand to cure and correction within 90 days of action

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Violation of the Brown Act

- What happens when a court determines a Brown Act violation occurred?
 - Violative act is nullified
 - Agency pays the plaintiff's attorney's fees
 - Civil penalties
 - Criminal penalties



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Hypothetical #1

- The District of Brownacre holds regular meeting on the 1st and 3rd Tuesday of the month. Board Chair Skip Calenderio will be out of town for the next meeting. He tells the Clerk to move the meeting one week later to the 4th Tuesday. The Clerk complies and posts a regular meeting agenda 72 hours in advance.
- Was 72 hour's notice required?

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Hypothetical #2

- Ms. Dee Veloper is meeting with Board members Chatty and Verbose at her proposed project site. After they discuss whether the project should be implemented at the district site, Dee mentions that another Board member, Gabby, liked the project and would support the work being done.
- Was the Brown Act violated?



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Hypothetical #3

- The District of Buy-N-Large's first business item on the agenda is:
 - Board Discussion and Direction regarding WALL-E Portable Project 2022-9
- Following a staff presentation, the Board awards a contract to Axiom Technologies to purchase portables for school site
- Did the District Board properly award the contract?

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Hypothetical #4

- The Milky Way Water District created a Recruitment Committee and appointed two Board members to the Committee. The Committee will span multiple years and will work with staff on an ongoing basis to interview all management level employees and make hiring recommendations to the Board. The Committee meets in private when needed.
- Can the Recruitment Committee's meetings occur in private?

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Hypothetical #5

- The Night Owl Water District has a lengthy agenda with a closed session as the last item. The Board goes into closed session to discuss existing litigation at 8:45 P.M. After three hours, the Board finishes the closed session. The members return to an empty boardroom, adjourn the meeting, and head home.
- Any Brown Act issues?



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The Ethics Portion

- Conflict of Interest
- Personal Financial Interests
- Personal Advantage and Perks



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CONFLICT OF INTEREST

1. Incompatible Offices
2. "Revolving Door" Restrictions
3. Campaign Finances



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Conflict of Interest

- What is the doctrine of incompatible offices?
- Consequences



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Conflict of Interest

“Revolving Door” Restrictions

- Elected top managers
- Officials are prohibited from being paid to represent others before their former agency for the purpose of influencing the agency’s decisions
- One-year ban after leaving office
- Local agency may adopt own more restrictive rules

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Conflict of Interest

“Campaign Finances”

- Soliciting campaign contributions from public employees
- Limitations on cash contributions



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Personal Financial Interests

- Political Reform Act (1974)
 - Ethical laws dealing with public officials' financial interests)
- Contracts (Government Code § 1090)
- Bribery

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Personal Financial Interests

Political Reform Act

- Disclosure of Economic Interests: Assets, Income, and Gifts
- Disqualification of Public Officials to Avoid Conflict of Interest
- Disclosure of Campaign Finances



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Political Reform Act

Public officials should make decisions based solely on the public's interests and not for their own personal financial benefit

How is this done?

- Disqualification
- Disclosure (Form 700)

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Government Transparency

Political Reform Act

87200 Filers

- Officials listed in Government Code Section 87200 – may be listed in Appendix of Conflict of Interest Code for informational purposes only
- Full Disclosure Requirements
- Limited by Jurisdiction Only

Designated Employees

- Listed in Appendix of and subject to the Agency's Conflict of Interest Code
- Assigned One or More Disclosure Categories
- Disclosure Limited by Assigned Category and Jurisdiction of Agency

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Government Transparency

Political Reform Act

- Statements of Economic Interests (SEI) Form 700
 - What
 - How
 - When
 - Where



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Cautionary Tale



A county grand jury indicted Castaneda last week on 12 felony perjury counts, one felony count of preparing false documentary evidence, and two misdemeanor counts of failing to report his income on state-required economic disclosure

Prosecutor Patrick O'Toole, who heads the District Attorney's Public Integrity Unit, sought the indictment. It was

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Personal Financial Interests

Political Reform Act

Ethics Law

- *A Public Official may not participate in a decision if the official has a direct or indirect financial interest in that decision*
- Public Official's Conflict of Interest economic interest checklist
 - Income
 - Business Management or Employment
 - Real Property
 - Personal Finances
 - Gifts

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Personal Financial Interests

Political Reform Act

- Avoiding Financial Conflict of Interest
 - Four questions to ask relative to disqualification:
 - Will you be participating in the decision?
 - Does the decision affect your economic interests?
 - Is the effect on your economic interest "material"?
 - Does the decision affect your economic interests differently than the "public generally"?



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Personal Financial Interests

Political Reform Act

- Public Generally Exception
 - Particularly important relative to rate-making and special rules apply
 - Most common exception to the PRA
 - “Significant segment”

GENERALLY SPEAKING

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Personal Financial Interests

Political Reform Act

What to do when a conflict exists?

- DO NOT PARTICIPATE IN THE DECISION
- DO NOT participate in the discussion, render any opinion or advice, or act in any way that might influence the decision.
- DISCLOSE
- DISQUALIFY

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Personal Financial Interests

Political Reform Act

Consequences

- Possible invalidation of decision
- Misdemeanor or felony perjury sanction
- Possible loss of office
- Stiff fines
- Attorney fees
- Political embarrassment/public distrust



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Personal Financial Interests

Interest in a Public Contract (Government Code § 1090)

- Ethics Law
 - Public officials and public employees . . .
 - “shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.”



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Personal Financial Interests

Interest in a Public Contract (Government Code § 1090)

- Prohibition applies to all aspects of contract making involving the following people:
 - Elected officials
 - Appointed public officials
 - Commission/Board members
 - Employees
 - Consultants
 - Anyone who acts in a fiduciary capacity



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Personal Financial Interests

Interest in a Public Contract (Government Code § 1090)

- No Disqualification Allowed (if no exception applies)
 - Disqualification not allowed for members of the governing board
 - Employees and staff may disqualify
- Financial Interests
 - Direct Interests
 - Indirect Interests



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Personal Financial Interests

Interest in a Public Contract (Government Code § 1090)

- Exceptions:
 - Statutory Remote Interests
 - Statutory Non-Interests
 - Narrow Rule of Necessity



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CONSEQUENCES

Personal Financial Interests

Interest in a Public Contract (Government Code § 1090)

- Consequences
 - Contract is void
 - Felony conviction
 - Pay restitution
 - If convicted – barred from public office

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Political Reform Act & Government Code § 1090: Comparison

	When it applies	If a Board Member has a Financial Interest	Consequence of Violation
Political Reform Act	Any governmental decision	Individual member <u>must</u> recuse him/herself	Penalties for member
§ 1090	Contract only (including grants)	Contract cannot be made even if individual recuses him/herself	Contract void; penalties for member

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Hypothetical #1

- The Moral Grounds Water District was looking to purchase a vehicle from Honest Abe's Used Car Dealership, the only car dealership in town. Honest Abe was a Board Member at Moral Grounds Water District and owned Jack Lemon's Used Car Dealership. Can the Moral Grounds Water District purchase a vehicle from Honest Abe?



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Hypothetical #2

- The American Picker Water District has finally decided to sell some of its fleet equipment. E. Normous Hoarder is a Board Member at American Picker Water District and has had her eye on the District's flat bed pickup truck for a few years. Would E. Normous Hoarder be able to purchase the District's flat bed pickup truck?



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Personal Financial
Interests

Bribery



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Former head of Los Angeles DWP agrees to plead guilty to bribery charge

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Personal Advantages and Perks

- Gifts
- Honoraria
- Loans
- Reimbursements
- Misuse of Public Funds

• “When public officials are influenced in the performance of their public duties by base and improper considerations of personal advantage they violate their oath of office . . .”

- Terry v. Bender (1956)

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Personal Advantage and Perks

- What is a gift?
- To whom does it apply?
- Application
- Exceptions



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Personal
Advantages
and Perks

Gifts

Disclose

\$50

Disqualify

\$590/12 mos.

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Personal Advantages and Perks

Gifts

- Estimate
- Track
- If gift exceeds the \$590 annual cap, then within 30 days:
 - Refuse
 - Return
 - Donate

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Personal Advantages and Perks

EXCEPTIONS

- Return unused gift or reimburse donor within 30 days
- Gifts from family members
- Gifts of hospitality
- Equal-value gifts

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Personal Advantages and Perks

CONSEQUENCES

Gift Limit Consequences

- FPPC Civil Action
- Penalty 3 times the amount of the gift
- \$5,000 fine
- 6 months in jail
- Bribery/Extortion – Felony-Prison

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Personal Advantages and Perks

Honoraria are Illegal

- What is Honorarium?
- To whom does it apply?
- Application
- Exceptions

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Personal Advantages and Perks

Loans

- What is a Loan?
- To whom does it apply?
- Application
- Exceptions

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Personal Advantages and Perks

Reimbursement

- What is a Reimbursement?
- To whom does it apply?
- Application
- Exceptions



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Personal Advantages and Perks

Misuse of Public Funds

“Public Funds” are”

- Money
- Equipment
- Supplies
- Compensated Staff Time
- Use of Telephones, Computers, Fax Machines, Etc.
- Charitable Contributions – secondary benefit



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Personal Advantages and Perks

Misuse of Public Funds

- Up to Four (4) Years in Prison
- \$5,000 per Violation
- Restitution to Agency
- Attorney Fees (Personal and Opposing Party's)
- Barred from Holding Public Office

CONSEQUENCES

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Hypothetical #1



Your neighbor, Chris Weber, is going on vacation and gives you two tickets to a Kings playoff game. Face value on each ticket is \$200.

Can you accept the ticket?

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Hypothetical #2

T. Shirt, a member of your Board, has campaign shirts made by a screen printing business that is located 5 minutes from the District's administration building.

Wanda Help, a staffer at the District, offers to pick up the shirts and return them to T. Shirt during regular business hours.

May Wanda Help retrieve the shirts?



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Questions

Do you have
any
Questions? 



AGENDA

Join Zoom Meeting
<https://zoom.us/j/3712702590>
or Dial (669) 900-6833
Meeting ID: 371 270 2590

DECLARATION OF A QUORUM

President James Bissell called the meeting to order at 9:03 A.M. Directors present were Vice President, Gunnar Thordarson, Treasurer, Ken Brown, Director John Boyle, and Director Diane Lundquist. Staff present were General Manager Jeff Gouveia and Office Manager Judi Silber. No public present.

BOARD MEETING

Public comments on agenda items will be limited to 3 minutes or otherwise at the discretion of the Board Chair.

PUBLIC FORUM

Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction provided the matter is not on the agenda or pending before the Board.

