



BOARD OF DIRECTORS MEETING

Thursday, November 21, 2024

Burlingame Community Center – Sequoia Room
[850 Burlingame Ave., Burlingame](#)
6:30 P.M.

[CLICK HERE TO VIEW LIVESTREAM](#)

One member of the Board will participate in this meeting by teleconference at the following location:

- 1842 Cliff Drive, Columbia, Missouri 65201

**NOTE: 253 Chase Court, Fremont, CA 94536 IS NO LONGER A
REMOTE TELECONFERENCE LOCATION.**

*When any member of the board participates by teleconference, all votes taken at this meeting will be
by roll call vote.*

REVISED AGENDA

<u>Agenda Item</u>	<u>Presenter</u>	<u>Page</u>
1. Call to Order/Roll Call/Salute to Flag	(Chambers)	
2. Comments by the Chair	(Chambers)	
3. Board Policy Committee Report (<i>Attachment</i>)	(Hardy)	Pg 5
4. Public Comments <i>Members of the public may address the Board on any issues not listed on the agenda that are within the purview of the Agency. Comments on matters that are listed on the agenda may be made at the time the Board is considering each item. Each speaker is allowed a maximum of three (3) minutes.</i>	(Chambers)	
5. SFPUC Report	(Ritchie/Sears)	
6. Consent Calendar	(Chambers)	
A. Approve Minutes of the September 19, 2024 Meeting (<i>Attachment</i>)		Pg 19
B. Receive and File Budget Status Report – As of Sept. 30, 2024 (<i>Attachment</i>)		Pg 27
C. Receive and File Annual Audit Report for BAWSCA and Compilation Report for BAWUA for FY 2023-24 (<i>Attachment</i>)		Pg 29
D. Receive and File Directors' Reimbursement Report – As of Sept. 30, 2024 (<i>Attachment</i>)		Pg 31
E. Receive and File Employees' Reimbursement Report – As of Sept. 30, 2024 (<i>Attachment</i>)		Pg 33
F. Receive and File Investment Report – As of Oct. 31, 2024 (<i>Attachment</i>)		Pg 35
G. Adoption of Resolution #2024-03 Approving the Extension of the 2021 Amended and Restated Tier 2 Drought Response Implementation Plan (<i>Attachments</i>)		Pg 37
H. Annual Review and Consideration of BAWSCA's Statement of Investment Policy (<i>Attachment</i>)		Pg 45

The Board Policy Committee voted unanimously to recommend approval of the proposed Board action for agenda items #6G and #6H.

7. Special Report:

- A. Transition Plan for CEO/General Manager (*Under Separate Cover*) (Schutte)

8. Action Calendar

- A. Resolution Approving the Temporary Appointment of Nicole Sandkulla as Special Counsel to the CEO/GM and Making Findings in Support of the Appointment (*Under Separate Cover*) (Schutte)

The Board Policy Committee voted unanimously to recommend approval of the proposed Board action

- B. Approval and Adoption of BAWSCA Retroactive Pay Schedules for FY 2020-21 through FY 2024-25 (*Under Separate Cover*) (Schutte)

The Board Policy Committee voted unanimously to recommend approval of the proposed Board action

- C. Public Hearing and Consideration of Possible Adoption of Ordinance #2024-01 to Increase Board Member Compensation (*Attachment*) (Schutte) Pg 55

The Board Policy Committee voted unanimously to hold a noticed Public Hearing at the November 21, 2024 Board meeting in order for the Board to consider action to adopt Ordinance #2024-01.

9. CEO Reports

(Sandkulla)

- A. BAWSCA OPEB Liability Funded Status Update (*Attachment*) Pg 73

- B. BAWSCA Pension Liability Funded Status Update (*Attachment*) Pg 79

- C. Los Vaqueros Expansion Project (Francis)

- D. Bay Delta Plan/FERC Update

- E. CEO's Letter (*Attachment*) Pg 85

- F. Board of Directors Policy Calendar (*Attachment*) Pg 89

- G. Correspondence Packet ([Under Separate Cover](#))

10. Closed Session

(Schutte)

- A. **Conference with Legal Counsel – Existing Litigation pursuant to** Paragraph (1) of subdivision (d) of Government Code Section 54956.9 Federal Energy Regulatory Commission Final License Application Proceedings for Don Pedro Hydroelectric Project, P-2299-082, and La Grange Hydroelectric Project, P-14581-002.

- B. **Conference with Legal Counsel – Existing Litigation pursuant to** Paragraph (1) of subdivision (d) of Government Code Section 54956.9 - State Water Board Cases (Third Appellate District Court Case No. C101232).

11. Report After Closed Session

(Schutte)

12. Additional Time for Public Comments (Time Permitting)

(Chambers)

- | | | |
|---|------------|-------|
| 13. Directors' Discussion: Comments, Questions and Agenda Requests | (Chambers) | |
| 14. Date, Time and Location of Future Meetings
(See attached schedule of meetings) | (Chambers) | Pg 91 |
| 15. Adjourn to next meeting scheduled for January 16, 2025 at 6:30pm | (Chambers) | |

Accessibility for Individuals with Disabilities

Upon request, BAWSCA will provide for written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in and provide comments at/related to public meetings. Please submit a request, including your name, phone number and/or email address, and a description of the modification, accommodation, auxiliary aid, service or alternative format requested at least two days before the meeting. Requests should be emailed to bawasca@bawasca.org or submitted by phone at 650-349-3000. Requests will be granted whenever possible and resolved in favor of accessibility.

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BAWSCA

Bay Area Water Supply & Conservation Agency

155 Bovet Road, Suite 650
San Mateo, California 94402
(650) 349-3000 tel. (650) 349-8395 fax

MEMORANDUM

TO: BAWSCA Board Members

FROM: Nicole Sandkulla, Chief Executive Officer/General Manager

DATE: November 15, 2024

SUBJECT: Summary of Board Policy Committee meeting held October 9, 2024

1. **Call to Order:** Committee Chair, Karen Hardy, called the meeting to order at 1:31pm. CEO/General Manager, Nicole Sandkulla called the roll. Seven members (7) of the Committee were present with one member participating via teleconference in accordance with the traditional Brown Act rules. A list of Committee members who were present (7), absent (2), and other attendees is attached.

The Committee took the following actions and discussed the following topics.

2. **Comments by Committee Chair:** Committee Chair Hardy clarified that while the meeting is being livestreamed with one Committee member participating via teleconference in accordance with the traditional Brown Act, the meeting is not a hybrid meeting. All public comments shall be made in-person, or from the teleconferencing location. Accordingly, all committee actions require a roll call vote.

3. **Consent Calendar:**

Director Chambers made a motion, seconded by Director Schneider, that the Committee approve the Minutes of the June 12, 2024 Board Policy Committee meeting.

The motion passed unanimously by roll call vote.

There were no comments from members of the Committee or from members of the public on the consent calendar.

4. **Public Comments:** There were no public comments.

5. **Action Calendar:**

- A. **Adoption of Resolution #2024-03 Approving the Extension of the 2021 Amended and Restated Tier 2 Drought Response Implementation Plan:** BAWSCA Sr. Water Resources Specialist, Danielle McPherson, reported on the item. She reminded the Committee that shortages on the San Francisco Regional Water System (RWS) are governed by two plans.

The Tier 1 Plan is the method of allocating RWS supplies between San Francisco's Retail Customers and the Wholesale Customers collectively. The Tier 2 Plan is the method that allocates RWS supplies among the 26 wholesale customers. These two Plans apply only during system-wide shortages of 20% or less caused by drought.

The Water Supply Agreement between San Francisco and the Wholesale Customers provides that the San Francisco Public Utilities Commission (SFPUC) will honor the Tier 2 allocations that are unanimously agreed to by the Wholesale Customers.

As a reminder, Ms. McPherson noted that the current Tier 2 Plan was adopted in 2011 and was originally set to expire in 2018 to align with decisions the SFPUC had planned to make. The Board has extended the current Tier 2 Plan on a one-year basis each year since 2018 until an update to the Tier 2 Plan was developed. State regulatory matters, including the development of new water-use efficiency legislation, were expected to have impacts on agencies and therefore the update was postponed until more information from the State was available.

In January 2022, the Water Management Representatives and BAWSCA initiated negotiations of an updated Tier 2 Plan. As previously reported, Ms. McPherson was pleased to inform the Committee that the 26 member agencies came to an agreement on an updated Tier 2 Plan at the June 2024 Tier 2 workshop.

There are agencies whose governing bodies are scheduled to begin adopting the updated Plan possibly as early as December, however, the adoption process for all 26 agencies is expected to take approximately six (6) months.

The Committee was presented with a recommendation to extend the existing Tier 2 Plan for one year to ensure an allocation plan is in place, should the SFPUC declare a shortage while the unanimous adoption of the updated Tier 2 Plan by the agencies is in process. The extension to the existing Tier 2 Plan contains language that clarifies that the updated Tier 2 Plan will replace the existing Tier 2 Plan once it is unanimously approved by all 26 member agencies.

Ms. McPherson reported that in addition to the updated Tier 2 Plan, the agencies have agreed to an amendment to the WSA that includes 1) an update to certain elements of the Tier 1 Plan, and 2) addressing the challenges of the minimum purchase requirements.

BAWSCA is working with Legal Counsel to develop the adoption materials for the agencies.

Director Pierce asked for clarification on whether the agencies have agreed on the elements of the Tier 2 Plan as well as the WSA amendment.

Ms. Sandkulla confirmed that the 26 agencies have reached agreement on all elements of the updated Tier 2 Plan. One agency remains in discussions regarding the proposed minimum purchase amendments.

Director Pierce asked if the Board will need to vote in case unanimity is not reached by the agencies.

Ms. Sandkulla explained that the Board can act on the Tier 2 Plan only, but not the WSA amendments.

She noted that, the updated Tier 2 Plan results in greater cutbacks to the minimum purchase agencies. Those agencies have indicated that adjustments to the existing minimum purchase obligations are necessary in order for them to accept the higher cutbacks during drought. The BAWSCA Board does not have authority to act on a WSA amendment. The WSA adoption process and approval threshold for any amendment is prescribed in the WSA.

There were no further comments from members of the committee and the public.

Director Pierce made a motion, seconded by Director Ragsdale, that the Board Policy Committee recommend Board adoption of Resolution #2024-03, extending the term of the 2021 Amended and Restated Tier 2 Plan through December 31, 2025.

The motion passed unanimously by roll call vote.

- B. Annual Review and Consideration of BAWSCA's Investment Policy: BAWSCA Finance Manager, Christina Tang, reported that the Board reviews the Statement of the Investment Policy every year as required by BAWSCA's Investment Policy. The policy applies to all the investment activities under the direction of the agency. The primary objectives, in the order of priority, are safety, liquidity, and yield.

The previous review of the policy was done in May 2023, at which time modifications were made to 1) include a requirement that bank deposits, in excess of the FDIC limit, be collateralized with securities in accordance with State law, and 2) eliminate the maximum deposit limit of \$250,000.

BAWSCA's legal counsel has confirmed that the Statement of the Investment Policy is consistent with current State law.

Ms. Tang noted that unlike other agencies whose investment policy only governs its operating funds, BAWSCA's investment policy includes agency funds and the bond funds.

BAWSCA's investment policy indicates the permitted investments for the bond proceeds held by the Trustee, Bank of New York. Permitted investments for bond proceeds include Federal Securities, US Agency Securities, money market mutual funds, and CD's. Permitted investments for agency funds include state or national banks or state or federal savings associations with offices in California and the Local Agency Investment Fund.

Based on review of BAWSCA's current circumstances, BAWSCA believes that the permitted investments are consistent with BAWSCA's risk tolerance and primary objectives. No changes to the Investment Policy for both the agency funds and bond funds are recommended at this time.

Ms. Tang explained that in the bond proceeds, there is a subset of funds labeled as Stabilization Funds. The Stabilization Funds are a reserve intended to cover the debt service payments in the event of shortfalls in the bond surcharge collection.

A review of the investment strategy for BAWSCA's Stabilization Funds was also performed as part of the annual Investment Policy review.

Ms. Tang reported that despite the Federal Reserve's reduction of interest rates from their highest level in over 20 years, rates in the 0-5 year ranges remain elevated since 2022. BAWSCA's investment strategy for the Stabilization Funds is performing well, and continues to provide important yield curve diversification against both market price and reinvestment rate risks.

As of October 8th, the total bond funds held by the Trustee is \$17,132,713. It is comprised of \$5.0 million in bond surcharges collected from the member agencies to pay for the bi-annual debt service payments. Those funds are kept in a money market fund. There are also \$12.1 million in Stabilization Funds that are invested in US Treasury Securities.

Ms. Tang presented a chart that represents BAWSCA's portfolio maturity distribution as of October 8th. The Stabilization Funds are invested in US Treasury Securities maturing in 6-months intervals to coincide with BAWSCA's debt service payment date throughout the next 5-years. In light of the recent market development, BAWSCA and its investment advisors believe that the current strategy remains appropriate. Longer-maturity strategies have historical benefits of providing greater investment returns over time while protecting the agency against reinvestment rate risks.

Based on BAWSCA's evaluation, the current 0-5 year ladder maturity investment strategy remains appropriate.

Ms. Tang welcomed comments and questions from members of the committee.

Director Ragsdale appreciated that the report included a detailed history of what the Board did over the years. It was helpful information for a new member of the Board.

There were no further comments and questions from members of the Committee or of the public.

Director Chambers made a motion, seconded by Director Vella, that the Board Policy Committee recommend Board re-affirmation of the current Statement of Investment Policy.

The motion passed unanimously by roll call vote.

- C. Creation of Transition Manager Position, Adopting Revised Publicly Available Pay Scale, and Appointing Nicole Sandkulla to the Transition Manager Position: Legal Counsel, Allison Schutte reported that the next three items; #5C, #5D, and #5E, are personnel matters associated with new positions and ensuring that BAWSCA's publicly available pay schedules

meet the standards that the California Public Employees Retirement System (CalPers) requires.

Ms. Schutte noted that item #5C, and the subsequent items, are statutorily driven and therefore have language and procedures that are specific to ensure agency compliance with Government Code.

The creation of a new Transition Manager position was conceptualized by the Ad Hoc Recruitment Committee during their process of hiring a new CEO/General Manager and identifying the timing of when the new hire should start and how long Ms. Sandkulla can stay on to ensure a smooth transition for the agency. Following review of Mr. Smegal's and Ms. Sandkulla's availabilities over the next few months, the idea was solidified as a full-time Transition Manager position for a 1-month period of December 2024. During that time, Ms. Sandkulla will remain a full-time employee of BAWSCA and will receive the same benefits and compensation for a period of one-month to allow her to work with Mr. Smegal on the December BPC meeting and the budget review process that occurs in the winter.

Director Hardy asked if this was the same process used when Ms. Sandkulla transitioned into the CEO/General Manager position in 2013.

Ms. Schutte explained that because Ms. Sandkulla was an existing employee of BAWSCA, she transitioned with Mr. Jensen in real-time until Mr. Jensen's last day as the CEO/General Manager. Public agencies are not allowed to have two individuals in the same position. Mr. Jensen did, however, serve as Special Counsel to Ms. Sandkulla, which is a similar process to what will be presented to the Committee in the next agenda item.

Directors Shneider, Chambers, Duncan, and Vella expressed their support for the recommendation.

Director Vella noted that other agencies have done the same process to ensure a seamless transition of a key position.

There were no further comments from members of the Committee or members of the public.

Director Schneider made a motion, seconded by Director Vella, that the Board Policy Committee recommend the Board:

- A. Approve creation of the Transition Manager position;**
- B. Approve adding the Transition Manager position to BAWSCA's publicly available pay scale for FY 2024-25; and**
- C. Appoint Ms. Sandkulla to the Transition Manager position effective December 1, 2024.**

The motion passed unanimously by roll call vote.

- D. Resolution Approving the Temporary Appointment of Nicole Sandkulla as Special Counsel to the CEO/GM and Adoption of the Pay Schedule for the Special Counsel Position:**

Ms. Schutte reported that this item was also considered by the Ad Hoc Committee and is a similar process undertaken by the Board in 2013 to support the transition of Ms. Sandkulla as BAWSCA CEO/General Manager.

Ms. Sandkulla will retire effective December 31, 2024, and because Mr. Smegal is not in-house prior to December 1st, her services and executive strategic advice on projects that are ongoing will continue to be essential. The Ad Hoc Committee wanted to create a position that would be available on an as-needed basis that enables Mr. Smegal to call on Ms. Sandkulla's counsel, as Ms. Sandkulla did with Mr. Jensen.

Because she will be a retired annuitant, there are extremely detailed conditions set by CalPers to allow the temporary employment of a PERS-covered retiree. Those conditions include:

- No more than 960 hours per fiscal year;
- Salary consistent with the adopted salary range for the most closely related position;
- No other benefit, incentive, or compensation in-lieu of in addition to the hourly rate; and
- If hired within 180 days following retirement, she fills a critically needed position.

In general, retired annuitants are required to have a 6-month break before coming back to an agency to fill a position, unless the Board clearly declares that Ms. Sandkulla's services are needed immediately after her retirement.

Ms. Schutte stated that the requested Committee action is to recommend Board adoption of a resolution that reflects the specified conditions and findings as required by CalPERS.

To clarify the duration, Ms. Schutte stated that the resolution includes a 24-month timeframe, as was done for Mr. Jensen, which was further extended beyond 24-months due to ongoing negotiations with San Francisco at that time.

The need for Ms. Sandkulla to provide further consultation beyond the specified timeframe is unknown, but the Committee recommendation for Board action is for a 24-month period.

There were no further comments or questions from members of the Committee or the public.

Director Chambers made a motion, seconded by Director Pierce, that the Board Policy Committee recommend the Board to:

- 1. Adopt Resolution #2024-04 approving the temporary appointment of Nicole Sandkulla to the position of Special Counsel to the CEO/GM,**
- 2. Adopting the pay scale for the Special Counsel position, and**
- 3. Making associated findings in support of such an appointment.**

The motion passed unanimously by roll call vote.

- E. Adoption of BAWSCA Retroactive Pay Schedules for FY 2020-21 to 2023-24 and Pay Schedule for FY 2024-25: Ms. Schutte reported that BAWSCA has had a pay schedule posted on the website for several years, and in the process of Ms. Sandkulla's work on her retirement, it was discovered that CalPERS wanted a separate format for the schedule on BAWSCA's website.

This item is to meet the specific requirements by CalPERS, and the Committee action is to recommend Board approval of existing pay schedules from previous years; FY 2020-21 through FY 2023-24, and the updated pay schedule for FY 2024-25 that includes the new positions previously discussed.

Since the last retirement from BAWSCA was 11 years ago, BAWSCA does not often interact with CalPERS on these matters. The basis for the recommended action is CalPERS' strict requirements which should be followed exactly.

The pay schedules completely line up with the approved operating budget for each fiscal year and the top step salaries that were discussed and approved by the Board. Moving forward, the pay schedule will be a part of the budget process and will be updated twice during the year to coincide with 1) the workplan and budget development that includes employee pay schedules on a fiscal year basis: July 1st through June 30th; and 2) the CEO performance evaluation in September which will include an update to the pay schedule for the CEO.

Director Ragsdale suggested that the staff report to the Board in November should clearly state, perhaps several times and several different ways, that this is not a retroactive pay, and that the pay schedules reflect what has been approved.

There were no further comments or questions from members of the Committee or the public.

Director Schneider made a motion, seconded by Director Chambers, that the Committee recommend Board adoption of BAWSCA Retroactive Pay Schedules for FY 2020-21, FY 2021-22, FY 2022-23, FY 2023-24, and Pay Schedule for FY 2024-25.

The motion passed unanimously by roll call vote.

- F. Adoption of Ordinance #2024-01 to Increase Board Member Compensation: Ms. Schutte reported that over the past year and a half, the Board has evaluated whether, or not, to increase Board member compensation. At the September 19th Board meeting, the Board directed Legal Counsel to prepare a revised ordinance to increase Board member compensation up to \$200.

Ms. Schutte noted that the staff report provided to the BPC includes the Notice of Public Hearing and Summary of Ordinance which will be published in accordance with the Government Code, which requires transparency around Board member compensation.

Discussions at the September Board meeting indicated a majority of the Board wanted to bring back an action item to the Board to increase the Board compensation per day of

service to \$200, which is the maximum allowable increase using a simple percentage increase calculation. The maximum days of service per month, which is four (4), will remain unchanged. Additionally, the Board wanted a review of Board member compensation every five (5) years included in the Ordinance.

Ordinance #2004-01, Providing for Compensation of Members of the Board of Directors, and the revised proposed Ordinance, both specify that days of service include: meetings of the Board; Committee meetings of the Board; and types of activities, enumerated in an adopted resolution, that constitute service rendered “at the request of the board.”

