

<u>AGENDA</u> REGULAR MEETING OF THE BOARD OF DIRECTORS WEDNESDAY, JUNE 1, 2022 – 4:00 PM 9300 FANITA PARKWAY, SANTEE, CA 92071

NOTICE TO THE PUBLIC

The meeting will be held at the appointed meeting place, the Board Room at the District's Customer Service Center, located at 9300 Fanita Parkway in Santee.

The meeting is also being held virtually via Zoom pursuant to recent amendments to the Brown Act permitting virtual meetings and waiving certain teleconference requirements under certain circumstances. Some Board Members may attend the meeting virtually pursuant to such Brown Act amendments.

Register to watch the webinar via the link below: <u>https://us06web.zoom.us/webinar/register/WN_CUXnfrqOTDq7ltl8h5SJAQ</u> *After registering, you will receive a confirmation with a link to join the webinar.*

For teleconference dial:

+1-646-568-7788 Webinar/Meeting ID: 828 3275 2602# Enter # for participant ID

PUBLIC COMMENT INSTRUCTIONS

Members of the public may address the Board on any item on the agenda when the item is considered, or under "Opportunity for Public Comment" regarding items not on the posted agenda that are within the subject matter jurisdiction of the Board. If attending via Zoom, attendees must click the hand raise icon within the meeting platform and will be called on to unmute themselves when it is their turn to speak. If attending in person, fill out a "request to speak" form located near the entrance of the board room and give to the Board Secretary. Public comments are limited to 3 minutes.

Public comments may also be submitted in writing through the <u>public comment e-form</u> at least a half hour prior to the start of the meeting or mailed to the attention of Amy Pederson, Padre Dam, PO Box 719003, Santee, CA 92072. These public comment procedures supersede the District's normal public comment policies and procedures to the contrary.

The complete agenda package is available for public review at <u>www.PadreDam.org</u>. No action may be taken on any item not appearing on the posted agenda, except as provided by Gov. Code Section 54954.2. Any written materials provided to the Board within 72 hours of the meeting regarding any item on this agenda will be available for public inspection on the District's website. For questions or request for information related to this agenda contact Amy Pederson, Board Secretary, at 619.258.4614 or <u>apederson@padre.org</u>.

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the American with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should contact our ADA Coordinator: Larry Costello at 619.258.4678 or costello.gov

<u>AGENDA</u>

CALL TO ORDER

• PLEDGE OF ALLEGIANCE

OPPORTUNITY FOR PUBLIC COMMENT

Opportunity for members of the public to address the Board regarding items not appearing on this agenda and are within the jurisdiction of the Board (Gov. Code 54954.3).

• PRESENTATION

Recognizing Allen Carlisle, CEO/General Manager, on the occasion of his retirement.

• ITEMS TO BE ADDED, WITHDRAWN OR REORDERED ON THE AGENDA

• CONSENT AGENDA

Items are considered to be routine and will be acted upon by a single motion without discussion, unless a Board Member, staff, or the public request a specific item be removed from the consent agenda for discussion.

1. AUTHORIZATION FOR REMOTE TELECONFERENCE PUBLIC MEETINGS IN ACCORDANCE WITH ASSEMBLY BILL 361

Recommendation:

Make findings that the Governor's Proclamation of a State of Emergency remains in effect, and state and local officials continue to impose or recommend social distancing, and authorize remote teleconference meetings for Padre Dam's legislative bodies pursuant to Brown Act provisions enacted by AB 361.

2. 2022 LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Recommendation:

Adopt Resolution approving the 2022 Local Guidelines for CEQA for Padre Dam and repealing all prior actions by Padre Dam enacting earlier guidelines.

3. APPOINTMENT OF NEW DISTRICT REPRESENTATIVE TO SERVE ON THE METRO COMMISSION/METRO WASTEWATER JOINT POWERS AUTHORITY (METRO JPA)

Recommendation:

Approve President Pommering's recommendation to appoint Karen Jassoy, the District's CFO/Director of Finance to serve as the District's representative on the Metro Commission/Metro JPA.

• ACTION AGENDA

Action Agenda items call for discussion and action by the Board. All items are placed on the Agenda so that the Board may discuss and take action on the item if the Board is so inclined.

4. WATER FACILITIES REIMBURSEMENT AGREEMENT FOR SILVER COUNTRY ESTATES – HYDRO PUMP STATION

Recommendation:

Approve Water Facilities Reimbursement Agreement For Silver Country Estates – Hydro Pump Station.

REPORTS

The following items are reports and are placed on the Agenda to provide information to the Board and the public. There is no action called for on these items. The Board may engage in discussion upon which a specific subject matter is identified but may not take any action other than to place the matter on a future agenda.

5. BOARD REPORTS

- A. County Water Authority (CWA) Board of Directors Meeting
- B. Metro Commission/Metro Wastewater JPA
- C. Santee Chamber of Commerce Board Meeting
- D. East County Advanced Water Purification (AWP) Joint Powers Authority Board of Directors Meeting
- E. Other meetings/conferences/events attended by Directors per AB1234 (Council of Water Utilities, CSDA San Diego Chapter, etc.)

• DIRECTORS COMMENTS

Directors' comments are to be related to District business which may be of interest to the Board. They are placed on the agenda to enable individual Board Members to convey information to the Board and the Public. There is to be no discussion or action taken on comments made by Board Members.

6. DISTRICT COUNSEL'S REPORT

7. GENERAL MANAGER'S REPORT

8. INFORMATIONAL REPORTS

- A. Performance Indicators for the Third Quarter of fiscal year 2022
- B. Finance and Treasurer's Report for the Ten Months Ended April 30, 2022

ADJOURNMENT

CERTIFICATION OF POSTING

I certify that on May 27, 2022, I posted a copy of the foregoing agenda near the regular meeting place of the Board of Directors of Padre Dam Municipal Water District, said time being at least 72 hours prior to the meeting, in accordance with Gov. Code Section 54954.2(a).

Amy Pederson, Board Secretary

June 2022

June 2022								
Su	Мо	Tu	We	Th	Fr	Sa		
5 12 19 26	6 13 20 27	7 14 21 28	1 8 15 22 29	2 9 16 23 30	3 10 17 24	4 11 18 25		

TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
31	Jun 1 4:00pm Board Meeting	2 12:00pm Metro Commission/JPA	3
7 7:30am San Diego East County Chamber's Government Affairs Committee meetings	8	9 1:30pm CWA Special Board Meeting	10
14	15 7:30am East County Economic Development Council 4:00pm Board Meeting	16 7:30am Santee Chamber Board Mtg	17
21	22 4:00pm Security Committee	23 9:00am CWA Board Mtg	24
28	29	30	Jul 1
	 31 7 7:30am San Diego East County Chamber's Government Affairs Committee meetings 14 21 	31 Jun 1 4:00pm Board Meeting 7 7:30am San Diego East County Chamber's Government Affairs Committee meetings 8 14 15 7:30am East County Economic Development Council 4:00pm Board Meeting 21 22 4:00pm Security Committee	31Jun 124:00pm Board Meeting12:00pm Metro Commission/JPA7897:30am San Diego East County Chamber's Government Affairs Committee meetings91415167:30am East County Development Council 4:00pm Board Meeting762122239:00am CWA Board Mtg9:00am CWA Board Mtg

July 2022

July 2022								
Su	Мо	Tu	We	Th	Fr	Sa		
3 10 17 24 31	4 11 18 25	5 12 19 26	6 13 20 27	7 14 21 28	1 8 15 22 29	2 9 16 23 30		

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Jun 27	28	29	30	Jul 1
4 Office Closed; July 4 Holiday	5 7:30am San Diego East County Chamber's Government Affairs Committee meetings	6 4:00pm Board Meeting	7] 12:00pm Metro Commission/JPA	8
11	12	13 6:00pm Special Board meeting: Public Hearing on Water & Sewer Rates	14 1:30pm CWA Special Board Meeting	15
18	19 8:00am COWU	20 7:30am East County Economic Development Council 4:00pm Board Meeting	21 7:30am Santee Chamber Board Mtg	22
25	26	27	28 9:00am CWA Board Mtg	29

August 2022

	August 2022								
Su	Мо	Tu	We	Th	Fr	Sa			
7 14 21 28	1 8 15 22 29	2 9 16 23 30	3 10 17 24 31	4 11 18 25	5 12 19 26	6 13 20 27			

 September 2022

 Su
 Mo
 Tu
 We
 Th
 Fr
 Sa

 4
 5
 6
 7
 8
 9
 10

 11
 12
 13
 14
 15
 16
 17

 18
 19
 20
 21
 22
 23
 24

 25
 26
 27
 28
 29
 30

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Aug 1	2 7:30am San Diego East County Chamber's Government Affairs Committee meetings	3 4:00pm Board Meeting	4 12:00pm Metro Commission/JPA	5
8	9	10	11 1:30pm CWA Special Board Meeting	12
15 8:30am Santee Chamber Governmental Affairs Committee	16	 17 7:30am East County Economic Development Council 4:00pm Board Meeting 	18 7:30am Santee Chamber Board Mtg 2:00pm AWP JPA Regular Board Meeting 6:00pm CSDA Quarterly Meeting	19
22 4:00pm Facilities Dev. & Ops Committee	23	24 4:00pm Park Committee	25 9:00am CWA Board Mtg	26
29	30	31	Sep 1	2

September 2022

September 2022								
Su	Мо	Tu	We	Th	Fr	Sa		
4 11 18 25	5 12 19 26	6 13 20 27	7 14 21 28	1 8 15 22 29	2 9 16 23 30	3 10 17 24		

 October 2022

 Su
 Mo
 Tu
 We
 Th
 Fr
 Sa

 2
 3
 4
 5
 6
 7
 8

 9
 10
 11
 12
 13
 14
 15

 16
 17
 18
 19
 20
 21
 22

 23
 24
 25
 26
 27
 28
 29

 30
 31
 14
 15
 16
 17
 18
 19
 20
 21
 22

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Aug 29	30	31	Sep 1 12:00pm Metro Commission/JPA	2
5 Office Closed; Labor Day	6 7:30am San Diego East County Chamber's Government Affairs Committee meetings	7 4:00pm Board Meeting	8 1:30pm CWA Special Board Meeting	9
12	13	14	15 7:30am Santee Chamber Board Mtg	16
19 8:30am Santee Chamber Governmental Affairs Committee	20 8:00am COWU	21 7:30am East County Economic Development Council 4:00pm Board Meeting	22 9:00am CWA Board Mtg	23
26 4:00pm Finance & Admin Committee	27	28	29	30



BOARD AGENDA REPORT

Meeting Date: 06-01-2022 Dept. Head: Allen Carlisle Submitted by: Amy Pederson Department: Administration Approved by:

Allen Carlisle, CEO/GM

AUTHORIZATION FOR REMOTE TELECONFERENCE PUBLIC MEETINGS IN ACCORDANCE WITH SUBJECT: **ASSEMBLY BILL 361**

RECOMMENDATION(S):

Make findings that the Governor's Proclamation of a State of Emergency remains in effect, and state and local officials continue to impose or recommend social distancing, and authorize remote teleconference meetings for Padre Dam's legislative bodies pursuant to Brown Act provisions enacted by AB 361.

ALTERNATIVE(S):

None recommended; not implementing AB 361 would result in the requirement to adhere to previous Brown Act provisions that include providing the location of any Board Member teleconferencing on the agenda and posting the agenda at their publicly accessible teleconference site.

ATTACHMENT(S):

None

FUNDING:

Requested amount:	n/a
Budgeted amount:	
Are funds available?	🗌 Yes 🗌 No
Project cost to date:	

PRIOR BOARD/COMMITTEE CONSIDERATION: 11/17/21, 1/19/22, 2/16/22, 3/16/22, 4/6/22 and 5/4/22– The Board made findings authorizing continued use of remote teleconference public meetings.

STRATEGIC PLAN IMPLEMENTATION:

This agenda item is consistent with the District's Strategic Plan and meets one or more of the following Strategic Goals: Provide safe, reliable water, recycled water and sewer services; Ensure fiscal health and competitively sustainable rates; Enhance customer communications and education; Increase water, wastewater and energy independence; Maintain workforce excellence; Expand park and recreation opportunities.

Reviewed by:		Action Requi	red:	Policy Updates:	Action Taken:
Dept Head	\boxtimes	Motion	\boxtimes	Rules & Regulations	As Recommended
Finance		Resolution		Nales & Regulations	Reso/Ord. No.
Legal Counsel	\boxtimes	Ordinance		Standard Practices	
Standard Form		None		& Policies	Other

EXECUTIVE SUMMARY:

In order to continue to allow virtual or hybrid (virtual and in person) public meetings without the need to comply with the Brown Act's pre-pandemic teleconferencing requirements the Board must comply with provisions of AB 361 which include adopting findings every 30 days that 1) the Board has reconsidered the circumstances of the state of emergency and 2) the state of emergency continues to directly impact the ability of the members to meet safely in person or state or local officials continue to impose or recommend measures to promote social distancing.

Currently the COVID-19 State of Emergency remains in effect, and state and local health officials continue to recommend or require social distancing. Therefore, staff recommends the Board make the required findings and authorize remote teleconference meetings for Padre Dam's legislative bodies pursuant to Brown Act provisions enacted by AB 361.

DESCRIPTION:

As the COVID-19 pandemic has evolved, so has the legislation governing public meetings (Board and Committee meetings) subject to the Brown Act. Beginning in March 2020, Governor Newsom issued a series of Executive Orders in an effort to contain the spread of the COVID-19 virus. These Executive Orders (N-25-20, N-29-20, N-35-20) collectively modified certain requirements of the Brown Act and expired on September 30, 2021.

Assembly Bill (AB) 361 was passed and, effective October 1, 2021, amended the Brown Act to allow public agencies to continue conducting virtual/remote meetings without the need to comply with all of the "prepandemic" teleconferencing requirements so long as the following conditions are met:

- There is a gubernatorial proclaimed state of emergency.
- There are state or local measures to promote or require social distancing.
- The agenda must include the meeting link or dial-in for public access.
- Members of the public must be allowed to address the Board in real-time during the meeting.
- Public comments can no longer be required to be submitted in advance.
- If technical problems arise that result in the public's access being disrupted, the legislative body may not take any vote or other official action until the technical disruption is corrected and public access is restored.
- The Board must adopt findings every 30 days that 1) the Board has reconsidered the circumstances of the state of emergency and 2) the state of emergency continues to directly impact the ability of the members to meet safely in person or state or local officials continue to impose or recommend measures to promote social distancing.

The provisions enacted by AB 361 providing flexibility to meet remotely during a proclaimed emergency will sunset on January 1, 2024.

Padre Dam's Board last adopted the required findings at its May 4, 2022 meeting and must do so again at its June 1, 2022 meeting in order to continue to meet remotely under modified Brown Act requirements for the next 30 days.

Currently the Governor-declared State of Emergency remains in effect, and state and local health officials continue to recommend or require social distancing. Therefore, staff recommends the Board make the required findings (that the State of Emergency remains in effect, state and local officials continue to impose or recommend social distancing) and authorize remote teleconference meetings for Padre Dam's legislative bodies pursuant to Brown Act provisions enacted by AB 361.

RECOMMENDATION(S):

Make findings that the Governor's Proclamation of a State of Emergency remains in effect, and state and local officials continue to impose or recommend social distancing, and authorize remote teleconference meetings for Padre Dam's legislative bodies pursuant to Brown Act provisions enacted by AB 361.



Meeting Date:06-01-2022Dept. Head:Allen CarlisleSubmitted by:Amy PedersonDepartment:AdministrationApproved by:Allen Carlisle, CEO/GM

BOARD AGENDA REPORT

SUBJECT: 2022 LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

RECOMMENDATION(S):

Adopt Resolution approving the 2022 Local Guidelines for Implementing the California Environmental Quality Act for Padre Dam and repealing all prior actions by Padre Dam enacting earlier guidelines.

ALTERNATIVE(S):

None; required by statute.

ATTACHMENT(S):

- 1. Draft Resolution
- 2. 2022 Revision to CEQA Guidelines

FUNDING:

Requested amount:	N/A
Budgeted amount:	
Are funds available?	🗌 Yes 🗌 No
Project cost to date:	

PRIOR BOARD/COMMITTEE CONSIDERATION:

STRATEGIC PLAN IMPLEMENTATION:

This agenda item is consistent with the District's Strategic Plan and meets one or more of the following Strategic Goals: Provide safe, reliable water, recycled water and sewer services; Ensure fiscal health and competitively sustainable rates; Enhance customer communications and education; Increase water, wastewater and energy independence; Maintain workforce excellence; Expand park and recreation opportunities.

Reviewed by:		Action Requi	red:	Policy Updates:	Action Taken:
Dept Head	\square	Motion		Rules & Regulations	As Recommended
Finance		Resolution	\boxtimes		Reso/Ord. No.
Legal Counsel	\boxtimes	Ordinance		Standard Practices	•
Standard Form		None		& Policies	Other

EXECUTIVE SUMMARY:

The California Environmental Quality Act (CEQA), codified in Public Resources Code section 21000 et seq., is California's most comprehensive environmental law. It requires public agencies to evaluate the environmental effects of their actions before they are taken. CEQA also aims to prevent significant environmental effects from occurring as a result of agency actions by requiring agencies to avoid or reduce, when feasible, the significant environmental impacts of their decisions.

CEQA also requires public agencies to adopt specific objectives, criteria and procedures for evaluating public and private projects that are undertaken or approved by such agencies.

The District's General Counsel has prepared a proposed set of Local CEQA Guidelines for 2022 which reflect recent changes in the State CEQA Guidelines and relevant court opinions (attachment 2) over the last year. These Guidelines also provide instructions and forms for preparing all environmental documents required under CEQA.

Staff recommends the Board adopt a Resolution approving the 2022 Local Guidelines for Implementing CEQA and repealing all prior actions by Padre Dam enacting earlier guidelines (attachment 1).

RECOMMENDATION:

Adopt Resolution approving the 2022 Local Guidelines for Implementing the California Environmental Quality Act for Padre Dam and repealing all prior actions by Padre Dam enacting earlier guidelines.

RESOLUTION 2022-___

RESOLUTION OF THE BOARD OF DIRECTORS OF PADRE DAM MUNICIPAL WATER DISTRICT AMENDING AND ADOPTING LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PUB. RESOURCES CODE §§ 21000 ET SEQ.)

WHEREAS, the California Legislature has amended the California Environmental Quality Act ("CEQA") (Pub. Resources Code §§ 21000 et seq.), the Natural Resources Agency has amended the State CEQA Guidelines (Cal. Code Regs, tit. 14, §§ 15000 et seq.), and the California courts have interpreted specific provisions of CEQA; and

WHEREAS, Public Resources Code section 21082 requires all public agencies to adopt objectives, criteria and procedures for (1) the evaluation of public and private projects undertaken or approved by such public agencies, and (2) the preparation, if required, of environmental impact reports and negative declarations in connection with that evaluation; and

WHEREAS, the Padre Dam Municipal Water District must revise its local guidelines for implementing CEQA to make them consistent with the current provisions and interpretations of CEQA and the State CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Padre Dam Municipal Water District as follows:

- 1. The District adopts the "2022 Local Guidelines for Implementing the California Environmental Quality Act," a copy of which is on file at the offices of the District and is available for inspection by the public.
- 2. All prior actions of the District enacting earlier guidelines are hereby repealed.

PASSED AND ADOPTED at the regular meeting of the Board of Directors of Padre Dam Municipal Water District held on June 1, 2022 by the following vote:

AYES: NOES: ABSENT: ABSTAIN:

ATTEST:

Board President

Board Secretary

Attachment 2

2022

LOCAL GUIDELINES

FOR IMPLEMENTING THE

CALIFORNIA ENVIRONMENTAL QUALITY ACT

FOR

PADRE DAM MUNICIPAL WATER DISTRICT

1.	GENE	RAL PROVISIONS, PURPOSE AND POLICY1-1
	1.01	General Provisions1-1
	1.02	Purpose1-1
	1.03	Applicability
	1.04	Reducing Delay and Paperwork1-2
	1.05	Compliance With State Law
	1.06	Terminology1-3
	1.07	Partial Invalidity1-3
	1.08	Electronic Delivery of Comments and Notices
	1.09	The District May Charge Reasonable Fees For Reproducing Environmental Documents
	1.10	Time of Preparation1-4
	1.11	State Agency Furloughs
2.	LEAD	AND RESPONSIBLE AGENCIES
	2.01	Lead Agency Principle2-1
	2.02	Selection of Lead Agency
	2.03	Duties of a Lead Agency2-1
	2.04	CEQA Determinations Made by Non-Elected Body; Procedure to Appeal Such Determinations
	2.05	Projects Relating to Development of Hazardous Waste and Other Sites
	2.06	Responsible Agency Principle
	2.07	Duties of a Responsible Agency
	2.08	Response to Notice of Preparation by Responsible Agencies
	2.09	Use of Final EIR or Negative Declaration by Responsible Agencies2-5
	2.10	Shift in Lead Agency Responsibilities2-5
3.	ACTIV	VITIES EXEMPT FROM CEQA
	3.01	Actions Subject to CEQA
	3.02	Ministerial Actions
	3.03	Exemptions in General
	3.04	Notice of Exemption
	3.05	Disapproved Projects

(continued)

Page

3.06	Projects with No Possibility of Significant Effect	3
3.07	Emergency Projects	1
3.08	Feasibility and Planning Studies	1
3.09	Rates, Tolls, Fares, and Charges	5
3.10	Pipelines within a Public Right-of-Way and Less Than One Mile in Length	5
3.11	Pipelines of Less Than Eight Miles in Length	5
3.12	Certain Residential Housing Projects	7
3.13	Minor Alterations to Fluoridate Water Utilities	1
3.14	Ballot Measures	1
3.15	Transit Priority Project	1
3.16	Certain Infill Projects	5
3.17	Exemption for Infill Projects In Transit Priority Areas	7
3.18	Exemption for Residential Projects Undertaken Pursuant to a Specific Plan3-17	7
3.19	Transfer of Land for The Preservation of Natural Conditions	3
3.20	Transit Prioritization Projects	3
3.21	Restriping Streets and Highways for Bicycle Lanes)
3.22	Small Disadvantaged Community Water System and State Small Water System)
3.23	Conservation and Restoration of California Native Fish and Wildlife	l
3.24	Linear Broadband Deployment in a Right-of-Way	l
3.25	Needle and Syringe Exchange Services	3
3.26	Other Specific Exemptions	3
3.27	Categorical Exemptions	3
TIME	LIMITATIONS	l
4.01	Review of Private Project Applications4-1	l
4.02	Determination of Type of Environmental Document	l
4.03	Completion and Adoption of Negative Declaration	l
4.04	Completion and Certification of Final EIR4-1	l
4.05	Projects Subject to the Permit Streamlining Act4-2	2
4.06	Projects, Other Than Those Subject to the Permit Streamlining Act, with Short Time Periods for Approval	2

4.

(continued)

	4.07	Waiver or Suspension of Time Periods
5.	INITL	AL STUDY
	5.01	Preparation of Initial Study5-1
	5.02	Informal Consultation with Other Agencies5-1
	5.03	Consultation with Private Project Applicant5-2
	5.04	Projects Subject to NEPA5-2
	5.05	An Initial Study5-3
	5.06	Contents of Initial Study5-4
	5.07	Use of a Checklist Initial Study
	5.08	Evaluating Significant Environmental Effects5-5
	5.09	Determining the Significance of Transportation Impacts5-6
	5.10	Mandatory Findings of Significant Effect
	5.11	Mandatory Preparation of an EIR for Waste-Burning Projects5-8
	5.12	Development Pursuant To An Existing Community Plan And EIR5-9
	5.13	Land Use Policies
	5.14	Evaluating Impacts on Historical Resources
	5.15	Evaluating Impacts on Archaeological Sites
	5.16	Consultation with Water Agencies Regarding Large Development Projects
	5.17	Subdivisions with More Than 500 Dwelling Units
	5.18	Impacts to Oak Woodlands
	5.19	Climate Change And Greenhouse Gas Emissions
	5.20	Energy Conservation
	5.21	Environmental Impact Assessment
	5.22	Final Determination
6.		ATIVE DECLARATION
	6.01	Decision to Prepare a Negative Declaration
	6.02	Decision to Prepare a Mitigated Negative Declaration
	6.03	Contracting for Preparation of Negative Declaration or Mitigated Negative Declaration
	6.04	Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration

(continued)

		Page
6.05	Projects Affecting Military Services; Department of Defense Notification	6-4
6.06	Special Findings Required for Facilities That May Emit Hazardous Air Emissions Near Schools	6-4
6.07	Consultation with California Native American Tribes.	6-5
6.08	Identification of Tribal Cultural Resources and Processing of Information after Consultation with the California native American tribe	6-7
6.09	Significant Adverse Impacts to Tribal Cultural Resources	6-8
6.10	Posting and Publication of Negative Declaration or Mitigated Negative Declaration.	6-9
6.11	Submission of Negative Declaration or Mitigated Negative Declaration to State Clearinghouse.	.6-10
6.12	Special Notice Requirements for Waste- and Fuel-Burning Projects	.6-12
6.13	Consultation with Water Agencies Regarding Large Development Projects	.6-13
6.14	Content of Negative Declaration or Mitigated Negative Declaration.	.6-13
6.15	Types of Mitigation	.6-13
6.16	Adoption of Negative Declaration or Mitigated Negative Declaration	.6-14
6.17	Mitigation Reporting or Monitoring Program for Mitigated Negative Declaration.	.6-14
6.18	Approval or Disapproval of Project	.6-15
6.19	Recirculation of a Negative Declaration or Mitigated Negative Declaration.	.6-16
6.20	Notice of Determination on a Project for Which a Proposed Negative or Mitigated Negative Declaration Has Been Approved	.6-16
6.21	Addendum to Negative Declaration or Mitigated Negative Declaration	.6-18
6.22	Subsequent Negative Declaration or Mitigated Negative Declaration	.6-18
6.23	Private Project Costs.	. 6-19
6.24	Filing Fees for Projects That Affect Wildlife Resources	. 6-19
ENVI	RONMENTAL IMPACT REPORT	7-1
7.01	Decision to Prepare an EIR	7-1
7.02	Contracting for Preparation of EIRs.	7-1
7.03	Notice of Preparation of Draft EIR	7-1
7.04	Special Notice Requirements for Affected Military Agencies	7-3

7.

(continued)

7.05	Environmental Leadership Development Project7-3
7.06	Preparation of Draft EIR7-6
7.07	Consultation with California Native American Tribes
7.08	Identification of Tribal Cultural Resources and Processing of Information after Consultation with the California native American tribe7-7
7.09	Significant Adverse Impacts to Tribal Cultural Resources7-9
7.10	Consultation with Other Agencies and Persons7-9
7.11	Early Consultation on Projects Involving Permit Issuance7-11
7.12	Consultation with Water Agencies Regarding Large Development Projects
7.13	Airport Land Use Plan
7.14	General Aspects of an EIR7-12
7.15	Use of Registered Consultants in Preparing EIRs
7.16	Incorporation by Reference7-13
7.17	Standards for Adequacy of an EIR7-13
7.18	Form and Content of EIR7-14
7.19	Consideration and Discussion of Significant Environmental Impacts
7.20	Environmental Setting7-16
7.21	Analysis of Cumulative Impacts7-17
7.22	Analysis of Mitigation Measures7-19
7.23	Analysis of Alternatives in an EIR
7.24	Analysis of Future Expansion7-23
7.25	Notice of Completion of Draft EIR; Notice of Availability of Draft EIR7-23
7.26	Submission of Draft EIR to State Clearinghouse
7.27	Special Notice Requirements for Waste- And Fuel-Burning Projects7-27
7.28	Time For Review of Draft EIR; Failure to Comment7-28
7.29	Public Hearing on Draft EIR7-29
7.30	Response to Comments on Draft EIR7-29
7.31	Preparation and Contents of Final EIR7-30
7.32	Recirculation When New Information Is Added to EIR
7.33	Certification of Final EIR

(continued)

		Page
7.34	Consideration of EIR Before Approval or Disapproval of Project	7-32
7.35	Findings	7-32
7.36	Special Findings Required for Facilities That May Emit Hazardous Air Emissions Near Schools	7-33
7.37	Statement of Overriding Considerations	7-34
7.38	Mitigation Monitoring or Reporting Program for EIR.	7-35
7.39	Notice of Determination.	7-37
7.40	Disposition of a Final EIR.	7-38
7.41	Private Project Costs.	7-38
7.42	Filing Fees for Projects That Affect Wildlife Resources	7-38
TYPE	S OF EIRS	8-1
8.01	EIRs Generally	8-1
8.02	Tiering	8-1
8.03	Project EIR	8-2
8.04	Subsequent EIR	8-3
8.05	Supplemental EIR.	8-4
8.06	Addendum to an EIR.	8-4
8.07	Staged EIR.	8-4
8.08	Program EIR	8-5
8.09	Use of a Program EIR with Subsequent EIRs and Negative Declarations	8-5
8.10	Use of an EIR from an Earlier Project	8-6
8.11	Master EIR	8-6
8.12	Focused EIR	8-8
8.13	Special Requirements for Redevelopment Projects	8-9
AFFO	RDABLE HOUSING	9-1
9.01	Streamlined, ministerial approval process for affordable housing projects	9-1
9.02	Ministerial approval process for urban lot splits and housing developments with no more than two residential units within a single-family residential zone (SB 9)	9-21
9.03	Approval of ordinance to zone any parcel for up to 10 units of residential density per parcel in certain circumstances (SB 10)	9-25
9.04	Housing Sustainability Districts.	9-26

8.

9.

(continued)

	9.05	Interim Motel Housing Projects
	9.06	Supportive Housing And "No Place Like Home" Projects
	9.07	Shelter Crisis and Emergency Housing
10.	CEQA	LITIGATION
	10.01	Timelines
	10.02	Mediation and Settlement
	10.03	Administrative Record
11.	DEFIN	NITIONS
	11.01	"Agricultural Employee" 11-1
	11.02	"Applicant"
	11.03	"Approval"
	11.04	"Baseline"
	11.05	"California Native American Tribe"
	11.06	"Categorical Exemption"
	11.07	"Census-Defined Place"
	11.08	"CEQA"
	11.09	"Clerk"
	11.10	"Community-Level Environmental Review"
	11.11	"Consultation"
	11.12	"Cumulative Impacts"
	11.13	"Cumulatively Considerable"
	11.14	"Decision-Making Body"
	11.15	"Developed Open Space" 11-3
	11.16	"Development Project" 11-3
	11.17	"Discretionary Project"
	11.18	"District"
	11.19	"EIR"
	11.20	"Emergency"
	11.21	"Endangered, Rare or Threatened Species"
	11.22	"Environment" 11-4
	11.23	"Feasible"

TABLE OF CONTENTS (continued)

11.24	"Final EIR"
11.25	"Greenhouse Gases" 11-5
11.26	"Guidelines" or "Local Guidelines" 11-5
11.27	"Highway" 11-5
11.28	"Historical Resources"11-5
11.29	"Infill Site"
11.30	"Initial Study"11-6
11.31	"Jurisdiction by Law" 11-7
11.32	"Land Disposal Facility"11-7
11.33	"Large Treatment Facility"11-7
11.34	"Lead Agency"11-7
11.35	"Low- and Moderate-Income Households"11-7
11.36	"Low-Income Households" 11-7
11.37	"Low-Level Flight Path"11-7
11.38	"Lower Income Households"11-8
11.39	"Major Transit Stop"11-8
11.40	"Metropolitan Planning Organization" or "MPO"11-8
11.41	"Military Impact Zone"11-8
11.42	"Military Service"
11.43	"Ministerial" 11-8
11.44	"Mitigated Negative Declaration" or "MND"
11.45	"Mitigation"
11.46	"Negative Declaration" or "ND"
11.47	"Notice of Completion" 11-9
11.48	"Notice of Determination"
11.49	"Notice of Exemption" 11-9
11.50	"Notice of Preparation"
11.51	"Oak" 11-10
11.52	"Oak Woodlands" 11-10
11.53	"Offsite Facility"11-10
11.54	"Person" 11-10

TABLE OF CONTENTS (continued)

11.55	"Pipeline"
11.56	"Private Project" 11-10
11.57	"Project"
11.58	"Project-Specific Effects"
11.59	"Public Water System" 11-11
11.60	"Qualified Urban Use"11-11
11.61	"Residential"
11.62	"Responsible Agency"
11.63	"Riparian areas" 11-11
11.64	"Roadway"
11.65	"Significant Effect"
11.66	"Significant Value as a Wildlife Habitat"
11.67	"Special Use Airspace"
11.68	"Staff"
11.69	"Standard"
11.70	"State CEQA Guidelines"
11.71	"Substantial Evidence" 11-13
11.72	"Sustainable Communities Strategy"
11.73	"Tiering" 11-13
11.74	"Transit Priority Area"
11.75	"Transit Priority Project"
11.76	"Transportation Facilities"
11.77	"Tribal Cultural Resources"
11.78	"Trustee Agency"
11.79	"Urban Growth Boundary" 11-15
11.80	"Urbanized Area" 11-15
11.81	"Water Acquisition Plans"
11.82	"Water Assessment" or "Water Supply Assessment" 11-16
11.83	"Water Demand Project"
11.84	"Waterway"
11.85	"Wetlands"

TABLE OF CONTENTS (continued)

	11.86 "Wildlife Habitat"1	1-17
	11.87 "Zoning Approval"1	1-18
12.	FORMS	12-1
13.	COMMON ACRONYMS	13-1

LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

(2022)

1. <u>GENERAL PROVISIONS, PURPOSE AND POLICY.</u>

1.01 GENERAL PROVISIONS.

These Local Guidelines ("Local Guidelines") are to assist the Padre Dam Municipal Water District ("District") in implementing the provisions of the California Environmental Quality Act ("CEQA"). These Local Guidelines are consistent with the Guidelines for the Implementation of CEQA ("State CEQA Guidelines"), which have been promulgated by the California Natural Resources Agency for the guidance of state and local agencies in California. These Local Guidelines have been adopted pursuant to California Public Resources Code section 21082.

1.02 PURPOSE.

The purpose of these Local Guidelines is to help the District accomplish the following basic objectives of CEQA:

- (a) To enhance and provide long-term protection for the environment, while providing a decent home and satisfying living environment for every Californian;
- (b) To provide information to governmental decision-makers and the public regarding the potential significant environmental effects of the proposed project;
- (c) To provide an analysis of the environmental effects of future actions associated with the project to adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project;
- (d) To identify ways that environmental damage can be avoided or significantly reduced;
- (e) To prevent significant avoidable environmental damage through utilization of feasible project alternatives or mitigation measures; and
- (f) To disclose and demonstrate to the public the reasons why a governmental agency approved the project in the manner chosen. Public participation is an essential part of the CEQA process. Each public agency should encourage wide public involvement, formal and informal, in order to receive and evaluate public reactions to environmental issues related to a public agency's activities. Such involvement should include, whenever possible, making environmental information available in electronic format on the Internet, on a web site maintained or utilized by the public agency.

1.03 APPLICABILITY.

These Local Guidelines apply to any activity that constitutes a "project," as defined in Local Guidelines Section 11.57, for which the District is the Lead Agency or a Responsible Agency. These Local Guidelines are also intended to assist the District in determining whether a

proposed activity constitutes a project that is subject to CEQA review, or whether the activity is exempt from CEQA.

1.04 REDUCING DELAY AND PAPERWORK.

The State CEQA Guidelines encourage local governmental agencies to reduce delay and paperwork by, among other things:

- (a) Integrating the CEQA process into early planning review; to this end, the project approval process and these procedures, to the maximum extent feasible, are to run concurrently, not consecutively;
- (b) Identifying projects which fit within categorical or other exemptions and are therefore exempt from CEQA processing;
- (c) Using initial studies to identify significant environmental issues and to narrow the scope of Environmental Impact Reports (EIRs);
- (d) Using a Negative Declaration when a project, not otherwise exempt, will not have a significant effect on the environment;
- (e) Consulting with state and local responsible agencies before and during the preparation of an EIR so that the document will meet the needs of all the agencies which will use it;
- (f) Allowing applicants to revise projects to eliminate possible significant effects on the environment, thereby enabling the project to qualify for a Negative Declaration rather than an EIR;
- (g) Integrating CEQA requirements with other environmental review and consultation requirements;
- (h) Emphasizing consultation before an EIR is prepared, rather than submitting adverse comments on a completed document;
- (i) Combining environmental documents with other documents, such as general plans;
- (j) Eliminating repetitive discussions of the same issues by using EIRs on programs, policies or plans and tiering from statements of broad scope to those of narrower scope;
- (k) Reducing the length of EIRs by means such as setting appropriate page limits;
- (l) Preparing analytic, rather than encyclopedic, EIRs;
- (m) Mentioning insignificant issues only briefly;
- (n) Writing EIRs in plain language;
- (o) Following a clear format for EIRs;
- (p) Emphasizing the portions of the EIR that are useful to decision-makers and the public and reducing emphasis on background material;
- (q) Incorporating information by reference; and
- (r) Making comments on EIRs as specific as possible.

1.05 COMPLIANCE WITH STATE LAW.

These Local Guidelines are intended to implement the provisions of CEQA and the State CEQA Guidelines, and the provisions of CEQA and the State CEQA Guidelines shall be fully complied with even though they may not be set forth or referred to herein.

1.06 TERMINOLOGY.

The terms "must" or "shall" identify mandatory requirements. The terms "may" and "should" are permissive, with the particular decision being left to the discretion of the District.

1.07 PARTIAL INVALIDITY.

In the event any part or provision of these Local Guidelines shall be determined to be invalid, the remaining portions that can be separated from the invalid unenforceable provisions shall continue in full force and effect.

1.08 ELECTRONIC DELIVERY OF COMMENTS AND NOTICES.

Individuals may file a written request to receive copies of public notices provided for under these Local Guidelines or the State CEQA Guidelines. The requestor may elect to receive these notices via email rather than regular mail. Notices sent by email are deemed delivered when the staff person sending the email sends it to the last email address provided by the requestor to the District. Any request to receive public notices shall be in writing and shall be renewed annually.

Individuals may also submit comments on the CEQA documentation for a project via email. Comments submitted via email shall be treated as written comments for all purposes. Comments sent to the District via email are deemed received when they actually arrive in an email account of a staff person who has been designated or identified as the point of contact for a particular project.

The District must also post certain environmental documents (such as Draft and Final Environmental Impact Reports, Draft Negative Declarations, and Draft Mitigated Negative Declarations) and CEQA notices (such as Notices of Preparation, Notices of Availability, Notices of Intent to Adopt a Negative Declaration, Notices of Exemption, and Notices of Determination) on its website, if any.

(Reference: Pub. Resources Code, §§ 21082.1, 21091(d)(3), 21092.2.)

1.09 THE DISTRICT MAY CHARGE REASONABLE FEES FOR REPRODUCING ENVIRONMENTAL DOCUMENTS.

A public agency may charge and collect a reasonable fee from members of the public that request a copy of an environmental document, so long as the fee does not exceed the cost of reproduction. The kinds of "environmental documents" that CEQA specifically allows public agencies to seek reimbursement for include: initial studies, negative declarations, mitigated negative declarations, draft and final EIRs, and documents prepared as a substitute for an EIR, negative declaration, or mitigated negative declaration.

The District shall make CEQA-related documents (e.g., Negative Declarations, Mitigated Negative Declarations, Draft EIRs, Final EIRs, and notices relating to these documents) available to the public-at-large on its website. Requests for documents made pursuant to the California Public Records Act must comply with the Government Code. (See, for example,

Government Code section 6253.9 for information regarding providing documents in electronic format.)

1.10 TIME OF PREPARATION

Before granting any approval of a non-exempt project subject to CEQA, the Lead Agency or Responsible Agency shall consider either (1) a Final EIR, (2) a Negative Declaration, (3) a Mitigated Negative Declaration, or (4) another document authorized by the State CEQA Guidelines to be used in the place of an EIR or Negative Declaration (e.g., an Addendum, a Supplemental EIR, a Subsequent EIR, etc.).

Choosing the precise time for CEQA compliance involves a balancing of competing factors. EIRs, Negative Declarations, and Mitigated Negative Declarations should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment.

With public projects, at the earliest feasible time, project sponsors shall incorporate environmental considerations into project conceptualization, design, and planning. CEQA compliance should be completed prior to acquisition of a site for a public project.

To implement the above principles, the District shall not undertake actions concerning the proposed public project that would have a significant adverse effect or limit the choice of alternatives or mitigation measures, before completion of CEQA compliance. For example, the District shall not:

- (A) Formally make a decision to proceed with the use of a site for facilities which would require CEQA review, regardless of whether the District has made any final purchase of the site for these facilities, except that the District may designate a preferred site for CEQA review and may enter into land acquisition agreements when the District has conditioned its future use of the site on CEQA compliance.
- (B) Otherwise take any action that gives impetus to a planned or foreseeable project in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project.

With private projects, the District shall encourage the project proponent to incorporate environmental considerations into project conceptualization, design, and planning at the earliest feasible time.

While mere interest in, or inclination to support, a project does not constitute approval, a public agency entering into preliminary agreements regarding a project prior to approval shall not, as a practical matter, commit the agency to the project. For example, the District shall not grant any vested development entitlements prior to compliance with CEQA. Further, any such pre-approval agreement should, for example:

(A) Condition the agreement on compliance with CEQA;

- (B) Not bind any party, or commit any party, to a definite course of action prior to CEQA compliance;
- (C) Not restrict the Lead Agency from considering any feasible mitigation measures and alternatives, including the "no project" alternative; and
- (D) Not restrict the Lead Agency from denying the project.

The District's environmental document preparation and review should be coordinated in a timely fashion with the District's existing planning, review, and project approval processes. These procedures, to the maximum extent feasible, are to run concurrently, not consecutively.

(See State CEQA Guidelines, § 15004; *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116.)

1.11 STATE AGENCY FURLOUGHS.

Due to budget concerns, the State may institute mandatory furlough days for state government agencies. Local agencies may also change their operating hours.

Because state and local agencies may enact furloughs that limit their operating hours, if the District has time-sensitive materials or needs to consult with a state agency, the District should check with the applicable state agency office or with the District's attorney to ensure compliance with all applicable deadlines.

2. <u>LEAD AND RESPONSIBLE AGENCIES</u>

2.01 LEAD AGENCY PRINCIPLE.

The District will be the Lead Agency if it will have principal responsibility for carrying out or approving a project. Where a project is to be carried out or approved by more than one public agency, only one agency shall be responsible for the preparation of environmental documents. This agency shall be called the Lead Agency.

(Reference: State CEQA Guidelines, §§ 15050, 15367.)

2.02 SELECTION OF LEAD AGENCY.

Where two or more public agencies will be involved with a project, the Lead Agency shall be designated according to the following criteria:

- (a) If the project will be carried out by a public agency, that agency shall be the Lead Agency even if the project will be located within the jurisdiction of another public agency; or
- (b) If the project will be carried out by a nongovernmental person or entity, the Lead Agency shall be the public agency with the greatest responsibility for supervising and approving the project as a whole.

The Lead Agency will normally be the agency with general governmental powers, rather than an agency with a single or limited purpose. (For example, a district that will provide a public service or utility to the project serves a limited purpose.) If two or more agencies meet this criteria equally, the agency that acts first on the project will normally be the Lead Agency.

If two or more public agencies have a substantial claim to be the Lead Agency under either (a) or (b), they may designate one agency as the Lead Agency by agreement. An agreement may also provide for cooperative efforts by contract, joint exercise of powers, or similar devices. If the agencies cannot agree which agency should be the Lead Agency for preparing the environmental document, any of the disputing public agencies or the project applicant may submit the dispute to the Office of Planning and Research. Within 21 days of receiving the request, the Office of Planning and Research will designate the Lead Agency. The Office of Planning and Research shall not designate a Lead Agency in the absence of a dispute. A "dispute" means a contested, active difference of opinion between two or more public agencies as to which of those agencies shall prepare any necessary environmental document. A dispute exists when each of those agencies claims that it either has or does not have the obligation to prepare that environmental document.