BOARD BUSINESS

1. The Board will consider adoption of the July 25, 2022 Board Meeting Minutes

Motion Bissell Second Lundquist to accept the July 25, 2022 Board Meeting Minutes as presented.
All Ayes
Motion Carried

2. Reserve Fund Policy Review - Discussion and Possible Action Item

Discussion ensued.
Motion Brown Second Boyle to move \$25K to O & M Emergency Reserve Fund and to move \$279K out of F & M Bank account into LAIF account.
All Ayes
Motion Carried

ACTION: Make a loan allowance payment of 10% by March 6, 2023.

Motion Bissell Second Brown to review loan and checking account fees and to pay down current loan by the maximum 10% of loan or \$30,065.
All Ayes
Motion Carried

3. Manager's Report – General Manager

See Attachment

4. Financial Report – General Manager

4.1 P&L and Balance Sheet Reports - Discussion and Possible Action Item

Motion Brown Second Lundquist to approve the P&L and Balance Sheet as presented.

All Ayes

Motion Carried.

4.2 Accounts Payable Report - Discussion and Possible Action Item

Motion Brown Second Boyle to approve the Accounts Payable Report as presented.

All Ayes

Motion Carried

4.3 A/R & Aging Reports – Discussion

Accounts Receivables as of November 4, 2022 is \$-23,323.70 verses November 4th, 2021 \$76,255.33.

4.4 FY 2021-22 Audit - Discussion and Possible Action Item

Motion Brown Second Lundquist to approve the FY 2021-22 Audit as presented

All Ayes

Motion Carried.

5. **Resolution No. 2022-507 - Conducting Meetings Using Teleconferencing** – GC 54953 Amend AB 361

Motion Bissell Second Brown to approve Resolution No. 2022-507 – Conducting Meeting Using Teleconferencing.

All Ayes

Motion Carried.

6. **Board Member Reports**

Next board meeting to approve conducting meetings using teleconferencing set for Monday, December 5, 2022 at 9:00 A.M.

Next regular board meeting set for Tuesday, February 2023.

President Bissell adjourned the meeting at 11:55 A.M.

AGENDA ITEM

DATE: NOVEMBER 7, 2022

TO: BVWD BOARD OF DIRECTORS

FROM: JEFF GOUVEIA, DISTRICT GENERAL MANAGER

RE: MANAGER'S REPORT

1. Water Balance - Update

a. Influent Flows & Effluent Transfers

Influent Flows as of September 2022 were .691/ 127.5%.

a. Effluent in Storage, Current Storage Capacity & Land / Surface Disposal Update

As of September 2022 .613 / 613% volume of water moved from treatment to storage.

2. Permit Compliance & Monitoring & Reporting Programs (MRPs) - Update

a. WDR MRP - Land Discharge Permit – Compliance & Reporting Update

i. Reporting Status Matrix – No Certified Violations, All Reporting Submitted On-Time

SMR / DMR Reporting Order Number: 5-01-208, submitted on 10/19/2022.

b. NPDES MRP – Surface Water Discharge Permit – Compliance & Reporting Update

i. Reporting Status Matrix – No Certified Violations, All Reporting Submitted On-Time

SMR / DMR Reporting Order Number: R5-2022-0037, submitted on 10/19/2022.

ii. NPDES Permit 5-Year Compliance Inspection – June 20, 2022

On 10 June 2022, the Central Valley Water Board adopted Order R5-2022-0045, effective 2 August 2022. Central Valley Water Board staff conducted a routine inspection of the facility on 20 June 2022 to determine compliance with the NPDES Permit. Everything was in compliance and they noted that planks were installed between the piles in the treatment pond, dividing the ponds into two smaller ponds. The installation of the Tesla battery pack as a backup power source was also mentioned.

3. Other

a. PGE-SGIP-2020-3656 – WWTF Powerpack Project – Update

b. Cal OES Community Power Resiliency Allocation - Update

c. Surplus Equipment Sales – Update

The District received nearly \$14K from sales of the Ford truck, 2 old generators, and miscellaneous pipe.

d. BVWD October 2022 Newsletter

GM Gouveia wrote an article discussing various grants and incentives awarded to the District over the last year, including over \$600k in energy resiliency incentive monies, nearly \$96k in Covid relief funds and \$300k from the California Office of Emergency Services. The newsletter also included an article on the 2022 Rate Study and the new service fee structure through 2027 as well as the permit renewal effective 1 August 2022 authorizing surface water discharge through 31 July 2027. The

newsletter also contained articles on collection system maintenance, the District's reserve funds, the sale of surplus equipment and the importance of reducing introduction of fats, oil, and grease into the wastewater system.

e. USFS Lake Alpine Vault Toilet Project – Update

Project has been completed.

f. Will Serve Letter Request – Bear Valley Associates, LLC

A will serve letter was received from Kate Cunningham of RO Anderson for a development of a parcel of land located on Creekside Drive in Bear Valley. The owner intends to create two parcels from .85+ acre lot and develop six units on each for a total of 12 new units.

g. LAWC – AL136 – Request to PUC for Shareholder Loan

LAWC request that the Public Utilities Commission approve a \$150,000 loan from its shareholders at a interest rate of 7.9%. The monies would be used for capital improvement projects. Lake Alpine Water Company stated that the loan would have no impact on the service rates. The protest or response deadline for the advice letter was November 13, 2022.

h. Treatment Plant Solar Project - Update

Randy Batchelor of Sol Rebel submitted a proposal for the treatment plant solar project.

The preliminary total project cost has been estimated at \$326,400, with a rough ROI of 4.6 years.

AGENDA ITEM

DATE: FEBRUARY 21, 2023

TO: BVWD BOARD OF DIRECTORS

FROM: JEFF GOUVEIA, DISTRICT GENERAL MANAGER

RE: ELECTING & APPOINTING OFFICERS OF THE BOARD

BACKGROUND AND DISCUSSION:

Pursuant to Article IV of the District's bylaws, elected officers shall be chosen by the Board from among the five (5) members of the Board and shall consist of a **President** and a **Vice-President**.

Section 2 goes on to discuss the terms of elected officers adding:

- Officers shall be elected by the Board at its first meeting in a new calendar year
- Officers shall serve for one (1) year, said term to commence upon election
- All elected officers shall be eligible to serve successive terms
- Officers shall continue to serve in their capacity as an officer until their successor is elected

Article V of the by-laws further conveys that the Board may appoint such other officers as it deems necessary. The General Manager currently serves as an appointed officer. The Board may also consider appointing a Treasurer to the Board. The Treasurer may be a Director of the Board and may hold this appointment until the Board either chooses a new Treasurer or chooses not to have an acting Treasurer. Director Brown currently serves as the Treasurer to the Board.

RECOMMENDATION:

ACTION:

1. Board should hold a vote for President and Vice President for the term expiring at the "first meeting in a new calendar year."
2. Board should discuss and consider a Director to serve as Treasurer to the Board.

Attachments:

- BVWD Revised By-Laws as Approved July 22, 2019

RESOLUTION NO. 2019-30

**RESOLUTION OF THE BOARD OF SUPERVISORS,
COUNTY OF ALPINE, STATE OF CALIFORNIA
APPROVING THE REVISED BEAR VALLEY WATER DISTRICT BYLAWS**

WHEREAS, the Bear Valley Water District was created by Resolution No. 68-39, and

WHEREAS, on August 5, 1968, the Board of Directors of the Bear Valley Water District adopted Bylaws of the District pursuant to Section 35302 of the Water Code; and

WHEREAS, the last revision to the Bear Valley Water District Bylaws was adopted by the Board of Directors in 2010, and


WHEREAS, amendments to said Bylaws were duly and regularly passed and adopted by the Board of Directors of the Bear Valley Water District at a meeting held on the 22nd day of July, 2019, and

WHEREAS, said amended Bylaws require further amending to be consistent with the various amendments to the California Water District Law; and

WHEREAS, the Bear Valley Water District requests that the Board of Supervisors adopt the revised Bear Valley Water District Bylaws submitted as Attachment "A".

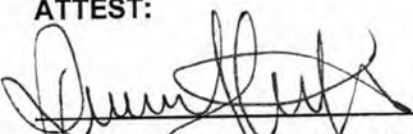
ADOPTED this 6th day of August 2019, by the following vote:

AYES: Jardine, Hames, Rakow, Woodrow, Griffith




David Griffith, Chair
Board of Supervisors, County of
Alpine, State of California

ATTEST:



Teola L. Tremayne, County Clerk
& Ex Officio Clerk to the
Board of Supervisors
By: Patricia Griffin, Assistant County Clerk

APPROVED AS TO FORM:



Margaret Long, County Counsel

**BYLAWS
OF THE
BEAR VALLEY WATER DISTRICT**

Adopted July __, 2019

ARTICLE I GENERAL

Section 1. Name.

This water sanitary district shall be known as the BEAR VALLEY WATER DISTRICT (BVWD or District).

Section 2. District Office.

The District Office shall be established by Resolution and may be changed from time to time by Resolution.

ARTICLE II PURPOSE

The purpose of the BVWD is to provide services to the residents of Bear Valley consistent with the Division 13 of the California Water Code.

ARTICLE III BOARD OF DIRECTORS

Section 1. Number.

The governing body of BVWD shall consist of five (5) elected Directors, each of whom shall serve a term of four (4) years. Such terms of office to be established on a staggered basis. During elections every two (2) years, either two (2) or three (3) Directors are elected for the next four (4) years.

Section 2. Qualifications.

In accordance with Water Code section 34700, each Director shall be one of the following:

- (a) A holder of title to land within the BVWD.
- (b) The legal representative of a holder of title to land within BVWD in accordance with Water Code section 34030.
- (c) A representative designated by a holder of title to land within BVWD, if the holder has filed with BVWD written evidence of that designation.

Section 3. Responsibility.

The Board of Directors shall govern the BVWD and establish policies for the operation of the District. The Directors shall carry out their duties as set forth in law, these bylaws, and other policies of BVWD honestly and faithfully.

Section 4. Compensation.

Members of the Board of Directors shall receive compensation for each day's attendance at meeting of the Board or for each day's service rendered as a director by request of the Board in an amount established by resolution of the Board of Directors, but in no case may the amount exceed the amount set forth in Water Code section 34741. Nor shall the total compensation to any Director exceed the total of six days in any calendar month, together with any expenses authorized by the Board. Compensation for all other officers who are not members of the Board of Directors shall be established by the Board.

Section 5. Vacancies.

Vacancies on the Board shall be filled in accordance with Government Code Section 1780.

Section 6. Resignation.

A director may resign at any time by giving written notice to the Board, to the President, or to the Secretary of the Board. Any such resignation shall take effect at the date of the receipt of such notice or at any later time specified therein; and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

ARTICLE IV OFFICERS

Section 1. Elected Officers.