The Policy on Reimbursement of Directors’ Expenses, Resolution #2006-02 (“Reimbursement Policy”). enumerates many authorized official duties: including, for example, Board and Committee meetings; meetings of multi-agency organizations to which the director has been appointed as BAWSCA’s representative; and attendance by the Chair or Vice Chair to meetings held by the San Francisco Public Utilities Commission or state agencies, such as Department of Water Resources, among others, that require representation by Board leadership. See the [Reimbursement Policy](#) for a complete list.

Ms. Schutte explained that there will need to be a public hearing at the November 21st Board meeting in order for the Board to adopt the revised Ordinance. The public hearing will need to be noticed in a newspaper of general circulation, two times prior to the date of the public hearing. Ms. Schutte also recommends publishing a summary of the new Ordinance in a newspaper after its adoption as the Water Code requires an effective date 60 days from adoption.

If the Board adopts the compensation increase at its November 21st meeting, the earliest effective date for the increase is January 20, 2025.

The Committee action is to direct staff to effectuate a Notice of Public Hearing so that the Board can hold a public hearing at the November 21, 2024 Board meeting to adopt Ordinance #2024-01, increasing Board member compensation to \$200/day for attending meetings and each day of service in accordance with the agency’s Reimbursement Policy; and require review of Board member compensation on a five (5) year interval.

Ms. Sandkulla noted that the language of the recommended action provided in the staff memo was revised to what is shown on the slide because as she and Legal Counsel reflected on the item, they agreed that further clarification was needed.

Committee comments and questions were taken following Ms. Schutte’s report.

Chair Hardy asked the reason behind using the word compensation instead of stipend, and asked if the compensation includes Ad Hoc Committees or Conferences a Board member is requested to attend.

Ms. Schutte explained that stipend and compensation are used interchangeably in this case; and, generally, the Ordinance specifies attendance at Board meetings, Committee meetings, and service otherwise rendered as a Director at the request of the Board. However, the original Ordinance adopted in 2004, and the revised Ordinance, refer to compensation for the day of service regardless of the number of meetings attended in one day. For example, if there were three meetings a Board member attended for BAWSCA in one day, the compensation will be \$200, not \$600.

To illustrate, the Board Chair typically represents BAWSCA at the ACWA conference. If the Chair is unable to attend, the Chair could request a fellow Board member to attend, in which case, the Board member can receive the \$200 compensation for each day of the conference.

Furthermore, in addition to what is already specified in the Ordinance and Reimbursement Policy, the Chair exercises leadership to determine what requested services will constitute compensable services. Ms. Schutte explained that per the adopted Rules of the Board, the Chair leads the Board for effective management of Board activities given that the Board meets every other month.

Director Schneider commented that she is pleased with what is included in the Ordinance. She noted that a suggestion was made at the September Board meeting for COLA to be included. She supported the notion at the time, but now realizes that it can be quite complicated given how inflation can be unpredictable.

In response to Director Ragsdale's suggestion to clarify the definition of "meetings", Ms. Schutte stated that "meeting", in general, refers to a legally noticed government meeting in accordance with the Brown Act. However, additional non-Brown Act meetings and services may constitute compensable activities. For example, Ad Hoc committee meetings are not Brown Act meetings, but, as meetings that took place at the request of the Chair, it is a "day of service" pursuant to the Ordinance.

Director Ragsdale noted the New Board member briefing meetings are not at the direction of the Chair, and therefore can be misinterpreted as a day of service meeting.

In response, Ms. Schutte suggested recirculating the existing Reimbursement Policy to the Board to remind members of existing authorized activities. Board member compensation and reimbursement of expenses are governed by both the Ordinance for Compensation and the Reimbursement Policy. For example, the proposed Ordinance for Compensation provides that a Board member may receive \$200 for each day of service. Board meetings constitute days of service to the Board and are compensable; furthermore, if Board members incur actual, necessary and reasonable expenses in attending authorized activities, such as Board meetings, they can seek reimbursement under the Reimbursement Policy. She will look into including the Reimbursement Policy as an attachment to the Ordinance item for reference by members of the Board. She noted that although the Reimbursement Policy is long standing, Board members have not generally utilized the Reimbursement Policy as part of the compensation that is available to them.

Additionally, Director Ragsdale inquired if the Board would want to specify a scheduled time for reviewing Board compensation every five (5) years for the sake of regularity. For example, in the first quarter, or in the month of January.

Ms. Sandkulla suggested including it as an item in the Policy Calendar with the flexibility of shifting it within the schedule of the fiscal year, given the mechanics required for the review process.

Director Chambers thanked staff and Legal Counsel for their work in putting together the recommended action, which is exactly what the Board wanted to have done based on discussions at the September Board meeting. He noted that while he believes the Committee should approve the recommended action, the Committee's recommendation is not reflective of how the Board may vote for the item at the November Board meeting. He urged the Board to give serious consideration of how public money should be spent to provide the maximum benefit to the public.

Director Schneider expressed her support for Director Ragsdale's comments about being specific to what types of meetings are compensable to set clear expectations.

Ms. Schutte stated that the proposed Ordinance is written in accordance with the provisions of the Government Code about days of service and meetings at the request of the board. She noted that agencies have different practices in compensating their boards, and that if the Ordinance and Reimbursement Policy do not provide sufficient detail, she will further evaluate and discuss with the Chair the specifics of what activities and meetings should qualify.

Director Vella inquired that aside from the established meetings of the Board and BPC, should other meetings require pre-approval?

Ms. Schutte stated that the Reimbursement Policy is very clear on what costs are reimbursable, and will help identify compensation available to the Board as part of the Board memo on this item.

There being no further comments or questions, Director Hardy clarified that the Committee's action is to issue a Notice of Public Hearing to be held at the November 21st meeting, so that the Board can publicly discuss Board compensation at the meeting in accordance with the law. She opened the floor for a motion.

Director Schneider made a motion, seconded by Director Pierce, that the Board Policy Committee recommend that the Board hold a noticed public hearing in order to adopt Ordinance #2024-01 at the next available meeting, increasing the meeting stipend compensation to \$200/day for attending meetings and each day of service by request of the Board; and require review of Board member compensation on a five (5) year interval.

The motion passed unanimously by roll call vote.

6. CEO Reports:

- A. Bay-Delta Plan and FERC Update: Ms. Sandkulla reported that there are no substantial developments from what was reported to the Board in September about the Bay Delta Plan and FERC process. She noted that the State Board continues to do the necessary work to meet the current timelines for Phase 1 and Phase 2.
- B. Los Vaqueros Expansion (LVE) Project: Ms. Sandkulla reported that the Los Vaqueros Expansion Project is a regional effort that BAWSCA has been engaged in for a long time with Contra Costa Water District (CCWD), the SFPUC, and other agencies. It is a regional project to improve the Bay Area water supply reliability, water quality and provide ecosystem benefits.

The project has been heavily supported by the State and Federal governments with funds to support the ecosystem benefits gained by increasing the reservoir capacity from 160,000 to 275,000 acre feet.

Los Vaqueros is a reservoir that is currently owned, operated, and provides water supply to CCWD. The expansion project was envisioned to also include a new regional facility called the Transfer-Bethany pipeline and improved pump stations. CCWD, as the owner of the project, is a central figure in the LVE project.

LVE is a regional project with diverse beneficiaries including Alameda County Water District (ACWD), East Bay Municipal Utility District (EBMUD), Grassland Water District, Santa Clara Valley Water District, SFPUC, San Luis and Delta-Mendota Water Authority, and Zone 7

Water Agency. They are all partners in the Joint Powers Authority (JPA). BAWSCA is not a partner to the JPA, but had been involved in the discussions because it would receive benefits through its wholesale relationship with the SFPUC.

On September 18th, CCWD directed its General Manager to develop an approach to end CCWD's participation in the project. The Board's request was based on its conclusion that the project was no longer viable. This was a significant and unexpected announcement.

Ms. Sandkulla stated that the announcement was devastating to the other JPA partners. The JPA issued a statement that conveyed its sincere and continued interest in LVE. It referenced on-going efforts by the partner agencies to develop and finalize key agreements critical to informing agencies' respective business cases as well as address CCWD's concerns.

CCWD's General Manager will be developing an approach to end CCWD's participation. It will include how to archive the work performed on behalf of CCWD and the JPA partners, and engagement with the State to determine if expended funds will need to be returned. BAWSCA will keep the Board updated.

Ms. Sandkulla stated that the current developments of LVE is very telling of the experiences with regional projects and what causes them to work and not work. It was known from the very beginning that the issue with LVE Project was not the technical capability or environmental acceptability, it was the institutional arrangements to provide significant protections to all parties. This development is incredibly unfortunate.

Director Hardy asked what will happen to the State and Federal funds expended, how much has the SFPUC put out, and whether that was charged to the wholesale customer rates. Additionally, it was a shovel-ready project that had been CEQA approved. Would the CEQA approvals stand if the project is resurrected?

In response, Ms. Sandkulla confirmed that the project was shovel-ready with the majority of its designs approved by CEQA. The CEQA approval will continue to be valid provided that the project continues to live within the structure of the CEQA approval.

There has been \$31.5 million spent by all the parties together. BAWSCA was a participant for a few years prior to the formation of the JPA, and spent roughly \$300,000 in the very early years of the project until the Board made a decision not to join the JPA. The SFPUC's cost has been \$4.4 million, of which, 2/3rds is paid by the wholesale customers.

Ms. Sandkulla stated that it can be easy to say that these funds have been wasted, but emphasized that the investment was made to push for the development of a regional project to meet anticipated water supply needs. It is known that not all projects will make it through the long planning process required for water supply projects, and unfortunately, LVE is one of those projects. However, she is interested in what can be salvaged from it to leverage the next project, and what information can be gained as well as what lessons are learned to inform future projects.

She noted her involvement with the Los Vaqueros Reservoir has been through her entire career, starting when she was at EBMUD and Los Vaqueros did not exist. She witnessed the first expansion of the reservoir by CCWD when no other agencies wanted to participate in the project. What comes out of this experience is yet to be discovered.

Director Vella asked Ms. Sandkulla's opinion on the likelihood of the project being revived.

Ms. Sandkulla described that when the first expansion was planned, CCWD very quickly pivoted to doing the project on their own after EBMUD expressed no interest in being a partner. There was a period of no discussion about partnership until the next expansion was planned, in which almost immediately, the State came forward with support. And like most dam projects in California, there is a broad range of potential dam sizes, which can make future projects attractive. It is unknown what the future holds for this project. Ms. Sandkulla did state that the actions of the CCWD Board appear very definitive.

7. **Closed Session:** Committee Chair Hardy reported that there is no need for Closed Session as there are no further updates for the Committee on the Bay Delta Plan and FERC process.

There were no comments from members of the Committee or from the public.

8. **Report from Closed Session:** No reportable report.

9. **Comments by Committee Members:** Director Schneider asked about BAWSCA's current conservation programs that the City of Millbrae should follow up on, and whether BAWSCA know of industry professionals who can help member agencies' residents and businesses with keeping stormwater onsite.

Ms. Sandkulla stated that waterwise landscapes are within the realm of BAWSCA's Landscape Education Program and can look into providing instructors with design experience in that area. She added that the County Stormwater group through C/CAG may serve as another resource.

For conservation programs, member agencies can contact Kyle Ramey for assistance.

There were no further comments from members of the Committee or members of the public.

10. **Adjournment:** The meeting was adjourned at 2:51pm. The next meeting is December 11th in the regularly scheduled location of Burlingame Community Center, Sequoia Room.

Bay Area Water Supply and Conservation Agency

Board Policy Committee Meeting Attendance Roster

Agency	Director	Oct. 9, 2024	Aug. 14, 2024	Jun. 12, 2024	Apr. 10, 2024	Feb. 14, 2024	Dec. 13, 2023
Santa Clara	Hardy, Karen (C)	✓	MEETING CANCELLED	✓	✓	✓	✓
Hillsborough	Ragsdale, Leslie (VC)	✓		✓	✓	✓	n/a
Westborough	Chambers, Tom	✓		✓	✓	✓	✓
Menlo Park	Doerr, Maria				✓	✓	✓
CalWater	Duncan, Darin	✓		✓	✓	✓	n/a
Redwood City	Pierce, Barbara	☎		✓	☎	✓	☎
Millbrae	Schneider, Ann	✓		✓	✓	✓	✓
MPWD	Vella, Lou	✓		☎	✓	☎	✓
Stanford	Zigterman, Tom			✓	✓	✓	✓

✓: present

☎ : Teleconference

October 9, 2024 Meeting Attendance (*In-Person*)

BAWSCA Staff:

Nicole Sandkulla
Tom Francis
Christina Tang
Danielle McPherson
Negin Ashoori
Lourdes Enriquez
Deborah Grimes

CEO/General Manager
Water Resources Manager
Finance Manager
Sr. Water Resources Specialist
Sr. Water Resources Engineer
Asst. to the CEO/General Manager
Office Manager

Allison Schutte

Legal Counsel, Hanson Bridgett

Public Attendees:

Thomas Smegal

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**BAY AREA WATER SUPPLY AND CONSERVATION AGENCY
BOARD OF DIRECTORS MEETING****September 19, 2024 – 6:30 p.m.****MINUTES****1. Call to Order/Pledge of Allegiance/Roll Call – 6:34 pm.**

BAWSCA Chair, Tom Chambers, called the meeting to order. CEO/General Manager Nicole Sandkulla called the roll. Eighteen (18) members of the Board were present at roll call. Four members of the Board arrived after roll call. A list of Directors present (22) and absent (4) is attached.

2. Comments by the Chair:

Chair Chambers highlighted 3 key items that the Board needs to address.

The first is a key responsibility outlined in BAWSCA's enabling legislation, which is the appointment of a General Manager. Chair Chambers thanked the Ad Hoc committee, Barbara Pierce Leslie Ragsdale, Randy Breault, and Louis Vella, for their time spent on the executive recruitment over the past several months. Nicole Sandkulla and Allison Schutte also played major roles in the search for a new CEO who will provide a seamless transition that maintains BAWSCA's operational excellence and the delivery of results to the water customers BAWSCA represents.

Second, in accordance with her contract, the Board needs to complete the annual review of the current CEO. Chair Chambers expressed his appreciation for the 17 directors who provided input on the CEO/GM evaluation, which will be discussed in the second closed session of the meeting.

Finally, the Board has an action item to resolve the issue of director compensation. Chair Chambers proposed using a special debate rule that will allow and encourage everyone to participate, but avoid spending all night discussing the issue.

3. SFPUC Report: Steve Ritchie, SFPUC AGM for Water, provided a report on the "Tuolumne River Mainstem Channel Restoration" project that is upstream of Old La Grange Bridge. [Click here](#) to see video of the work taking place in the Tuolumne River channel:

Katie Miller, SFPUC Director of Water Capital Programs, provided an update report on the WSIP.

Public comments were received from Dave Warner.

4. Consent Calendar: There were no comments or questions from members of the Board or from members of the public.

Director Schneider made a motion, seconded by Director Hardy, that the Board approve the Minutes of the July 18, 2024 meeting, Receive and File Pre-Audit Budget Status Report, Investment Report, Directors' Reimbursement Report, and Employee Reimbursement Report as of June 30, 2024, and the Bond Surcharge Collection, Account Balance and Payment Report for Fiscal Year Ending June 30, 2024.

The motion passed unanimously. See attached voting log.

5. Public Comments on Items Not on the Agenda:

Public comments were received from Dave Warner.

6. Closed Session #1, Government Code Session 54957, Public Employee Appointment: The Board adjourned to Closed Session at 7:02pm.

7. Report for Closed Session #1: Legal Counsel, Allison Schutte, reported that the Board consulted with the Ad Hoc CEO Recruitment Committee in closed session, which concluded at 7:30pm. The Board considered the recommended candidate and is ready to appoint the new CEO/General Manager by resolution of appointment. Copies of the resolution are available on the table at the back of the meeting room and on the table outside the meeting

8. Break for Labor Negotiations: Labor negotiations was not necessary.

9. Reconvene Following Labor Negotiations: This item did not occur.

10. Action Item Following Closed Session #1:

Chair Chambers announced that the Board concurs with the Ad Hoc Committee's recommendation to select Tom Smegal as BAWSCA's new CEO/General Manager effective December 1, 2024.

Legal Counsel summarized the terms of the new CEO/General Manager agreement. Mr. Smegal's base salary is \$306,550. He will be paid the maximum tax-deferred 401 (a) plan contribution, which for FY2024-25 is \$26,455. In addition, an annual car allowance of \$7,800, which has remained since before 2012. The total compensation is \$340,805. The contract also includes a 3% annual raise and a salary survey in years 2, 3 or 4.

Director Breault made a motion, seconded by Director Jordan, that the Board adopt Resolution 2024-02 to appoint Thomas Smegal as the new CEO/General of BAWSCA and Authorize the Board Chair to Execute an Employment Agreement with Mr. Smegal.

There were no comments from members of the Board or the public on the motion.

The motion passed unanimously by roll call vote. See attached voting log.

Mr. Smegal addressed the Board with a statement expressing his appreciation to the Board for his selection as the new CEO/General Manager, and to the Ad Hoc CEO Recruitment Committee for its recommendation. He recognized the leadership Nicole demonstrated that delivered results over the past eleven years as BAWSCA's, CEO/General Manager, and expressed his dedication to work with the Board and the agencies in successfully achieving BAWSCA's goal of a reliable supply of high-quality water at a fair price.

11. Closed Session #2, Public Employee Performance Evaluation: The Board adjourned to Closed Session #2 at 7:56pm.

There were no comments from members of the board and of the public prior to Closed Session #2

- 12. Report from Closed Session #2:** Legal Counsel, Allison Schutte, reported that Closed Session #2 concluded at 8:15pm, in which the Board evaluated the CEO/General Manager's performance for the past year and determined that her overall performance is outstanding.
- 13. Break for conference with Labor Negotiator #2:** Chair Chambers announced that there is no need for Labor Negotiations.
- 14. Reconvene from Labor Negotiations:** This item did not occur.
- 15. Action Items Following Closed Session #2:** Chair Chambers summarized that the Board will act on providing a 3.2% increase on the CEO/General Manager compensation for a total base salary of \$344,166, and the continuance of a \$7,800 car allowance which remains unchanged.

Director Stevenson made a motion, seconded by Director Andrews, that the Board approve the contract amendment to the CEO/General Manager's Employment Agreement, effective September 30, 2024, and that the Board approve the revised BAWSCA Publicly Available Pay Schedule to reflect the updated CEO/General Manager's salary range.

Chair Chambers read comments received from Director Doerr, who could not attend the meeting. There were no further comments from members of the Board or the public.

The motion carried unanimously by declaration.

- 16. Closed Session #3:** This item was removed from the agenda.
- 17. Report from Closed Session #3:** This item was not necessary.

18. Action Item:

- A. Board Compensation Increase and Reimbursement Policy on Board member Expenses: Legal Counsel, Allison Schutte presented the item to the board. Discussions ensued following comments from members of the Board that were present, each stating their preference from the four options presented.

Director Stevenson suggested that, instead of having a specified interval of a certain number of years, have the compensation increase be tied to COLA up to the maximum amount of the ordinance, and re-adjudicated once it hits the maximum.

Director Mehlinger made a motion for Option #2, that Board Compensation increase of \$200 per day of service would go in effect in FY 2024-25 with a notice of public hearing for a Board meeting in Spring 2025 and inclusion of the necessary funding in the proposed FY 2025-26 Operating Budget; and Option #3, to require review of Board member compensation on a specified year interval of every 5 years.

The motion was seconded by Director Hardy.

Director Weed made a substitute motion for Option #1, increasing the stipend up to \$200/meeting at the earliest effective day of November 18, 2024, issuing a notice of public hearing for the next available Board meeting and requiring a transfer from the General Reserve to increase the FY 2024-25 Operating Budget, and Option #3, to require review of board member compensation on a specified year interval of every 5 years.

The motion was seconded by Director Hindi.

Director Ragsdale asked a point of clarification, that applies to both motions, regarding the application of COLA to the Board compensation.

The COLA application would be discussed in 5 years.

By roll call vote, the substitute motion superseded the original motion.

Further discussion ensued, but the substitute motion remained at increasing Board compensation at \$200/meeting as soon as practicable with a 5 year interval for review. Additional factors, including COLA, can be discussed when the ordinance is up for review in 5 years.

There were no public comments.

The substitute motion passed by roll call vote. 18 ayes, 2 abstentions, 2 nays. See attached voting log.

Legal Counsel noted that a vote is required to extend the meeting before continuing to the next agenda item as the meeting has exceeded the time allotted (2 hours and a quarter) in accordance with the Rules of the Board.

Director Vella made a motion, seconded by Director Mehlinger, to extend the meeting until 10pm.

The motion carried unanimously by declaration.