(Reference: State CEQA Guidelines, § 15051.)

2.03 DUTIES OF A LEAD AGENCY.

As a Lead Agency, the District shall decide whether a Negative Declaration, Mitigated Negative Declaration or an EIR will be required for a project and shall prepare, or cause to be prepared, and consider the document before making its decision on whether and how to approve

the project. The documents may be prepared by Staff or by private consultants pursuant to a contract with the District. However, the District shall independently review and analyze all draft and final EIRs or Negative Declarations prepared for a project and shall find that the EIR or Negative Declaration reflects the independent judgment of the District prior to approval of the document. If a Draft EIR or Final EIR is prepared under a contract with the District, the contract must be executed within forty-five (45) days from the date on which the District sends a Notice of Preparation. The District, however, may take longer to execute the contract if the project applicant and the District mutually agree to an extension of the 45-day time period. (Pub. Resources Code, § 21151.5; see also Local Guidelines Section 7.02.)

During the process of preparing an EIR, the District, as Lead Agency, shall have the following duties:

- (a) If a California Native American tribe has requested consultation, within 14 days after determining that an application for a project is complete or a decision to undertake a project, the District shall begin consultation with the California Native American tribes (see Local Guidelines Section 7.07);
- (b) Immediately after deciding that an EIR is required for a project, the District shall send to the Office of Planning and Research and each Responsible Agency a Notice of Preparation (Form "G") stating that an EIR will be prepared (see Local Guidelines Section 7.03);
- (c) Prior to release of an EIR, if the California Native American tribe that is culturally affiliated with the geographic area of a project requests in writing to be informed of any proposed project, the District shall begin consultation with the tribe consistent with California law and Local Guidelines Section 7.07;
- (d) The District shall prepare or cause to be prepared the Draft EIR for the project (see Local Guidelines Sections 7.06 and 7.18);
- (e) Once the Draft EIR is completed, the District shall file a Notice of Completion (Form "H") with the Office of Planning and Research (see Local Guidelines Section 7.25);
- (f) The District shall consult with state, federal and local agencies that exercise authority over resources that may be affected by the project for their comments on the completed Draft EIR (see, e.g., Local Guidelines Sections 5.02, 5.16, Section 7.26);
- (g) The District shall provide public notice of the availability of a Draft EIR (Form "K") at the same time that it sends a Notice of Completion to the Office of Planning and Research (see Local Guidelines Section 7.25);
- (h) The District shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare or cause to be prepared a written response to all comments that raise significant environmental issues and that were timely received during the public comment period. A written response must be provided to all public agencies who commented on the project during the public review period at least ten (10) days prior to certifying an EIR (see Local Guidelines Section 7.30);
- (i) The District shall prepare or cause to be prepared a Final EIR before approving the project (see Local Guidelines Section 7.31);
- (j) The District shall certify that the Final EIR has been completed in compliance with CEQA and has been reviewed by the Board of Directors (see Local Guidelines Section 7.33); and

(k) The District shall include in the Final EIR any comments received from a Responsible Agency on the Notice of Preparation or the Draft EIR (see Local Guidelines Sections 2.08, 7.30 and 7.31).

2.04 CEQA DETERMINATIONS MADE BY NON-ELECTED BODY; PROCEDURE TO APPEAL SUCH DETERMINATIONS.

As Lead Agency, the District may charge a non-elected decisionmaking body with the responsibility of making a finding of exemption or adopting, certifying or authorizing environmental documents. Any such determination, however, shall be subject to the District's procedures allowing for the appeal of the CEQA determination of any non-elected body to the District's Board of Directors. In the absence of a procedure governing such appeal, any CEQA determination made by a non-elected decisionmaker shall be appealable to the District's Board of Directors within ten (10) days of the non-elected decisionmaker's determination. If the non-elected decisionmaker's determination is not timely appealed as set forth herein, the non-elected decisionmaker's determination shall be final.

In the event the District's Board of Directors has delegated authority to a subsidiary board or official to approve a project, the Board of Directors also hereby delegates to that subsidiary board or official the authority to make all necessary CEQA determinations, including whether an EIR, Negative Declaration, Mitigated Negative Declaration or exemption shall be required for any project. A subsidiary board or official's CEQA determination shall be subject to appeal as set forth above.

(Reference: State CEQA Guidelines, §§ 15061(e), 15074(f), 15090(b).)

2.05 PROJECTS RELATING TO DEVELOPMENT OF HAZARDOUS WASTE AND OTHER SITES.

An applicant for a development project must submit a signed statement to the District, as Lead Agency, stating whether the project and any alternatives are located on a site that is included in any list compiled by the Secretary for Environmental Protection of the California Environmental Protection Agency ("California EPA") listing hazardous waste sites and other specified sites located in the District's boundaries. The applicant's statement must contain the following information:

- (a) The applicant's name, address, and phone number;
- (b) Address of site, and local agency (city/county);
- (c) Assessor's book, page, and parcel number; and
- (d) The list which includes the site, identification number, and date of list.

Before accepting as complete an application for any development project as defined in Local Guidelines Section 11.16, the District, as Lead Agency, shall consult lists compiled by the Secretary for Environmental Protection of the California EPA pursuant to Government Code section 65962.5 listing hazardous waste sites and other specified sites located in the District's boundaries. When acting as Lead Agency, the District shall notify an applicant for a development project if the project site is located on such a list and not already identified. In the Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration (see Local Guidelines Section 6.04) or the Notice of Preparation of Draft EIR (see Local Guidelines Section

7.03), the District shall specify the California EPA list, if any, that includes the project site, and shall provide the information contained in the applicant's statement.

(Reference: Gov. Code, § 65962.5.)

2.06 **RESPONSIBLE AGENCY PRINCIPLE.**

When a project is to be carried out or approved by more than one public agency, all public agencies other than the Lead Agency that have discretionary approval power over the project shall be identified as Responsible Agencies.

(Reference: State CEQA Guidelines, § 15381.)

2.07 DUTIES OF A RESPONSIBLE AGENCY.

When it is identified as a Responsible Agency, the District shall consider the environmental documents prepared or caused to be prepared by the Lead Agency and reach its own conclusions on whether and how to approve the project involved. The District shall also both respond to consultation and attend meetings as requested by the Lead Agency to assist the Lead Agency in preparing adequate environmental documents. The District should also review and comment on Draft EIRs, Negative Declarations, and Mitigated Negative Declarations. Comments shall be limited to those project activities that are within the District's area of expertise or are required to be carried out or approved by the District or are subject to the District's powers.

As a Responsible Agency, the District may identify significant environmental effects of a project for which mitigation is necessary. As a Responsible Agency, the District may submit to the Lead Agency proposed mitigation measures that would address those significant environmental effects. If mitigation measures are required, the District should submit to the Lead Agency complete and detailed performance objectives for such mitigation measures that would address the significant environmental effects identified, or refer the Lead Agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to the Lead Agency by the District, when acting as a Responsible Agency, shall be limited to measures that mitigate impacts to resources that are within the District's authority. For private projects, the District, as a Responsible Agency, may require the project proponent to provide such information as may be required and to reimburse the District for all costs incurred by it in reporting to the Lead Agency.

(Reference: State CEQA Guidelines, § 15096.)

2.08 **RESPONSE TO NOTICE OF PREPARATION BY RESPONSIBLE AGENCIES.**

Within thirty (30) days of receipt of a Notice of Preparation of an EIR, the District, as a Responsible Agency, shall specify to the Lead Agency the scope and content of the environmental information related to the District's area of statutory responsibility in connection with the proposed project. At a minimum, the response shall identify the significant environmental issues and possible alternatives and mitigation that the District, as a Responsible Agency, will need to have explored in the Draft EIR. Such information shall be specified in

writing, shall be as specific as possible, and shall be communicated to the Lead Agency, by certified mail, email, or any other method of transmittal that provides it with a record that the response was received. The Lead Agency shall incorporate this information into the EIR.

(Reference: Pub. Resources Code, § 21080.4; State CEQA Guidelines, § 15103.)

2.09 USE OF FINAL EIR OR NEGATIVE DECLARATION BY RESPONSIBLE AGENCIES.

The District, as a Responsible Agency, shall consider the Lead Agency's Final EIR or Negative Declaration before acting upon or approving a proposed project. As a Responsible Agency, the District must independently review and consider the adequacy of the Lead Agency's environmental documents prior to approving any portion of the proposed project. In certain instances, the District, in its role as a Responsible Agency, may require that a Subsequent EIR or a Supplemental EIR be prepared to fully address those aspects of the project over which the District has approval authority. Mitigation measures and alternatives deemed feasible and relevant to the District's role in carrying out the project shall be adopted. Findings that are relevant to the District's role as a Responsible Agency shall be made. After the District decides to approve or carry out part of a project for which an EIR or negative declaration has previously been prepared by the Lead Agency, the District, as Responsible Agency, should file a Notice of Determination with the County Clerk within five (5) days of approval, but need not state that the Lead Agency's EIR or Negative Declaration complies with CEQA. The District, as Responsible Agency, should state that it considered the EIR or Negative Declaration as prepared by a Lead Agency.

(Reference: State CEQA Guidelines, § 15096.)

2.10 SHIFT IN LEAD AGENCY RESPONSIBILITIES.

The District, as a Responsible Agency, shall assume the role of the Lead Agency if any one of the following three conditions is met:

- (a) The Lead Agency did not prepare any environmental documents for the project, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency;
- (b) The Lead Agency prepared environmental documents for the project, and all of the following conditions apply:
 - (1) A Subsequent or Supplemental EIR is required;
 - (2) The Lead Agency has granted a final approval for the project; and
 - (3) The statute of limitations has expired for a challenge to the action of the appropriate Lead Agency; or
- (c) The Lead Agency prepared inadequate environmental documents without providing public notice of a Negative Declaration or sending Notice of Preparation of an EIR to

Responsible Agencies and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.

(Reference: State CEQA Guidelines, § 15052.)

3. <u>ACTIVITIES EXEMPT FROM CEQA</u>

3.01 ACTIONS SUBJECT TO CEQA.

CEQA applies to discretionary projects proposed to be carried out or approved by public agencies such as the District. If the proposed activity does not come within the definition of "project" contained in Local Guidelines Section 11.57, it is not subject to environmental review under CEQA.

The term "project," as defined by CEQA, does not include:

- (a) Proposals for legislation to be enacted by the State Legislature;
- (b) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, and general policy and procedure making (except as provided in Local Guidelines Section 11.57);
- (c) The submittal of proposals to a vote of the people in response to a petition drive initiated by voters, or the enactment of a qualified voter-sponsored initiative under California Constitution Art. II, Section 11(a) and Election Code section 9214;
- (d) The creation of government funding mechanisms or other government fiscal activities that do not involve any commitment to any specific project that may have a potentially significant physical impact on the environment. Government funding mechanisms may include, but are not limited to, assessment districts and community facilities districts;
- (e) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment; and
- (f) Activities that do not result in a direct or reasonably foreseeable indirect physical change in the environment.

(Reference: State CEQA Guidelines, §§ 15060(c), 15378.)

3.02 MINISTERIAL ACTIONS.

Ministerial actions are not subject to CEQA review. A ministerial action is one that is approved or denied by a decision that a public official or a public agency makes that involves only the use of fixed standards or objective measurements without personal judgment or discretion.

When a project involves an approval that contains elements of both a ministerial and discretionary nature, the project will be deemed to be discretionary and subject to the requirements of CEQA. The decision whether the approval of a proposed project or activity is ministerial in nature may involve or require, to some extent, interpretation of the language of the legal mandate, and should be made on a case-by-case basis. The following is a non-exclusive list of examples of ministerial activities:

- (a) Issuance of business licenses;
- (b) Approval of final subdivision maps and final parcel maps;
- (c) Approval of individual utility service connections and disconnections;
- (d) Issuance of licenses;
- (e) Issuance of a permit to do street work;

- (f) Issuance of building permits where the Lead Agency does not retain significant discretionary power to modify or shape the project; and
- (g) Until January 1, 2024, approval of an application to install an emergency standby generator to serve a macro cell tower where conditions set forth in Government Code section 65850.75 are met.

(Reference: State CEQA Guidelines, § 15268.)

3.03 EXEMPTIONS IN GENERAL.

CEQA and the State CEQA Guidelines exempt certain activities and provide that local agencies should further identify and describe certain exemptions. The requirements of CEQA and the obligation to prepare an EIR, Negative Declaration, or Mitigated Negative Declaration generally do not apply to the exempt activities that are set forth in CEQA, the State CEQA Guidelines, and Chapter 3 of these Local Guidelines.

(Reference: State CEQA Guidelines, §§ 15260 – 15332.)

3.04 NOTICE OF EXEMPTION.

After approval of an exempt project, a "Notice of Exemption" (Form "A") may be filed by the District or its representatives with the County Clerk of each county in which the activity will be located. A Notice of Exemption must be filed electronically with the County Clerk if that option is offered by the County Clerk. After filing, the District must additionally post the Notice of Exemption on the District's website, if any.

If the Lead Agency exempts an agricultural housing, affordable housing, or residential infill project under State CEQA Guidelines sections 15193, 15194, or 15195 and approves or determines to carry out that project, it must also file a notice with the Office of Planning and Research ("OPR") identifying the exemption.

The County Clerk must post a Notice of Exemption within twenty-four (24) hours of receipt, and the Notice must remain posted for thirty (30) days. The 30-day posting requirement excludes the first day of posting and includes the last day of posting. On the 30th day, the Notice of Exemption must be posted for the entire day. Although no California Department of Fish and Wildlife ("DFW") filing fee is applicable to exempt projects, most counties customarily charge a documentary handling fee to pay for record keeping on behalf of the DFW. Refer to the Index in the County Clerk Memo to determine if such a fee will be required for the project.

The Notice of Exemption must, among other things, identify the person undertaking the project, including any person undertaking an activity that receives financial assistance from the District as part of the project or the person receiving a lease, permit, license, certificate, or other entitlement for use from the District as part of the project. Certain counties require the name and address of an applicant to be included in the "Project Applicant" box of the Notice of Exemption, even when the only project proponent is the District; in these counties, if the District is the only project proponent, the District's name and address should be provided in the "Project Applicant" box of the Notice of Exemption. Check the county's requirements before submitting the Notice of Exemption for filing and posting.

The Notice of Exemption may be filed by the project applicant, rather than the Lead Agency, in certain circumstances. Specifically, the Lead Agency may direct the project applicant to file the Notice of Exemption where the activity that the Lead Agency has determined is exempt from CEQA either:

(a) is undertaken by a *person* (not a public agency) and is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies; or

(b) involves the issuance to a *person* (not a public agency) of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

(See Pub. Resources Code, §§ 21065, (b), (c), 21152). Where the Notice of Exemption is filed by a project applicant rather than the Lead Agency, the applicant must attach a Certificate of Determination to the Notice of Exemption to be filed. The Certificate of Determination may be in the form of a certified copy of an existing document or record of the Lead Agency. Alternatively, the Lead Agency may prepare a Certificate of Determination (see Form "B") stating that the activity is exempt from CEQA, and the Lead Agency may provide the Certificate of Determination to the applicant. The applicant must attach the Certificate of Determination to the Notice of Exemption to be filed.

The filing of a Notice of Exemption, when appropriate, is recommended for District actions because it starts a 35-day statute of limitations on legal challenges to the District's determination that the activity is exempt from CEQA. If a Notice of Exemption is not filed, a 180-day statute of limitations will apply. Please see Local Guidelines Section 3.12 for certain circumstances in which the Lead Agency is required to file a Notice of Exemption.

When a request is made for a copy of the Notice prior to the date on which the District determines the project is exempt, the Notice must be mailed, first class postage prepaid, within five (5) days after the District's determination. If such a request is made following the District's determination, then the copy should be mailed in the same manner as soon as possible.

(Reference: Pub. Resources Code, § 21152; State CEQA Guidelines, § 15062.)

3.05 DISAPPROVED PROJECTS.

CEQA does not apply to projects that the Lead Agency rejects or disapproves. Even if a project for which an EIR, Negative Declaration, or Mitigated Negative Declaration has been prepared is ultimately disapproved, the project applicant shall not be relieved of its obligation to pay the costs incurred to prepare the EIR, Negative Declaration, or Mitigated Negative Declaration for the project.

(Reference: State CEQA Guidelines, §§ 15061(b)(4), 15270.)

3.06 **PROJECTS WITH NO POSSIBILITY OF SIGNIFICANT EFFECT.**

Where it can be seen with absolute certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt from CEQA.

(Reference: State CEQA Guidelines, § 15061(b)(3).)

3.07 EMERGENCY PROJECTS.

The following types of emergency projects are exempt from CEQA (the term "emergency" is defined in Local Guidelines Section 11.20):

- (a) Work in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter a historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of the Public Resources Code.
- (b) Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety, or welfare. Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency.
- (c) Projects necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply (i) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety, or welfare, or (ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.
- (d) Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. Highway shall have the same meaning as defined in Section 360 of the Vehicle Code. This exemption does not apply to highways designated as official state scenic highways, nor to any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.
- (e) Seismic work on highways and bridges pursuant to Streets and Highways Code section 180.2.

(Reference: State CEQA Guidelines, § 15269.)

3.08 FEASIBILITY AND PLANNING STUDIES.

A project that involves only feasibility or planning studies for possible future actions which the District has not yet approved, adopted, or funded is exempt from CEQA.

(Reference: State CEQA Guidelines, § 15262.)

3.09 RATES, TOLLS, FARES, AND CHARGES.

The establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by the District that the District finds are for one or more of the purposes listed below are exempt from CEQA.

- (a) Meeting operating expenses, including employee wage rates and fringe benefits;
- (b) Purchasing or leasing supplies, equipment or materials;
- (c) Meeting financial reserve needs and requirements; or
- (d) Obtaining funds for capital projects necessary to maintain service within existing service areas.

When the District determines that one of the aforementioned activities pertaining to rates, tolls, fares, or charges is exempt from the requirements of CEQA, it shall incorporate written findings setting forth the specific basis for the claim of exemption in the record of any proceeding in which such an exemption is claimed.

(Reference: State CEQA Guidelines, § 15273.)

3.10 PIPELINES WITHIN A PUBLIC RIGHT-OF-WAY AND LESS THAN ONE MILE IN LENGTH.

Projects that are for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline and that are:

- (a) in a public street or highway or any other public right-of-way; and
- (b) less than one mile in length

shall be exempt from CEQA requirements.

"Pipeline" includes subsurface facilities but does not include any surface facility related to the operation of the underground facility.

(Reference: Public Resources Code, § 21080.21.)

3.11 PIPELINES OF LESS THAN EIGHT MILES IN LENGTH.

Projects that are for the inspection, maintenance, repair, restoration, reconditioning, relocation, replacement, or removal of an existing pipeline, or any valve, flange, meter, or other piece of equipment that is directly attached to the pipeline shall be exempt from CEQA requirements if all of the following conditions are met:

- (a) The project is less than eight miles in length.
- (b) Notwithstanding the project length, actual construction and excavation activities undertaken to achieve the maintenance, repair, restoration, reconditioning, relocation, replacement, or removal of an existing pipeline are not undertaken over a length of more than one-half mile at any one time.

- (c) The project consists of a section of pipeline that is not less than eight miles from any section of pipeline that has been subject to an exemption pursuant to CEQA in the past 12 months.
- (d) The project is not solely for the purpose of excavating soil that is contaminated by hazardous materials, and, to the extent not otherwise expressly required by law, the party undertaking the project immediately informs the lead agency of the discovery of contaminated soil.
- (e) To the extent not otherwise expressly required by law, the person undertaking the project has, in advance of undertaking the project, prepared a plan that will result in notification of the appropriate agencies so that they may take action, if determined to be necessary, to provide for the emergency evacuation of members of the public who may be located in close proximity to the project.
- (f) Project activities are undertaken within an existing right-of-way and the right-of-way is restored to its condition prior to the project.
- (g) The project applicant agrees to comply with all conditions otherwise authorized by law, imposed by the city or county planning department as part of any local agency permit process, that are required to mitigate potential impacts of the proposed project, and to otherwise comply with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), and other applicable state laws, and with all applicable federal laws.

If a project meets all of the requirements for this exemption, the person undertaking the project shall do all of the following:

- (a) Notify, in writing, any affected public agency, including, but not limited to, any public agency having permit, land use, environmental, public health protection, or emergency response authority of this exemption.
- (b) Provide notice to the public in the affected area in a manner consistent with paragraph (3) of Public Resources Code section 21092(b).
- (c) In the case of private rights-of-way over private property, receive from the underlying property owner permission for access to the property.
- (d) Comply with all conditions otherwise authorized by law, imposed by the city or county planning department as part of any local agency permit process, that are required to mitigate potential impacts of the proposed project, and otherwise comply with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), and other applicable state laws, and with all applicable federal laws.

This exemption does not apply to a project in which the diameter of the pipeline is increased or to a project undertaken within the boundaries of an oil refinery.

For purposes of this exemption, the following definitions apply:

(a) "Pipeline" includes every intrastate pipeline used for the transportation of hazardous liquid substances or highly volatile liquid substances, including a common carrier

pipeline, and all piping containing those substances located within a refined products bulk loading facility which is owned by a common carrier and is served by a pipeline of that common carrier, and the common carrier owns and serves by pipeline at least five such facilities in the state. "Pipeline" does not include the following:

- (1) An interstate pipeline subject to Part 195 of Title 49 of the Code of Federal Regulations.
- (2) A pipeline for the transportation of a hazardous liquid substance in a gaseous state.
- (3) A pipeline for the transportation of crude oil that operates by gravity or at a stress level of 20 percent or less of the specified minimum yield strength of the pipe.
- (4) Transportation of petroleum in onshore gathering lines located in rural areas.
- (5) A pipeline for the transportation of a hazardous liquid substance offshore located upstream from the outlet flange of each facility on the Outer Continental Shelf where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream.
- (6) Transportation of a hazardous liquid by a flow line.
- (7) A pipeline for the transportation of a hazardous liquid substance through an onshore production, refining, or manufacturing facility, including a storage or in plant piping system associated with that facility.
- (8) Transportation of a hazardous liquid substance by vessel, aircraft, tank truck, tank car, or other vehicle or terminal facilities used exclusively to transfer hazardous liquids between those modes of transportation.

(Reference: State CEQA Guidelines, § 15284.)

3.12 CERTAIN RESIDENTIAL HOUSING PROJECTS.

CEQA does not apply to the construction, conversion, or use of residential housing if the project meets all of the general requirements described in Section A below and satisfies the specific requirements for any one of the following three categories: (1) agricultural housing (Section B below), (2) affordable housing projects in urbanized areas (Section C below), or (3) affordable housing projects near major transit stops (Section D below).

- **A. General Requirements.** The construction, conversion, or use of residential housing units affordable to low-income households (as defined in Local Guidelines Section 11.36) located on an infill site in an urbanized area is exempt from CEQA if all of the following general requirements are satisfied:
 - (1) The project is consistent with:
 - (a) Any applicable general plan, specific plan, or local coastal program, including any mitigation measures required by such

plan or program, as that plan or program existed on the date that the application was deemed complete; and

- (b) Any applicable zoning ordinance, as that zoning ordinance existed on the date that the application was deemed complete. However, the project may be inconsistent with zoning if the zoning is inconsistent with the general plan and the project site has not been rezoned to conform to the general plan;
- (2) Community level environmental review has been adopted or certified;
- (3) The project and other projects approved prior to the approval of the project can be adequately served by existing utilities, and the project applicant has paid, or has committed to pay, all applicable in-lieu or development fees;
- (4) The project site meets all of the following four criteria relating to biological resources:
 - (a) The project site does not contain wetlands;
 - (b) The project site does not have any value as a wildlife habitat;
 - (c) The project does not harm any species protected by the federal Endangered Species Act of 1973, the Native Plant Protection Act, or the California Endangered Species Act; and
 - (d) The project does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed complete;
- (5) The site is not included on any list of facilities and sites compiled pursuant to Government Code section 65962.5;
- (6) The project site is subject to a preliminary endangerment assessment prepared by a registered environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. In addition, the following steps must have been taken in response to the results of this assessment:
 - (a) If a release of a hazardous substance is found to exist on the site, the release shall be removed or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements; or
 - (b) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements;

- (7) The project does not have a significant effect on historical resources pursuant to Section 21084.1 of the Public Resources Code (see Local Guidelines Section 11.28);
- (8) The project site is not subject to wildland fire hazard, as determined by the Department of Forestry and Fire Protection; unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard;
- (9) The project site does not have an unusually high risk of fire or explosion from materials stored or used on nearby properties;
- (10) The project site does not present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency;
- (11) Either the project site is not within a delineated earthquake fault zone, or a seismic hazard zone, as determined pursuant to Section 2622 and 2696 of the Public Resources Code respectively, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake or seismic hazard;
- (12) Either the project site does not present a landslide hazard, flood plain, flood way, or restriction zone, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood;
- (13) The project site is not located on developed open space;
- (14) The project site is not located within the boundaries of a state conservancy;
- (15) The project site has not been divided into smaller projects to qualify for one or more of the exemptions for affordable housing, agricultural housing, or residential infill housing projects found in the subsequent sections; and
- (16) The project meets the requirements set forth in either Public Resources Code sections 21159.22, 21159.23 or 21159.24.

(Reference: State CEQA Guidelines, § 15192.)

- **B. Specific Requirements for Agricultural Housing**. CEQA does not apply to the construction, conversion, or use of residential housing for agricultural employees that meets all of the general requirements described above in Section A and meets the following additional criteria:
 - (1) The project either:

- (a) Is affordable to lower income households, lacks public financial assistance, and the developer has provided sufficient legal commitments to ensure the continued availability and use of the housing units for lower income households for a period of at least fifteen (15) years; or
- (b) If public financial assistance exists for the project, then the project must be housing for very low-, low-, or moderate-income households and the developer of the project has provided sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for low- and moderate-income households for a period of at least fifteen (15) years;
- (2) The project site is adjacent on at least two sides to land that has been developed and the project consists of not more than forty-five (45) units or provides dormitories, barracks, or other group-living facilities for a total of forty-five (45) or fewer agricultural employees, and either:
 - (a) The project site is within incorporated city limits or within a census-defined place with a minimum population density of at least five thousand (5,000) persons per square mile; or
 - (b) The project site is within incorporated city limits or within a census-defined place and the minimum population density of the census-defined place is at least one thousand (1,000) persons per square mile, unless the Lead Agency determines that there is a reasonable possibility that the project, if completed, would have a significant effect on the environment due to unusual circumstances or that the cumulative effects of successive projects of the same type in the same area would, over time, be significant;
- (3) If the project is located on a site zoned for general agricultural use, it must consist of twenty (20) or fewer units, or, if the housing consists of dormitories, barracks, or other group-living facilities, the project must not provide housing for more than twenty (20) agricultural employees; and
- (4) The project is not more than two (2) acres in area if the project site is located in an area with a population density of at least one thousand (1,000) persons per square mile, and is not more than five (5) acres in area for all other project sites.

(Reference: Pub. Resources Code, §§ 21084, 21159.22; State CEQA Guidelines, §§ 15192, 15193.)

C. Specific Requirements for Affordable Housing Projects in Urbanized Areas. CEQA does not apply to any development project that consists of the construction, conversion, or use of residential housing consisting of one hundred (100) or fewer units that are affordable to low-income households if all of the general requirements described in Section A above are satisfied and the following additional criteria are also met:

- (1) The developer of the project provides sufficient legal commitments to the local agency to ensure the continued availability and use of the housing units for lower income households for a period of at least thirty (30) years, at monthly housing costs deemed to be "affordable rent" for lower income, very low income, and extremely low income households, as determined pursuant to Section 50053 of the Health and Safety Code;
- (2) The project site meets one of the following conditions:
 - (a) Has been previously developed for qualified urban uses;
 - (b) Is immediately adjacent to parcels that are developed with qualified urban uses; or
 - (c) At least 75% of the perimeter of the site adjoins parcels that are developed with qualified urban uses and the remaining 25% of the perimeter of the site adjoins parcels that have previously been developed for qualified urban uses, the site has not been developed for urban uses and no parcel within the site has been created within ten (10) years prior to the proposed development of the site;
- (3) The project site is not more than five (5) acres in area; and
- (4) The project site meets one of the following requirements regarding population density:
 - (a) The project site is within an urbanized area or within a censusdefined place with a population density of at least five thousand (5,000) persons per square mile;
 - (b) If the project consists of fifty (50) or fewer units, the project site is within an incorporated city with a population density of at least twenty-five hundred (2,500) persons per square mile and a total population of at least twenty-five thousand (25,000) persons; or
 - (c) The project site is within either an incorporated city or a censusdefined place with a population density of one thousand (1,000) persons per square mile, unless there is a reasonable possibility that the project would have a significant effect on the environment due to unusual circumstances or due to the related or cumulative impacts of reasonably foreseeable projects in the vicinity of the project.

(Reference: Pub. Resources Code, §§ 21083, 21159.23; State CEQA Guidelines, § 15194.)

D. Specific Requirements for Affordable Housing Projects Near Major Transit Stops.

- (a) Except as provided in subdivision (b), CEQA does not apply to a project if all of the following criteria are met:
 - 1. The project is a residential project on an infill site.
 - 2. The project is located within an urbanized area.
 - 3. The project satisfies the criteria of Public Resources Code section 21159.21, described in Section A above.
 - 4. Within five years of the date that the application for the project is deemed complete pursuant to Section 65943 of the Government Code, community-level environmental review was certified or adopted.
 - 5. The site of the project is not more than four acres in total area.
 - 6. The project does not contain more than 100 residential units.
 - 7. Either of the following criteria (subdivision a or subdivision b) are met:
 - a. (1) At least 10 percent of the housing is sold to families of moderate income, or not less than 10 percent of the housing is rented to families of low income, or not less than 5 percent of the housing is rented to families of very low income; and
 - (2) The project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for very low-, low-, and moderate-income households at monthly housing costs determined pursuant to paragraph (3) of the subdivision (h) of Section 65589.5 of the Government Code.
 - b. The project developer has paid or will pay in-lieu fees pursuant to a local ordinance in an amount sufficient to result in the development of an equivalent number of units that would otherwise be required pursuant to subparagraph 7.a above.
 - 8. The project is within one-half mile of a major transit stop.

- 9. The project does not include any single level building that exceeds 100,000 square feet.
- 10. The project promotes higher density infill housing. A project with a density of at least 20 units per acre shall be conclusively presumed to promote higher density infill housing. A project with a density of at least 10 units per acre and a density greater than the average density of the residential properties within 1,500 feet shall be presumed to promote higher density housing unless the preponderance of the evidence demonstrates otherwise.
- (b) Notwithstanding subdivision (a) above, the Exemption for Affordable Housing Projects near Major Transit Stops does not apply if any one of the following criteria is met:
 - 1. There is a reasonable possibility that the project will have a project-specific, significant effect on the environment due to unusual circumstances;
 - 2. Substantial changes have occurred since community-level environmental review was adopted or certified with respect to the circumstances under which the project is being undertaken, and those changes are related to the project; or
 - 3. New information regarding the circumstances under which the project is being undertaken has become available, and that new information is related to the project and was not known and could not have been known at the time of the community-level environmental review.
- (c) If a project satisfies the criteria described above in Section 3.12D(a), but is not exempt from CEQA as a result of satisfying the criteria described in Section 3.12D(b), the analysis of the environmental effects of the project in the EIR or the negative declaration for the project shall be limited to an analysis of the project-specific effects of the project and any effects identified pursuant to Paragraph 2 or 3 of Section 3.12D(b), above.

(Reference: Pub. Resources Code, §§ 21083, 21159.24; State CEQA Guidelines, § 15195.)

E. Whenever the Lead Agency determines that a project is exempt from environmental review based on Public Resources Code sections 21159.22 [Section 3.12B of these Local Guidelines], 21159.23 [Section 3.12C of these Local Guidelines], or 21159.24 [Section 3.12D of these Local Guidelines], Staff and/or the proponent of the project shall file a Notice of Exemption with the Office of Planning and Research within five (5) working days after the approval of the project.

(Reference: State CEQA Guidelines, § 15196.)

3.13 MINOR ALTERATIONS TO FLUORIDATE WATER UTILITIES.

Minor alterations to water utilities made for the purpose of complying with the fluoridation requirements of Health and Safety Code sections 116410 and 116415 or regulations adopted thereunder are exempt from CEQA.

(Reference: State CEQA Guidelines, § 15282(m).)

3.14 BALLOT MEASURES.

The definition of project in the State CEQA Guidelines specifically excludes the submittal of proposals to a vote of the people of the state or of a particular community. This exemption does not apply to the public agency that sponsors the initiative. When a governing body makes a decision to put a measure on the ballot, that decision may be discretionary and therefore subject to CEQA. In contrast, the enactment of a qualified voter-sponsored initiative under California Constitution Art. II, Section 11(a) and Election Code section 9214 is not a project and therefore is not subject to CEQA review.

(Reference: Local Guidelines Section 3.01; State CEQA Guidelines, § 15378(b)(3).)

3.15 TRANSIT PRIORITY PROJECT.

Exemption: Transit Priority Projects (see Local Guidelines Section 11.75) that are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a Sustainable Community Strategy or an alternative planning strategy may be exempt from CEQA. To qualify for the exemption, the decision-making body must hold a hearing and make findings that the project meets all of Public Resources Code section 21155.1's environmental, housing, and public safety conditions and requirements.

Streamlined Review: A Transit Priority Project that has incorporated all feasible mitigation measures, performance standards or criteria set forth in a prior environmental impact report, may be eligible for streamlined environmental review. For a complete description of the requirements for this streamlined review see Public Resources Code section 21155.2. Similarly, the environmental review for a residential or mixed use residential project may limit, or entirely omit, its discussion of growth-inducing impacts or impacts from traffic on global warming under certain limited circumstances. Note, however, that impacts from other sources of greenhouse gas emissions would still need to be analyzed. For complete requirements see Public Resources Code section 21159.28.

Note that neither the exemption nor the streamlined review will apply until: (1) the applicable Metropolitan Planning Organization prepares and adopts a Sustainable Communities Strategy or alternative planning strategy for the region; and (2) the California Air Resources Board has accepted the Metropolitan Planning Organization's determination that the Sustainable Communities Strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets adopted for the region.

(Reference: Pub. Resources Code, §§ 21155.1, 21151.2, 21159.28.)

3.16 CERTAIN INFILL PROJECTS

(a) (1) If an environmental impact report was certified for a planning level decision of the city or county, the application of CEQA to the approval of an infill project shall be limited to the effects on the environment that (A) are specific to the project or to the project site and were not addressed as significant effects in the prior environmental impact report or (B) substantial new information shows the effects will be more significant than described in the prior environmental impact report. The attached Form "S" shall be used for this determination. A lead agency's determination pursuant to this section shall be supported by substantial evidence.

(2) An effect of a project upon the environment shall not be considered a specific effect of the project or a significant effect that was not considered significant in a prior environmental impact report, or an effect that is more significant than was described in the prior environmental impact report if uniformly applicable development policies or standards adopted by the city, county, or the lead agency, would apply to the project and the lead agency makes a finding, based upon substantial evidence, that the development policies or standards will substantially mitigate that effect.

(b) If an infill project would result in significant effects that are specific to the project or the project site, or if the significant effects of the infill project were not addressed in the prior environmental impact report, or are more significant than the effects addressed in the prior environmental impact report, and if a mitigated negative declaration or a sustainable communities environmental assessment could not be otherwise adopted, an environmental impact report prepared for the project analyzing those effects shall be limited as follows:

(1) Alternative locations, densities, and building intensities to the project need not be considered.

(2) Growth inducing impacts of the project need not be considered.

(c) This section applies to an infill project that satisfies both of the following:

(1) The project satisfies any of the following:

A) Is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy for which the State Air Resources Board, pursuant to subparagraph (H) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code, has accepted a metropolitan planning organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets.

(B) Consists of a small walkable community project located in an area designated by a city for that purpose.

(C) Is located within the boundaries of a metropolitan planning organization that has not yet adopted a sustainable communities strategy or alternative planning strategy,

and the project has a residential density of at least 20 units per acre or a floor area ratio of at least 0.75.

(2) Satisfies all applicable statewide performance standards contained in the guidelines adopted pursuant to Public Resources Code section 21094.5.5 (Form "R").

(d) This section applies after the Secretary of the Natural Resources Agency adopts and certifies the guidelines establishing statewide standards pursuant to Public Resources Code section 21094.5.5.

(e) For the purposes of this section, the following terms mean the following:

(1) "Infill project" means a project that meets the following conditions:

(A) Consists of any one, or combination, of the following uses:

(i) Residential.

(ii) Retail or commercial, where no more than one-half of the project area is used for parking.

(iii) A transit station.

(iv) A school.

(v) A public office building.

(B) Is located within an urban area on a site that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.

(2) "Planning level decision" means the enactment or amendment of a general plan, community plan, specific plan, or zoning code.

(3) "Prior environmental impact report" means the environmental impact report certified for a planning level decision, as supplemented by any subsequent or supplemental environmental impact reports, negative declarations, or addenda to those documents.

(4) "Small walkable community project" means a project that is in an incorporated city, which is not within the boundary of a metropolitan planning organization and that satisfies the following requirements:

(A) Has a project area of approximately one-quarter mile diameter of contiguous land completely within the existing incorporated boundaries of the city.

(B) Has a project area that includes a residential area adjacent to a retail downtown area.

(C) The project has a density of at least eight dwelling units per acre or a floor area ratio for retail or commercial use of not less than 0.50.

(5) "Urban area" includes either an incorporated city or an unincorporated area that is completely surrounded by one or more incorporated cities that meets both of the following criteria:

(A) The population of the unincorporated area and the population of the surrounding incorporated cities equal a population of 100,000 or more.

(B) The population density of the unincorporated area is equal to, or greater than, the population density of the surrounding cities.

(Reference: Pub. Resources Code, § 21094.5.)

3.17 EXEMPTION FOR INFILL PROJECTS IN TRANSIT PRIORITY AREAS

A residential or mixed-use project, or a project with a floor area ratio of at least 0.75 on commercially-zoned property, including any required subdivision or zoning approvals, is exempt from CEQA if the project satisfies the following criteria:

- The project is located within a transit priority area as defined in Section 11.74 below;
- The project is consistent with an applicable specific plan for which an environmental impact report was certified; and
- The project is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy for which the State Air Resources Board has accepted the determination that the sustainable communities strategy or the alternative planning strategy would achieve the applicable greenhouse gas emissions reduction targets.

Further environmental review shall be required for a project meeting the above criteria only if one of the events specified in Section 8.04 below occurs.

(Reference: State CEQA Guidelines, § 15182(b).)

3.18 EXEMPTION FOR RESIDENTIAL PROJECTS UNDERTAKEN PURSUANT TO A SPECIFIC PLAN

Where a public agency has prepared an EIR for a specific plan after January 1, 1980, a residential project undertaken pursuant to and in conformity with that specific plan is generally exempt from CEQA. Residential projects covered by this section include, but are not limited to, land subdivisions, zoning changes, and residential planned unit developments.

Further environmental review shall be required for a project meeting the above criteria only if, after the adoption of the specific plan, one of the events specified in Section 8.04 below occurs.

In that circumstance, this exemption shall not apply until the city or county which adopted the specific plan completes a subsequent EIR or a supplement to an EIR on the specific plan. The exemption provided by this section shall again be available to residential projects after the Lead Agency has filed a Notice of Determination on the specific plan as reconsidered by the subsequent EIR or supplement to the EIR.

(Reference: State CEQA Guidelines, § 15182(c).)

3.19 TRANSFER OF LAND FOR THE PRESERVATION OF NATURAL CONDITIONS

CEQA does not apply to the acquisition, sale, or other transfer of interest in land by the District for the purpose of fulfilling any of the following purposes: (1) preservation of natural conditions existing at the time of transfer, including plant and animal habitats, (2) restoration of natural conditions, including plant and animal habitats, (3) continuing agricultural use of the land; (4) prevention of encroachment of development into flood plains; (5) preservation of historical resources; or (6) preservation of open space or lands for park purposes. CEQA similarly does not apply to the granting or acceptance of funding by the District for the foregoing purposes.

The foregoing applies even if physical changes to the environment or changes in the use of the land are a reasonably foreseeable consequence of the acquisition, sale, or other transfer of the interests in land, or of the granting or acceptance of funding, provided that environmental review otherwise required by CEQA occurs before any project approval that would authorize physical changes being made to that land.

The District must file a Notice of Exemption with the State Clearinghouse and the County Clerk should it find a project exempt under this provision.

(Reference: Pub. Resources Code, § 21080.28.)

3.20 TRANSIT PRIORITIZATION PROJECTS.

CEQA exempts the following projects when (i) the project is carried out by a public agency that is the lead agency for the project; (ii) the project is located in an urbanized area; (iii) the project is located within an existing public right-of-way; (iv) the project does not add physical infrastructure that increases new automobile capacity on existing rights-of-way except for minor modifications needed for efficient and safe movement of transit vehicles, such as extended merging lanes; (v) the project does not include the addition of any auxiliary lanes; and (vi) the construction of the project shall not require the demolition of affordable housing units:

- (1) Pedestrian and bicycle facilities, including bicycle parking, bicycle sharing facilities, and bikeways as defined in Section 890.4 of the Streets and Highways Code;
- (2) Projects that improve customer information and wayfinding for transit riders, bicyclists, or pedestrians;

- (3) Transit prioritization projects, including projects relating to signal coordination, signal timing modifications, signal phasing modifications, the installation of wayside technology and onboard technology, the installation of ramp meters, the installation of dedicated transit or very high occupancy vehicle lanes (i.e., vehicle with six or more occupants), and shared turning lanes;
- (4) On highways with existing public transit service or that will be implementing public transit service within six months of the conversion, a project for the designation and conversion of general purpose lanes or highway shoulders to bus-only lanes, for use either during peak congestion hours or all day.
- (5) A project for the institution or increase of new bus rapid transit, bus, or light rail service, including the construction of stations, on existing public rights-of-way or existing highway rights-of-way, whether or not the right-of-way is in use for public mass transit.
- (6) A project to construct or maintain infrastructure to charge or refuel zero-emission transit buses, provided the project is carried out by a public transit agency that is subject to, and in compliance with, the State Air Resources Board's Innovative Clean Transit regulations (Article 4.3 (commencing with Section 2023) of Chapter 1 of Division 3 of Title 13 of the California Code of Regulations) and the project is located on property owned by the transit agency or within an existing public right-of-way.
- (7) The maintenance, repair, relocation, replacement, or removal of any utility infrastructure associated with a project identified in paragraphs (1) to (6), inclusive.
- (8) A project that consists exclusively of a combination of any of the components of a project identified in paragraphs (1) to (7), inclusive.
- (9) A project carried out by a city or county to reduce minimum parking requirements.

Additional conditions apply to a project otherwise exempt under this section if the project exceeds one hundred million dollars (\$100,000,000) in 2020 United States dollars, as set forth in Public Resources Code section 21080.25.

If the District determines that a project is not subject to CEQA pursuant to this section and approves that project, the District must file a Notice of Exemption with both the Office of Planning and Research and the County Clerk of the county in which the project is located.

This exemption shall remain in effect only until January 1, 2023, and as of that date it will be repealed.

(Reference: Pub. Resources Code, § 21080.25.)

3.21 **RESTRIPING STREETS AND HIGHWAYS FOR BICYCLE LANES.**

CEQA does not apply to a bicycle transportation plan for an urbanized area for the restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and the related signage for bicycles, pedestrians, and vehicles.

