

# WESTHAVEN COMMUNITY SERVICES DISTRICT

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## REGULAR MONTHLY BOARD MEETING AGENDA

The regular meeting of the Board of Directors of the Westhaven Community Services District will be held

Wednesday July 20, 2022 at 6:30 p.m. Due to the coronavirus pandemic, until further notice, this and upcoming WCSD Board meetings will be held virtually using ZOOM.

How to Submit Public Comment:

Members of the public may provide public comment before and during the meeting by sending email comments to the WCSD Manager at [prosenblatt.wcsd@suddenlinkmail.com](mailto:prosenblatt.wcsd@suddenlinkmail.com). Such email comments must identify the agenda item number in the subject line of the email. The comments will be read into the record, with a maximum allowance of three minutes (approximately 500 words) per individual comment, subject to the Board President's discretion. If a comment is received after an agenda item is heard, but before the close of the meeting, the comment will be included as a part of the written record of the meeting but will not be read into the record during the meeting.

**Westhaven CSD regular board meeting: Zoom Meeting**

**Time: Wednesday July 20<sup>th</sup> 2022 6:30 pm**

**Join Zoom Meeting**

<https://us02web.zoom.us/j/6164036579?pwd=M05xam1mTG82T2grVzFPV3pQVnFZQT09>

**Meeting ID: 616 403 6579**

**Passcode: 195570**

**1. CALL TO ORDER**

**2. PUBLIC COMMENT**

Materials related to an item on this Agenda, including materials submitted to the Board after distribution of the Board Packets, are available for public inspection in the WCSD Office at 446 B Sixth Avenue.

Members of the public are invited to comment on any matter within the authority of the WCSD.

Comments may also be offered during the discussion of any item on the agenda.

Board discussion of matters not appearing on the published agenda is prohibited by law.

**3. AMEND / APPROVE ORDER OF AGENDA ITEMS**

**4. RESOLUTION 2022.10 REGARDING AB361 REMOTE MEETING**

4.1 Resolution 2022.10 Regarding AB 361 Remote Meeting Via Zoom

**5. AMEND / APPROVE MINUTES**

5.1 June, 15, 2022 - Regular meeting minutes. **Discussion/Approval**

5.2 June 29, 2022 – Special meeting minutes. **Discussion/Approval**

**6. FINANCIAL REPORTS, DISCUSSIONS AND APPROVALS**

6.1 Directors' Report – monthly billing and collections — **Discussion**

6.2 Water consumption and Sales – **Discussion**

6.3 Income / Expense Report- **Discussion of report format**

6.4 Finance Officer's Recommendations – **Discussion**

6.5 Treasurer's Report and Recommendations – **Discussion**

6.6 June/July warrants – **Discussion/Approval**

**7. MANAGER'S REPORT**

7.1 Water loss 2 known leaks this month **Discussion**

8. **UPDATE ON GRANT FUNDING AND RELATED ACTIVITIES**
  - 8.1 DWR Small Community Drought Grant work proceeding. **Discussion/Approval**
  - 8.2 Update on activities related to well drilling. **Discussion/Approval**
9. **TECHNICAL ASSISTANCE GRANT FROM DEPT OF FINANCIAL ASSISTANCE**
  - 9.1 Update on progress of technical assistance grant for Water Plant from DFA. **Discussion**
10. **NORTH COAST RESOURCE PARTNERSHIP TECHNICAL ASSISTANCE GRANT TWO CREEKS CAPP**
  - 10.1 Update on Technical assistance grant for writing the Conceptual Area Protection Plan (CAPP) for the Two Creek watershed to work with Mark Andre and BBW **Discussion/Approval**
11. **INTERIM EMERGENCY INTERTIE AGREEMENT**
  - 11.1 Interim emergency intertie agreement between the City of Trinidad and Westhaven CSD **Discussion/Approval**
12. **ORDINANCE 2022.1 ESTABLISHING REGULATIONS FOR CROSS CONNECTION CONTROL**
  - 12.1 Ordinance 2022.1 Establishing Regulations for Cross Connection Control. **Discussion/Approval**
13. **CALIFORNIA'S NEW SHUT OFF PROTOCOLS**
  - 13.1 Review WCSD Ordinance 2021-3 Adopting a Water Conservation Program and Water Supply Emergency Ordinance. **Discussion/Approval**
  - 13.2 Resolution 2015-5 Implementing Water Conservation Measures as Mandated by the State Water Resources Control Board. **Discussion/Approval**
14. **GOVERNORS DROUGHT ORDER N-7-22 AND SB 552**
  - 14.1 Governors drought order N-7-22. **Discussion/Approval**
  - 14.2 DWR SB 552 notification. **Discussion/Approval**
15. **RETURN TO IN PERSON MEETINGS**
  - 15.1 Return to in person meetings **Discussion/Approval**
16. **DISCUSSION OF PHILOSOPHICAL, POLITICAL AND META ISSUE ASPECTS OF THE DISTRICT'S EXISTENCE AND OPERATION**
  - 16.1 Discussion of philosophical, political and meta issue aspects of the District's existence and operation **Discussion**
17. **ITEMS FROM MEMBERS OF THE BOARD FOR FUTURE MEETINGS**
18. **ADJOURN**

Regular Meetings of the Board occur on the 3rd Wednesday of the month at 6:30 Pm. The next Regular Meeting will be **August 17, 2022** and will be held via zoom  
 This agenda is posted pursuant to the provisions of the Government Code commencing at Section 54950.

Posting locations are: 1) WCSD Office; 2) Westhaven Fire Hall and online at the Westhaven CSD website @ [westhavencsd.org](http://westhavencsd.org)

The Westhaven CSD will make reasonable effort to accommodate the participation of persons with disabilities.  
 If you require such accommodation, contact the WCSD office at 677-0798 at least 48 hours prior to the meeting.

**WESTHAVEN COMMUNITY SERVICES DISTRICT  
RESOLUTION 2022-10**

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTHAVEN COMMUNITY SERVICES DISTRICT PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY AB 361 PASSED 9-20-2021 AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE WESTHAVEN COMMUNITY SERVICES DISTRICT FOR THE PERIOD JULY 20, 2022 TO AUGUST 17, 2022 PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the Westhaven Community Services District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the Westhaven Community Services District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the District, specifically as a result of the COVID-19 pandemic, the Governor proclaimed a state of emergency on March 4, 2020, in accordance with the section 8625 of the California Emergency Services Act, and the state of emergency remains in effect, and

WHEREAS as a result of the COVID-19 pandemic, the Humboldt County Health Officer has imposed and has recommended measures to promote social distancing as more particularly set forth in his August 6, 2021, Order, among other prior orders and guidance; and

WHEREAS, the Board of Directors does hereby find that the Covid 19 pandemic, and, social distancing orders has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California and

WHEREAS, as a consequence of the local emergency, the Board of Directors does hereby find that the legislative bodies of the Westhaven Community Services District shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS Meeting agendas are posted at the district office and Fire Hall bulletin boards and online via the districts website [www.westhavencsd.org](http://www.westhavencsd.org) and are open to all via Zoom. .

NOW, THEREFORE, THE BOARD OF DIRECTORS OF WESTHAVEN COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the District, and meeting in person pose a high potential of health risk.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of 9-17-2021

Section 4. Remote Teleconference Meetings. The staff and General Manager and legislative bodies of the Westhaven Community Services District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the 17<sup>th</sup> of August, 2022 or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the Westhaven Community Services District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

**PASSED, APPROVED AND ADOPTED** by the Board of Directors of the Westhaven Community Services District, this **20th day of July, 2022**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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William Verick, President  
Westhaven Community Services District

ATTEST:

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Roxanne Levang, Secretary  
Westhaven Community Services District

**WESTHAVEN COMMUNITY SERVICES DISTRICT**  
Regular Meeting Minutes  
June 15, 2022

**1. CALL TO ORDER**

Board Vice President Cline called the meeting to order at 6:33 PM. In attendance were:

Board Members: Cline, Hankin, Swisher, Llanos & Verick (by phone),

Absent: None

Staff: Rosenblatt, Levang & Whitlow-Hewett

Guests: Elaine Weinreb

**2. PUBLIC COMMENT**

Weinreb said her neighbors are concerned about the different things that are happening along Westhaven Drive. She asked to casually be informed what the district is doing so she can reassure her neighbors. Rosenblatt said we will be surveying East Westhaven Drive down to 6<sup>th</sup> & 5<sup>th</sup> Avenues and Kalstrom. Discussion ensued on ways to keep the community informed.

**3. AMEND / APPROVE ORDER OF AGENDA ITEMS**

Delete Item #16, it is not needed.

Hankin moved to approve the order of agenda items as amended by deleting item #16. Seconded by Cline; all approved.

**4. RESOLUTION 2022-9 REGARDING AB361 REMOTE MEETING**

4.1 Resolution 2022-9 Regarding AB361 Remote Meeting Via Zoom

Swisher moved to approve Resolution 2022-9 Remote Meeting. Seconded by Llanos; all approved.

**5. AMEND / APPROVE MINUTES**

5.1 May 18, 2022 regular meeting minutes

Amend minutes as follows:

- Page 8, Item 14.1, first line, second sentence add "of" in the sentence that read needs a couple *of* edits.
- Page 8, Item 14.1, fourth line change the word *but* to **put**.

Cline moved to approve May 18, 2022 regular meeting minutes as amended. Seconded by Llanos; all approved.

**6. FINANCIAL REPORTS, DISCUSSION AND APPROVALS**

6.1 Director's Report-monthly billings and collections - discussion

Board packets contained Directors report. Total May, 2022 water sales were \$21,039.47, and total receivables were \$24,673.29. Llanos questioned water leaks. Rosenblatt said a couple leaks were identified and fixed.

6.2 Water Consumption and Sales - Board packets contained Water Consumption and Billings-Commodity Charges Only report. May, 2022 gallons billed 417,260; average gallon per day per meter readings 86; per person 39, average monthly charge per accounts \$34.36; total monthly charges \$7,872; monthly deviation from budget -\$472. Cline commented that we are close to the budgeted amounts. Hankin commented on the low number under the column "Average Gal/Day per person at 2.20. It was discussed that the 2.20 per person in household amount came from the census. Llanos commented that from November until now there are 7 more meters with zero readings. Rosenblatt explained that many homes are only lived in part of the year.

### 6.3 Income & Expense Report – discussion

Board packets contained an Income & Expense report for May, 2022. Total income \$17,964, total expense \$19,694, with a net operating income of -\$1,730.

Hankin expressed concern for what the actual water sales income is. According to the report the Districts net operating income is -\$6872. Levang and Cline will review the report and meet with Hankin with the results.

### 6.4 Finance Officer's Recommendations – No recommendations

### 6.5 Treasurer's Report and Recommendations – discussion

Board packets contained a copy of the May, 2022 Treasurer's report. Account balances were as follows: Capital Reserves \$231,123.74; Operating Reserves \$52,293.24; DWR Reserve CD \$28,899.94; DWR Loan Savings \$6626.39; Checking Account as of 6/8//2022 \$28,762.50. No discussion.