19. CEO Reports:

- A. Tier 2 Drought Allocation Plan Update: Ms. Sandkulla reported that negotiations are complete on a new Tier 2 Plan, pending resolution of a potential Minimum Purchase Quantity (MPQ) amendment. BAWSCA and MPQ agencies continue to meet on a one-on-one basis with agencies to review the proposal and answer questions.

BAWSCA plans to prepare a single adoption package for consideration and action by each BAWSCA agency's governing body. The legal team is working on developing the adoption package while negotiations on the MPQ are ongoing.

It is anticipated that MPQ negotiations will not be complete prior to existing Tier 2 Plan expiration on December 31, 2024; therefore, extension of the existing Tier 2

Plan will be agendized for consideration at the October BPC and November Board meetings.

- B. FERC/Bay Delta Plan Update: Ms. Sandkulla provided updates on the Department of Water Resources, US Bureau of Reclamation and participating water agencies' responses to questions raised at the State Board's April 2024 workshops. Ms. Sandkulla provided the current known timelines for Phase 1 and Phase 2.

Director Weed requested that the Board Policy Committee be updated on the status of the Los Vaqueros Expansion project.

20. Additional Time for Public Comments (Time Permitting):

There were no comments made from members of the public.

21. Directors' Discussion: Comments, Questions and Agenda Requests:

There were no comments from members of the Board.

22. Date, Time and Location of Next Meeting: The next meeting is scheduled on November 21, 2024 at 6:30pm in the Burlingame Community Center.

23. Adjournment: The meeting adjourned at 9:25pm.

Respectfully submitted,

Nicole Sandkulla
CEO/General Manager

NS/le

Attachments: 1) Roll Call & Voting Log
2) Attendance Roster

Roll Call & Voting Log - BAWSCA

Meeting Date: Sept. 19, 2024

Agency	Director	Item #18A Board Compensation							Weighted Voting ⁽²⁾	
		Present/ Absent	Item #4 Consent @ 6:58pm	Item #10 Resolution #2024-02 Roll Call @ 7:40pm	Item #15 Action CEO Evaluation @ 8:20pm	Acceptance of Substitute Motion Roll Call @ 9:15pm	Substitute Motion Roll Call @ 9:19pm	Extend the Meeting to 10pm Roll Call @ 9:20	Weighted "Yes" Votes	Weighted "No" Votes
Hayward	Andrews, Angela	y	y	y	y	y	y	y		
Brisbane	Breault, Randy	y	y	y	y	y	a	y		
Guadalupe	Breault, Randy	y	y	y	y	y	a	y		
Westborough	Chambers, Tom	y	y	y	y	n	n	y		
San Jose	Cohen, David	0	0	0	0	0	0	0		
Menlo Park	Doerr, Maria	0	0	0	0	0	0	0		
CalWater	Duncan, Darin	y	y	y	y	n	y	y		
San Bruno	Hamilton, Tom	0	0	0	0	0	0	0		
Santa Clara	Hardy, Karen	y	y	y	y	n	n	y		
Foster City	Hindi, Sam	y	y	y	y	y	y	y		
Purissima	Jordan, Steve	y	y	y	y	y	y	y		
East Palo Alto	Lopez, Antonio	y	y	y	y	y	y	y		
Daly City	Manalo, Juslyn	y	0	0	y	y	y	y		
Mountain View	Matchak, Lisa	y	y	y	y	n	n	y		
Sunnyvale	Mehlinger, Richard	y	y	y	y	n	y	y		
Coastside	Mickelsen, Chris	y	y	y	y	y	y	y		
Milpitas	Montano, Carmen	y	y	y	y	y	y	y		
North Coast	Piccolotti, Tom	y	y	y	y	y	y	y		
Redwood City	Pierce, Barbara	y	y	y	y	n	n	y		
Hillsborough	Ragsdale, Leslie	y	y	y	y	y	y	y		
Millbrae	Schneider, Ann	y	y	y	y	y	y	y		
Burlingame	Stevenson, Peter	y	y	y	y	y	y	y		
Palo Alto	Stone, Greer	0	0	0	0	0	0	0		
Mid-Peninsula	Vella, Louis	y	y	y	y	y	y	y		
ACWD	Weed, John	y	y	y	y	y	y	y		
Stanford	Zigterman, Tom	y	y	y	y	n	n	y		

Vote Tally

								Weighted Vote Summary	
								"Yes"	"No"
Yes (y)	22	21	21	22	15	15	22		
No (n)	0	0	0	0	7	5	0		
Absent (0)	4	5	5	4	4	4	4		
Abstain (a)	0	0	0	0	0	2	0		
Item Carries by Simple Vote?									
Item Carries by Weighted Vote?									

(1) Under simple voting, item carries if it receives an affirmative vote of a majority of the total membership (15 votes)

(2) Under weighted voting, item carries if it receives the affirmative vote of directors representing both

a) A majority of the members present and voting, and

b) a majority of the number of votes represented by directors present

Bay Area Water Supply and Conservation Agency

Board of Directors Meeting Attendance Roster

Director	Agency	Sept. 19, 2024	July 18, 2024	May 16, 2024	Mar. 21, 2024	Jan. 18, 2024	Nov. 16, 2023
Andrews, Angela	Hayward	✓	✓	✓	✓	✓	✓
Breault, Randy	Guadalupe	✓	✓	✓	✓	✓	✓
Breault, Randy	Brisbane	✓	✓	✓	✓	✓	✓
Chambers, Tom	Westborough	✓	✓	✓	✓	✓	✓
Cohen, David	San Jose					✓	✓
Doerr, Maria	Menlo Park		✓	✓	✓	✓	✓
Duncan, Darin	Cal Water	✓	✓	✓	✓	✓*	✓*
Hamilton, Tom	San Bruno		✓	✓	✓	✓	✓
Hardy, Karen	Santa Clara	✓	✓	✓	✓	✓	✓
Hindi, Sam	Foster City	✓	✓			✓	
Jordan, Steve	Purissima	✓	✓		☎	✓	✓
Lopez, Antonio	East Palo Alto	✓	✓	✓	✓		✓
Manalo, Juslyn	Daly City	✓		☎			
Matichak, Lisa	Mountain View	✓	✓	✓	✓	✓	
Mehlinger, Richard	Sunnyvale	✓		✓		✓*	✓*
Mickelsen, Chris	Coastside	✓	✓	✓	✓		✓
Montano, Carmen	Milpitas	✓	✓	✓			✓
Piccolotti, Tom	North Coast	✓		✓	✓	✓	✓
Pierce, Barbara	Redwood City	✓	✓	✓	✓	✓	✓
Ragsdale, Leslie	Hillsborough	✓	✓	✓	✓	✓	✓
Schneider, Ann	Millbrae	✓	✓	✓	☎	✓	✓
Stone, Greer	Palo Alto			✓	✓		✓
Stevenson, Peter	Burlingame	✓	✓			✓	✓
Vella, Louis	Mid-Peninsula	✓	☎	✓	✓	✓	✓
Weed, John	ACWD	✓	✓	✓	✓	✓	✓
Zigterman, Tom	Stanford	✓	☎	✓	✓		✓

✓ : Present

* : Predecessor

☎ : Teleconference

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Bay Area Water Supply & Conservation Agency

155 Bovet Road, Suite 650
 San Mateo, California 94402
 (650) 349-3000 tel. (650) 349-8395 fax

TO: Nicole Sandkulla, CEO/General Manager

FROM: Deborah Grimes, Office Manager

DATE: November 1, 2024

SUBJECT: Budget Status Report as of September 30, 2024

This memorandum shows fiscal year budget status for FY 2024-25. It includes major areas of spending, provides an assessment of the overall budget, and summarizes reserve fund balances. This report covers the budget and expenses for BAWSCA. The BAWSCA budget includes necessary resources for the RFA and BAWUA.

Operating Budget Summary:

For the three-month period ending September 30, 2024, 25 percent into the fiscal year, total expenditures were \$1,186,458 or 21 percent of the total budget of \$5,614,518.

Table 1. Operating Budget Summary as of September 30, 2024

Cost Category	Year-To-Date		
	Budget	Expenses	Percent
Consultants /Direct Expenditures			
Reliability	2,102,550	283,869	14%
Fair Pricing	337,500	16,002	6%
Administration	140,000	162,364	116%
Subtotal	2,580,050	462,234	19%
Administration and General			
Salary & Benefits	2,448,143	625,963	26%
Other Expenses			
BAWSCA	520,750	98,260	19%
BAWUA	1,050	0	0%
Subtotal	5,549,993	1,186,458	21%
Capital Expenses	5,000	0	0%
Budgeted Contingency	57,500	0	0%
Regional Financing Authority	2,025	0	0%
Grand Total	5,614,518	1,186,458	21%

Overview:

Overall expenditures for FY 2024-25 are tracking within budget.

Consultants

The \$115,000 budget for technical review and tracking of the SFPUC's Water System Improvement Program was 7 percent expended. The Operating Budget allocation of \$880,000 budget for legal counsel was 35 percent expended. The \$255,000 budget for water management and conservation-related activities was 14 percent expended. Over the next two months, the CEO will be closely reviewing consultant expenses, including legal counsel, as part of the mid-year budget review and will present these findings and potential Work Plan and Operating Budget modifications to the Board at its January 2025 meeting.

Administration and Other Expenses

Budgets for salaries and other expenses were 26 percent and 19 percent respectively.

Use of CEO's Discretionary Spending Authority:

No use of CEO discretionary spending authority occurred during this period.

Use of Reserve and Reserve Fund Balance:

Unspent funds at the end of FY 2023-24 were \$237,018. The BAWSCA General Reserve balance as of October 31, 2024, shown below, does not reflect this deposit. Once the audited financial report has been accepted by the Board of Directors, the unspent balance from FY 2023-24 will be transferred to the General Reserve.

In accordance with the adoption of the FY 2024-25 annual budget in May 2024, the Board approved transferring \$340,120 from the General Reserve to fund the FY 2024-25 Operating Budget. The General Reserve balance as of October 31, 2024 reflects this transfer and represents 20% of the adopted FY 2024-25 Operating Budget.

Table 2. General Reserve Fund Balance

Fund	Account Balance (As of 06/30/24)	Account Balance (As of 10/31/24)
General Reserve	\$1,459,390	\$1,119,270

BAY AREA WATER SUPPLY AND CONSERVATION AGENCY

BOARD OF DIRECTORS MEETING

Agenda Title: **Receive and File Annual Audit Report for BAWSCA and
Compilation Report for BAWUA for FY 2023-24**

Summary:

An independent auditor report for BAWSCA and a compilation report for Bay Area Water Users Association (BAWUA) have been completed for the year ending June 30, 2024. An audit of BAWSCA accounts is required by Division 31, Section 81426 of the Water Code. The compilation of BAWUA accounts is prepared in accordance with its bylaws, Article 8, Section 8.2. The reports are enclosed, under separate cover, for your review. A financial audit of the Regional Finance Authority is not required at this time.

Fiscal Impact:

None

Board Policy Committee Action:

None. The reports became available on November 2nd for staff review, allowing their inclusion in the BAWSCA board meeting agenda.

Recommendation:

That the Board receive and file the independent auditor's report for BAWSCA and the compilation report for BAWUA for the year ending June 30, 2024.

Discussion:

BAWSCA's and BAWUA's financial statements have been audited and compiled by the independent auditing firm of Chavan & Associates, LLP. The goal of an independent audit is to provide reasonable assurance that the financial statements are free from material misstatement.

Based on their review of the financial statements, the auditors have concluded that the financial statements are in conformance with generally accepted accounting principles, and fairly present, in all material respects, the financial position of both BAWSCA and BAWUA and the changes in financial position and cash flow for FY 2023-24.

As demonstrated by the statements, schedules and notes included in the auditor's reports, BAWSCA and BAWUA are meeting the requirements for sound financial management.

Enclosed Under Separate Cover:

1. [BAWSCA FY 2023-24 Audit Report](#)
2. [BAWUA FY 2023-24 Compilation Report](#)

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Bay Area Water Supply & Conservation Agency

155 Bovet Road, Suite 650
San Mateo, California 94402
(650) 349-3000 tel. (650) 349-8395 fax

MEMORANDUM

TO: Nicole Sandkulla, CEO/General Manager

FROM: Deborah Grimes, Office Manager

DATE: November 5, 2024

SUBJECT: Directors' Reimbursement Quarterly Report for the Period Ending
September 30, 2024

In March 2006, the board adopted a directors' expense reimbursement policy consistent with the Government Code that requires a quarterly report on the Agency's reimbursement of directors' expenses. This report shall show the amount of expenses reimbursed to each director during the preceding three months.

There were no director expenses reimbursed for the quarter ending September 30, 2024.

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BAWSCA

Bay Area Water Supply & Conservation Agency

155 Bovet Road, Suite 650
 San Mateo, California 94402
 (650) 349-3000 tel. (650) 349-8395 fax

MEMORANDUM

TO: Nicole Sandkulla, CEO/General Manager

FROM: Deborah Grimes, Office Manager

DATE: November 5, 2024

SUBJECT: Employees' Reimbursement Quarterly Report for the Period Ending September 30, 2024

This report is prepared pursuant to Government Code Section 53065.5: *Each special district, as defined by subdivision (a) of Section 56036, shall, at least annually, disclose any reimbursement paid by the district within the immediately preceding fiscal year of at least one hundred dollars (\$100) for each individual charge for services or product received. "Individual charge" includes, but is not limited to, one meal, lodging for one day, transportation, or a registration fee paid to any employee or member of the governing body of the district. The disclosure requirement shall be fulfilled by including the reimbursement information in a document published or printed at least annually by a date determined by that district and shall be made available for public inspection.*

Table 1 presents the reimbursed expenses for BAWSCA employees during the quarter ending September 30, 2024.

Table 1. Employee Reimbursement Expenses

BAWSCA Employee	Expense Amount	Purpose
Christiane Barth	\$308	<ul style="list-style-type: none"> Meeting expenses July 2024
Klye Ramey	\$1,141	<ul style="list-style-type: none"> Water Smart Innovations Conference Registration, September 2024 Travel expenses for Water Smart Innovations Conference, September 2024
Deborah Grimes	\$949	<ul style="list-style-type: none"> QuickBooks annual renewal
Tom Francis	\$1,811	<ul style="list-style-type: none"> Urban Water Institute Conference Registration, August 2024 Travel expenses for Urban Water Institute Conference, August 2024

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Bay Area Water Supply & Conservation Agency

155 Bovet Road, Suite 650
San Mateo, California 94402
(650) 349-3000 tel. (650) 349-8395 fax

MEMORANDUM

TO: Nicole Sandkulla, CEO/General Manager

FROM: Deborah Grimes, Office Manager

DATE: November 6, 2024

SUBJECT: Investment Report – As of October 31, 2024

In February 2004, the Board originally adopted an investment policy consistent with the Government Code that requires a report on the Agency's investments be provided to the Board. This report presents fund management in compliance with the current investment policy. The required annual review of the investment policy by the Board is scheduled for the November 21, 2024 board meeting.

BAWSCA funds not deposited in banks are invested in BAWSCA's Local Agency Investment Fund (LAIF) account throughout the year to ensure compliance with BAWSCA's investment policy.

BAWSCA's prior and current period LAIF account balances are shown below:

<u>06/30/24</u>	<u>10/31/24</u>
\$3,495,585	\$3,571,687

Of the total in the BAWSCA LAIF account as of October 31, 2024, \$1,459,390 represents BAWSCA's General Reserve Fund, equivalent to approximately 26 percent of FY 2024-2025 Operating Budget. The remaining amount consists of unrestricted funds.

Recent historical quarterly interest rates for LAIF deposits are shown below:

<u>06/30/24</u>	<u>09/30/24</u>
4.55%	4.71%

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BAY AREA WATER SUPPLY AND CONSERVATION AGENCY

BOARD OF DIRECTORS MEETING

Agenda Title: **Adoption of Resolution 2024-03 Approving the Extension of the 2021 Amended and Restated Tier 2 Drought Response Implementation Plan**

Summary:

The Tier 1 Plan Shortage Allocation Plan (Tier 1 Plan) is the method for allocating water available from the San Francisco Regional Water System (RWS) between San Francisco retail customers and the Wholesale Customers collectively during shortages of 20 percent or less caused by drought. The Tier 2 Drought Response Implementation Plan (Tier 2 Plan or Plan) allocates the collective Wholesale Customer share among each Wholesale Customer.

The Tier 2 Plan was first adopted by each Wholesale Customer in 2011, pursuant to Section 3.11.C of the July 2009 Water Supply Agreement between the City and County of San Francisco and the Wholesale Customers (WSA). That Tier 2 Plan, which initially expired on December 31, 2018, was extended three times in 2018, 2019, and 2020. In 2021, the Tier 2 Plan was amended to address unintended consequences as a result of changed circumstances over time, and extended in anticipation of starting a comprehensive update of the Plan. Thereafter, that Tier 2 Plan was extended twice in 2022 and 2023, and now expires December 31, 2024.

BAWSCA and its member agencies began negotiating an updated Tier 2 Plan in January 2022. While negotiations have concluded, achieving consensus on the updated Plan requires amending the WSA to update the Tier 1 Plan and address challenges with minimum purchase requirements. The negotiations for a WSA amendment are now complete also. However, it is important to note that the updated Plan will not be unanimously adopted by all member agencies before the current Plan expires.

To allow member agencies more time to adopt the updated Tier 2 Plan through their governing bodies and to maintain a Plan in the event of a drought next year, it is recommended that the Board extend the 2021 Amended and Restated Tier 2 Plan for one calendar year, from January 1, 2025, to December 31, 2025. As outlined in this adopting resolution, the updated Tier 2 Plan will replace the current Plan once it is unanimously approved by all 26 member agencies.

Board Policy Committee Action:

The Committee voted unanimously to recommend the proposed Board action.

Recommendation:

That the Board adopt Resolution 2024-03 extending the term of the 2021 Amended and Restated Tier 2 Plan through December 31, 2025.

Discussion:

The Tier 2 Plan describes the method for allocating the RWS supply made available by the SFPUC among the Wholesale Customers during shortages caused by drought. The Tier 2 Plan was adopted by each Wholesale Customer pursuant to Section 3.11.C of the WSA in the

winter/spring of 2011. The Tier 2 Plan, which initially expired on December 31, 2018, was extended each subsequent year through action by the BAWSCA Board.

Recommendation to Extend the Present Tier 2 Plan for One Year

The WSA provides that the SFPUC will honor allocations of water among the Wholesale Customers provided by BAWSCA, or unanimously agreed to by all Wholesale Customers. Legal Counsel has determined that the Board may rely on the water allocations included in the present Tier 2 Plan and continue to use those for the current drought in accordance with Section 3.11.C.3 of the WSA.

Given that the WSA has a provision that gives the BAWSCA Board the authority to set an allocation method, BAWSCA staff recommends that the Board extend the term of the 2021 Amended and Restated Tier 2 Plan through December 31, 2025.

As outlined in this adopting resolution, the updated Tier 2 Plan will replace the current Plan once it is unanimously approved by all 26 member agencies.

Status of Ongoing Tier 2 Plan and WSA Amendment Negotiations

BAWSCA and its member agencies began negotiating an updated Tier 2 Plan in January 2022. While negotiations have concluded, achieving consensus on the updated Plan requires expanding the adoption package to amend the WSA to update the Tier 1 Plan and address challenges with minimum purchase requirements. The WSA negotiations are now complete as well, however adoption of the new Tier 2 Plan and WSA amendments will take several months to finalize.

Background:

The WSA with San Francisco includes a Tier 1 Plan, which divides the available water supply between San Francisco retail customers and the collective Wholesale Customers during a drought. The WSA also provides that the SFPUC will honor allocation of water among the Wholesale Customers provided by BAWSCA, or unanimously agreed to by the Wholesale Customers. In 2011, the Wholesale Customers adopted the original Tier 2 Plan, which takes that collective Wholesale Customer allocation and further divides it among each Wholesale Customers. The Tier 2 Plan details the methodology used to divide the available supply during a drought.

The Tier 2 Plan applies when the SFPUC determines that a system-wide water shortage of 20 percent or less exists, as set forth in a declaration of water shortage emergency adopted by the SFPUC pursuant to California Water Code Sections 350 *et seq.* The Tier 2 Plan applies only to water acquired and distributed by the SFPUC to the Wholesale Customers and has no effect on water obtained by a Wholesale Customer from any source other than the SFPUC.

The Tier 2 Plan initially established December 31, 2018 as the Plan's expiration date to allow for the consideration of matters such as the inclusion of the cities of San Jose and Santa Clara as permanent customers, and to allow for the development of a new Tier 2 Plan. In May 2018, the Tier 2 Plan was extended by the Board's adoption of Resolution 2018-01 to provide formal drought allocations to the SFPUC through December 31, 2019. Resolutions with similar extensions were adopted by the Board in 2019, and 2020. In 2021, the Board acted to amend the Tier 2 Plan and extend the term through December 31, 2022. The current Tier 2 Plan was extended in November 2022 and expires December 31, 2023.