Before determining that a project is exempt pursuant to this section, the Lead Agency must hold noticed public hearings in areas affected by the bicycle transportation plan to hear and respond to public comments. Publication of the notice must comply with Government Code section 6061 and be in a newspaper of general circulation in the area affected by the proposed project.

If the District determines that a project is not subject to CEQA pursuant to this section and approves that project, the District must file a Notice of Exemption with both the Office of Planning and Research and the County Clerk of the county in which the project is located.

This exemption shall remain in effect only until January 1, 2030, and as of that date it will be repealed. (Reference: Pub. Resources Code, § 20180.20.)

3.22 SMALL DISADVANTAGED COMMUNITY WATER SYSTEM AND STATE SMALL WATER SYSTEM.

CEQA does not apply to certain water infrastructure projects that primarily benefit a "small disadvantaged community water system" or a "state small water system," as these terms are defined in Public Resources Code section 21080.47. If certain labor requirements and other conditions are met as set forth in Public Resources Code section 21080.47, the installation, repair, or construction of the following for the benefit of a small disadvantaged community water system or state small water system is exempt from CEQA:

(1) Drinking water groundwater wells with a maximum flow rate of up to 250 gallons per minute;

(2) Drinking water treatment facilities with a footprint of less than 2,500 square feet that are not located in an environmentally sensitive area;

(3) Drinking water storage tanks with a capacity of up to 250,000 gallons;

(4) Booster pumps and hydropneumatic tanks;

(5) Pipelines of less than one mile in length in a road right-of-way or up to seven miles in length in a road right-of-way when the project is required to address threatened or current drinking water violations;

(6) Water services lines; and

(7) Minor drinking water system appurtenances, including, but not limited to, system and service meters, fire hydrants, water quality sampling stations, valves, air releases and vacuum break valves, emergency generators, backflow prevention devices, and appurtenance enclosures.

(Reference: Pub. Resources Code, § 21080.47.)

3.23 CONSERVATION AND RESTORATION OF CALIFORNIA NATIVE FISH AND WILDLIFE.

(a) CEQA does not apply to a project that is exclusively one of the following (though a project may exclusively be one of the following even if it has incidental public benefits, such as public access or recreation) and meets the criteria set forth in subdivision (b) of this section:

- (1) A project to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend.
- (2) A project to restore or provide habitat for California native fish and wildlife.
- (b) This section does not apply to a project unless the project does both of the following:
 - (1) Results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and
 - (2) Includes procedures and ongoing management for the protection of the environment.
- (c) This section does not apply to a project that includes construction activities, except for construction activities solely related to habitat restoration.
- (d) The lead agency shall obtain the concurrence of the Director of Fish and Wildlife for the determinations required pursuant to subdivisions (a) through (c) above.
- (e) Within 48 hours of making a determination that a project is exempt pursuant to this section, the lead agency shall file a Notice of Exemption with the Office of Planning and Research, and the Department of Fish and Wildlife must post the concurrence of the Director of Fish and Wildlife on the department's website.

This exemption is in effect until January 1, 2025. (Pub. Resources Code, § 21080.56.)

3.24 LINEAR BROADBAND DEPLOYMENT IN A RIGHT-OF-WAY.

(a) CEQA does not apply to a project that consists of linear broadband deployment in a right-of-way if the project meets all of the following conditions:

- (1) The project is located in an area identified by the Public Utilities Commission as a component of the statewide open-access middle-mile broadband network pursuant to Section 11549.54 of the Government Code.
- (2) The project is constructed along, or within 30 feet of, the right-of-way of any public road or highway.
- (3) The project is either deployed underground where the surface area is restored to a condition existing before the project or placed aerially along an existing utility pole right-of-way.
- (4) The project incorporates, as a condition of project approval, measures developed by the Public Utilities Commission or the Department of Transportation to address potential environmental impacts. At a minimum, the project shall be required to include monitors during construction activities and measures to avoid or address impacts to cultural and biological resources.
- (5) The project applicant agrees to comply with all conditions otherwise authorized by law, imposed by the planning department of a city or county as part of a local agency permit process, that are required to mitigate potential impacts of the proposed project, and to comply with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), as applicable, other applicable state laws, and all applicable federal laws.

(b) If a project meets all of the requirements of subdivision (a), the project applicant shall do all of the following:

- (1) Notify, in writing, any affected public agency, including, but not limited to, any public agency having permit, land use, environmental, public health protection, or emergency response authority, of the exemption of the project pursuant to this section.
- (2) File a Notice of Exemption.
- (3) In the case of private rights-of-way over private property, receive from the underlying property owner permission for access to the property.
- (4) Comply with all conditions authorized by law imposed by the planning department of a city or county as part of any local agency permit process, that are required to mitigate potential impacts of the proposed project, and otherwise comply with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division

5), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), as applicable, other applicable state laws, and all applicable federal laws.

(Pub. Resources Code, § 21080.51.)

3.25 NEEDLE AND SYRINGE EXCHANGE SERVICES.

The Legislature has authorized cities and counties meeting certain requirements to apply to the State Department of Public Health for authorization to provide hypodermic needle and syringe exchange services consistent with state standards in any location where the State Department of Public Health determines that the conditions exist for the rapid spread of human immunodeficiency virus (HIV), viral hepatitis, or any other potentially deadly or disabling infections that are spread through the sharing of used hypodermic needles and syringes. (Health and Safety Code, § 121349.) Needle and syringe exchange services application submissions, authorizations, and operations performed pursuant to Health and Safety Code section 121349 are exempt from review under CEQA. (Health and Safety Code, § 121349(h).)

3.26 OTHER SPECIFIC EXEMPTIONS.

CEQA and the State CEQA Guidelines exempt many other specific activities, including early activities related to thermal power plants, ongoing projects, transportation improvement programs, family day care homes, congestion management programs, railroad grade separation projects, restriping of streets or highways to relieve traffic congestion, hazardous or volatile liquid pipelines, and the installation of solar energy systems, including, but not limited to solar panels. Specific statutory exemptions are listed in the Public Resources Code, including Sections 21080 through 21080.35, and in the State CEQA Guidelines, including Sections 15260 through 15285. In addition, other titles of the California Codes provide statutory exemptions from CEQA, including, for example, Government Code section 12012.70.

3.27 CATEGORICAL EXEMPTIONS.

The State CEQA Guidelines establish certain classes of categorical exemptions. These apply to classes of projects which have been determined not to have a significant effect on the environment and which, therefore, are <u>generally</u> exempt from CEQA. For any project that falls within one of these classes of categorical exemptions, the preparation of environmental documents under CEQA is not required. The classes of projects are briefly summarized below. (Reference to the State CEQA Guidelines for the full description of each exemption is recommended.)

The exemptions for Classes 3, 4, 5, 6, and 11 below are qualified in that such projects must be considered in light of the location of the project. A project that is ordinarily insignificant in its impact on the environment may, in a particularly sensitive environment, be significant. Therefore, these classes are considered to apply in all instances except when the project may impact an environmental resource of hazardous or critical concern that has been designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

All classes of categorical exemptions are qualified. None of the categorical exemptions are applicable if any of the following circumstances exist:

- (1) The cumulative impact of successive projects of the same type in the same place over time is significant;
- (2) There is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;
- (3) The project may result in damage to a scenic resource or may result in a substantial adverse change to a historical resource; or
- (4) The project is located on a site which is included on any hazardous waste site or list compiled pursuant to Government Code section 65962.5.

However, a project's greenhouse gas emissions do not, in and of themselves, cause an exemption to be inapplicable if the project otherwise complies with all applicable regulations or requirements adopted to implement statewide, regional, or local plans consistent with State CEQA Guidelines section 15183.5.

With the foregoing limitations in mind, the following classes of activity are generally exempt from CEQA:

<u>Class 1: Existing Facilities</u>. Activities involving the operation, repair, maintenance, permitting, leasing, licensing, minor alteration of—or legislative activities to regulate—existing public or private structures, facilities, mechanical equipment or other property, or topographical features, provided the activity involves negligible or no expansion of existing or former use. The types of "existing facilities" itemized in State CEQA Guidelines section 15301 are not intended to be all-inclusive of the types of projects which might fall within the Class 1 categorical exemption. The key consideration is whether the project involves negligible or no expansion of use. (State CEQA Guidelines, § 15301.)

<u>Class 2: Replacement or Reconstruction</u>. Replacement or reconstruction of existing facilities, structures, or other property where the new facility or structure will be located on the same site as the replaced or reconstructed facility or structure and will have substantially the same purpose and capacity as the replaced or reconstructed facility or structure. (State CEQA Guidelines, § 15302.)

<u>Class 3: New Construction or Conversion of Small Structures</u>. Construction of limited numbers of small new facilities or structures; installation of small new equipment or facilities in small structures; and the conversion of existing small structures from one use to another, when only minor modifications are made in the exterior of the structure. This exemption includes structures built for both residential and commercial uses. (State CEQA Guidelines, § 15303 outlines, among other things, the maximum number of structures allowable under this exemption].)

<u>Class 4: Minor Alterations to Land</u>. Minor alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees, except for forestry or agricultural purposes. (State CEQA Guidelines, § 15304.)

<u>Class 5: Minor Alterations in Land Use Limitations</u>. Minor alterations in land use limitations in areas with an average slope of less than 20% which do not result in any changes in land use or density. (State CEQA Guidelines, § 15305.)

<u>Class 6: Information Collection</u>. Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. (State CEQA Guidelines, § 15306.)

<u>Class 7: Actions by Regulatory Agencies for Protection of Natural Resources</u>. Actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. (State CEQA Guidelines, § 15307.)

<u>Class 8: Actions By Regulatory Agencies for Protection of the Environment</u>. Actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement or protection of the environment where the regulatory process involves procedures for protection of the environment. (State CEQA Guidelines, § 15308.)

<u>Class 9: Inspection</u>. Inspection activities, including, but not limited to, inquiries into the performance of an operation and examinations of the quality, health or safety of a project. (State CEQA Guidelines, \$15309.)

<u>Class 10: Loans</u>. Loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction and the purchase of such mortgages by financial institutions. (State CEQA Guidelines, § 15310.)

<u>Class 11: Accessory Structures</u>. Construction or replacement of minor structures accessory or appurtenant to existing commercial, industrial, or institutional facilities, including, but not limited to, on-premise signs; small parking lots; and placement of seasonal or temporary use items, such as lifeguard towers, mobile food units, portable restrooms or similar items in generally the same locations from time to time in publicly owned parks, stadiums or other facilities designed for public use. (State CEQA Guidelines, §15311.)

<u>Class 12:</u> Surplus Government Property Sales. Sales of surplus government property, except for certain parcels of land located in an area of statewide, regional or area-wide concern identified in State CEQA Guidelines section 15206(b)(4). However, even if the surplus property to be sold is located in any of those areas, its sale is exempt if:

- (a) The property does not have significant values for wildlife or other environmental purposes; and
- (b) Any one of the following three conditions is met:

- 1. The property is of such size, shape, or inaccessibility that it is incapable of independent development or use;
- 2. The property to be sold would qualify for an exemption under any other class of categorical exemption in the State CEQA Guidelines; or
- 3. The use of the property and adjacent property has not changed since the time of purchase by the public agency.

(State CEQA Guidelines, § 15312.)

<u>Class 13: Acquisition of Lands for Wildlife Conservation Purposes</u>. Acquisition of lands for fish and wildlife conservation purposes, including preservation of fish and wildlife habitat, establishment of ecological preserves under Fish and Game Code section 1580, and preservation of access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition. (State CEQA Guidelines, § 15313.)

<u>Class 14: Minor Additions to Schools</u>. Minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or ten (10) classrooms, whichever is less. The addition of portable classrooms is included in this exemption. (State CEQA Guidelines, § 15314.)

<u>Class 15: Minor Land Divisions</u>. Division(s) of property in urbanized areas zoned for residential, commercial or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the parcel does not have an average slope greater than 20%. (State CEQA Guidelines, §15315.)

<u>Class 16: Transfer of Ownership of Land in Order to Create Parks</u>. Acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical or archaeological resources and either:

- (a) The management plan for the park has not been prepared, or
- (b) The management plan proposes to keep the area in a natural condition or preserve the historic or archaeological resources.

CEQA will apply when a management plan is proposed that will change the area from its natural condition or cause substantial adverse change in the significance of the historic or archaeological resource. (State CEQA Guidelines, § 15316.)

<u>Class 17: Open Space Contracts or Easements</u>. Establishment of agricultural preserves, making and renewing of open space contracts under the Williamson Act, or acceptance of easements or fee interests in order to maintain the open space character of the area. (The cancellation of such preserves, contracts, interests or easements is not included in this exemption.) (State CEQA Guidelines, § 15317.)

<u>Class 18: Designation of Wilderness Areas</u>. Designation of wilderness areas under the California Wilderness System. (State CEQA Guidelines, § 15318.)

<u>Class 19:</u> <u>Annexations of Existing Facilities and Lots for Exempt Facilities.</u> This exemption applies only to the following annexations:

- (a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or prezoning of either the gaining or losing governmental agency, whichever is more restrictive; provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities; and
- (b) Annexations of individual small parcels of the minimum size for facilities exempted by Class 3, New Construction or Conversion of Small Structures.

(State CEQA Guidelines, § 15319.)

<u>Class 20: Changes in Organization of Local Agencies</u>. Changes in the organization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to:

- (a) Establishment of a subsidiary district;
- (b) Consolidation of two or more districts having identical powers; and
- (c) Merger with a city of a district lying entirely within the boundaries of the city.

(State CEQA Guidelines, § 15320.)

<u>Class 21: Enforcement Actions by Regulatory Agencies</u>. Actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate or other entitlement for use issued, adopted or prescribed by the regulatory agency or enforcement of a law, general rule, standard or objective administered or adopted by the regulatory agency; or law enforcement activities by peace officers acting under any law that provides a criminal sanction. The direct referral of a violation of lease, permit, license, certificate, or entitlement to the City Attorney for judicial enforcement is exempt under this Class. (Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.) (State CEQA Guidelines, § 15321.)

<u>Class 22: Educational or Training Programs Involving No Physical Changes</u>. The adoption, alteration or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures. Examples include but are not limited to:

- (a) Development of or changes in curriculum or training methods; or
- (b) Changes in the trade structure in a school which do not result in changes in student transportation. (State CEQA Guidelines, § 15322.)

<u>Class 23: Normal Operations of Facilities for Public Gatherings</u>. Continued or repeated normal operations of existing facilities for public gatherings for which the facilities were designed, where there is past history, of at least three years, of the facility being used for the same or similar purposes. Facilities included within this exemption include, but are not limited to, race tracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools and amusement parks. (State CEQA Guidelines, § 15323.)

<u>Class 24: Regulation of Working Conditions</u>. Actions taken by the District to regulate employee wages, hours of work or working conditions where there will be no demonstrable physical changes outside the place of work. (State CEQA Guidelines, § 15324.)

<u>Class 25: Transfers of Ownership of Interest in Land to Preserve Existing Natural</u> <u>Conditions and Historical Resources</u>. Transfers of ownership of interest in land in order to preserve open space, habitat, or historical resources. Examples include, but are not limited to, acquisition, sale, or other transfer of areas to: preserve existing natural conditions, including plant or animal habitats; allow continued agricultural use of the areas; allow restoration of natural conditions; preserve open space or lands for natural park purposes; or prevent encroachment of development into floodplains. This exemption does not apply to the development of parks or park uses. (State CEQA Guidelines, § 15325.)

<u>Class 26: Acquisition of Housing for Housing Assistance Programs</u>. Actions by a redevelopment agency, housing authority or other public agency to implement an adopted Housing Assistance Plan by acquiring an interest in housing units, provided the housing units are either in existence or possessing all required permits for construction when the agency makes its final decision to acquire the units. (State CEQA Guidelines, § 15326.)

<u>Class 27: Leasing New Facilities</u>. Leasing of a newly constructed or previously unoccupied privately owned facility by a local or state agency when the District determines that the proposed use of the facility:

- (a) Conforms with existing state plans and policies and with general, community, and specific plans for which an EIR or Negative Declaration has been prepared;
- (b) Is substantially the same as that originally proposed at the time the building permit was issued;
- (c) Does not result in a traffic increase of greater than 10% of front access road capacity; and
- (d) Includes the provision of adequate employee and visitor parking facilities.

(State CEQA Guidelines, § 15327.)

<u>Class 28: Small Hydroelectric Projects as Existing Facilities</u>. Installation of certain small hydroelectric-generating facilities in connection with existing dams, canals and pipelines, subject to the conditions in State CEQA Guidelines section 15328. (State CEQA Guidelines, § 15328.)

<u>Class 29: Cogeneration Projects at Existing Facilities</u>. Installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities meeting certain conditions listed in State CEQA Guidelines section 15329. (State CEQA Guidelines, § 15329.)

<u>Class 30: Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the</u> <u>Release or Threat of Release of Hazardous Waste or Hazardous Substances</u>. Any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less.

- (a) No cleanup action shall be subject to this Class 30 exemption if the action requires the onsite use of a hazardous waste incinerator or thermal treatment unit or the relocation of residences or businesses, or the action involves the potential release into the air of volatile organic compounds as defined in Health and Safety Code section 25123.6, except for small scale in situ soil vapor extraction and treatment systems which have been permitted by the local Air Pollution Control District or Air Quality Management District. All actions must be consistent with applicable state and local environmental permitting requirements including, but not limited to, off-site disposal, air quality rules such as those governing volatile organic compounds and water quality standards, and approved by the regulatory body with jurisdiction over the site;
- (b) Examples of such minor cleanup actions include but are not limited to:
 - 1. Removal of sealed, non-leaking drums of hazardous waste or substances that have been stabilized, containerized and are designated for a lawfully permitted destination;
 - 2. Maintenance or stabilization of berms, dikes, or surface impoundments;
 - 3. Construction or maintenance or interim of temporary surface caps;
 - 4. Onsite treatment of contaminated soils or sludge provided treatment system meets Title 22 requirements and local air district requirements;
 - 5. Excavation and/or offsite disposal of contaminated soils or sludge in regulated units;
 - 6. Application of dust suppressants or dust binders to surface soils;
 - 7. Controls for surface water run-on and run-off that meets seismic safety standards;
 - 8. Pumping of leaking ponds into an enclosed container;
 - 9. Construction of interim or emergency ground water treatment systems; or
 - 10. Posting of warning signs and fencing for a hazardous waste or substance site that meets legal requirements for protection of wildlife.

(State CEQA Guidelines, § 15330.)

<u>Class 31: Historical Resource Restoration/Rehabilitation</u>. Maintenance, repairs, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer. (State CEQA Guidelines, § 15331.)

<u>Class 32: Infill Development Projects</u>. Infill development meeting the following conditions:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- (c) The project site has no value as habitat for endangered, rare or threatened species;

- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- (e) The site can be adequately served by all required utilities and public services.

(State CEQA Guidelines, § 15332.)

Class 33: Small Habitat Restoration Projects.

This exemption applies to projects to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife, provided that such projects meet the following criteria:

- (a) The project does not exceed five acres in size;
- (b) There would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to Section 15065 of the State CEQA Guidelines;
- (c) There are no hazardous materials at or around the project site that may be disturbed or removed; and
- (d) The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Examples of small habitat restoration projects include, but are not limited to: revegetation of disturbed areas with native plant species; wetland restoration, the primary purpose of which is to improve conditions for waterfowl or other species that rely on wetland habitat; stream or river bank revegetation, the primary purpose of which is to improve habitat for amphibians or native fish; projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment; stream or river bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or eliminate erosion and sedimentation; and culvert replacement conducted in accordance with published guidelines of DFW or NOAA Fisheries, the primary purpose of which is to improve habitat or reduce sedimentation.

(State CEQA Guidelines, § 15333.)

4. <u>TIME LIMITATIONS</u>

4.01 **REVIEW OF PRIVATE PROJECT APPLICATIONS.**

Staff shall determine whether the application for a private project is complete within thirty (30) days of receipt of the application. No application may be deemed incomplete based on an applicant's refusal to waive the time limitations set forth in Local Guidelines Sections 4.03 and 4.04.

Accepting an application as complete does not limit the authority of the District, acting as Lead Agency or Responsible Agency, to require the applicant to submit additional information needed for environmental evaluation of the project. Requiring such additional information after the application is complete does not change the status of the application.

(Reference: State CEQA Guidelines, § 15101.)

4.02 DETERMINATION OF TYPE OF ENVIRONMENTAL DOCUMENT.

Except as provided in Local Guidelines Sections 4.05 and 4.06, Staff's initial determination as to whether a Negative Declaration, Mitigated Negative Declaration or an EIR should be prepared shall be made within thirty (30) days from the date on which an application for a project is accepted as complete by the District. This period may be extended fifteen (15) days with consent of the applicant and the District.

(Reference: State CEQA Guidelines, § 15102.)

4.03 COMPLETION AND ADOPTION OF NEGATIVE DECLARATION.

For private projects involving the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies, the Negative Declaration/Mitigated Negative Declaration shall be completed and approved within one hundred eighty (180) days from the date when the District accepted the application as complete. In the event that compelling circumstances justify additional time and the project applicant and Lead Agency consent thereto, Staff may provide that the 180-day time limit may be extended once for a period of not more than 90 days.

(Reference: State CEQA Guidelines, § 15107.)

4.04 COMPLETION AND CERTIFICATION OF FINAL EIR.

For private projects, the Final EIR shall be completed and certified by the District within one (1) year after the date the District accepted the application as complete. In the event that compelling circumstances justify additional time and the project applicant consents thereto, the District may provide a one-time extension up to ninety (90) days for completing and certifying the EIR.

(Reference: State CEQA Guidelines, § 15108.)

4.05 **PROJECTS SUBJECT TO THE PERMIT STREAMLINING ACT.**

The Permit Streamlining Act requires agencies to make decisions on certain development project approvals within specified time limits. If a project is subject to the Permit Streamlining Act, the District cannot require the project applicant to submit the informational equivalent of an EIR or prove compliance with CEQA as a prerequisite to determining whether the project application is complete. In addition, if requested by the project applicant, the District must begin processing the project application prior to final CEQA action, provided the information necessary to begin the process is available.

(Reference: Gov. Code §§ 65941, 65944.)

Under the Permit Streamlining Act, the Lead Agency must approve or disapprove the development project application within one hundred eighty (180) days from the date on which it certifies the EIR, or within ninety (90) days of certification if an extension for completing and certifying the EIR was granted. If the Lead Agency adopts a Negative Declaration/Mitigated Negative Declaration or determines the development project is exempt from CEQA, it shall approve or disapprove the project application within sixty (60) days from the date on which it adopts the Negative Declaration/Mitigated Negative Declaration or determines that the project is exempt from CEQA.

(Reference: Gov. Code §§ 65950, 65950.1; see also State CEQA Guidelines, § 15107.)

Except for waivers of the time periods for preparing a joint Environmental Impact Report/Environmental Impact Statement (as outlined in Government Code sections 65951 and 65957), the District cannot require a waiver of the time limits specified in the Permit Streamlining Act as a condition of accepting or processing a development project application. In addition, the District cannot disapprove a development project application in order to comply with the time limits specified in the Permit Streamlining Act.

(Reference: Gov. Code §§ 65940.5, 65952.2.)

4.06 PROJECTS, OTHER THAN THOSE SUBJECT TO THE PERMIT STREAMLINING ACT, WITH SHORT TIME PERIODS FOR APPROVAL.

A few statutes require agencies to make decisions on project applications within time limits that are so short that review of the project under CEQA would be difficult. To enable the District as Lead Agency to comply with both the enabling statute and CEQA, the District shall deem a project application as not received for filing under the enabling statute until such time as the environmental documentation required by CEQA is complete. This section applies where all of the following conditions are met:

- (a) The enabling statute for a program, other than development projects under Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the Government Code, requires the District to take action on an application within a specified period of time of six (6) months or less;
- (b) The enabling statute provides that the project is approved by operation of law if the District fails to take any action within the specified time period; and

(c) The project application involves the District's issuance of a lease, permit, license, certificate or other entitlement for use.

In any case, the environmental document shall be completed or certified and the decision on the application shall be made within the period established by the Permit Streamlining Act (Government Code sections 65920, et seq.).

(Reference: State CEQA Guidelines, § 15111.)

4.07 WAIVER OR SUSPENSION OF TIME PERIODS.

These deadlines may be waived by the applicant if the project is subject to both CEQA and the National Environmental Policy Act ("NEPA").

An unreasonable delay by an applicant in meeting the District's requests necessary for the preparation of a Negative Declaration, Mitigated Negative Declaration, or an EIR shall suspend the running of the time periods described in Local Guidelines sections 4.03 and 4.04 for the period of the unreasonable delay. Alternatively, the District may disapprove a project application where there is unreasonable delay in meeting requests. The District may also allow a renewed application to start at the same point in the process where the prior application was when it was disapproved.

(Reference: State CEQA Guidelines, §§ 15109, 15110, and 15224; see Section 5.04 of these Local Guidelines for information about projects that are subject to both CEQA and NEPA.)

5. <u>INITIAL STUDY</u>

5.01 **PREPARATION OF INITIAL STUDY.**

If the District determines that it is the Lead Agency for a project which is not exempt, the District will normally prepare an Initial Study to ascertain whether the project may have a substantial adverse effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial. All phases of project planning, implementation and operation must be considered in the Initial Study. An Initial Study may rely on expert opinion supported by facts, technical studies or other substantial evidence. However, an Initial Study is neither intended nor required to include the level of detail included in an EIR.

The District, as Lead Agency, may use any of the following arrangements or combination of arrangements to prepare an Initial Study:

(1) Preparing the Initial Study directly with the District's own staff.

(2) Contracting with another entity, public or private, to prepare the Initial Study.

(3) Accepting a draft Initial Study prepared by the applicant, a consultant retained by the applicant, or any other third person.

(4) Executing a third party contract or memorandum of understanding with the applicant to govern the preparation of an Initial Study by an independent contractor.

(5) Using a previously prepared Initial Study.

The Initial Study sent out for public review, however, must reflect the independent judgment of the Lead Agency.

For private projects, the person or entity proposing to carry out the project shall complete Form "I" of these Local CEQA Guidelines, submit the completed Form "I" to the District, and submit all other data and information as may be required by the District to determine whether the proposed project may have a significant effect on the environment. All costs incurred by the District in reviewing the data and information submitted, or in conducting its own investigation based upon such data and information, or in preparing an Initial Study for the project shall be borne by the person or entity proposing to carry out the project.

(Reference: State CEQA Guidelines, §§ 15063, 15084.)

5.02 INFORMAL CONSULTATION WITH OTHER AGENCIES.

When more than one public agency will be involved in undertaking or approving a project, the Lead Agency shall consult with all Responsible and any Trustee Agencies. Such consultation shall be undertaken in compliance with the notice procedures applicable to the type of CEQA document being prepared. See Section 6.04, Negative Declarations, and Sections 7.03 and 7.25, EIRs.

When the District is acting as Lead Agency, the District may choose to engage in early consultation with Responsible and Trustee Agencies before the District begins to prepare the Initial Study. This early consultation may be done quickly and informally and is intended to ensure that the EIR, Negative Declaration or Mitigated Negative Declaration reflects the concerns of all Responsible Agencies that will issue approvals for the project and all Trustee Agencies responsible for natural resources affected by the project. The District's early consultation process may include consultation with other individuals or organizations with an interest in the project, if the District so desires. The OPR, upon request of the District or a private project and ensure that the Responsible Agencies are notified regarding any early consultation. In the case of a project undertaken by a public agency, the OPR, upon request of the District of the District, shall ensure that any Responsible Agency or public agency that has jurisdiction by law with respect to the project is notified regarding any early consultation.

If, during the early consultation process it is determined that the project will clearly have a significant effect on the environment, the District, as Lead Agency, may immediately dispense with the Initial Study and determine that an EIR is required.

(Reference: State CEQA Guidelines, § 15063.)

5.03 CONSULTATION WITH PRIVATE PROJECT APPLICANT.

During or immediately after preparation of an Initial Study for a private project, the District may consult with the applicant to determine if the applicant is willing to modify the project to reduce or avoid the significant effects identified in the Initial Study. If the project can be revised to avoid or mitigate effects to a level of insignificance and there is no substantial evidence before the District that the project, as revised, may have a significant effect on the environment, the District may prepare and adopt a Negative Declaration or Mitigated Negative Declaration. If any significant effect may still occur despite alterations of the project, an EIR must be prepared.

(Reference: State CEQA Guidelines, § 15063(g).)

5.04 PROJECTS SUBJECT TO NEPA.

Projects that are carried out, financed, or approved in whole or in part by a federal agency are subject to the provisions of NEPA in addition to CEQA. To the extent possible, the State CEQA Guidelines encourage the District, when it is a Lead Agency under CEQA, to use the federally-prepared Environmental Impact Statement ("EIS") or Finding of No Significant Impact ("FONSI") or to prepare a joint CEQA/NEPA document instead of preparing separate NEPA and CEQA documents for a project that is subject to both NEPA and CEQA. (State CEQA Guidelines, § 15220.)

For example, the District should attempt to work in conjunction with the federal agency involved in the project to prepare a combined EIR-EIS or Negative Declaration-FONSI. (State CEQA Guidelines, § 15222.) To avoid the need for the federal agency to prepare a separate document for the same project, the Lead Agency must involve the federal agency in the

preparation of the joint document. The Lead Agency may also enter into a Memorandum of Understanding with the federal agency to ensure that both federal and state requirements are met.

The District is required to cooperate with the federal agency and to utilize joint planning processes, environmental research and studies, public hearings, and environmental documents to the fullest extent possible. (State CEQA Guidelines, § 15226.) However, since NEPA does not require an examination of mitigation measures or growth-inducing impacts, analysis of mitigation measures and growth-inducing impacts will need to be added before NEPA documents may be used to satisfy CEQA. (State CEQA Guidelines, § 15221.)

For projects that are subject to NEPA, a scoping meeting held pursuant to NEPA satisfies the CEQA scoping requirement as long as notice is provided to the agencies and individuals listed in Local Guidelines Section 7.10, and provided in accordance with these Local Guidelines.

If the federal agency refuses to cooperate with the District with regard to the preparation of joint documents, the District should attempt to involve a state agency in the preparation of the EIR, Negative Declaration, or Mitigated Negative Declaration. Since federal agencies are explicitly permitted to utilize environmental documents prepared by agencies of statewide jurisdiction, it is possible that the federal agency will reuse the state-prepared CEQA documents instead of requiring the applicant to fund a redundant set of federal environmental documents. (State CEQA Guidelines, § 15228.)

Where the federal agency has circulated the EIS or FONSI and the circulation satisfied the requirements of CEQA and any other applicable laws, the District, when it is a Lead Agency under CEQA, may use the EIS or FONSI in place of an EIR or Negative Declaration without having to recirculate the federal documents. The District's intention to adopt the previously circulated EIS or FONSI must be publicly noticed in the same way as a Notice of Availability of a Draft EIR. Special rules may apply when the environmental documents are prepared for projects involving the reuse of military bases. (See State CEQA Guidelines, § 15225.)

5.05 AN INITIAL STUDY.

The Initial Study shall be used to determine whether a Negative Declaration, Mitigated Negative Declaration or an EIR shall be prepared for a project. It provides written documentation of whether the District found evidence of significant adverse impacts which might occur. The purposes of an Initial Study are to:

- (a) Identify environmental impacts;
- (b) Enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is written;
- (c) Focus an EIR, if one is required, on potentially significant environmental effects;
- (d) Facilitate environmental assessment early in the design of a project;
- (e) Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;
- (f) Eliminate unnecessary EIRs; and
- (g) Determine whether a previously prepared EIR could be used for the project.

(Reference: State CEQA Guidelines, § 15063.)

5.06 CONTENTS OF INITIAL STUDY.

An Initial Study shall contain in brief form:

- (a) A description of the project, including the location of the project. The project description must be consistent throughout the environmental review process;
- (b) An identification of the environmental setting. The environmental setting is usually the existing physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, such as in the case of a Negative Declaration or Mitigated Negative Declaration, at the time environmental analysis begins. The environmental setting should describe both the project site and surrounding properties. The description should include, but not necessarily be limited to, a discussion of existing structures, land use, energy supplies, topography, water usage, soil stability, plants and animals, and any cultural, historical, or scenic aspects. This environmental setting will normally constitute the baseline physical conditions against which a Lead Agency may compare the project to determine whether an impact is significant;
- (c) An identification of environmental effects by use of a checklist, matrix, or other method, provided that entries are briefly explained to show the evidence supporting the entries. The brief explanation may be through either a narrative or a reference to other information such as attached maps, photographs, or an earlier EIR or Negative Declaration or Mitigated Negative Declaration. A reference to another document should include a citation to the page or pages where the information is found;
- (d) A discussion of ways to mitigate any significant effects identified;
- (e) An examination of whether the project is consistent with existing zoning and local land use plans and other applicable land use controls;
- (f) The name of the person or persons who prepared or participated in the Initial Study; and
- (g) Identification of prior EIRs or environmental documents that could be used with the project.

(Reference: State CEQA Guidelines, § 15063(d).)

5.07 USE OF A CHECKLIST INITIAL STUDY.

When properly completed, the Environmental Checklist (Form "J") will meet the requirements of Local Guidelines Section 5.05 for an Initial Study provided that the entries on the checklist are explained. Either the Environmental Checklist (Form "J") should be expanded or a separate attachment should be prepared to describe the project, including its location, and to identify the environmental setting.

California courts have rejected the use of a bare, unsupported Environmental Checklist as an Initial Study. An Initial Study must contain more than mere conclusions. It must disclose supporting data or evidence upon which the Lead Agency relied in conducting the Initial Study. The Lead Agency must augment checklists with supporting factual data and reference information sources when completing the forms. Explanation of all "potential impact" answers should be provided on attached sheets. For controversial projects, it is advisable to state briefly why "no" answers were checked. If practicable, attach a list of reference materials, such as prior EIRs, plans, traffic studies, air quality data, or other supporting studies.

5.08 EVALUATING SIGNIFICANT ENVIRONMENTAL EFFECTS.

In evaluating the environmental significance of effects disclosed by the Initial Study, the Lead Agency shall consider:

- (a) Whether the Initial Study and/or any comments received informally during consultations indicate that a fair argument can be made that the project may have a significant adverse environmental impact that cannot be mitigated to a level of insignificance. Even if a fair argument can be made to the contrary, an EIR should be prepared;
- (b) Whether both primary (direct) and reasonably foreseeable secondary (indirect) consequences of the project were evaluated. Primary consequences are immediately related to the project, while secondary consequences are related more to the primary consequences than to the project itself. For example, secondary impacts upon the resources base, including land, air, water and energy use of an area, may result from population growth, a primary impact;
- (c) Whether adverse social and economic changes will result from a physical change caused by the project. Adverse economic and social changes resulting from a project are not, in themselves, significant environmental effects. However, if such adverse changes cause physical changes in the environment, those consequences may be used as the basis for finding that the physical change is significant;
- (d) Whether there is serious public controversy or disagreement among experts over the environmental effects of the project. However, the existence of public controversy or disagreement among experts does not, without more, require preparation of an EIR in the absence of substantial evidence of significant effects;
- Whether the cumulative impact of the project is significant and whether the incremental (e) effects of the project are "cumulatively considerable" (as defined in Local Guidelines Section 11.13) when viewed in connection with the effects of past projects, current projects, and probable future projects. The District may conclude that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including, but not limited to, water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, plans or regulations for the reduction of greenhouse gas emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem. To be used for this purpose, such a plan or program must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process. In relying on such a plan or program, the District should explain which requirements apply to the project and ensure that the project's incremental contribution is not cumulatively considerable; and
- (f) Whether the project may cause a substantial adverse change in the significance of an archaeological or historical resource.

The District may use a threshold of significance (as that term is defined in State CEQA Guidelines section 15064.7) to determine whether a project may cause a significant

environmental impact. When using a threshold of significance, the District should briefly explain how compliance with the threshold means that the project's impacts are less than significant. Compliance with the threshold, however, does not relieve the District of the obligation to consider substantial evidence indicating that a project's environmental effects may still be significant.

(Reference: State CEQA Guidelines, § 15064(b)(2).)

5.09 DETERMINING THE SIGNIFICANCE OF TRANSPORTATION IMPACTS

On or about December 28, 2018, the California Natural Resources Agency added a new section to the State CEQA Guidelines—Section 15064.3, entitled "Determining the Significance of Transportation Impacts." Section 15064.3 provides:

(a) Purpose.

This section describes specific considerations for evaluating a project's transportation impacts. Generally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in subdivision (b)(2) below (regarding roadway capacity), a project's effect on automobile delay shall not constitute a significant environmental impact.

(b) Criteria for Analyzing Transportation Impacts.

(1) Land Use Projects. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within onehalf mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.

(2) Transportation Projects. Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, such as in a regional transportation plan EIR, a lead agency may tier from that analysis as provided in Section 15152.

(3) Qualitative Analysis. If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such a

qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.

(4) Methodology. A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled, and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.

(c) Applicability.

The provisions of this section shall apply prospectively as described in section 15007. A lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide.

(Reference: State CEQA Guidelines, § 15064.3.)

5.10 MANDATORY FINDINGS OF SIGNIFICANT EFFECT.

Whenever there is substantial evidence, in light of the whole record, that any of the conditions set forth below may occur, the Lead Agency shall find that the project may have a significant effect on the environment and thereby shall require preparation of an EIR:

- (a) The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods of California history or prehistory;
- (b) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals;
- (c) The project has possible environmental effects which are individually limited but cumulatively considerable, as defined in Local Guidelines Section 11.13. That is, the District, when acting as Lead Agency, is required to determine whether the incremental impacts of a project are cumulatively considerable by evaluating them against the backdrop of the environmental effects of the other projects; or
- (d) The environmental effects of a project will cause substantial adverse effects on humans either directly or indirectly.

If, before the release of the CEQA document for public review, the potential for triggering one of the mandatory findings of significance is avoided or mitigation measures or

project modifications reduce the potentially significant impacts to a point where clearly the mandatory finding of significance is not triggered, preparation of an EIR is not mandated. If the project's potential for triggering one of the mandatory findings of significance cannot be avoided or mitigated to a point where the criterion is clearly not triggered, an EIR shall be prepared, and the relevant mandatory findings of significance shall be used:

- (1) as thresholds of significance for purposes of preparing the EIR's impact analysis;
- (2) in making findings on the feasibility of alternatives or mitigation measures;
- (3) when found to be feasible, in making changes in the project to lessen or avoid the adverse environmental impacts; and
- (4) when necessary, in adopting a statement of overriding considerations.

Although an EIR prepared for a project that triggers one of the mandatory findings of significance must use the relevant mandatory findings as thresholds of significance, the EIR need not conclude that the impact itself is significant. Rather, the District, as Lead Agency, must exercise its discretion and determine, on a case-by-case basis after evaluating all of the relevant evidence, whether the project's environmental impacts are avoided or mitigated below a level of significance or whether a statement of overriding considerations is required.

With regard to a project that has the potential to substantially reduce the number or restrict the range of a protected species, the District, as Lead Agency, does not have to prepare an EIR solely due to that impact, provided the project meets the following three criteria:

- (a) The project proponent must be bound to implement mitigation requirements relating to such species and habitat pursuant to an approved habitat conservation plan and/or natural communities conservation plan;
- (b) The state or federal agency must have approved the habitat conservation plan and/or natural community conservation plan in reliance on an EIR and/or EIS; and
- (c) The mitigation requirements must either avoid any net loss of habitat and net reduction in number of the affected species, or preserve, restore, or enhance sufficient habitat to mitigate the reduction in habitat and number of the affected species below a level of significance.

(Reference: State CEQA Guidelines, § 15065.)

5.11 MANDATORY PREPARATION OF AN EIR FOR WASTE-BURNING PROJECTS.

Lead Agencies shall prepare or cause to be prepared and certify the completion of an EIR, or, if appropriate, an Addendum, Supplemental EIR, or Subsequent EIR, for any project involving the burning of municipal wastes, hazardous waste or refuse-derived fuel, including, but not limited to, tires, if the project consists of any of the following:

- (a) The construction of a new facility;
- (b) The expansion of an existing hazardous waste burning facility which would increase its permitted capacity by more than 10%;

- (c) The issuance of a hazardous waste facilities permit to a land disposal facility, as defined in Local Guidelines Section 11.32; or
- (d) The issuance of a hazardous waste facilities permit to an offsite large treatment facility, as defined in Local Guidelines Sections 11.33 and 11.53.

This section does not apply to projects listed in subsections (c) and (d), immediately above, if the facility only manages hazardous waste that is identified or listed pursuant to Health and Safety Code section 25140 or 25141 or only conducts activities which are regulated pursuant to Health and Safety Code sections 25100, et seq.

The Lead Agency shall calculate the percentage of expansion for an existing facility by comparing the proposed facility's capacity with either of the following, as applicable:

- (a) The facility capacity authorized in the facility's hazardous waste facilities permit pursuant to Health and Safety Code section 25200, or its grant of interim status pursuant to Health and Safety Code section 25200.5, or the facility capacity authorized in any state or local agency permit allowing the construction or operation of the facility for the burning of hazardous waste granted before January 1, 1990; or
- (b) The facility capacity authorized in the facility's original hazardous facilities permit, grant of interim status, or any state or local agency permit allowing the construction or operation of a facility for the burning of hazardous waste, granted on or after January 1, 1990.

This section does not apply to any project over which the State Energy Resources Conservation and Development Commission has assumed jurisdiction per Health and Safety Code sections 25500 et seq.

The EIR requirement is also subject to a number of exceptions for specific types of waste-burning projects. (Public Resources Code section 21151.1 and State CEQA Guidelines section 15081.5.) Even if preparation of an EIR is not mandatory for a particular type of waste-burning project, those projects are not exempt from the other requirements of CEQA, the State CEQA Guidelines, or these Local Guidelines. In addition, waste-burning projects are subject to special notice requirements under Public Resources Code section 21092. Specifically, in addition to the standard public notices required by CEQA, notice must be provided to all owners and occupants of property located within one-fourth mile of any parcel or parcels on which the waste-burning project will be located. (Public Resources Code section 21092(c); see Local Guidelines Sections 6.12 and 7.27.)

5.12 DEVELOPMENT PURSUANT TO AN EXISTING COMMUNITY PLAN AND EIR.

Before preparing a CEQA document, Staff should determine whether the proposed project involves development consistent with an earlier zoning or community plan to accommodate a particular density for which an EIR has been certified. If an earlier EIR for the zoning or planning action has been certified, and if the proposed project concerns the approval of a subdivision map or development, CEQA applies only to the extent the project raises environmental effects peculiar to the parcel which were not addressed in the earlier EIR. Off-site and cumulative effects not discussed in the general plan EIR must still be considered. Mitigation measures set out in the earlier EIR should be implemented at this stage.

Environmental effects shall not be considered peculiar to the parcel if uniformly applied development policies or standards have been previously adopted by a city or county with a finding based on substantial evidence that the policy or standard will substantially mitigate the environmental effect when applied to future projects. Examples of uniformly applied development policies or standards include, but are not limited to: parking ordinances; public access requirements; grading ordinances; hillside development ordinances; flood plain ordinances; habitat protection or conservation ordinances; view protection ordinances; and requirements for reducing greenhouse gas emissions as set forth in adopted land use plans, policies or regulations. Any rezoning action consistent with the Community Plan shall be subject to exemption from CEQA in accordance with this section. "Community Plan" means part of a city's general plan which: (1) applies to a defined geographic portion of the total area included in the general plan; (2) complies with Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of Title 7 of the Government Code by referencing each of the mandatory elements specified in Government Code section 65302; and (3) contains specific development policies adopted for the area in the Community Plan and identifies measures to implement those policies, so that the policies which will apply to each parcel can be determined.

(Reference: State CEQA Guidelines, § 15183.)

5.13 LAND USE POLICIES.

When a project will amend a general plan or another land use policy, the Initial Study must address how the change in policy and its expected direct and indirect effects will affect the environment. When the amendments constitute substantial changes in policies that result in a significant impact on the environment, an EIR may be required.