The elected officers shall be chosen by the Board from among the five (5) members of the Board and shall consist of a President and a Vice-President.

Section 2. Terms of Elected Officer.

Elected Officers of the Board shall be elected by the Board at its first meeting in a new calendar year and shall serve for one (1) year, said term to commence upon election. All elected officers shall be eligible to serve successive terms. Officers shall continue to serve in their capacity as an officer until their successor is elected.

Section 3. Duties of Elected Officers.

A. President.

1. Shall preside at all meetings of the board and such other meetings approved by the Board, and have the authority to call for short recesses during meetings unless a majority of the Directors by vote oppose a recess.
2. Shall serve as official spokesperson for the Board.
3. Shall appoint such committees and other working groups as prescribed by the Board.
4. Shall designate Directors or others to represent the Board at various meetings, hearings, and conferences.
5. Shall perform such other duties as necessary to carry out the work of the Board.
6. Shall perform such duties as prescribed by law.

B. Vice-President.

1. Shall serve in the absence of the President.

ARTICLE V APPOINTED OFFICERS

Section 1. Appointed Officers.

- A. The appointed officers of the District shall be a General Manager and a Secretary who may be the same person, but none of whom shall be a Director. The duties of the appointed officers shall be as specified in law, and as directed by the Board. The Board may also appoint a Treasurer in accordance with.
- B. Pursuant to Water Code Section 34711, the District Board of Directors may appoint a District Treasurer, who shall be responsible for the deposit and withdrawal of funds of the District.
- C. The Board may appoint such other officers as it deems necessary.

Section 2. General Manager Duties.

The General Manager is employed by the board to run the day-to-day business of the BVWD.

Duties of the General Manager (Manager) include, but are not limited to:

- A. Appraise and evaluate the effects of the Board policies and the manner of their execution, and the efficiency of BVWD personnel in terms of services rendered to the people of the District.
- B. Provide leadership to staff in identifying district needs, establishing priorities and determining the objectives, which will achieve the established goals of the District.
- C. Encourage and assist staff in the performance of their duties and encourage their professional growth.
- D. Ensure evaluation of personnel under his/her direction.
- E. Provide financial oversight of the District and Alpine County pursuant to funds on deposit at that agency.
- F. Lead the District management team in the preparation of an annual budget, control of expenditures, inventory control, program planning, changing priorities and public relations.
- G. Perform the function of the District's Public Information Officer.
- H. Dispatch the contractor hired for operations on all wastewater problems in BVWD that require fieldwork. The Manager will respond only if the situation is too complicated for the contractor hired for operations to handle.
- I. Keep the Board informed of all communications affecting the District.
- J. Establish regular office hours and ensure that there is at least one person in the office during those hours.
- K. Such other duties as may from time to time be assigned by the Board.

Section 3. Secretary Duties.

- A. The Secretary shall attend Board meetings and prepare the minutes of the Board meetings which shall record the aye and no votes taken by the members of the Board for the passage of all ordinances, resolutions, or motions.
- B. The Secretary shall prepare the agenda for the Board meetings, post agendas, public notices and proposed action documents as required by the Board and government regulations.
- C. The Secretary shall keep a record of all Board actions, including financial transactions.
- D. The Secretary is responsible for keeping the Ordinances and all changes.
- E. The Secretary shall maintain and file with the County Clerk and the Secretary of State the filings required under Government Code section 53050 for the Roster of

Public Agencies.

Section 4. Treasurer Duties.

- A. If a Treasurer is appointed by the Board of Directors, they shall serve at the pleasure of the Board and be responsible for those responsibilities set forth in Water Code section 34711 and any other as determined by the Board.

**ARTICLE VI
MEETINGS**

Section 1. Regular and Special Meetings.

- A. The Board shall hold a regular meeting on dates and times as established by the Board from time to time by resolution. All regular meeting shall be held at the District Office. Such meetings may be altered as to date, time and place, as provided for in a Resolution adopted by the Board.
- B. Special meetings may be called by the President or by a majority of Directors.
- C. All meetings shall be conducted in accordance with the Ralph M. Brown Act.
- D. All motions made at Board meetings shall require a second to the motion prior to the Directors voting.
- E. Directors may attend any regular and special meeting telephonically as provided in the Ralph M. Brown Act.

Section 2. Quorum.

The Board shall be empowered to conduct the business of the District whenever there is a quorum of Directors at a properly noticed meeting. Three Directors shall constitute a Quorum.

Section 3. Voting.

- A. The vote of a majority of the Directors present at any meeting attended by a Quorum shall be necessary to pass any motion, adopt any resolution, or make any determination.
- B. Voting shall be by voice, show of hands, or roll call vote.
- C. Should a Director vote "Abstain" on a motion, the vote shall be considered a non-vote and not counted as an affirmative or negative vote.

Section 4. Notice of Regular and Special Meetings.

- A. Notices of all regular and special meetings shall be pursuant to the Ralph M. Brown Act.
- B. Notices of regular and special meetings. In the case of special meetings, the notice, written or by telephone, shall specify the specific nature of the business to be transacted.

**ARTICLE VII
ELECTIONS**

Section 1. Procedure of Voting.

All District elections shall be conducted in accordance with the procedures set forth in Water Code Section 35100 et. seq.

Section 2. Manner of Voting.

The manner of voting in all District elections shall be as set forth in Water Code section 35003.

Section 3. Voting in Person or by Proxy.

Every eligible voter may vote either in person or proxy in accordance with Water Code sections 35004-35006.

**ARTICLE VIII
PARLIAMENTARY AUTHORITY**

Rosenberg's Rules of Order, current edition and all future editions or such other authority as may be subsequently adopted by resolution of the Board is to apply to all questions of procedure and parliamentary law not specified in these Bylaws or otherwise by law.

**ARTICLE IX
PENALTIES**

The penalty for any single violation of these bylaws shall not exceed two hundred dollars (\$200.00).

ARTICLE X AMENDMENTS

The Bylaws may be repealed or amended, or new Bylaws by either of the following methods:

- (a) By four-fifths (4/5ths) vote of the total number of Directors as set forth in Article 3 Section 1 of these bylaws and approval of the Board of Supervisors of Alpine County, or
- (b) By two-thirds (2/3rds) vote of the total vote of the District in writing or cast by ballot at a District election.

AGENDA ITEM

DATE: FEBRUARY 21, 2023

TO: BVWD BOARD OF DIRECTORS

FROM: JEFF GOUVEIA, DISTRICT GENERAL MANAGER

RE: ANNUAL CPI-U REVIEW & MONTHLY SERVICE FEE DISCUSSION

BACKGROUND & DISCUSSION:

In October 2021, the Board authorized the preparation of a Wastewater Cost of Service Rate Study to be conducted on behalf of the Bear Valley Water District (District) by Bartle Wells Associates (BWA) and the California Rural Water Association (CRWA) with support from District staff. The Study evaluated the District's 5-year budget projection and analyzed the District's capacity to implement its capital improvement and replacement plan while maintaining debt service and reserve requirements. The District's Board of Directors formally accepted this Study at a regularly scheduled meeting of the Board on March 22, 2022. The Study recommended increasing sewer service rates to meet the revenue requirements of the District and addressed forecasts for increasing expenditures.

Pursuant to Article XII(D) of the California Constitution, the District noticed ratepayers of the proposed rate increase and requisite public hearing, mailing Prop 218 notices to all stakeholders in April 2022. The Board held a public hearing on the proposed rate increase in Bear Valley on June 25, 2022 where the proposed new wastewater service rates received insufficient objection permitting the Board to move forward with increases in monthly sewer service rates.

Effective July 1, 2022, sewer service rates increased, with the new monthly residential rate increasing 6% to \$102.13 and the commercial volumetric rate also increasing 6% to \$0.072 per gallon. In addition, as specified in the notice, *"each year thereafter for the following four years (July 1, 2023, to July 1, 2027), the Board may adjust rates by percentage increase annually as necessary based on the United States Department of Labor All Item Consumer Price Index for All Urban Consumers (CPI-U) – (1982-84 Base 100) published in January each year for the preceding reference year ending in December, but in no case will any annual increase in the wastewater service rate exceed 6% per year irrespective of the actual annual CPI-U increase."*

CONSUMER PRICE INDEX (CPI-U) REVIEW:

The Consumer Price Index For All Urban Consumers (CPI-U) measures inflation; the changes in U.S. consumer prices based on a representative basket of goods and services. It is an important economic indicator, representing how prices in the economy are moving and a key statistic in how the Fed determines monetary policy.

In addition to the recommendations from the Wastewater Cost of Service Rate Study, the basis for the District's first year service fee increase of 6% was in part a function of the widely discussed and staggering 7% inflation figure published in January 2022. The Board discussed at length the challenges of structuring a rate increase proposal which did not seem over reaching while at the same time mindful that increased volatility in 2022 had the potential to lead to inflation increases well in excess of 7%. Ultimately, the Board agreed to settle on a ceiling for increased service fees to no more than 6% in any of the following four fiscal years.

Published during the second week of the month for the prior month, the CPI-U for the year ending December 2022 representing the percentage change in the index from December 2021 to December 2022 was published in January 2023 at 6.5 %.

FY 23-23 BUDGET FORECAST & RATE INCREASE IMPACT:

Accompanying this memorandum is the final budget proposal approved by the Board at its July 25, 2022 meeting for fiscal year 2022-23, reflecting a comparison to the actual estimated fiscal year-end budget (FY 21-22 – Year 0) as well as a projected budget forecasting out four (4) future fiscal cycles (Years 2 - 5) coinciding with both the District's 5-year NPDES permit cycle and the 5-year rate study process.

Largely due to expected reductions in commercial revenue as a consequence of reduced volume from the USFS campgrounds combined with increasing expenses, as approved, the 5 Year budget forecast approved last year included proposed increases of 6% in Years 2 (23-24) and 3 (24-25) and 3% in Years 4 (25-26) and 5 (26-27).

Under the scenario presented in the approved proposed budget, commercial revenues in FY 23-24, when applying a 6% increase in the cost per gallon for commercial customers (from \$ 0.072 per gallon to \$0.076 per gallon) are conservatively still expected to decrease -38 % or roughly -\$46,000 for FY 23-24 while expenses are anticipated to increase approximately 3% on average.

To counteract the impacts of falling commercial revenue, if an increase of 6% in the monthly residential sewer service fee (from \$102.13 currently to \$108.26 on July 1, 2023) is applied, it will largely offset the losses in commercial revenue, limiting the year over year drop in total revenue to less than -1% or approximately \$840,000 in total revenue for FY 23-24.