Existing Tier 2 Plan Methodology

The Tier 2 Plan's methodology consists of a stepwise process that is followed to determine each Wholesale Customer's allocation. More specifically, a seven-step allocation process is followed which takes into account factors such as: volume of water purchased by each agency in most recent non-drought year(s); seasonal demand fluctuations; Individual Supply Guarantee (ISG) allocations; minimum and maximum cutback levels; and the public health and safety needs of East Palo Alto.

The estimation process is iterative, in that if after one "round" of calculations, one or more agencies has a proposed cutback of less than 10 percent of their normal supply or if a proposed cutback for a particular agency is quite severe, adjustments are made to the calculation procedure and a revised estimate is developed.

The above discussion is brief in that it does not go into the complexity and nuances of the estimation process. The estimate takes time to perform and a firm understanding of member agency water use specifics.

BAWSCA's Role in the Tier 2 Plan

The Tier 1 Plan identifies BAWSCA as the party to perform the Tier 2 Plan calculations. The Tier 1 Plan requires SFPUC to allocate water to each Wholesale Customer in accordance with BAWSCA's calculations. By adopting the WSA and the Tier 2 Plan, each Wholesale Customer thereby authorized BAWSCA to perform the allocation calculations. BAWSCA interacts with both the SFPUC and the Wholesale Customers to obtain needed input data.

BAWSCA's role in developing the existing Tier 2 Plan was as follows:

- Assist agencies in agreeing on a formula that could be accepted unanimously;
- Providing the structure for the discussion and analyses to support decision making;
- Encouraging decisions regarding the adoption of a proposed method based on fact, analyses, and practicality; and
- Supporting agencies in the adoption process.

When a new Tier 2 Plan is developed, if the allocation method incorporated into the Plan is not unanimously adopted by the BAWSCA member agencies, the WSA provides that the BAWSCA Board has the authority to set an allocation method. If the BAWSCA Board does not set an allocation method, the SFPUC retains final authority to allocate water among the Wholesale Customers during a drought.

Attachments:

1. Draft Resolution #2024-03 Approving the Extension of the 2021 Amended and Restated Tier 2 Drought Response Implementation Plan

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**RESOLUTION NO. 2024-03
BY THE BOARD OF DIRECTORS OF THE
BAY AREA WATER SUPPLY AND CONSERVATION AGENCY**

**APPROVING THE EXTENSION OF
THE AMENDED AND RESTATED TIER 2 DROUGHT RESPONSE IMPLEMENTATION
PLAN**

WHEREAS, the Bay Area Water Supply and Conservation Agency ("BAWSCA") is organized and established pursuant to the Bay Area Water Supply and Conservation Agency Act, Water Code section 81300, et seq. (the "Act"); and

WHEREAS, the July 2009 Water Supply Agreement between the City and County of San Francisco and the Wholesale Customers in Alameda County, San Mateo County and Santa Clara County (WSA) sets forth the terms for ensuring the Wholesale Customers receive a reliable supply of high-quality water at a fair price; and

WHEREAS, section 3.11(C)(1) of the WSA established the Water Shortage Allocation Plan (Tier 1 Shortage Plan) to allocate water from the Regional Water System between Retail and Wholesale Customers during system-wide shortages of 20% or less; and

WHEREAS, pursuant to section 3.11(C)(2) of the WSA and section 5.5 of the Tier 1 Shortage Plan, the Tier 1 Shortage Plan will remain in effect for the term of the WSA; and

WHEREAS, subsequent to the Tier 1 Shortage Plan, the Wholesale Customers adopted the Tier 2 Drought Response Implementation Plan (Tier 2 Plan), to document the method of allocating, among the Wholesale Customers, the collective Wholesale Customer share of the water made available by the San Francisco Public Utilities Commission (SFPUC); and

WHEREAS, the Tier 2 Plan was adopted in the Winter and Spring of 2011 by the governing bodies of each Wholesale Customer; and

WHEREAS, the 2011 Tier 2 Plan established December 31, 2018 as an interim expiration deadline in order to allow for the consideration of matters such as the inclusion of the cities of San Jose and Santa Clara as permanent customers and to allow for the development of a new Tier 2 Plan; and

WHEREAS, in 2015, the State Water Resources Control Board implemented water conservation targets for each BAWSCA member agency that effectively negated the implementation of the Tier 2 Plan during the 2015 to 2017 drought; and

WHEREAS, in May 2018, the BAWSCA Board of Directors adopted Resolution 2018-01 extending the Tier 2 Plan for one year until December 31, 2019; and

WHEREAS, in 2018, the California Legislature adopted Senate Bill 606 and Assembly Bill 1668 which established a process for developing and implementing long-term water use efficiency targets for urban water suppliers; and

WHEREAS, in November 2019, the BAWSCA Board of Directors adopted Resolution 2019-02 extending the Tier 2 Plan for one year until December 31, 2020; and

WHEREAS, in November 2020, the BAWSCA Board of Directors adopted Resolution 2020-03 extending the Tier 2 Plan for one year until December 31, 2021; and

WHEREAS, in November 2021, the BAWSCA Board of Directors adopted the 2021 Amended and Restated Tier 2 Plan, by Resolution 2021-03 to amend the Tier 2 Plan and extend the term through December 31, 2022; and

WHEREAS, on November 23, 2021, the SFPUC adopted a system-wide voluntary water use reduction of 10% consistent with Shortage Level 1 of its Water Shortage Contingency Plan (WSCP) and initiated implementation of the Tier 1 and Tier 2 Plans for the first time; and

WHEREAS, in January 2022, BAWSCA and the member agencies began to negotiate an update to the Tier 2 Plan, with negotiations expected to continue into 2023; and

WHEREAS, in November 2022, the BAWSCA Board of Directors adopted Resolution 2022-11 extending the Tier 2 Plan for one year until December 31, 2023; and

WHEREAS, in November 2023, the BAWSCA Board of Directors adopted Resolution 2023-04 extending the Tier 2 Plan for one year until December 31, 2024; and

WHEREAS, the BAWSCA member agencies have determined that an extension of the allocation method in the 2021 Amended and Restated Tier 2 Plan is appropriate at this time given the additional time needed for the Wholesale Customers to finalize negotiations and unanimously adopt an updated Tier 2 Plan; and

WHEREAS, if the Wholesale Customers' governing bodies unanimously adopt an updated Tier 2 Plan, it will supersede the existing Tier 2 Plan; and

WHEREAS, section 3.11(C)(3) of the WSA provides that the SFPUC will honor allocations of water among the Wholesale Customers provided by BAWSCA or if unanimously agreed to by all Wholesale Customers; and

WHEREAS, pursuant to section 3.11(C)(3) of the WSA, BAWSCA is authorized to provide the SFPUC with the allocations set forth in the Tier 2 Plan; and

WHEREAS, the BAWSCA Board of Directors desires to continue to rely on the allocation methodology set forth in the 2021 Amended and Restated Tier 2 Plan for one year, thereby effectively extending the Tier 2 Plan for one year until December 31, 2025.

BE IT RESOLVED, that the Board of Directors of the Bay Area Water Supply and Conservation Agency will rely on the methodology provided in the 2021 Amended and Restated Tier 2 Drought Implementation Plan for one additional year, through December 31, 2025; and

BE IT FURTHER RESOLVED, if the Wholesale Customers' governing bodies unanimously adopt an updated Tier 2 Plan, it will supersede the existing Tier 2 Plan; and

BE IT FURTHER RESOLVED that the Board requests the CEO/General Manager to transmit the methodology to the San Francisco Public Utilities Commission for drought planning purposes.

PASSED AND ADOPTED this ____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Board of Directors

ATTEST:

Secretary

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BAY AREA WATER SUPPLY AND CONSERVATION AGENCY

BOARD OF DIRECTORS MEETING

Agenda Title: **Annual Review and Consideration of BAWSCA's Statement of Investment Policy**

Summary:

The Board's Investment Policy states that the CEO/General Manager shall annually submit a Statement of Investment Policy to the Board, which the Board will consider at a public meeting. The previous review occurred on May 18, 2023 and resulted in modifications to the Investment Policy, including a requirement that bank deposits in excess of the FDIC limit be collateralized with securities in accordance with State law and to eliminate the maximum deposit limit of \$250,000. Quarterly investment reports are provided to the Board as required by the policy. The last investment report was provided to the Board on September 19, 2024.

BAWSCA's Investment Policy applies to all funds and investment activities under the direction of the agency. It also specifies permitted investment instruments for the bond proceeds, and delegates the management and oversight of the investments to the CEO/General Manager. Based on a recent review of the agency's circumstances, BAWSCA believes the current permitted investment instruments are consistent with the agency's risk tolerances and primary investment objectives. In consideration of the long-term nature of the stabilization fund, BAWSCA has determined that the current 0-5 year laddered maturity investment strategy is appropriate and continues to provide the agency opportunities to benefit from longer maturity and higher yielding investments over time.

Legal counsel has confirmed that the current Statement of Investment Policy reflects language consistent with the State law. A copy of the policy is attached. No changes to the policy, including the investment strategy for the bond proceeds, are recommended at this time.

Fiscal Impact:

No impact on BAWSCA's annual operating budget.

Board Policy Committee Action:

The Committee voted unanimously to recommend the proposed Board action

Recommendation:

That the Board re-affirm the current Statement of Investment Policy.

Discussion

The primary objectives of BAWSCA's Investment Policy are safety, liquidity and return on investment. All BAWSCA funds shall be invested in accordance with the Investment Policy and the California Government Code.

Investment of Agency Funds

The current Investment Policy requires the agency funds that are not invested in the Local Agency Investment Fund (LAIF) to be deposited only in state or national banks and state or

federal savings associations with offices in California that meet the requirements and conditions of the Government Code. The current policy also limits the maturity of any Certificate of Deposit to 12 months or less.

Although the current California Debt and Investment Advisory Commission (CDIAC) investment guidelines allow for community bank participation in holding local agency funds and for Certificate of Deposit with a maturity of up to 5 years, it is determined that a change to allow longer maturity of Certificate of Deposit is not needed at this time, given the agency's high liquidity needs. BAWSCA will continue investigating these additional investment options as the Investment Policy may be amended from time to time.

Permitted Investment Vehicles for Bond Proceeds

BAWSCA's bond proceeds are held in a separate trust account at the Bank of New York Mellon Trust Company (Trustee), and are invested in accordance with the Bond Indenture and the agency's Investment Policy. The Bond Indenture specifies investments in which BAWSCA is permitted to invest bond proceeds. BAWSCA's Investment Policy further restricts allowable investments for bond proceeds to four specific instruments: Federal Securities, US Agency Securities, Money Market Mutual Funds, and Certificates of Deposit.

Based on a recent review of the agency's circumstances, BAWSCA believes the current permitted investment instruments are consistent with the agency's risk tolerances and primary investment objectives. No changes to the permitted investments for the bond proceeds are recommended at this time.

Bond Stabilization Fund Investment Strategy

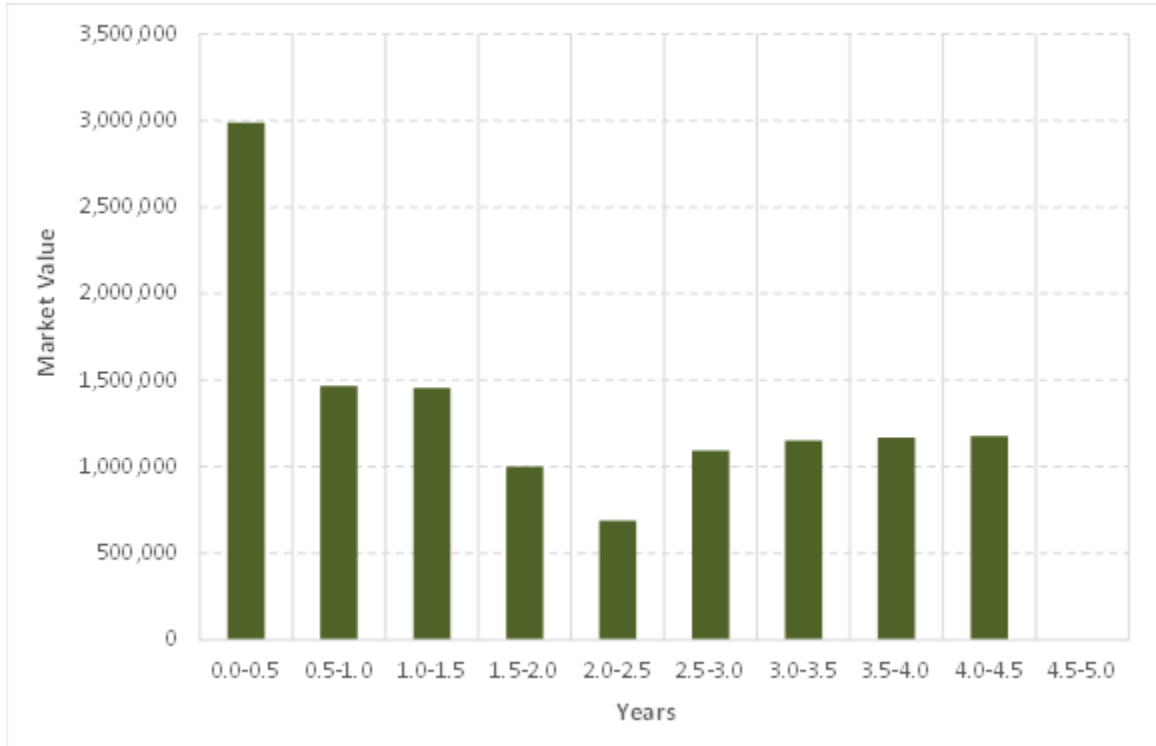
BAWSCA's bond stabilization fund held at the Trustee, Bank of New York, serves as a reserve to cover the debt service payments in case of shortfalls in the surcharge collection. As part of this annual review, BAWSCA reviewed the investment strategy for the stabilization fund given current market conditions.

With risks to price stability and full employment roughly in balance, the Federal Reserve has begun reducing interest rates from their highest level in over twenty years. While rates in the 0-5 year range still remain elevated from post-pandemic lows, future developments with regards to continued progress on inflation and the health of the labor market will have important implications going forward. BAWSCA's longer-term 0-5 year ladder maturity investment strategy continues to provide a disciplined approach for extending portfolio duration at prevailing market rates. With a ladder maturity distribution, the fund has taken advantage of being able to reinvest into the higher interest rates available on longer-term bonds. The current 0-5 year ladder maturity investment strategy continues to provide important yield curve diversification against both market price and reinvestment rate risks consistent with BAWSCA's risk tolerances and primary investment objectives. For this reason, BAWSCA and its investment advisor believe that the current 0-5 year ladder maturity investment strategy remains appropriate as such longer-maturity strategies have historically provided greater investment returns and income over time.

As of October 1, 2024, the total balance held by the bond trustee, Bank of New York, was \$17,197,045, which includes: (1) the bond surcharges of \$5,013,973 collected from the member agencies to pay the next semi-annual debt service payment, and (2) the stabilization fund of \$12,183,072 that is a reserve to cover the debt service payments in the event of potential shortfalls in the surcharge revenue received from the BAWSCA agencies.

A summary of the current investment portfolio maturity distribution for BAWSCA's stabilization fund is shown in Figure 1. The CEO/General Manager anticipates another evaluation of the investment strategy during next year's Investment Policy review. The result of the evaluation will be reported to the Committee and the Board.

Figure 1: Stabilization Fund Investment Portfolio Maturity Distribution as of 10/1/2024



Background:

Results of Prior Evaluations of Investment Strategy for Bond Proceeds

In July 2013, BAWSCA implemented an investment strategy that assumed 70% of the necessary bond surcharge revenues are collected on time and available for scheduled debt service payments. Therefore, 30% of the necessary debt service payment must be accessible to the bond trustee through the stabilization fund to supplement bond surcharge revenues. The stabilization fund was invested by purchasing US Treasury Securities (a subset of Federal Securities as defined in the Investment Policy) with 6 month or one-year maturities coinciding with the debt service payment dates.

In September 2015, the annual on-time surcharges collection assumption was changed from 70% to 80% based on BAWSCA's experience in collecting bond surcharge revenues. BAWSCA also implemented an investment strategy that involved both a 6-month rolling and a 0-3 year laddered security structure designed to provide the agency an appropriate balance of safety, liquidity, and yield.

In April 2018, BAWSCA determined that a modest extension of portfolio maturity was appropriate to pursue higher yields while still satisfying the primary objectives of safety and liquidity. Following the April debt service payment, BAWSCA began to transition to a 0-5 year laddered portfolio strategy without an on-time surcharge collection assumption. It was anticipated to take about 3 years to smooth out the ladder.

In October 2020, BAWSCA re-evaluated the credit quality, market price risk, and liquidity characteristics of all investment instruments permitted by the Bond Indenture. As a result of this review, BAWSCA determined that the U.S. Agency Securities would be appropriate for consideration to increase the portfolio's potential yield consistent with the prioritized objectives of safety and liquidity. Accordingly, BAWSCA Board approved a modification to the policy by including U.S. Agency Securities as permitted investments for the bond funds, in addition to the three specific investment vehicles (Federal Securities, Money Market Mutual Funds, and Certificates of Deposit) that were allowed by the policy at that time.

In October 2021, BAWSCA completed the pricing and sale of the 2023A bonds to refund the callable portion of the 2013A bonds, based on a tax-exempt forward delivery. This refunding transaction will generate approximately \$25.1 million in net present value savings over the term of the bonds. The settlement was completed on January 5, 2023. A total amount of \$2,212,770 from the stabilization fund was used to pay down the principal amount of the refunding bonds at the settlement. The 0-5 year ladder investment strategy continues to provide important yield curve diversification and generate attractive returns throughout market cycles. For this reason, BAWSCA and its investment advisor believe that the current 0-5 year ladder portfolio strategy remains appropriate.

Attachment:

1. Statement of Investment Policy

BAY AREA WATER SUPPLY & CONSERVATION AGENCY

STATEMENT OF INVESTMENT POLICY

Adopted February 19, 2004

Amended by the Board, July 15, 2010

Amended by the Board, July 21, 2011

Amended by the Board, November 15, 2012

Amended by the Board, November 19, 2020

Amended by the Board, May 18, 2023

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BAY AREA WATER SUPPLY & CONSERVATION AGENCY

STATEMENT OF INVESTMENT POLICY

1. Introduction

The investment policies and practices of the Bay Area Water Supply & Conservation Agency (BAWSCA) are based on state law and prudent money management. All funds will be invested in accordance with the Agency's Investment Policy and the California Government Code.

2. Scope

This policy applies to all funds and investment activities under the direction of the Agency, including funds held in the name of the Bay Area Water Users Association (BAWUA), a California nonprofit corporation of which the Agency is the sole member.

3. Prudence

The standard of prudence to be used by investment officials shall be the "prudent investor" standard and shall be applied in the context of managing an overall portfolio. All persons investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds shall act with care, skill, prudence and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and anticipated needs of the Agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the Agency.

Investments shall be made with the judgment and care which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived, and in accordance with the provisions of Government Code Section 53600 et seq.

4. Objectives

The primary objectives, in priority order, of the Agency's investment activities shall be:

A. Safety. Safety of principal is the foremost objective of the investment program. The Agency's funds shall be invested in a manner that seeks to ensure preservation of capital.

B. Liquidity. The Agency's investments will remain sufficiently liquid to enable the Agency to meet its cash flow requirements.

C. Return on Investment. The Agency's investments shall be designed with the objective of attaining a market rate of return consistent with the constraints imposed by its safety and liquidity objectives.

5. Delegation of Authority

The management and oversight responsibility for investments is hereby delegated to the CEO/General Manager who shall monitor and review all investments for consistency with this Investment Policy.

6. Investment of Funds

A. Permitted Investments and Depositories

(i) Agency funds may be deposited only in state or national banks and state or federal savings associations with offices in California that meet the requirements and conditions of the California Government Code, as it may be amended from time to time.

(ii) Collateralization will be required on all deposits in excess of the Federal Deposit Insurance Corporation (FDIC) limit, in accordance with Government Code Sections 53630-53687 and Section 16522.

(iii) Funds not deposited in banks or savings associations shall be invested in the Local Agency Investment Fund administered by the Treasurer of the State of California, in accordance with Government Code Section 16429.1.

B. Other Limitations

(i) The General Manager may maintain separate accounts for the Agency and for BAWUA.

(ii) Investment maturities shall be based on a review of cash flow forecasts and shall be scheduled so as to allow the Agency to meet all projected obligations. The maturity of any certificate of deposit shall not exceed 12 months.