5.14 EVALUATING IMPACTS ON HISTORICAL RESOURCES.

Projects that may cause a substantial adverse change in the significance of a historical resource, as defined in Local Guidelines Section 11.28 are projects that may have a significant effect on the environment, thus requiring consideration under CEQA. Particular attention and care should be given when considering such projects, especially projects involving the demolition of a historical resource, since such demolitions have been determined to cause a significant effect on the environment.

Substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation or alteration of the resource or its immediate surroundings, such that the significance of a historical resource would be materially impaired.

The significance of a historical resource is materially impaired when a project:

(a) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register of Historical Resources;

- (b) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources or its identification in a historical resources survey, unless the Lead Agency establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- (c) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by the Lead Agency for purposes of CEQA.

Generally, a project that follows either one of the following sets of standards and guidelines will be considered mitigated to a level of less than significant: (a) the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings; or (b) the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer.

In the event of an accidental discovery of a possible historical resource during construction of the project, the District may provide for the evaluation of the find by a qualified archaeologist or other professional. If the find is determined to be a historical resource, the District should take appropriate steps to implement appropriate avoidance or mitigation measures. Work on non-affected portions of the project, as determined by the District, may continue during the process. Curation may be an appropriate mitigation measure for an artifact that must be removed during project excavation or testing.

(Reference: State CEQA Guidelines, § 15064.5.)

5.15 EVALUATING IMPACTS ON ARCHAEOLOGICAL SITES.

When a project will impact an archaeological site, the District shall first determine whether the site is a historical resource, as defined in Local Guidelines Section 11.28 If the archaeological site is a historical resource, it shall be treated and evaluated as such, and not as an archaeological resource. If the archaeological site does not meet the definition of a historical resource, but does meet the definition of a unique archaeological resource set forth in Public Resources Code section 21083.2, the site shall be treated in accordance with said provisions of the Public Resources Code. The time and cost limitations described in Section 21083.2(c-f) do not apply to surveys and site evaluation activities intended to determine whether the project site contains unique archaeological resources.

If the archaeological resource is neither a unique archaeological resource nor a historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

In the event of an accidental discovery of a possible unique archaeological resource during construction of the project, the District may provide for the evaluation of the find by a qualified archaeologist. If the find is determined to be a unique archaeological resource, the District should take appropriate steps to implement appropriate avoidance or mitigation measures. Work on non-affected portions of the project, as determined by the District, may continue during the process. Curation may be an appropriate mitigation measure for an artifact that must be removed during project excavation or testing.

When an Initial Study identifies the existence of, or the probable likelihood of, Native American human remains within the Project, the District shall comply with the provisions of State CEQA Guidelines section 15064.5(d). In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the District shall comply with the provisions of State CEQA Guidelines section 15064.5(e).

(Reference: State CEQA Guidelines, § 15064.5(c).)

5.16 CONSULTATION WITH WATER AGENCIES REGARDING LARGE DEVELOPMENT PROJECTS.

(a) Projects Subject to Consultation Requirements.

For certain development projects, cities and counties must consult with water agencies. If the District is a municipal water provider, the city or county may request that the District prepare a water supply assessment to be included in the relevant environmental documentation for the project. The District may refer to this section when preparing such an assessment or when reviewing projects in its role as a Responsible Agency. This section applies only to water demand projects as defined by Local Guidelines Section 11.83. Program level environmental review may not need to be as extensive as project level environmental review. (See Local Guidelines Sections 8.03 and 8.08.)

(b) Water Supply Assessment.

When a city or county as Lead Agency determines the type of environmental document that will be prepared for a water demand project or any project that includes a water demand project, the city or county must identify any public water system (as defined in Local Guidelines Sections 11.59 and 11.83) that may supply water for the project. The city or county must also request that the public water system determine whether the projected demand associated with the project was included in the most recently adopted Urban Water Management Plan. The city or county must also request that the public water system prepare a specified water supply assessment for approval at a regular or special meeting of the public water system governing body. A sample request for a water supply assessment is provided as Form "N" of these Local CEQA Guidelines.

If no public water system is identified that may supply water for the water demand project, the city or county shall prepare the water supply assessment. The city or county shall consult with any entity serving domestic water supplies whose service area includes the site of the water demand project, the local agency formation commission, and the governing body of any public water system adjacent to the site of the water demand project. The city council or county board of supervisors must approve the water assessment prepared pursuant to this paragraph at a regular or special meeting. As per Water Code section 10910, the water assessment must include identification of existing water supply entitlements, water rights, or water service contracts relevant to the water supply for the proposed project and water received in prior years pursuant to those entitlements, rights, and contracts, and further information is required if water supplies include groundwater. The water assessment must determine the ability of the public water system to meet existing and future demands along with the demands of the proposed water demand project in light of existing and future water supplies. This supply demand analysis is to be conducted via a twenty-year projection, and must assess water supply sufficiency during normal year, single dry year, and multiple dry year hydrology scenarios. If the public water agency concludes that the water supply is, or will be, insufficient, it must submit plans for acquiring additional water supplies.

The city or county may grant the public water agency a thirty (30) day extension of time to prepare the assessment if the public water agency requests an extension within ninety (90) days of being asked to prepare the assessment. If the governing body of the public water system fails to request and receive an extension of time, or fails to submit the water assessment notwithstanding the thirty (30) day extension, the city or county may seek a writ of mandamus to compel the governing body of the public water system to comply.

If a water-demand project has been the subject of a water assessment, no additional water assessment shall be required for subsequent water-demand projects that were included in the larger water-demand project if all of the following criteria are met:

- (1) The entity completing the water assessment concluded that its water supplies are sufficient to meet the projected water demand associated with the larger waterdemand project, in addition to the existing and planned future uses, including, but not limited to, agricultural and industrial uses; and
- (2) None of the following changes has occurred since the completion of the water assessment for the larger water-demand project:
 - (A) Changes in the larger water-demand project that result in a substantial increase in water demand for the water-demand project;
 - (B) Changes in the circumstances or conditions substantially affecting the ability of the public water system identified in the water assessment to provide a sufficient supply of water for the water demand project; and
 - (C) Significant new information becomes available which was not known and could not have been known at the time when the entity had reached its assessment conclusions.

(3) The city or county shall include the water assessment, and any water acquisition plan in the EIR, negative declaration, or mitigated negative declaration, or any supplement thereto, prepared for the project, and may include an evaluation of the water assessment and water acquisition plan information within such environmental document. A discussion of water supply availability should be included in the main text of the environmental document. Normally, this discussion should be based on the data and information included in the water supply assessment. In making its required findings under CEQA, the city or county shall determine, based on the entire record, whether projected water supplies will be sufficient to satisfy the demands of the project, in addition to existing and planned future uses. If a city or county determines that water supplies will not be sufficient, the city or county shall include that determination in its findings for the project.

The degree of certainty regarding the availability of water supplies will vary depending on the stage of project approval. A Lead Agency should have greater confidence in the availability of water supplies for a specific project than might be required for a conceptual plan (i.e. general plan, specific plan). An analysis of water supply in an environmental document may incorporate by reference information in a water supply assessment, urban water management plan, or other publicly available sources. The analysis shall include the following:

(1) Sufficient information regarding the project's proposed water demand and proposed water supplies to permit the Lead Agency to evaluate the pros and cons of supplying the amount of water that the project will need.

(2) An analysis of the reasonably foreseeable environmental impacts of supplying water throughout all phases of the project.

(3) An analysis of circumstances affecting the likelihood of the water's availability, as well as the degree of uncertainty involved. Relevant factors may include but are not limited to, drought, salt-water intrusion, regulatory or contractual curtailments, and other reasonably foreseeable demands on the water supply.

(4) If the Lead Agency cannot determine that a particular water supply will be available, it shall conduct an analysis of alternative sources, including at least in general terms the environmental consequences of using those alternative sources, or alternatives to the project that could be served with available water.

For complete information on these requirements, consult Water Code sections 10910, et seq. For other CEQA provisions applicable to these types of projects, see Local Guidelines Sections 7.03 and 7.25.

5.17 SUBDIVISIONS WITH MORE THAN 500 DWELLING UNITS.

Cities and counties must obtain written verification (see Form "O" for a sample) from the applicable public water system(s) that a sufficient water supply is available before approving certain residential development projects. If the District is a municipal water provider for a project, the city or county may request such a verification from the District. The District should also be aware of these requirements when reviewing projects in its role as a Responsible Agency.

Cities and counties are prohibited from approving a tentative map, parcel map for which a tentative map was not required, or a development agreement for a subdivision of property of more than 500 dwellings units, unless:

- (1) The City Council, Board of Supervisors, or the advisory agency receives written verification from the applicable public water system that a sufficient water supply is available; or
- (2) Under certain circumstances, the City Council, Board of Supervisors or the advisory agency makes a specified finding that sufficient water supplies are, or will be, available prior to completion of the project.

For complete information on these requirements, consult Government Code section 66473.7.

5.18 IMPACTS TO OAK WOODLANDS.

When a county prepares an Initial Study to determine what type of environmental document will be prepared for a project within its jurisdiction, the county must determine whether the project may result in a conversion of oak woodlands that will have a significant effect on the environment. Normally, this rule will not apply to projects undertaken by the District. However, if the District is a Responsible Agency on such a project, the District should endeavor to ensure that the county, as Lead Agency, analyzes these impacts in accordance with CEQA.

(Reference: Pub. Resources Code, § 21083.4.)

5.19 CLIMATE CHANGE AND GREENHOUSE GAS EMISSIONS.

A. Estimating or Calculating the Magnitude of the Project's Greenhouse Gas Emissions.

The District shall analyze the greenhouse gas emissions of its projects as required by State CEQA Guidelines section 15064.4. For projects subject to CEQA, the District shall make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.

In performing analysis of greenhouse gas emissions, the District, as Lead Agency, shall have discretion to determine, in the context of a particular project, whether to:

- (1) Quantify greenhouse gas emissions resulting from a project; and/ or
- (2) Rely on a qualitative analysis or performance-based standards.

B. Factors in Determining Significance.

In determining the significance of a project's greenhouse gas emissions, the District, when acting as Lead Agency, should focus its analysis on the reasonably foreseeable incremental contribution of the project's emissions to the effects of climate change. A project's incremental contribution may be cumulatively considerable even if it appears relatively small compared to statewide, national, or global emissions. The District's analysis should consider a timeframe that

is appropriate for the project. The District's analysis also must reasonably reflect evolving scientific knowledge and state regulatory schemes.

Once the amount of a project's greenhouse gas emissions have been described, estimated, or calculated, the District should consider the following factors, among others, to determine whether those emissions are significant:

- (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting. Physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published or the time when the environmental analysis is commenced, will normally constitute the baseline. All project phases, including construction and operation, should be considered in determining whether a project will cause emissions to increase or decrease as compared to the baseline;
- (2) Whether the project emissions exceed a threshold of significance that the Lead Agency determines applies to the project. The Lead Agency may rely on thresholds of significance developed by experts or other agencies, provided that application of the threshold and the significance conclusion is supported with substantial evidence. When relying on thresholds developed by other agencies, the Lead Agency should ensure that the threshold is appropriate for the project and the project's location; and
- The extent to which the project complies with regulations or (3) requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions (see, e.g., State CEQA Guidelines section 15183.5(b)). Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with adopted the regulations or requirements, an EIR must be prepared for the project. In determining the significance of impacts, the Lead Agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable.

The Lead Agency may use a model or methodology to estimate greenhouse gas emissions resulting from a project. The Lead Agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project's incremental contribution to climate change. The Lead Agency must support its selection of a model or methodology with substantial evidence. The Lead Agency should explain the limitations of the particular model or methodology selected for use.

C. Consistency with Applicable Plans.

When an EIR is prepared, it must discuss any inconsistencies between the proposed project and any applicable general plan, specific plans, and regional plans. This includes, but is not limited to, any applicable air quality attainment plans, regional blueprint plans, or plans for the reduction of greenhouse gas emissions.

D. Mitigation Measures Related to Greenhouse Gas Emissions.

Lead Agencies must consider feasible means of mitigating the significant effects of greenhouse gas emissions. Any such mitigation measure must be supported by substantial evidence and be subject to monitoring or reporting. Potential mitigation will depend on the particular circumstances of the project, but may include the following, among others:

- (1) Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the Lead Agency's decision;
- (2) Reductions in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in State CEQA Guidelines Appendix F;
- (3) Off-site measures, including offsets that are not otherwise required, to mitigate a project's emissions;
- (4) Measures that sequester greenhouse gases; and
- (5) In the case of the adoption of a plan, such as a general plan, long range development plan, or plan for the reduction of greenhouse gas emissions, mitigation may include the identification of specific measures that may be implemented on a project-by-project basis. Mitigation may also include the incorporation of specific measures or policies found in an adopted ordinance or regulation that reduces the cumulative effect of emissions.

E. Streamlined Analysis of Greenhouse Gas Emissions.

Under certain limited circumstances, the legislature has specifically declared that the analysis of greenhouse gas emissions or climate change impacts may be limited. Public Resources Code sections 21155, 21155.2, and 21159.28 provide that if certain residential, mixed use and transit priority projects meet specified ratios and densities, then the lead agencies for those projects may conduct a limited review of greenhouse gas emissions or may be exempted from analyzing global warming impacts that result from cars and light duty trucks, if a detailed list of requirements is met. However, unless the project is exempt from CEQA, the Lead Agency must consider whether such projects will result in greenhouse gas emissions from other sources, including, but not limited to, energy use, water use, and solid waste disposal.

F. Tiering.

The District may analyze and mitigate the significant effects of greenhouse gas emissions at a programmatic level. Later project-specific environmental documents may then tier from and/or incorporate by reference that existing programmatic review.

G. Plans for the Reduction of Greenhouse Gas Emissions.

Public agencies may choose to analyze and mitigate greenhouse gas emissions in a plan for the reduction of greenhouse gas emissions or in a similar document. A plan for the reduction of greenhouse gas emissions should:

- (1) Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;
- (2) Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable;
- (3) Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area;
- (4) Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;
- (5) Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels; and
- (6) Be adopted in a public process following environmental review.

A plan for the reduction of greenhouse gas emissions, once adopted following certification of an EIR, or adoption of another environmental document, may be used in the cumulative impacts analysis of later projects. An environmental document that relies on a plan for the reduction of greenhouse gas emissions for a cumulative impacts analysis must identify those requirements specified in the plan that apply to the project, and, if those requirements are not otherwise binding and enforceable, incorporate those requirements as mitigation measures applicable to the project. If there is substantial evidence that the effects of a particular project may be cumulatively considerable notwithstanding the project's compliance with the specified requirements in the plan for reduction of greenhouse gas emissions, an EIR must be prepared for the project.

H. Analyzing the Effects of Climate Change on the Project.

Where an EIR is prepared for a project, the EIR shall analyze any significant environmental effects the project might cause by bringing development and people into the project area that may be affected by climate change. In particular, the EIR should evaluate any potentially significant impacts of locating development in areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas) as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas. The analysis may be limited to the potentially significant effects of locating the project in a potentially hazardous location. Further, this analysis may be limited by the project's life in relation to the potential of such effects to occur and the availability of existing information related to potential future effects of climate change. Further, the EIR need not include speculation regarding such future effects.

5.20 ENERGY CONSERVATION.

Potentially significant energy implications of a project must be considered in an EIR to the extent relevant and applicable to the project. Therefore, the project description should identify the following as applicable or relevant to the particular project:

- (1) Energy consuming equipment and processes which will be used during construction, operation and/or removal of the project. If appropriate, this discussion should consider the energy intensiveness of materials and equipment required for the project;
- (2) Total energy requirements of the project by fuel type and end use;
- (3) Energy conservation equipment and design features;
- (4) Identification of energy supplies that would serve the project; and
- (5) Total estimated daily vehicle trips to be generated by the project and the additional energy consumed per trip by mode.

As described in Local Guidelines Section 5.06, above, an initial study must include a description of the environmental setting. The discussion of the environmental setting may include existing energy supplies and energy use patterns in the region and locality. The District may also consider the extent to which energy supplies have been adequately considered in other environmental documents. Environmental impacts may include:

- (1) The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed;
- (2) The effects of the project on local and regional energy supplies and on requirements for additional capacity;
- (3) The effects of the project on peak and base period demands for electricity and other forms of energy;
- (4) The degree to which the project complies with existing energy standards;
- (5) The effects of the project on energy resources; and/or

(6) The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

As discussed above in Section 5.06, the Initial Study must identify the potential environmental effects of the proposed activity. That discussion must include the unavoidable adverse effects. Unavoidable adverse effects may include wasteful, inefficient and unnecessary consumption of energy during the project construction, operation, maintenance and/or removal that cannot be feasibly mitigated.

When discussing energy conservation, alternatives should be compared in terms of overall energy consumption and in terms of reducing wasteful, inefficient and unnecessary consumption of energy.

5.21 Environmental Impact Assessment.

The Initial Study identifies which environmental impacts may be significant. Based upon the Initial Study, Staff shall determine whether a proposed project may or will have a significant effect on the environment. Such determination shall be made in writing on the Environmental Impact Assessment Form (Form "C"). If Staff finds that a project will not have a significant effect on the environment, it shall recommend that a Negative Declaration be prepared and adopted by the decision-making body. If Staff finds that a project may have a significant effect on the environment, but the effects can be mitigated to a level of insignificance, it shall recommend that a Mitigated Negative Declaration be prepared and adopted by the decisionmaking body. If Staff finds that a project may have a significant effect on the environment, it shall recommend that an EIR be prepared and certified by the decision-making body.

5.22 FINAL DETERMINATION.

The Board of Directors shall have the final responsibility for determining whether an EIR, Negative Declaration or Mitigated Negative Declaration shall be required for any project. The Board of Directors' determination shall be final and conclusive on all persons, including Responsible Agencies and Trustee Agencies, except as provided in Section 15050(c) of the State CEQA Guidelines. Additionally, in the event the Board of Directors has delegated authority to a subsidiary board or official to approve a project, the Board of Directors also hereby delegates to that subsidiary board or official the authority to make all necessary CEQA determinations, including whether an EIR, Negative Declaration, Mitigated Negative Declaration or exemption shall be required for any project. A subsidiary board or official's CEQA determination shall be subject to appeal consistent with the District's established procedures for appeals.

(Reference: Pub. Resources Code, § 21151.)

6. <u>NEGATIVE DECLARATION</u>

6.01 DECISION TO PREPARE A NEGATIVE DECLARATION.

A Negative Declaration (Form "E") shall be prepared for a project subject to CEQA when the Initial Study shows that there is no substantial evidence in light of the whole record that the project may have a significant or potentially significant adverse effect on the environment. (See Local Guidelines Sections 11.65 and 11.71.)

(Reference: State CEQA Guidelines, § 15070(a).)

6.02 DECISION TO PREPARE A MITIGATED NEGATIVE DECLARATION.

A Mitigated Negative Declaration (Form "E") shall be prepared for a project subject to CEQA when the Initial Study identifies potentially significant effects on the environment, but:

- (a) The project applicant has agreed to revise the project or the District can revise the project to avoid these significant effects or to mitigate the effects to a point where it is clear that no significant effects would occur; or
- (b) There is no substantial evidence in light of the whole record before the District that the revised project may have a significant effect.

It is insufficient to require an applicant to adopt mitigation measures after final adoption of the Mitigated Negative Declaration or to state that mitigation measures will be recommended on the basis of a future study. The District must know the measures at the time the Mitigated Negative Declaration is adopted in order for them to be evaluated and accepted as adequate mitigation. Evidence of agreement by the applicant to such mitigation should be in the record prior to public review. Except where noted, the procedural requirements for the preparation and approval of a Negative Declaration and Mitigated Negative Declaration are the same.

(Reference: State CEQA Guidelines, § 15070(b).)

6.03 CONTRACTING FOR PREPARATION OF NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

The District, when acting as Lead Agency, is responsible for preparing all documents required pursuant to CEQA. The documents may be prepared by Staff or by private consultants pursuant to a contract with the District, but they must be the District's product and reflect the independent judgment of the District.

6.04 NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

When, based upon the Initial Study, it is recommended to the decision-making body that a Negative Declaration or Mitigated Negative Declaration be adopted, a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration (Form "D") shall be prepared. In addition to being provided to the public through the means set forth in Local Guidelines Section 6.07, this Notice shall also be provided to:

- (a) Each Responsible and Trustee Agency;
- (b) Any other federal, state, or local agency that has jurisdiction by law or exercises authority over resources affected by the project, including:
 - (1) Any water supply agency consulted under Local Guidelines Section 5.16;
 - (2) Any city or county bordering on the project area;
 - (3) For a project of statewide, regional, or area-wide significance, to any transportation agencies or public agencies which have major local arterials or public transit facilities within five (5) miles of the project site or freeways, highways, or rail transit service within ten (10) miles of the project site which could be affected by the project; and
 - (4) For a subdivision project located within one mile of a facility of the State Water Resources Development System, to the California Department of Water Resources;
- (c) The last known name and address of all organizations and individuals who have previously filed a written request with the District to receive these Notices;
- (d) For certain projects that may impact a low-level flight path, military impact zone, or special use airspace and that meet the other criteria of Local Guidelines Section 6.05, to the specified military services contact;
- (e) For certain projects that involve the construction or alteration of a facility anticipated to include hazardous air emissions or handle hazardous substances within one-quarter mile of a school and that meet the other requirements of Local Guidelines Section 6.06, to any potentially affected school district;
- (f) For certain waste-burning projects that meet the requirements of Local Guidelines Section 5.11 (regarding mandatory preparation of EIR) (see also Local Guidelines Section 7.27), to the owners and occupants of property within one-fourth mile of any parcel on which the project will be located; and
- (g) For a project that establishes or amends a redevelopment plan that contains land in agricultural use, notice shall be provided to the agricultural and farm agencies and organizations specified in Health and Safety Code section 33333.3.

The Notice of Intent must also be posted to the Lead Agency's website, if any. (Pub. Resources Code, § 21092.2(d).) Additionally, for a project of statewide, regional, or area-wide significance, the Lead Agency should also consult with public transit agencies with facilities within one-half mile of the proposed project.

A copy of the proposed Negative Declaration or Mitigated Negative Declaration and the Initial Study shall be attached to the Notice of Intent to Adopt that is sent to every Responsible Agency and Trustee Agency concerned with the project and every other public agency with jurisdiction by law over resources affected by the project.

The public review period for a Negative Declaration or Mitigated Negative Declaration shall not be less than twenty (20) days; the public review period shall be at least thirty (30) days

where the Negative Declaration or Mitigated Negative Declaration is for a proposed project where (1) a state agency is the lead agency, a responsible agency, or a trustee agency; (2) a state agency otherwise has jurisdiction by law with respect to the project; or (3) the proposed project is of sufficient statewide, regional, or area-wide significance as determined pursuant to State CEQA Guidelines section 15206. The Lead Agency shall give notice of the public review period by filing and posting a Notice of Intent to Adopt a Negative Declaration (Form "D") with the County Clerk before commencement of the public review period; where a public review period of at least 30 days is required, the Lead Agency shall also electronically submit the Notice of Intent to the State Clearinghouse. (Pub. Resources Code, § 21091.)

For purposes of calculating the length of the public review period, the last day of the public review period cannot fall on a weekend, a legal holiday, or other day on which the lead agency's offices are closed.¹ (Reference: *Rominger v. County of Colusa* (2014) 229 Cal.App.4th 690, 708.)

The District requires requests for notices to be in writing and to be renewed annually. If the District is not otherwise required by CEQA or another regulation to provide notice, the District may charge a fee for providing notices to individuals or organizations that have submitted written requests to receive such notices, unless the request is made by another public agency.

If the Negative Declaration or Mitigated Negative Declaration has been submitted to the State Clearinghouse for review by state agencies, the public review period shall be at least as long as the period of review and comment by state agencies. (See Local Guidelines Section 6.10.) Day one of the state agency review period shall be the date that the State Clearinghouse distributes the Negative Declaration or Mitigated Negative Declaration to state agencies.

The Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration shall contain the following information:

- (a) The period during which comments shall be received;
- (b) The date, time and place of any public meetings or hearings on the proposed project;
- (c) A brief description of the proposed project and its location;
- (d) The address where copies of the proposed Negative Declaration or Mitigated Negative Declaration and all documents incorporated by reference in the proposed Negative Declaration or Mitigated Negative Declaration are available for review;
- (e) A description of how the proposed Negative Declaration or Mitigated Negative Declaration can be obtained in electronic format;
- (f) The Environmental Protection Agency ("EPA") list on which the proposed project site is located, if applicable, and the corresponding information from the applicant's statement (see Local Guidelines Section 2.05); and

¹ A public agency's "offices are closed" for purposes of this section on days in which the agency is formally closed for business (for example, due to a weekend, a legal holiday, or a formal furlough affecting the entire office). A public agency's office is not considered closed for purposes of this section where the agency's office may be physically closed, but the agency is nonetheless open for business and is operating remotely or virtually (for example, in response to the Covid-19 pandemic).

(g) The significant effects on the environment, if any, anticipated as a result of the proposed project.

(Reference: Pub. Resources Code, §§ 21082.1, 21091, 21161; State CEQA Guidelines, §§ 15072, 15105, 15205.)

6.05 PROJECTS AFFECTING MILITARY SERVICES; DEPARTMENT OF DEFENSE NOTIFICATION.

CEQA imposes additional requirements to provide notice to potentially affected military agencies when:

- (a) The project meets one of the following three criteria:
 - (1) The project includes a general plan amendment;
 - (2) The project is of statewide, regional, or area-wide significance; or
 - (3) The project relates to a public use airport or certain lands surrounding a public use airport; and
- (b) A "military service" (defined in Section 11.42 of these Local Guidelines) has provided its contact office and address and notified the Lead Agency of the specific boundaries of a "low-level flight path" (defined in Section 11.37 of these Local Guidelines), "military impact zone" (defined in Section 11.41 of these Local Guidelines), or "special use airspace" (defined in Section 11.67 of these Local Guidelines).

When a project meets these requirements, the District must provide the military service's designated contact with a copy of the Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration that has been prepared for the project, unless the project involves the remediation of lands contaminated with hazardous wastes and meets certain other requirements. (Reference: Pub. Resources Code, §§21080.4 and 21092; Health & Safety Code, §§ 25300, et seq., 25396, and 25187.)

The District must provide the military service with sufficient notice of its intent to adopt a Negative Declaration or Mitigated Negative Declaration to ensure that the military service has no fewer than twenty (20) days to review the documents before they are approved, provided that the military service shall have a minimum of thirty (30) days to review the environmental documents if the documents have been submitted to the State Clearinghouse.

(Reference: State CEQA Guidelines, §§ 15105(b), 15190.5(c).)

6.06 SPECIAL FINDINGS REQUIRED FOR FACILITIES THAT MAY EMIT HAZARDOUS AIR EMISSIONS NEAR SCHOOLS.

Special procedural rules apply to projects involving the construction or alteration of a facility within one-quarter mile of a school/schools when: (1) the facility might reasonably be anticipated to emit hazardous air emissions or to handle an extremely hazardous substance or a

mixture containing extremely hazardous substances in a quantity equal to or greater than the threshold specified in Health and Safety Code section 25532(j), and (2) the emissions or substances may pose a health or safety hazard to persons who would attend or would be employed at the school. If the project meets both of those criteria, a Lead Agency may not approve a Negative Declaration or a Mitigated Negative Declaration unless both of the following have occurred:

- (a) The Lead Agency consulted with the affected school district or districts having jurisdiction over the school regarding the potential impact of the project on the school; and
- (b) The school district(s) was given written notification of the project not less than thirty (30) days prior to the proposed approval of the Negative Declaration.

When the District is considering the adoption of a Negative Declaration or Mitigated Negative Declaration for a project that meets these criteria, it can satisfy this requirement by providing the Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration, the proposed Negative Declaration or Mitigated Negative Declaration, and the Initial Study to the potentially affected school district at least thirty (30) days before the decision-making body will consider the adoption of the Negative Declaration or Mitigated Negative Declaration. See also Local Guidelines Section 6.04.

Implementation of this Guideline shall be consistent with the definitions and terms utilized in State CEQA Guidelines section 15186.

6.07 CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES.

Prior to the release of a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration for a project, the Lead Agency shall begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if:

- (a) The California Native American tribe requested to the Lead Agency, in writing, to be informed by the Lead Agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe; and
- (b) The California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. The California Native American tribe shall designate a lead contact person when responding to the Lead Agency. If a lead contact is not designated by the California Native American tribe, or it designates multiple lead contact people, the Lead Agency shall defer to the individuals listed on the contact list maintained by the Native American Heritage Commission. Consultation is defined in Local Guidelines Section 11.11.

To expedite the requirements of this section, the Native American Heritage Commission shall assist the Lead Agency in identifying the California American Native tribes that are traditionally and culturally affiliated with the project area.

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the Lead Agency shall provide formal notification to the designated contact of, or a trial representative of, traditionally and culturally affiliated California Native America tribes that have requested notice, which shall be accomplished by at least one written notification that includes a brief description of the proposed project and its location, the Lead Agency contact information, and a notification that the California Native American tribe has 30 days to request consultation. Where the application for a housing development project is deemed to be complete on or after March 4, 2020 and before December 31, 2021, the California Native American tribe shall have 60 days to respond to the Lead Agency and request consultation. (Reference: Gov. Code, § 65583(i).)

The Lead Agency shall begin the consultation process within 30 days of receiving a California Native American tribe's request for consultation.

If consultation is requested, the parties may propose mitigation measures, including those set forth in Public Resources Code section 21084.3, capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource. The consultation may include discussion concerning the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, and, if necessary, project alternatives or the appropriate measures for preservation or mitigation that the California Native American tribe may recommend to the Lead Agency.

The consultation shall be considered concluded when either of the following occurs:

- (1) The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource.
- (2) A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

The California Native American tribe is not limited in its ability to submit information to the lead agency regarding the significance of the tribal cultural resources, the significance of the project's impact on tribal cultural resources, or any appropriate measures to mitigate the impacts. Additionally, the lead agency or project proponent is not limited in its ability to incorporate changes and additions to the project as a result of the consultation, even if not legally required.

(Reference: Pub. Resources Code, §§ 21080.3.1, 21080.3.2.)

6.08 IDENTIFICATION OF TRIBAL CULTURAL RESOURCES AND PROCESSING OF INFORMATION AFTER CONSULTATION WITH THE CALIFORNIA NATIVE AMERICAN TRIBE

After consultation with the California Native American tribe listed above in Local Guidelines Section 6.07, any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the Mitigated Negative Declaration and in an adopted mitigation monitoring and reporting program, if the mitigation measures are determined to avoid or lessen the proposed project's impacts on tribal cultural resources, and if the mitigation measures are enforceable.

If a project may have a significant impact on a tribal cultural resource, the Lead Agency's Mitigated Negative Declaration shall discuss both of the following:

- (a) Whether the proposed project has a significant impact on an identified tribal cultural resource;
- (b) Whether feasible alternatives or mitigation measures, including those measures that may be agreed to during the consultation, avoid or substantially lessen the impact on the identified tribal cultural resource.

Any information provided regarding the location, description and use of the tribal cultural resource that is submitted by a California Native American tribe during the environmental review process shall not be included in the Negative Declaration or Mitigated Negative Declaration or otherwise disclosed by the Lead Agency or any other public agency to the public, consistent with Governmental Code sections 6254(r) and 6254.10, and State CEQA Guidelines 15120(d), without the prior consent of the tribe that provided the information. If the Lead Agency publishes any information submitted by a California Native American tribe during the consultation or environmental review process, that information shall be published in a confidential appendix to the Negative Declaration or Mitigated Negative Declaration unless the tribe provides consent, in writing, to the disclosure of some or all of the information to the public. This does not prohibit the confidential exchange of the submitted information between public agencies that have lawful jurisdiction over the preparation of the Negative Declaration or the Mitigated Negative Declaration.

The exchange of confidential information regarding tribal cultural resources submitted by a California Native American tribe during the consultation or environmental review process among the Lead Agency, the California Native American tribe, the project applicant, or the project applicant's agent is not prohibited by Public Resources Code section 21082.3. The project applicant and the project applicant's legal advisers must use a reasonable degree of care and maintain the confidentiality of the information exchanged for the purposes of preventing looting, vandalism, or damage to tribal cultural resources and shall not disclose to a third party confidential information regarding the cultural resource unless the California Native American tribe providing the information consents in writing to the public disclosure of such information.

Public Resources Code section 21082.3 does not prevent a Lead Agency or other public agency from describing the information in general terms in the Negative Declaration or

Mitigated Negative Declaration so as to inform the public of the basis of the Lead Agency's or other public agency's decision without breaching the confidentiality required. In addition, a Lead Agency may adopt a Mitigated Negative Declaration for a project with a significant impact on an identified tribal cultural resource only if one of the following occurs:

- (a) The consultation process between the California Native American tribe and the Lead Agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to subdivision (b) of Section 21080.3.2.
- (b) The California Native American tribe has requested consultation pursuant to Public Resources Code section 21080.3.1 and has failed to provide comments to the Lead agency, or otherwise failed to engage, in the consultation process.
- (c) The Lead Agency has complied with subdivision (d) of Section 21080.3.1 of the Public Resources Code and the California Native American tribe has failed to request consultation within 30 days.

If substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource but the decision-makers do not include the mitigation measures recommended by the staff in the Mitigated Negative Declaration, or if there are no agreed upon mitigation measures at the conclusion of the consultation; or if no consultation has occurred, the Lead Agency must still consider the adoption of feasible mitigation.

(Reference: Pub. Resources Code, § 21082.3.)

6.09 SIGNIFICANT ADVERSE IMPACTS TO TRIBAL CULTURAL RESOURCES

Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. If the Lead Agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in Public Resources Code section 21080.3.2 and as set forth in Local Guidelines Section 6.07, the following examples of mitigation measures, if feasible, may be considered to avoid or minimize the significant adverse impacts:

- (a) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- (b) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - (1) Protecting the cultural character and integrity of the resource.
 - (2) Protecting the traditional use of the resource.

- (3) Protecting the confidentiality of the resource.
- (c) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (d) Protecting the resource.

(Reference: Pub. Resources Code, § 21084.3.)

6.10 POSTING AND PUBLICATION OF NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

The District shall have a copy of the Notice of Intent to Adopt, the Negative Declaration or Mitigated Negative Declaration, and the Initial Study posted at the District's offices and on the District's website, if any, and shall make these documents available for public inspection. The Notice must be provided either twenty (20) or thirty (30) days prior to final adoption of the Negative Declaration or Mitigated Negative Declaration. The public review period for a Negative Declaration or Mitigated Negative Declaration prepared for a project subject to state agency review, as set forth in Local Guidelines Section 6.11, must be circulated for at least as long as the review period established by the State Clearinghouse, usually no less than thirty (30) days. Under certain circumstances, a shortened review period of at least twenty (20) days may be approved by the State Clearinghouse as provided for in State CEQA Guidelines section 15105. See the Shortened Review Request Form "P." The state review period will commence on the date the State Clearinghouse distributes the document to state agencies. The State Clearinghouse will distribute the document within three (3) days of receipt if the Negative Declaration or Mitigated Negative Declaration is deemed complete.

The Notice must also be posted in the office of the Clerk in each county in which the project is located and must remain posted throughout the public review period. The County Clerk is required to post the Notice within twenty-four (24) hours of receiving it.

Notice shall be provided as stated in Local Guidelines Section 6.04. In addition, Notice of the Intent to Adopt shall be given to the last known name and address of all organizations and individuals who have previously requested notice; by posting the notice on the website of the lead agency; and by at least one of the following procedures:

- (a) Publication at least once in a newspaper of general circulation in the area affected by the proposed project. If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas;
- (b) Posting of notice on and off site in the area where the project is to be located; or
- (c) Direct mailing to owners and occupants of property contiguous to the project, as shown on the latest equalized assessment roll.

The District, when acting as Lead Agency, shall consider all comments received during the public review period for the Negative Declaration or Mitigated Negative Declaration. For a Negative Declaration or Mitigated Negative Declaration, the District is not required to respond in writing to comments it receives either during or after the public review period. However, the District may provide a written response to all comments if it will not delay action on the Negative Declaration or Mitigated Negative Declaration, since any comment received prior to final action on the Negative Declaration or Mitigated Negative Declaration can form the basis of a legal challenge. A written response that refutes the comment or adequately explains the District's action in light of the comment will assist the District in defending against a legal challenge. The District shall notify any public agency that comments on a Negative Declaration or Mitigated Negative Declaration was prepared.

(Reference: Pub. Resources Code, § 21092; State CEQA Guidelines, §§ 15072-15073.)

6.11 SUBMISSION OF NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION TO STATE CLEARINGHOUSE.

A Negative Declaration or Mitigated Negative Declaration must be submitted to the State Clearinghouse, in an electronic form as required by the Office of Planning and Research, regardless of whether the document must be circulated for review and comment by state agencies under State CEQA Guidelines section 15205 and 15206. The Negative Declaration or Mitigated Negative Declaration must be submitted via the Office of Planning and Research's CEQA Submit website (https://ceqasubmit.opr.ca.gov/Security/LogOn?ReturnUrl=%2f). The CEQA Submit website differentiates between environmental documents that do require review and comment by state agencies and those that do not. In particular, the website provides a "Local Review Period" tab for submitting documents that do not require review and comment by state agencies, and a "State Review Period" tab for submitting documents that do require review and comment by state agencies.

A Negative Declaration or Mitigated Negative Declaration must be submitted to the State Clearinghouse for review and comment by state agencies (i.e., a Negative Declaration or Mitigated Negative Declaration must be submitted through the CEQA Submit website under the "State Review Period" tab) in the following situations:

- (a) The Negative Declaration or Mitigated Negative Declaration is prepared by a Lead Agency that is a state agency;
- (b) The Negative Declaration or Mitigated Negative Declaration is prepared by a public agency where a state agency is a Responsible Agency, Trustee Agency, or otherwise has jurisdiction by law with respect to the project; or
- (c) The Negative Declaration or Mitigated Negative Declaration is for a project identified in State CEQA Guidelines section 15206 as being of statewide, regional, or area-wide significance.

State CEQA Guidelines section 15206 identifies the following types of projects as being examples of projects of statewide, regional, or area-wide significance that require submission to the State Clearinghouse for circulation:

(1) Projects that have the potential to cause significant environmental effects beyond the city or county where the project would be located, such as:

- (a) Residential development of more than 500 units;
- (b) Commercial projects employing more than 1,000 persons or covering more than 500,000 square feet of floor space;
- (c) Office building projects employing more than 1,000 persons or covering more than 250,000 square feet of floor space;
- (d) Hotel or motel development of more than 500 rooms; or
- (e) Industrial projects housing more than 1,000 persons, occupying more than 40 acres of land, or covering more than 650,000 square feet of floor area;
- (2) Projects for the cancellation of a Williamson Act contract covering 100 or more acres;
- (3) Projects in one of the following Environmentally Sensitive Areas:
 - (a) Lake Tahoe Basin;
 - (b) Santa Monica Mountains Zone;
 - (c) Sacramento-San Joaquin River Delta;
 - (d) Suisun Marsh;
 - (e) Coastal Zone, as defined by the California Coastal Act;
 - (f) Areas within one-quarter mile of a river designated as wild and scenic; or
 - (g) Areas within the jurisdiction of the San Francisco Bay Conservation and Development Commission;
- (4) Projects that would affect sensitive wildlife habitats or the habitats of any rare, threatened, or endangered species;
- (5) Projects that would interfere with water quality standards; and
- (6) Projects that would provide housing, jobs, or occupancy for 500 or more people within 10 miles of a nuclear power plant.

A Negative Declaration or Mitigated Negative Declaration may also be submitted to the State Clearinghouse for circulation if a state agency has special expertise with regard to the environmental impacts involved.

The public review period for a Negative Declaration or a Mitigated Negative Declaration shall not be less than twenty (20) days. The review period, however, shall be at least thirty (30) days if the Negative Declaration or Mitigated Negative Declaration is for a proposed project where a state agency is the lead agency, a responsible agency, or a trustee agency; a state agency otherwise has jurisdiction by law with respect to the project; or the proposed project is of sufficient statewide, regional, or areawide significance as determined pursuant to the guidelines certified and adopted pursuant to State CEQA Guidelines section 15206. When the Negative Declaration or Mitigated Negative Declaration is submitted to the State Clearinghouse for state agency review, the review period begins (day one) on the date that the State Clearinghouse distributes the Negative Declaration or Mitigated Negative Declaration to state agencies. The State Clearinghouse is required to distribute the Negative Declaration or Mitigated Negative Declaration to state agencies within three (3) working days from the date the State Clearinghouse receives the document, as long as the Negative Declaration or Mitigated Negative Declaration is complete when submitted to the State Clearinghouse. If the document submitted to the State Clearinghouse is not complete, the State Clearinghouse must notify the Lead Agency. The review period for the public and all other agencies may run concurrently with the state agency review period established by the State Clearinghouse, but the public review period cannot conclude before the state agency review period does. The review period for the public shall be at least as long as the review period established by the State Clearinghouse.

A shorter review period by the State Clearinghouse for a Negative Declaration or Mitigated Negative Declaration can be requested by the decision-making body. The shortened review period shall not be less than twenty (20) days. Such a request must be made in writing by the Lead Agency to the Office of Planning and Research. The decision-making body may designate by resolution or ordinance an individual authorized to request a shorter review period. (See Form "P"). Any approval of a shortened review period must be given prior to, and reflected in, the public notice. However, a shortened review period shall not be approved by the Office of Planning and Research for any proposed project of statewide, regional or areawide environmental significance, as defined by State CEQA Guidelines section 15206.

When the Lead Agency completes its Negative Declaration or Mitigated Negative Declaration for a proposed project, the Lead Agency must also cause a Notice of Completion (Form "H") to be filed with the Office of Planning and Research via the Office of Planning and Research's CEQA Submit website. The Notice of Completion should briefly identify the project, indicate that an environmental document has been prepared for the project, and identify the project location by latitude and longitude.

The Lead Agency must post the Notice of Intent, Notice of Completion, and Negative Declaration or Mitigated Negative Declaration on its website, if any.

(Reference: Pub. Resources Code, §§ 21082.1, 21161; State CEQA Guidelines, §§ 15205, 15206.)

6.12 SPECIAL NOTICE REQUIREMENTS FOR WASTE- AND FUEL-BURNING PROJECTS.

For any project that involves the burning of municipal waste, hazardous waste, or refusederived fuel (such as tires) and that does not require an EIR, as defined in Local Guidelines Section 5.11, a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration shall be given to all organizations and individuals who have previously requested it and shall also be given by all three of the procedures listed in Local Guidelines Section 6.07. In addition, Notice shall be given by direct mailing to the owners and occupants of property within one-quarter mile of any parcel or parcels on which such a project is located.

These notice requirements apply only to those projects described in Local Guidelines Section 5.11. These notice requirements do not preclude the District from providing additional notice by other means if desired.

(Reference: Pub. Resources Code, § 21092(c).)

6.13 CONSULTATION WITH WATER AGENCIES REGARDING LARGE DEVELOPMENT PROJECTS.

Under specific circumstances a city or county acting as Lead Agency must consult with the public water system that will supply the project to determine whether the public water system can adequately supply the water needed for the project. As a Responsible Agency, the District should be aware of these requirements. See Local Guidelines Section 5.16 for more information on these requirements.

(Reference: State CEQA Guidelines, § 15155.)

6.14 CONTENT OF NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

A Negative Declaration must be prepared directly by or under contract to the District and should generally resemble Form "E." It shall contain the following information:

- (a) A brief description of the project proposed, including any commonly used name for the project;
- (b) The location of the project and the name of the project proponent;
- (c) A finding that the project as proposed will not have a significant effect on the environment; and
- (d) An attached copy of the Initial Study documenting reasons to support the finding.