### 6.6 November/December Warrants – discussion/approval

The board questioned the \$740.87 spent on toner. Staff explained that toner was ordered for three printers, the toner inventory was depleted printing the annual newsletter and water quality report. Check # 7066 needs to be corrected from \$1,545 to \$15.45.

Cline moved to approve warrants as corrected for #'s 7054 through 7076, one Federal payroll tax deposit and one State payroll tax deposit, totaling \$16,752.25. Seconded by Hankin; all approved.

## 7. MANAGER'S REPORT

**7.1** Water Loss increased from 2.7 GPM in April to 7.5 GPM in May for 38.4% of total production of 840,260 gallons. There are no known system leaks.

Board packets contained a summary table of 13 months water loss history. May 2022 water loss is at 38.4%, average water loss in the last 13 months is 23.5%. Rosenblatt reported fixing a couple leaks on the old poly pipe. He said he plans on applying for grant funds to replace the poly pipe waterlines. Rosenblatt said well flow data reduced from last couple of drought years but up from last fall. Stream flow also is impacted by the drought. Discussion of how spring rains may affect stream flow.

## 8. UPDATE ON GRANT APPLICATION FUNDING AND RELATED ACTIVITIES

**8.1** The DWR Small Community Drought Grant work is proceeding. Rosenblatt reported that there are a lot of moving parts to get the permits renewed.

**8.2** Update on activities related to well drilling. Rosenblatt reported putting out an RFP for well drillers. He has heard back from one driller and expects to receive one more proposal. He is finalizing what the County expects of us to get an emergency permit to proceed with the waterline replacement. He said he is getting planning assistance and working with an expert on the Trinidad area plan component of the Humboldt County general plan in the hope of getting a clear picture for our waterline size and hydrant spacing in order to be in compliance with the States waterworks standards and fire codes. Because we're in the renewal phase with the coastal permits for the well drilling we are allowed to proceed with the drilling. Llanos asked if we have an ETA from Tom Warnock. Rosenblatt said he needs to do some archaeological digging first, and review repair logs to identify where the existing waterline is. Hankin said he spoke with Warnock, regarding the grant budget and bids for the construction coming in higher than what was budgeted due to supply chain issues. The question is if too high how would the District pay. Warnock said that the State usually won't provide more funds to finish the projects but they are good at letting you change the scope of the project so can cover the well drilling. Llanos felt it was worth talking to someone in case the driller bids come in too high and we can't make the cuts to pay for the well drilling. What are our other options? We don't want to give money back to the State. Llanos recollection from the meeting is that we need to move quickly on this.

8.3 City of Trinidad Multi-benefit grant emergency intertie. In the board packet was the draft of an agreement between Trinidad and WCSD. There is a council meeting either on 12<sup>th</sup> or the 19<sup>th</sup> of July. Our board meeting is July 20. Elaine pointed out an error in the grant agreements on page 36, the address is incorrect. Rosenblatt requested formalizing the committee of himself, Llanos, and Hankin so they can be authorized to negotiate with the City of Trinidad. Hankin wants to meet with the City of Trinidad to discuss the agreement. There has been a debate with Trinidad on who should be in charge of the intertie. Trinidad wants to be in charge, but because WCSD engineers drew up the intertie work plan WCSD wants to be in charge.

Cline moved to approve the formation of the committee including Rosenblatt, Llanos and Hankin for the purpose of negotiating agreements with the City of Trinidad. Seconded by Llanos; all approved.

**9 TECHNICAL ASSISTANCE GRANT FROM DEPT OF FINANCIAL ASSISTANCE (DFA)**

9.3 Update on progress of the technical assistance grant for the water plant from DFA. Rosenblatt reported that he had a meeting with the State DFA, they are days away from approving additional funding. Rosenblatt is hopeful that he can submit a grant application before the end of the year to build the new water plant.

**10 NORTH COAST RESOURCE PARTNERSHIP TECHNICAL ASSISTANCE GRANT TWO CREEKS CAPP**

10.1 Update on technical assistance grant for writing the Conceptual Area Protection Plan (CAPP) for the Two Creek watershed to work with Mark Andre and BBW. Rosenblatt said they are in the mapping phase and should have a draft of the plan soon. He is meeting with FIS and a person from BBW in the next few weeks. This project couldn't be going better.

**11. HIRING GRANT ADMINISTRATION ASSISTANCE**

11.1 The General Manager proposes hiring Don Allan, local grant administration expert, to assist with the DWR grant. Costs will be paid through the grant. Allan will be hired as a contractor. Don Allan has been busy working on Supervisor Madrone's campaign. Now that the election is over he will have more time. WCSD needs to draft an agreement.

**12. 2022-2023 BUDGET**

12.1 Discussion of the 2022-2023 budget. There will be a special meeting/public hearing 6:30 p.m. on June 29, 2022 to approve the 2022-2023 budget.

**13 MOVE FUNDS FROM CAPITAL RESRVES TO CHECKING ACCOUNT FOR GRANT PAYMENTS**

13.1 Move funds from capital reserves to the checking account for reoccurring grant expenses. Money ultimately will be reimbursed by grants.- Discussion/approval  
There was brief discussion on how much to move from the capital reserves.

Hankin moved to transfer \$60,000 from the capital reserves to the checking account. Seconded by Verick; all approved.

**14 LEASE RENEWAL FOR WCSD OFFICE**

14.1 Lease renewal for the WCSD office. Rosenblatt reported that the WVFD board approved accepting the renewal of a 5 year lease. Rosenblatt is unsure what they are committing to past that. WCSD sent the WVFD the signed lease and a letter. They sent a letter back but did not sign the lease. There was discussion on how to proceed. Verick said that interpersonal relationship with the WVFD is important, however their not signing the agreement does not mean that the District needs to do anything. WCSD is in possession of the office and under the contract has the place for the defined rent for the next five years at least. The only reason WCSD might need to do anything is if the WVFD tries to evict us. Verick said that would be very

unlikely. It was decided that Levang would follow up on the additional ensured documentation and make sure WVFD receives a copy. Hankin offered to write a letter.

**15 LAFCO RESPONSE REGARDING RANCHERIA PIPELINE AND POSSIBLE ADDITIONAL SERVICE EXTENSION'S**

15.1 LAFCO response regarding Rancheria pipeline and possible additional service extensions. Hankin reported that he requested a meeting with LAFCO to discuss if individuals could request Humboldt Bay Mutual Water District (HBMWD) services. HBMWD is a wholesale distributor so only organizations can request water. Baker Ranch Mutual has expressed an interest in emergency water service. LAFCO reassured us that they can't service within established district boundaries. Another interesting issue was raised regarding interties for emergency purposes. The Director of HBMWD has shown a lack of interest in providing that service to water districts.

**16 GOVERNOR'S DROUGHT ORDER**

16.1 Governor's drought order: Currently for urban water suppliers. Rosenblatt brought this up because of SB 552. Currently it is for urban water suppliers only but expects that things will come up that relate to our District. Verick suggested steps to take before to get everything keyed up to respond quickly if we receive an order. It was noted that the District already has done that with the recently amended Ordinance 2021-3 Adopting a Water Conservation Program and Water Supply Emergency Ordinance.

**17 CALIFORNIA'S NEW SHUT OFF PROTOCOLS**

17.1 New protocols from the State of California for water shutoffs. The General Manager is working on bringing the District into compliance. Rosenblatt said that he is still digesting SB 998. We have already negotiated with customers for payment plans and hope to come up with a new shut off policy. Hankin offered to review our existing policy and suggest changes. On next month's agenda and to review and potentially amend the current shut off protocols.

**18 RETURN TO IN PERSON MEETINGS**

18.1 Return to in-person meetings. Verick reported that this morning in the New York Times they said that Covid in Humboldt County has plateaued 39 cases per 100,000 per day. The group agreed to continue meeting via Zoom.

**19 DISCUSSION OF PHILOSOPHICAL, POLITICAL AND META ISSUE ASPECTS OF THE DISTRICT'S EXISTENCE AND OPERATION**

19.1 Discussion of philosophical, political and meta issue aspects of the District's existence and operation. No discussion

**20 ITEMS FROM MEMBERS OF THE BOARD FOR FUTURE MEETINGS**

- California's New Shut Off Protocols  
Review WCSO Resolution 2013-6 Establishing Billing and Collection Procedures for Water Service and Procedures for Disconnection and Suspension of Water Service

**21 ADJOURN**

Cline adjourned the meeting at 8:45 PM.

Respectfully Submitted,

Roxanne Levang  
WCSO Secretary

June 15, 2022 Regular Meeting



**WESTHAVEN COMMUNITY SERVICES DISTRICT**

Special Meeting Minutes

June 29, 2022

**1. CALL TO ORDER**

Board President Verick called the meeting to order at 6:28 PM. In attendance were:

Board Members: Verick, Hankin, Swisher, Cline & Llanos

Absent: None

Staff: Rosenblatt & Levang

Guests: None

**2. PUBLIC COMMENT**

None at this time

**3. ADOPTION OF OPERATING BUDGET FOR FISCAL YEAR 2022-2023**

**3.1** Resolution 2022-7 Operating Budget for Fiscal Year 2022-2023 - Discussion/Approval

**3.2** Resolution 2022-8 Rates for Water Service - Discussion/Approval

Verick asked if there had been any comments from customers. Rosenblatt said there had been no protest from customers. Cline pointed out corrections on both Resolutions. Levang commented that the corrections had already been made since printing out the board copies. There was no further discussion.

Verick moved to approve Resolution 2022-7 Operating Budget for Fiscal Year 2022-2023. Seconded by Hankin; all approved

Verick moved to approve Resolution 2022-8 Rates for Water Service. Seconded by Swisher; all approved

**4. ADJOURN**

Verick adjourned the meeting at 6:38 PM.