If a 6% increase in both commercial and residential revenue is considered, net operational income is expected to decline -24% or -\$27,559 while at the same time nominally preserving positive net income at approximately \$4000 for FY 23-24.

However, as anticipated early on in the rate study process as the most anemic year in the 5 year cycle due to a changing revenue picture, FY 23-24 net cash flow is projected to be approximately -\$36,305 if the currently proposed capital improvement projects are authorized during this year's budget cycle.

As a reminder, while such a poor negative cash flow projection for FY 23-24 was predicted and is less than desirable, per the District's annual audit, the District did enjoy positive net income of \$48,981 as of June 30, 2022. Similarly, the Board exhibited sound fiscal decision making at its November 2022 meeting, acknowledging the available unrestricted CSDA grant funding of \$95,675, adding \$25,000 to and thereby fully funding the O&M Reserve Fund pursuant to the terms of the District's Reserve Fund Policy as well as utilizing the loan allowance covenant of the District's long term loan, paying down the principal loan balance by \$30,435.

RECOMMENDATION:

Therefore, it is recommended that the Board discuss the fiscal impact of a 6% CPI-U rate increase and vote Approve increasing rates and charges for sewage disposal service using the CPI-U Index to be effective July 1, 2023.

ACTION:

1. Motion to Approve Board Order 2023-01 establishing a 6% increase in rates and charges for sewage disposal service effective July 1, 2023 using the December 2021 – December 2022 CPI-U Index (6.5%).

Attachments:

- BVWD_Prop_218_Notice_2022_Final
- BVWD FY 22-23 - 5 YR BUDGET - APPROVED

**BEAR VALLEY WATER DISTRICT
BOARD ORDER NO. 2023-01**

**BOARD ORDER ESTABLISHING MONTHLY SEWER SERVICE RATES
PURSUANT TO SECTION 1 OF ARTICLE II OF ORDINANCE NO. 1**

WHEREAS, the Bear Valley Water District (the "District") conducted a Proposition 218 rate increase procedure on June 25, 2022 which established the maximum charges ("Proposition 218 Rates") the District can set for monthly sewer service charges; and

WHEREAS, Section 1 of Article II of Ordinance No. 1 ("Section 1") requires that monthly sewer service charges be established by Board Order; and

WHEREAS, in accordance with Section 1, the Board of Directors desire to adopt this Board Order to establish monthly sewer service charges in an amounts as set forth in Attachment "A" which are equal to or less than the Proposition 218 Rates; and

WHEREAS, the Board of Directors desires that the monthly sewer service charges go into effect on July 1, 2022.

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND DETERMINED by the Board of Directors of the Bear Valley Water District, as follows:

1. The District hereby establishes the monthly sewer service charges as set forth in Attachment "A" which is incorporated as though fully set forth herein.

2. The monthly sewer service charges in Attachment "A" shall become effective on July 1, 2023

PASSED AND ADOPTED by the Board of Directors of the Bear Valley Water District, at a regular meeting thereof, held on Tuesday, February 21, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTION:

BEAR VALLEY WATER DISTRICT

By: _____
President, Board of Directors

ATTEST:

By: _____
Secretary, Board of Directors

CERTIFICATION

I, _____, Secretary of the Bear Valley Water District, do hereby certify that the foregoing is a full, true and correct copy of a Board Order of the Bear Valley Water District, duly passed and adopted at a regular meeting of the Board of Directors thereof held on the 21st of February 2023.

Dated: February 21, 2023

Secretary, Bear Valley Water District

Attachment A

		Current Monthly Service Rate	New Monthly Service Rate
<i>Residential Fixed Rate</i> ^[1]	<i>\$/ month</i>	\$102.13	\$108.26
<i>Commercial Volumetric Rate</i> ^{[1] [2]}	<i>\$/ gallon</i>	\$0.072	\$0.076

[1] Service Rate design is based on a monthly cost of service. However, customer invoicing occurs quarterly.

[2] Under the proposed rate change, the commercial minimum monthly charge will be equal to the residential fixed charge of \$108.26/month.

Bear Valley Water District
Financial Year 2022 -23 Budget
5 Year Budget Forecast

	<i>Projection Year</i>	<i>Actual</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
	<i>Fiscal Year</i>	<i>2021 -22</i>	<i>2022 - 23</i>	<i>2023 - 24</i>	<i>2024 - 25</i>	<i>2025-26</i>	<i>2026-27</i>
	<i>Rate Increase</i>		<i>6.00%</i>	<i>6.00%</i>	<i>6.00%</i>	<i>3.00%</i>	<i>3.00%</i>
	<i>Mo Residential Rate</i>		<i>\$102.13</i>	<i>\$108.26</i>	<i>\$114.76</i>	<i>\$118.20</i>	<i>\$121.75</i>
OPERATING REVENUES							
Residential		628,852	667,800	707,868	750,340	772,850	796,036
Commercial		131,014	167,000	120,884	128,137	131,981	135,941
OPERATING REVENUE		759,866	834,800	828,752	878,477	904,832	931,976
OTHER REVENUE							
Interest Income - LAIF		700	800	800	800	800	800
Late Fees, Penalties & Interest		1,951	1,500	1,500	1,500	1,500	1,500
Expense Reimbursements - USFS		4,805	5,219	4,800	2,000	2,000	2,000
Expense Reimbursements - Concessionnaire		3,830	2,306	2,800	0	0	0
Misc Other Income - Cal OES Projects Paid		45,762	0	0	0	0	0
TOTAL OTHER REVENUE		57,048	9,825	9,900	4,300	4,300	4,300
TOTAL ALL REVENUES		816,914	844,625	838,652	882,777	909,132	936,276
OPERATING EXPENDITURES							
Salaries and Benefits		371,091	418,533	431,089	444,022	457,342	471,063
Director Expenses - Meetings, Elections, Training		3,500	2,000	2,000	2,000	2,000	2,000
Operator Education, Training & Certifications		275	1,000	1,030	1,061	1,093	1,126
Gas, Diesel, Oil & Filters		3,443	4,000	4,120	4,244	4,371	4,502
Insurance		18,815	30,000	30,900	31,827	32,782	33,765
Memberships		4,681	5,500	5,665	5,835	6,010	6,190
Office Expenses & Supplies		8,595	7,500	8,000	8,000	8,000	8,000
Field Expenses & Supplies		26,602	20,000	20,000	20,000	20,000	20,000
Grooming, Snow Removal & Vehicle Storage		2,607	3,500	3,500	3,500	3,500	3,500
General Engineering & Consulting		626	5,000	5,150	5,305	5,464	5,628
General Legal & Accounting		7,974	10,000	13,100	13,450	13,800	14,214
Equipment Rental		820	1,000	1,030	1,061	1,093	1,126
Repairs & Maintenance		64,800	60,000	60,000	60,000	60,000	60,000
Laboratory Fees		11,145	18,000	18,540	19,096	19,669	20,259
Regulatory Reporting & Compliance Projects		6,321	6,500	6,695	6,896	7,103	7,316
Taxes, Fees, Licenses & Assessments		46,705	50,000	51,500	53,045	54,636	56,275
Utilities		66,886	60,000	61,800	63,654	65,564	67,531
TOTAL ALL OPERATING EXPENDITURES		644,886	702,533	724,119	742,995	762,426	782,494
NET OPERATIONAL INCOME		172,028	142,092	114,533	139,783	146,706	153,783
OTHER EXPENSES							
Loan Interest		12,290	10,557	8,749	6,822	4,841	2,781
Depreciation		110,538	91,868	101,810	94,595	91,149	90,408
TOTAL OTHER EXPENSES		122,828	102,425	110,559	101,417	95,990	93,189
NET INCOME		48,981	39,667	3,974	38,366	50,716	60,594
NON-OPERATING INCOME / EXPENSES							
Depreciation		110,538	91,868	101,810	94,595	91,149	90,408
Capital Improvements / Replacements		(190,365)	(357,953)	(94,500)	(76,000)	(55,000)	(100,000)
Loan Payments - Principal		(44,047)	(45,780)	(47,589)	(49,515)	(51,496)	(53,556)
Loan Allowance Payments (Proposed)		0	(30,435)	0	(10,000)	(15,000)	0
CSDA Covid Grant (Unrestricted)		95,675	0	0	0	0	0
Cal OES Grant		254,544	249,751	0	0	0	0
SGIP Deposit Reimbursement		0	15,700	0	0	0	0
GSRE Reimbursement - Powerpack Proj.		0	9,997	0	0	0	0
SDLF Special District Technology Grant		0	3,000	0	0	0	0
Gain(Loss) On Sale of Asset		0	13,515	0	0	0	0
TOTAL ADDTL INCOME / EXPENDITURES		226,345	(50,337)	(40,279)	(40,920)	(30,347)	(63,148)
NET CASH FLOW		275,326	(10,670)	(36,305)	(2,554)	20,369	(2,554)

PROPOSITION 218 NOTICE

Notice of Public Hearing Regarding Proposed Sewer Service Rate Increases

Hearing Date and Time: Saturday, June 25, 2022, 12:00 PM

Hearing Location: Perry Walther Community Center, 325 Creekside Drive, Bear Valley, CA 95223

Basis of Proposed Rates

A Wastewater Cost of Service Rate Study was recently conducted on behalf of the Bear Valley Water District (District) by Bartle Wells Associates (BWA) and the California Rural Water Association (CRWA) with support from District staff. The Study evaluated the District's 5-year budget projection and analyzed the District's capacity to implement its capital improvement and replacement plan while maintaining debt service and reserve requirements. The District's Board of Directors formally accepted this Study at a regularly scheduled meeting of the Board on March 22, 2022. The Study recommends increasing sewer service rates to meet the revenue requirements of the District and addresses forecasts for increasing expenditures. The Wastewater Cost of Service Rate Study can be viewed at www.bvwd.ca.gov and is also on file and available for public review at the Bear Valley Water District office, 441 Creekside Drive, Bear Valley, CA 95223.

Why is a Rate Adjustment Needed?