7. Investment of Bond Proceeds

Permitted Investments and Depositories. Pursuant to Government Code section 53601(m), a local agency may invest bond proceeds "in accordance with the ordinance, resolution, indenture, or agreement of the local agency providing for the issuance of those bonds." Typically, a local agency will specify in its investment policy that the investment of bond proceeds is out of the scope of the investment policy because permitted investments are specified in the bond indenture.

Instead, BAWSCA has determined that it would like to at least temporarily use its Investment Policy to restrict the vehicles permitted for the investment of bond proceeds to more conservative investments than are permitted by the Revenue Bond Indenture, dated January 1, 2013, by and between BAWSCA and the Trustee (the "Indenture"). This gives

BAWSCA the flexibility to, through amendments to future Investment Policies, gradually expand permitted investments for bond proceeds to include some or all of the investment vehicles permitted in the Indenture. As such, notwithstanding language allowing a broader range of investment vehicles in the Indenture, bond proceeds may be invested only in the following instruments:

(i) “Federal Securities” meaning direct and general obligations of the United States of America, or those which are fully and unconditionally guaranteed as to timely payment of principal and interest by the same;

(ii) “Money Market Mutual Funds” meaning funds registered under the Federal Investment Company Act of 1940, whose shares are registered under the Federal Securities Act of 1933, and having a rating by Standard & Poor’s of “AAAm-G” or “AAAm” and, if rated by Moody’s, having a rating by Moody’s of “Aaa,” including money market funds from which the Trustee or its affiliates derive a fee for investment advisory or other services to the fund or for which the Trustee or any of its affiliates serve as investment administrator, shareholder servicing agent, and/or custodian or subcustodian, notwithstanding that (i) the Trustee or an affiliate of the Trustee receives fees from funds for services rendered, (ii) the Trustee collects fees for services rendered pursuant to this Indenture, which fees are separate from the fees received from such funds, and (iii) services performed for such funds and pursuant to this Indenture may at times duplicate those provided to such funds by the Trustee or an affiliate of the Trustee;

(iii) “Certificates of Deposit” (including those placed by third parties pursuant to an agreement between the Agency and the Trustee), trust funds, trust accounts, overnight bank deposits, interest bearing money market accounts, time deposits, savings accounts, deposit accounts, bankers’ acceptances or money market deposits which are fully insured by the Federal Deposit Insurance Corporation, including those of the Trustee or its affiliates; and

(iv) “U.S. Agency Securities” meaning bonds, debentures, notes or other evidence of indebtedness issued or guaranteed by any of the following non-full faith and credit U.S. government agencies: (1) senior debt obligations of the Federal Home Loan Bank System; (2) senior debt obligations of the Federal Home Loan Mortgage Corporation (FHLMC); (3) senior debt obligations of the Federal National Mortgage Association (FNMA); and (4) consolidated systemwide bonds and notes of the Farm Credit System. The investment in U.S. Agency Securities has a sector allocation limit not to exceed 40% of total stabilization fund market value at the time of purchase.

8. Reporting Requirements

The CEO/General Manager shall provide the Board a quarterly investment report, which shall include the information specified in Government Code Section 53646.

9. Annual Review of Investment Policy

The CEO/General Manager shall annually submit a Statement of Investment Policy to the Board, which the Board will consider at a public meeting. The Agency shall also annually verify that deposits are properly collateralized.

BAY AREA WATER SUPPLY AND CONSERVATION AGENCY

BOARD OF DIRECTORS MEETING

Agenda Title: **Public Hearing and Consideration of Possible Adoption of Ordinance #2024-01 to Increase Board Member Compensation**

Summary:

Compensation for a public agency board member is typically set by statute, which provides the compensation amount per day of service and limitations on the days of service per month. The Bay Area Water Supply and Conservation Agency (BAWSCA) Board members are compensated at the rate of \$100 per day of service, for up to four days of service per month. At the May 16, 2024 Board meeting, a Board member requested that the issue of increasing the Board member compensation from \$100 to \$200 per day of service be brought before the Board for consideration at its next meeting. The Board Policy Committee discussed the issue at its June 12, 2024 meeting and previously in April and June of 2023, with no further action at those meetings.

At the September 19, 2024 Board meeting, the Board directed Legal Counsel to prepare a revised Ordinance for Board Member Compensation, increasing the stipend for attending meetings from \$100 to \$200 per day of service, effective as soon as practicable, and to further modify the Ordinance to require Board review of member compensation every 5 years. The attached Ordinance would affect these changes.

At the October 9, 2024 Board Policy Committee meeting, the Committee discussed the proposal, and directed Legal Counsel to publish a notice of a Public Hearing to prepare for holding a Public Hearing for consideration of Ordinance #2024-01 at the November 21, 2024 Board meeting.

Fiscal Impact:

Increasing the Board member compensation from \$100 to \$200 per day of service would result in an increased cost of \$21,000 year. For FY 2024-25, this increased cost would need to be funded by a mid-year transfer from the General Reserve and an associated increase to the approved Operating Budget. These budget modifications would be recommended as part of the regular Mid-Year Budget Review that will occur at the December 11, 2024 Board Policy Committee and the January 19, 2025 Board meetings.

Board Policy Committee Action:

The Committee voted unanimously to hold a noticed Public Hearing at the November 21, 2024 Board meeting in order for the Board to consider action to adopt Ordinance #2024-01.

Recommendation:

That the Board hold a noticed public hearing in order to consider adoption of Ordinance #2024-01, increasing Board compensation to \$200 per day of service for attending meetings and for each day of service in accordance with the Reimbursement Policy; and require review of Board member compensation on a five (5) year interval.

Discussion:

Increasing Per Meeting Compensation: BAWSCA's existing Board compensation Ordinance was adopted on June 17, 2004 and became effective on September 1, 2004 (attached). As such, based on the September 2004 initial effective date, the maximum allowable increase at this time using a simple percentage increase calculation would be up to \$200 per day of service. If the Board adopts this increase at the November 21st meeting, the earliest effective date for such an increase is January 20, 2025¹. At such effective date, the new Ordinance will rescind and replace Ordinance 2004-01. The maximum days of service per month, which is four (4), will remain unchanged.

Regular review of Board member compensation: The Board compensation was set in 2004 and has not been changed since then. The proposed Ordinance includes a provision to reconsider the compensation amount every five (5) years, without it needing to be requested by any single Board member.

Published Notice of Public Hearing and Ordinance Summary: Following the direction from the Board Policy Committee, BAWSCA published the Notice of Public Hearing on November 6 and 13 (attached) in accordance with the Government Code, which requires transparency around Board member compensation. Furthermore, a Summary of the Ordinance will be published following Board action, if approved.

Days of Service and the Reimbursement Policy: The original Ordinance Providing for Compensation of Members of the Board. Ordinance #2004-01 (attached), and the revised proposed Ordinance, both specify that days of service include meetings of the Board, Committee meetings of the Board and types of activities, enumerated in the adopted resolution, that constitute service rendered "at the request of the board." Furthermore, the original Ordinance adopted in 2004, and the revised Ordinance, refer to compensation for the day of service regardless of the number of meetings attended in one day. For example, if there were three meetings a Board member attended for BAWSCA in one day, the compensation would be \$200, not \$600.

The Policy on Reimbursement of Expenses, Res. #2006-02 (attached "Reimbursement Policy"), enumerates many authorized official duties: including, for example, Board and Committee meetings; meetings of multi-agency organizations to which the director has been appointed as BAWSCA's representative; and attendance by the Chair or Vice Chair to meetings held by the San Francisco Public Utilities Commission or state agencies, such as Department of Water Resources, among others, that require representation by Board leadership. See the attached Reimbursement Policy for a complete list.

Furthermore, in addition to what is already specified in the Ordinance and Reimbursement Policy, the Chair exercises leadership to determine what requested services will constitute compensable services.

What constitutes "a meeting"? Generally, a meeting refers to a legally noticed government meeting in accordance with the Brown Act. However, additional non-Brown Act meetings and services may constitute compensable activities pursuant to the Ordinance. For example, Ad

¹ Water Code § 20203 & 20204 require a public hearing, noticed in a newspaper of general circulation and an effective date 60 days from adoption to allow the voter's rights to petition for referendum.

Hoc committee meetings are not Brown Act meetings, but, as meetings took place at the request of the Chair, it is a “day of service” pursuant to the Ordinance.

If a Board member is compensated under the Ordinance, can they also submit for reimbursement under the Reimbursement Policy? Yes, Board member compensation and reimbursement of expenses are governed by both the Ordinance for Compensation and the Reimbursement Policy. For example, the proposed Ordinance for Compensation provides that a Board member may receive \$200 for each day of service. Board meetings constitute days of service to the Board and are compensable. Furthermore, if a Board member incurs actual, necessary and reasonable expenses in attending authorized activities, such as a Board meeting, they can seek reimbursement under the Reimbursement Policy. Although the Reimbursement Policy is long standing, Board members do not often have days of service beyond the regular scheduled Board meetings and have not generally utilized the Reimbursement Policy to seek reimbursement for expenses incurred in serving BAWSCA.

Background:

BAWSCA's enabling legislation, AB 2058 (2002, Papan), establishes the compensation amount for each day of service for its Board members. California Water Code Section 81339 allows BAWSCA to compensate Board members up to \$100 per day for each day's attendance at meetings of the Board, not to exceed four meetings in any calendar month. Both the compensation per day of service and number of compensable days of service per month may be increased by Ordinance pursuant to California Water Code section 20200 *et seq.* However, the statute limits the increase to (i) the compensation per day of service to no more than 5% for each year following the date of the last adjustment, and (ii) the days of service per month to no more than 10 days in a calendar month.

Attachments:

1. Ordinance #2024-01 Providing for Compensation of Members of the Board of Directors.
2. Published Notice of Public Hearing.
3. Summary of Ordinance to be Published after Board adoption.
4. Policy on Reimbursement of Expenses (Res. #2006-02)
5. Ordinance #2004-01 Providing for Compensation of Member of the Board of Directors (existing Board Compensation Ordinance)

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BAY AREA WATER SUPPLY & CONSERVATION AGENCY

ORDINANCE NO. 2024-01

**PROVIDING FOR COMPENSATION
OF MEMBERS OF THE BOARD OF DIRECTORS**

THIS ORDINANCE IS ADOPTED WITH REFERENCE TO THE FOLLOWING FACTS AND CIRCUMSTANCES:

1. Members of the Board of Directors receive compensation in the amount of \$100 per day for attendance at meetings of the Board, pursuant to Water Code Section 81339.

2. Water Code Section 20201 authorizes compensation, not to exceed \$100 per day, for "services rendered as a member of the board at the request of the board."

3. The Board of Directors believes that members who serve on the Board Policy Committee, or other committees of the Board, or who perform specific services for the Agency in their capacity as members of the Board and at the request of the Board, should also receive compensation for such services.

4. This amount was adopted by the Board of Directors on June 17, 2004 through Ordinance 2004-01, effective September 1, 2004.

5. Water Code Section 20202 authorizes increases to daily compensation of up to 5% for each year following the date of the last adjustment.

6. The Board of Directors, at the recommendation of the Board Policy Committee, has determined that the Agency would be well served by increasing the daily compensation to \$200 per compensable day of service.

7. The Board of Directors believes that the total amount of compensation for all such services, including attendance at meetings of the Board and any committee of the Board, should not exceed four (4) meetings per month, as provided by Water Code Sections 81339.

8. The Board of Directors further believes that the compensation amount should be reviewed every five years.

9. The Board of Directors has called and held a public hearing on the question of providing compensation to Directors for attendance at meetings and for other service rendered to the Agency at the request of the Board. Notice of the hearing was published by the Secretary of the Agency in a newspaper of general circulation pursuant to Government Code Section 6066.

BE IT ORDAINED by the Board of Directors of the Bay Area Water Supply & Conservation Agency as follows:

Section 1. Each Director shall receive compensation in the amount of Two Hundred Dollars (\$200) per day for each day's attendance at meetings of the Board, for attendance at meetings of committees of the Board, and for each day's service otherwise rendered as a Director by request of the Board, commencing on January 20, 2025. The Board may, by resolution, determine the types of activities that constitute service rendered "by request of the Board," for purposes of eligibility for compensation pursuant to this section. The Policy on Reimbursement of Expenses, Resolution No. 2006-02 includes a list of authorized activities deemed to be official duties performed at the request of the Board.

Section 2. The number of days for which any Director may be compensated shall not exceed four (4) days in any calendar month.

Section 3. This ordinance shall be revisited and compensation amounts reviewed no later than five (5) years after it is adopted and every five (5) years afterward.

Section 4. This ordinance shall become effective sixty (60) days from the date of its adoption (the "Effective Date"). As of the Effective Date, this Ordinance rescinds and replaces Ordinance 2004-01 entitled "Providing for Compensation of Members of the Board of Directors."

Section 5. A summary of this ordinance shall be published in a newspaper of general circulation.

PASSED AND ADOPTED this 21st day of November, 2024, by the following vote:

AYES:

NOES:

ABSENT:

President, Board of Directors

ATTEST:

Secretary

Legal Advertising & Public Notices

San Jose Mercury News: legals@bayareanewsgroup.com
San Mateo County Times: smctlegals@bayareanewsgroup.com



Legal Notice



Legal Notice

NOTICE OF PETITION
TO ADMINISTER ESTATE OF:

Lawrence Kam Chan Chang
CASE NUMBER:
24PR198300

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of: **Lawrence Kam Chan Chang, Lawrence K.C. Chang, Larry K.C. Chang, Larry Chang, Lawrence Chang**

A Petition for Probate has been filed by: **Jeffrey D. Lake** in the Superior Court of California, County of **Santa Clara**

The Petition for Probate requests that **Jeffrey D. Lake** be appointed as personal representative to administer the estate of the decedent.

The petition requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A hearing on the petition will be held in this court as follows: Date: 12/05/2024 Time: 9:01 am Dept: 2 located at **Superior Court of Santa Clara 191 N. First St., San Jose, CA 95113**

If you object to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

If you are a creditor or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) **four months** from the date of first issuance of letters to a general personal representative, as defined in section 58(b) of the California Probate Code, or (2) **60 days** from the date of mailing or personal delivery to you of a notice under section 9052 of the California Probate Code. **Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.**

You may examine the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.

Petitioner:
Jeffrey D. Lake
730 N. First St.
San Jose, CA 95112
408-287-1916

SMJN 6862088 Nov. 6, 8, 15, 2024

Legal Notice

Legal Notice

NOTICE OF PETITION TO ADMINISTER ESTATE OF:
CLARENCE H. HUTCHINSON
CASE NUMBER: 24PR198191

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of: **Clarence H. Hutchinson**

A Petition for Probate has been filed by: **Dennis A. Maxwell** in the Superior Court of California, County of Santa Clara.

The Petition for Probate requests that: **Dennis A. Maxwell** be appointed as personal representative to administer the estate of the decedent.

The Petition requests the decedent's will and codicils, if any, be admitted to probate. The will and any codicils are available for examination in the file kept by the court.

The Petition requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A hearing on the petition will be held in this court as follows
Date: November 18, 2024 Time: 9:01am Dept: 2

Address of Court:
Superior Court of California
County of Santa Clara
191 North First Street
San Jose, CA 95113
Branch: Downtown - Probate

If you object to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

If you are a creditor or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in section 58(b) of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery to you of a notice under section 9052 of the California Probate Code. **Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.**

You may examine the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code Section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for petitioner:
Timothy D. Henry, Attorney at Law, 281381
Law Offices of Timothy D. Henry
1871 The Alameda, Suite 333
San Jose, CA 95126
Phone: (408) 533-1075
Email: info@tdhenrylaw.com

MN# 0006859632 Oct 28, 30 and Nov 6, 2024

Legal Notice

NOTICE OF PETITION TO ADMINISTER ESTATE OF:
ZHENHAO CHEN
CASE NUMBER: 24PR198240

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of: **Zhenhao Chen**

A Petition for Probate has been filed by: **Nannan Qian** in the Superior Court of California, County of Santa Clara.

The Petition for Probate requests that: **Michael D. Lee** be appointed as personal representative to administer the estate of the decedent.

The Petition requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A hearing on the petition will be held in this court as follows
Date: 12-06-2024 Time: 9:01 AM Dept: 1

Address of Court:
Superior Court of California
County of Santa Clara
191 North First Street
San Jose, CA 95113
Branch: Downtown - Probate

If you object to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

If you are a creditor or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in section 58(b) of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery to you of a notice under section 9052 of the California Probate Code. **Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.**

You may examine the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code Section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for petitioner:
Michael D. Lee, Attorney, 273530
rui attorneys
475 North Whisman Road, Suite 400
Mountain View, CA 94043
Phone: (650) 678-6666
Email: MLEe@ruiattorneys.com

MN# 0006859659 Oct 28, 30 and Nov 6, 2024

NOTICE OF PETITION TO ADMINISTER ESTATE OF:
ROSE C. GRAY
CASE NUMBER: 24PR198279

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of: **Rose C. Gray, Rose Catherine Gray**

A Petition for Probate has been filed by: **Susan Baker** in the Superior Court of California, County of Santa Clara.

The Petition for Probate requests that: **Susan Baker** be appointed as personal representative to administer the estate of the decedent.

The Petition requests the decedent's will and codicils, if any, be admitted to probate. The will and any codicils are available for examination in the file kept by the court.

The Petition requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A hearing on the petition will be held in this court as follows
Date: 12/2/2024 Time: 9:01am Dept: 2

Address of Court:
Superior Court of California
County of Santa Clara
191 North First Street
San Jose, CA 95113
Branch: Downtown - Probate

If you object to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

If you are a creditor or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in section 58(b) of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery to you of a notice under section 9052 of the California Probate Code. **Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.**

You may examine the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code Section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for petitioner:
Timothy J. Watson, Attorney, 215210
Watson & Machado LLP
873 Santa Cruz Ave, Suite 202
Menlo Park, CA 94025
Phone: (650) 324-1110
Email: tim@watsonmachado.com

MN# 0006859721 Oct 28, 30 and Nov 6, 2024

Legal Notice

Superior Court of California,
County of Santa Clara
191 North First Street, San Jose, Ca 95113

PETITION OF:
Hyun Ju Lee Kang
FOR CHANGE OF NAME
Case No 24CV450188
ORDER TO SHOW CAUSE
FOR NAME CHANGE

Hyun Ju Lee Kang

TO ALL INTERESTED PERSONS:
1. Petitioner: Hyun Ju Lee Kang filed a petition with this court for a decree changing names as follows:

Present Name
Hyun Ju Lee Kang
Proposed Name
Susan Hyun Ju Thompson
2. THE COURT ORDERS: That all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.

NOTICE OF HEARING
Date: 01/14/2025
Time: 8:45AM
Dept.: Probate
The address of the court is:
191 North First Street, San Jose, Ca 95113

A copy of this Order to Show Cause must be published at least once each week for four successive weeks before the date set for hearing on the petition in a newspaper of general circulation: printed in this county: **THE MERCURY NEWS** Date: 10/24/2024 /s/ Honorable Le Jacqueline Duong JUDGE OF THE SUPERIOR COURT

MN# 0006861499 Nov 6, 13, 20 and 27, 2024

Legal Notice

Legal Notice

Superior Court of California,
County of Santa Clara
191 N First St, San Jose, Ca 95113

PETITION OF:
Cristina Eve Strombotne
FOR CHANGE OF NAME
Case No 24CV448827
ORDER TO SHOW CAUSE
FOR NAME CHANGE

Cristina Eve Strombotne

TO ALL INTERESTED PERSONS:
1. Petitioner: Cristina Eve Strombotne filed a petition with this court for a decree changing names as follows:

Present Name
Cristina Eve Strombotne
Proposed Name
Cristina Strombotne Munro
2. THE COURT ORDERS: That all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.

NOTICE OF HEARING
Date: 12/24/2024
Time: 8:45 AM
Dept.: Probate
The address of the court is:
191 N First St, San Jose, Ca 95113

A copy of this Order to Show Cause must be published at least once each week for four successive weeks before the date set for hearing on the petition in a newspaper of general circulation: printed in this county: **THE MERCURY NEWS** Date: 10/07/2024 /s/ Le Jacqueline Duong JUDGE OF THE SUPERIOR COURT

MN# 0006860220 Oct 30, Nov 6, 13 and 20, 2024

NOTICE OF PETITION TO ADMINISTER ESTATE OF:
ELENA SORRAL TACORDA
CASE NUMBER: 24PR198292

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of: **Elena Sorral Tacorda**

A Petition for Probate has been filed by: **Sheryl Correia** in the Superior Court of California, County of Santa Clara.

The Petition for Probate requests that: **Sheryl Correia** be appointed as personal representative to administer the estate of the decedent.