Respectfully Submitted,

Roxanne Levang  
WCSD Secretary

# Directors Report

## Westhaven CSD

<b>Water Pumped This Month</b>	<b>1,026,300 Gallons</b>
<b>Water Sold This Month</b>	<b>627,530 Gallons</b>
<b>Water Loss</b>	<b>398,770 Gallons</b>
<b>Water Loss (%)</b>	<b>38.86 %</b>

	<b>Amount (\$)</b>	<b># Of Accounts</b>
Total Water	24,517.30	232
Total Late Charge	90.94	53
Total Adjustments	11.06	3
<b>Total Current Charges</b>	<b>24,619.30</b>	<b>232</b>
Amount Past Due 1-30 Days	4,592.20	54
Amount Past Due 31-60 Days	1,631.98	19
Amount Past Due Over 60 Days	3,062.44	9
Amount Of Overpayments/Prepayments	-8,097.14	54
<b>Total Receivables</b>	<b>25,808.78</b>	<b>232</b>

Total Receipts On Account	23,476.23	184
Net Change in Memberships	0.00	0
Amount of All Memberships	0.00	

Turned Off Accounts (Amount Owed)	0.00	13
Collection Accounts (Amount Owed)	0.00	13
Number Of Unread (Turned On) Meters		
Average Usage For Active Meters	2,670	235
Average Water Charge For Active Meters	105.68	232

<b>Usage Groups</b>	<b>Gallons</b>	<b># Of Accounts</b>	<b>Usage</b>	<b>Gallons</b>	<b>% Of Usage</b>	<b>% Of Sales</b>
Over 50,000		0	0	0	0.00	0.00
40,001-50,000		0	0	0	0.00	0.00
30,001-40,000		0	0	0	0.00	0.00
20,001-30,000		0	0	0	0.00	0.00
10,001-20,000		2	20,960	20,960	3.34	1.87
8,001-10,000		4	35,420	35,420	5.64	3.39
6,001-8,000		12	85,860	85,860	13.68	8.66
4,001-6,000		39	187,280	187,280	29.84	22.32
2,001-4,000		75	220,370	220,370	35.12	33.39
1-2,000		73	77,640	77,640	12.37	23.29
Zero Usage		30	0	0	0.00	7.08
<b>Total Meters</b>		<b>235</b>	<b>627,530</b>	<b>627,530</b>	<b>100.00</b>	<b>100.00</b>

**WATER CONSUMPTION AND BILLINGS - COMMODITY CHARGES ONLY**

**ITEM 6.2**

Annual adjustments to the commodity rates involve estimation of anticipated water use.  
 This report tracks billings as compared to budgeted averages based on all meters showing any use.  
 It is not weighted to anticipate seasonal variations in water use.  
 Adjustments for reported customer leaks have **not** been included in the monthly totals.

USAGE							CHARGES			
GPD = Gallons per day							Avg persons per household: 2.20			
2022-23	DAYS BILLED	GALLONS BILLED	ACTIVE METERS	GPD BILLED	GPD per METER	GPD per PERSON	TOTAL MONTHLY CHARGES	AVG CHARGE PER ACCOUNT	DEVIATION FROM BUDGET	CUMMULATIVE DEVIATION
JUNE	33	627,530	202	19,016	94	43	\$ 10,026	\$ 49.63	\$ 1,465	\$ 1,465
JULY				-	-	-	-	-	-	\$ -
AUG				-	-	-	-	-	-	\$ -
SEPT				-	-	-	-	-	-	\$ -
OCT				-	-	-	-	-	-	\$ -
NOV				-	-	-	-	-	-	\$ -
DEC				-	-	-	-	-	-	\$ -
JAN				-	-	-	-	-	-	\$ -
FEB				-	-	-	-	-	-	\$ -
MAR				-	-	-	-	-	-	\$ -
APR				-	-	-	-	-	-	\$ -
MAY				-	-	-	-	-	-	\$ -
<b>Monthly AVG</b>	<b>33.0</b>	<b>627,530</b>	<b>202</b>	<b>19,016</b>	<b>94</b>	<b>43</b>	<b>\$ 10,026</b>	<b>\$ 49.63</b>	<b>\$ 1,465</b>	
Total		627,530 (gal)					\$ 10,026		\$ 1,465	\$ 1,465
Leak Adjustment		- (gal)					\$ -			
Cummulative Leak Adjustment		-					\$ -			
<b>Net</b>		<b>627,530 (After Leak Adjustments)</b>					<b>\$ 10,026</b>			<b>\$ 1,464.83</b>

BUDGETED ANNUAL COMMODITY INCOME: \$ 102,729  
 BUDGETED COMMODITY PER MONTH: \$8,561  
 BUDGETED COMMODITY PER PERSON PERMONTH: \$ 41.96

**SOLD TO DATE**

2022-2023 627,530 = 79%  
 2021-2022 793,200 OF 21-22

**TOTAL BILLINGS TO DATE**

2022-2023 \$10,026 = 83%  
 2021-2022 \$12,069 OF 21-22

2021-2022										
JUNE	28	793,200	205	28,329	138	63	\$ 12,069	\$ 59	\$ 3,508	\$ 3,508
JULY	28	612,060	206	21,859	106	48	\$ 9,314	\$ 45	\$ 754	\$ 4,262
AUG	34	773,350	209	22,746	109	49	\$ 11,702	\$ 56	\$ 3,142	\$ 7,404
SEPT	28	586,540	205	20,948	102	46	\$ 8,874	\$ 43	\$ 313	\$ 7,717
OCT	29	519,020	207	17,897	86	39	\$ 7,846	\$ 38	\$ (714)	\$ 7,003
NOV	33	536,010	207	16,243	78	36	\$ 8,161	\$ 39	\$ (399)	\$ 6,603
DEC	29	446,110	199	15,383	77	35	\$ 6,719	\$ 34	\$ (1,842)	\$ 4,761
JAN	30	529,770	203	17,659	87	40	\$ 8,065	\$ 40	\$ (496)	\$ 4,266
FEB	32	519,060	201	16,221	81	37	\$ 7,866	\$ 39	\$ (694)	\$ 3,571
MAR	30	533,550	201	17,785	88	40	\$ 8,118	\$ 40	\$ (442)	\$ 3,129
APR	27	454,630	200	16,838	84	38	\$ 6,917	\$ 35	\$ (1,643)	\$ 1,486
MAY	30	517,260	200	17,242	86	39	\$ 7,872	\$ 39	\$ (689)	\$ 797

Westhaven Community Services District  
 FY 2020-2021 Income / Expense Report  
 as of June 2022

Annual	<u>OPERATING BUDGET</u>		<u>CURRENT</u>			<u>CUMULATIVE</u>		
	<u>Budget</u>	<u>Income</u>	<u>June 2022</u>	<u>Monthly Budget</u>	<u>Over/Under</u>	<u>July 2021 thru June 2022</u>	<u>July '21 thru June 2022</u>	<u>Over/Under</u>
263,647	Water Sales	20,589	21,971	-1,382	218,459 <sup>1</sup>	217,245	1,214	100.6%
3,319	Water Services	330	277	53	5,508	3,319	2,189	166.0%
0	St COVID Funds	0	0	0	774 <sup>5</sup>	0	774	0.0%
266,966	<b>Total Income</b>	20,919	22,247	-1,328	224,741	220,564	4,177	101.9%
	<u>Expense</u>							
2,802	Source of Supply	3,090 <sup>6</sup>	234	2,857	3,687	2,802	885	131.6%
10,098	Pumping	1,381	842	540	11,782	10,098	1,684	116.7%
37,521	Water Treatment	3,925 <sup>4</sup>	3,127	798	43,335	37,521	5,814	115.5%
11,740	Transmission & Distribution	3,482 <sup>3</sup>	978	2,504	30,685	11,740	18,945	261.4%
9,003	Customer Accounts	447	750	-303	8,095	9,003	-908	89.9%
138,899	Administrative & General	13,340 <sup>2</sup>	11,575	1,765	138,721	138,899	-178	99.9%
10,000	Operating Reserves Contrib.	0	0	0	0	10,000	-10,000	0.0%
220,063	<b>Total Expense</b>	25,665	17,505	8,160	236,305	220,063	16,242	107.4%
	<b>Net Operating Income</b>	-4,746	4,742		-11,564			
	<u>Capital/Other Expense</u>							
26,402	DWR Loan	2,200	2,200	0	26,400	26,402	-2	100.0%
20,000	Capital Reserve	1,667	1,667	0	20,004	20,000	4	100.0%
46,402	<b>Total Other Expense</b>	3,867	3,867	0	46,404	46,402	2	100.0%

**Income & Expense Report Notes:**

- <sup>1</sup> Changed formula subtracting Capital/Other expenses (\$46,402) from budget total so that the percentage of budget amounts would more accurately reflect actual budget percentages.
- <sup>2</sup> Admin & General was over in the month of July, 2021 because the annual Property & Liability Ins., \$3682 was paid and annual Workers comp, \$2936. December 2021 paid varied annual membership fees and assessment taxes. Paid Dec & Jan PGE & Emp medical premiums. May Admin expense is over due to \$2,471.59 paid 2022-23 Workers Comp and office supplies was high because toner was purchased for all three printers.
  - \* FYI: Under TA Grant, (does not show on Operating Budget Inc/Exp) \$8,000 to PG&E for Engineering advance for the plant project.
- <sup>3</sup> Transmission & Distribution is over in September because GRSundberg was paid \$3549.49 to repair main water line leak and backflow testing of \$2250; and Backflow device replacement \$254. Dec, 2021 paid Pacific Earthscape \$ 6401.70 and GRSundberg \$2600 for water leaks at 7th Av & 6th Av. Jan. 2022 water leaks GR Sundberg \$2222.43 12/29 6th/Westhaven \$1000 leak on 1/18.
  - \$2240.80 Excavate 3 hoes for water leak repairs. Backfill & compact (repairs at 716 4th Ave & 638 Third Ave. & accessing the valve. June, 2022 GR Sundberg
- <sup>4</sup> Jan 2022 water treatment is high due to \$620.64 calcite.
- <sup>5</sup> SWRCB COVID funds for customer pymts. Total check \$3,116.01. \$2,341 is in water sales income because funds were used to make payments on customer accounts past due balances as of 6/30/2022. \$744.22 was not applied to pymts because those customers paid in full after 6/30/2022. It is my understanding that these funds cannot be used on other past due accounts and will be returned to the State of CA.
- <sup>6</sup> Fish & Wildlife requested we meter the bypass flow at the sand filter. A \$2874. meter was purchased to comply with their request.