The Bear Valley Water District operates under three permits issued by the Central Valley Regional and State Water Quality Control Boards to provide wastewater collection, treatment and disposal services to approximately 650 residential homes, condominiums and commercial businesses (EDUs). Developed in 1974, the wastewater asset infrastructure includes nearly 20 miles of collection lines, 160 manholes, (3) lift stations, a wastewater treatment facility, a 14 million gallon (MG) biological treatment lagoon, a 76 MG storage reservoir, an 80 acre land discharge array and a complex surface water discharge system all within the District's 3000 acre service area. Wastewater services include system maintenance and repair, permit compliance including water quality monitoring, testing and reporting, small and large-scale capital improvements, insurance, utilities, taxes, regulatory fees and legal and accounting services. Monthly wastewater service rates have remained quite stable since the 2014 rate restructuring, rising only 6.2 % over the past 7 years compared to consumer prices rising over 20 % during the same period. The District has reinvested nearly \$700,000 in system improvements and upgrades since 2014, committing ratepayer service fees to critical capital improvement and replacement projects to ensure the District achieves its mission to provide safe, efficient and reliable high quality wastewater services while preserving and protecting the environment. The District also aggressively sought and was awarded nearly \$1.0M in grant and incentive funds over the last several years immediately investing these funds to offset the use of ratepayer service fees or reserve funds to advance capital replacement projects. The District relies on revenues from sewer service rates to support operations and maintenance of the wastewater system while maintaining sufficient operational, improvement and emergency reserves. The District's 5-year revenue projections anticipate declining revenue due to a reduction in flows from commercial sources while at the same time forecasts increasing expenses due to inflationary pressures impacting nearly every area in the cost of providing service. The Wastewater Cost of Service Rate Study concludes that the District requires annual rate increases to mitigate decreasing revenue while funding projected increasing expenditures. The Rate Study also recommends that the District update its current wastewater service rate structure to reflect the latest cost of service to each customer class (residential and commercial).

Proposed Sewer Rates

Current and proposed monthly wastewater service rates are provided in the table below:

		Current Monthly Service Rate	Proposed Monthly Service Rate
Residential Fixed Rate ^[1]	<i>\$/ month</i>	\$96.35	\$102.13
Commercial Volumetric Rate ^{[1] [2]}	<i>\$/ gallon</i>	\$0.068	\$0.072

[1] Service Rate design is based on a monthly cost of service. However, customer invoicing occurs quarterly.

[2] Under the proposed rate change, the commercial minimum monthly charge will increase from \$85.81/ month to be equal to the residential fixed charge of \$102.13/month.

Consumer Price Index (CPI-U) and the Impact on Your Bill

Under the proposed rate change, new wastewater service rates will increase 6 % effective July 1, 2022. The new monthly residential rate will be \$102.13 and the commercial volumetric rate will be \$0.072 per gallon. Each year thereafter for the following four years, from July 1, 2023, to July 1, 2027, the Board may adjust rates by percentage increase annually as necessary based on the United States Department of Labor All Item Consumer Price Index for All Urban Consumers (CPI-U) – (1982-84 Base 100) published in January each year for the preceding reference year ending in December, but in no case will any annual increase in the wastewater service rate exceed 6 % per year irrespective of the actual annual CPI-U increase.

Compliance with Proposition 218

Pursuant to Article XII(D) of the California Constitution, Bear Valley Water District is proposing to increase wastewater service rates. If a majority of property owners submit valid written protests against the proposed service rates and cost allocation adjustments, the District Board shall not adopt the proposed sewer rates which are subject to majority protest.

If adopted, the proposed sewer rates will become effective beginning **July 1, 2022**. Pursuant to California Government Code 53759, challenges to any new, increased, or extended fees or charges are subject to a 120-day statute of limitations.

What is Proposition 218 ?

In 1996, California voters approved Proposition 218, which amended the state constitution as it relates to the passage of property-related fees. "Prop 218" requires that local governments follow a strictly defined process for setting fees such as water or sewer bills.

Generally speaking, the District must (1) inform ratepayers that a proposed rate increase is being considered (this notice), (2) clearly demonstrate the basis on which these fees are calculated (the Wastewater Cost of Service Rate Study Report), and (3) hold a public hearing at least 45 days after noticing property owners, at which time the District hears all protests to the rate increase.

These rates are subject to "majority protest," meaning they **cannot be passed** if a majority of property owners (or renters/lessees, where the renter/lessee is financially responsible for the bill) impacted by the rate change submit written and signed protests opposing the increase.

To Protest These Changes

If you have questions or comments about the proposed service rate changes or wish to protest, you may:

Address the Board of Directors: Attend the Public Hearing on June 25, 2022 at 12 PM at the Perry Walther Community Center, 325 Creekside Drive, Bear Valley, CA.

Write: Written protests against the proposed rate change must be received by the District by the close of the public hearing on June 25, 2022 and must identify the owner(s) of the property, the parcel (APN) number or address of the affected property and include the original signature(s) of the property owner(s). Renters/lessees may protest if they are financially responsible for the bill.

If the District receives written protests against the proposed rates by a majority of the affected property owners/renters/lessees prior to the end of the hearing, the District cannot approve the change.

Written protests must be sent to:

Bear Valley Water District
PO Box 5027, Bear Valley, CA 95223

Original signature protests are required. Please note that emails, scans and photocopies of signed protests will not be accepted.

This Notice of Public Hearing provides information on the proposed wastewater service rate changes as required by State law. This notice also provides information on how proposed rates have been calculated, the reasons for the required rate changes, and the process to submit a written protest of the proposed rates.

To receive more information or for additional questions about the proposed wastewater service rate increases, please contact the District office via phone at (209) 753-2112 or email the District's General Manager at Jeff.Gouveia@bvwd.ca.gov.

AGENDA ITEM

DATE: FEBRUARY 21, 2023

TO: BVWD BOARD OF DIRECTORS

FROM: JEFF GOUVEIA, DISTRICT GENERAL MANAGER

RE: MANAGER'S REPORT

1. Water Balance - Update
 - a. Influent Flows & Effluent Transfers
 - a. Effluent in Storage, Current Storage Capacity & Land / Surface Disposal Update
2. Permit Compliance & Monitoring & Reporting Programs (MRPs) - Update
 - a. WDR MRP - Land Discharge Permit – Compliance & Reporting Update
 - i. Reporting Status Matrix – No Certified Violations, All Reporting Submitted On-Time
 - ii. WDR Order 5-01-208 – Annual Report Submitted January 31, 2023
 - iii. WDR Order 5-01-208 – 3rd Tri-Annual Groundwater Monitoring Report Submitted January 23, 2023
 - b. NPDES MRP – Surface Water Discharge Permit – Compliance & Reporting Update
 - i. Reporting Status Matrix – No Certified Violations, All Reporting Submitted On-Time
 - ii. NPDES Order R5-2022-0037 – Annual Report Submitted – January 23, 2023
3. Other
 - a. PGE-SGIP-2020-3656 – WWTF Powerpack Project – Update
 - b. Cal OES Community Power Resiliency Allocation - Update

Board Meeting 2-21-23

- **Influent Flows (MG) – Total of ALL Wastewater Received / % change previous year**

<u>November 2022</u>	<u>November 2021</u>	<u>November 2020</u>
.563 / 90.5%	.622 / 124.6%	.622 / 124.6%
<u>December 2022</u>	<u>December 2021</u>	<u>December 2020</u>
1.397 / 169.7%	.823 / 82.1%	.823 / 82.1%
<u>January, 2023</u>	<u>January, 2021</u>	<u>January, 2021</u>
3.000 / 376%	.797 / 88.9%	.797 / 88.9%
<u>February 1-16, 2023</u>	<u>February, 2022</u>	<u>February, 2021</u>
1.023	2.291 / 222.8%	1.028 / 89.1%

- **Transferred to PR (MG) - Volume of Water Moved from Treatment to Storage / % change previous year**

<u>November 2022</u>	<u>November 2021</u>	<u>November 2020</u>
1.078 / 67.3%	1.602 / 59.6%	2.690
<u>December 2022</u>	<u>December 2021</u>	<u>December 2020</u>
2.675 / 68.0%	3.934 / 2248%	.175
<u>January, 2023</u>	<u>January 1 - 11, 2022</u>	<u>January, 2021</u>
3.685 / 313.1%	1.177	.626 / 521.6%
<u>February 1 - 16, 2023</u>	<u>February, 2022</u>	<u>February, 2021</u>
1.364	2.977 / 254.4%	1.170 / 354.5%

- **Land Application - Annual Totals – MG Applied / % change previous year**

<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>
41.395 / 174.0%	23.788 / 77.6%	30.639 / 158.8%	19.293 / 83.1%	23.215 / 144.6%
2022 Began May 27	2021 Began May 24	2020 Began June 2	2019 Began July 12	2018 Began June 1

- **Surface Discharge - Effluent Flow Discharge Totals – MG - NO EFFLUENT WAS DISCHARGED IN 2020, 2021, 2022**

<u>March 2019</u>	<u>April 2019</u>	<u>May 2019</u>	<u>June 2019</u>	<u>Total 2019 Discharge</u>
0.0	0.0	29.5	26.9	56.5
<u>March 2018</u>	<u>April 2018</u>	<u>May 2018</u>	<u>June 2018</u>	<u>Total 2018 Discharge</u>
0.0	11.9	11.7	0.0	23.6
<u>March 2017</u>	<u>April 2017</u>	<u>May 2017</u>	<u>June 2017</u>	<u>Total 2017 Discharge</u>
15.8	29.9	29.7	16.9	92.3

- **Storage Reservoir Elevations and Volumes (based on 10/6/15 pressure chart):**

- Empty (minimum pool) = 7063.0' = 0 MG = 0
- Total Depth (w/2' Freeboard) = 7086.3' = 76.45 MG = 23.3'
- Total Depth (spillway) = 7088.3' = 85.86 MG = 25.3'
- Permitted Full Reservoir (2' Freeboard) = 7086.3' = 76.45 MG = 100%
 - Highest Level 2022 – 5/26/22 = 7078.3' = 43.50 MG = 56.9%
 - Highest Level 2021 – 5/13/21 = 7073.3' = 25.17 MG = 32.9%
 - Highest Level 2020 – 5/28/20 = 7075.6' = 33.01 MG = 43.2%
 - Highest Level 2019 – 5/1/19 = 7079.8' = 48.68 MG = 63.7%
 - Highest Level 2018 – 4/20/18 = 7078.3' = 42.88 MG = 56.1%
 - **Current Storage Volume = 7075.5' = 32.66 MG = 42.7% (2/16/2023)**
 - Storage Volume 1 Year Ago = 7072.8' = 23.54 MG = 30.8% (2/17/2022)

- **Collection System**

- **2022** Jet 12,080', % change previous year: 103%. Video 7,674', % change previous year: 76%
- **2021** Jet 11,692', % change previous year: 68%. Video 9,980', % change previous year: 88%
- **2020:** Jet 17,194', % change previous year: 266%. Video 11,367', % change previous year: 196%
- **2019:** Jet 6,468', % change previous year: 93%. Video 5,800' % change previous year: 249%
- **2018:** Jet 6,990', % change previous year: 230%. Video 2,330', % change previous year: 173%
- **2017** Jet 3030' Video 1350'



SMR / DMR Reporting

Facility Name: Bear Valley WWTF

Order Number: 5-01-208

Water Board Office: Region 5S - Sacramento

Case Worker: Kenny Croyle

Reporting Level: Level I

To review or submit a report, select it from the list below. To change the list of reports, check the status types and/or enter start and end dates.