The Petition requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A hearing on the petition will be held in this court as follows
Date: 12/13/2024 Time: 9:01am Dept: 1

Address of Court:
Superior Court of California
County of Santa Clara
191 North First Street
San Jose, CA 95113
Branch: Downtown - Probate

If you object to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

If you are a creditor or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in section 58(b) of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery to you of a notice under section 9052 of the California Probate Code. **Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.**

You may examine the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code Section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for petitioner:
Jeannie Tran, Esq, 280652
Law Office of Jeannie Tran, APC
1155 Meridian Avenue, Suite 207
San Jose, CA 95125
Phone: (408) 412-3052
Email: jtran@tranestatelaw.com

MN# 0006860428 Nov 4, 6 and 13, 2024

Legal Notice

NOTICE OF PUBLIC HEARING
Proposed Ordinance Increasing Compensation of Directors for Attending Meetings of the Board of Directors and Other Authorized Days of Service

NOTICE IS HEREBY GIVEN that the Bay Area Water Supply & Conservation Agency (BAWSCA) Board of Directors will consider adopting an ordinance increasing compensation of Directors for attending meetings of the Board of Directors and other authorized days of service. Directors are currently entitled to compensation from BAWSCA in an amount of \$100 for attending each regular and special meeting of the full Board, regular and special meetings of the Board Policy Committee, or other committees of the Board, or who perform specific services for the Agency in their capacity as members of the Board and at the request of the Board, up to a maximum of 4 days per calendar month. The Board of Directors is considering a proposed ordinance that would, if adopted, increase the amount of compensation from \$100 per day to \$200 per day.

NOTICE IS FURTHER GIVEN that on the 21st day of November 2024, the Board of Directors of BAWSCA will hold a public hearing to hear any and all public comments, objections, or protests on the ordinance described above. The public hearing will be held at the November 21, 2024 Board of Directors meeting, which begins at 6:30PM at the Burlingame Community Center - Sequoia Room, 850 Burlingame Ave., Burlingame, CA.

This Notice is in accordance with Water Code sections 20200 et seq. and Government Code section 6066.

Interested persons may obtain further information about the proposed ordinance by accessing the BAWSCA website at: <http://www.bawasca.org/>, or by contacting Nicole Sandkulla, CEO, by email at nsandkulla@bawasca.org or by telephone (650)-349-3000.

MN# 0006861002 Nov 6 and 13, 2024

Legal Notice

Joshua Joel Canada
CASE NUMBER:
24PR198282

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of: **Joshua Joel Canada**

A Petition for Probate has been filed by: **Beth Lopes** in the Superior Court of California, County of **Santa Clara**

The Petition for Probate requests that **Beth Lopes** be appointed as personal representative to administer the estate of the decedent.

The petition requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A hearing on the petition will be held in this court as follows: Date: 12/02/2024 Time: 9:01 am Dept: 2 located at **Superior Court of Santa Clara 191 N. First St., San Jose, CA 95113**

If you object to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

If you are a creditor or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) **four months** from the date of first issuance of letters to a general personal representative, as defined in section 58(b) of the California Probate Code, or (2) **60 days** from the date of mailing or personal delivery to you of a notice under section 9052 of the California Probate Code. **Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.**

You may examine the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for Petitioner:
Julie Glosson Ishii
Hall Law Group LLP
4750 Willow Rd., Ste 225
Fleasanton, CA 94588
925-460-0711

SMJN 6861586 Nov. 4, 6, 13, 2024

Interested persons are invited to comment on the following wireless telecommunications facility named "CA40778T" located at 2000 Lawrence Ct., Santa Clara, Santa Clara County, CA, and specifically on potential effects to historic properties located at or near this facility, if any. The site consists of a proposed canister expansion to an existing monopole. Comments regarding potential effects to historic properties should be submitted by email to KerryWilloughby@AceEnvironmentalLLC.com. Address: 9776 Peak Lookout St., Las Vegas, NV 89178, (702) 614-4431. This notice is provided in accordance with the regulations of the FCC 47 CFR Part 1, Subpart I and Appendices B and C.

SMJN 6861973 Nov. 6, 2024

Legal Notice

Maria Carla Josefa Domingo Pinon

Superior Court of California,
County of Santa Clara
191 North First Street, San Jose, Ca 95113

PETITION OF:
Maria Carla Josefa Domingo Pinon
FOR CHANGE OF NAME
Case No 24CV445391
AMENDED ORDER TO SHOW CAUSE
FOR NAME CHANGE

TO ALL INTERESTED PERSONS:
1. Petitioner: Maria Carla Josefa Domingo Pinon filed a petition with this court for a decree changing names as follows:

Present Name
Maria Carla Josefa Domingo Pinon
Proposed Name
Carla Domingo Pinon
2. THE COURT ORDERS: That all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.

NOTICE OF HEARING
Date: 12/10/2024
Time: 8:45 AM
Dept.: Probate
The address of the court is:
191 North First Street, San Jose, Ca 95113

A copy of this Order to Show Cause must be published at least once each week for four successive weeks before the date set for hearing on the petition in a newspaper of general circulation: printed in this county: **THE MERCURY NEWS** Date: 10/14/2024 /s/ Le Jacqueline Duong JUDGE OF THE SUPERIOR COURT

MN# 0006860231 Oct 30, Nov 6, 13 and 20, 2024

Legal Notice

Legal Notice

Legal Notice

Superior Court of California,
County of Santa Clara
191 N First St, San Jose, Ca 95113

PETITION OF:
Meredith McFarlin Fletcher
FOR CHANGE OF NAME
Case No 24CV448829
ORDER TO SHOW CAUSE
FOR NAME CHANGE

TO ALL INTERESTED PERSONS:
1. Petitioner: Meredith McFarlin Fletcher filed a petition with this court for a decree changing names as follows:

Present Name
Meredith McFarlin Fletcher
Proposed Name
Meredith Fletcher Munro
2. THE COURT ORDERS: That all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.

NOTICE OF HEARING
Date: 12/24/2024
Time: 8:45 AM
Dept.: Probate
The address of the court is:
191 N First St, San Jose, Ca 95113

A copy of this Order to Show Cause must be published at least once each week for four successive weeks before the date set for hearing on the petition in a newspaper of general circulation: printed in this county: **THE MERCURY NEWS** Date: 10/07/2024 /s/ Le Jacqueline Duong JUDGE OF THE SUPERIOR COURT

MN# 0006860219 Oct 30, Nov 6, 13 and 20, 2024



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Legal Notice

United States District Court
for the Northern District of California

Operating Engineers' Health and
Welfare Trust Fund, et al.
Plaintiff(s)

v.

Mercoza, an active California Corporation;
and Jason A. Dura Martinez, an individual
Defendant(s)

SUMMONS IN A CIVIL ACTION

To: Mercoza
c/o Joyce Yi, Sandra Menjivar, Jesse Camarena and Ariel Devay, Agents
for Service of Process, 101 North Brand Blvd., Glendale, California 91203

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12(a)(2) or (3) – you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Tino X. Do., Esq.
Saltzman & Johnson Law Corporation
5100-B1 Clayton Road, Ste 373
Concord, CA 94521-3161

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You must also file your answer or motion with the court.

Gina Agustine, Clerk or Deputy Clerk,
on behalf of Mark B. Busby, Clerk of Court.
May 29, 2024

Additional Defendant:
Jason A. Duran Martinez, a California Individual,
P.O. Box 794, San Jose, CA 95106

Legal Notice

SJM# 6802135 Nov. 6, 13, 20, 27,

Eat
Drink
Play

Get the Latest
Dish on the
Bay Area
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• Restaurant news
• Recipes and more

Published each
Sunday

BayArea
NewsGroup

Legal Notice

NOTICE OF PUBLIC HEARING
Proposed Ordinance Increasing Compensation of Directors for Attending Meetings of the Board of Directors and Other Authorized Days of Service

NOTICE IS HEREBY GIVEN that the Bay Area Water Supply & Conservation Agency (BAWSCA) Board of Directors will consider adopting an ordinance increasing compensation of Directors for attending meetings of the Board of Directors and other authorized days of service. Directors are currently entitled to compensation from BAWSCA in an amount of \$100 for attending each regular and special meeting of the full Board, regular and special meetings of the Board Policy Committee, or other committees of the Board, or who perform specific services for the Agency in their capacity as members of the Board and at the request of the Board, up to a maximum of 4 days per calendar month. The Board of Directors is considering a proposed ordinance that would, if adopted, increase the amount of compensation from \$100 per day to \$200 per day.

NOTICE IS FURTHER GIVEN that on the 21st day of November 2024, the Board of Directors of BAWSCA will hold a public hearing to hear any and all public comments, objections, or protests on the ordinance described above. The public hearing will be held at the November 21, 2024 Board of Directors meeting, which begins at 6:30PM at the Burlingame Community Center - Sequoia Room, 850 Burlingame Ave., Burlingame, CA.

This Notice is in accordance with Water Code sections 20200 et seq. and Government Code section 6066.

Interested persons may obtain further information about the proposed ordinance by accessing the BAWSCA website at: <http://www.bawasca.org/>, or by contacting Nicole Sandkulla, CEO, by email at nsandkulla@bawasca.org or by telephone (650)-349-3000.

MN# 0006861002 Nov 6 and 13, 2024

Legal Notice

John Scott Swink

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
191 North First Street San Jose Ca 95113

PETITION OF:
John Scott Swink
FOR CHANGE OF NAME
Case No 24CV450985
ORDER TO SHOW CAUSE FOR NAME CHANGE

TO ALL INTERESTED PERSONS:
1. Petitioner: John Scott Swink filed a petition with this court for a decree changing names as follows:
Present Name
John Scott Swink
Proposed Name
Scott John Swink
2. THE COURT ORDERS: That all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.

NOTICE OF HEARING
Date: 01/21/2025
Time: 8:45 AM
Dept.: Probate
The address of the court is:
191 North First Street San Jose Ca 95113

A copy of this Order to Show Cause must be published at least once each week for four successive weeks before the date set for hearing on the petition in a newspaper of general circulation:
printed in this county: **THE MERCURY NEWS**
Date: 11/05/2024
/s/ Le Jacqueline Duong
JUDGE OF THE SUPERIOR COURT

MN# 000682842 Nov 13, 20, 27 and Dec 4, 2024

Legal Notice

Wen Huel Tsai

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
191 North First Street San Jose, Ca 95113

PETITION OF:
Wen Huel Tsai
FOR CHANGE OF NAME
Case No 24CV450553
ORDER TO SHOW CAUSE FOR NAME CHANGE

TO ALL INTERESTED PERSONS:
1. Petitioner: Wen Huel Tsai filed a petition with this court for a decree changing names as follows:
Present Name
Wen Huel Tsai
Proposed Name
Jack Wen Huel Tsai
2. THE COURT ORDERS: That all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.

NOTICE OF HEARING
Date: 01/14/2025
Time: 8:45AM
Dept.: Probate
The address of the court is:
191 North First Street San Jose, Ca 95113

A copy of this Order to Show Cause must be published at least once each week for four successive weeks before the date set for hearing in the petition in a newspaper of general circulation:
printed in this county: **THE MERCURY NEWS**
Date: 10/30/24
/s/ Honorable Le Jacqueline Duong
JUDGE OF THE SUPERIOR COURT

MN# 000682814 Nov 13, 20, 27 and Dec 4, 2024

Legal Notice

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):
JHOVANY SANTOS; AND DOES 1 THROUGH 40 INCLUSIVE

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):
SOUTHLAND CREDIT UNION

CASE NUMBER: 23CV428229 (Número del Caso):

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.
You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.
There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.
¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.
Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta notificación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.
Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desear el caso.

Legal Notice

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):
JHOVANY SANTOS; AND DOES 1 THROUGH 40 INCLUSIVE

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):
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There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.
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Legal Notice

NOTICE TO CONTRACTORS
Electronic (sealed) proposals will be received by the City Clerk of the City of Pacifica, until **2:00 PM, TUESDAY, DECEMBER 10TH, 2024** for the following project: **SHARP PARK PDA PEDESTRIAN IMPROVEMENT PROJECT**, to be opened through a teleconferenced meeting live via Zoom Conference (link provided in the OpenGov Procurement Bidding System), with a telephone option. The bids will be publicly opened, examined and declared by the City Clerk; said bids, after being publicly opened, examined and declared, will be calculated by the Engineer; their report returned to the City Clerk, and the report of the results of the bidding and the calculations of the Engineer will be reported to the City Council of the City of Pacifica at the next regular meeting thereof. The City Council of the City of Pacifica reserves the right to reject any and all proposals or bids, should it deem this necessary for the public good, waive any irregularities in any bids and its determination as to which bid is the lowest responsible bid and it may also reject the bid of any bidder who has been delinquent or unfaithful in any former contract with the City of Pacifica for the best interest of the City shall be final. The City shall have SIXTY (60) calendar days from and after the opening of the bids within which to make its determination.
The City will only accept completed bid packages submitted electronically to the City through the City's eProcurement portal at <https://secure.procurenow.com/portal/cityofpacific> ca by authenticated submitters up to the date and time as specified in the Notice to Bidders; without exception, responses will not be accepted after the submission deadline regardless of any technical difficulties such as poor internet connections. The City strongly recommends completing your response well ahead of the deadline.
General Work Description: The project includes ADA concrete improvements including sidewalk, driveways, curb & gutter, slurry seal, spot repair, base repair, pavement striping and markings and other miscellaneous related work on 6 blocks in the West Sharp Park Neighborhood. The project limits include Paloma Ave, Carmel Ave, and Santa Maria Ave between Beach Blvd to Palmetto Ave, and between Palmetto Ave to Francisco Blvd.
All contractors and subcontractors have been required since April 1, 2015 to be registered with the Department of Industrial Relations (DIR). No contractor or subcontractor may be listed on a bid proposal or may work on a public works project unless registered with DIR. All contractors and subcontractors must furnish electronic certified payroll records directly to the Labor Commissioner (aka Division of Labor Standards Enforcement). For additional information, visit the DIR website at: <http://www.dir.ca.gov/PublicWorks/PublicWorks.html>.
Each bid must be accompanied by a cashier's check, certified check, or Bidder's Bond executed by a corporate surety authorized to engage in such business in the State of California, payable to the City of Pacifica, in an amount not less than ten percent (10%) of the amount of the Base Bid. The successful bidder will be required to furnish a Performance Bond in an amount equal to one hundred percent (100%) of the contract price, and a Labor and Material Bond in an amount equal to one hundred percent (100%) of the contract price. Said bonds shall also be executed by a corporate surety authorized to engage in such business in the State of California and be made payable to the City of Pacifica. Original Bidder's Bond with surety seal must be MAILED and postmarked no later than Tuesday, December 24, 2024, addressed to the City Clerk, City Hall, 170 Santa Maria Ave., Pacifica, CA 94044.
If the successful bidder fails, neglects, or refuses for TEN (10) calendar days after the award of the contract to enter into the contract to perform the work, the cashier's check, certified check, or Bidder's Bond accompanying the bid and the amount then named, shall be declared forfeited to the City and shall be collected by it and paid into its general fund. No bidder may withdraw his/her bid for a period of SIXTY (60) calendar days after the date set for the opening thereof, and the same shall be subject to acceptance by the City during this period.
The City reserves the right to reject any or all bids, waive any irregularities in any bids and its determination as to which bid is the lowest responsible bid and is for the best interest of the City shall be final. The City shall have SIXTY (60) calendar days from and after the opening of the bids within which to make its determination. Contractor to hold bid prices for a period of 180 days from date of bid submission.
The Contractor receiving the award of the contract shall begin work within FIFTEEN (15) calendar days after receipt of the Notice to Proceed and shall diligently prosecute the same to completion within the time restrictions as listed in the technical specifications and all work shall be completed by the time allotted in the technical specifications.
The Contractor shall have One Hundred (100) working days to complete this project. Working days will be counted upon the Contractor's receipt of the Notice to Proceed, as noted above.
At the time the Contractor's bid proposal is submitted, the Contractor shall possess a valid Class A - California General Contractor's License. The Contractor shall also possess a valid City of Pacifica Business License at the time the contract is awarded.
The City of Pacifica hereby notifies all bidders that it will affirmatively ensure that the contract entered into pursuant to this advertisement will be awarded to the lowest responsible bidder without discrimination on the grounds of race, color, national origin, sex, religion, age or disability. The Contractor or contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of DOT-assisted contracts. Failure by the Contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract, or such other remedy as recipient deems appropriate.
Prevailing Wage. This project is subject to the requirements of Section 1720 et seq. of the California Labor Code requiring the payment of prevailing wages, the training of apprentices and compliance with other applicable requirements. Contractors and all subcontractors who perform work on the project are required to comply with these requirements. Prevailing wages apply to all projects over \$1,000 which are defined as a "public work" by the State of California. This includes: construction, demolition, repair, alteration, maintenance, and the installation of photovoltaic systems under a Power Purchase Agreement when certain conditions are met under Labor Code Section 1720.6. This includes service and warranty work on public buildings and structures.
For any moneys earned by the Contractor and withheld by the City to ensure the performance of the contract, the Contractor may, at the Contractor's request and expense, substitute securities equivalent to the amount withheld in the form and manner and subject to the conditions provided in Article 8, (commencing with Section 10263), Chapter 1, Part 2, Division 2 of the Public Contract Code of the State of California.
Full plans and specifications are viewable on the project in the e-procurement portal <https://secure.procurenow.com/portal/cityofpacific>. Bidders can also request that Plans and Specifications be mailed/shipped to them by calling (650) 898-2233 or emailing bbautista@pacificagov for a fee of \$50 and the full cost of shipping. Project information and Plan Holder's is available on the project in the e-procurement portal <https://secure.procurenow.com/portal/cityofpacific>.
ATTENT: City Clerk
11/7, 11/13/24
CNS-3868805#
SAN MATEO COUNTY TIMES
SMCT 6862688 November 7, 13, 2024

Legal Notice

NOTICE OF PETITION TO ADMINISTER ESTATE OF:

Mihir Lad
24PR198374

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of:
Mihir Lad

A Petition for Probate has been filed by:
Jitendra Dhirubhai and Archana Jitendra in the Superior Court of California, County of Santa Clara

The Petition for Probate requests that **Jitendra Dhirubhai and Archana Jitendra** be appointed as personal representative to administer the estate of the decedent.

The petition requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A hearing on the petition will be held in this court as follows: Date: 12/09/2024 Time: 9:01 am Dept: 2 located at Superior Court of Santa Clara 191 N. First St., San Jose, CA 95113

If you object to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

If you are a creditor or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) **four months** from the date of first issuance of letters to a general personal representative, as defined in section 58(b) of the California Probate Code, or (2) **60 days** from the date of mailing or personal delivery to you of a notice under section 9052 of the California Probate Code.

Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.

You may examine the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1259. A Request for Special Notice form is available from the court clerk.

Attorney for Petitioner:
Lisa L. Chan
10080 N. Wolfe Rd., Suite SW3-200
Cupertino, CA 95014
408-230-8266

SJM# 6862677 Nov. 11, 13, 20, 2024

Legal Notice

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA
PROBATE DIVISION

Estate of

GLORIA YVONNE INDA aka
GLORIA RAMOS,

Deceased

CASE NO. 21PR190802

NOTICE OF SALE OF REAL PROPERTY

Please take notice that Roselia Isabel Medina, as the personal representative of the estate of GLORIA YVONNE INDA aka GLORIA RAMOS, deceased, will sell at private sale, under the terms and conditions specified below, property of the estate situated in the City of San Jose, Santa Clara County, California, and described as follows:

PARCEL ONE:

Lot 14 in Block 9 Range 5 West, as shown upon that certain Map entitled "Map of Mace's Southwestern Addition in the City of San Jose", which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California on January 20, 1877 in Book A of Maps, at Page 16.

PARCEL TWO:

The Southwesterly 10 feet of the alley way adjacent to the Northeasterly line of said Parcel One above referred to, and bounded by the Northeasterly prolongations of the Northwesterly and Southeasterly lines of said Parcel One above referred to. Said Parcel of Land being a portion of the lands vacated by the City of San Jose, by Instrument 12727294 recorded November 21, 1992 in Book N674 of Official Records, Page 804.

APN: 264-39-130-000. The real property is commonly referred to as 327-329 Edwards Avenue, San Jose, CA 95110.

Written offers for this property will be received at the office of Aaron Fлемate, attorney for the personal representative, Roselia Isabel Medina at 552 North Second Street, San Jose, CA 95112, or may be delivered to Gustavo Gonzalez, Valley View Properties, 10261 Kenny Lane, San Jose, CA 95127, or may be delivered to Roselia Isabel Medina personally, on or before November 29, 2024. Sale will be made on or after November 30, 2024 to the person making the highest and best offer for the property.

The terms and conditions of sale are: as is, all cash, in lawful money of the United States of America with a percentage of the amount offered to accompany the offer and the balance to be paid on close of escrow or part cash and part credit on terms acceptable to the personal representative. The personal representative reserves the right to reject any bid that is less than the appraised value of the property. For further information please contact the attorney for the personal representative: Aaron Fлемate, Law Offices of Eugene Fлемate, telephone number (408) 298-7700.