## WESTHAVEN COMMUNITY SERVICES DISTRICT

## Warrants June 15, 2022 - July 20, 2022

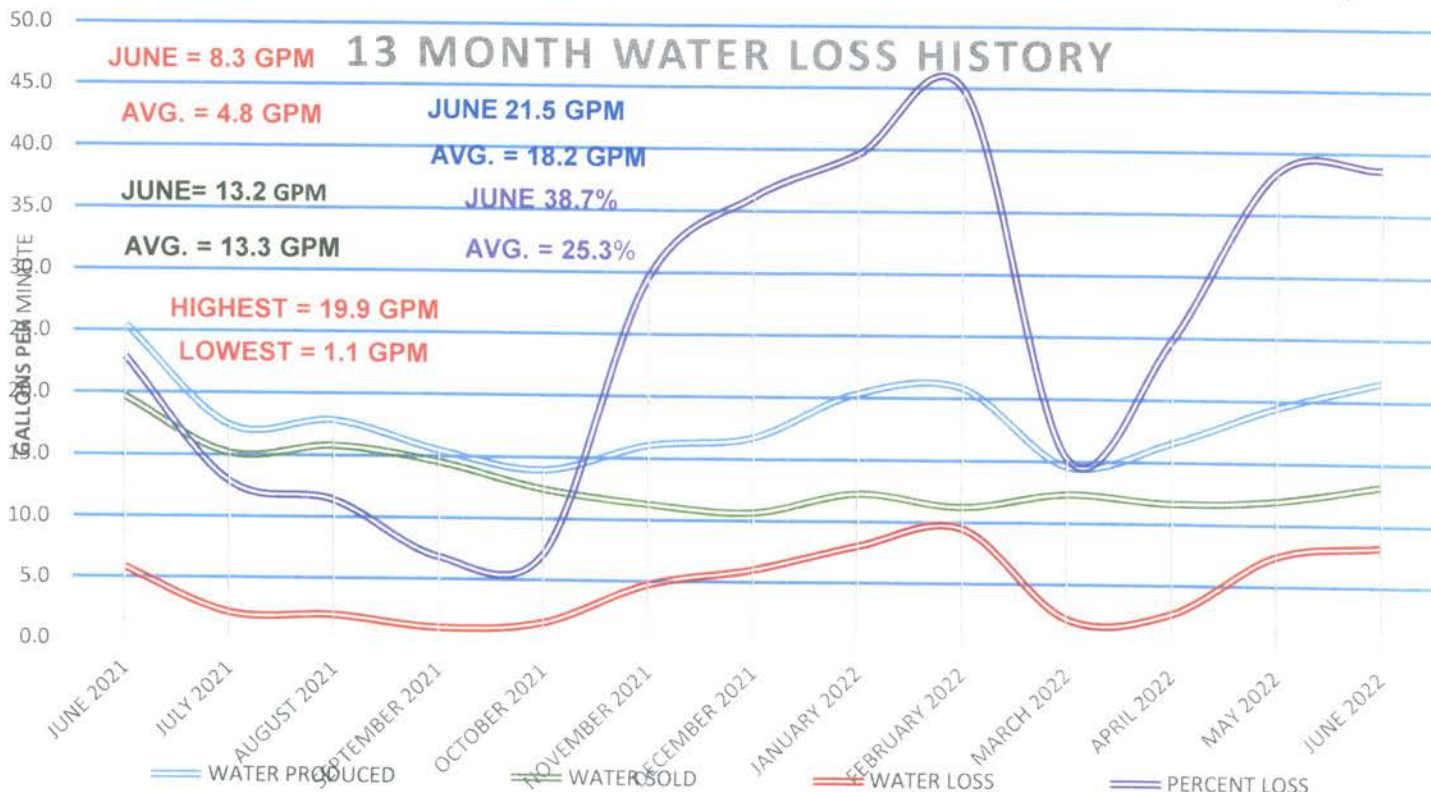
Number	Date	Amount	To Whom	Purpose
7077	6/16/2022	\$ 639.89	K. Martin	Payroll 6/1-6/15/22
7078	6/16/2022	\$ 731.73	M. Whitlow-Hewett	Payroll 6/1-6/15/22
7079	6/16/2022	\$ 1,808.36	P. Rosenblatt	Payroll 6/1-6/15/22
7080	6/16/2022	\$ 660.01	R. Levang	Payroll 6/1-6/15/22
7081	6/16/2022	\$ 305.00	North Coast Labs	Outside lab services
7082	6/20/2022	\$ 7.84	R. Levang	Reimburse for new Open/Closed sign
7083	6/22/2022	\$ 3,773.61	CCCU	2021 IRA contribution for Rosenblatt
7084	6/22/2022	\$ 169.41	Cardmember Services	VISA-June dental premium \$133.58/\$35.83
7085	6/22/2022	\$ 2,120.82	Blue Shield	July Medical premium \$1783.34/\$337.48
EDD	6/22/2022	\$ 295.25	EDD	June State tax deposit
EFTPS	6/22/2022	\$ 2,198.80	EFTPS	June Federal tax deposit
7086	6/27/2022	\$ 312.00	USPS	Stamps, including quarterly mailing
7087	7/1/2022	\$ 777.25	K. Martin	Payroll 6/16-6/30/2022
7088	7/1/2022	\$ 685.17	M. Whitlow-Hewett	Payroll 6/16-6/30/2022
7089	7/1/2022	\$ 1,847.16	P. Rosenblatt	Payroll 6/16-6/30/2022
7090	7/1/2022	\$ 632.29	R. Levang	Payroll 6/16-6/30/2022
7091	7/5/2022	\$ 473.00	Am.Water Works Assoc	Membership dues 9/1/2022-8/31/2023
7092	7/5/2022	\$ 138.62	AT&T	Plant telephone 6/20-7/19/2022
7093	7/5/2022	\$ 12,820.80	GR Sundberg	\$10,580 DWR Wells prep/\$2,240.80 Excavate 3 hole for water leak repairs. Backfill & compact (repairs at 716 4th Ave & 638 Third Ave. & accessing the valve)
7094	7/5/2022	\$ 971.85	Mendes Supply	Chemicals
7095	7/5/2022	\$ 30.14	Miller Farms	\$20.50 Seal ring & oil filler cap for the water pump/\$9.64 Hearing protector for when running the pump
7096	7/5/2022	\$ 565.00	North Coast Labs	Outside lab services
7097	7/5/2022	\$ 765.72	PG&E	Plant \$501.10, Well \$213.82, Office \$50.80
7098	7/5/2022	\$ 4,960.97	SDRMA	2022-2023 Property/Liability package program
7099	7/5/2022	\$ -	Thrifty Supply Co.	
7100	7/5/2022	\$ 2,974.87	USA Blue Book	Bypass flow meter for sand filters, req by CDFW
7101	7/5/2022	\$ 230.21	Valley Pacific Petroleum	June Fuel
7102	7/5/2022	\$ -	Void	
7103	7/7/2022	\$ 53.88	B&B Portable Toilets	Service 5/29-6/25/22 (TA Grant)
7104	7/7/2022	\$ 8.58	McK Ace Hardware	Meter for sand filter
7105	7/7/2022	\$ -	Void	Void
7106	7/7/2022	\$ 35.54	Thomas Home Ctr	Shovel and supplies
7107	7/7/2022	\$ 420.98	Thrifty Supply Co.	Restocking service line repair parts/full circle clamps
7108	7/7/2022	\$ 140.03	Suddenlink	July office telephone & Internet
7109	7/12/2022	\$ 450.00	WVFD	July office rent
7110	7/15/2022	\$ 544.68	K. Martin	Payroll 7/1-7/15/2022
7111	7/15/2022	\$ 525.66	M. Whitlow-Hewett	Payroll 7/1-7/15/2022
7112	7/15/2022	\$ 1,847.16	P. Rosenblatt	Payroll 7/1-7/15/2022
7113	7/15/2022	\$ 690.20	R. Levang	Payroll 7/1-7/15/2022
7114	7/15/2022	\$ -	Void	Void
7115	7/15/2022	\$ 3.04	R. Levang	Mileage reimbursement for going to post office
Total		<u>\$45,615.52</u>		<b>Checking Account Balance as of 7/15/2021</b> <b>\$6,630.84</b>

WESTHAVEN CSD • MANAGER'S REPORT  
JULY 2022

7.1 Water Loss

Water loss increased from 7.5 gpm in May to 8.3 gpm in June for 38.7% of total production of 1,023,540 gallons 2 known system leaks Discussion

<u>FROM JULY 2003</u>	<u>PRODUCED GPM</u>	<u>SOLD GPM</u>	<u>LOST GPM</u>	<u>%LOSS OF WATER PRODUCED</u>	<u>MONTHLY PRODUCTION GALLONS</u>	<u>MONTHLY SOLD GALLONS</u>	<u>MONTHLY LOSS GALLONS</u>
<u>JUNE 2022</u>	21.5	13.2	8.3	38.7	1,023,540	627,530	396,010
<u>AVG. ALL</u>	21	15	6	28	930,895	598,710	278,581
<u>24 MO AVG.</u>	18	14	4	23	792,785	602,610	190,176
<u>13 MO AVG.</u>	18.2	13.3	4.8	25.3	785862.5	572930.0	212932.5
<u>MINIMUM MONTH EVER</u>	11.2	10.0	1.1	6.8	488,090	446,110	43,080
	DEC 2018	DEC 2018	SEPT 2021	SEPT 2021	APR 2017		SEPT 2021
<u>MAXIMUM MONTH EVER</u>	34.8	27.0	19.9	61.8	1,523,405	850,410	916,340
	JUL 2004	JUL 2003	NOV 2016	NOV 2016	JUL 2004		NOV 2016
					AVG. LOSS %		
	SINCE DECEMBER 2016				50,962,343	20	11,181,369
	13 MONTH TOTALS				10,216,212	25	2,768,122
	<u>SINCE OCT 2021 Submission of DWR Drought grant</u>				6,981,742	31	2,298,802



Annual Data DATE GPM  
WELL FLOW 6/9/16 8.3 gpm  
Daily Flow 7/17 9.1 gpm  
7/12/18 7.0 gpm  
7/12/19 7.5 gpm  
7/12/20 5.5 gpm  
7/12/21 5.5 gpm  
7/12/22 5.7 gpm

Stream flow monthly mean gpm average MONTH GPM  
7/16 52.9 gpm  
7/17 82.4 gpm  
7/18 49 gpm  
7/19 32 gpm South and Tributary on  
7/20 40 gpm  
7/21 35 gpm  
7/12/22 33 gpm (Day) all collectors on



**INTERIM MEMORANDUM OF AGREEMENT**

**Between City of Trinidad**

**and**

**Westhaven Community Services District**

**For the Design, California Environmental Quality Act Compliance,  
Permitting, Construction and Operation of the Trinidad – Westhaven  
Emergency Intertie Project**

This Interim Memorandum of Understanding For the Design, California Environmental Quality Act Compliance, Permitting, Construction and Operation of the Trinidad-Westhaven Emergency Intertie Project (this “MOA” or “Agreement”), is made and entered on this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between the City of Trinidad (hereinafter “City”) and the Westhaven Community Services District (hereinafter “District”). Collectively, the City and District shall be referred to as ‘Parties’.

**RECITALS**

A. WHEREAS, situations may arise due to pipeline failures or other emergencies where one of the potable water systems for the District or City may require a short-term supply of water from the other system; and

B. WHEREAS, City and District wish to work cooperatively for the benefit of the citizens of the City and District in case of emergencies; and

C. WHEREAS, when the City and District have excess water production capacity, City is willing to sell water to District and District is willing to sell water to City during emergency situations under the terms and conditions described herein; and

D. WHEREAS, both the City and the District recognize the need to construct and maintain an interconnection pipeline to effectuate the mutual provision and acceptance of excess water production capacity when necessary for the protection of public health and safety and/or to respond to emergency events.

E. WHEREAS, the Department of Water Resources has awarded to the City funding to construct the emergency intertie through a Multi Benefit Drought Relief

Program Grant (“MBDRP Grant”) funding in the amount of \$1,856,600.00 to plan and construct the Project 1 Trinidad-Westhaven Emergency Intertie under Grant Agreement No. 4600014620 (the “Emergency Intertie Project”), which is attached hereto as **Exhibit A** and incorporated herein by reference (the “Grant Agreement”).

NOW THEREFORE, based on the foregoing recitals of fact the City and District mutually agree as follows:

### **AGREEMENT**

1. For the term stated in Section 18 of this MOA, below, City may accept potable water from District and District may accept potable water from City through a pipeline, more particularly described below, connecting the distribution systems of the parties which are located on/near Westhaven Drive, Trinidad, California.