For a Mitigated Negative Declaration, feasible mitigation measures included in the project to substantially lessen or avoid potentially significant effects must be fully enforceable through permit conditions, agreements, or other measures. Such permit conditions, agreements, and measures must be consistent with applicable constitutional requirements such as the "nexus" and "rough proportionality" standards established by case law.

The proposed Negative Declaration or Mitigated Negative Declaration must reflect the independent judgment of the District.

(Reference: State CEQA Guidelines, § 15071.)

6.15 **Types of Mitigation.**

The following is a non-exhaustive list of potential types of mitigation the District may consider:

- (a) Avoidance;
- (b) Preservation;
- (c) Rehabilitation or replacement. Replacement may be on-site or off-site depending on the particular circumstances; and/or
- (d) Participation in a fee program.

(Reference: State CEQA Guidelines, § 15370.)

6.16 Adoption of Negative Declaration or Mitigated Negative Declaration.

Following the publication, posting or mailing of the Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration, but not before the expiration of the applicable twenty (20) or thirty (30) day public review period, the Negative Declaration or Mitigated Negative Declaration may be presented to the decision-making body at a regular or special meeting. Prior to adoption, the District shall independently review and analyze the Negative Declaration or Mitigated Negative Declaration and find that the Negative Declaration or Mitigated Negative Declaration reflects the independent judgment of the District.

If new information is added to the Negative Declaration or Mitigated Negative Declaration after public review, the District should determine whether recirculation is warranted. (See Local Guidelines Section 6.19). If the decision-making body finds that the project will not have a significant effect on the environment, it shall adopt the Negative Declaration or Mitigated Negative Declaration. If the decision-making body finds that the proposed project may have a significant effect on the environment that cannot be mitigated or avoided, it shall order the preparation of a Draft EIR and the filing of a Notice of Preparation of a Draft EIR.

When adopting a Negative Declaration or Mitigated Negative Declaration, the District shall specify the location and custodian of the documents or other material that constitute the record of proceedings upon which it based its decision. If adopting a Negative Declaration for a project that may emit hazardous air emissions within one-quarter mile of a school and that meets the other requirements of Local Guidelines Section 6.06, the decision-making body must also make the findings required by Local Guidelines Section 6.06.

As Lead Agency, the District may charge a non-elected official or body with the responsibility of independently reviewing the adequacy of and adopting a Negative Declaration or a Mitigated Negative Declaration. Any final CEQA determination made by a non-elected decisionmaker, however, is appealable to the District's Board of Directors within either (a) the time period set forth in the District's established process to appeal the non-elected decisionmaker's CEQA determination; or, if no such process exists, (2) ten (10) days of the non-elected decisionmaker's determination. If the non-elected decisionmaker's determination is not timely appealed as set forth herein, the non-elected decisionmaker's determination shall be final.

(Reference: State CEQA Guidelines, § 15074.)

6.17 MITIGATION REPORTING OR MONITORING PROGRAM FOR MITIGATED NEGATIVE DECLARATION.

When adopting a Mitigated Negative Declaration pursuant to Local Guidelines Section 6.13, the District shall adopt a reporting or monitoring program to assure that mitigation measures, which are required to mitigate or avoid significant effects on the environment, will be fully enforceable through permit conditions, agreements, or other measures and implemented by the project proponent or other responsible party in a timely manner, in accordance with conditions of project approval. The District shall also specify the location and the custodian of the documents that constitute the record of proceedings upon which it based its decision. There

is no requirement that the reporting or monitoring program be circulated for public review; however, the District may choose to circulate it for public comments along with the Mitigated Negative Declaration. The mitigation measures required to mitigate or avoid significant effects on the environment must be adopted as conditions of project approval.

This reporting or monitoring program shall be designed to assure compliance during the implementation or construction of a project and shall otherwise comply with the requirements described in Local Guidelines Section 7.38. If a Responsible Agency or Trustee Agency has required that certain conditions be incorporated into the project, the District may request that agency to prepare and submit a proposed reporting or monitoring program. The District shall also require that, prior to the close of the public review period for a Mitigated Negative Declaration (see Local Guidelines Section 6.04), the Responsible or Trustee Agency submit detailed performance objectives for mitigation measures, or refer the District to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to the District by a Responsible or Trustee Agency shall be limited to measures that mitigate impacts to resources that are within the Responsible or Trustee Agency's authority.

Local agencies have the authority to levy fees sufficient to pay for this program. Therefore, the District can charge the project proponent a fee to cover actual costs of program processing and implementation.

Transportation information resulting from the reporting or monitoring program required to be adopted by the District shall be submitted to the regional transportation planning agency where the project is located and to the Department of Transportation for a project of statewide, regional or area-wide significance according to State CEQA Guidelines section 15206. The transportation planning agency and the Department of Transportation are required by law to adopt guidelines for the submittal of these reporting or monitoring programs, so the District may wish to tailor its submittal to such guidelines.

(Reference: State CEQA Guidelines, §§ 15074, 15097.)

6.18 APPROVAL OR DISAPPROVAL OF PROJECT.

At the time of adoption of a Negative Declaration or Mitigated Negative Declaration, the decision-making body may consider the project for purposes of approval or disapproval. Prior to approving the project, the decision-making body shall consider the Negative Declaration or Mitigated Negative Declaration, together with any written comments received and considered during the public review period, and shall approve or disapprove the Negative Declaration or Mitigated Negative Declaration. In making a finding as to whether there is any substantial evidence that the project will have a significant effect on the environment, the factors listed in Local Guidelines Section 5.08 should be considered. (See Local Guidelines Section 6.06 for approval requirements for facilities that may emit hazardous pollutants or that may handle extremely hazardous substances within one-quarter mile of a school site.)

(Reference: State CEQA Guidelines, § 15092.)

6.19 RECIRCULATION OF A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

A Negative Declaration or Mitigated Negative Declaration must be recirculated when the document must be substantially revised after the public review period but prior to its adoption. A "substantial revision" occurs when the District has identified a new and avoidable significant effect for which mitigation measures or project revisions must be added in order to reduce the effect to a level of insignificance, or when the District determines that the proposed mitigation measures or project revisions will not reduce the potential effects to less than significant and new measures or revisions must be required.

Recirculation is not required under the following circumstances:

- (a) Mitigation measures are replaced with equal or more effective measures, and the District makes a finding to that effect;
- (b) New project revisions are added after circulation of the Negative Declaration or Mitigated Negative Declaration or in response to written or oral comments on the project's effects, but the revisions do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect;
- (c) Measures or conditions of project approval are added after circulation of the Negative Declaration or Mitigated Negative Declaration, but the measures or conditions are not required by CEQA, do not create new significant environmental effects, and are not necessary to mitigate an avoidable significant effect; or
- (d) New information is added to the Negative Declaration or Mitigated Declaration which merely clarifies, amplifies, or makes insignificant modifications to the Negative Declaration or Mitigated Negative Declaration.

If, after preparation of a Negative Declaration or Mitigated Negative Declaration, the District determines that the project requires an EIR, it shall prepare and circulate the Draft EIR for consultation and review and advise reviewers in writing that a proposed Negative Declaration or Mitigated Declaration had previously been circulated for the project.

(Reference: State CEQA Guidelines, § 15073.5.)

6.20 NOTICE OF DETERMINATION ON A PROJECT FOR WHICH A PROPOSED NEGATIVE OR MITIGATED NEGATIVE DECLARATION HAS BEEN APPROVED.

After final approval of a project for which a Negative Declaration or Mitigated Negative Declaration has been prepared, Staff shall cause to be prepared, filed, and posted a Notice of Determination (Form "F"). The Notice of Determination shall contain the following information:

- (a) An identification of the project, including the project title as identified on the proposed Negative Declaration or Mitigated Negative Declaration, location, and the State Clearinghouse identification number for the proposed Negative Declaration or Mitigated Negative Declaration if the Notice of Determination is filed with the State Clearinghouse;
- (b) For private projects, identification of the person undertaking a project that is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of

assistance from one or more public agencies or the identity of the person receiving a lease, permit, license, certificate, or other entitlement for use from one or more public agencies;

- (c) A brief description of the project;
- (d) The name of the District and the date on which the District approved the project;
- (e) The determination of the District that the project will not have a significant effect on the environment;
- (f) A statement that a Negative Declaration or Mitigated Negative Declaration was adopted pursuant to the provisions of CEQA;
- (g) A statement indicating whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted; and
- (h) The address where a copy of the Negative Declaration or Mitigated Negative Declaration may be examined.

The Notice of Determination shall be filed with the Clerk of each county in which the project will be located within five (5) working days of project approval.

The District must also post the Notice of Determination on its website. Such electronic notice is in addition to the posting requirements of the State CEQA Guidelines and the Public Resources Code. The Clerk must post the Notice of Determination within twenty-four (24) hours of receipt. The Notice must be posted in the office of the Clerk for a minimum of thirty (30) days. Thereafter, the Clerk shall return the notice to the District with a notation of the period it was posted. The District shall retain the notice for not less than twelve (12) months. If the project requires discretionary approval from any State agency, the Notice of Determination shall also be filed with OPR within five (5) working days of project approval along with proof of payment of the DFW fee or a no effect determination form from the DFW (see Local Guidelines Section 6.24). Simultaneously with the filing of the Notice of Determination with the Clerk, Staff shall cause a copy of the Notice of Determination to be posted at District Offices.

If a written request has been made for a copy of the Notice of Determination prior to the date on which the District adopts the Negative Declaration or Mitigated Negative Declaration, the copy must be mailed, first class postage prepaid, within five (5) days of the District's determination. If such a request is made following the District's determination, then the copy should be mailed in the same manner as soon as possible. The recipients of such documents may be charged a fee reasonably related to the cost of providing the service.

For projects with more than one phase, Staff shall file a Notice of Determination for each phase requiring a discretionary approval.

The filing and posting of the Notice of Determination with the County Clerk, and, if necessary, with OPR, usually starts a thirty (30) day statute of limitations on court challenges to the approval under CEQA. When separate notices are filed for successive phases of the same overall project, the thirty (30) day statute of limitations to challenge the subsequent phase begins to run when the second notice is filed. Failure to file the Notice may result in a one hundred eighty (180) day statute of limitations.

(Reference: State CEQA Guidelines, § 15075.)

6.21 ADDENDUM TO NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

The District may prepare an addendum to an adopted Negative Declaration or Mitigated Negative Declaration if only minor technical changes or additions are necessary. The District may also prepare an addendum to an adopted Negative Declaration or Mitigated Negative Declaration when none of the conditions calling for a subsequent Negative Declaration or Mitigated Negative Declaration have occurred. (See Local Guidelines Section 6.22 below.) An addendum need not be circulated for public review but can be attached to the adopted Negative Declaration or Mitigated Negative Declaration. The District shall consider the addendum with the adopted Negative Declaration or Mitigated Negative Declaration or Mitigated Negative Declaration or Mitigated Negative Declaration.

(Reference: State CEQA Guidelines, § 15164.)

6.22 SUBSEQUENT NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

When a Negative Declaration or Mitigated Negative Declaration has been adopted for a project, or when an EIR has been certified, no subsequent Negative Declaration, Mitigated Negative Declaration, or EIR shall be prepared for that project unless the Lead Agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (a) Substantial changes are proposed in the project which will require major revisions of the previous EIR, Negative Declaration, or Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (b) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR, Negative Declaration, or Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (c) New information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the Negative Declaration was adopted which shows any of the following:
 - (1) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;
 - (2) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (3) Mitigation measure(s) or alternative(s) previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents declined to adopt the mitigation measure(s) or alternative(s); or

(4) Mitigation measure(s) or alternative(s) which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure(s) or alternative(s).

The District, as Lead Agency, would then determine whether a Subsequent EIR, Supplemental EIR, Subsequent Negative Declaration, Subsequent Mitigated Negative Declaration, or Addendum would be applicable. Subsequent Negative Declarations and Mitigated Negative Declarations must be given the same notice and public review period as other Negative Declarations. The Subsequent Negative Declaration shall state where the previous document is available and can be reviewed.

(Reference: State CEQA Guidelines, § 15162.)

6.23 **PRIVATE PROJECT COSTS.**

For private projects, the person or entity proposing to carry out the project shall bear all costs incurred by the District in preparing the Initial Study and in preparing and filing the Negative Declaration or Mitigated Negative Declaration and Notice of Determination.

6.24 FILING FEES FOR PROJECTS THAT AFFECT WILDLIFE RESOURCES.

At the time a Notice of Determination for a Negative Declaration or Mitigated Negative Declaration is filed with the County or Counties in which the project is located, a fee of \$2,548.00, or the then applicable fee, shall be paid to the Clerk for projects that will adversely affect fish or wildlife resources. These fees are collected by the Clerk on behalf of DFW pursuant to Fish and Game Code section 711.4.

Only one filing fee is required for each project unless the project is tiered or phased and separate environmental documents are prepared. (Fish & Game Code section 711.4(g).) For projects where Responsible Agencies file separate Notices of Determination, only the Lead Agency is required to pay the fee.

Note: County Clerks are authorized to charge a documentary handling fee for each project in addition to the Fish and Game Code fees specified above. Refer to the Index in the Staff Summary to help determine the correct total amount of fees applicable to the project.

For private projects, the District may pass these costs on to the project applicant.

Fish and Game Code fees may be waived for projects with "no effect" on fish or wildlife resources or for certain projects undertaken by the DFW and implemented through a contract with a non-profit entity or local government agency; however, the Lead Agency must obtain a form showing that the DFW has determined that the project will have "no effect" on fish and wildlife. (Fish and Game Code section 711.4(c)(2)(A)). Projects that are statutorily or categorically exempt from CEQA are also not subject to the filing fee, and do not require a no effect determination. (State CEQA Guidelines sections 15260 through 15333; Fish and Game Code section 711.4(d)(1)). The applicable DFW Regional Office's environmental review and permitting staff are responsible for determining whether a project within their region will qualify for a no effect determination and if the CEQA filing fee will be waived.

The request should be submitted when the CEQA document is released for public review, or as early as possible in the public comment period. Documents submitted in digital format are preferred (e.g. compact disk). If insufficient documentation is submitted to DFW for the proposed project, a no effect determination will not be issued.

If the District believes that a project for which it is Lead Agency will have "no effect" on fish or wildlife resources, it should contact the appropriate DFW Regional Office. The project's CEQA document may need to be provided to the appropriate DFW Regional Office along with a written request. Documentation submitted to the appropriate DFW Regional Office should set forth facts in support of the fee exemption. Previous examples of projects that have qualified for a fee exemption include: minor zoning changes that did not lead to or allow new construction, grading, or other physical alterations to the environment; and minor modifications to existing structures, including addition of a second story to single or multi-family residences.

The fee exemption requirement that the project have "no" impact on fish or wildlife resources is more stringent than the former requirement that a project have only "de minimis" effects on fish or wildlife resources. DFW may determine that a project would have no effect on fish and wildlife if all of the following conditions apply:

• The project would not result in or have the potential to result in harm, harassment, or take of any fish and/or wildlife species.

• The project would not result in or have the potential to result in direct or indirect destruction, ground disturbance, or other modification of any habitat that may support fish and/or wildlife species.

• The project would not result in or have the potential to result in the removal of vegetation with potential to support wildlife.

• The project would not result in or have the potential to result in noise, vibration, dust, light, pollution, or an alteration in water quality that may affect fish and/or wildlife directly or from a distance.

• The project would not result in or have the potential to result in any interference with the movement of any fish and/or wildlife species.

Any request for a fee exemption should include the following information:

- (1) the name and address of the project proponent and applicant contact information;
- (2) a brief description of the project and its location;
- (3) site description and aerial and/or topographic map of the project site;
- (4) State Clearinghouse number or county filing number;

- (5) a statement that an Initial Study has been prepared by the District to evaluate the project's effects on fish and wildlife resources, if any; and
- (6) a declaration that, based on the District's evaluation of potential adverse effects on fish and wildlife resources, the District believes the project will have no effect on fish or wildlife.

If insufficient documentation is submitted to DFW for the proposed project, a no effect determination will not be issued. (A sample Request for Fee Exemption is attached as Form "L".) DFW will review the District's finding, and if DFW agrees with the District's conclusions, DFW will provide the District with written confirmation. Retain DFW's determination as part of the administrative record; the District is required to file a copy of this determination with the County after project approval and at the time of filing of the Notice of Determination.

The Lead Agency must have written confirmation of DFW's finding of "no impact" at the time the Lead Agency files its Notice of Determination with the County. The County cannot accept the Notice of Determination unless it is accompanied by the appropriate fee or a written no effect determination from DFW.

7. <u>ENVIRONMENTAL IMPACT REPORT</u>

7.01 DECISION TO PREPARE AN EIR.

An EIR shall be prepared whenever there is substantial evidence in light of the whole record which supports a fair argument that the project may have a significant effect on the environment. (See Local Guidelines Sections 11.65 and 11.71.) The record may include the Initial Study or other documents or studies prepared to assess the project's environmental impacts.

(Reference: Pub. Resources Code, § 21151.)

7.02 CONTRACTING FOR PREPARATION OF EIRS.

If an EIR is prepared under a contract with the District, the contract must be executed within forty-five (45) days from the date on which the District sends a Notice of Preparation. The District may take longer to execute the contract if the project applicant and the District mutually agree to an extension of the 45-day time limit. (Reference: Pub. Resources Code, § 21151.5.)

The EIR prepared under contract must be the District's product. Staff, together with such consultant help as may be required, shall independently review and analyze the EIR to verify its accuracy, objectivity and completeness prior to presenting it to the decision-making body. The EIR made available for public review must reflect the independent judgment of the District. Staff may require such information and data from the person or entity proposing to carry out the project as Staff deems necessary for completion of the EIR. (Reference: State CEQA Guidelines, §§ 15084, 15090.)

7.03 NOTICE OF PREPARATION OF DRAFT EIR.

After determining that an EIR will be required for a proposed project, the Lead Agency shall prepare and submit a Notice of Preparation (Form "G") to the Office of Planning and Research through its CEQA Submit website and to each of the following:

- (a) Each Responsible Agency and Trustee Agency involved with the project;
- (b) Any other federal, state, or local agency which has jurisdiction by law or exercises authority over resources affected by the project, including:
 - (1) Any water supply agency consulted under Local Guidelines Section 5.16;
 - (2) Any city or county bordering on the project area;
 - (3) For a project of statewide, regional, or area-wide significance, to any transportation agencies or public agencies which have major local arterials or public transit facilities within five (5) miles of the project site or freeways, highways, or rail transit service within ten (10) miles of the project site which could be affected by the project; and

- (4) For a subdivision project located within one mile of a facility of the State Water Resources Development System, the California Department of Water Resources;
- (c) The last known name and address of all organizations and individuals who have previously filed a written request with the District to receive these Notices;
- (d) For certain projects that may impact a low-level flight path, military impact zone, or special use airspace and that meet the other criteria in Local Guidelines Section 7.04, the specified military services contact;
- (e) For certain projects that involve the construction or alteration of a facility anticipated to emit hazardous air emissions or handle hazardous substances within one-quarter mile of a school and that meet the other requirements of Local Guidelines Section 7.36, any potentially affected school district;
- (f) For certain waste-burning projects that meet the requirements of Local Guidelines Section 5.11 (See also Local Guidelines Section 7.27), the owners and occupants of property within one-fourth mile of any parcel on which the project will be located; and
- (g) For a project that establishes or amends a redevelopment plan that contains land in agricultural use, the agricultural and farm agencies and organizations specified in Health and Safety Code section 33333.3.

Additionally, for a project of statewide, regional, or area-wide significance, the Lead Agency should also consult with public transit agencies with facilities within one-half mile of the proposed project.

The Notice of Preparation must also be filed and posted in the office of the Clerk in each county in which the project is located for thirty (30) days. The County Clerk must post the Notice within twenty-four (24) hours of receipt.

When submitting the Notice of Preparation to OPR, a Notice of Completion (Form "H") should be used as a cover sheet. Responsible and Trustee Agencies, the State Clearinghouse, and the state agencies contacted by the State Clearinghouse have thirty (30) days to respond to the Notice of Preparation in writing via certified mail, email, or an equivalent procedure. Agencies that do not respond within thirty (30) days shall be deemed not to have any comments on the Notice of Preparation.

At a minimum, the Notice of Preparation shall include:

- (a) A description of the project;
- (b) The location of the project indicated either on an attached map (preferably a copy of the USGS 15' or 7¹/₂' topographical map identified by quadrangle name) or by a street address and cross street in an urbanized area;
- (c) The probable environmental effects of the project;
- (d) The name and address of the consulting firm retained to prepare the Draft EIR, if applicable; and
- (e) The Environmental Protection Agency ("EPA") list on which the proposed site is located, if applicable, and the corresponding information from the applicant's statement. (See Local Guidelines Section 2.05.)

(Reference: Pub. Resources Code, § 21080.4; State CEQA Guidelines, § 15082.)

7.04 SPECIAL NOTICE REQUIREMENTS FOR AFFECTED MILITARY AGENCIES

CEQA imposes additional requirements to provide notice to potentially affected military agencies when:

- (a) A "military service" (defined in Section 11.42 of these Local Guidelines) has provided the District with its contact office and address and notified the District of the specific boundaries of a "low-level flight path" (defined in Section 11.37 of these Local Guidelines), "military impact zone" (defined in Section 11.41 of these Local Guidelines), or "special use airspace" (defined in Section 11.67 of these Local Guidelines); and
- (b) The project meets one of the following criteria:
 - (1) The project is within the boundaries specified pursuant to subsection (a) of this guideline;
 - (2) The project includes a general plan amendment;
 - (3) The project is of statewide, regional, or area-wide significance; or
 - (4) The project relates to a public use airport or certain lands surrounding a public use airport.

When a project meets these requirements, the District must provide the military service's designated contact with any Notice of Preparation, and/or Notice of Availability of Draft EIRs that have been prepared for a project, unless the project involves the remediation of lands contaminated with hazardous wastes and meets certain other requirements.

The District must provide the military service with sufficient notice of its intent to certify an EIR to ensure that the military service has no fewer than thirty (30) days to review the document; or forty-five (45) days to review the environmental documents before they are approved if the documents have been submitted to the State Clearinghouse.

It should be noted that the effect, or potential effect, a project may have on military activities does not itself constitute an adverse effect on the environment pursuant to CEQA.

(Reference: Pub. Resources Code, §§ 21080.4, 21092; Health & Safety Code, §§ 25300, et seq., 25396, 25187; State CEQA Guidelines, § 15082(a).)

7.05 Environmental Leadership Development Project.

Under certain circumstances, a project applicant may choose to apply to the Governor of the State of California to have the project certified as an Environmental Leadership Development Project. A project may qualify as an Environmental Leadership Development Project if it is one of the following:

- (1) A residential, retail, commercial, sports, cultural, entertainment, or recreational use project that meets the following standards:
 - The project is certified as Leadership in Energy and Environmental Design (LEED) gold or better by the United States Green Building Council; and
 - The project, where applicable, achieves a 15 percent greater standard for transportation efficiency than comparable projects; and
 - The project is located on an infill site; and
 - For a project that is within a metropolitan planning organization for which a sustainable communities strategy or alternative planning strategy is in effect, the infill project shall be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, for which the State Air Resources Board has accepted a metropolitan planning organization's determination, under subparagraph (H) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code, that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets.
- (2) A clean renewable energy project that generates electricity exclusively through wind or solar, but not including waste incineration or conversion.
- (3) A clean energy manufacturing project that manufactures products, equipment, or components used for renewable energy generation, energy efficiency, or for the production of clean alternative fuel vehicles.
- (4) A housing development project—i.e., a project that entails either residential units only; mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use; or transitional housing or supportive housing—that meets all of the following conditions:
 - The housing development project is located on an infill site.
 - For a housing development project that is located within a metropolitan planning organization for which a sustainable communities strategy or alternative planning strategy is in effect, the project is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, for which the State Air Resources Board has accepted a metropolitan planning organization's determination, under subparagraph (H) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code, that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets.

- Notwithstanding paragraph (1) of subdivision (a) of Section 21183, the housing development project will result in a minimum investment of fifteen million dollars (\$15,000,000), but less than one hundred million dollars (\$100,000,000), in California upon completion of construction.
- At least 15 percent of the housing development project is dedicated as housing that is affordable to lower income households, as defined in Section 50079.5 of the Health and Safety Code. Upon completion of a housing development project that is qualified under this paragraph and is certified by the Governor, the lead agency or applicant of the project shall notify the Office of Planning and Research of the number of housing units and affordable housing units established by the project. Notwithstanding the foregoing, if a local agency has adopted an inclusionary zoning ordinance that establishes a minimum percentage for affordable housing within the jurisdiction in which the housing development project is located that is higher than 15 percent, the percentage specified in the inclusionary zoning ordinance shall be the threshold for affordable housing.
- Except for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code, no part of the housing development project shall be used for a rental unit for a term shorter than 30 days, or designated for hotel, motel, bed and breakfast inn, or other transient lodging use. Moreover, no part of the housing development project shall be used for manufacturing or industrial uses.

The Governor may certify a leadership project for streamlining before the lead agency certifies an EIR for the project if various conditions set forth in Public Resources Code section 21182 are met. The conditions include but are not limited to the following: (1) except as set forth above, the project will result in a minimum investment of one hundred million dollars (\$100,000,000) in California upon completion of construction; (2) the project creates high-wage, highly skilled jobs that pay prevailing wages and living wages, provide construction jobs and permanent jobs for Californians, helps reduce unemployment, and promotes apprenticeship training; and (3) the project will not result in any net additional emission of greenhouse gases, including greenhouse gas emissions from employee transportation.

If the Governor certifies a project as an Environmental Leadership Development Project, any lawsuit challenging the project—including any potential appeals to the court of appeal or the California Supreme Court—must be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the trial court.

This section shall remain in effect until January 1, 2026. This section does not comprehensively set forth the rules governing Environmental Leadership Development projects. For more information, please see Chapter 6.5 of the Public Resources Code, starting with Public Resources Code section 21178.

7.06 **PREPARATION OF DRAFT EIR.**

The Lead Agency is responsible for preparing a Draft EIR. The Lead Agency may begin preparation of the Draft EIR without awaiting responses to the Notice of Preparation. However, information communicated to the Lead Agency not later than thirty (30) days after receipt of the Notice of Preparation shall be included in the Draft EIR.

(Reference: State CEQA Guidelines, § 15084.)

7.07 CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES.

Prior to the release of a Draft EIR for a project, the Lead Agency shall begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if:

- (a) The California Native American tribe requested to the Lead Agency, in writing, to be informed by the Lead Agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe; and
- (b) The California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. The California Native American tribe shall designate a lead contact person when responding to the Lead Agency. If a lead contact is not designated by the California Native American tribe, or if it designates multiple lead contact people, the Lead Agency shall defer to the individuals listed on the contact list maintained by the Native American Heritage Commission. Consultation is defined in Local Guidelines Section 11.11.

To expedite the requirements of this section, the Native American Heritage Commission shall assist the Lead Agency in identifying the California American Native tribes that are traditionally and culturally affiliated with the project area.

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the Lead Agency shall provide formal notification to the designated contact of, or a trial representative of, traditionally and culturally affiliated California Native America tribes that have requested notice, which shall be accomplished by at least one written notification that includes a brief description of the proposed project and its location, the Lead Agency contact information, and a notification that the California Native American tribe has 30 days to request consultation.

The Lead Agency shall begin the consultation process within 30 days of receiving a California Native American tribe's request for consultation.

If consultation is requested, the parties may propose mitigation measures, including those set forth in Public Resources Code section 21084.3, capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would

avoid significant impacts to a tribal cultural resource. The consultation may include discussion concerning the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, and, if necessary, project alternatives or the appropriate measures for preservation or mitigation that the California Native American tribe may recommend to the lead agency.

The consultation shall be considered concluded when either of the following occurs:

- (1) The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource.
- (2) A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

The California Native American tribe is not limited in its ability to submit information to the Lead Agency regarding the significance of the tribal cultural resources, the significance of the project's impact on tribal cultural resources, or any appropriate measures to mitigate the impacts. Additionally, the Lead Agency or project proponent is not limited in its ability to incorporate changes and additions to the project as a result of the consultation, even if not legally required.

(Reference: Pub. Resources Code, §§ 21080.3.1, 21080.3.2.)

7.08 IDENTIFICATION OF TRIBAL CULTURAL RESOURCES AND PROCESSING OF INFORMATION AFTER CONSULTATION WITH THE CALIFORNIA NATIVE AMERICAN TRIBE

After consultation with the California Native American tribe listed above in Local Guidelines Section 7.07, any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the EIR and in an adopted mitigation monitoring and reporting program, if the mitigation measures are determined to avoid or lessen the proposed project's impacts on tribal cultural resources, and if the mitigation measures are enforceable.

If a project may have a significant impact on a tribal cultural resource, the Lead Agency's EIR shall discuss both of the following:

- (a) Whether the proposed project has a significant impact on an identified tribal cultural resource;
- (b) Whether feasible alternatives or mitigation measures, including those measures that may be agreed to during the consultation, avoid or substantially lessen the impact on the identified tribal cultural resource.

Any information provided regarding the location, description and use of the tribal cultural resource that is submitted by a California Native American tribe during the environmental review process shall not be included in the EIR or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Governmental Code sections 6254(r) and

6254.10, and State CEQA Guidelines 15120(d), without the prior consent of the tribe that provided the information. If the Lead Agency publishes any information submitted by a California Native American tribe during the consultation or environmental review process, that information shall be published in a confidential appendix to the EIR unless the tribe provides consent, in writing, to the disclosure of some or all of the information to the public. This does not prohibit the confidential exchange of the submitted information between public agencies that have lawful jurisdiction over the preparation of the EIR.

The exchange of confidential information regarding tribal cultural resources submitted by a California Native American tribe during the consultation or environmental review process among the Lead Agency, the California Native American tribe, the project applicant, or the project applicant's agent is not prohibited by Public Resources Code section 21082.3. The project applicant and the project applicant's legal advisers must use a reasonable degree of care and maintain the confidentiality of the information exchanged for the purposes of preventing looting, vandalism, or damage to tribal cultural resources and shall not disclose to a third party confidential information regarding the cultural resource unless the California Native American tribe providing the information consents in writing to the public disclosure of such information.

Public Resources Code section 21082.3 does not prevent a Lead Agency or other public agency from describing the information in general terms in the EIR so as to inform the public of the basis of the Lead Agency's or other public agency's decision without breaching the confidentiality required. In addition, a Lead Agency may certify an EIR for a project with a significant impact on an identified tribal cultural resource only if one of the following occurs:

- (a) The consultation process between the California Native American tribe and the Lead Agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to subdivision (b) of Section 21080.3.2.
- (b) The California Native American tribe has requested consultation pursuant to Public Resources Code section 21080.3.1 and has failed to provide comments to the Lead Agency, or otherwise failed to engage, in the consultation process.
- (c) The Lead Agency has complied with subdivision (d) of Section 21080.3.1 of the Public Resources Code and the California Native American tribe has failed to request consultation within 30 days.

If substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource but the decision-makers do not include the mitigation measures recommended by the staff in the Draft EIR, or if there are no agreed upon mitigation measures at the conclusion of the consultation, or if no consultation has occurred, the Lead Agency must still consider the adoption of feasible mitigation.

(Reference: Pub. Resources Code, § 21082.3.)

7.09 SIGNIFICANT ADVERSE IMPACTS TO TRIBAL CULTURAL RESOURCES

Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. If the Lead Agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in Public Resources Code section 21080.3.2 as set forth in Local Guidelines Section 7.07, the following examples of mitigation measures, if feasible, may be considered to avoid or minimize the significant adverse impacts:

- (a) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- (b) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to the following:
 - (1) Protecting the cultural character and integrity of the resource.
 - (2) Protecting the traditional use of the resource.
 - (3) Protecting the confidentiality of the resource.
- (c) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (d) Protecting the resource.

(Reference: Pub. Resources Code, § 21084.3.)

7.10 CONSULTATION WITH OTHER AGENCIES AND PERSONS.

To expedite consultation in response to the Notice of Preparation, the Lead Agency, a Responsible Agency, or a project applicant may request a meeting among the agencies involved to assist in determining the scope and content of the environmental information that the involved agencies may require. For any project that may affect highways or other facilities under the jurisdiction of the State Department of Transportation, the Department of Transportation can request a scoping meeting. When acting as Lead Agency, the District must convene the meeting as soon as possible but no later than thirty (30) days after a request is made. When acting as a Responsible Agency, the District should make any requests for consultation as soon as possible after receiving a Notice of Preparation.

Prior to completion of the Draft EIR, the Lead Agency shall consult with each Responsible Agency and any public agency that has jurisdiction by law over the project.

When acting as a Lead Agency, the District may fulfill this obligation by distributing the Notice of Preparation in compliance with Local Guidelines Section 7.03 and soliciting the comments of Responsible Agencies, Trustee Agencies, and other affected agencies. The District may also consult with any individual who has special expertise with respect to any environmental impacts involved with a project. The District may also consult directly with any person or organization it believes will be concerned with the environmental effects of the project, including any interested individuals and organizations of which the District is reasonably aware. The purpose of this consultation is to "scope" the EIR's range of analysis. When a Negative Declaration or Mitigated Negative Declaration will be prepared for a project, no scoping meeting need be held, although the District may hold one if it so chooses. For private projects, the District as Lead Agency may charge and collect from the applicant a fee not to exceed the actual cost of the consultations.

In addition to soliciting comments on the Notice of Preparation, the Lead Agency may be required to conduct a scoping meeting to gather additional input regarding the impacts to be analyzed in the EIR. The Lead Agency is required to conduct a scoping meeting when:

- (a) The meeting is requested by a Responsible Agency, a Trustee Agency, OPR, or a project applicant;
- (b) The project is one of "statewide, regional or area wide significance" as defined in State CEQA Guidelines section 15206; or
- (c) The project may affect highways or other facilities under the jurisdiction of the State Department of Transportation, and the Department of Transportation has requested a scoping meeting.

When acting as Lead Agency, the District shall provide notice of the scoping meeting to all of the following:

- (a) Any county or city that borders on a county or city within which the project is located, unless the District has a specific agreement to the contrary with that county or city;
- (b) Any Responsible Agency;
- (c) Any public agency that has jurisdiction by law over the project;
- (d) A transportation planning agency, or any public agency that has transportation facilities within its jurisdiction, that could be affected by the project; and
- (e) Any organization or individual who has filed a written request for the notice.

The requirement for providing notice of a scoping meeting may be met by including the notice of the public scoping meeting in the public meeting notice.

Government Code section 65352 requires that before a legislative body may adopt or substantially amend a general plan, the planning agency must refer the proposed action to any city or county, within or abutting the area covered by the proposal, and any special district that may be significantly affected by the proposed action. CEQA allows that referral procedure to be conducted concurrently with the scoping meeting required pursuant to this section of the Local CEQA Guidelines.

For projects that are also subject to NEPA, a scoping meeting held pursuant to NEPA satisfies the CEQA scoping requirement as long as notice is provided to the agencies and individuals listed above, and in accordance with these Local Guidelines. (See Local Guideline 5.04 for a discussion of NEPA.)

The District shall call the scoping meeting as soon as possible but not later than 30 days after the meeting was requested. If the scoping meeting is being conducted concurrently with the procedure in Government Code section 65352 for the consideration of adoption or amendment of general plans, each entity receiving a proposed general plan or amendment of a general plan should have 45 days from the date the referring agency mails it or delivers it in which to comment unless a longer period is specified. The commenting entity may submit its comments at the scoping meeting.

A Responsible Agency or other public agency shall only make comments regarding those activities that are within its area of expertise or that are required to be carried out or approved by the Responsible Agency. These comments must be supported by specific documentation. Any mitigation measures submitted to the District by a Responsible or Trustee Agency shall be limited to measures that mitigate impacts to resources that are within the Responsible or Trustee Agency's authority.

For projects of statewide, area-wide, or regional significance, consultation with transportation planning agencies or with public agencies that have transportation facilities within their jurisdictions shall be for the purpose of obtaining information concerning the project's effect on major local arterials, public transit, freeways, highways, overpasses, on-ramps, off-ramps, and rail transit services. Moreover, the Lead Agency should also consult with public transit agencies with facilities within one-half mile of the proposed project. Any transportation planning agency or public agency that provides information to the Lead Agency must be notified of, and provided with, copies of any environmental documents relating to the project.

(Reference: State CEQA Guidelines, §§ 15082, 15083.)

7.11 EARLY CONSULTATION ON PROJECTS INVOLVING PERMIT ISSUANCE.

When the project involves the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies, the District, upon request of the applicant, shall meet with the applicant regarding the range of actions, potential alternatives, mitigation measures and significant effects to be analyzed in depth in the EIR. The District may also consult with concerned persons identified by the applicant and persons who have made written requests to be consulted. Such requests for early consultation must be made not later than thirty (30) days after the District's decision to prepare an EIR.

7.12 CONSULTATION WITH WATER AGENCIES REGARDING LARGE DEVELOPMENT PROJECTS.

For certain development projects, cities and counties must consult with water agencies. If the District is a water provider for the project, the city or county may request consultation with the District. (See Local Guidelines Sections 5.16 and 5.17 for more information on these requirements.)

(Reference: State CEQA Guidelines, § 15155.)

7.13 AIRPORT LAND USE PLAN.

When the District prepares an EIR for a project within the boundaries of a comprehensive airport land use plan, or, if such a plan has not been adopted, for a project within two (2) nautical miles of a public airport or public use airport, the District shall utilize the Airport Land Use Planning Handbook published by Caltrans' Division of Aeronautics to assist in the preparation of the EIR relative to potential airport or related safety hazards and noise problems.

(Reference: State CEQA Guidelines, § 15154.)

7.14 GENERAL ASPECTS OF AN EIR.

Both a Draft and Final EIR must contain the information outlined in Local Guidelines Sections 7.17 and 7.18. Each element must be covered, and when elements are not separated into distinct sections, the document must state where in the document each element is covered.

The body of the EIR shall include summarized technical data, maps, diagrams and similar relevant information. Highly technical and specialized analyses and data should be included in appendices. Appendices may be prepared in separate volumes, but must be equally available to the public for examination. All documents used in preparation of the EIR must be referenced. An EIR shall not include "trade secrets," locations of archaeological sites and sacred lands, or any other information subject to the disclosure restrictions of the Public Records Act (Government Code section 6250, et seq.).

The EIR should discuss environmental effects in proportion to their severity and probability of occurrence. Effects dismissed in the Initial Study as clearly insignificant and unlikely to occur need not be discussed.

The Initial Study should be used to focus the EIR so that the EIR identifies and discusses only the specific environmental problems or aspects of the project that have been identified as potentially significant or important. A copy of the Initial Study should be attached to the EIR or included in the administrative record to provide a basis for limiting the impacts discussed.

The EIR shall contain a statement briefly indicating the reason for determining that various effects of a project that could possibly be considered significant were not found to be significant and consequently were not discussed in detail in the EIR. The District should also note any conclusion by it that a particular impact is too speculative for evaluation.

The EIR should omit unnecessary descriptions of projects and emphasize feasible mitigation measures and alternatives to projects.

7.15 USE OF REGISTERED CONSULTANTS IN PREPARING EIRS.

An EIR is not a technical document that can be prepared only by a registered consultant or professional. However, state statutes may provide that only registered professionals can prepare certain technical studies that will be used in an EIR, or that will control the detailed design, construction, or operation of the proposed project and that will be prepared in support of an EIR.

(Reference: State CEQA Guidelines, § 15149.)

7.16 INCORPORATION BY REFERENCE.

An EIR, Negative Declaration, or Mitigated Negative Declaration may incorporate by reference all or portions of another document that is a matter of public record or is generally available to the public. Any incorporated document shall be considered to be set forth in full as part of the text of the environmental document. When all or part of another document is incorporated by reference, that document shall be made available to the public for inspection at the District's offices. The environmental document shall state where incorporated documents will be available for inspection.

When incorporation by reference is used, the incorporated part of the referenced document shall be briefly summarized, if possible, or briefly described if the data or information cannot be summarized. The relationship between the incorporated document and the EIR, Negative Declaration, or Mitigated Negative Declaration shall be described. When information from an environmental document that has previously been reviewed through the state review system ("State Clearinghouse") is incorporated by the District, the state identification number of the incorporated document should be included in the summary or text of the EIR.

(Reference: State CEQA Guidelines, § 15150.)

7.17 STANDARDS FOR ADEQUACY OF AN EIR.

An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information that enables them to make a decision that takes into account the environmental consequences of the project. The evaluation of environmental effects need not be exhaustive, but must be within the scope of what is reasonably feasible. The EIR should be written and presented in such a way that it can be understood by governmental decision-makers and members of the public. A good faith effort at completeness is necessary. The adequacy of an EIR is assessed in terms of what is reasonable in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a Lead Agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters, but CEQA does require the Lead Agency to make a good faith, reasoned response to timely comments raising significant environmental issues.

There is no need to unreasonably delay adoption of an EIR in order to include results of studies in progress, even if those studies will shed some additional light on subjects related to the project.

(Reference: State CEQA Guidelines, § 15151.)

7.18 FORM AND CONTENT OF EIR.

The text of the EIR should normally be less than 150 pages. For proposals of unusual scope or complexity, the EIR may be longer than 150 pages but should normally be less than 300 pages. The required contents of an EIR are set forth in Sections 15122 through 15132 of the State CEQA Guidelines. In brief, the EIR must contain:

- (a) A table of contents or an index;
- (b) A brief summary of the proposed project, including each significant effect with proposed mitigation measures and alternatives, areas of known controversy and issues to be resolved including the choice among alternatives, how to mitigate the significant effects and whether there are any significant and unavoidable impacts (generally, the summary should be less than fifteen (15) pages);
- (c) A description of the proposed project, including its underlying purpose and a list of permit and other approvals required to implement the project (see Local Guidelines Section 7.24 regarding analysis of future project expansion);
- (d) A description of the environmental setting, which includes the project's physical environmental conditions from both a local and regional perspective at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time environmental analysis begins. (State CEQA Guidelines section 15125.) This environmental setting will normally constitute the baseline physical conditions by which the Lead Agency determines whether an impact is significant. However, the District, when acting as Lead Agency, may choose any baseline that is appropriate as long as the District's choice of baseline is supported by substantial evidence;
- (e) A discussion of any inconsistencies between the proposed project and applicable general, specific and regional plans. Such plans include, but are not limited to, the applicable air quality attainment or maintenance plan or State Implementation Plan, area-wide waste treatment and water quality control plans, regional transportation plans, regional housing allocation, regional blueprint plans, plans for the reduction of greenhouse gas emissions, habitat conservation plans, natural community conservation plans and regional land use plans;
- (f) A description of the direct and indirect significant environmental impacts of the proposed project explaining which, if any, can be avoided or mitigated to a level of insignificance, indicating reasons that various possible significant effects were determined not to be significant and denoting any significant effects that are unavoidable or could not be mitigated to a level of insignificance. Direct and indirect significant effects shall be clearly identified and described, giving due consideration to both short-term and longterm effects;
- (g) Potentially significant energy implications of a project must be considered to the extent relevant and applicable to the project (see Local Guidelines Section 5.20);
- (h) An analysis of a range of alternatives to the proposed project that could feasibly attain the project's objectives as discussed in Local Guidelines Section 7.23;
- (i) A description of any significant irreversible environmental changes that would be involved in the proposed action should it be implemented if, and only if, the EIR is being prepared in connection with:

- (1) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;
- (2) The adoption by a Local Agency Formation Commission of a resolution making determinations; or
- (3) A project that will be subject to the requirement for preparing an Environmental Impact Statement pursuant to NEPA;
- (j) An analysis of the growth-inducing impacts of the proposed action. The discussion should include ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Growth-inducing impacts may include the estimated energy consumption of growth induced by the project;
- (k) A discussion of any significant, reasonably anticipated future developments and the cumulative effects of all proposed and anticipated action as discussed in Local Guidelines Section 7.24;
- (1) In certain situations, a regional analysis should be completed for certain impacts, such as air quality;
- (m) A discussion of any economic or social effects, to the extent that they cause, or may be used to determine, significant environmental impacts;
- (n) A statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and, therefore, were not discussed in the EIR;
- (o) The identity of all federal, state or local agencies or other organizations and private individuals consulted in preparing the EIR, and the identity of the persons, firm or agency preparing the EIR, by contract or other authorization. To the fullest extent possible, the District should integrate CEQA review with these related environmental review and consultation requirements;
- (p) A discussion of those potential effects of the proposed project on the environment that the District has determined are or may be significant. The discussion on other effects may be limited to a brief explanation as to why those effects are not potentially significant; and
- (q) A description of feasible measures, as set forth in Local Guidelines Section 7.22, which could minimize significant adverse impacts.