Show reports that meet these criteria:

Status:

- ☒ Submitted - report was already submitted to water board
- ☒ In-Progress - report has been edited but not submitted
- ☒ Past Due - report deadline has passed and report has not been submitted
- ☒ Future - report due date is in the future
- ☒ Withdrawn - report has been withdrawn

Show Report Due Between: and

[Export to Excel](#) Show:

[Previous](#) [Next](#)

Search results:

ID	Report Name	Type	Frequency	Reporting Period	Due Date	Status	Date Received	Date Reviewed	Certified Violations
2670542	January 2023	MONRPT	Monthly	01/01/2023 - 01/31/2023	03/01/2023	Future			No
2670543	February 2023	MONRPT	Monthly	02/01/2023 - 02/28/2023	04/01/2023	Future			No
2670544	March 2023	MONRPT	Monthly	03/01/2023 - 03/31/2023	05/01/2023	Future			No
2686669	April 2023	MONRPT	Monthly	04/01/2023 - 04/30/2023	06/01/2023	Future			No
2593251	July 2022	MONRPT	Monthly	07/01/2022 - 07/31/2022	09/01/2022	Submitted	08/22/2022		No
2551409	Q1 2022 (3 times per year)	GR_WATER	Quarterly	04/01/2022 - 07/31/2022	09/01/2022	Submitted	08/09/2022		No
2606634	August 2022	MONRPT	Monthly	08/01/2022 - 08/31/2022	10/01/2022	Submitted	09/26/2022		No
2593252	Q2 2022 (3 times per year)	GR_WATER	Quarterly	08/01/2022 - 09/30/2022	11/01/2022	Submitted	10/12/2022		No
2616353	September 2022	MONRPT	Monthly	09/01/2022 - 09/30/2022	11/01/2022	Submitted	10/19/2022		No
2628271	October 2022	MONRPT	Monthly	10/01/2022 - 10/31/2022	12/01/2022	Submitted	11/15/2022		No
2636565	November 2022	MONRPT	Monthly	11/01/2022 - 11/30/2022	01/01/2023	Submitted	12/12/2022		No
2616354	Q3 2022 (3 times per year)	GR_WATER	Quarterly	10/01/2022 - 12/31/2022	02/01/2023	Submitted	01/23/2023		No
2644009	December 2022	MONRPT	Monthly	12/01/2022 - 12/31/2022	02/01/2023	Submitted	01/19/2023		No
2551408	2022	MONRPT	Annual	01/01/2022 - 12/31/2022	02/01/2023	Submitted	01/31/2023		No



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You are logged-in as: gmbearvalleywater . If this account does not belong to you, please log out.

SMR / DMR Reporting

Facility Name: Bear Valley WWTF

Water Board Office: Region 5S - Sacramento

Reporting Level: Level II

Order Number: R5-2022-0037

Case Worker: Mohammad Farhad

All Electronic Date: 08/01/2016

To review or submit a report, select it from the list below. To change the list of reports, check the status types and/or enter start and end dates.

Show reports that meet these criteria

Status:

☒ Submitted - report was already submitted to water board

☒ In-Progress - report has been edited but not submitted

☒ Past Due - report deadline has passed and report has not been submitted

☒ Future - report due date is in the future

☒ Withdrawn - report has been withdrawn

Show Report Due Between: 08/13/2022 and 08/13/2023

Refresh List Show Calendar Year

Search results:

Export to Excel Show: 100

Previous 1-17 of 17 Next

ID	Report Name	Type	Frequency	Reporting Period	Due Date	Status	Date Received	Date Reviewed	Certified Violations	Report	Withdrawal
2689444	On Demand SMR (AnalyticaMethods Report Certification)	TECHRPT	On Demand	01/01/2023 - 02/28/2023	N/A	Future			No		
2618344	January 2023	MONNPDES	Monthly	01/01/2023 - 01/31/2023	03/01/2023	Future			No		
2618345	February 2023	MONNPDES	Monthly	02/01/2023 - 02/28/2023	04/01/2023	Future			No		
2618445	2022 (MRP X.D.3 Annual Recyc Water Policy)	TECHRPT	Annual	01/01/2022 - 12/31/2022	04/30/2023	Future			No		
2618346	March 2023	MONNPDES	Monthly	03/01/2023 - 03/31/2023	05/01/2023	Future			No		
2618347	April 2023	MONNPDES	Monthly	04/01/2023 - 04/30/2023	06/01/2023	Future			No		
2618348	May 2023	MONNPDES	Monthly	05/01/2023 - 05/31/2023	07/01/2023	Future			No		
2618349	June 2023	MONNPDES	Monthly	06/01/2023 - 06/30/2023	08/01/2023	Future			No		
2618339	August 2022	MONNPDES	Monthly	08/01/2022 - 08/31/2022	10/01/2022	Submitted	09/26/2022	11/16/2022	No	Download Report	
2618419	2022/10/01 (MRP X.D.1 Analytical Methods Rpt)	TECHRPT	Once	10/01/2022 - 10/01/2022	10/01/2022	Submitted	09/26/2022		No	Download Report	
2618340	September 2022	MONNPDES	Monthly	09/01/2022 - 09/30/2022	11/01/2022	Submitted	10/19/2022	11/16/2022	No	Download Report	
2618341	October 2022	MONNPDES	Monthly	10/01/2022 - 10/31/2022	12/01/2022	Submitted	11/15/2022	11/16/2022	No	Download Report	
2618342	November 2022	MONNPDES	Monthly	11/01/2022 - 11/30/2022	01/01/2023	Submitted	12/12/2022		No	Download Report	
2618411	2022	MONNPDES	Annual	01/01/2022 - 12/31/2022	02/01/2023	Submitted	01/23/2023		No	Download Report	
2618343	December 2022	MONNPDES	Monthly	12/01/2022 - 12/31/2022	02/01/2023	Submitted	01/23/2023		No	Download Report	
2618432	2022 (MRP X.D.2 Annual Operations Rpt)	TECHRPT	Annual	01/01/2022 - 12/31/2022	02/01/2023	Submitted	01/30/2023		No	Download Report	
2688575	On Demand SMR (AnalyticaMethods Report Certification)	TECHRPT	On Demand	01/01/2023 - 02/28/2023	02/08/2023	Submitted	02/08/2023		No	Download Report	

	Prior Year July 1 - January 31	FY 21-22 Budget	FY 21-22 Budget	Current Year July 1 - January 31	FY 22-23 Budget	FY 22-23 Budget	Variance Explanation
REVENUES							
Residential	471,577	630,000	75%	496,964	667,800	74%	
Commercial	96,642	120,000	81%	144,804	167,000	87%	
Subtotal Operating Revenue	568,220	750,000	76%	641,768	834,800	77%	Revenue Target 75%
EXPENSES							
Salaries & Benefits	226,652	395,022	57%	236,796	419,433	56%	
Director Expenses	1500	2,000	75%	900	2,000	45%	
Operator Training & Certs	0	1,000	0%	191	1,000	19%	
Gas, Diesel, Oil & Filters	484	3,000	16%	0	4,000	0%	
Insurance	10,835	18,000	60%	11,864	30,000	40%	
Memberships & Conferences	4,489	5,500	82%	5,398	5,500	98%	
Office Expenses & Supplies	6,261	7,500	83%	8,714	7,500	116%	
Field Expenses & Supplies	7,797	20,000	39%	9,557	20,000	48%	
Grooming, Snow Removal & Vehicle Storage	817	3,500	23%	2,723	3,500	78%	
Engineering & Consulting	0	5,000	0%	0	5,000	0%	
Legal & Accounting	7,499	10,000	75%	8,233	10,000	82%	
Equipment Rental	402	800	50%	747	1000	75%	
Repairs & Maintenance	59,690	60,000	99%	46,263	60,000	77%	
Laboratory Fees	7,519	12,000	63%	10,690	18,000	59%	
Regulatory Reporting & Comp. Projects	0	6,500	0%	3,437	6,500	53%	
Taxes, Fees, Licenses & Assessments	45,735	45,000	102%	50,106	50,000	100%	
Utilities	43,624	55,000	79%	49,337	60,000	82%	
Subtotal Operating Expenses	423,305	649,822	65%	444,955	703,433	63%	Expense Target 65%
Net Operational Income	144,915	100,178	145%	196,813	131,367	150%	
OTHER REVENUE							
Interest Income - LAIF	419	1,500	28%	3,668	800	458%	
Late Fee, Penalties and Interest	946	2,500	38%	4,958	1,500	331%	
Expense Reimbursements - USFS Campground	4,805	4,805	100%	5,219	5,219	100%	
Expense Reimbursements - Concessionnaire	3,830	3,830	100%	2,306	2,306	100%	
Misc Other Income - Ret Bank Fees	0	5,200	0%	125	0	0%	
Subtotal Other Revenue	10,000	17,835	56%	16,276	9,825	166%	
OTHER EXPENSES							
Loan Interest	7,405	12,318	60%	6,149	10,557	58%	
Depreciation	64,481	100,596	64%	69,836	91,868	76%	
Misc Expense	3	0	UBD	109	0	UBD	
Subtotal Other Expenses	71,889	112,914	64%	76,093	102,425	74%	
Net Other Income	(61,889)	(95,079)	65%	(59,817)	(92,600)	65%	
NET INCOME	83,026	5,099	1628%	136,996	38,767	353%	
Cal OES Grant	45,456	0	UBD	254,544	249,751	102%	
SDLF Special District Technology Grant	0	0	UBD	2,878	3,000	96%	
Gain(Loss) On Sale of Asset	0	0	UBD	13,515	0	UBD	
Subtotal of Grant Income	45,456	0	UBD	270,937	252,751	107%	
NET INCOME - INCLUDING GRANTS	128,482	5,099	2520%	407,933	291,518	140%	
NON-OPERATING INCOME / EXPENSES							
Depreciation	64,481	100,596	64%	69,836	91,868	76%	
Capital Improvements / Replacements	(171,555)	(57,000)	94%	(318,716)	(357,953)	89%	
Loan Payments - Principal	(25,458)	(44,019)	58%	(26,804)	(45,780)	59%	
Loan Allowance Payments	0	0	UBD	(30,345)	0	UBD	
CSDA Grant	0	0	UBD	0	0	UBD	
Cal OES Grant	254,544	0	UBD	0	0	UBD	
SGIP Deposit Reimbursement	0	0	UBD	0	15,700	0%	
GSRE Reimbursement - Powerpack Proj.	0	0	UBD	0	9,997	0%	
Gain(Loss) On Sale of Asset	0	0	UBD	13,515	0	UBD	
Subtotal Addl Income / Expenses	122,011	(423)	-28844%	(292,515)	(286,168)	102%	
NET CASH FLOW	205,037	4,676	4385%	(155,519)	(244,401)	64%	On Target