2. The costs for the Emergency Intertie Project include two categories (a) costs to plan and construct the intertie facility; (b) ongoing operation and maintenance costs.

3. The financial responsibilities of each party to this MOA for the Emergency Intertie Project shall be as provided in **Exhibit B** to this MOA, attached hereto and incorporated by reference herein, which exhibit details the cost apportionment and respective payment obligations of the City and District, respectively. Planning and construction costs for the Emergency Intertie Project include, without limitation, costs for easement acquisition, preparation of engineering and design documents, environmental documents, permitting costs, and costs of construction and closeout, all of which are more particularly described in the estimate recited in **Exhibit B1**, entitled “Construction Budget”, attached hereto and incorporated herein by reference. In the event that costs exceed the budgeted funds provided through the MBDRP Grant, the parties will reduce scope of project while still accomplishing objectives and/or seek additional funding. If there is still a funding shortfall, the additional funds required to complete construction shall be apportioned between the City and District 50%-50%.

Each party agrees to split 50%-50% the operation and maintenance costs of the emergency intertie system. Operations and Maintenance (O & M) financial responsibilities will include all expenses for ongoing operation and maintenance of the Emergency Intertie Project following completion of the construction phase, which are more particularly described in the estimate recited in **Exhibit B.2**, entitled “Operations & Maintenance Budget and Apportionment”, which is attached hereto and incorporated by

reference. Each party will maintain records of O & M activities and costs incurred and make payments as described in PAYMENTS 17 below.

4. City may accept potable water from District and District may accept potable water from City which is of sufficient quality to meet the standards for potable water for municipal water prescribed by the California Department of Health Services.

5. During an emergency situation (as defined below) and subject to the conditions described herein, City agrees to provide to District, and District agrees to provide to City available quantities of potable water as determined by the supplying water operator. The intertie system capacity is designed for one hundred (100) gallons per minute. Operators may increase the pumping rate in the short term if warranted.

6. The quantity of water delivered to either system shall be determined by the supplying operator and could include production and storage water but the supplier's tanks shall always maintain at least half their storage capacity at all times.

7. The emergency intertie would be activated only under conditions of a water emergency: when a water system failure or an active fire emergency cause either the City or the District to have insufficient water available for human consumption, sanitation, or fire protection. At least the following events could trigger activation of the emergency intertie: (a) a large unanticipated system leak results in less than adequate volume to supply customer demand; (b) a short-term treatment plant or equipment failure disrupts ability to deliver potable water that meets drinking water standards; (c) a short-term failure or leakage of storage tanks reduces source capacity below system demand.

The emergency intertie is not intended to be used to routinely augment anticipated chronic late summer/early fall low flow production in either water system. Emergency conditions shall not include supplementing water volume during periods of high demand if the system is in a normal operational mode or during scheduled repairs or maintenance.

8. Emergency notification:

- a. Each party will designate a Subcommittee with a minimum of three members with the power to authorize a declaration of emergency and to respond to operators in the event of activation of emergency intertie.
- b. The operators, or their designee, are empowered to activate the emergency intertie with coordination of both operators and will then notify their respective Subcommittee within 24 hours to inform them of the activation and nature of the emergency. Within 48 hours operators will update their

respective Subcommittee and prepare for a longer-term emergency if warranted.

- c. If the emergency lasts more than 72 hours the Subcommittees will meet and, if judged appropriate, declare a Water Emergency for ongoing use of the emergency intertie.
- d. Once a water emergency is declared, the operators and their subcommittees shall meet every 48 hours to review the emergency status until the subcommittees declare the water emergency is over.
- e. Declaration of a water emergency should cause each Party to implement customer notification of emergency and water conservation measures.

9. Neither City nor District shall be required to accept potable water made available by the other party to this MOA.

10. Both City and District shall jointly review, comment on and approve, in their respective discretion, the draft design of the pump station and interconnection pipeline to be constructed pursuant to this MOA, and in accordance with the Grant Agreement. The specific roles and responsibilities of the City and the District with respect to the grant project, pump station and interconnection pipeline/valve maintenance are described in **Exhibit C**, which is attached hereto and incorporated by reference.

11. Each party agrees to address known leaks in a timely fashion, and maintain their respective systems in good working order so that emergency conditions are not prolonged unnecessarily.

### **RESPONSIBILITIES OF CITY**

12. The City shall be responsible for administering the MBDRP Grant as Grantee, responsible for grant administration, agreement management, invoicing and reporting. The City shall serve as a cooperating agency and with the City's engineers and planner shall review and concur with District project work products and design specification as specified in the **Exhibit C.2**, City Project Responsibilities, which is attached hereto and incorporated by reference.

### **RESPONSIBILITIES OF DISTRICT**

13. The District shall be the implementing agency (sub-grantee) for planning and construction of the pipeline, pump station, valves, and metering devices and be responsible for completion of the scope of work for construction of the pipeline and pump station project in accord with the terms and conditions of the Grant Agreement. As

the Implementing Agency the District will be responsible for the delivery of the Project and the day-to-day activities of the Project. District responsibilities include project management, contract management, invoicing, reporting, design, engineering, environmental, permitting, construction administration and closeout.

14. The District shall work collaboratively with City and City's consultants, DWR Grant Manager and Division of Drinking Water staff in decision-making and securing approvals; and shall provide work products to City for review and concurrence prior to finalizing design specifications as specified in **Exhibit C.1**, WCDSD Project Responsibilities, which is attached hereto and incorporated by reference.

11. The District shall construct, test, and place the interconnection pipeline and pump station into operation and shall afford City an opportunity to witness and comment upon the testing.

### **PAYMENT**

15. Cost of water delivered shall be the same for both Parties and shall be determined as the lower of either Party's current commodity rate for water at the time water is delivered.

16. If an emergency is fire related there would be no cost for the water supplied.

17. Payment for potable water purchase under this MOA shall be made within 30 days as billed by the providing party following an emergency water delivery. Each party shall bill the other only for the volume of water delivered. There will be no charge for water used by either party to periodically flush the line and hydrants and periodic operation of the pump for maintenance purposes. An accounting of water delivered, billings issued, and payments made shall be maintained by each party hereto and each party's accounting shall be subject to audit by the other party. Annually, the parties will review the O & M costs incurred to determine if payment is due by the party incurring lesser costs to the party incurring greater costs.

### **TERM**

18. The term of this MOA shall be for a period of forty (40) years beginning on the date first written above, which is the expected functional life of the improvements. This MOA may be extended upon the mutual written consent of the City and District.

## **LICENSE FOR ENTRY ON CITY PROPERTY BY DISTRICT**

19. For the term of this MOA, and subject to all terms and conditions herein, CITY agrees to afford access and permit the District to enter the following portions of City real property to the extent reasonably necessary for the purposes of the construction, maintenance, and operation of a pump station: City owned real property identified by Assessor's Parcel Number to be identified] and more particularly described in **Exhibit D**, attached hereto and incorporated herein by reference.

## **OWNERSHIP OF PUMP STATION AND INTERCONNECTION PIPELINE**

20. The City and the District will mutually maintain ownership of the pump station and interconnection pipeline improvements through the term of this MOA. At the conclusion of the term of this MOA, the District shall have the option to remove the pump station from the property of City or offer to sell the pump station to the City at fair market value. In the event City terminates this Agreement at any time prior to expiration of the full term (i.e., prior to expiration of the 40 year term), the District shall have the right to determine whether to remove the pump station from the City's real property recited in Section 16 (above), or allow it to remain. In the event District terminates this Agreement at any time prior to expiration of the full term (i.e., prior to expiration of the 40 year term), the City shall have the right to determine whether District is to remove the pump station from the City's real property or whether the pump station shall remain in its location, in which case it shall thereafter constitute the City's improvement and the City shall have no obligation to compensate the District for allowing the pump to remain.

## **INDEMNIFICATION**

21. Each party shall indemnify, defend (with legal counsel acceptable to the indemnified party) and hold the other harmless against all actions, claims, demands, and liabilities and against all losses, damages, costs, expenses, and attorney's fees, arising directly or indirectly out of an actual or alleged injury to a person or property in the same proportion that its own acts and/or omissions are attributed to said claim, demand, liability, loss, damage, cost, expenses, and/or attorney's fees.

## **ASSIGNMENT**

22. Except for an assignment to a successor operator or agency as stated in this Section 19, neither party shall assign any interest in this MOA and shall not transfer any interest in the same without the prior written consent of the other party hereto, except that

claims for money due or to become due either party may be assigned to a bank, a trust company, or other financial institution without such approval. Written notice of any such transfer shall be furnished promptly to the other party. Any attempt at assignment of rights under this MOA except for those specifically consented to by both parties or as stated above shall be void. Notwithstanding the foregoing, in the event all of the assets constituting the water purveyance system of either the City or the District are transferred to a successor agency or water supply operator, this MOA shall continue and transfer to the successor or assign.

### **MODIFICATION**

23. This MOA may only be modified by a written amendment thereto, executed by both parties. Parties will meet periodically to review and revise the protocols developed in the agreement.

### **MEDIATION, ATTORNEY'S FEES AND COSTS**

24. If any dispute develops between the City and the District related to this MOA, the parties agree to submit the dispute to mediation prior to proceeding with any litigation. If any action at law or in equity is necessary to enforce or interpret the terms of this MOA, the prevailing party shall be entitled to recover reasonable attorney's fees, costs, and necessary disbursements in addition to any other relief to which such party may be entitled. The parties acknowledge that this MOA was mutually drafted by the City and the District, and neither shall be deemed the drafter for purposes of contract interpretation in the event of a dispute.

### **JURISDICTION AND VENUE**

25. This MOA shall be construed in accordance with the laws of the State of California and the parties hereto agree that venue of any action or proceeding regarding this MOA or performance thereof shall be in the Humboldt County Superior Court for the State of California.

### **NOTICES**

26. All notices that are required to be given by one party to the other under this MOA shall be in writing and shall be deemed to have been given if delivered personally or enclosed in a properly addressed envelope and deposited with the United States Post Office for delivery by registered or certified mail addressed to the parties at the following addresses, unless such addresses are changed by notice, in writing, to the other party.

City of Trinidad  
409 Trinity Street  
P.O. Box 390  
Trinidad, CA 95570

Westhaven Community Services District  
446 6<sup>th</sup> Avenue  
Trinidad, CA 95570

IN WITNESS HEREOF, this MOA is duly executed in Humboldt County,  
California on the day and year first written above.