(Reference: State CEQA Guidelines, §§ 15120-15148.)

7.19 CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS.

An EIR must identify and focus on the significant effects of the proposed project on the environment. In assessing the proposed project's potential impacts on the environment, the District should normally limit its examination to comparing changes that would result from the project as compared to the existing physical conditions in the affected area as they exist when the Notice of Preparation is published. If a Notice of Preparation is not published for the project, the District should compare the proposed project's potential impacts to the physical conditions that exist at the time environmental review begins. Direct and indirect significant effects of the project on the environment must be clearly identified and described, considering both the short-

term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the project that may impact resources in the project area, such as water, historical resources, scenic quality, and public services. The EIR must also analyze any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area. If applicable, an EIR should also evaluate any potentially significant direct, indirect, or cumulative environmental impacts of locating development in areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas), including both short-term and long-term conditions, as identified on authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.

If analysis of the project's energy use reveals that the project may result in significant environmental effects due to wasteful, inefficient, or unnecessary use of energy, or wasteful use of energy resources, the EIR shall mitigate that energy use. This analysis should include the project's energy use for all project phases and components, including transportation-related energy, during construction and operation. In addition to building code compliance, other relevant considerations may include, among others, the project's size, location, orientation, equipment use and any renewable energy features that could be incorporated into the project. This analysis is subject to the rule of reason and shall focus on energy use that is caused by the project. This analysis may be included in related analyses of air quality, greenhouse gas emissions, transportation or utilities in the discretion of the Lead Agency.

The EIR must describe all significant impacts, including those that can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described.

The EIR must also discuss any significant irreversible environmental changes that would be caused by the project. For example, use of nonrenewable resources during the initial and continued phases of a project may be irreversible if a large commitment of such resources makes removal or nonuse thereafter unlikely. Additionally, irreversible commitment of resources may include a discussion of how the project preempts future energy development or future energy conservation. Irretrievable commitments of resources to the proposed project should be evaluated to assure that such current consumption is justified.

(Reference: Pub. Resources Code, § 21100.)

7.20 Environmental Setting

An EIR must include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which the Lead Agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project and its alternatives. The purpose of this requirement is to give the public and decision makers the most accurate and

understandable picture practically possible of the project's likely near-term and long-term impacts.

(1) Generally, the Lead Agency should describe physical environmental conditions as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. Where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project's impacts, the Lead Agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence. In addition, the Lead Agency may also use baselines consisting of both existing conditions and projected future conditions that are supported by reliable projections based on substantial evidence in the record.

(2) The Lead Agency may use projected future conditions (beyond the date of project operations) as the sole baseline for analysis only if it demonstrates with substantial evidence that use of existing conditions would be either misleading or without informative value to decision-makers and the public. Use of projected future conditions as the only baseline must be supported by reliable projections based on substantial evidence in the record.

(3) An existing conditions baseline shall not include hypothetical conditions—such as those that might be allowed, but have never actually occurred, under existing permits or plans—as the baseline.

(State CEQA Guidelines, § 15125.)

7.21 ANALYSIS OF CUMULATIVE IMPACTS.

An EIR must discuss cumulative impacts when the project's incremental effect is "cumulatively considerable" as defined in Local Guidelines Section 11.13. When the District is examining a project with an incremental effect that is not "cumulatively considerable," it need not consider that effect significant, but must briefly describe the basis for this conclusion. A project's contribution may be less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure designed to alleviate the cumulative impact. When relying on a fee program or mitigation measure(s), the District must identify facts and analysis supporting its conclusion that the cumulative impact is less than significant.

The District may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem in the geographic area in which the project is located. Such plans and programs may include, but are not limited to:

- (1) Water quality control plans;
- (2) Air quality attainment or maintenance plans;
- (3) Integrated waste management plans;

- (4) Habitat conservation plans;
- (5) Natural community conservation plans; and/or
- (6) Plans or regulations for the reduction of greenhouse gas emissions.

When relying on such a regulation, plan, or program, the District should explain how implementing the particular requirements of the plan, regulation or program will ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable.

A cumulative impact consists of an impact that is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An EIR should not discuss impacts that do not result in part from the project evaluated in the EIR.

The discussion of cumulative impacts in an EIR must focus on the cumulative impacts to which the identified other projects contribute, rather than on the attributes of other projects that do not contribute to the cumulative impact. The discussion of significant cumulative impacts must include either of the following:

- (1) A list of past, present, and probable future projects causing related or cumulative impacts including, if necessary, those projects outside the control of the District; or
- (2) A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or a plan for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Documents used in creating a summary of projections must be referenced and made available to the public.

When utilizing a list, as suggested above, factors to consider when determining whether to include a related project should include the nature of each environmental resource being examined and the location and type of project. Location may be important, for example, when water quality impacts are involved since projects outside the watershed would probably not contribute to a cumulative effect. Project type may be important, for example, when the impact is specialized, such as a particular air pollutant or mode of traffic.

Public Resources Code section 21094 also states that if a Lead Agency determines that a cumulative effect has been adequately addressed in an earlier EIR, it need not be examined in a later EIR if the later project's incremental contribution to the cumulative effect is not cumulatively considerable. A cumulative effect has been adequately addressed in the prior EIR if:

(1) it has been mitigated or avoided as a result of the prior EIR; or

(2) the cumulative effect has been examined in a sufficient level of detail to enable the effect to be mitigated or avoided by site-specific revisions, the imposition of conditions, or other means in connection with the approval of the later project.

Public Resources Code section 21094 only applies to earlier projects that (1) are consistent with the program, plan, policy, or ordinance for which an environmental impact report has been prepared and certified, (2) are consistent with applicable local land use plans and zoning of the city, county, or city and county in which the later project would be located and (3) are not subject to Public Resources Code section 21166.

If the Lead Agency determines that the cumulative effect has been adequately addressed in a prior EIR, the Lead Agency should clearly explain the basis for its determination in the current environmental documentation for the project.

The District should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used.

(Reference: State CEQA Guidelines, § 15130.)

7.22 ANALYSIS OF MITIGATION MEASURES.

The discussion of mitigation measures in an EIR must distinguish between measures proposed by project proponents and other measures proposed by Lead, Responsible or Trustee Agencies. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.

Where several measures are available to mitigate an impact, each should be disclosed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures shall not be deferred until some future time The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the Lead Agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards.

If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be disclosed but in less detail than the significant effects of the project itself.

If a project includes a housing development, the District may not reduce the project's proposed number of housing units as a mitigation measure or project alternative if the District determines that there is another feasible specific mitigation measure or project alternative that would provide a comparable level of mitigation without reducing the number of housing units.

Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design. Mitigation measures must also be consistent with all applicable constitutional requirements such as the "nexus" and "rough proportionality" standards—i.e., there must be an essential nexus between the mitigation measure and a legitimate governmental interest, and the mitigation measure must be "roughly proportional" to the impacts of the project.

Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of a historical resource will be conducted in a manner consistent with the Secretary of the Interior's "Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings" (1995), Weeks and Grimmer, the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.

The District should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following must be considered and discussed in an EIR for a project involving an archaeological site:

- (a) Preservation in place is the preferred manner of mitigating impacts to archaeological sites; and
- (b) Preservation in place may be accomplished by, but is not limited to, the following:
 - (1) Planning construction to avoid archaeological sites;
 - (2) Incorporation of sites within parks, green space, or other open spaces;
 - (3) Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site; and/or
 - (4) Deeding the site into a permanent conservation easement.

When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to excavation. Such studies must be deposited with the California Historical Resources Regional Information Center.

Data recovery shall not be required for a historical resource if the District determines that existing testing or studies have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center.

(Reference: State CEQA Guidelines, § 15126.4.)

7.23 ANALYSIS OF ALTERNATIVES IN AN EIR.

The alternatives analysis must describe and evaluate the comparative merits of a range of reasonable alternatives to the project or to the location of the project which would feasibly attain most of the basic objectives of the project, but which would avoid or substantially lessen any of the significant effects of the project. An EIR need not consider every conceivable alternative to a project, and it need not consider alternatives that are infeasible. Rather, an EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

Purpose of the Alternatives Analysis: An EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment. For this reason, a discussion of alternatives must focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effect of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly.

Selection of a Range of Reasonable Alternatives: The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects, even if those alternatives would be more costly or would impede to some degree the attainment of the project's objectives. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the Lead Agency and rejected as infeasible during the scoping process, and it should briefly explain the reasons for rejecting those alternatives. Additional information explaining the choice of alternatives should be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (a) failure to meet most of the basic project objectives; (b) infeasibility; or (c) inability to avoid significant environmental impacts.

Evaluation of Alternatives: The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. The matrix may also identify and compare the extent to which each alternative meets project objectives. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed but in less detail than the significant effects of the project as proposed.

The Rule of Reason: The range of alternatives required in an EIR is governed by a "rule of reason" which courts have held means that an alternatives discussion must be reasonable in scope and content. Therefore, the EIR must set forth only those alternatives necessary to permit public participation, informed decision-making, and a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones the District determines could feasibly attain most of the basic objectives of the project. An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.

Feasibility of Alternatives: The factors that may be taken into account when addressing the feasibility of alternatives include: site suitability; economic viability; availability of infrastructure; general plan consistency; other plans or regulatory limitations; jurisdictional boundaries (projects with a regionally significant impact should consider the regional context); and whether the proponent already owns the alternative site or can reasonably acquire, control or otherwise have access to the site. No one factor establishes a fixed limit on the scope of reasonable alternatives.

Alternative Locations: The first step in the alternative location analysis is to determine whether any of the significant effects of the project could be avoided or substantially lessened by putting the project in another location. This is the key question in this analysis. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.

The second step in this analysis is to determine whether any of the alternative locations are feasible. If the District concludes that no feasible alternative locations exist, it must disclose its reasons, and it should include them in the EIR. When a previous document has sufficiently analyzed a range of reasonable alternative locations and environmental impacts for a project with the same basic purpose, the District should review the previous document and incorporate the previous document by reference. To the extent the circumstances have remained substantially the same with respect to an alternative, the EIR may rely on the previous document to help it assess the feasibility of the potential project alternative.

The "No Project" Alternative: The specific alternative of "no project" must be evaluated along with its impacts. The purpose of describing and analyzing the no project alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The no project alternative may be different from the baseline environmental conditions. The no project alternative will be the same as the baseline only if it is identical to the existing environmental setting and the Lead Agency has chosen the existing environmental setting as the baseline.

A discussion of the "no project" alternative should proceed along one of two lines:

- (a) When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the "no project" alternative will be the continuation of the existing plan, policy or operation into the future. Typically, this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan; or
- (b) If the project is other than a land use or regulatory plan, for example a development project on identifiable property, the "no project" alternative is the circumstance under which the project does not proceed. This discussion would compare the environmental effects of the property remaining in its existing state against environmental effects that would occur if the project is approved. If disapproval of the project, this "no project" consequence should be discussed.

After defining the "no project" alternative, the District should proceed to analyze the impacts of the "no project" alternative by projecting what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the "no project" alternative is the environmentally superior alternative, the EIR must also identify another environmentally superior alternatives.

Remote or Speculative Alternatives: An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.

(Reference: State CEQA Guidelines, § 15126.6.)

7.24 ANALYSIS OF FUTURE EXPANSION.

An EIR must include an analysis of the environmental effects of future expansion (or other similar future modifications) if there is credible and substantial evidence that:

- (a) The future expansion or action is a reasonably foreseeable consequence of the initial project; and
- (b) The future expansion or action is likely to change the scope or nature of the initial project or its environmental effects.

Absent these two circumstances, future expansion of a project need not be discussed. CEQA does not require speculative discussion of future development that is unspecific or uncertain. However, if future action is not considered now, it must be considered and environmentally evaluated before it is actually implemented.

(Reference: Laurel Heights Improvement Ass'n v. Regents of University of California (1988) 47 Cal.3d 376, 396.)

7.25 NOTICE OF COMPLETION OF DRAFT EIR; NOTICE OF AVAILABILITY OF DRAFT EIR.

Notice of Completion. When the Draft EIR is completed, a Notice of Completion (Form "H") must be filed with the Office of Planning and Research in an electronic form via the Office of Planning and Research's CEQA Submit website, which is located at the following web address: <u>https://ceqasubmit.opr.ca.gov/Security/LogOn?ReturnUrl=%2f</u>. The Notice of Completion shall contain:

- (a) A brief description of the proposed project;
- (b) The location of the proposed project including the proposed project's latitude and longitude;
- (c) An address where copies of the Draft EIR are available and a description of how the Draft EIR can be provided in an electronic format; and
- (d) The review period during which comments will be received on the Draft EIR.

The Office of Planning and Research has developed a model form Notice of Completion. Form H follows OPR's model. To ensure that the documents are accepted by OPR staff, this form should be used when documents are transmitted to OPR. **Notice of Availability.** At the same time it sends a Notice of Completion to the Office of Planning and Research, the District shall provide public notice of the availability of the Draft EIR by distributing a Notice of Availability of Draft EIR (Form "K"). The Notice of Availability shall include at least the following information:

- (a) A brief description of the proposed project and its location;
- (b) The starting and ending dates for the review period during which the District will receive comments, the manner in which the District will receive those comments, and whether the review period has been shortened;
- (c) The date, time, and place of any scheduled public meetings or hearings to be held by the District on the proposed project, if the District knows this information when it prepares the Notice;
- (d) A list of the significant environmental effects anticipated as a result of the project;
- (e) The address where copies of the EIR and all documents incorporated by reference in the EIR will be available for public review, and a description of how the Draft EIR can be obtained in electronic format. This location shall be readily accessible to the public during the District's normal working hours; and
- (f) A statement indicating whether the project site is included on any list of hazardous waste facilities, land designated as hazardous waste property, or hazardous waste disposal site, and, if so, the information required in the Hazardous Waste and Substances Statement pursuant to Government Code section 65962.5.

The Notice of Availability shall be provided to:

- (a) Each Responsible and Trustee Agency;
- (b) Any other federal, state, or local agency that has jurisdiction by law or exercises authority over resources affected by the project, including:
 - (1) Any water supply agency consulted under Local Guidelines Section 5.16;
 - (2) Any city or county bordering on the project area;
 - (3) For a project of statewide, regional, or area-wide significance, any transportation agencies or public agencies that have major local arterials or public transit facilities within five (5) miles of the project site; or freeways, highways, or rail transit service within ten (10) miles of the project site that could be affected by the project;
 - (4) For a subdivision project located within one mile of a facility of the State Water Resources Development System, the California Department of Water Resources; and
 - (5) For a general plan amendment, a project of statewide, regional, or area-wide significance, or a project that relates to a public use airport, to any "military service" (defined in Section 11.42 of these Local Guidelines) that has provided the District with its contact office and address and notified the District of the specific boundaries of a "low-level flight path" (defined in Section 11.37 of these Local Guidelines), "military impact zone" (defined in Section 11.41 of these

Local Guidelines), or "special use airspace" (defined in Section 11.67 of these Local Guidelines);

- (c) The last known name and address of all organizations and individuals who have previously filed a written request with the District to receive these Notices;
- (d) For certain projects that may impact a low-level flight path, military impact zone, or special use airspace and that meet the other criteria of Local Guidelines Section 7.04, the specified military services contact;
- (e) For certain projects that involve the construction or alteration of a facility anticipated to emit hazardous air emissions or handle hazardous substances within one-quarter mile of a school and that meet the other requirements of Local Guidelines Section 7.36, any potentially affected school district;
- (f) For certain waste-burning projects that meet the requirements of Local Guidelines Section 5.11 (see also Local Guidelines Section 7.27), the owners and occupants of property within one-fourth mile of any parcel on which the project will be located; and
- (g) For a project that establishes or amends a redevelopment plan that contains land in agricultural use, notice and a copy of the Draft EIR shall be provided to the agricultural and farm agencies and organizations specified in Health and Safety Code section 33333.3.

The District requires requests for copies of these Notices to be in writing and to be renewed annually; moreover, the District may charge a fee for the reasonable cost of providing these Notices. A project will not be invalidated due to a failure to send a requested Notice provided there has been substantial compliance with these notice provisions.

Staff may also consult with and obtain comments from any person known to have special expertise or any other person or organization whose comments relative to the Draft EIR would be desirable.

Notice shall be given to the last known name and address of all organizations and individuals who have previously requested notice; by posting the notice on the website of the lead agency; and by at least one of the following procedures:

- (a) Publication of the Notice of Completion and/or the Notice of Availability at least once in a newspaper of general circulation in the area affected by the proposed project. If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas;
- (b) Posting of the Notice of Completion and/or the Notice of Availability on and off site in the area where the project is to be located; or
- (c) Direct mailing of the Notice of Completion and/or the Notice of Availability to owners and occupants of property contiguous to the project, as identified on the latest equalized assessment roll.

The Notice of Completion and Notice of Availability shall be posted in the office of the Clerk in each county in which the project is located for at least thirty (30) days. If the public review period for the Draft EIR is longer than thirty (30) days, the District may wish to leave the Notice posted until the public review period for the Draft EIR has expired.

Copies of the Draft EIR shall also be made available at the District office for review by members of the general public. The District may require any person obtaining a copy of the Draft EIR to reimburse the District for the actual cost of its reproduction. Copies of the Draft EIR should also be furnished to appropriate public library systems.

The District shall also post an electronic copy of the Notice of Completion, Notice of Availability, and Draft EIR on its website, if any.

(Reference: Pub. Resources Code, § 21082.1; State CEQA Guidelines, §§ 15085, 15087.)

7.26 SUBMISSION OF DRAFT EIR TO STATE CLEARINGHOUSE.

A Draft EIR must be submitted to the State Clearinghouse, at the same time as the Notice of Completion, in an electronic form as required by the Office of Planning and Research, regardless of whether the document must be circulated for review and comment by state agencies under State CEQA Guidelines section 15205 and 15206. The Draft EIR must be submitted via Office CEQA the of Planning and Research's Submit website (https://ceqasubmit.opr.ca.gov/Security/LogOn?ReturnUrl=%2f). The CEQA Submit website differentiates between environmental documents that do require review and comment by state agencies and those that do not. In particular, the website provides a "Local Review Period" tab for submitting documents that do not require review and comment by state agencies, and a "State Review Period" tab for submitting documents that do require review and comment by state agencies.

A Draft EIR must be submitted to the State Clearinghouse for review and comment by state agencies (i.e., the Draft EIR must be submitted through the CEQA Submit website under the "State Review Period" tab) in the following situations:

- (a) A state agency is the Lead Agency for the Draft EIR;
- (b) A state agency is a Responsible Agency, Trustee Agency, or otherwise has jurisdiction by law over resources potentially affected by the project; or
- (c) The Draft EIR is for a project identified in State CEQA Guidelines section 15206 as being a project of statewide, regional, or area-wide significance.

State CEQA Guidelines section 15206 identifies the following types of projects as being examples of projects of statewide, regional, or area-wide significance that require submission to the State Clearinghouse for circulation:

- (1) General plans, elements, or amendments for which an EIR was prepared;
- (2) Projects that have the potential for causing significant environmental effects beyond the city or county where the project would be located, such as:
 - (a) Residential development of more than 500 units;
 - (b) Commercial projects employing more than 1,000 persons or covering more than 500,000 square feet of floor space;
 - (c) Office building projects employing more than 1,000 persons or covering more than 250,000 square feet of floor space;

- (d) Hotel or motel development of more than 500 rooms; and
- (e) Industrial projects housing more than 1,000 persons, occupying more than 40 acres of land, or covering more than 650,000 square feet of floor area;
- (3) Projects for the cancellation of a Williamson Act contract covering more than 100 acres;
- (4) Projects in one of the following Environmentally Sensitive Areas:
 - (a) Lake Tahoe Basin;
 - (b) Santa Monica Mountains Zone;
 - (c) Sacramento-San Joaquin River Delta;
 - (d) Suisun Marsh;
 - (e) Coastal Zone, as defined by the California Coastal Act;
 - (f) Areas within one-quarter mile of a river designated as wild and scenic; or
 - (g) Areas within the jurisdiction of the San Francisco Bay Conservation and Development Commission;
- (5) Projects that would affect sensitive wildlife habitats or the habitats of any rare, threatened, or endangered species;
- (6) Projects that would interfere with water quality standards; and
- (7) Projects that would provide housing, jobs, or occupancy for 500 or more people within 10 miles of a nuclear power plant.

A Draft EIR may also be submitted to the State Clearinghouse for review and comment by state agencies when a state agency has special expertise with regard to the environmental impacts involved.

Submission of the Draft EIR to the State Clearinghouse affects the timing of the public review period as set forth in Local Guidelines Section 7.28.

(Reference: Pub. Resources Code, § 21091; State CEQA Guidelines, §§ 15205, 15206.)

7.27 SPECIAL NOTICE REQUIREMENTS FOR WASTE- AND FUEL-BURNING PROJECTS.

For any waste-burning project, as defined in Local Guidelines Section 5.11, in addition to the notice requirements specified in Local Guidelines Sections 7.25 and 7.26, Notice of Availability of the Draft EIR shall be given by direct mailing or any other method calculated to provide delivery of the notice to the owners and occupants of property within one-fourth mile of any parcel or parcels on which the project is located.

(Reference: Pub. Resources Code, § 21092(c).)

7.28 TIME FOR REVIEW OF DRAFT EIR; FAILURE TO COMMENT.

A period of between thirty (30) and sixty (60) days from the filing of the Notice of Completion of the Draft EIR shall be allowed for review of and comment on the Draft EIR, except in unusual situations.

If the Draft EIR is for a proposed project where a state agency is the lead agency, a responsible agency, or a trustee agency; a state agency otherwise has jurisdiction by law with respect to the project; or the proposed project is of sufficient statewide, regional, or area-wide significance as determined pursuant to State CEQA Guidelines section 15206, the review period shall be at least forty-five (45) days (unless a shorter period is approved as set forth below), and the lead agency shall provide the document in an electronic form, as required by the Office of Planning and Research, to the State Clearinghouse for review and comment by state agencies.

For purposes of calculating the length of the public review period, the last day of the public review period cannot fall on a weekend, a legal holiday, or other day on which the lead agency's offices are closed.² (Reference: *Rominger v. County of Colusa* (2014) 229 Cal.App.4th 690, 708.)

If a state agency is a Responsible Agency, or if the Draft EIR is submitted to the State Clearinghouse for review and comment by state agencies, the public review period shall be at least as long as the review period established by the State Clearinghouse. The public review period and the state agency review period may, but are not required to, begin and end at the same time. The state agency review period begins (day one) on the date that the State Clearinghouse distributes the Draft EIR to state agencies. The State Clearinghouse is required to distribute the Draft EIR to state agencies within three (3) working days from the date the State Clearinghouse receives the document, as long as the Draft EIR is complete when submitted to the State Clearinghouse. If the document submitted to the State Clearinghouse is not complete, the State Clearinghouse must notify the Lead Agency. The review period for the public and all other agencies may run concurrently with the state agency review period established by the State Clearinghouse.

Under certain circumstances, a shorter review period of the Draft EIR by the State Clearinghouse can be requested by the District; however, a shortened review period shall not be less than thirty (30) days for a Draft EIR. Any request for a shortened review period must be made in writing by the District to OPR. The District may designate a person to make these requests. The District must contact all Responsible and Trustee agencies and obtain their agreement prior to obtaining a shortened review period. (See the Shortened Review Request Form "P.") A shortened review period is not available for any proposed project of statewide, regional or area-wide environmental significance as determined pursuant to State CEQA

 $^{^{2}}$ A public agency's "offices are closed" for purposes of this section on days in which the agency is formally closed for business (for example, due to a weekend, a legal holiday, or a formal furlough affecting the entire office). A public agency's office is not considered closed for purposes of this section where the agency's office may be physically closed, but the agency is nonetheless open for business and is operating remotely or virtually (for example, in response to the Covid-19 pandemic).

Guidelines section 15206. Any approval of a shortened review period shall be given prior to, and reflected in, the public notices.

In the event a public agency, group, or person whose comments on a Draft EIR are solicited fails to comment within the required time period, it shall be presumed that such agency, group, or person has no comment to make, unless the Lead Agency has received a written request for a specific extension of time for review and comment and a statement of reasons for the request.

Continued planning activities concerning the proposed project, short of formal approval, may continue during the period set aside for review and comment on the Draft EIR.

(Reference: Pub. Resources Code, § 21091; State CEQA Guidelines, §§ 15203, 15205(d).)

7.29 PUBLIC HEARING ON DRAFT EIR.

CEQA does not require formal public hearings for certification of an EIR; public comments may be restricted to written communications. (However, a hearing is required to utilize the limited exemption for Transit Priority Projects as explained in Local Guidelines Section 3.15; to adopt a bicycle transportation plan as explained in Local Guidelines Section 3.18; and for certain other actions involving the replacement or deletion of mitigation measures under State CEQA Guidelines section 15074.1.) However, if the District provides a public hearing on its consideration of a project, the District should include the project's environmental review documents as one of the subjects of the hearing. Notice of the time and place of the hearing shall be given in a timely manner in accordance with any legal requirements applicable to the proposed project. Generally, the requirements of the Ralph M. Brown Act will provide the minimum requirements for the inclusion of CEQA matters on agendas and at hearings. (Gov. Code, § 54950 et seq.) At a minimum, agendas for meetings and hearings before commissions, boards, councils, and other agencies must be posted in a location that is freely accessible to members of the public at least seventy-two (72) hours prior to a regular meeting. The agenda must contain a brief general description of each item to be discussed and the time and location of the meeting. (Gov. Code, § 54954.2.) Additionally, any legislative body or its presiding officer must post an agenda for each regular or special meeting on the local agency's Internet Web site, if the local agency has one.

(Reference: State CEQA Guidelines, § 15202.)

7.30 **RESPONSE TO COMMENTS ON DRAFT EIR.**

The Lead Agency shall evaluate any comments on environmental issues received during the public review period for the Draft EIR and shall prepare a written response to those comments that raise significant environmental issues.

As stated below, the District, as Lead Agency, should also consider evaluating and responding to any comments received after the public review period. The written responses shall describe the disposition of any significant environmental issues that are raised in the comments. The responses may take the form of a revision of the Draft EIR, an attachment to the Draft EIR, or some other oral or written response that is adequate under the circumstances. If the District's

position is at variance with specific recommendations or suggestions raised in the comment, the District's response must detail the reasons why such recommendations or suggestions were not accepted. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment.

Moreover, the District shall respond to any specific suggestions for project alternatives or mitigation measures for significant impacts, unless such alternatives or mitigation measures are facially infeasible. The response shall contain recommendations, when appropriate, to alter the project as described in the Draft EIR as a result of an analysis of the comments received.

At least ten (10) days prior to certifying a Final EIR, the Lead Agency shall provide its proposed written response, either in printed copy or in an electronic format, to any public agency that has made comments on the Draft EIR during the public review period. The District, as Lead Agency, is not required to respond to comments received after the public review period. However, the District, as Lead Agency, should consider responding to all comments if it will not delay action on the Final EIR, since any comment received before final action on the EIR can form the basis of a legal challenge. A written response that addresses the comment or adequately explains the District's action in light of the comment may assist in defending against a legal challenge.

(Reference: State CEQA Guidelines, § 15088.)

7.31 PREPARATION AND CONTENTS OF FINAL EIR.

Following the receipt of any comments on the Draft EIR as required herein, such comments shall be evaluated by Staff and a Final EIR shall be prepared.

The Final EIR shall meet all requirements of Local Guidelines Section 7.18 and shall consist of the Draft EIR or a revision of the Draft, a section containing either verbatim or in summary the comments and recommendations received through the review and consultation process, a list of persons, organizations and public agencies commenting on the Draft, and a section containing the responses of the District to the significant environmental points raised in the review and consultation process.

(Reference: State CEQA Guidelines, §§ 15089, 15132.)

7.32 RECIRCULATION WHEN NEW INFORMATION IS ADDED TO EIR.

When significant new information is added to the EIR after notice and consultation but before certification, the Lead Agency must recirculate the Draft EIR for another public review period. The term "information" can include changes in the project or environmental setting as well as additional data or other information.

New information is significant only when the EIR is changed in a way that would deprive the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of a project or a feasible way to mitigate or avoid such an effect, including a feasible project alternative, that the project proponents decline to implement. Recirculation is required, for example, when:

- (1) New information added to an EIR discloses:
 - (a) A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented; or
 - (b) A significant increase in the severity of an environmental impact (unless mitigation measures are also adopted that reduce the impact to a level of insignificance); or
 - (c) A feasible project alternative or mitigation measure that clearly would lessen the significant environmental impacts of the project, but which the project proponents decline to adopt; or
- (2) The Draft EIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Recirculation is not required when the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. If the revision is limited to a few chapters or portions of the EIR, the District as Lead Agency need only recirculate the chapters or portions that have been modified. A decision to not recirculate an EIR must be supported by substantial evidence in the record.

When the District determines to recirculate a Draft EIR, it shall give Notice of Recirculation (Form "M") to every agency, person, or organization that commented on the prior Draft EIR. The Notice of Recirculation must indicate whether new comments must be submitted and whether the District has exercised its discretion to require reviewers to limit their comments to the revised chapters or portions of the recirculated EIR. The District shall also consult again with those persons contacted pursuant to Local Guidelines Section 7.25 before certifying the EIR. When the EIR is substantially revised and the entire EIR is recirculated, the District may require that reviewers submit new comments and need not respond to those comments received during the earlier circulation period. In those cases, the District should advise reviewers that, although their previous comments remain part of the administrative record, the final EIR will not provide a written response to those comments, and new comments on the revised EIR must be submitted. The District need only respond to those comments submitted in response to the revised EIR.

When the EIR is revised only in part and the District is recirculating only the revised chapters or portions of the EIR, the District may request that reviewers limit their comments to the revised chapters or portions. The District need only respond to: (1) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (2) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated.

When recirculating a revised EIR, either in whole or in part, the District must, in the revised EIR or by an attachment to the revised EIR, summarize the revisions made to the previously circulated draft EIR.

(Reference: State CEQA Guidelines, § 15088.5.)

7.33 CERTIFICATION OF FINAL EIR.

Following the preparation of the Final EIR, Staff shall review the Final EIR and make a recommendation to the decision-making body regarding whether the Final EIR has been completed in compliance with CEQA, the State CEQA Guidelines and the District's Local Guidelines. The Final EIR and Staff recommendation shall then be presented to the decision-making body. The decision-making body shall independently review and consider the information contained in the Final EIR and determine whether the Final EIR reflects its independent judgment. Before it approves the project, the decision-making body must certify and find that: (1) the Final EIR has been completed in compliance with CEQA, the State CEQA Guidelines and the District's Local Guidelines; (2) the Final EIR was presented to the decision-making body and the decision-making body reviewed and considered the information contained in the Final EIR before approving the project; and (3) the Final EIR reflects the District's independent judgment and analysis.

Except in those cases in which the Board of Directors is the final decision-making body for the project, any interested person may appeal the certification or denial of certification of a Final EIR to the Board of Directors. Appeals must follow the procedures prescribed by the District.

(Reference: State CEQA Guidelines, § 15090.)

7.34 CONSIDERATION OF EIR BEFORE APPROVAL OR DISAPPROVAL OF PROJECT.

Once the decision-making body has certified the EIR, it may then proceed to consider the proposed project for purposes of approval or disapproval.

(Reference: State CEQA Guidelines, § 15092.)

7.35 FINDINGS.

The decision-making body shall not approve or carry out a project if a completed EIR identifies one or more significant environmental effects of the project unless it makes one or more of the following written findings for each such significant effect, accompanied by a brief explanation of the rationale supporting each finding. For impacts that have been identified as potentially significant, the possible findings are:

(a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment as identified in the Final EIR, such that the impact has been reduced to a less-than-significant level;

- (b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the District. Such changes have been, or can and should be, adopted by that other agency; or
- (c) Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR. The decision-making body must make specific written findings stating why it has rejected an alternative to the project as infeasible.

The findings required by this Section shall be supported by substantial evidence in the record. Measures identified and relied on to mitigate environmental impacts identified in the EIR to below a level of significance should be expressly adopted or rejected in the findings. The findings should include a description of the specific reasons for rejecting any mitigation measures or project alternatives identified in the EIR that would reduce the significant impacts of the project. Any mitigation measures that are adopted must be fully enforceable through permit conditions, agreements, or other measures.

If any of the proposed alternatives could avoid or lessen an adverse impact for which no mitigation measures are proposed, the District shall analyze the feasibility of such alternative(s). If the project is to be approved without including such alternative(s), the District shall find that specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the Final EIR and shall list such considerations before such approval.

The decision-making body shall not approve or carry out a project as proposed unless: (1) the project as approved will not have a significant effect on the environment; or (2) the project's significant environmental effects have been eliminated or substantially lessened (as determined through one or more of the findings indicated above), and any remaining unavoidable significant effects have been found acceptable because of facts and circumstances described in a Statement of Overriding Considerations (see Local Guidelines Section 7.37). Statements in the Draft EIR or comments on the Draft EIR are not determinative of whether the project will have significant effects.

When making the findings required by this Section, the District as Lead Agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which it based its decision.

(Reference: State CEQA Guidelines, § 15091.)

7.36 SPECIAL FINDINGS REQUIRED FOR FACILITIES THAT MAY EMIT HAZARDOUS AIR EMISSIONS NEAR SCHOOLS.

Special procedural rules apply to projects involving the construction or alteration of a facility within one-quarter mile of a school when: (1) the facility might reasonably be anticipated to emit hazardous air emissions or to handle an extremely hazardous substance or a mixture containing extremely hazardous substances in a quantity equal to or greater than the threshold specified in Health and Safety Code section 25532(j); and (2) the emissions or

substances may pose a health or safety hazard to persons who would attend or would be employed at the school. If the project meets both of those criteria, the Lead Agency may not certify an EIR or approve a Negative Declaration or Mitigated Negative Declaration unless it makes a finding that:

- (a) The Lead Agency consulted with the affected school district or districts having jurisdiction over the school regarding the potential impact of the project on the school; and
- (b) The school district was given written notification of the project not less than thirty (30) days prior to the proposed certification of the EIR or approval of the Negative Declaration or Mitigated Negative Declaration.

Implementation of this Local Guideline shall be consistent with the definitions and terms utilized in State CEQA Guidelines section 15186.

Additionally, in its role as a Responsible Agency, the District should be aware that for projects involving the acquisition of a school site or the construction of a secondary or elementary school by a school district, the Negative Declaration, Mitigated Negative Declaration, or EIR prepared for the project may not be adopted or certified unless there is sufficient information in the entire record to determine whether any boundary of the school site is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor.

If it is determined that the project involves the acquisition of a school site that is within 500 feet of the edge of the closest traffic lane of a freeway, or other busy traffic corridor, the Negative Declaration, Mitigated Negative Declaration, or EIR may not be adopted or certified unless the school board determines, through a health risk assessment pursuant to Section 44360(b)(2) of the Health and Safety Code and after considering any potential mitigation measures, that the air quality at the proposed project site does not present a significant health risk to pupils.

(Reference: State CEQA Guidelines, § 15186.)

7.37 STATEMENT OF OVERRIDING CONSIDERATIONS.

Before a project that has unmitigated significant adverse environmental effects can be approved, the decision-making body must adopt a Statement of Overriding Considerations. If the decision-making body finds in the Statement of Overriding Considerations that specific benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

Accordingly, the Statement of Overriding Considerations allows the decision-making body to approve a project despite one or more unmitigated significant environmental impacts identified in the Final EIR. A Statement of Overriding Considerations can be made only if feasible project alternatives or mitigation measures do not exist to reduce the environmental impact(s) to a level of insignificance and the benefits of the project outweigh the adverse environmental effect(s). The feasibility of project alternatives or mitigation measures is determined by whether the project alternative or mitigation measure can be accomplished within a reasonable period of time, taking into account economic, environmental, social, legal and technological factors.

Project benefits that are appropriate to consider in the Statement of Overriding Considerations include the economic, legal, environmental, technological and social value of the project. The District may also consider region-wide or statewide environmental benefits.

Substantial evidence in the entire record must justify the decision-making body's findings and its use of the Statement of Overriding Considerations. If the decision-making body makes a Statement of Overriding Considerations, the Statement must be included in the record of the project approval and it should be referenced in the Notice of Determination.

(Reference: State CEQA Guidelines, § 15093.)

7.38 MITIGATION MONITORING OR REPORTING PROGRAM FOR EIR.

When making findings regarding an EIR, the District must do all of the following:

- (a) Adopt a reporting or monitoring program to assure that mitigation measures that are required to mitigate or avoid significant effects on the environment will be implemented by the project proponent or other responsible party in a timely manner, in accordance with conditions of project approval;
- (b) Make sure all conditions and mitigation measures are feasible and fully enforceable through permit conditions, agreements, or other measures. Such permit conditions, agreements, and measures must be consistent with applicable constitutional requirements such as the "nexus" and "rough proportionality" standards established by case law; and
- (c) Specify the location and the custodian of the documents which constitute the record of proceedings upon which the District based its decision in the resolution certifying the EIR.

There is no requirement that the reporting or monitoring program be circulated for public review; however, the District may choose to circulate it for public comments along with the Draft EIR. Any mitigation measures required to mitigate or avoid significant effects on the environment shall be adopted and made fully enforceable, such as by being imposed as conditions of project approval.

The adequacy of a mitigation monitoring program is determined by the "rule of reason." This means that a mitigation monitoring program does not need to provide every imaginable measure. It needs only to provide measures that are reasonably feasible and that are necessary to avoid significant impacts or to reduce the severity of impacts to a less-than-significant level.

The mitigation monitoring or reporting program shall be designed to assure compliance with the mitigation measures during the implementation and construction of the project. If a Responsible Agency or Trustee Agency has required that certain conditions be incorporated into the project, the District may request that agency to prepare and submit a proposed reporting or monitoring program. The District shall also require that, prior to the close of the public review period for a Draft EIR, the Responsible or Trustee Agency submit detailed performance objectives for mitigation measures, or refer the District to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to the District by a Responsible or Trustee Agency shall be limited to measures that mitigate impacts to resources that are within the Responsible or Trustee Agency's authority.

When a project is of statewide, regional, or area-wide significance, any transportation information resulting from the reporting or monitoring program required to be adopted by the District shall be submitted to the regional transportation planning agency where the project is located and to the Department of Transportation. The transportation planning agency and the Department of Transportation are required by law to adopt guidelines for the submittal of these reporting or monitoring programs, so the District may wish to tailor its submittal to such guidelines.

Local agencies have the authority to levy fees sufficient to pay for this program. Therefore, the District may impose a program to charge project proponents fees to cover actual costs of program processing and implementation.

The District may delegate reporting or monitoring responsibilities to an agency or to a private entity that accepts the delegation; however, until mitigation measures have been completed, the District remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The District may choose whether its program will monitor mitigation, report on mitigation, or both. "Reporting" is defined as a written compliance review that is presented to the Board or an authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. Reporting is suited to projects that have readily measurable or quantitative mitigation measures or that already involve regular review. "Monitoring" is generally an ongoing or periodic process of project oversight. Monitoring is suited to projects with complex mitigation measures that may exceed the expertise of the District to oversee, are expected to be implemented over a period of time, or require careful implementation to assure compliance.

At its discretion, the District may adopt standardized policies and requirements to guide individually adopted programs.

Standardized policies or requirements for monitoring and reporting may describe, but are not limited to:

- (a) The relative responsibilities of various departments within the District for various aspects of the program;
- (b) The responsibilities of the project proponent;
- (c) Guidelines adopted by the District to govern preparation of programs;
- (d) General standards for determining project compliance with the mitigation measures and related conditions of approval;
- (e) Enforcement procedures for noncompliance, including provisions for administrative appeal; and/or
- (f) A process for informing the Board and staff of the relative success of mitigation measures and using those results to improve future mitigation measures.

When a project is of statewide, regional, or area-wide importance, any transportation information generated by a mitigation monitoring or reporting program must be submitted to the transportation planning agency in the region where the project is located, as well as to the Department of Transportation.

(Reference: State CEQA Guidelines, § 15097.)

7.39 NOTICE OF DETERMINATION.

After approval of a project for which the District is the Lead Agency, Staff shall cause a Notice of Determination (Form "F") to be prepared, filed, and posted. The Notice of Determination shall include the following information:

- (a) An identification of the project, including its common name, where possible, and its location. If the notice of determination is filed with the State Clearinghouse, the State Clearinghouse identification number for the draft EIR shall be provided.
- (b) A brief description of the project;
- (c) The District's name and the applicant's name (if any). If different from the applicant, the Notice of Determination shall further provide, if applicable, the identity of the person undertaking the project that is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies, or the identity of the person receiving a lease, permit, license, certificate, or other entitlement for use from one or more public agencies.
- (d) The date when the District approved the project;
- (e) Whether the project in its approved form with mitigation will have a significant effect on the environment;
- (f) A statement that an EIR was prepared and certified pursuant to the provisions of CEQA;
- (g) Whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted;
- (h) Whether findings were made and/or whether a Statement of Overriding Considerations was adopted for the project; and
- (i) The address where a copy of the EIR (with comments and responses) and the record of project approval may be examined by the general public.

The Notice of Determination shall be filed with the Clerk of each county in which the project will be located within five (5) working days of project approval. (To determine the fees that must be paid with the filing of the Notice of Determination, see Local Guidelines Section 7.42 and the Staff Summary of the CEQA Process.) The County Clerk is required to post the Notice of Determination within twenty-four (24) hours of receipt. The Notice must be posted in the office of the Clerk for a minimum of thirty (30) days. Thereafter, the Clerk shall return the notice to the District with a notation of the period it was posted. The District shall retain the notice for not less than twelve (12) months.

Simultaneously with the filing of the Notice of Determination with the Clerk, Staff shall cause a copy of such Notice to be posted at District Offices. If the project requires discretionary approval from a state agency, the Notice of Determination shall also be filed electronically with the Office of Planning and Research within five (5) working days of project approval, along with

proof that the District has paid the County Clerk the DFW fee or a completed form from DFW documenting DFW's determination that the project will have no effect on fish and wildlife. (If the District submits the Notice of Determination in person, the District may bring an extra copy to be date stamped by OPR.)

When a request is made for a copy of the Notice of Determination prior to the date on which the District approves the project, the copy must be mailed, first class postage prepaid, within five (5) days of the District's approval. If such a request is made following the District's approval of the project, then the copy should be mailed in the same manner as soon as possible. The recipients of such documents may be charged a fee reasonably related to the cost of providing the service.

The District, when acting as lead agency, must post its Notice of Determination for a project on its website, if any.

For projects with more than one phase, Staff shall file a Notice of Determination for each phase requiring a discretionary approval. The filing and posting of a Notice of Determination with the Clerk, and, if necessary, with OPR, usually starts a thirty (30) day statute of limitations on court challenges to the approval under CEQA. When separate notices are filed for successive phases of the same overall project, the thirty (30) day statute of limitation to challenge the subsequent phase begins to run when the second notice is filed. Failure to file the Notice may result in a one hundred eighty (180) day statute of limitations.