All sales are subject to confirmation by the superior court, and no sale may be consummated and no deed may be recorded and delivered to a purchaser until court confirmation has been acquired by the personal representative.

Dated: November 8, 2024.

/S/ROSELIA ISABEL MEDINA
Personal Representative of the Estate of
Gloria Yvonne Inda, aka Gloria Ramos,
Deceased

Dated: November 8, 2024.

LAW OFFICES OF EUGENE FLEMATE

/S/AARON FLEMATE
Attorney for ROSELIA ISABEL MEDINA,
Personal Representative of the Estate of
Gloria Yvonne Inda, aka Gloria Ramos,
Deceased

Legal Notice

SJM# 6863584 November 13, 15, 22, 2024

Legal Notice

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The City will only accept completed bid packages submitted electronically to the City through the City's eProcurement portal at <https://secure.procurenow.com/portal/cityofpacific> ca by authenticated submitters up to the date and time as specified in the Notice to Bidders; without exception, responses will not be accepted after the submission deadline regardless of any technical difficulties such as poor internet connections. The City strongly recommends completing your response well ahead of the deadline.
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All contractors and subcontractors have been required since April 1, 2015 to be registered with the Department of Industrial Relations (DIR). No contractor or subcontractor may be listed on a bid proposal or may work on a public works project unless registered with DIR. All contractors and subcontractors must furnish electronic certified payroll records directly to the Labor Commissioner (aka Division of Labor Standards Enforcement). For additional information, visit the DIR website at: <http://www.dir.ca.gov/PublicWorks/PublicWorks.html>.
Each bid must be accompanied by a cashier's check, certified check, or Bidder's Bond executed by a corporate surety authorized to engage in such business in the State of California, payable to the City of Pacifica, in an amount not less than ten percent (10%) of the amount of the Base Bid. The successful bidder will be required to furnish a Performance Bond in an amount equal to one hundred percent (100%) of the contract price, and a Labor and Material Bond in an amount equal to one hundred percent (100%) of the contract price. Said bonds shall also be executed by a corporate surety authorized to engage in such business in the State of California and be made payable to the City of Pacifica. Original Bidder's Bond with surety seal must be MAILED and postmarked no later than Tuesday, December 24, 2024, addressed to the City Clerk, City Hall, 170 Santa Maria Ave., Pacifica, CA 94044.
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The Contractor receiving the award of the contract shall begin work within FIFTEEN (15) calendar days after receipt of the Notice to Proceed and shall diligently prosecute the same to completion within the time restrictions as listed in the technical specifications and all work shall be completed by the time allotted in the technical specifications.
The Contractor shall have One Hundred (100) working days to complete this project. Working days will be counted upon the Contractor's receipt of the Notice to Proceed, as noted above.
At the time the Contractor's bid proposal is submitted, the Contractor shall possess a valid Class A - California General Contractor's License. The Contractor shall also possess a valid City of Pacifica Business License at the time the contract is awarded.
The City of Pacifica hereby notifies all bidders that it will affirmatively ensure that the contract entered into pursuant to this advertisement will be awarded to the lowest responsible bidder without discrimination on the grounds of race, color, national origin, sex, religion, age or disability. The Contractor or contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of DOT-assisted contracts. Failure by the Contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract, or such other remedy as recipient deems appropriate.
Prevailing Wage. This project is subject to the requirements of Section 1720 et seq. of the California Labor Code requiring the payment of prevailing wages, the training of apprentices and compliance with other applicable requirements. Contractors and all subcontractors who perform work on the project are required to comply with these requirements. Prevailing wages apply to all projects over \$1,000 which are defined as a "public work" by the State of California. This includes: construction, demolition, repair, alteration, maintenance, and the installation of photovoltaic systems under a Power Purchase Agreement when certain conditions are met under Labor Code Section 1720.6. This includes service and warranty work on public buildings and structures.
For any moneys earned by the Contractor and withheld by the City to ensure the performance of the contract, the Contractor may, at the Contractor's request and expense, substitute securities equivalent to the amount withheld in the form and manner and subject to the conditions provided in Article 8, (commencing with Section 10263), Chapter 1, Part 2, Division 2 of the Public Contract Code of the State of California.
Full plans and specifications are viewable on the project in the e-procurement portal <https://secure.procurenow.com/portal/cityofpacific>. Bidders can also request that Plans and Specifications be mailed/shipped to them by calling (650) 898-2233 or emailing bbautista@pacificagov for a fee of \$50 and the full cost of shipping. Project information and Plan Holder's is available on the project in the e-procurement portal <https://secure.procurenow.com/portal/cityofpacific>.
ATTENT: City Clerk
11/7, 11/13/24
CNS-3868805#
SAN MATEO COUNTY TIMES
SMCT 6862688 November 7, 13, 2024

THANK YOU

for being a longtime reader of this paper.

We appreciate your continued support of our local journalism.

BayArea
NewsGroup

We've enjoyed hearing from you!

November 21, 2024 BAWSCA Board of Directors Meeting REVISED AGENDA Packet Page 62

SUMMARY OF ORDINANCE

The Board of Directors of the Bay Area Water Supply and Conservation Agency (BAWSCA) at its meeting on November 21, 2024 adopted Ordinance No. 2024-01 entitled:

**ORDINANCE PROVIDING FOR COMPENSATION
OF MEMBERS OF THE BOARD OF DIRECTORS**

On November 21, 2024, the BAWSCA Board of Directors adopted an Ordinance pursuant to California Water Code Sections 81339 and 20200 *et seq.* that increases Board compensation from \$100 per day to \$200 per day of service for attending regular and special meetings of the full Board, regular and special meetings of the Board Policy Committee, or other committees of the Board, or who perform specific services for the Agency in their capacity as members of the Board and at the request of the Board, up to a maximum of 4 days per calendar month. The Ordinance rescinds and replaces Ordinance 2004-01 entitled "Providing for Compensation of Members of the Board of Directors." The Ordinance takes effect sixty days from the date of its adoption.

A certified copy of the full text of the Ordinance, along with the names of those Board members voting for and against the Ordinance, is posted at BAWSCA's Office, located at 155 Bovet Road, #650, San Mateo, CA 94402.

The Ordinance was introduced, and a public hearing was held, on November 21, 2024 at the regular meeting of the BAWSCA Board of Directors. The Ordinance was adopted by the Board by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

This Ordinance summary was prepared at the direction of BAWSCA's CEO.

Dated: _____

BY ORDER OF THE BOARD OF DIRECTORS

[Title]

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RESOLUTION NO. 2006-02

BAY AREA WATER SUPPLY AND CONSERVATION AGENCY

ADOPTING POLICY ON REIMBURSEMENT OF DIRECTORS' EXPENSES

WHEREAS, Water Code Section 81339 provides that BAWSCA directors may be reimbursed for actual, necessary and reasonable expenses incurred in the performance of duties performed at the request of the board; and

WHEREAS, Government Code Section 53232.2 provides that, if a local agency reimburses members of its legislative body for actual and necessary expenses incurred in the performance of official duties, the agency's governing board shall adopt a written policy, in a public meeting, specifying the types of activities that qualify for reimbursement; and

WHEREAS, the board of directors recognizes that effective and efficient conduct of the Agency's business requires directors from time to time to incur expenses for travel, meals, lodging, tuition, and ancillary costs which should, in fairness, be reimbursed by the Agency; and

WHEREAS, the board of directors is also mindful of the need to conserve Agency resources and keep expenses within community standards for public officials.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Bay Area Water Supply and Conservation Agency that

1. The "Policy on Reimbursement of Expenses Incurred by Members of Board of Directors" attached hereto is adopted.

POLICY ON REIMBURSEMENT OF EXPENSES INCURRED BY MEMBERS OF BOARD OF DIRECTORS

1. Background

Water Code Section 81339 provides that directors may be reimbursed for actual, necessary and reasonable expenses incurred in the performance of duties performed at the request of the board.

Government Code Section 53232.2 provides that if a local agency reimburses members of its legislative body for actual and necessary expenses incurred in the performance of official duties, then the agency's governing board shall adopt a written policy, in a public meeting, specifying the types of activities that qualify for reimbursement of expenses such as those related to travel, meals, and lodging.

2. Authorized Activities

A. The following types of activities are deemed to be official duties performed at the request of the board of directors, and expenses necessarily and reasonably incurred in connection with them are eligible for reimbursement, provided that the other provisions of this policy are met:

- Attendance at a meeting of the BAWSCA board of directors;
- Attendance at a meeting of a committee of the BAWSCA board to which the director has been appointed;
- Attendance at a meeting of a multi-agency organization (such as the CSDA Local Government Risk Management Authority) to which the director has been appointed as BAWSCA's representative;
- Attendance by the Chair or Vice Chair at a meeting held or sponsored by the San Francisco Public Utilities Commission, the California Department of Water Resources, the California Seismic Safety Commission, the California Department of Health Services, the Santa

Clara Valley Water District, a committee of the State Legislature, an agency that is a member of BAWSCA, or with a consultant or consultants under contract to BAWSCA, that in the judgment of the Chair or Vice Chair requires representation by the leadership of the BAWSCA board of directors;

- Attendance at any of the meetings identified above by any director at the specific request of the Chair or Vice Chair;
- Attendance at or participation in an event providing training in ethics required by California law, including Government Code Section 53234 *et seq.*
- Attendance at or participation in an event that the Chair (or, in the absence or unavailability of the Chair, the Vice-Chair) determines should have a representative of the Agency board of directors in attendance;

B. All other expenditures require prior approval by the Agency's board of directors.

C. Examples of expenses which the Agency will not reimburse include:

- The personal portion of any trip;
- Family expenses, including those of partners, spouses or children when accompanying a director on Agency-related business;
- Entertainment expenses, including theatre, movies, sporting events;
- Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline;
- Purchase of alcoholic beverages.

3. **Cost Control Guidelines**

To conserve Agency resources and to keep expenses within community standards for public officials, reimbursement of expenses will be limited to amounts within the following guidelines:

A. Travel

- Airfare: Air travel should be by coach class via the most direct route.
- Automobile: Automobile mileage is reimbursed at the Internal Revenue Service rate contained in the most recent edition of IRS Publication 463. Tolls and parking are reimbursed at cost.
- Car Rental: Rental rates that are equal to or less than those available through the State of California Department of General Services website (www.catravelsmart.com) are considered reasonable for purposes of reimbursement.

B. Lodging

Lodging will be reimbursed when travel on Agency business reasonably requires an overnight stay.

- Conferences: If lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor if such rates are available at the time the reservation is made.
- Other: Directors must request government rates when available. A list of hotels offering government rates is available at www.catravelsmart.com. Rates equal to or less than government rates are considered reasonable for reimbursement. In the event that government rates are not available at a particular time or in the particular area, rates that do not exceed \$150 per night are considered reasonable. This amount will be annually adjusted to reflect changes in Consumer Price Index, All Urban Consumers, for the San Jose-San Francisco-Oakland Metropolitan Area published by the U.S. Department of Labor, Bureau of Labor Statistics.

C. Meals.

Meal expenses, including tips, will be reimbursed up to the following amounts:

Breakfast: \$12

Lunch:	\$18
Dinner	\$35

These amounts will also be adjusted annually by the CPI index identified above.

4. Expense Reimbursement Forms

All expense reimbursement requests must be submitted to the General Manager on an expense report form provided by the Agency. Receipts documenting each expense in excess of \$10 must accompany the report. Directors must submit their expense reports within 30 days after the expenses are incurred. All expenses are subject to verification.

5. Reports to Board of Directors

Each director requesting reimbursement of expenses shall, at the following BAWSCA board meeting, briefly report on meetings and other events attended at Agency expense. If more than one director attended a meeting or event, a joint report may be made.

6. Reporting of Expenses and Reimbursement

All Agency expenditures are public records subject to disclosure under the Public Records Act. In addition, the Agency is required to compile a quarterly report showing the amount of expenses reimbursed to each director during the preceding three months and make this report available during a public meeting.

2. The activities described in Section 2 of the attached Policy shall also constitute "services rendered as a member of the board at the request of the board" for purposes of Ordinance No. 2004-01, providing for compensation of members of the board of directors pursuant to Water Code Sections 81339 and 20201.

PASSED AND ADOPTED this 16 day of March, 2006 by the following vote:

AYES: Beecham, Claire; Fannon, Fergusson, Gage, Goff, Guzzetta
Hershman, Mickelsen, O'Connell, O'Mahony, Piccolotti, Reynolds,
NOES: Risch, Seidel, Vella, Weed, Wykoff
NONE

ABSENT: Breault, Bologoff, Cooper, Craig, Kolstad, Kasperzak, Livengood,
Reed, Tissier, Woods.



President, Board of Directors

ATTEST:



Secretary of the Board

BAY AREA WATER SUPPLY & CONSERVATION AGENCY

ORDINANCE NO. 2004-01

**PROVIDING FOR COMPENSATION
OF MEMBERS OF THE BOARD OF DIRECTORS**

THIS ORDINANCE IS ADOPTED WITH REFERENCE TO THE FOLLOWING
FACTS AND CIRCUMSTANCES:

1. Members of the Board of Directors receive compensation in the amount of \$100 per day for attendance at meetings of the Board, pursuant to Water Code Section 81339.
2. Water Code Section 20201 authorizes compensation, not to exceed \$100 per day, for “services rendered as a member of the board at the request of the board.”
3. The Board of Directors, at the recommendation of the Start Up Advisory Committee, has determined that the Agency would be well served by establishing a standing committee to meet periodically to consider matters that staff proposes to present to the full Board of Directors, as well as any other matters which members of such committee deem important to implementation of the Agency’s purposes and goals.
4. The Board of Directors believes that members who serve on this committee, or other committees, of the Board or who perform specific services for the Agency in their capacity as members of the Board and at the request of the Board, should also receive compensation for such services.
5. The Board of Directors further believes that the total amount of compensation for all such services, including attendance at meetings of the Board and any committee of the Board, should not exceed \$400 per month, as provided by Water Code Section 81339. *[Or a lower limit.]*
6. The Board of Directors has called and held a public hearing on the question of providing compensation to directors for attendance at committee meetings and for other service rendered at the request of the Board. Notice of the hearing was published by the Acting Secretary of the Agency in a newspaper of general circulation in the Agency pursuant to Government Code Section 6066.

BE IT ORDAINED by the Board of Directors of the Bay Area Water Supply & Conservation Agency as follows:

Section 1. Each director shall receive compensation in the amount of One Hundred Dollars (\$100) per day for each day's attendance at meetings of the Board, for attendance at meetings of committees of the Board, and for each day's service otherwise rendered as a director by request of the Board, commencing on the first day of September, 2004. The Board may, by resolution, determine the types of activities that constitute service rendered "by request of the Board," for purposes of eligibility for compensation pursuant to this section.

Section 2. The number of days for which any director may be compensated shall not exceed four (4) *[or fewer]* days in any calendar month.

Section 3. This ordinance shall become effective sixty (60) days from the date of its adoption.

Section 4. A summary of this ordinance shall be published in a newspaper of general circulation within the Agency.

PASSED AND ADOPTED this 17th day of June, 2004,
by the following vote:

AYES: Beecham, Cooper, Craig, Hershman, Kasperzak, Livengood, Mickelsen,
O'Mahoney, Parle, Reed, Reynolds, Risch, Seidel, Vella, Weed

NOES: Fannon, Gage, Goff, O'Connell, Panza, Ruskin, Wykoff

ABSENT: Breault, Kinney, Nelson, Piccolotti, Tissier, Woods



President, Board of Directors

ATTEST:



Acting Secretary

BAY AREA WATER SUPPLY AND CONSERVATION AGENCY

BOARD OF DIRECTORS MEETING

Agenda Title: **BAWSCA Other Post-Employment Benefits (OPEB) Liability
Funded Status Update**

Summary:

BAWSCA participates in the California Employers' Retiree Benefit Trust (CERBT) program, administered by CalPERS, to prefund the agency's Other Post-Employment Benefits (OPEB) obligations. Since entering the CERBT program on April 26, 2014 through September 30, 2024, BAWSCA has had total contributions of \$1,035,731 and investment earnings of \$425,746. The average annual rate of return was 5.7%.

As of June 30, 2024, BAWSCA's unfunded OPEB liability, also known as Net OPEB Liability, was \$1,182,811, which is estimated to be paid off by 2036 based on the current amortization schedule. The total OPEB liability has been 52% funded based on a discount rate of 5.5%, which is lower and more conservative than the CERBT's expected long-term rate of return for Strategy 2 asset allocation at 6.1%.

Fiscal Impact:

BAWSCA's FY 2024-25 Operating Budget includes a CERBT contribution of \$80,000 to fully fund the annual OPEB expense for FY 2024-25 per the actuarial valuation as of June 30, 2023 based on a discount rate of 5.5%. This amount was deposited into BAWSCA's CERBT account in August 2024.

Recommendation:

This item is for informational purposes only. No Board action is requested at this time.

Discussion:

Like many other public agencies, BAWSCA prefunds its OPEB obligations in order to generate investment income from employer-controlled contributions to pay for future retiree benefits, reduce future employer cash flow requirements, and reduce OPEB liabilities reported on the agency's annual financial statements. To achieve these goals, BAWSCA established a CalPERS CERBT trust to prefund OPEB obligations in April 2014.

BAWSCA participates in CERBT's Strategy 2 asset allocation portfolio. Over the past 10 years (from inception to September 30, 2024), BAWSCA's average annual rate of return was 5.7%. Per the CERBT, the longer the investments are in the trust, the more they gradually align closer to their 20-year expected rate of return of 6.1% that was adopted by CalPERS in August 2024. According to CERBT's investment benchmarks, their long-term gross investment returns continue to outperform the public market and Local Agency Investment Fund (LAIF) where BAWSCA's fund was previously invested.

In consideration of the actual investment performance of BAWSCA funds deposited at the CERBT, BAWSCA and its actuary determined that the same discount rate of 5.5% as used in last year's valuation continues to be the most reasonable for the recent valuation as of June 30, 2024 provided as Attachment 1 (under separate cover). In general, a lower discount rate results

in a higher annual OPEB expense and a decreased funded status but will reduce the agency's unfunded liability risk from overly optimistic interest rate assumptions in the future.

As of June 30, 2024, BAWSCA's unfunded OPEB liability was \$1,182,811. The unfunded OPEB liability represents the excess of the total OPEB liability of \$2,454,371 over the value of assets of \$1,271,560 that have been accumulated in the CERBT trust. The total OPEB liability is the actuarial present value of projected benefit payments that have been earned by employees based on past years of service. As of June 30, 2024, BAWSCA's total OPEB liability has been 52% funded based on a discount rate of 5.5%.

The table below provides a summary of BAWSCA's CERBT account as of September 30, 2024.

CERBT Account Summary as of September 30, 2024	
Total Contributions (Initial contribution made on 4/26/2014)	\$1,035,731
Total Disbursements	-
Total CERBT Expenses	(\$6,437)
Total Investment Earnings	\$425,746
Total Assets	\$1,455,040
Current Asset Allocation Strategy Selection	CERBT Strategy 2
CERBT 20-Year Expected Rate of Return	6.1%
BAWSCA's Discount Rate Used in OPEB Actuarial Valuation as of June 30, 2024	5.5%
BAWSCA Actual Cumulative Annualized Rate of Return* from Inception (4/26/2014) through 9/30/2024	5.7%
BAWSCA Net OPEB Liability as of 6/30/2024 (Estimated to Be Paid Off by 2036)	\$1,182,811
Funded Status	52%

**Net of fees*

SFPUC's OPEB Liability Funded Status Update

The SFPUC participates in the single employer defined benefit plan that is maintained by the City and County of San Francisco (San Francisco) and administered through the San Francisco Health Service System. San Francisco's funding has been based on "pay-as-you-go" plus a contribution to the Retiree Health Care Trust Fund (Trust Fund).

SFPUC Share of Net San Francisco Liability. Per San Francisco's latest OPEB actuarial valuation as of June 30, 2023 as provided in Attachment 2 (under separate cover), the total San Francisco net OPEB liability was \$3.746 billion, which is estimated to be paid off by 2047. San Francisco's net OPEB liability is calculated by subtracting the Trust Fund balance of \$0.740 billion from San Francisco's total liability of \$4.486 billion. The SFPUC's proportionate share was 6.32% of San Francisco's net OPEB liability, or \$247.902 million, that includes \$158.301 million for the Water Enterprise and \$16.269 million for Hetchy Water, based on a discount rate

of 7.0%. For context, the SFPUC's FY 2023-24 operating budget, which includes contributions to the Trust Fund and pay as you go benefits payments, was \$1.691 billion.