BVWD

Balance Sheet Prev Year Comparison

As of January 31, 2023

	Jan 31, 23	Jan 31, 22	\$ Change	% Change
ASSETS				
Current Assets				
Checking/Savings				
11015 · F&M Bank	76,802.35	573,163.04	-496,360.69	-86.6%
11018 · LAIF	603,502.18	320,020.75	283,481.43	88.58%
11020 · Petty Cash	50.00	50.00		
11025 · Capital Facilities Fund	29,026.00	29,026.00		
Total Checking/Savings	709,380.53	922,259.79	-212,879.26	-23.08%
Accounts Receivable				
11050 · Accounts Receivable	154,088.63	95,788.09	58,300.54	60.86%
Total Accounts Receivable	154,088.63	95,788.09	58,300.54	60.86%
Other Current Assets				
11055 · Accounts Receivable-Tax Roll	11,134.28	10,165.46	968.82	9.53%
11140 · Prepaid Insurance	12,186.43	2,751.47	9,434.96	342.91%
Total Other Current Assets	23,320.71	12,916.93	10,403.78	80.54%
Total Current Assets	886,789.87	1,030,964.81	-144,174.94	-13.98%
Fixed Assets				
12010 · Land	25,805.16	25,805.16		
12020 · SbSrfLine	1,196,893.29	1,196,893.29		
12040 · Col Facilities	542,755.22	497,047.95	45,707.27	9.2%
12041 · LA Facilities	166,428.79	166,428.79		
12050 · TRT Facilities	1,462,926.57	1,358,836.36	104,090.21	7.66%
12060 · DSP Facilities	1,264,402.01	1,264,402.01		
12080 · P & A (Plant & Admin)Facilities	528,230.27	482,118.91	46,111.36	9.56%
12100 · Accumulated Depreciation	-3,078,599.50	-2,969,780.50	-108,819.00	-3.66%
14030 · Work in Progress				
14030.0 · W.I.P. - GIS Consulting Support	4,722.05	4,722.05		
16025 · Verisight Pro Plus 100M System		11,851.13	-11,851.13	-100.0%
16565 · FY20/21 - NPDES PERMIT (5 YR.)		41,729.00	-41,729.00	-100.0%
16580 · Tesla Backup Battery Cover @ Eq	50.28	104,090.21	-104,039.93	-99.95%
16585 · 2023 Ski-Doo Expedition LE 24	16,939.19		16,939.19	100.0%
16600 · SGIP-Tesla Backup Battery	15,700.00	15,700.00		
16610 · Radio Telemetry Project	68,299.35	35,720.38	32,578.97	91.21%
16620 · Main Pump Station Grinder Proje		33,856.14	-33,856.14	-100.0%
16630 · District Improvement Standards	13,417.90	10,956.28	2,461.62	22.47%
16640 · Bee Gulch Battery Energy Storag	29,349.00		29,349.00	100.0%
16650 · Main Office Battery Storage Sys	69,042.12		69,042.12	100.0%
16658 · Repaint Main Office	6,062.35		6,062.35	100.0%
16662 · 40KW Kohler Generator-L.A. Boat	47,533.14		47,533.14	100.0%
16663 · 2023 GMC Sierra Pickup 2500HD	63,409.82		63,409.82	100.0%
16664 · 60KW Kohler Generator-Main Pump	51,789.04		51,789.04	100.0%
Total 14030 · Work in Progress	386,314.24	258,625.19	127,689.05	49.37%
Total Fixed Assets	2,495,156.05	2,280,377.16	214,778.89	9.42%
TOTAL ASSETS	3,381,945.92	3,311,341.97	70,603.95	2.13%
LIABILITIES & EQUITY				

BVWD
Balance Sheet Prev Year Comparison
As of January 31, 2023

	<u>Jan 31, 23</u>	<u>Jan 31, 22</u>	<u>\$ Change</u>	<u>% Change</u>
Liabilities				
Current Liabilities				
Accounts Payable				
21021 · Accounts Payable	7,260.56	35,319.75	-28,059.19	-79.44%
Total Accounts Payable	7,260.56	35,319.75	-28,059.19	-79.44%
Other Current Liabilities				
21030 · Other Payable		-980.00	980.00	100.0%
21040 · Prepaid Revenue	232.97	232.97		
21090 · Payroll Liabilities	10,684.57	13,611.92	-2,927.35	-21.51%
2110 · Direct Deposit Liabilities	-8.18	-8.18		
22013 · '22 Special Dist. Tech Grant	96.25		96.25	100.0%
22015 · Cal OES Unearned Income		264,279.62	-264,279.62	-100.0%
22018 · CSDA Grant/COVID19-Unearned Inc	95,675.00		95,675.00	100.0%
22020 · CSWRCB Grant-Unearned Income	1,695.76		1,695.76	100.0%
22021 · Accrued Vacation	19,452.63	14,458.06	4,994.57	34.55%
Total Other Current Liabilities	127,829.00	291,594.39	-163,765.39	-56.16%
Total Current Liabilities	135,089.56	326,914.14	-191,824.58	-58.68%
Long Term Liabilities				
26025 · F&M Bank Loan	232,252.47	307,991.09	-75,738.62	-24.59%
Total Long Term Liabilities	232,252.47	307,991.09	-75,738.62	-24.59%
Total Liabilities	367,342.03	634,905.23	-267,563.20	-42.14%
Equity				
29000 · Retained Earnings	1,977,644.91	1,953,664.32	23,980.59	1.23%
29100 · O & M Emergency Reserve Fund	175,000.00	150,000.00	25,000.00	16.67%
29200 · CIP Reserve Fund	425,000.00	425,000.00		
29300 · Capacity Fee Reserve Fund	29,026.00	29,026.00		
Net Income	407,932.98	118,746.42	289,186.56	243.53%
Total Equity	3,014,603.89	2,676,436.74	338,167.15	12.64%
TOTAL LIABILITIES & EQUITY	3,381,945.92	3,311,341.97	70,603.95	2.13%

BVWD
A/P Aging Summary
As of January 31, 2023

PREPAIDS FOR JANUARY 2023	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL	Description
A.T.&T.	146.29						Telephone
Card Services	1,008.84						Office, Field Supplies, PR, Backup
E.D.D.	70.50						State Payroll Taxes
E.D.D.	692.55						State Payroll Taxes
E.D.D.	68.09						State Payroll Taxes
E.D.D.	520.86						State Payroll Taxes
F & M Bank	4,694.80						Principal & Interest on Loan
F & M Bank	-47.80						Bank Fees for Jan
F & M Bank	65.68						Bank Fees for Jan
I.R.S.	1,913.92						Federal Payroll Tax
I.R.S.	1,872.84						Federal Payroll Tax
Lake Alpine Water Company	162.27						Water for Main Office
P.G.&E.	5,408.74						Electricity for January 2023
SDRMA	2,933.03						Health, Dental, Vision, LTD, Life Insurance
Swell	48,678.75						Powerpak Battery Walls Main & Bee Gulch
Vantage Transfer	219.02						401K Retirement
Vantage Transfer	712.19						457 Retirement
Vantage Transfer	219.02						401K Retirement
Vantage Transfer	712.19						457 Retirement
TOTAL	70,051.78					70,051.78	

ACCOUNTS PAYABLE JANUARY 2023	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL	Description
Alpha Analytical Laboratories Inc.		375.00				375.00	Laboratory Analysis
Arnold Auto Supply Inc.		46.37				46.37	Auto Parts
AT&T Business Service 2					-12.72	-12.72	Credit for Refund
California Assoc. of Mutual Water Co.		250.00				250.00	Membership Fees
CALNET		43.30				43.30	Telephone
Clay Eastman Snow Removal	618.52	1,413.76				2,032.28	Snow Removal
EBBETTS PASS GAS CO. Inc.	736.57					736.57	Propane for Main Office

BVWD
A/P Aging Summary
As of January 31, 2023

ACCOUNTS PAYABLE JANUARY 2023	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL	Description
FYE 2021-2022 ADJ.					-48.87	-48.87	FYE 2021-2022 Adj.
Industrial Electrical Co.	3,438.63					3,438.63	R&M Allen Bradley Drive
Neumiller and Beardslee		400.00				400.00	Legal Fees
TOTAL	4,793.72	2,528.43		0.00	-61.59	7,260.56	

BVWD
A/P Aging Summary
As of December 31, 2022

PREPAIDS FOR DECEMBER 2022	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL	Description
A.T.&T.	144.69					144.69	Telephone
BV046 Refund	309.05					309.05	A/R Refund
Card Services	1,229.50					1,229.50	Office, Field Supplies, PR, Backup, Tele
E.D.D.	88.99					88.99	State Payroll Taxes
E.D.D.	203.59					203.59	State Payroll Taxes
E.D.D.	15.48					15.48	State Payroll Taxes
E.D.D.	85.24					85.24	State Payroll Taxes
E.D.D.	235.39					235.39	State Payroll Taxes
F & M Bank	90.66					90.66	Principal & Interest on Loan
F & M Bank	4,694.80					4,694.80	Federal Payroll Tax
I.R.S	1,948.02					1,948.02	Federal Payroll Tax
I.R.S	242.84					242.84	Federal Payroll Tax
I.R.S	1,949.28					1,949.28	Federal Payroll Tax
Lake Alpine Water Company	171.93					171.93	Water for Main Office
OS405 Refund	2,005.41					2,005.41	A/R Refund
P.G.& E.	2,665.60					2,665.60	Electricity for December 2022
State Water Resources Control Board	3,453.00					3,453.00	Annual Permit Fees
State Water Resources Control Board	24,687.00					24,687.00	Annual Permit Fees
State Water Resources Control Board	6,170.00					6,170.00	Annual Permit Fees
SDRMA	2,727.89					2,727.89	Health, Dental, Vision,LTD, Life Insurance
Vantage Transfer	206.07					206.07	401K Retirement for Employees
Vantage Transfer	699.24					699.24	457 Retirement for Employees
Vantage Transfer	42.22					42.22	401K Retirement for Employees
Vantage Transfer	168.87					168.87	457 Retirement for Employees
Vantage Transfer	219.02					219.02	401K Retirement for Employees
Vantage Transfer	712.19					712.19	457 Retirement for Employees
TOTAL	55,165.97					55,165.97	