(Reference: Pub. Resources Code, §§ 21092.2, 21108; State CEQA Guidelines, § 15094.)

7.40 DISPOSITION OF A FINAL EIR.

The District shall file a copy of the Final EIR with the appropriate planning agency of any city or county where significant effects on the environment may occur. The District shall also retain one or more copies of the Final EIR as a public record for a reasonable period of time. Finally, for private projects, the District may require that the project applicant provide a copy of the certified Final EIR to each Responsible Agency.

(Reference: State CEQA Guidelines, § 15095.)

7.41 **PRIVATE PROJECT COSTS.**

For private projects, the person or entity proposing to carry out the project shall be charged a reasonable fee to recover the estimated costs incurred by the District in preparing, circulating, and filing the Draft and Final EIRs, as well as all publication costs incident thereto.

7.42 FILING FEES FOR PROJECTS THAT AFFECT WILDLIFE RESOURCES.

At the time a Notice of Determination for an EIR is filed with the County or Counties in which the project is located, a fee of \$3,539.25, or the then applicable fee, shall be paid to the Clerk for projects that will adversely affect fish or wildlife resources. These fees are collected by the Clerk on behalf of DFW.

Only one filing fee is required for each project unless the project is tiered or phased and separate environmental documents are prepared. For projects where Responsible Agencies file separate Notices of Determination, only the Lead Agency is required to pay the fee.

Note: County Clerks are authorized to charge a documentary handling fee for each project in addition to the Fish and Wildlife fees specified above. Refer to the Index in the Staff Summary to help determine the correct total amount of fees applicable to the project.

For private projects, the District should pass these costs on to the project applicant.

No fees are required for projects with "no effect" on fish or wildlife resources or for certain projects undertaken by the DFW and implemented through a contract with a non-profit entity or local government agency. (See Local Guidelines Section 6.24 for more information regarding a "no effect" determination.)

8. <u>TYPES OF EIRS</u>

8.01 EIRs GENERALLY.

This chapter describes a number of examples of various EIRs tailored to different situations. All of these types of EIRs must meet the applicable requirements of Chapter 7 of these Local Guidelines.

8.02 TIERING.

(a) Tiering Generally.

"Tiering" refers to using the analysis of general matters contained in a previously certified broader EIR in later EIRs, Negative Declarations, or Mitigated Negative Declarations prepared for narrower projects. The later EIR, Negative Declaration, or Mitigated Negative Declaration may incorporate by reference the general discussions from the broader EIR and may concentrate solely on the issues specific to the later project.

An Initial Study shall be prepared for the later project and used to determine whether a previously certified EIR may be used and whether new significant effects should be examined. Tiering does not excuse the District from adequately analyzing reasonably foreseeable significant environmental effects of a project, nor does it justify deferring analysis to a later tier EIR, Negative Declaration, or Mitigated Negative Declaration. However, the level of detail contained in a first-tier EIR need not be greater than that of the program, plan, policy, or ordinance being analyzed. When the District is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof (e.g., an area plan, specific plan or community plan), the development of detailed, site-specific information may not be feasible. Such site-specific information can be deferred, in many instances, until such time as the Lead Agency prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand.

(b) Identifying New Significant Impacts.

When assessing whether there is a new significant cumulative effect for purposes of a subsequent tier environmental document, the Lead Agency shall consider whether the incremental effects of the project would be considerable when viewed in the context of past, present, and probable future projects.

A Lead Agency may use only a valid CEQA document as a first-tier document. Accordingly, the District, in its role as Lead Agency, should carefully review the first-tier environmental document to determine whether or not the statute of limitations for challenging the document has run. If the statute of limitations has not expired, the District should use the first-tier document with caution and pay careful attention to the legal status of the document. If the first-tier document is subsequently invalidated, any later environmental document may also be defective. (c) Infill Projects and Tiering.

Certain "infill" projects may tier off of a previously certified EIR. An "infill" project is defined as a project with residential, retail, and/or commercial uses, a transit station, a school, or a public office building. It must be located in an urban area on a previously developed site or on an undeveloped site that is surrounded by developed uses. The project must be either consistent with land use planning strategies that achieve greenhouse gas ("GHG") emission reduction targets, feature a small walkable community project, or where a sustainable communities or alternative planning strategy has not yet been adopted for the area, include a residential density of at least 20 units per acre or a floor area ratio of at least 0.75. The project must also meet a number of standards related to energy efficiency that are not yet defined but which SB 226 directs the Office of Planning and Research to prepare.

If an EIR was certified for a planning level decision by a city or county (such as a General Plan or Specific Plan), the scope of the CEQA review for a later "infill" project can be limited to those effects on the environment that: 1) are specific to the project or to the project site and were not addressed as significant effects in the prior EIR; or 2) substantial new information shows will be more significant than described in the prior EIR.

When a project meets the definition of "infill" and either of the above conditions exist but a Mitigated Negative Declaration cannot be adopted, then the subsequent EIR for such a project need not consider alternative locations, densities, and building intensities or growth-inducing impacts.

(d) Statement of Overriding Considerations.

A Lead Agency may also tier off of a previously prepared Statement of Overriding Considerations if certain conditions are met. (See Local Guidelines Section 7.37.)

(Reference: State CEQA Guidelines, § 15152.)

8.03 PROJECT EIR.

The most common type of EIR examines the environmental impacts of a specific development project and focuses primarily on the changes in the environment that would result from the development project. This type of EIR must examine all phases of the project, including planning, construction, and operation.

If the EIR for a redevelopment plan is a Project EIR, all public and private activities or undertakings pursuant to or in furtherance of the Redevelopment Plan shall constitute a single project, which shall be deemed approved at the time of the adoption of the Redevelopment Plan. Although the District will probably not act as a Lead Agency for a Redevelopment Plan, the District may act as a Responsible Agency.

(Reference: State CEQA Guidelines, §§ 15161, 15180.)

8.04 SUBSEQUENT EIR.

A Subsequent EIR is required when a previous EIR has been prepared and certified, or a Negative Declaration or Mitigated Negative Declaration has been adopted, for a project and at least one of the three following situations occur:

- (a) Substantial changes are proposed in the project which will require major revisions of a previous EIR due to the identification of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (b) Substantial changes occur with respect to the circumstances under which the project is to be undertaken which will require major revisions of a previous EIR due to the identification of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (c) New information, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration/Mitigated Negative Declaration was adopted, becomes available and shows any of the following:
 - (1) the project will have one or more significant effects not discussed in a previous EIR, Negative Declaration, or Mitigated Negative Declaration;
 - (2) significant effects previously examined will be substantially more severe than shown in a previous EIR;
 - (3) mitigation measures or alternatives previously found not to be feasible are in fact feasible and would substantially reduce one or more significant effects, but the project proponent declines to adopt the mitigation measures or alternatives; or
 - (4) mitigation measures or alternatives which were not considered in a previous EIR would substantially lessen one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

A Subsequent EIR must receive the same circulation and review as the previous EIR received. As a potential tool to determine whether a Subsequent EIR is required, see Form J-1 of these Local Guidelines.

In instances where the District is evaluating a modification or revision to an existing use permit, the District may consider only those environmental impacts related to the changes between what was allowed under the old permit and what is requested under the new permit. Only if these differential impacts fall within the categories described above may the District require additional environmental review.

When the District is considering approval of a development project that is consistent with a general plan for which an EIR was completed, another EIR is required only if the project causes environmental effects peculiar to the parcel which were not addressed in the prior EIR or substantial new information shows the effects peculiar to the parcel will be more significant than described in the prior EIR. (Reference: State CEQA Guidelines, § 15162.)

8.05 SUPPLEMENTAL EIR.

The District may choose to prepare a Supplemental EIR, rather than a Subsequent EIR, if any of the conditions described in Local Guidelines Section 8.04 have occurred but only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. To assist the District in making this determination, the decisionmaking body should request an Initial Study and/or a recommendation by Staff. The Supplemental EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.

A Supplemental EIR shall be given the same kind of notice and public review as is given to a Draft EIR but may be circulated by itself without recirculating the previous EIR.

When the decision-making body decides whether to approve the project, it shall consider the previous EIR as revised by the Supplemental EIR. Findings shall be made for each significant effect identified in the Supplemental EIR.

(Reference: State CEQA Guidelines, § 15163.)

8.06 ADDENDUM TO AN EIR.

The District shall prepare an Addendum to a previously certified EIR, rather than a Subsequent or Supplemental EIR, only if changes or additions to the EIR are necessary, but none of the conditions described in Local Guidelines Section 8.04 or 8.05 calling for preparation of a Subsequent or Supplemental EIR have occurred. Since significant effects on the environment were addressed by findings in the original EIR, no new findings are required in the Addendum.

An Addendum to an EIR need not be circulated for public review but should be included in or attached to the Final EIR. The decision-making body shall consider the Addendum with the Final EIR prior to making a decision on a project. A brief explanation of the decision not to prepare a Subsequent EIR or a Supplemental EIR should be included in the Addendum, the Lead Agency's findings on the project, or elsewhere in the record. This explanation must be supported by substantial evidence.

(Reference: State CEQA Guidelines, § 15164.)

8.07 STAGED EIR.

When a large capital project will require a number of discretionary approvals from governmental agencies and one of the approvals will occur more than two years before construction will begin, a Staged EIR may be prepared. The Staged EIR covers the entire project in a general form or manner. A Staged EIR should evaluate a proposal in light of current and contemplated plans and produce an informed estimate of the environmental consequences of an entire project. The particular aspect of the project before the District for approval shall be discussed with a greater degree of specificity.

When a Staged EIR has been prepared, a Supplemental EIR shall be prepared when a later approval is required for the project and the information available at the time of the later

approval would permit consideration of additional environmental impacts, mitigation measures, or reasonable alternatives to the project.

(Reference: State CEQA Guidelines, § 15167.)

8.08 PROGRAM EIR.

A Program EIR is an EIR that may be prepared on an integrated series of actions that are related either:

- (a) Geographically;
- (b) As logical parts in a chain of contemplated actions;
- (c) In connection with the issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program; or
- (d) As individual projects carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects that can be mitigated in similar ways.

An advantage of using a Program EIR is that it can "[a]llow the Lead Agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts." (State CEQA Guidelines section 15168(b)(4).) A Program EIR is distinct from a Project EIR, as a Project EIR is prepared for a specific project and must examine in detail site-specific considerations. Program EIRs are commonly used in conjunction with the process of tiering.

Tiering is the coverage of general matters in broader EIRs (such as on general plans or policy statements) with subsequent narrower EIRs. (State CEQA Guidelines section 15385; see also Local Guidelines Sections 8.02 and 11.73.) Tiering is proper "when it helps a public agency to focus upon the issues ripe for decision at each level of environmental review and in order to exclude duplicative analysis of environmental effects examined in previous environmental impact reports." (Pub. Res. Code, § 21093(a).) For example, the California Supreme Court has ruled that "CEQA does not mandate that a first-tier program EIR identify with certainty particular sources of water for second-tier projects that will be further analyzed before implementation during later stages of the program. Rather, identification of specific sources is required only at the second-tier stage when specific projects are considered." (*In re Bay-Delta etc.* (2008) 43 Cal. 4th 1143.)

Subsequent activities in the program must be examined in light of the Program EIR to determine whether additional environmental documents must be prepared. Additional environmental review documents must be prepared if the proposed later project may arguably cause significant adverse effects on the environment.

(Reference: State CEQA Guidelines, § 15168.)

8.09 USE OF A PROGRAM EIR WITH SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS.

A Program EIR can be used to simplify the task of preparing environmental documents on later activities in the program. The Program EIR can:

- (a) Provide the basis for an Initial Study to determine whether the later activity may have any significant effects;
- (b) Be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives and other factors that apply to the program as a whole; or
- (c) Focus an EIR on a later activity to permit discussion solely of new effects which had not been considered before.

If a Program EIR is prepared for a redevelopment plan, subsequent activities in the redevelopment program will be subject to review if they would have effects that were not examined in the Program EIR. Where the later activities involve site-specific operations, the District should use a written checklist or similar device to document the evaluation of the site and the proposed activity to determine whether the environmental effects of the operation were within the scope of the Program EIR. If a later activity would have effects that were not examined in the Program EIR, a new Initial Study would need to be prepared leading to an EIR, Negative Declaration, or Mitigated Negative Declaration. That later analysis may tier from the Program EIR as provided in State CEQA Guidelines section 15152.

If the District finds that no Subsequent EIR would be required, the District can approve the activity as being within the scope of the project covered by the Program EIR, and no new environmental document is required. (See Local Guidelines Section 8.04.) Whether a later activity is within the scope of a Program EIR is a factual question that the Lead Agency determines based on substantial evidence in the record. Factors that the Lead Agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the Program EIR.

(Reference: State CEQA Guidelines, § 15168.)

8.10 USE OF AN EIR FROM AN EARLIER PROJECT.

A single EIR may be used to describe more than one project when the projects involve substantially identical environmental impacts. Any environmental impacts peculiar to one of the projects must be separately set forth and explained.

(Reference: State CEQA Guidelines, § 15165.)

8.11 MASTER EIR.

A Master EIR is an EIR which may be prepared for:

- (a) A general plan (including elements and amendments);
- (b) A specific plan;
- (c) A project consisting of smaller individual projects to be phased;
- (d) A regulation to be implemented by subsequent projects;
- (e) A project to be carried out pursuant to a development agreement;
- (f) A project pursuant to or furthering a redevelopment plan;

- (g) A state highway or mass transit project subject to multiple reviews or approvals; or
- (h) A regional transportation plan or congestion management plan.

A Master EIR must do both of the following:

- (a) Describe and present sufficient information about anticipated subsequent projects within its scope, including their size, location, intensity, and scheduling; and
- (b) Preliminarily describe potential impacts of anticipated subsequent projects for which insufficient information is available to support a full impact assessment.

The District and Responsible Agencies identified in the Master EIR may use the Master EIR to limit environmental review of subsequent projects. However, the Lead Agency for the subsequent project must prepare an Initial Study to determine whether the subsequent project and its significant environmental effects were included in the Master EIR. If the Lead Agency for the subsequent project finds that the subsequent project will have no additional significant environmental effect and that no new mitigation measures or alternatives may be required, it may prepare written findings to that effect without preparing a new environmental document. When the Lead Agency makes this finding, it must provide public notice of the availability of its proposed finding for public review and comment in the same manner as if it were providing public notice of the availability of a draft EIR. (See Sections 15177(d) and 15087 of the State CEQA Guidelines and Section 7.25 of these Local Guidelines.)

A previously certified Master EIR cannot be relied upon to limit review of a subsequent project if:

- (a) A project not identified in the certified Master EIR has been approved and that project may affect the adequacy of the Master EIR for the subsequent project now under consideration; or
- (b) The Master EIR was certified more than five (5) years before the filing of an application for the subsequent project, unless the District reviews the adequacy of the Master EIR and:
 - (1) Finds that, since the Master EIR was certified, no substantial changes have occurred that would cause the subsequent project to have significant environmental impacts, and there is no new information that the subsequent project would have significant environmental impacts; or
 - (2) Prepares an Initial Study and either certifies a Subsequent or Supplemental EIR or adopts a Mitigated Negative Declaration that addresses any substantial changes or new information that would cause the subsequent project to have potentially significant environmental impacts. The certified subsequent or supplemental EIR must either be incorporated into the previously certified Master EIR or the District must identify any deletions, additions or other modifications to the previously certified Master EIR in the new document. The District may include a section in the subsequent or supplemental EIR that identifies these changes to the previously certified Master EIR.

When the Lead Agency cannot find that the subsequent project will have no additional significant environmental effect and no new mitigation measures or alternatives will be required, it must prepare either a Mitigated Negative Declaration or an EIR for the subsequent project.

(Reference: State CEQA Guidelines, § 15175.)

8.12 FOCUSED EIR.

A Focused EIR is an EIR for a subsequent project identified in a Master EIR. It may be used only if the District finds that the Master EIR's analysis of cumulative, growth-inducing, and irreversible significant environmental effects is adequate for the subsequent project. The Focused EIR must incorporate by reference the Master EIR.

The Focused EIR must analyze additional significant environmental effects not addressed in the Master EIR and any new mitigation measures or alternatives not included in the Master EIR. "Additional significant effects on the environment" means those project-specific effects on the environment that were not addressed as significant effects on the environment in the Master EIR.

The Focused EIR must also examine the following:

- (a) Significant effects discussed in the Master EIR for which substantial new information exists that shows those effects may be more significant than described in the Master EIR;
- (b) Those mitigation measures found to be infeasible in the Master EIR for which substantial new information exists that shows the effects may be more significant than described in the Master EIR; and
- (c) Those mitigation measures found to be infeasible in the Master EIR for which substantial new information exists that shows those measures may now be feasible.

The Focused EIR need not examine the following effects:

- (a) Those that were mitigated through Master EIR mitigation measures; or
- (b) Those that were examined in the Master EIR in sufficient detail to allow project-specific mitigation or for which mitigation was found to be the responsibility of another agency.

A Focused EIR may be prepared for a multifamily residential project not exceeding 100 units or a mixed use residential project not exceeding 100,000 square feet even though the project was not identified in a Master EIR, if the following conditions are met:

- (a) The project is consistent with a general plan, specific plan, community plan, or zoning ordinance for which an EIR was prepared within five (5) years of the Focused EIR's certification;
- (b) The project does not require the preparation of a Subsequent or Supplemental EIR; and
- (c) The parcel is surrounded by immediately contiguous urban development, was previously developed with urban uses, or is within one-half mile of a rail transit station.

A Focused EIR for these projects should be limited to potentially significant effects that are project-specific and/or which substantial new information shows will be more significant

than described in the Master EIR. No discussion shall be required of alternatives to the project, cumulative impacts of the project, or the growth-inducing impacts of the project.

(Reference: State CEQA Guidelines, § 15179.5.)

8.13 SPECIAL REQUIREMENTS FOR REDEVELOPMENT PROJECTS.

An EIR for a redevelopment plan may be a Master EIR, Program EIR or Project EIR. An EIR for a redevelopment plan must specify whether it is a Master EIR, a Program EIR or a Project EIR. Normally, the District will not be a Lead Agency for a redevelopment plan. However, if the District is a Responsible Agency on such a project, the District should endeavor to ensure that the county and/or applicable city as the case may be, as Lead Agency, analyzes these impacts in accordance with CEQA.

If a Program EIR is prepared for a redevelopment plan, subsequent activities in the redevelopment program will be subject to review if they would have effects that were not examined in the Program EIR. The Lead Agency should use a written checklist or similar device to document the evaluation of the site and the proposed activity to determine whether the environmental effects of the operation were indeed covered in the Program EIR. If the Lead Agency finds that no new effects could occur, no new mitigation measures would be required or that State CEQA Guidelines sections 15162 and 15163 do not otherwise apply, the Lead Agency can approve the activity as being within the scope of the project covered by the Program EIR, and no new environmental document is required.

If the EIR for a redevelopment plan is a Project EIR, all public and private activities or undertakings pursuant to or in furtherance of the Redevelopment Plan shall constitute a single project, which shall be deemed approved at the time of the adoption of the Redevelopment Plan. Once certified, no subsequent EIRs will be needed unless required by State CEQA Guidelines sections 15162 or 15163. If a Master EIR is prepared for a redevelopment plan, subsequent projects will be subject to review if they would have effects that were not examined in the Master EIR. If no new effects could occur or no new mitigation measures would be required, the Lead Agency can approve the activity as being within the scope of the project covered by the Master EIR, and no new environmental document is required.

(Reference: State CEQA Guidelines, § 15180.)

9. <u>AFFORDABLE HOUSING</u>

9.01 STREAMLINED, MINISTERIAL APPROVAL PROCESS FOR AFFORDABLE HOUSING PROJECTS

The legislature has provided reforms and incentives to facilitate and expedite the approval and construction of affordable housing.

(a) An applicant may submit an application for a development that is subject to the streamlined, ministerial approval process and is not subject to a conditional use permit if the development satisfies all of the following objective planning standards:

(i) The development is a multifamily housing development that contains two or more residential units.

(ii) The development is located on a site that satisfies the following:

(A) A site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) A site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

(C) A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use. Additional density, floor area, and units, and any other concession, incentive, or waiver of development standards granted pursuant to the Density Bonus Law in Government Code section 65915 shall be included in the square footage calculation. The square footage of the development shall not include underground space, such as basements or underground parking garages.

(iii) If the development contains units that are subsidized, the development proponent already has recorded, or is required by law to record, a land use restriction or covenant providing that any lower or moderate income housing units required pursuant to subparagraph B of Paragraph (iv) of this Subsection shall remain available at affordable housing costs or rent to persons and families of lower or moderate income for the following applicable minimum durations:

(A) Fifty-five years for units that are rented.

- (B) Forty-five years for units that are owned.
- (iv) The development satisfies subparagraphs (A) and (B) below:

(A) The development is located in a locality that the department has determined is subject to this subparagraph on the basis that the number of units that have been issued building permits, as shown on the most recent production report received by the department, is less than the locality's share of the regional housing needs, by income category, for that reporting period. A locality shall remain eligible under this subparagraph until the department's determination for the next reporting period. A locality shall be subject to this subparagraph if it has not submitted an annual housing element report to the department pursuant to paragraph (2) of subdivision (a) of Section 65400 for at least two consecutive years before the development submitted an application for approval under this section.

(B) The development is subject to a requirement mandating a minimum percentage of below market rate housing based on one of the following:

(1) The locality did not submit its latest production report to the department by the time period required by Government Code section 65400, or that production report reflects that there were fewer units of above moderate-income housing approved than were required for the regional housing needs assessment cycle for that reporting period. In addition, if the project contains more than 10 units of housing, the project does either of the following:

- A. The project dedicates a minimum of 10 percent of the total number of units to housing affordable to households making at or below 80 percent of the area median income. However, if the locality has adopted a local ordinance that requires that greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, that local ordinance applies.
- B. If the project is located within the San Francisco Bay area, the project, in lieu of complying with subclause (A), dedicates 20 percent of the total number of units to housing affordable to households making below 120 percent of the area median income with the average income of the units at or below 100 percent of the area median income. However, a local ordinance adopted by the locality applies if it requires greater than 20 percent of the units be dedicated to housing affordable to households making at or below 120 percent of the area median income, or requires that any of

the units be dedicated at a level deeper than 120 percent. In order to comply with this subclause, the rent or sale price charged for units that are dedicated to housing affordable to households between 80 percent and 120 percent of the area median income shall not exceed 30 percent of the gross income of the household. For purposes of this subclause, "San Francisco Bay area" means the entire area within the territorial boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, and the City and County of San Francisco.

(2) The locality did not submit its latest production report to the department by the time period required by Government Code section 65400, or that production report reflects that there were fewer units of housing affordable to households making at or below 80 percent of the area median income that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, and the project seeking approval dedicates 50 percent of the total number of units to housing affordable to households making at or below 80 percent of the area median income. However, if the locality has adopted a local ordinance that requires that greater than 50 percent of the units be dedicated to housing affordable to households making at or below 80 percent of the area median income, that ordinance applies.

(3) The locality did not submit its latest production report to the department by the time period required by Government Code section 65400, or if the production report reflects that there were fewer units of housing affordable to any income level described in clause (i) or (ii) that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, the project seeking approval may choose between utilizing clause (i) or (ii).

(C)(i) A development proponent that uses a unit of affordable housing to satisfy the requirements of subparagraph (B) may also satisfy any other local or state requirement for affordable housing, including local ordinances or the Density Bonus Law in Government Code section 65915, provided that the development proponent complies with the applicable requirements in the state or local law.

(C)(ii) A development proponent that uses a unit of affordable housing to satisfy any other state or local affordability requirement may also satisfy the requirements of subparagraph (B), provided that the development proponent complies with applicable requirements of subparagraph (B).

(C)(iii) A development proponent may satisfy the affordability requirements of subparagraph (B) with a unit that is restricted to households with incomes lower than the applicable income limits required in subparagraph (B).

(v) The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Government Code section 65915, is consistent with objective zoning standards and objective design review standards in effect at the time that the development is submitted to the local government pursuant to this section. For purposes of this paragraph, "objective zoning standards" and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances, subject to the following:

(A) A development shall be deemed consistent with the objective zoning standards related to housing density, as applicable, if the density proposed is compliant with the maximum density allowed within that land use designation, notwithstanding any specified maximum unit allocation that may result in fewer units of housing being permitted.

(B) In the event that objective zoning, general plan, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning standards pursuant to this section if the development is consistent with the standards set forth in the general plan.

(vi) The development is not located on a site that is any of the following:

(A) A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.

(B) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

(C) Wetlands, as defined in the United States Fish and Wildlife Service Manual.

(D) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Government Code section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(E) A hazardous waste site that is listed pursuant to Government Code section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(F) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law, Health and Safety Code section 18901, and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.

(G) Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Code of Federal Regulations section 59.1.

(H) Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Code of Federal Regulations section 60.3(d)(3).

(I) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, Fish and Game Code section 2800, habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(J) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act, Fish and Game Code section 2050, or the Native Plant Protection Act, Fish and Game Code section 1900.

(K) Lands under conservation easement.

(vii) The development is not located on a site where any of the following apply:

(A) The development would require the demolition of the following types of housing:

(1) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(2) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(3) Housing that has been occupied by tenants within the past 10 years.

(B) The site was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent submits an application under this section.

(C) The development would require the demolition of a historic structure that was placed on a national, state, or local historic register.

(D) The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.

(viii) The applicant has done both of the following, as applicable:

(A) Certified to the locality that either of the following is true, as applicable:

(1) The entirety of the development is a public work for purposes of Labor Code section 1720.

(2) If the development is not in its entirety a public work, that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Labor Code sections 1773 and 1773.9, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. If the development is subject to this subparagraph, then for those portions of the development that are not a public work all of the following shall apply:

(I) The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.

(II) All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(III) Except as provided in subsection (V), all contractors and subcontractors shall maintain and verify payroll records pursuant to Labor Code section 1776 and make those records available for inspection and copying as provided in therein.

(IV) Except as provided in subsection (V), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Labor Code section 1741, which may be reviewed pursuant to Labor Code section 1742, within 18 months after the completion of the development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Labor Code section 1771.2. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Labor Code section 1742.1.

(V) Subsections (III) and (IV) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this clause, "project labor agreement" has the same meaning as set forth in Public Contract Code section 2500(b)(1).

(VI) Notwithstanding Labor Code section 1773.1, subdivision (c), the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided

in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Labor Code section 511 or 514.

(B)(1) For developments for which any of the following conditions apply, certified that a skilled and trained workforce shall be used to complete the development if the application is approved:

(I) On and after January 1, 2018, until December 31, 2021, the development consists of 75 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(II) On and after January 1, 2022, until December 31, 2025, the development consists of 50 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(III) On and after January 1, 2018, until December 31, 2019, the development consists of 75 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(IV) On and after January 1, 2020, until December 31, 2021, the development consists of more than 50 units and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(V) On and after January 1, 2022, until December 31, 2025, the development consists of more than 25 units and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal bay county.

(2) For purposes of this section, "skilled and trained workforce" has the same meaning as provided in the Public Contract Code section 2600.

(3) If the development proponent has certified that a skilled and trained workforce will be used to complete the development and the application is approved, the following shall apply: (I) The applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the development.

(II) Every contractor and subcontractor shall use a skilled and trained workforce to complete the development.

Except as provided in subdivision (IV), the (III) applicant shall provide to the locality, on a monthly basis while the development or contract is being performed, a report demonstrating compliance with Public Contract Code section 2600. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act, Government Code section 6250 and shall be open to public inspection. An applicant that fails to provide a monthly report demonstrating compliance with Public Contract Code section 2600 shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil wage and penalty assessments pursuant to Labor Code section 1741, and may be reviewed pursuant to the same procedures in Labor Code section 1742. Penalties shall be paid to the State Public Works Enforcement Fund.

(IV) Subdivision (III) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure. For purposes of this subparagraph, "project labor agreement" has the same meaning as set forth in Public Contract Code section 2500(b)(1).

(C) Notwithstanding subparagraphs (A) and (B) above, a development that is subject to approval pursuant to this section is exempt from any requirement to pay prevailing wages or use a skilled and trained workforce if it meets both of the following:

(1) The project includes 10 or fewer units.

(2) The project is not a public work for purposes of Labor Code section 1720.

(ix) The development did not or does not involve a subdivision of a parcel that is, or, notwithstanding this section, would otherwise be, subject to the Subdivision Map Act (Government Code section 66410, et seq.) or any other applicable law authorizing the subdivision of land, unless either of the following apply:

(A) The development has received or will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid pursuant to subparagraph (A) of paragraph (viii).

(B) The development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used, pursuant to paragraph (h).

(x) The development shall not be upon an existing parcel of land or site that is governed under the Mobilehome Residency Law, Civil Code section 798, the Recreational Vehicle Park Occupancy Law, Civil Code section 799.20, the Mobilehome Parks Act, Health and Safety Code section 18200, or the Special Occupancy Parks Act, Health and Safety Code section 18860.

- (b)(i)(A)(1) Before submitting an application for a development subject to the streamlined, ministerial approval process described in this section, the development proponent shall submit to the local government a notice of its intent to submit an application. The notice of intent shall be in the form of a preliminary application that includes all of the information described in Section 65941.1 of the Government Code, as that section read on January 1, 2020.
 - (2) Upon receipt of a notice of intent to submit an application, the local government shall engage in a scoping consultation regarding the proposed development with any California Native American tribe that is traditionally and culturally affiliated with the geographic area, as described in Section 21080.3.1 of the Public Resources Code, of the proposed development. In order to expedite compliance with this subdivision, the local government shall contact the Native American Heritage Commission for assistance in identifying any California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development.
 - (3) The timeline for noticing and commencing a scoping consultation in accordance with this subdivision shall be as follows:

- A. The local government shall provide a formal notice of a development proponent's notice of intent to submit an application to each California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development within 30 days of receiving that notice of intent. The formal notice provided pursuant to this subclause shall include all of the following:
 - 1. A description of the proposed development.
 - 2. The location of the proposed development.
 - 3. An invitation to engage in a scoping consultation in accordance with this subdivision.
- B. Each California Native American tribe that receives a formal notice pursuant to this clause shall have 30 days from the receipt of that notice to accept the invitation to engage in a scoping consultation.
- C. If the local government receives a response accepting an invitation to engage in a scoping consultation pursuant to this subdivision, the local government shall commence the scoping consultation within 30 days of receiving that response.

(B) The scoping consultation shall recognize that California Native American tribes traditionally and culturally affiliated with a geographic area have knowledge and expertise concerning the resources at issue and shall take into account the cultural significance of the resource to the culturally affiliated California Native American tribe.

(C) The parties to a scoping consultation conducted pursuant to this subdivision shall be the local government and any California Native American tribe traditionally and culturally affiliated with the geographic area of the proposed development. More than one California Native American tribe traditionally and culturally affiliated with the geographic area of the proposed development may participate in the scoping consultation. However, the local government, upon the request of any California Native American tribe traditionally and culturally affiliated with the geographic area of the proposed development, upon the request of any California Native American tribe traditionally and culturally affiliated with the geographic area of the proposed development, shall engage in a separate scoping consultation with that California Native American tribe. The development proponent and its consultants may participate in a scoping consultation process conducted pursuant to this subdivision if all of the following conditions are met:

(1) The development proponent and its consultants agree to respect the principles set forth in this subdivision.

- (2) The development proponent and its consultants engage in the scoping consultation in good faith.
- (3) The California Native American tribe participating in the scoping consultation approves the participation of the development proponent and its consultants. The California Native American tribe may rescind its approval at any time during the scoping consultation, either for the duration of the scoping consultation or with respect to any particular meeting or discussion held as part of the scoping consultation.

(D) The participants to a scoping consultation pursuant to this subdivision shall comply with all of the following confidentiality requirements: (1) Government Code section 6254, subdivision (r); Government Code section 6254.10; Public Resources Code section 21083.3, subdivision (c); (4) State CEQA Guidelines section 15120, subdivision (d); and any additional confidentiality standards adopted by the California Native American tribe participating in the scoping consultation.

(E) CEQA does not apply to the scoping consultation conducted pursuant to this subdivision.

(b)(ii)(A) If, after concluding the scoping consultation, the parties find that no potential tribal cultural resource would be affected by the proposed development, the development proponent may submit an application for the proposed development that is subject to the streamlined, ministerial approval process described in this section

(B) If, after concluding the scoping consultation, the parties find that a potential tribal cultural resource could be affected by the proposed development and an enforceable agreement is documented between the California Native American tribe and the local government on methods, measures, and conditions for tribal cultural resource treatment, the development proponent may submit the application for a development subject to the streamlined, ministerial approval process described in this section. The local government shall ensure that the enforceable agreement is included in the requirements and conditions for the proposed development.

(C) If, after concluding the scoping consultation, the parties find that a potential tribal cultural resource could be affected by the proposed development and an enforceable agreement is not documented between the California Native American tribe and the local government regarding methods, measures, and conditions for tribal cultural resource treatment, the development shall not be eligible for the streamlined, ministerial approval process described in this section.

(D) For purposes of this paragraph, a scoping consultation shall be deemed to be concluded if either of the following occur:

- (1) The parties to the scoping consultation document an enforceable agreement concerning methods, measures, and conditions to avoid or address potential impacts to tribal cultural resources that are or may be present.
- (2) One or more parties to the scoping consultation, acting in good faith and after reasonable effort, conclude that a mutual agreement on methods, measures, and conditions to avoid or address impacts to tribal cultural resources that are or may be present cannot be reached.

(E) If the development or environmental setting substantially changes after the completion of the scoping consultation, the local government shall notify the California Native American tribe of the changes and engage in a subsequent scoping consultation if requested by the California Native American tribe.

(b)(iii) A local government may only accept an application for streamlined, ministerial approval pursuant to this section if one of the following applies:

(A) A California Native American tribe that received a formal notice of the development proponent's notice of intent to submit an application pursuant to this section did not accept the invitation to engage in a scoping consultation.

(B) The California Native American tribe accepted an invitation to engage in a scoping consultation pursuant to this section but substantially failed to engage in the scoping consultation after repeated documented attempts by the local government to engage the California Native American tribe.

(C) The parties to a scoping consultation pursuant to this subdivision find that no potential tribal cultural resource will be affected by the proposed development.

(D) A scoping consultation between a California Native American tribe and the local government has occurred and resulted in an agreement.

(b)(iv) A project shall not be eligible for the streamlined, ministerial process described in this section if any of the following apply:

(A) There is a tribal cultural resource that is on a national, state, tribal, or local historic register list located on the site of the project.

(B) There is a potential tribal cultural resource that could be affected by the proposed development and the parties to a scoping consultation conducted pursuant to this subdivision do not document an enforceable agreement on

methods, measures, and conditions for tribal cultural resource treatment, as described in this section.

(C) The parties to a scoping consultation conducted pursuant to this subdivision do not agree as to whether a potential tribal cultural resource will be affected by the proposed development.

- (b)(v) (A) If, after a scoping consultation conducted pursuant to this subdivision, a project is not eligible for the streamlined, ministerial process described in this section for any or all of the following reasons, the local government shall provide written documentation of that fact, and an explanation of the reason for which the project is not eligible, to the development proponent and to any California Native American tribe that is a party to that scoping consultation:
 - (1) There is a tribal cultural resource that is on a national, state, tribal, or local historic register list located on the site of the project.
 - (2) The parties to the scoping consultation have not documented an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment.
 - (3) The parties to the scoping consultation do not agree as to whether a potential tribal cultural resource will be affected by the proposed development.
- (b)(v) (B) The written documentation provided to a development proponent pursuant to this paragraph shall include information on how the development proponent may seek a conditional use permit or other discretionary approval of the development from the local government.
- (b)(vi) This section is not intended, and shall not be construed, to limit consultation and discussion between a local government and a California Native American tribe pursuant to other applicable law, confidentiality provisions under other applicable law, the protection of religious exercise to the fullest extent permitted under state and federal law, or the ability of a California Native American tribe to submit information to the local government or participate in any process of the local government.
- (b)(vii) For purposes of this subdivision:

(A) "Consultation" means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between local governments and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality

with respect to places that have traditional tribal cultural importance. A lead agency shall consult the tribal consultation best practices described in the "State of California Tribal Consultation Guidelines: Supplement to the General Plan Guidelines" prepared by the Office of Planning and Research.

(B) "Scoping" means the act of participating in early discussions or investigations between the local government and California Native American tribe, and the development proponent if authorized by the California Native American tribe, regarding the potential effects a proposed development could have on a potential tribal cultural resource, as defined in Section 21074 of the Public Resources Code, or California Native American tribe, as defined in Section 21073 of the Public Resources Code.

(b)(viii) This subdivision (b) shall not apply to any project that has been approved under the streamlined, ministerial approval process provided under this section before September 25, 2020.

(c) (i) If a local government determines that a development submitted pursuant to this section is in conflict with any of the objective planning standards specified in subdivision (a), it shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, as follows:

(A) Within 60 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(B) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(ii) If the local government fails to provide the required documentation pursuant to paragraph (1), the development shall be deemed to satisfy the objective planning standards specified in subdivision (a).

(iii) For purposes of this section, a development is consistent with the objective planning standards specified in subdivision (a) if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards.

(d) Any design review or public oversight of the development may be conducted by the local government's planning commission or any equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate. That design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, and shall be broadly applicable to development within the jurisdiction. That design review or public oversight shall be completed as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

(i) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(ii) Within 180 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(e) (i) Notwithstanding any other law, a local government, whether or not it has adopted an ordinance governing parking requirements in multifamily developments, shall not impose parking standards for a streamlined development that was approved pursuant to this section in any of the following instances:

(A) The development is located within one-half mile of public transit.

(B) The development is located within an architecturally and historically significant historic district.

(C) When on-street parking permits are required but not offered to the occupants of the development.

(D) When there is a car share vehicle located within one block of the development.

(ii) If the development does not fall within any of the categories described in paragraph (1), the local government shall not impose parking requirements for streamlined developments approved pursuant to this section that exceed one parking space per unit.

(f) (i) If a local government approves a development pursuant to this section, then, notwithstanding any other law, that approval shall not expire if the project satisfies both of the following requirements:

- (A) The project includes public investment in housing affordability, beyond tax credits.
- (B) At least 50 percent of the units are affordable to households ma king at or below 80 percent of the area median income.

(ii) If a local government approves a development pursuant to this section, and the project does not satisfy the requirements of subparagraphs (A) and (B) of paragraph (f)(i), that approval shall remain valid for three years from the date of the final action establishing that approval, or if litigation is filed challenging that approval, from the date

of the final judgment upholding that approval. Approval shall remain valid for a project provided construction activity, including demolition and grading activity, on the development site has begun pursuant to a permit issued by the local jurisdiction and is in progress. For purposes of this subdivision, "in progress" means one of the following:

- (A) The construction has begun and has not ceased for more than 180 days.
- (B) If the development requires multiple building permits, an initial phase has been completed, and the project proponent has applied for and is diligently pursuing a building permit for a subsequent phase, provided that once it has been issued, the building permit for the subsequent phase does not lapse.
- (C) Notwithstanding subparagraph (ii), a local government may grant a project a one-time, one-year extension if the project proponent can provide documentation that there has been significant progress toward getting the development construction ready, such as filing a building permit application.

(iii) If the development proponent requests a modification pursuant to subdivision (g), then the time during which the approval shall remain valid shall be extended for the number of days between the submittal of a modification request and the date of its final approval, plus an additional 180 days to allow time to obtain a building permit. If litigation is filed relating to the modification request, the time shall be further extended during the pendency of the litigation. The extension required by this paragraph shall only apply to the first request for a modification submitted by the development proponent.

(g) (i)(A) A development proponent may request a modification to a development that has been approved under the streamlined, ministerial approval process provided in subdivision (b) if that request is submitted to the local government before the issuance of the final building permit required for construction of the development.

(i)(B) Except as provided in paragraph (g)(iiii), the local government shall approve a modification if it determines that the modification is consistent with the objective planning standards specified in subdivision (a) that were in effect when the original development application was first submitted.

(i)(C) The local government shall evaluate any modifications requested pursuant to this subdivision for consistency with the objective planning standards using the same assumptions and analytical methodology that the local government originally used to assess consistency for the development that was approved for streamlined, ministerial approval pursuant to subdivision (b).

(i)(D) A guideline that is adopted or amended by the Department of Housing and Community Development after a development is approved through the streamlined, ministerial approval process described in subdivision (b) shall not be used as a basis to deny proposed modifications.

(ii) Upon receipt of the development proponent's application requesting a modification, the local government shall determine if the requested modification is consistent with the objective planning standard and either approve or deny the modification request within 60 days after submission of the modification, or within 90 days if design review is required.

(iii) Notwithstanding paragraph (g)(i), the local government may apply objective planning standards adopted after the development application was first submitted to the requested modification in any of the following instances:

- (A) The development is revised such that the total number of residential units or total square footage of construction changes by 15 percent or more. The calculation of the square footage of construction changes shall not include underground space.
- (B) The development is revised such that the total number of residential units or total square footage of construction changes by 5 percent or more and it is necessary to subject the development to an objective standard beyond those in effect when the development application was submitted in order to mitigate or avoid a specific, adverse impact as that term is defined in subparagraph (A) of paragraph (1) of subdivision (j) of Government Code section 65589.5, upon the public health or safety and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact. The calculation of the square footage of construction changes shall not include underground space.
- (C) Objective building standards contained in the California Building Standards Code (Title 24 of the California Code of Regulations), including, but not limited to, building plumbing, electrical fire, and grading codes, may be applied to all modification applications that are submitted prior to the first building permit application. Those standards may be applied to modification applications submitted after first building permit application if agreed to by the development proponent.
- (iv) The local government's review of a modification request pursuant to this subdivision shall be strictly limited to determining whether the modification, including any modification to previously approved density bonus concessions or waivers, modify the development's consistency with the objective planning standards and shall not reconsider prior determinations that are not affected by the modification.

(h) (i) A local government shall not adopt or impose any requirement, including, but not limited to, increased fees or inclusionary housing requirements, that applies to a project solely or partially on the basis that the project is eligible to receive ministerial or streamlined approval pursuant to this section.

A local government shall issue a subsequent permit required for a (ii) development approved under this section if the application substantially complies with the development as it was approved pursuant to subdivision (b). Upon receipt of an application for a subsequent permit, the local government shall process the permit without unreasonable delay and shall not impose any procedure or requirement that is not imposed on projects that are not approved pursuant to this section. The local government shall consider the application for subsequent permits based upon the objective standards specified in any state or local laws that were in effect when the original development application was submitted, unless the development proponent agrees to a change in Issuance of subsequent permits shall implement the approved objective standards. development, and review of the permit application shall not inhibit, chill, or preclude the development. For purposes of this paragraph, a "subsequent permit" means a permit required subsequent to receiving approval under subdivision (b), and includes, but is not limited to, demolition, grading, and building permits and final maps, if necessary.

(i) This section shall not affect a development proponent's ability to use any alternative streamlined by right permit processing adopted by a local government, including the provisions of Government Code section 65583.2(i).

(ii) This section shall not prevent a development from also qualifying as a housing development project entitled to the protections of Government Code section 65589.5. This paragraph does not constitute a change in, but is declaratory of, existing law.

(j) CEQA does not apply to actions taken by a state agency, local government, or the San Francisco Bay Area Rapid Transit District to:

(i) Lease, convey, or encumber land owned by the local government or the San Francisco Bay Area Rapid Transit District or to facilitate the lease, conveyance, or encumbrance of land owned by the local government, or for the lease of land owned by the San Francisco Bay Area Rapid Transit District in association with an eligible TOD project, as defined pursuant to Section 29010.1 of the Public Utilities Code, nor to any decisions associated with that lease, or to provide financial assistance to a development that receives streamlined approval pursuant to this section that is to be used for housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code.