SFPUC Share of Total Contributions. For FY 2022-23, the SFPUC's proportionate share of the City's contribution to the Trust Fund was \$17.603 million, which includes \$11.241 million for the Water Enterprise and \$1.155 million for Hetchy Water.

BAWSCA Advisors' Analysis of Member Agencies Accounting Treatment of SFPUC's Unfunded OPEB and Pension Liabilities

In September 2023, BAWSCA consulted with its auditors Chavan & Associates, LLP on the Board's concerns related to the SFPUC's current level of the unfunded OPEB and pension liabilities and potential risk to the Wholesale Customers.

Recently, BAWSCA confirmed with the auditors that their opinion remains the same. The auditors believe that the SFPUC's unfunded OPEB and pension liabilities are not liabilities of BAWSCA or its member agencies. There are no accounting guidelines that would require BAWSCA agencies to report their share of SFPUC's unfunded OPEB and pension liabilities in the agencies' financial statements. The auditors are unaware of any future obligation that the BAWSCA agencies would have in relation to SFPUC's unfunded OPEB and pension liabilities. A copy of a re-issued letter from Chavan & Associates with further clarifications is shown in Exhibit A.

The SFPUC prepares a cash budget, including retirement benefit payments based on pay as you go and Trust Fund contributions as part of the benefits portion of salary. Through the established wholesale water rates, BAWSCA agencies pay the wholesale customers' share of SFPUC's OPEB and pension benefits costs attributable to SFPUC's current and retired employees.

BAWSCA also consulted with its legal counsel, who confirmed that per the Water Supply Agreement (WSA), BAWSCA agencies should only pay their share of expenses of SFPUC operations from which they receive benefit. BAWSCA agencies' share of the SFPUC's labor costs, including OPEB and pension benefits, is calculated based on the terms specified in the WSA. BAWSCA legal counsel agreed with the results of the auditors' analysis as stated above.

Attachments (Under Separate Cover):

1. [Item 9A – Attachment 1: BAWSCA OPEB Actuarial Valuation as of June 30, 2024](#)
2. [Item 9A – Attachment 2: City and County of San Francisco OPEB Actuarial Valuation as of June 30, 2023](#)

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Chavan and Associates, LLP
Certified Public Accountants

To the Board of Directors of
the Bay Area Water Supply and Conservation Agency

As the auditors of the Bay Area Water Supply and Conservation Agency (BAWSCA), management has consulted with us regarding the Board's concerns related to the San Francisco Public Utility Commission's (SFPUC) current level of unfunded OPEB and pension liabilities, and the potential risk to wholesale customers related to these liabilities.

Based on current governmental accounting standards, SFPUC's unfunded OPEB and pension liabilities are not liabilities of BAWSCA or its member agencies. There are no accounting guidelines that would require BAWSCA member agencies to report a share of SFPUC's unfunded OPEB and pension liabilities in the agencies' financial statements. We are unaware of any future obligation that the BAWSCA member agencies would have in relation to SFPUC's unfunded OPEB and pension liabilities.

BAWSCA member agencies pay the wholesale customers' share of SFPUC's OPEB and pension benefits costs attributable to SFPUC's current and retired employees through the established wholesale water rates. The allocable costs of SFPUC's employee benefits are included in the determination of the wholesale water rates and are based on SFPUC's annual pay as you go OPEB and pension contributions.

This communication is intended solely for the information and use of management, the Board, and others within the organization and is not intended to be, and should not be, used by anyone other than these specified parties.

Sincerely,

October 24, 2024
Morgan Hill, California

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BAY AREA WATER SUPPLY AND CONSERVATION AGENCY

BOARD OF DIRECTORS MEETING

Agenda Title: **BAWSCA Pension Liability Funded Status Update**

Summary:

BAWSCA offers its employees and retirees a defined pension benefit plan that is managed and administered by California Public Employees' Retirement System (CalPERS), a State of California Pension Trust Program.

Per the latest CalPERS actuarial valuation as of June 30, 2023, BAWSCA's pension Unfunded Accrued Liability (UAL) was \$1,248,057, which is estimated to be paid off by 2044 based on the current amortization schedule, based on a discount rate of 6.8%.

Fiscal Impact:

BAWSCA's FY 2024-25 Operating Budget includes the CalPERS required employer contributions of \$281,625, which represents 5.0% of the annual budget of \$5,614,518.

Recommendation:

This item is for informational purposes only. No Board action is requested at this time.

Discussion:

CalPERS retirement benefits are based on a formula, rather than contributions and earnings to a savings plan. Retirement formulas vary based on classifications of the employees (e.g., miscellaneous, safety, or industrial). BAWSCA only participates in the pension plan for miscellaneous employees. Every year, CalPERS provides BAWSCA an actuarial valuation report that includes the latest pension trust plan funded status and the minimum required employer contributions for the next fiscal year. The minimum required employer contributions represent the sum of the Normal Cost (expressed as a percentage of total active payroll) plus the amortization of the Unfunded Accrued Liability.

Per the latest CalPERS actuarial valuation as of June 30, 2023 provided as Attachments 1 and 2 ([under separate cover](#)), BAWSCA's unfunded pension liability was \$1,248,057, which is estimated to be paid off by 2044. The unfunded pension liability represents the liability for service that has been earned but not funded. Based on the current amortization schedule, BAWSCA's minimum required employer contribution towards the UAL for FY 2025-26 will be \$106,946.

BAWSCA's CalPERS Pension Plan Funded Status

The measure of funded status is an assessment of the sufficiency of plan assets to cover future employee benefits for completed service years. The Present Value of Projected Benefits (PVB) presents the total value of all future pension liabilities for current and former employees. The Unfunded Accrued Liability (UAL) is the present value of future employer contributions for service that has already been earned and is in addition to future normal cost contributions for active members. BAWSCA's latest CalPERS pension plan funded status is summarized in Table 1.

Table 1. Summary of BAWSCA's Pension Plan Funded Status as of 6/30/2023

Actuarial Calculation	CalPERS "Misc." Plan Value
a. Present Value of Projected Benefits (PVB)	\$8,329,282
b. Entry Age Normal Accrued Liability (AL)	\$6,294,845
c. Market Value of Assets (MVA)	\$5,046,788
d. Unfunded Accrued Liability (UAL) =b-c	\$1,248,057
e. Funded Ratio =c/b	80.2%

SFPUC's Pension Liability Funded Status Update

The SFPUC participates in a cost-sharing multiple-employer defined benefit pension plan (the Plan) that is maintained by the City and County of San Francisco (San Francisco) and administered by the San Francisco City and County Employees' Retirement System (SFERS). In addition, the SFPUC also participates in the Replacement Benefits Plan (RBP) that allows San Francisco to pay SFERS retirees any portion of the mandated retirement allowance that exceeds the annual IRS Section 415 limits.

SFPUC Share of Net San Francisco Liability. Per San Francisco Controller's Office, San Francisco's unaudited total net pension liability as of June 30, 2023 was \$3.589 billion that includes \$3.457 billion in SFERS and \$0.132 billion in RBP. The SFPUC's proportionate share was 7.41% of San Francisco's net pension liability, or \$265.930 million that includes \$152.643 million for the Water Enterprise and \$19.090 million for Hetchy Water, based on a discount rate of 7.2%. For context, the SFPUC's FY 2023-24 operating budget, which includes the pension benefit payments, was \$1.691 billion. The latest SFERS Actuarial Valuation Report as of July 1, 2023 is provided for your reference in Attachment 3 (under separate cover)

SFPUC Share of Total Contributions. For FY 2023-24, the SFPUC's estimated proportionate share of employer contributions was \$48.672 million, which includes \$27.925 million for the Water Enterprise and \$3.525 million for Hetchy Water.

BAWSCA Advisors' Analysis on Member Agencies Accounting Treatment of SFPUC's Unfunded OPEB and Pension Liabilities

In September 2023, BAWSCA consulted with its auditors Chavan & Associates, LLP on the Board's concerns related to the SFPUC's current level of the unfunded OPEB and pension liabilities and potential risk to the Wholesale Customers.

Recently, BAWSCA confirmed with the auditors that their opinion remains the same. The auditors believe that the SFPUC's unfunded OPEB and pension liabilities are not liabilities of BAWSCA or its member agencies. There are no accounting guidelines that would require BAWSCA agencies to report their share of SFPUC's unfunded OPEB and pension liabilities in the agencies' financial statements. The auditors are unaware of any future obligation that the BAWSCA agencies would have in relation to SFPUC's unfunded OPEB and pension liabilities. A copy of a re-issued letter from Chavan & Associates with further clarifications is shown in Exhibit A.

The SFPUC prepares a cash budget, including retirement benefit payments based on pay as you go and Trust Fund contributions as part of the benefits portion of salary. Through the established wholesale water rates, BAWSCA agencies pay the wholesale customers' share of SFPUC's OPEB and pension benefits costs attributable to SFPUC's current and retired employees.

BAWSCA also consulted with its legal counsel, who confirmed that per the Water Supply Agreement (WSA), BAWSCA agencies should only pay their share of expenses of SFPUC operations from which they receive benefit. BAWSCA agencies' share of the SFPUC's labor costs, including OPEB and pension benefits, is calculated based on the terms specified in the

WSA. BAWSCA legal counsel agreed with the results of the auditors' analysis as stated above.

Attachments (Under Separate Cover):

1. [Item 9B – Attachment 1: BAWSCA Miscellaneous Plan of CalPERS Actuarial Valuation Report as of June 30, 2023](#)
2. [Item 9B – Attachment 2: BAWSCA PEPRA Miscellaneous Plan of CalPERS Actuarial Valuation Report as of June 30, 2023](#)
3. [Item 9B – Attachment 3: City and County of San Francisco Employees' Retirement System Actuarial Valuation Report as of July 1, 2023](#)

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Chavan and Associates, LLP
Certified Public Accountants

To the Board of Directors of
the Bay Area Water Supply and Conservation Agency

As the auditors of the Bay Area Water Supply and Conservation Agency (BAWSCA), management has consulted with us regarding the Board's concerns related to the San Francisco Public Utility Commission's (SFPUC) current level of unfunded OPEB and pension liabilities, and the potential risk to wholesale customers related to these liabilities.

Based on current governmental accounting standards, SFPUC's unfunded OPEB and pension liabilities are not liabilities of BAWSCA or its member agencies. There are no accounting guidelines that would require BAWSCA member agencies to report a share of SFPUC's unfunded OPEB and pension liabilities in the agencies' financial statements. We are unaware of any future obligation that the BAWSCA member agencies would have in relation to SFPUC's unfunded OPEB and pension liabilities.

BAWSCA member agencies pay the wholesale customers' share of SFPUC's OPEB and pension benefits costs attributable to SFPUC's current and retired employees through the established wholesale water rates. The allocable costs of SFPUC's employee benefits are included in the determination of the wholesale water rates and are based on SFPUC's annual pay as you go OPEB and pension contributions.

This communication is intended solely for the information and use of management, the Board, and others within the organization and is not intended to be, and should not be, used by anyone other than these specified parties.

Sincerely,

C & A LLP

October 24, 2024
Morgan Hill, California

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155 Bovet Road, Suite 650
San Mateo, California 94402
(650) 349-3000 tel. (650) 349-8395 fax

MEMORANDUM

TO: BAWSCA Board of Directors
FROM: Nicole Sandkulla, CEO/General Manager
DATE: November 13, 2024
SUBJECT: Chief Executive Officer/General Manager's Letter

Strategy 2050 – Update:

On September 1, 2024, the SFPUC initiated the collection process of the Water Management Charge associated with the development of BAWSCA's Long-Term Reliable Water Supply Strategy 2050 (Strategy 2050) as directed by the Board on July 18, 2024. The ability to implement a Water Management Charge is authorized in Section 3.06.A of the 2021 Amended and Restated Water Supply Agreement. The current Water Management Charge will be effective from September 1, 2024 through March 1, 2026, covering an 18-month period.

BAWSCA is continuing to coordinate with the SFPUC on administrative matters involved in billing, collecting, and remitting Water Management Charge revenue.

On October 23, 2024, BAWSCA finalized the agreements with EKI for the development of Strategy 2050 and Hanson Bridgett to provide legal services in support of the development of Strategy 2050, as approved by the Board on July 18, 2024. Consistent with the adopted work plan, development of Strategy 2050 commenced on November 1, 2024 and the work will continue through January 2027.

Status of Wholesale Revenue Requirement (WRR) Reviews for FY 2020-21 through FY 2023-24

FY 2020-21 WRR: Due to SFPUC's delayed progress in addressing BAWSCA's questions in connection with the FY 2020-21 WRR cost allocation, the parties signed a tolling agreement, effective September 3, 2024, which indicates an extended deadline of November 13, 2024 for the parties to enter into a settlement agreement or for the Wholesale Customers to file a demand for arbitration on any unsolved issues for FY 2020-21. Subsequently, the SFPUC requested a 30-day extension as allowed by the tolling agreement. This request has moved the deadline for the expiration of the current FY 2020-21 tolling agreement to December 13, 2024. Recently, the SFPUC proposed to further extend the tolling agreement by six months to June 13, 2025. The parties will proceed accordingly.

FY 2021-22 WRR: BAWSCA is waiting for the SFPUC's response to BAWSCA's questions sent to the SFPUC on March 1, 2024. The deadline for the parties to enter into a settlement agreement or for the Wholesale Customers to file a demand for arbitration on any unsolved issues is January 3, 2025. In light of its delayed progress in addressing BAWSCA's questions, the SFPUC recently proposed to extend the deadline by six months to July 3, 2025 through a tolling agreement. The parties will proceed accordingly.

FY 2022-23 WRR: On October 10, 2024, BAWSCA received the compliance auditor's report and the audited WRR financial statements for FY 2022-23. Pursuant to Section 7.06 of the WSA, BAWSCA is

currently performing a review of the SFPUC's calculation of the annual WRR and changes in the balancing account for FY 2022-23, and expects to complete its review by December 9, 2024.

FY 2023-24 WRR: In accordance with Section 7.02 of the WSA, BAWSCA expects the SFPUC to provide BAWSCA with the required reports and schedules relevant to the calculation of the annual WRR for FY 2023-24 by November 30, 2024. Pursuant to Section 7.04 of the WSA, the compliance auditor will review the SFPUC's calculation of the WRR in accordance with Generally Accepted Auditing Standards and issue its report no later than March 31, 2025. Upon the issuance of the compliance auditor's report, BAWSCA will conduct its 60-day review promptly.

Los Vaqueros Expansion Project:

As reported to the BAWSCA Board at its September 19, 2024 meeting, the Contra Costa Water District's (CCWD's) Board of Directors directed CCWD staff to develop an approach for ending CCWD's participation in the Los Vaqueros Reservoir Expansion Project (LVE Project) at its September 18, 2024 meeting.

On October 9, 2024, the LVE Joint Partners Directors held an in-person Board Meeting of the JPA where the primary discussion focused on determining the next steps in response to the CCWD directive. While the LVE JPA Board expressed disappointment in the CCWD Board directive, it did not take any official action, but directed JPA staff to communicate with CCWD about potential alternatives for moving forward with the Project. In addition, the LVE JPA Board President sent a letter to the CCWD Board expressing the LVE JPA's interest in seeking potential alternatives, in an effort to keep the LVE Project alive. That letter is in the correspondence packet for this BAWSCA Board Meeting, along with other correspondence from the LVE JPA Board regarding project status and funding expended to date.

The CCWD Board met on November 6, 2024. That meeting allowed for virtual attendance, and BAWSCA Staff listened in on the discussion that took place. The agenda included further discussion of the LVE Project and consideration of a proposed resolution to 1) work with the California Water Commission (CWC) to eliminate / back-out of CWC's project funding support, and 2) work with the LVE JPA to dissolve the partnership. The CCWD Board voted unanimously to approve the resolution. The LVE JPA Board is scheduled to meet on November 13, 2024.

The November 21, 2024 BAWSCA Board agenda includes an oral report on LVE at which time any further updates will be provided.

BAWSCA will keep the Board apprised as this matter unfolds.

SFPUC Water Quality Strategic Plan

The SFPUC's Water Quality Strategic Plan 2024 (WQSP 2024) Update provides an overview of the strategic planning process employed by SFPUC related to water quality matters, documents activities currently underway within the SFPUC's Water Quality Division, and recommends new activities designed to prepare the SFPUC for future issues that have the potential to impact operations. The Final WQSP is available on SFPUC's website via this link: <https://www.sfpuc.gov/about-us/policies-plans/water-quality-planning>

As part its development of the WQSP 2024, the SFPUC reviewed focus areas with other utilities, stakeholders, and expert advisors including BAWSCA. BAWSCA offered significant comments during meetings held with experts and stakeholders. BAWSCA also took part in the review and comment on earlier draft versions of WQSP 2024. Presently, BAWSCA is reviewing the Final WQSP 2024 to assure that BAWSCA's comment on the most recent draft version were addressed.

BAWSCA has asked the SFPUC to present a summary of WQSP 2024 at an upcoming meeting of the Board. This will likely occur in early 2025 as part of a regular SFPUC report to the Board.

Water Use Efficiency Regulation Workshop held October 21, 2024:

On October 21, BAWSCA and Valley Water successfully hosted an all-day in-person workshop. The event aimed to equip agencies with the knowledge and tools necessary to understand and comply with the newly adopted water use efficiency regulations. Specifically, the workshop focused on the new requirements applicable to commercial, industrial, and institutional (CII) sectors.

The workshop was a resounding success, drawing nearly 70 attendees from 43 agencies. BAWSCA and Valley Water invited other Bay Area agencies to participate in the workshop, fostering a diversity of perspectives and expertise while sharing the newly created resources. Participants actively engaged with the presented materials and provided valuable feedback on the workshop content and the newly developed resources. This feedback will be instrumental in guiding BAWSCA and Valley Water's ongoing efforts to support agencies in meeting the evolving water conservation mandates.

On October 22, ACWA, CalWEP, and League of California Cities partnered to provide a second webinar on the new regulations. The webinar provided waters suppliers with tips and tricks to begin thinking through the implementation of the new regulations. A free video recording is available for members of any one of the three organizations by contacting the organization.

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Board of Directors

Policy Calendar Through July 2025

Meeting Date	Purpose	Issue or Topic
January 2025	D&A D&A R&D R S	Mid Year FY 2024-25 Work Plan, Budget and General Reserve Review Consideration of Proposed FY 2025-26 Bond Surcharges BAWSCA's Strategy 2050 & Water Management Charge Update Review Water Supply Forecast FY 2025-26 Work Plan and Budget Study Session
March 2025	D&A R&D R&D R&D R	Consideration of Results of Bi-Annual Staff Salary Compensation Review Presentation of Preliminary FY 2025-26 Work Plan and Budget BAWSCA's Strategy 2050 & Water Management Charge Update Review of Regular Consultant Rates Review of Water Supply Forecast
May 2025	D&A R&D R	Consideration of Proposed FY 2025-26 Work Plan and Budget BAWSCA's Strategy 2050 & Water Management Charge Update Review of Water Supply Forecast
July 2025	D&A R&D R&D	Review of CEO/General Manager Evaluation Procedure BAWSCA's Strategy 2050 & Water Management Charge Update SFPUC Alternative Water Supply Program Update

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**Bay Area Water Supply and Conservation Agency
and Regional Financing Authority**

Meeting Schedule through December 2025

Schedule for BAWSCA Board Meetings (Meetings are held from approx. 6:30 – 8:45 p.m.)	
<u>Date</u>	<u>Location</u>
Thursday – January 16, 2025	Burlingame Community Center – Sequoia Room
Thursday – March 20, 2025	Burlingame Community Center – Sequoia Room
Thursday – May 15, 2025	Burlingame Community Center – Sequoia Room
Thursday – July 17, 2025	Burlingame Community Center – Sequoia Room
Thursday – September 18, 2025	Burlingame Community Center – Sequoia Room
Thursday – November 20, 2025	Burlingame Community Center – Sequoia Room

Schedule for RFA Board Meetings (Meeting time will be announced)	
<u>Date</u>	<u>Location</u>
Thursday – January 16, 2025	Burlingame Community Center – Sequoia Room

Schedule for BAWSCA Board Policy Committee Meetings (Meetings held from 1:30-4:00 p.m.)	
<u>Date</u>	<u>Location</u>
Wednesday, December 11, 2024	Burlingame Community Center – Sequoia Room B
Wednesday, February 12, 2025	Burlingame Community Center – Sequoia Room B
Wednesday, April 9, 2025	Burlingame Community Center – Sequoia Room B
Wednesday, June 11, 2025	Burlingame Community Center – Sequoia Room B
Wednesday, August 13, 2025	Burlingame Community Center – Sequoia Room B
Wednesday, October 8, 2025	Burlingame Community Center – Sequoia Room B
Wednesday, December 10, 2025	Burlingame Community Center – Sequoia Room B