BVWD
A/P Aging Summary
As of December 31, 2022

ACCOUNTS PAYABLES DECEMBER 2022	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL	Description
Alpha Analytical Laboratories Inc.		655.00				655.00	Labrator Analysis
Aqua Sierra Controls, Inc.		205.00				205.00	Trouble Shoot Radio
AT&T Business Service 2					-12.72	-12.72	Credit for Refund
CALNET		42.16				42.16	Telephone
Columbia Communications Inc.		39.00				39.00	Pager for Field Staff
Diane Lundquist		100.00				100.00	Director Fees November Regular Meet
EBBETTS PASS GAS CO. Inc.		660.45				660.45	Propane for Main Office
FYE 2021-2022 ADJ.					-48.87	-48.87	FYE 2021-2022 Adjustment
Gunnar Thordarson		100.00				100.00	Director Fees November Regular Meet
Jim Bissell		100.00				100.00	Director Fees November Regular Meet
John Boyle		100.00				100.00	Director Fees November Regular Meet
Ken Brown		100.00				100.00	Director Fees November Regular Meet
Neumiller and Beardslee		225.00				225.00	Legal Fees for December
TOTAL		2,326.61	0.00	0.00	-61.59	2,265.02	

BVWD
A/P Aging Summary
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PREPAIDS NOVEMBER 2022	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL	Description
BV024 Refund	289.05					289.05	A/R Refund
BV119 Refund	306.39					306.39	A/R Refund
CS011 Refund	306.39					306.39	A/R Refund
A.T.&T.	144.69					144.69	Telephone for Main Office
Card Services	1,658.13					1,658.13	Office, PR, Field Supplies, Computer Backups
E.D.D.	99.48					99.48	State Payroll Taxes
E.D.D.	267.11					267.11	State Payroll Taxes
E.D.D.	96.21					96.21	State Payroll Taxes
E.D.D.	254.03					254.03	State Payroll Taxes
F & M Bank	4,694.80					4,694.80	Principal & Interest on Loan
FirstNet	128.56					128.56	Telpehone
I.R.S.	2,251.12					2,251.12	Federal Payroll Taxes
I.R.S.	2,169.60					2,169.60	Federal Payroll Taxes
LAIF	279,000.00					279,000.00	Transfer Money to LAIF
Lake Alpine Water Company	176.25					176.25	Water for Main Office
Marty Simpson	510.00					510.00	Painting of Bee Gulch
P.G.&E.	2,174.36					2,174.36	Electricity for November 2022
SDRMA	2,727.89					2,727.89	Health, Dental, Vision, LTD, Life Insurance Employee
Vantage Transfer	712.19					712.19	457 Retirement for Employees
Vantage Transfer	219.02					219.02	401K Retirement for Employee
Vantage Transfer	219.02					219.02	457 Retirement for Employees
Vantage Transfer	712.19					712.19	401K Retirement for Employee
The Zenith	1,092.00					1,092.00	Workers Compensation Insurance
TOTAL	300,208.48					300,208.48	

ACCOUNTS PAYABLE NOVEMBER 2022	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL	Description
Alpha Analytical Laboratories Inc.	135.00	400.00				535.00	Laboratory Analysis
Alpine Cnty Tax Collector	612.43					612.43	Property Taxes
Aqua Sierra Controls, Inc.		820.00				820.00	R & M

BVWD
A/P Aging Summary
As of November 30, 2022

ACCOUNTS PAYABLE NOVEMBER 2022	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL	Description
Arnold Auto Supply Inc.		88.88				88.88	Auto Parts
AT&T Business Service 2					-12.72	-12.72	Credit for Refund
CALNET		44.07				44.07	Telephone
CISCO Fire Sprinkler, Inc.		100.00				100.00	Fire Distinguishers Annual Inspection
Clay Eastman Snow Removal		690.35				690.35	Snow Removal
CSDA		2,364.00				2,364.00	Membership Fees
EBBETTS PASS GAS CO. Inc.		961.05				961.05	Propane for Main Office
Ebbetts Pass Lumber Co. Inc.		64.03				64.03	Field Supplies
Esri		1,500.00				1,500.00	Software for Main Office
FYE 2021-2022 ADJ.					-48.87	-48.87	FYE 2021-2022ADJUSTMENT
Glenn S. Caldwell Insurance Services, Inc		122.00				122.00	Additional Annual Auto Insurance
Mike Smith Engineering, Inc.	330.00					330.00	Plans for Office Battery Backup Walls
Stantec Consulting Services Inc.		1,777.50				1,777.50	Groundwater Reporting
Telstar Instruments Inc.		218.52				218.52	Acetic Acid Solution
Thatcher Company of California		2,921.75				2,921.75	Chlorine
TOTAL	1,077.43	12,072.15			-61.59	13,087.99	

BVWD
A/P Aging Summary
As of October 31, 2022

PREPAIDS OCTOBER 2022	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL	Description
A.T.&T.	144.69					144.69	Telephobne
BV295 Refund - A/R	289.05					289.05	A/R Refund
CB205 Refund - A/R	271.11					271.11	A/R Refund
Card Services	4,979.39					4,979.39	Office, Field Supplies, Telephone, Backup
Dublin Buick GMC	63,409.82					63,409.82	Chevrolet Pickup
E.D.D.	167.54					167.54	State Payroll Taxes
E.D.D.	366.92					366.92	State Payroll Taxes
E.D.D.	148.69					148.69	State Payroll Taxes
E.D.D.	327.60					327.60	State Payroll Taxes
Elk Grove Power Sports	16,439.19					16,439.19	Ski-Doo Snowmobile
F & M Bank	4,694.80					4,694.80	Principal & Interest on Loan
I.R.S.	3,727.22					3,727.22	Federal Payroll Taxes
I.R.S.	3,339.26					3,339.26	Federal Payroll Taxes
Lake Alpine Water Company	176.25					176.25	Water for Main Office
P.G.&E.	3,704.94					3,704.94	Electricity for October 2022
SDRMA	2,121.80					2,121.80	Health Insurance for Employees
SDRMA	520.10					520.10	Dental, Vision, LTD, Life Insurance
Vantaqge Transfer	367.48					367.48	401K Retirement Benefit
Vantaqge Transfer	1,249.74					1,249.74	457 Retirement Benefit
Vantaqge Transfer	319.80					319.80	401K Retirement Benefit
Vantaqge Transfer	1,034.52					1,034.52	457 Retirement Benefit
The Zenith	1,088.00					1,088.00	Workers Compensation Insurance
TOTAL	108,887.91					108,887.91	

BVWD
A/P Aging Summary
As of October 31, 2022

ACCOUNTS PAYABLE OCTOBER 2022	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL	Description
Alpha Analytical Laboratories Inc.		3,749.00				3,749.00	Laboratory Analysis
Alpine Cnty Tax Collector		612.43				612.43	Property Tax
Aqua Sierra Controls, Inc.		40,978.07				40,978.07	Parts, R&M Pumps, Micro Logic, Radio Tele
AT&T Business Service 2					-12.72	-12.72	Credit for Overpayment
CALNET		44.16				44.16	Telephone
Columbia Communications Inc.		39.00				39.00	Pager for Field Staff
Computer Firemen		100.00				100.00	Computer Repair - Office
CVCWA		2,200.00				2,200.00	Dues
EBBETTS PASS GAS CO. Inc.		1,352.26				1,352.26	Propne for Main Office
Ebbetts Pass Lumber Co. Inc.		130.79				130.79	Field Supplies
El Dorado Septic Service, Inc.		595.00				595.00	Porta Potty Rental
F&M Bank of Lodi	30,434.71					30,434.71	Loan Allowance Payment
FYE 2021-2022 ADJ.					-48.87	-48.87	FYE ADJUSTMENT
Herold & Mielenz Inc.		728.14				728.14	R&M Rotor, Ball Bearing Phase 3
Industrial Electrical Co.		2,345.00				2,345.00	R&M Soft Start, Protection Device
Marty Simpson		510.00				510.00	Paint Main Office
Neumiller and Beardslee		200.00				200.00	Legal Fees
Ridgeline Carpet & Steam Cleaning	275.00					275.00	Carpert Cleaning for Main Office
Robert W. Johnson, An Accountancy Corp.		7,200.00				7,200.00	Accounting Audit Fee
Weber Ghio and Associates, Inc	2,061.62					2,061.62	Engineering Fees
TOTAL	32,771.33	60,783.85			-61.59	93,493.59	

BVWD
A/R Aging Summary
As of February 17, 2023

	<u>Current</u>	<u>1 - 30</u>	<u>31 - 60</u>	<u>61 - 90</u>	<u>> 90</u>	<u>TOTAL</u>
TM003			337.03		306.39	643.42
BV179			337.03		306.39	643.42
BV034			337.03		306.39	643.42
CS054-Cumberland			337.03		306.39	643.42
BV343			337.03		306.68	643.71
BV208			337.03		335.57	672.60
CS006			337.03		470.01	807.04
BV101			337.03		643.42	980.45
CS116			337.03		643.42	980.45
BV125			337.03	30.64	643.42	1,011.09
CM180			1,361.76		20.00	1,381.76
BV082			306.39		1,190.88	1,497.27
BV047			337.03		2,114.22	2,451.25
CM110			3,676.68		-0.20	3,676.48
CM190					5,652.21	5,652.21
CM150			8,448.66		-359.60	8,089.06
CM010			22,369.66		-2.00	22,367.66
TOTAL	<u>0</u>	<u>-2,206.97</u>	<u>61,044.95</u>	<u>15,272.96</u>	<u>-44,729.71</u>	<u>29,381.23</u>
TOTAL CREDITS	0	-2,226.97	-271.71	-254.37	-59,153.80	-61,906.85
TOTAL DEBITS	0	20.00	61,316.66	15527.33	14424.09	91,288.08
TOTAL	<u>0</u>	<u>-2,206.97</u>	<u>61,044.95</u>	<u>15,272.96</u>	<u>-44,729.71</u>	<u>29,381.23</u>

BVWD
A/R Aging Summary
As of February 17, 2022

TOTAL	<u>0</u>	<u>-1,765.93</u>	<u>23,000.51</u>	<u>-289.05</u>	<u>-46,667.77</u>	<u>-25,722.24</u>
TOTAL CREDITS	0	-1,765.93	-1,158.10	-289.05	-50005.25	-53218.33
TOTAL DEBITS	0	0.00	24,158.61	0	3337.48	27496.09
TOTAL	<u>0</u>	<u>-1,765.93</u>	<u>23,000.51</u>	<u>-289.05</u>	<u>-46667.77</u>	<u>-25722.24</u>