City of Trinidad

Westhaven Community Services District

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Board Chair



Exhibit B. Trinidad-Westhaven Emergency Intertie Memorandum of Agreement

Exhibit B.1

Project 1 - Emergency Intertie Construction Project (Grant Budget)		Distribution	
BUDGET CATEGORY	Grant Agmt Budget	WCSD	City
(a) Project Administration	65,000		
WCSD Project Admin - invoices, reports, agency coordination, contract management, project completion report (and accountability report if advance payment is requested)	25,000	25,000	
City Project Administration - agency coordination, contract management, submittals	40,000		40,000
(c) Planning / Design / Engineering / Environmental Documentation	215,000		
WCSD Consultant - Planning, Encroachment Permit, California Coastal Commission & CEQA	80,000	80,000	
WCSD Engineer- Project Design	95,000	95,000	
WCSD Project Monitoring Plan	10,000	10,000	
City Engineer Consult, Review & Concurrence	25,000		25,000
City Planner Consult, Review & Concurrence	5,000		5,000
(d) Construction / Implementation	1,576,600		
WCSD - Construction	1,189,600	1,189,600	
WCSD - Construction Administration & Closeout	357,000	357,000	
City Engineer Consult, Review & Concurrence	30,000		30,000
<b>TOTAL GRANT BUDGET</b>	<b>1,856,600</b>	<b>1,756,600</b>	<b>100,000</b>

Exhibit B.2

Intertie Facility Operations & Maintenance Cost Apportionment		Distribution	
BUDGET CATEGORY	Frequency	WCSD	City
Flush Hydrants	yearly	50%	50%
Exercise valves	yearly	50%	50%
Test & calibrate meters	yearly	50%	50%
Repairs	as needed	50%	50%
Pipeline Replacement - depreciation Schedule	end of useful life	50%	50%
Pump Operation - power & diesel costs	yearly	50%	50%
Pump Maintenance contract	yearly	50%	50%
Pump Repairs	as needed	50%	50%
Pump Replacement	end of useful life	50%	50%

## **ORDINANCE 2202-1**

(Ordinance 07-1 revised)

### **An Ordinance of the Westhaven Community Services District Establishing Regulations for Cross Connection Control**

BE IT ORDAINED by the Board of Directors of the Westhaven Community Services District, Humboldt County, California as follows:

#### **ARTICLE 1 General Provisions**

##### Section 101 - Short Title

This ordinance shall be known and may be cited as "Cross-Connection Control Regulations".

##### Section 102 - Words and Phrases

For the purpose of this ordinance, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number, and all words in the singular number shall include the plural number.

##### Section 103 - Effect of Definition

The definition of a word applies to any of its variants.

##### Section 104 – Separability

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

#### **ARTICLE 2 General Definitions**

##### Section 201 – District

means the Westhaven Community Services District.

##### Section 202 – Manager

means the Manager of the District.

##### Section 203 – Premises

means a lot or parcel or adjacent parcels of real property under one ownership.

##### Section 204 – Owner

means the person owning the fee title or the person in whose name the legal title to the property appears, by deed duly recorded in the Humboldt County Recorder's office, or an executor, administrator, guardian or trustee of the owner.

##### Section 205 - Occupant

means the person or persons residing on the premises.

##### Section 206 – Public Water Distribution System

means the treated-water storage facilities, water mains and appurtenances used for the distribution of potable water to the customers of the District.

##### Section 207 - Service Connection

means the pipeline and appurtenant facilities including without limitation meter stop or service valve, meter, and meter box, used to extend water service from the public water distribution system to private property, the laying thereof and the tapping of the main. Where services are divided at the curb of the property line to serve several customers, each branch service shall be deemed a separate service.

Section 208 – Backflow

means the reversal of flow, from a service connection, into the public water distribution system.

Section 209 - Back Siphonage

means a form of backflow due to a negative or sub-atmospheric pressure within the public water distribution system.

Section 210 - Backflow Prevention Device

means an approved device to counteract back pressure or prevent back siphonage.

Section 211 - Auxiliary Supply

means any water source or system other than the District's potable water system that may be available on the premises.

Section 212 – Unapproved auxiliary supply

means an auxiliary water supply that is not approved for public consumption by the California Department of Health Services.

Section 213 - Cross-Connection

means an actual or potential connection between the public water distribution system and an unapproved auxiliary supply or any system of piping containing a substance that is not or cannot be approved as safe, wholesome, and potable. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or other temporary or permanent devices through which, or because of which, backflow could occur shall also be considered to be cross-connections.

**ARTICLE 3**

**Purpose, Application, Records and Enforcement**

Section 301 – Purpose

The purpose of this ordinance is to protect the public health by the control and prevention of actual and potential cross-connections as required by the State of California Public Health Administrative Code, Title 17.

Section 302 – Application

This regulation applies to all premises and the owners and occupants thereof serviced by the District's water system. It applies to all the systems installed prior to or after its enactment. Every owner and every occupant of premises covered by this regulation is responsible for compliance with its terms and shall be strictly liable for all damages incurring as a result of failure to comply with express terms and provisions contained therein.

Section 303 – Records

It shall be the responsibility of the District Manager to assemble and maintain records of all incidents of backflow or backsiphonage and of all inspections, installations and tests performed to meet the provisions of this ordinance.

Section 304 – Enforcement

The District Manager will enforce the provisions of this Ordinance.

**ARTICLE 4**  
**Protection of the Water System**

Section 401 - Cross-Connection Control Required

It shall be the responsibility of the Cross-Connection Control Coordinator or Manager of the District to protect the public water distribution system from contamination due to the backflow or back siphonage of contaminants through the district's water service connections. If, in the judgment of the Cross-Connection Control Coordinator or Manager or a designated agent, an approved backflow prevention device is required at any premises, the Cross-Connection Control Coordinator or Manager or designated agent shall give written notice to the owner of said premises of the requirement to either install such device or abandon or otherwise permanently disable the auxiliary supply. When the auxiliary supply is a well, abandonment shall constitute completion of the requirements of the Humboldt County Department of Public Health for abandonment of wells, and a copy of the signed-off County permit shall be provided to the district. The owner's failure to comply within 30 working days (Excluding District holidays) of the written notice shall constitute grounds for discontinuing water service to the premises.

Conditions requiring backflow prevention devices include:

1. Premises having an unapproved auxiliary water supply.
2. Premises having internal cross-connections that are not correctable, or intricate plumbing arrangements that make it impracticable to ascertain whether cross-connections exist.
3. Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist.
4. Premises having a history of cross-connections.

Section 402 - Approved Standards for Cross-Connection Control Devices

The term "Approved Backflow Prevention Device" shall mean a device that appears on the current list of approved devices published by the California Code of Regulations, Title 17, Sections 7583 – 7605 and that have been manufactured in full conformance with the standards established by the American Water Works Association (AWWA) entitled: AWWA506-78 (R83) Standards for Reduced Pressure and Double Check Valve Backflow Prevention Devices.

All presently installed devices not meeting the current standards but being approved devices at the time of installation and being properly maintained shall remain approved until such time as they require moving or replacement. If a device is to be moved or replaced it shall be replaced with device currently approved.

Section 403 - Approval of Cross-Connection Control Coordinator or Manager is Required

Prior to the installation of any such devices, the owner shall submit to the Cross-Connection Control Coordinator or Manager for approval a statement containing the make and model of the device and the location and method of installation of such device.

Section 404 - Location

Backflow prevention devices required by this ordinance must be installed as close to the water meter or, if a location within five feet of the meter is unworkable, at a location designated by the Cross-Connection Control Coordinator or Manager. The device must be located as to be readily accessible for maintenance and testing, and where no part of the device will be submerged or hidden from proper inspection. Where services are divided at the curb or property line to serve more than one dwelling, each separate service shall have installed a cross-connection control device.

Section 405 - Inspecting and Testing

Certified inspections and operational tests of cross-connection control devices shall be made at the time of installation and each year thereafter. The Cross-Connection Control Coordinator or Manager may require a certified inspection at more frequent intervals. Inspections and operational tests shall be performed by California

State certified testers under contract with the district and at the direction of the Cross-Connection Control Coordinator or Manager. Owners shall be provided advance notice by the Cross-Connection Control Coordinator or Manager prior to testing. Costs incurred by the district for annual testing shall be recovered from the owners in the form of monthly surcharges added to the owner's water bills. Total monthly surcharges shall be calculated by dividing the testing contractor's charge by 12 and adding the owner's proportional share of the district's estimated annual cost for management of the testing. The amount of the monthly surcharge shall be included in all District resolutions "Establishing District Charges" and updated to match the district's costs as needed. Costs incurred by the district for initial or incidental testing and/or in circumstances where the monthly water bill is paid by someone other than the owner shall be recovered from the owner as a one-time, lump-sum charge. Records of the inspections and tests shall be provided to the district by the testers. Failure by the owner to allow inspections and operational tests to be performed as required by the district or to pay the charges for testing shall be cause for disconnection of water service 10 working days (excluding District holidays) after receipt of written notice by certified mail by the owner and the occupant of the parcel.

Section 406 - Right of Entry for Inspections

The Cross-Connection Control Coordinator or the Cross-Connection Control Coordinator designated agent shall have reasonable access for the purpose of making inspections for cross-connection control. Refusal or hindrance of access shall be cause for disconnection of water service 10 working days (excluding District holidays) after receipt of written notice by certified mail by the owner and the occupant of the parcel.

Section 407 - Costs of Repair and Replacement

The owner shall bear all costs of repair or replacement of cross-connection control devices. Failure to repair or replace devices failing the testing shall be cause for disconnection of water service 10 working days (excluding District holidays) after receipt of written notice by certified mail by the owner and the occupant of the parcel.

Approved: \_\_\_\_\_

\_\_\_\_\_  
President  
Westhaven Community Services District

ATTEST:

\_\_\_\_\_  
Secretary  
Westhaven Community Services District

SECRETARY'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance 2022.1 (Ordinance 07-1 revised), "An Ordinance Relating to Cross-Connection Control", passed and adopted at a regular meeting of the Board of Directors of the Westhaven Community Services District, Westhaven, California, held on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of \_\_\_\_\_ by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

**WCSD ORDINANCE 2021-3**  
**ADOPTING A WATER CONSERVATION PROGRAM AND WATER SUPPLY**  
**EMERGENCY ORDINANCE**

**An Ordinance Amending Ordinance 2014-2 Dated May 21, 2014**

**WHEREAS**, article X, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

**WHEREAS**, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

**WHEREAS**, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water; and

**WHEREAS**, California Water Code sections 375 et seq. empower any public entity which supplies water at retail or wholesale to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

**WHEREAS**, Water Code section 375, subdivision (c) defines "public entity" to include a city, county, special district, water authority, or any other municipal public corporation or district; and

**WHEREAS**, pursuant to Water Code section 376 and Government Code 6061, the Westhaven Community Services District ("WCSD") must publish in a newspaper of general circulation any ordinance or resolution adopting a water conservation program within 10 days after its adoption; and

**WHEREAS**, Water Code section 377 establishes that, from the publication of an ordinance or resolution pursuant to section 376 until the repeal of the ordinance or end of the emergency, it is a misdemeanor punishable by up to 30 days in county jail and/or a fine of up to \$1,000 for any person to violate a requirement of the water conservation program; and

**WHEREAS**, Water Code sections 350 et seq. empower the WCSD to declare a water service emergency and to adopt such regulations and restrictions on the delivery of water and water consumption for public use as will in the Board's sound discretion conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation and fire protection; and

**WHEREAS**, WCSD does not have sufficient water storage capacity to forecast into the future whether available water is likely to diminish, which means that it is impractical for WCSD to design and implement a multi-step drought response conservation program; and

**WHEREAS**, WCSD has the ability to monitor water supply and consumption on a weekly or daily basis and is therefore able to observe in close to real time when drought causes water supply to diminish such that water consumption threatens to exceed water supply; and

**WHEREAS**, current consumption of water supplied by WCSD on a per capita basis averages less than 100 gallons per day, and WCSD customers have, on average, adopted most water conservation measures traditionally included in a water conservation program; and

**WHEREAS**, given the WCSD's limited water storage capacity, should it be observed that water consumption threatens to exceed water supply a water supply emergency would exist; and

**WHEREAS**, the remaining, effective means to further conserve water is to adopt in advance, and to implement and enforce, in the event the Board declares a water shortage emergency, those comprehensive water conservation measures that shall be taken should a drought threaten that water supply may be insufficient to meet traditional demand; and

**WHEREAS**, comprehensive water conservation measures taken to avoid a drought-induced supply shortfall will allow the WCSD to delay or avoid imposing water rationing or more drastic measures to restrict or allocate water consumption; and

**WHEREAS**, on May 21, 2014, the WCSD held a public hearing and made appropriate findings of necessity for the adoption of a Water Conservation Program and Water Supply Emergency Ordinance; and

**WHEREAS**, upon the adoption of a resolution finding and declaring the existence of a drought emergency or water shortage emergency pursuant to California Water Code sections 350 et seq. and sections 71640 et seq., the WCSD shall be authorized to implement the provisions of the Water Conservation Program and Water Supply Emergency Ordinance hereby established by this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the WCSD, as follows:

1. This Ordinance is effective immediately upon adoption or as otherwise established by State law; and
2. Pursuant to Water Code section 376 and Government Code section 6061, the WCSD shall publish in a newspaper of general circulation this ordinance adopting a water conservation program within 10 days after its adoption and will also post the ordinance on its website; and
3. This Ordinance establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies; and
4. When the WCSD Board of Directors ("Board") finds that in the preceding week water supply, measured as total production capacity and excluding water in storage in the two open reservoirs, was no more than 110% of total production (water sold + system water loss due to leakage) in that same preceding week, the Board may find that a water shortage emergency exists. A water shortage emergency, once declared pursuant to this subparagraph, shall remain in effect until the Board finds that the conditions specified in this paragraph no longer exist.
5. Excepting in the event of a breakage or failure of an impoundment, pipeline or conduit causing an immediate emergency, any Board declaration of a water shortage emergency shall be made after at a public hearing on the declaration of emergency, with notice of the time and place of the hearing published pursuant to Section 6061 of the Government Code at least seven days prior to the date of the hearing in a newspaper printed, published and circulated within Humboldt County, California. Notice of the time and place of the hearing shall also be

posted at the bulletin board at the Westhaven Fire Hall and on the homepage of the WCSD website. At any hearing conducted pursuant to this paragraph, consumers of WCSD-supplied water shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the Board.

6. For the duration of a declared a water shortage emergency, the following mandatory conservation measures shall apply to all WCSD customers:
  - a. Landscape irrigation is prohibited except to maintain existing landscaping unless the General Manager finds that landscape irrigation is necessary for erosion control; or if a state or local Fire Marshal specifies landscape irrigation that is necessary for fire protection.
  - b. Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of hand-held bucket or similar container.
  - c. Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat, motor home, or trailer, whether motorized or not, is prohibited, except by use of a hand-held bucket or similar container.
  - d. All water leakage in customers' water distribution systems shall be repaired within two weeks of the declaration of a water shortage emergency. For purposes of this subparagraph, "water leakage" means leakage from any hoses, fittings, valves, faucets, toilets or above- or below-ground pipes. For purposes of this ordinance, "customer" includes the owner of record and the occupant (if distinct from the owner) of the assessor's parcel to which WCSD supplies water.
  - e. Pursuant to Water Code § 71601(b), the WCSD may conduct an audit of a customer's water use with the aim to determine whether landscape has been irrigated in violation of this Ordinance; or whether the customer has unrepaired leakage in violation of this Ordinance. Audits conducted pursuant to this subparagraph shall be performed in a manner as determined to be appropriate by the General Manager.
  - f. In the event the General Manager determines that there is unrepaired leakage in the customer's water distribution system, the General Manager shall notify the customer of the existence and (if feasible) the location and flow rate of any leakage.
  - g. If, pursuant to subparagraph 6(f) above, a customer has been notified of unrepaired leakage, then the customer shall repair the leakage within 3 days unless other arrangements have been made with the General Manager.
  - h. Upon declaration of a water shortage emergency, the WCSD's leak forgiveness policy is suspended for the duration of the declared water shortage emergency.
7. If the General Manager determines that a customer has violated any of the mandatory water conservation measures in paragraph 6, above, then WCSD shall impose the penalties provided by this paragraph.
  - a. The General Manager shall provide written notice to the customer. The notice shall be dated and shall specify the address, the nature of the violation, list the steps that must



be taken to comply with this Ordinance and the name and telephone number of a District staff person from whom additional information can be obtained. In addition, the notice shall advise the customer that suspension of water service to the customer's property will result from continued non-compliance. These provisions are for a first violation within any consecutive twelve month period.

- b. If, within 14 days following receipt of written notice, the customer fails to comply with the requirements of the notice the General Manager provided pursuant to subparagraph 7(a) above, then a second violation shall occur and the General Manager shall issue a second notice to the customer containing the information specified in subparagraph 7(a) above. A customer who has committed a second violation shall be fined in an amount not to exceed Fifty Dollars (\$50.00), which shall be charged to and billed on the customer's account.

If, in the discretion of the General Manager, satisfactory progress is being made on steps to correct the violation, a second notice will not be issued and no further action shall be taken.

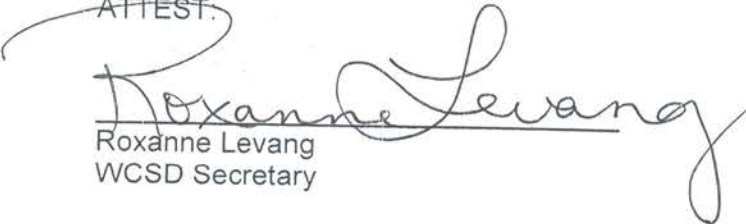
- c. If, within 14 days following receipt of written notice, the customer fails to comply with the requirements specified in the notice the General Manager provided to the customer pursuant to subparagraph 7(b) above, a third violation shall occur and the General Manager shall issue a third notice to the customer containing the information specified in subparagraph 7(b) above. A customer who has committed a third violation shall be fined in an amount not to exceed Two Hundred Dollars (\$200.00), which shall be charged to and billed on the water user's account.

The third notice shall also notify the customer that WCSD will suspend water service to the customer's property within thirty (30) calendar days unless the customer is in compliance with the provisions of this Ordinance. Suspension of water service shall conform to the notice requirements and procedures for termination of water service that are established in WCSD Resolution 2013-6. Suspension of water service pursuant to this subparagraph shall remain in effect until the customer is in compliance with the provisions of this Ordinance or until the water supply emergency is no longer in effect, whichever occurs first.

- d. The General Manager shall have the authority to extend any deadlines by a period not to exceed 30 days.

Passed and adopted this nineteenth day of January 2022, by the following vote:

ATTEST:

  
Roxanne Levang  
WCSD Secretary

  
William Verick, Board President  
Westhaven Community Services District

**SECRETARY'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Ordinance 02-01 "An Ordinance of the Westhaven Community Services District Establishing the Governing Rules and Regulations for the District" passed and adopted at a regular meeting of the Board of Directors of the Westhaven Community Services District, Westhaven, California, held on the sixteenth day of January, 2002 by the following roll call vote:

AYES: Verick, Cline, Hankin, Swisher, and Llanos

NOES: None

ABSENT: None

ABSTAIN: None

WCSD RESOLUTION 2015-5

IMPLEMENTING WATER CONSERVATION MEASURES  
AS MANDATED BY THE STATE WATER RESOURCES CONTROL BOARD

**WHEREAS**, California Water Code sections 375 et seq. empower any public entity which supplies water at retail or wholesale to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

**WHEREAS**, Water Code section 375, subdivision (c) defines “public entity” to include a city, county, special district, water authority, or any other municipal public corporation or district; and

**WHEREAS**, The Westhaven Community Services District (WCSD) is a special district as designated by the State of California and therefore so empowered under Water Code section 375; and

**WHEREAS**, pursuant to Water Code section 376, within 10 days after adoption the WCSD must publish, pursuant to Section 6061 of the Government Code, any ordinance or resolution in full in a newspaper of general circulation that is printed, published, and circulated in the public entity. If there is no such newspaper, the ordinance or resolution shall be posted within 10 days after its adoption in three public places within the public entity; and

**WHEREAS**, Water Code section 377 establishes that, from the publication of an ordinance or resolution pursuant to section 376 until the repeal of the ordinance or end of the emergency, it is a misdemeanor punishable by up to 30 days in county jail and/or a fine of up to \$1,000 for any person to violate a requirement of the water conservation program; and

**WHEREAS**, Water Code sections 350 et seq. empower the WCSD to declare a water service emergency and to adopt such regulations and restrictions on the delivery of water and water consumption for public use as will, in the Board’s sound discretion, conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation and fire protection; and

**WHEREAS**, on April 1, 2015, in response to persistent state-wide drought conditions, the Governor of the State of California issued Executive Order B-29-15 that, in part, directs the State Water Board to impose restrictions on water suppliers to achieve a statewide 25 percent reduction in potable water usage through February 28, 2016; and

**WHEREAS**, the Governor’s proclamation called upon local urban water suppliers and municipalities to implement any local water shortage contingency plans immediately in order to avoid or forestall outright restrictions that could become necessary later in the drought season; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Westhaven Community Services District as follows:

1. Pursuant to Water Code section 375 et seq., and for the reasons set forth herein, the District finds the necessity for the adoption of a water conservation program; and

WCSD Resolution 2015-5

2. To comply with State regulations and to prevent the waste and unreasonable use of water and to promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety needs or to comply with a term or condition in a permit issued by a state or federal agency:
  - A. The use of potable water for irrigation of landscaping or lawn except on Wednesdays and Saturdays
  - B. The use of potable water for outdoor irrigation during and 48 hours following measurable precipitation
  - C. Allowing potable water to run off onto adjacent non-irrigated areas or roadways when irrigating
  - D. The use of potable water in hoses without shutoff nozzles to wash motor vehicles
  - E. The use of potable water to wash sidewalks or driveways
  - F. The use of potable water in decorative water features that do not recirculate the water
  - G. The use of potable water for irrigation of landscapes of new homes and buildings inconsistent with the California Building Standards Commission and the Department of Housing and Community Development requirements
3. This emergency or water shortage condition shall be presumed to continue unchanged unless and until a contrary finding is made by the board by resolution or ordinance; and
4. The District requests that federal and state agencies provide financial and other assistance to residents, water suppliers, water rights holders, ranchers, farmers, business owners and any local governments who are harmed by the drought emergency in its territorial limits to help them mitigate the effects of the persistent drought conditions.

PASSED, APPROVED, and ADOPTED this Seventeenth day of June, 2015 by the following roll call vote:

AYES: Smith, Verick, Hankin, Phipps

NOES: None

ABSTAIN: None

ABSENT: Moon

\_\_\_\_\_  
Greg Smith, President  
Westhaven Community Services District

ATTEST:

\_\_\_\_\_  
Sarah Jordan, Secretary  
Westhaven Community Services District

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

EXECUTIVE ORDER N-7-22

**WHEREAS** on April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions; and

**WHEREAS** climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a third consecutive year of dry conditions, resulting in continuing drought in all parts of the State; and

**WHEREAS** the 21st century to date has been characterized by record warmth and predominantly dry conditions, and the 2021 meteorological summer in California and the rest of the western United States was the hottest on record; and

**WHEREAS** since my October 19, 2021 Proclamation, early rains in October and December 2021 gave way to the driest January and February in recorded history for the watersheds that provide much of California's water supply; and

**WHEREAS** the ongoing drought will have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

**WHEREAS** the two largest reservoirs of the Central Valley Project, which supplies water to farms and communities in the Central Valley and the Santa Clara Valley and provides critical cold-water habitat for salmon and other anadromous fish, have water storage levels that are approximately 1.1 million acre-feet below last year's low levels on this date; and

**WHEREAS** the record-breaking dry period in January and February and the absence of significant rains in March have required the Department of Water Resources to reduce anticipated deliveries from the State Water Project to 5 percent of requested supplies; and

**WHEREAS** delivery of water by bottle or truck is necessary to protect human safety and public health in those places where water supplies are disrupted; and

**WHEREAS** groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

**WHEREAS** coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and

**WHEREAS** the duration of the drought, especially following a multiyear drought that abated only five years ago, underscores the need for California to redouble near-, medium-, and long-term efforts to adapt its water management and delivery systems to a changing climate, shifting precipitation patterns, and water scarcity; and

**WHEREAS** the most consequential, immediate action Californians can take to extend available supplies is to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of Executive Order N-10-21 (July 8, 2021); and

**WHEREAS** to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

1. The orders and provisions contained in my April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021 Proclamations remain in full force and effect, except as modified by those Proclamations and herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
2. To help the State achieve its conservation goals and ensure sufficient water for essential indoor and outdoor use, I call on all Californians to strive to limit summertime water use and to use water more efficiently indoors and out. The statewide Save Our Water conservation campaign at [SaveOurWater.com](http://SaveOurWater.com) provides simple ways for Californians to reduce water use in their everyday lives. Furthermore, I encourage Californians to understand and track the amount of water they use and measure their progress toward their conservation goals.
3. By May 25, 2022, the State Water Resources Control Board (Water Board) shall consider adopting emergency regulations that include all of the following:
  - a. A requirement that each urban water supplier, as defined in section 10617 of the Water Code, shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water

supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code;

- b. A requirement that each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, the shortage response actions adopted under section 10632 of the Water Code for a shortage level of up to twenty percent (Level 2), by a date to be set by the Water Board; and
- c. A requirement that each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, shortage response actions established by the Water Board, which shall take into consideration model actions that the Department of Water Resources shall develop for urban water supplier water shortage contingency planning for Level 2, by a date to be set by the Water Board.

To further conserve water and improve drought resiliency if the drought lasts beyond this year, I encourage urban water suppliers to conserve more than required by the emergency regulations described in this paragraph and to voluntarily activate more stringent local requirements based on a shortage level of up to thirty percent (Level 3).

4. To promote water conservation, the Department of Water Resources shall consult with leaders in the commercial, industrial, and institutional sectors to develop strategies for improving water conservation, including direct technical assistance, financial assistance, and other approaches. By May 25, 2022, the Water Board shall consider adopting emergency regulations defining "non-functional turf" (that is, a definition of turf that is ornamental and not otherwise used for human recreation purposes such as school fields, sports fields, and parks) and banning irrigation of non-functional turf in the commercial, industrial, and institutional sectors except as it may be required to ensure the health of trees and other perennial non-turf plantings.
5. In order to maximize the efficient use of water and to preserve water supplies critical to human health and safety and the environment, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended, with respect to the directives in paragraphs 3 and 4 of this Order and any other projects and activities for the purpose of water conservation to the extent necessary to address the impacts of the drought, and any permits necessary to carry out such projects or activities. Entities that desire to conduct activities under this suspension, other than the directives in paragraphs 3 and 4 of this Order, shall first request that the Secretary of the Natural Resources Agency make a determination that the proposed activities are eligible to be conducted under this suspension. The Secretary shall use sound discretion in applying this Executive Order to ensure that the suspension serves the purpose of accelerating conservation projects that are necessary to address impacts of the drought, while at the same time

protecting public health and the environment. The entities implementing these directives or conducting activities under this suspension shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

6. To support voluntary approaches to improve fish habitat that would require change petitions under Water Code section 1707 and either Water Code sections 1425 through 1432 or Water Code sections 1725 through 1732, and where the primary purpose is to improve conditions for fish, the Water Board shall expeditiously consider petitions that add a fish and wildlife beneficial use or point of diversion and place of storage to improve conditions for anadromous fish. California Code of Regulations, title 23, section 1064, subdivisions (a)(1)(A)(i)-(ii) are suspended with respect to any petition that is subject to this paragraph.
7. To facilitate the hauling of water for domestic use by local communities and domestic water users threatened with the loss of water supply or degraded water quality resulting from drought, any ordinance, regulation, prohibition, policy, or requirement of any kind adopted by a public agency that prohibits the hauling of water out of the water's basin of origin or a public agency's jurisdiction is hereby suspended. The suspension authorized pursuant to this paragraph shall be limited to the hauling of water by truck or bottle to be used for human consumption, cooking, or sanitation in communities or residences threatened with the loss of affordable safe drinking water. Nothing in this paragraph limits any public health or safety requirement to ensure the safety of hauled water.
8. The Water Board shall expand inspections to determine whether illegal diversions or wasteful or unreasonable use of water are occurring and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:
  - a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability



Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

10. To address household or small community drinking water shortages dependent upon groundwater wells that have failed due to drought conditions, the Department of Water Resources shall work with other state agencies to investigate expedited regulatory pathways to modify, repair, or reconstruct failed household or small community or public supply wells, while recognizing the need to ensure the sustainability of such wells as provided for in paragraph 9.
11. State agencies shall collaborate with tribes and federal, regional, and local agencies on actions related to promoting groundwater recharge and increasing storage.
12. To help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the Water Board and Regional Water Quality Control Boards shall prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. For the purposes of carrying out this paragraph, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, and Chapter 3 (commencing with section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are hereby suspended to the extent necessary to address the impacts of the drought. This suspension applies to (a) any actions taken by state agencies, (b) any actions taken by local agencies where the state agency with primary responsibility for the implementation of the directives concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b). The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
13. With respect to recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable

Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water Resources concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

14. To increase resilience of state water supplies during prolonged drought conditions, the Department of Water Resources shall prepare for the potential creation and implementation of a multi-year transfer program pilot project for the purpose of acquiring water from willing partners and storing and conveying water to areas of need.
15. By April 15, 2022, state agencies shall submit to the Department of Finance for my consideration proposals to mitigate the worsening effects of severe drought, including emergency assistance to communities and households and others facing water shortages as a result of the drought, facilitation of groundwater recharge and wastewater recycling, improvements in water use efficiency, protection of fish and wildlife, mitigation of drought-related economic or water-supply disruption, and other potential investments to support short- and long-term drought response.


**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of March 2022.

  
GAVIN NEWSOM  
Governor of California

**ATTEST:**

  
SHIRLEY N. WEBER, PH.D.  
Secretary of State



# New Drought Requirements for Small Water Suppliers



*Senate Bill Number 552 (SB 552)*

Signed in September 2021, [SB 552](#) introduces and summarizes the new responsibilities and requirements for state and local government (counties and small water suppliers) in preparation of a water shortage event.

## Scope of SB 552

Under SB 552, state and local governments will share the responsibility in preparing and acting in the case of a water shortage event. The new law outlines basic steps for small water suppliers, county governments, California Department of Water Resources, and the State Water Board to implement more proactive drought planning and impact prevention and to be better prepared for future water shortage events.

## What does SB 552 require from Small Water Suppliers?

SB 552 considers several categories of small water suppliers: those suppliers with 15 to 999 connections, those with 1,000 to 2,999 connections inclusive, and non-transient non-community (NTNC) water systems that are schools (see Table 1).

*Table 1. Requirements for Small Water Suppliers by Size, per SB 552*

Summary of Requirement	Community Water Systems 1,000-2,999 connections	Community Water Systems 15-999 connections	NTNC Water System Schools
Drought Resiliency Measures	Yes	Yes	Yes
<a href="#">Abridged Water Shortage Contingency Plan</a>	Yes	No	Yes
Drought Element added to Emergency Notification or Response Plan	No	Yes	No
Annual reporting of water supply condition information to the State Water Board	Yes	Yes	Yes
Annual water demand reporting to the State Water Board	Yes	Yes	Yes

For more information about the State's Drought Response and Assistance, please visit: [drought.ca.gov](http://drought.ca.gov).

## **Small Water Suppliers with 15-2,999 connections + NTNC schools**

### *New Annual Reporting Requirements*

All small water suppliers (community water systems with 15-2,999 connections) and non-transient non-community water systems that are schools (NTNC schools) must report water supply condition, production, and demand information to the State Board annually.

### *Implement drought resiliency measures, subject to funding availability*

- Detect production well groundwater levels - *January 1, 2023*
- Mutual aid organization membership - *January 1, 2023*
- Continuous operation during power failures - *January 1, 2024*
- Backup source of water supply or a water system intertie - *January 1, 2027*
- Meter each service connection and monitor water loss - *January 1, 2032*
- Meet fire flow requirements - *January 1, 2032*

## **Water Shortage Contingency Planning**

*1,000-2,999 connections + NTNC schools:* Small water suppliers serving 1,000 to 2,999 service connections and NTNC schools must develop and maintain a Water Shortage Contingency Plan that includes specified drought-planning elements no later than July 1, 2023. Suppliers must prepare an updated plan every five years thereafter. The State Water Board and Department of Water Resources are preparing a template for the water shortage contingency plan for small suppliers by December 31, 2022. Required plan elements include:

- Specified drought planning contacts
- Water shortage levels corresponding to water supply conditions
- Triggering mechanisms to acknowledge water shortage levels
- Response actions to address each of the shortage levels

*15-999 connections:* Small water suppliers serving 15-999 service connections must incorporate drought planning elements (including, but not limited to, drought-planning contacts and standard water shortage levels) into their Emergency Notification Plan (ENP) or Emergency Response Plan (ERP).

## **Resources**

Tools, updates, events and other resources are available here:

<https://water.ca.gov/Programs/Water-Use-And-Efficiency/SB552>

**Contact:** [drought@waterboards.ca.gov](mailto:drought@waterboards.ca.gov)

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