(ii) Approve improvements located on land owned by the local government or the San Francisco Bay Area Rapid Transit District that are necessary to implement a development that receives streamlined approval pursuant to this section that is to be used for housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code.

- (k) For purposes of this section the following definitions shall apply:
 - (1) "Affordable housing cost" has the same meaning as set forth in section 50052.5 of the Health and Safety Code.
 - (A) Subject to the qualification provided by subparagraph (B),
 "affordable rent" has the same meaning as set forth in Section 50063 of the Health and Safety Code.
 - (B) For a development for which an application pursuant to this section was submitted prior to January 1, 2019, that includes 500 units or more of housing, and that dedicates 50 percent of the total number of units to housing affordable to households making at, or below, 80 percent of the area median income, affordable rent for at least 30 percent of these units shall be set at an affordable rent as defined in subparagraph (k)(1), and "affordable rent" for the remainder of these units shall mean a rent that is consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.

(3) "Department" means the Department of Housing and Community Development.

(4) "Development proponent" means the developer who submits an application for streamlined approval pursuant to this section.

(5) "Completed entitlements" means a housing development that has received all the required land use approvals or entitlements necessary for the issuance of a building permit.

(6) "Locality" or "local government" means a city, including a charter city, a county, including a charter county, or a city and county, including a charter city and county.

(7) "Moderate income housing units" means housing units with an affordable housing cost or affordable rent for persons and families of moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(8) "Production report" means the information reported pursuant to subparagraph (D) of paragraph (2) of subdivision (a) of Government Code section 65400.

(9) "State agency" includes every state office, officer, department, division, bureau, board, and commission, but does not include the California State University or the University of California.

(10) "Subsidized" means units that are price or rent restricted such that the units are affordable to households meeting the definitions of very low and lower income, as defined in Sections 50079.5 and 50105 of the Health and Safety Code.

- (11) "Reporting period" means either of the following:
 - (A) The first half of the regional housing needs assessment cycle.
 - (B) The last half of the regional housing needs assessment cycle.

(12) "Urban uses" means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.

(1) The determination of whether an application for a development is subject to the streamlined ministerial approval process provided by subdivision (b) is not a "project" under CEQA.

(m) This section shall remain in effect until January 1, 2026.

(Reference: Gov. Code, § 65913.4.)

9.02 MINISTERIAL APPROVAL PROCESS FOR URBAN LOT SPLITS AND HOUSING DEVELOPMENTS WITH NO MORE THAN TWO RESIDENTIAL UNITS WITHIN A SINGLE-FAMILY RESIDENTIAL ZONE (SB 9)

(a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, and shall therefore not be subject to CEQA, if the proposed housing development meets all of the following requirements:

- (1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
- (2) The parcel is not located on a site that is any of the following:
 - (A) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and

designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction;

- (B) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993);
- (C) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code—unless the parcel is a site excluded from the specified hazard zone by a local agency, or is a site that has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development;
- (D) A hazardous waste site that is listed pursuant to Government Code section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses;
- (E) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law, and by any local building department;
- (F) Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency;
- (G) Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification;
- (H) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community

Conservation Planning Act, habitat conservation plan pursuant to the federal Endangered Species Act of 1973, or other adopted natural resources protection plan;

- (I) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act; or lands under conservation easement; or
- (J) Lands under conservation easement.
- (3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:
 - (A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - (B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power;
 - (C) Housing that has been occupied by a tenant in the last three years.
- (4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
- (5) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:
 - (A) If a local ordinance so allows; or
 - (B) The site has not been occupied by a tenant in the last three years
- (6) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

Other regulations governing the approval of a housing development under this section are set forth in Government Code section 65852.21(a).

(b) Notwithstanding any other provision of local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split—and such urban lot split shall therefore not be subject to CEQA—only if the local agency determines that the parcel map for the urban lot split meets all of the following requirements:

- (1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.
- (2) Both newly created parcels are no smaller than 1,200 square feet, except that a local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval.
- (3) The parcel being subdivided meets all of the following requirements:
 - (A) The parcel is located within a single-family residential zone.
 - (B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
 - (C) The parcel is not located on a site enumerated in Paragraph (a)(2) above.
 - (D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:
 - (i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 - (ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - (iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
 - (iv) Housing that has been occupied by a tenant in the last three years.

- (E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
- (F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section.
- (G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

Other regulations governing the approval of an urban lot split under this section are set forth in Government Code section 65852.21(b).

9.03 APPROVAL OF ORDINANCE TO ZONE ANY PARCEL FOR UP TO 10 UNITS OF RESIDENTIAL DENSITY PER PARCEL IN CERTAIN CIRCUMSTANCES (SB 10)

(a) A local government may adopt an ordinance to zone a parcel for up to 10 units of residential density per parcel, at a height specified by the local government in the ordinance, if the parcel is located in a transit-rich area or an urban infill site. This subsection shall not apply to either of the following:

- (1) Parcels located within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This paragraph does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
- (2) Any local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land, as defined in subdivision (h) of Section 65560, or for park or recreational purposes.

(b) An ordinance adopted in accordance with this section, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that zoning ordinance, shall not constitute a "project" under CEQA.

(c) Notwithstanding any other law that allows ministerial or by right approval of a development project or that grants an exemption from CEQA, a residential or mixed-use residential project consisting of more than 10 new residential units on one or more parcels that are zoned pursuant to an ordinance adopted under this section shall not be approved ministerially or by right and shall not be exempt from CEQA. This subdivision, however, shall not apply to a project located on a parcel or parcels that are zoned pursuant to an ordinance adopted under this section.

section, but subsequently rezoned without regard to this section. A subsequent ordinance adopted to rezone the parcel or parcels shall not be exempt from CEQA. Any environmental review conducted to adopt the subsequent ordinance shall consider the change in the zoning applicable to the parcel or parcels before they were zoned or rezoned pursuant to the ordinance adopted under this section.

Other regulations governing the approval of an ordinance under this section are set forth in Government Code section 65913.5.

9.04 HOUSING SUSTAINABILITY DISTRICTS.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries. The general plan must contain seven mandatory elements, including a housing element. Existing law provides for various reforms and incentives intended to facilitate and expedite the construction of affordable housing. Senate Bill 73 authorizes a city, county, or city and county, including a charter agency, to establish by ordinance a housing sustainability district that meets specified requirements, including authorizing residential use within the district through the ministerial issuance of a permit. The agency is authorized to apply to the Department of Housing and Community Development for approval of a zoning incentive payment and requires the agency to provide specified information about the proposed housing sustainability district ordinance. The department is required to approve a zoning incentive payment if the ordinance meets the above-described requirements and the agency's housing element is in compliance with specified law.

A city, county, or city and county with a housing sustainability district would be entitled to a zoning incentive payment, subject to appropriation of funds for that purpose, and require that one-half of the amount be paid when the department approves the zone and one-half of the amount be paid when the department verifies that permits for the construction of the units have issued within the zone, provided that the city, county, or city and county has received a certificate of compliance for the applicable year. If the agency reduces the density of sites within the district from specified levels set forth in the Senate Bill 73, the agency would be required to return the full amount of zoning incentive payments it has received to the department. The bill also authorizes a developer to develop a project in a housing sustainability district in accordance with the already existing land use approval procedures that would otherwise apply to the parcel in the absence of the establishment of the housing sustainability district pursuant to its provisions, as provided.

As it relates specifically to CEQA, a Lead Agency designating a housing sustainability district is required to prepare an EIR pursuant to Government Code section 66201 to identify and mitigate, to the extent feasible, environmental impacts resulting from the designation. The EIR shall identify mitigation measures that may be undertaken by housing projects in the housing sustainability district to mitigate the environmental impacts identified in the EIR. Housing projects undertaken in the housing sustainability districts that meet specified requirements, including if the project satisfies certain design review standards applicable to development projects within the district provided the project is "complementary to adjacent buildings and structures and is consistent with the [agency's] general plan," are exempt under CEQA. (Reference: Pub. Resources Code, § 21155.10, 21155.11.)

9.05 INTERIM MOTEL HOUSING PROJECTS.

"Interim motel housing projects" are statutorily exempt from CEQA. A project is exempt from CEQA as an "interim motel housing project" where the project consists of the conversion of a structure with a certificate of occupancy as a motel, hotel, residential hotel, or hostel to supportive or transitional housing and the conversion meets at least one of the following conditions: (1) the conversion does not result in the expansion of more than 10 percent of the floor area of any individual living unit in the structure; and (2) the conversion does not result in any significant effects relating to traffic, noise, air quality, or water quality.

If the District determines that a project is exempt from CEQA as an interim motel housing project, it must file a Notice of Exemption with the State Clearinghouse.

(Reference: Pub. Resources Code, § 21080.50 [in effect until January 1, 2025].)

9.06 SUPPORTIVE HOUSING AND "NO PLACE LIKE HOME" PROJECTS.

A decision by the District to seek funding from, or the Department of Housing and Community Development's awarding of funds pursuant to, the "No Place Like Home Program" (set forth in Part 3.9 of Division 5 of the Welfare and Institutions Code, commencing with Section 5849.1) does not constitute a "project" under CEQA.

"Supportive housing" in areas where multifamily and mixed uses are permitted may be a "use by right" and thus exempt from CEQA if the supportive housing project meets certain criteria set forth in Government Code section 65651. A "supportive housing" project is a project that provides housing with no limit on length of stay, that is occupied by persons within the target population—i.e., persons with disabilities, families who are homeless, or homeless youth—and that is linked to onsite or offsite services that assist the supportive housing resident to retain housing, improve their health status, and maximize their ability to live and, when possible, work in the community. A policy by a city or county to approve as a use by right proposed housing developments with a limit higher than 50 units does not constitute a "project" under CEQA. To see the requirements of the exemptions relating to supportive housing, please see Government Code section 65651.

If a No Place Like Home project is not exempt from CEQA under Government Code section 65651, the development applicant may request, within 10 days after the District determines the type of environmental documentation required for the project under CEQA, that the District prepare and certify the record of proceeding for the environmental review of the No Place Like Home project in accordance with Public Resources Code section 21186.

If the District approves or determines to carry out a No Place Like Home project that is subject to CEQA, the District shall file a notice of that approval or determination in accordance with the requirements of Public Resources Code section 21151, subdivision (a), except that the Notice of Determination shall be filed within two working days after the approval or determination becomes final. Likewise, if the District approves or determines to carry out a No Place Like Home project that is not subject to CEQA, the District shall file a Notice of Exemption in accordance with the requirements of Public Resources Code section 21152, subdivision (b), except that the Notice of Exemption shall be filed within two working days after the approval or determination becomes final.

(Reference: Pub. Resources Code, § 21163, *et seq.*; Gov. Code, § 65651; Health & Safety Code, § 50675.14.)

9.07 SHELTER CRISIS AND EMERGENCY HOUSING.

An action taken by certain cities, counties, or state agencies to lease, convey, or encumber land owned by a city or county—or an action to facilitate the lease, conveyance, or encumbrance of land owned by the local government—for, or to provide financial assistance to, a homeless shelter constructed pursuant to the provisions of Government Code section 8698.4 is statutorily exempt from CEQA. This narrow exception applies to specified efforts to assist specified cities or counties that have declared a shelter crisis and seek to build a homeless shelter. To see all the requirements of this exemption, please see Government Code section 8698.4.

(Reference: Gov. Code, § 8698.4 [in effect until January 1, 2023].)

10. <u>CEQA LITIGATION</u>

10.01 TIMELINES.

When a CEQA lawsuit is filed, there are numerous and complex time requirements that must be met. Pressing deadlines begin to run in the days immediately after a CEQA lawsuit has been filed with the Court. For example, within ten (10) business days of the public agency being served with a petition or complaint alleging a violation of CEQA, the District, if it was the Lead Agency, must provide the petitioner with a list of Responsible Agencies and public agencies with jurisdiction by law over any natural resource affected by the project at issue. There are a variety of other deadlines that apply in CEQA litigation.

If a CEQA lawsuit is filed, CEQA counsel should be contacted immediately in order to ensure that all the applicable deadlines are met.

10.02 MEDIATION AND SETTLEMENT.

<u>After Litigation Has Been Filed</u>. The parties in a CEQA lawsuit are required to meet and discuss settlement. Within twenty (20) days of being served with a CEQA legal challenge, the public agency named in the lawsuit must file a notice with the court setting forth the time and place for a settlement meeting. The meeting must be scheduled and held not later than forty-five (45) days from the date of service of the petition or complaint upon the public agency. Usually the main parties to the litigation (such as the Lead Agency, the developer of the project if there is one, and those challenging the project and their respective attorneys) meet to discuss settlement; there is no requirement to hire a professional mediator. The settlement meeting is usually subject to a confidentiality agreement.

If the parties in a CEQA lawsuit are in settlement or mediation, that attempt is intended to occur concurrently with the litigation. This means that the respondent public agency will be required to comply with all existing litigation timelines and requirements (for example, preparing and lodging the administrative record discussed below) while simultaneously conducting settlement or mediation, unless the parties enter into an alternate agreement to stay the litigation and that agreement is approved by the court.

10.03 Administrative Record.

A. Contents of Administrative Record.

When the Lead Agency's CEQA finding(s) and/or action is challenged in a lawsuit, the Lead Agency must certify the administrative record that formed the basis of the Lead Agency's decision. To the extent the documents listed below exist and are not subject to a privilege that exempts them from disclosure, the following items should be included in the administrative record:

(1) All project application materials;

- (2) All staff reports and related documents prepared by the public agency with respect to its compliance with the substantive and procedural requirements of CEQA and with respect to the action on the project;
- (3) All staff reports and related documents prepared by the public agency and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the public agency pursuant to CEQA or these Local Guidelines;
- (4) Any transcript or minutes of the proceedings at which the decision-making body of the public agency heard testimony on or considered any environmental document on the project, and any transcript or minutes of proceedings before any advisory body to the respondent public agency that were presented to the decision-making body prior to action on the environmental documents or on the project;
- (5) All notices issued by the public agency to comply with CEQA or with any other law governing the processing and approval of the project;
- (6) All written comments received in response to, or in connection with, environmental documents prepared for the project, including responses to the notice of preparation;
- (7) All written evidence or correspondence submitted to, or transferred from, the public agency with respect to compliance with CEQA or with respect to the project;
- (8) Any proposed decisions or findings submitted to the decision-making body of the public agency by its staff or the project proponent, project opponents, or other persons, to the extent such documents are subject to public disclosure;
- (9) The documentation of the final public agency decision, including the final environmental impact report, mitigated negative declaration, or negative declaration, and all documents, in addition to those referenced in paragraph (3) above, cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to CEQA;
- (10) Any other written materials relevant to the respondent public agency's compliance with CEQA or to its decision on the merits of the project, including the initial study; any drafts of any environmental document, or portions thereof, that were released for public review; copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the public agency's files on the project; and internal agency communications related to the project or to compliance with CEQA, to the extent such documents are subject to public disclosure; and

(11) The full written record before any inferior administrative decision-making body whose decision was appealed prior to the filing of the lawsuit.

B. Organization of Administrative Record.

The administrative record should be organized as follows:

- (1) Index. A detailed index must be included at the beginning of the administrative record listing each document in the order presented. Each entry must include the document's title, date, brief description, and the volume and page where the document begins;
- (2) The Notice of Determination;
- (3) The resolutions or ordinances adopted by the Lead Agency approving the project;
- (4) The findings required by Public Resources Code section 21081, including any statement of overriding considerations;
- (5) The Final EIR, including the Draft EIR or a revision of the draft, all other matters included in the Final EIR (such as traffic studies and air quality studies), or other types of environmental documents prepared under CEQA, such as a negative declaration, mitigated negative declaration, or addenda;
- (6) The initial study;
- (7) Staff reports prepared for the administrative bodies providing subordinate approvals or recommendations to the Lead Agency, in chronological order;
- (8) Transcripts and minutes of hearings, in chronological order; and
- (9) All other documents appropriate for inclusion in the administrative record, in chronological order.

Each section listed above must be separated by tabs or marked with electronic bookmarks. Oversized documents (such as building plans and maps) must be presented in a manner that allows them to be easily unfolded and viewed.

The court may issue an order allowing the documents to be organized in a different manner.

C. Preparation of Administrative Record.

The administrative record can be prepared: (1) by the petitioner, if the petitioner elects to do so, or (2) by the Lead Agency. The petitioner and the Lead Agency can also agree on any alternative method of preparing the record. However, when a third party such as the project applicant prepares or assists with the preparation of the administrative record, the Lead Agency

may not be able to recover fees incurred by the third party unless petitioner has agreed to this method of preparation.

Notwithstanding the above, upon the written request of a project applicant received no later than 30 days after the date that the Lead Agency makes a determination pursuant to Public Resources Code section 21080.1, 21094.5, or Chapter 4.2 (commencing with Public Resources Code section 21155) and with the written consent of the Lead Agency sent within 10 business days from receipt of the written request, the Lead Agency may prepare the administrative record concurrently with the administrative process. Should the Lead Agency and the project applicant so desire to pursue concurrent record preparation, the parties must comply with the provisions of Public Resources Code section 21167.6.2.

D. Special Circumstances For Environmental Leadership Projects.

Special timing considerations and requirements apply if the Project is certified by the Governor as an Environmental Leadership Project pursuant to the "Jobs and Economic Improvement Through Environmental Leadership Act of 2021." For example, the administrative record must be finished and certified within five (5) days of project approval. See Public Resources Code section 21186 for a complete discussion of the special requirements related to the preparation of an administrative record for an Environmental Leadership Project.

11. **DEFINITIONS**

Whenever the following terms are used in these Local Guidelines, they shall have the following meaning unless otherwise expressly defined:

11.01 "Agricultural Employee" means a person engaged in agriculture, which includes farming in all its branches, and, among other things, includes: (1) the cultivation and tillage of the soil, (2) dairying, (3) the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, (4) the raising of livestock, bees, furbearing animals, or poultry, and (5) any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market or to carriers for transportation to market.

This definition does not include any person covered by the National Labor Relations Act as agricultural employees pursuant to Section 2(3) of the Labor Management Relations Act (Section 152(3), Title 29, United States Code) and Section 3(f) of the Fair Labor Standards Act (Section 203(f), Title 29, United States Code). This definition does not apply to employees who perform work to be done at the site of the construction, alteration, painting, or repair of a building, structure, or other work (as these terms have been construed under Section 8(e) of the Labor Management Relations Act, 29 United States Code section 158(e)) or logging or timber-clearing operations in initial preparation of land for farming, or who does land leveling or only land surveying for any of the above. As used in this definition, "land leveling" shall include only major land moving operations changing the contour of the land, but shall not include annual or seasonal tillage or preparation of land for cultivation. (State CEQA Guidelines section 15191(a).)

- **11.02** "Applicant" means a person who proposes to carry out a project that requires a lease, permit, license, certificate, or other entitlement for use, or requires financial aid from one or more public agencies when applying for governmental approval or assistance.
- **11.03** "Approval" means a decision by the decision-making body or other authorized body or officer of the District which commits the District to a definite course of action with regard to a particular project. With regard to any project to be undertaken directly by the District, approval shall be deemed to occur on the date when the decision-making body adopts a motion or resolution determining to proceed with the project, which in no event shall be later than the date of adoption of plans and specifications. As to private projects, approval shall be deemed to have occurred upon the earliest commitment to provide service or the issuance by the District of a discretionary contract, subsidy, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of the project. The mere acquisition of land by the District shall not, in and of itself, be deemed to constitute approval of a project.

For purposes of these Local Guidelines, all environmental documents must be completed as of the time of project approval.

- **11.04** "Baseline" refers to the pre-project environmental conditions. By comparing the project's potential impacts to the baseline, the Lead Agency determines whether the project's impacts are substantial enough to be significant under the relevant thresholds of significance. Generally, the baseline is the environmental conditions existing on the date the environmental analysis begins, such as the date the Notice of Preparation is published for an EIR or the date the Notice of Intent to Adopt a Negative Declaration is published. However, in certain circumstances, an earlier or later date may provide a more accurate environmental analysis. The District may establish any baseline that is appropriate, including an earlier or later date, as long as the choice of baseline can be supported by substantial evidence.
- **11.05** "California Native American Tribe" means a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004.
- **11.06** "Categorical Exemption" means an exemption from CEQA for a class of projects based on a finding by the Secretary of the Resources Agency that the class of projects does not have a significant effect on the environment.
- **11.07** "Census-Defined Place" means a specific unincorporated land area within boundaries determined by the United States Census Bureau in the most recent decennial census.
- **11.08** "CEQA" means the California Environmental Quality Act, codified at California Public Resources Code sections 21000, et seq.
- **11.09** "Clerk" means either the "Clerk of the Board" or the "County Clerk" depending upon the county. Please refer to the "Index to Environmental Filing by County" in the Staff Summary to determine which applies.
- **11.10** "Community-Level Environmental Review" means either (1) or (2) below:
 - (1) An EIR certified for any of the following:
 - (a) A general plan;
 - (b) A revision or update to the general plan that includes at least the land use and circulation elements;
 - (c) An applicable community plan;
 - (d) An applicable specific plan; or
 - (e) A housing element of the general plan, if the Environmental Impact Report analyzed the environmental effects of the density of the proposed project;
 - (2) A Negative Declaration or Mitigated Negative Declaration adopted as a subsequent environmental review document, following and based upon an EIR on a general plan, an applicable community plan or specific plan, provided that the subsequent environmental review document is allowed by CEQA following a Master EIR or a Program EIR or is required pursuant to Public Resource section 21166.

- **11.11** "Consultation" means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance.
- **11.12** "Cumulative Impacts" means two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects, whether past, present or future.

The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present and reasonably foreseeable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

- **11.13** "Cumulatively Considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- **11.14** "Decision-Making Body" means the body within the District, e.g. the Board of Directors, which has final approval authority over the particular project.
- **11.15** "Developed Open Space" means land that meets each of the following three criteria:
 - (1) Is publicly owned, or financed in whole or in part by public funds;
 - (2) Is generally open to, and available for use by, the public; and
 - (3) Is predominantly lacking in structural development other than structures associated with open spaces, including, but not limited to, playgrounds, swimming pools, ball fields, enclosed child play areas, and picnic facilities.

Developed Open Space may include land that has been designated for acquisition by a public agency for developed open space purposes, but does not include lands acquired by public funds dedicated to the acquisition of land for housing purposes.

- **11.16** "Development Project" means any project undertaken for the purpose of development, including any project involving the issuance of a permit for construction or reconstruction but not a permit to operate. It does not include any ministerial projects proposed to be carried out or approved by public agencies. (Government Code section 65928.)
- **11.17** "Discretionary Project" means a project for which approval requires the exercise of independent judgment, deliberation, or decision-making on the part of the District.

To determine whether a project is discretionary, the key question is whether the public agency can use its subjective judgment to decide whether and how to carry out or approve a project.

- **11.18** "District" means the Padre Dam Municipal Water District.
- **11.19** "EIR" means Environmental Impact Report, a detailed written statement setting forth the environmental effects and considerations pertaining to a project. EIR may mean a Draft or a Final version of an EIR, a Project EIR, a Subsequent EIR, a Supplemental EIR, a Tiered EIR, a Staged EIR, a Program EIR, a Redevelopment EIR, a Master EIR, or a Focused EIR.
- **11.20** "Emergency" means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake, landslide or other natural disaster, as well as such occurrences as riot, war, terrorist incident, accident or sabotage.
- **11.21** "Endangered, Rare or Threatened Species" means certain species or subspecies of animals or plants. A species or subspecies of animal or plant is "Endangered" when its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors. A species or subspecies of animal or plant is "Threatened" when it is listed as a threatened species pursuant to the California Endangered Species Act or the Federal Endangered Species Act. A species or subspecies of animal or plant is "Rare" when either:
 - (1) Although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or
 - (2) The species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and many be considered "threatened" as that term is used in the Federal Endangered Species Act.

For purposes of analyzing impacts to biological resources, a species of animal or plant shall be presumed to be endangered, rare or threatened if it is listed under the California Endangered Species Act or the Federal Endangered Species Act.

This definition shall not include any species of the Class Insecta which is a pest whose protection under the provisions of CEQA would present an overwhelming and overriding risk to man as determined by the Director of Food and Agriculture (with regard to economic pests) or the Director of Health Services (with regard to health risks).

11.22 "Environment" means the physical conditions which exist in the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. The area involved

shall be the area in which significant effects would occur either directly or indirectly as a result of the project. The "environment" includes both natural and man-made conditions.

- **11.23** "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.
- **11.24** "Final EIR" means an EIR containing the information contained in the Draft EIR, comments either verbatim or in summary received in the review process, a list of persons commenting, and the response of the District to the comments received.
- **11.25** "Greenhouse Gases" include, but are not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.
- **11.26** "Guidelines" or "Local Guidelines" means the District's Local Guidelines for implementing the California Environmental Quality Act.
- **11.27** "Highway" shall have the same meaning as defined in Section 360 of the Vehicle Code.
- **11.28** "Historical Resources" include:

Resources listed in, or eligible for listing in, the California Register of Historical Resources shall be considered historical resources.

A resource may be listed in the California Register if it meets any of the following National Register of Historic Places criteria:

- (a) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- (b) Is associated with the lives of persons important in our past;
- (c) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- (d) Has yielded, or may be likely to yield, information important in prehistory or history.

A resource may also be listed in the California Register if it is identified as significant in an historical resource survey that meets all of the following criteria:

- (a) The survey has been or will be included in the State Historic Resources Inventory;
- (b) The survey and the survey documentation were prepared in accordance with office procedures and requirements; and
- (c) The resource is evaluated and determined by the office to have a significance rating of Category 1 to 5 on DPR Form 523.

Resources included on a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution, or identified as significant in a historical resource survey (as described above) are presumed to be historically or culturally significant, unless a preponderance of evidence demonstrates that they are not historically or culturally significant.

Any of the following may be considered historically significant: any object, building, structure, site, area, place, record or manuscript which a Lead Agency determines, based upon substantial evidence in light of the whole record, to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California.

The Lead Agency is not precluded from determining that a resource is a historical resource, as defined in Public Resources Code sections 5020.1(j) or 5024.1, even if it is: (a) not listed in, or is not determined to be eligible for listing in, the California Register of Historical Resources; (b) not included in a local register of historical resources; or (c) not identified in a historical resources survey.

- **11.29** "Infill Site" means a site in an urbanized area that meets either of the following criteria:
 - (1) The site has been previously developed for qualified urban uses; or
 - (2) The site has not been previously developed for qualified urban uses and both (a) and (b) are met:
 - (a) the site is immediately adjacent to parcels that are developed with qualified urban uses, or
 - 1. at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with existing qualified urban uses at the time the Lead Agency receives an application for an approval; and
 - 2. the remaining 25 percent of the perimeter of the site adjoins parcels that had been previously developed for qualified urban uses;
 - (b) No parcel within the site has been created within the past 10 years unless the parcel was created as a result of the plan of a redevelopment agency.

(Public Resources Code section 21061.3.)

11.30 "Initial Study" means a preliminary analysis conducted by the District to determine whether an EIR, a Negative Declaration, or a Mitigated Negative Declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR.

11.31 "Jurisdiction by Law" means the authority of any public agency to grant a permit or other entitlement for use, to provide funding for the project in question or to exercise authority over resources which may be affected by the project.

The District will have jurisdiction by law over a project when the District has primary and exclusive jurisdiction over the site of the project, the area in which the major environmental effects will occur, or the area in which reside those citizens most directly concerned by any such environmental effects.

- **11.32** "Land Disposal Facility" means a hazardous waste facility where hazardous waste is disposed in, on, or under land. (Health and Safety Code section 25199.1(d).)
- **11.33** "Large Treatment Facility" means a treatment facility which treats or recycles one thousand (1,000) or more tons of hazardous waste during any one month of the current reporting period commencing on or after July 1, 1991. (Health and Safety Code section 25205.1(d).)
- **11.34** "Lead Agency" means the public agency which has the principal responsibility for preparing environmental documents and for carrying out or approving a project when more than one public agency is involved with the same underlying activity.
- **11.35** "Low- and Moderate-Income Households" means persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code—i.e., persons and families whose income does not exceed 120% of area median income, adjusted for family size by the Department of Housing and Community Development, in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937. (Public Resources Code section 21159.20(d); State CEQA Guidelines section 15191(f).)
- **11.36** "Low-Income Households" means households of persons and families of very low and low income. Low-income persons or families are those eligible for financial assistance from governmental agencies for occupants of state-funded housing. Very low income persons are those whose incomes do not exceed the qualifying limits for very low income families as established and amended pursuant to Section 8 of the United States Housing Act of 1937. Such limits are published and updated in the California Code of Regulations. (Public Resources Code section 21159.20(c); Health and Safety Code sections 50105 and 50106; State CEQA Guidelines section 15191(g).)
- **11.37** "Low-Level Flight Path" means any flight path for any aircraft owned, maintained, or under the jurisdiction of the United States Department of Defense that flies lower than 1,500 feet above ground level, as indicated in the United States Department of Defense Flight Information Publication, "Area Planning Military Training Routes: North and South America (AP/1B)" published by the United States National Imagery and Mapping Agency or its successor.

- **11.38** "Lower Income Households" is defined in Health and Safety Code section 50079.5 to mean any of the following:
 - "Lower income households" means persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937;
 - (2) "Very low income households" means persons and families whose incomes do not exceed the qualifying limits for very low income families as defined in Health and Safety Code section 50105; or
 - (3) "Extremely low income households" means persons and families whose incomes do not exceed the qualifying limits for extremely low income families as defined in Health and Safety Code section 50106.
- **11.39** "Major Transit Stop" means a site containing an existing rail or bus rapid transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of fifteen (15) minutes or less during the morning and afternoon peak commute periods. (Pub. Resources Code, § 21064.3; see also Pub. Resources Code, § 21060.2; State CEQA Guidelines section 15191(i).)
- **11.40** "Metropolitan Planning Organization" or "MPO" means a federally-designated agency that provides transportation planning and programming in metropolitan areas. A MPO is designated for each urban area that has been defined in the most recent federal census as having a population of more than 50,000 people. There are 18 federally-designated MPOs in California. Non-urbanized (rural) areas do not have a designated MPO.
- **11.41** "Military Impact Zone" means any area, including airspace, that meets both of the following criteria:
 - (1) Is located within two miles of a military installation, including, but not limited to, any base, military airport, camp, post, station, yard, center, homeport facility for a ship, or any other military activity center that is under the jurisdiction of the United States Department of Defense; and
 - (2) Covers greater than 500 acres of unincorporated land, or greater than 100 acres of city incorporated land.
- **11.42** "Military Service" means the United States Department of Defense or any branch of the United States Armed Forces.
- **11.43** "Ministerial" describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or standards or objective measurements, and the public official

cannot use personal, subjective judgment in deciding whether or how the project should be carried out. Common examples of ministerial permits include automobile registrations, dog licenses, and marriage licenses. A building permit is ministerial if the ordinance requiring the permit limits the public official to determining whether the zoning allows the structure to be built in the requested location, the structure would meet the strength requirements in the Uniform Building Code, and the applicant has paid his fee. (Public Resources Code section 21080(b)(1).)

- **11.44** "Mitigated Negative Declaration" or "MND" means a Negative Declaration prepared for a Project when the Initial Study has identified potentially significant effects on the environment, but: (1) revisions in the project plans or proposals made, or agreed to, by the applicant before the proposed Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.
- **11.45** "Mitigation" includes avoiding the environmental impact altogether by not taking a certain action or parts of an action, minimizing impacts by limiting the degree or magnitude of the action and its implementation, rectifying the impact by repairing, rehabilitating or restoring the impacted environment, reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action, or compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.
- **11.46** "Negative Declaration" or "ND" means a written statement by the District briefly describing the reasons that a proposed project, not exempt from CEQA, will not have a significant effect on the environment and, therefore, does not require the preparation of an EIR.
- **11.47** "Notice of Completion" means a brief report filed with the Office of Planning and Research by the District when it is the Lead Agency as soon as it has completed a Draft EIR and is prepared to send out copies for review.
- **11.48** "Notice of Determination" means a brief notice to be filed by the District when it approves or determines to carry out a project which is subject to the requirements of CEQA.
- **11.49** "Notice of Exemption" means a brief notice which may be filed by the District when it has approved or determined to carry out a project, and it has determined that the project is exempt from the requirements of CEQA. Such a notice may also be filed by an applicant where such a determination has been made by a public agency which must approve the project.
- **11.50** "Notice of Preparation" means a brief notice sent by a Lead Agency to notify the Responsible Agencies, Trustee Agencies, the Office of Planning and Research, and

involved federal agencies that the Lead Agency plans to prepare an EIR for a project. The purpose of this notice is to solicit guidance from those agencies as to the scope and content of the environmental information to be included in the EIR. Public agencies are free to develop their own formats for this notice.

- **11.51** "Oak" means a native tree species in the genus Quercus, not designated as Group A or Group B commercial species pursuant to regulations adopted by the State Board of Forestry and Fire Protection pursuant to Public Resources Code section 4526, and that is five (5) inches or more in diameter at breast height. (Public Resources Code section 21083.4(a).)
- **11.52** "Oak Woodlands" means an oak stand with a greater than 10 percent canopy cover or that may have historically supported greater than 10 percent canopy cover. (Fish & Game Code section 1361(h).)
- **11.53** "Offsite Facility" means a facility that serves more than one generator of hazardous waste. (Public Resources Code section 21151.1(h).)
- 11.54 "Person" includes any person, firm, association, organization, partnership, business, trust, corporation, company, city, county, city and county, town, the state, and any of the agencies which may be political subdivisions of such entities, and, to the extent permitted by federal law, the United States, or any of its agencies or political subdivisions.
- **11.55** "Pipeline" as defined in these Local Guidelines depends on the context. Please see Local Guidelines Sections 3.10 and 3.11 for specific definitions.
- 11.56 "Private Project" means a project which will be carried out by a person other than a governmental agency, but which will need a discretionary approval from the District. Private projects will normally be those listed in subsections (2) and (3) of Local Guidelines Section 11.57.
- **11.57** "Project" means the whole of an action or activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment, and is any of the following:
 - (1) A discretionary activity directly undertaken by the District including but not limited to public works construction and related activities, clearing or grading of land, or improvements to existing public structures;
 - (2) A discretionary activity which involves a public agency's issuance to a person of a lease, permit, license, certificate, or other entitlement for use, or which is supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance by the District; or
 - (3) A discretionary project proposed to be carried out or approved by public agencies, including but not limited to the enactment and amendment of local General Plans or elements thereof, the enactment of zoning ordinances, the

issuance of zoning variances, the issuance of conditional use permits and the approval of tentative subdivision maps.

The presence of any real degree of control over the manner in which a project is completed makes it a discretionary project.

The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term "project" does not mean each separate governmental approval.

- **11.58** "Project-Specific Effects" means all the direct or indirect environmental effects of a project other than cumulative effects and growth-inducing effects. (Public Resources Code section 21065.3; State CEQA Guidelines section 15191(j).)
- **11.59** "Public Water System" means a system for the provision of piped water to the public for human consumption that has 3,000 or more service connections. A public water system includes all of the following: (A) Any collection, treatment, storage, and distribution facility under control of the operator of the system which is used primarily in connection with the system; (B) Any collection or pretreatment storage facility not under the control of the operator that is used primarily in connection with the system; (C) Any person who treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption. (State CEQA Guidelines section 15155.)
- **11.60** "Qualified Urban Use" means any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. (Public Resources Code section 21072; State CEQA Guidelines section 15191(k).)
- **11.61** "Residential" means a use consisting of either residential units only or residential units and primarily neighborhood-serving goods, services, or retail uses that do not exceed 15% of the total floor area of the project. (State CEQA Guidelines section 15191(l).) Residential, pursuant to Public Resources Code section 21159.24, shall mean a use consisting of either of the following:
 - (1) Residential units only.
 - (2) Residential units and primarily neighborhood-serving goods, services, or retail uses that do not exceed 25 percent of the total building square footage of the project.
- **11.62** "Responsible Agency" means a public agency which proposes to carry out or approve a project for which a Lead Agency has prepared the environmental documents. For the purposes of CEQA, the term "Responsible Agency" includes all federal, state, regional and local public agencies other than the Lead Agency which have discretionary approval power over the project.
- **11.63** "Riparian areas" mean those areas transitional between terrestrial and aquatic ecosystems and that are distinguished by gradients in biophysical conditions,

ecological processes, and biota. A riparian area is an area through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. A riparian area includes those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems. A riparian area is adjacent to perennial, intermittent, and ephemeral streams, lakes, and estuarine-marine shorelines.

- **11.64** "Roadway" means a roadway as defined pursuant to Section 530 of the Vehicle Code and the previously graded and maintained shoulder that is within a roadway right-of-way of no more than five feet from the edge of the roadway.
- **11.65** "Significant Effect" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the activity including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.
- **11.66** "Significant Value as a Wildlife Habitat" includes wildlife habitat of national, statewide, regional, or local importance; habitat for species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531, et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code); habitat identified as candidate, fully protected, sensitive, or species of special status by local, state, or federal agencies; or habitat essential to the movement of resident or migratory wildlife.
- **11.67** "Special Use Airspace" means the land area underlying the airspace that is designated for training, research, development, or evaluation for a military service, as that land area is established by the United States Department of Defense Flight Information Publication, "Area Planning: Special Use Airspace: North and South America (AP/1A)" published by the United States National Imagery and Mapping Agency or its successor.
- **11.68** "Staff" means the General Manager or his or her designee.
- **11.69** "Standard" means a standard of general application that is all of the following:
 - (1) A quantitative, qualitative or performance requirement found in a statute, ordinance, resolution, rule, regulation, order, or other standard of general application;
 - (2) Adopted for the purpose of environmental protection;
 - (3) Adopted by a public agency through a public review process;
 - (4) Governs the same environmental effect which the change in the environment is impacting; and

(5) Governs the jurisdiction where the project is located.

The definition of "standard" includes any thresholds of significance adopted by the District which meet the requirements of this Section.

If there is a conflict between standards, the District shall determine which standard is appropriate based upon substantial evidence in light of the whole record.

- **11.70** "State CEQA Guidelines" means the Guidelines for Implementation of the California Environmental Quality Act as adopted by the Secretary of the California Natural Resources Agency as they now exist or hereafter may be amended. (California Administrative Code, Title 14, sections 15000, et seq.)
- **11.71** "Substantial Evidence" means reliable information on which a fair argument can be based to support an inference or conclusion, even though another conclusion could be drawn from that information. "Substantial evidence" includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. "Substantial evidence" does not include argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment.
- **11.72** "Sustainable Communities Strategy" is an element of a Regional Transportation Plan, which must be adopted by the Metropolitan Planning Organization for the region. (See Local Guidelines Section 11.40.) The Sustainable Communities Strategy is an integrated land use and transportation plan intended to reduce greenhouse gases. The Sustainable Communities Strategy includes various components such as: consideration of existing densities and uses within the region, identification of areas within the region that can accommodate an eight-year projection of the region's housing needs, development of projections for growth in the region, identification of existing transportation networks, and preparation of a forecast for development pattern for the region that can be integrated with transportation networks.
- **11.73** "Tiering" means the coverage of general matters in broader EIRs (such as on general plans or policy statements) with subsequent narrower EIRs or ultimately site-specific EIRs incorporating by reference the general discussions and concentrating solely on the issues specific to the EIR subsequently prepared. Tiering is appropriate when the sequence of EIRs is:
 - (a) From a general plan, policy, or Program EIR to a program, plan, or policy EIR of lesser scope or to a site-specific EIR; or
 - (b) From an EIR on a specific action at an early stage to a subsequent EIR or a supplement to an EIR at a later stage. Tiering in such cases is appropriate when it helps the Lead Agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe.

(Public Resources Code sections 21003, 21061 and 21100.)

- **11.74** "Transit Priority Area" means an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.
- **11.75** "Transit Priority Project" means a mixed use project that is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy for which the California Air Resources Board has accepted a Metropolitan Planning Organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets. Such a project may be exempt from CEQA if a detailed laundry list of requirements is met. To qualify for the exemption, the Transit Priority Project must:
 - (1) contain at least 50 percent residential use based on total building square footage;
 - (2) if the project contains between 26 percent and 50 percent non-residential uses, the floor-to-area ratio (FAR) must be at least 0.75;
 - (3) have a minimum net density of 20 dwelling units per acre;
 - (4) be located within a half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan; and
 - (5) meet all the requirements of Public Resources Code section 21155.1.
- **11.76** "Transportation Facilities" includes major local arterials and public transit within five (5) miles of the project site, and freeways, highways, and rail transit service within ten (10) miles of the project site.
- **11.77** "Tribal Cultural Resources" are either of the following:
 - (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - (a) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - (b) Included in a local register of historic resources as defined in subdivision (k) of Public Resources Code section 5020.1.
 - (2) A resource determined by the Lead Agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this

definition, the Lead Agency shall consider the significance of the resource to a California Native American tribe.

A cultural landscape that meets the criteria set forth above is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

A historic resource described in Public Resources Code section 21084.1, a unique archaeological resource as defined in subdivision (g) of Public Resources Code section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Public Resources Code section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of Tribal cultural resources.

- **11.78** "Trustee Agency" means a State agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. Trustee Agencies may include, but are not limited to, the following:
 - (a) The California Department of Fish and Wildlife ("DFW") with regard to the fish and wildlife of the state, designated rare or endangered native plants, and game refuges, ecological reserves, and other areas administered by DFW;
 - (b) The State Lands Commission with regard to state owned "sovereign" lands such as the beds of navigable waters and state school lands;
 - (c) The State Department of Parks and Recreation with regard to units of the State Park System;
 - (d) The University of California with regard to sites within the Natural Land and Water Reserve System; and/or
 - (e) The State Water Resources Control Board with respect to surface waters.
- **11.79** "Urban Growth Boundary" means a provision of a locally adopted general plan that allows urban uses on one side of the boundary and prohibits urban uses on the other side of the boundary.
- **11.80** "Urbanized Area" means either of the following:
 - (1) An incorporated city that either by itself or in combination with two contiguous incorporated cities has a population of at least one hundred thousand (100,000) persons;
 - (2) An unincorporated area that meets both of the following requirements:
 - (a) The unincorporated area is either:
 - (i) completely surrounded by one or more incorporated cities, has a population of at least 100,000 persons either by itself or in combination with the surrounding incorporated city or cities, and has a population density that at least equals the population density of the surrounding city or cities; or

- (ii) located within an urban growth boundary and has an existing residential population of at least five thousand (5,000) persons per square mile. An "urban growth boundary" means a provision of a locally adopted general plan that allows urban uses on one side of the boundary and prohibits urban uses on the other side.
- (b) The board of supervisors with jurisdiction over the unincorporated area has taken all three of the following steps:
 - 1. Prepared a draft document by which the board would find that the general plan, zoning ordinance, and related policies and programs applicable to the unincorporated area are consistent with principles that encourage compact development in a manner that promotes efficient transportation systems, economic growth, affordable housing, energy efficiency, and an appropriate balance of jobs and housing, and protects the environment, open space and agricultural areas;
 - 2. Submitted the draft document to the Office of Planning and Research and allowed OPR thirty (30) days to submit comments on the draft finding to the board; and
 - 3. At least thirty (30) days after submitting the draft document to OPR, the board has adopted a final finding in substantial conformity with the draft finding described in the draft document.

(Public Resources Code sections 21083, 21159.20-21159.24; State CEQA Guidelines section 15191(m).)

- **11.81** "Water Acquisition Plans" means any plans for acquiring additional water supplies prepared by the public water system or a city or county Lead Agency pursuant to subdivision (a) of section 10911 of the Water Code.
- **11.82** "Water Assessment" or "Water Supply Assessment" means the water supply assessment that must be prepared by the governing body of a public water system, or a city or county, pursuant to and in compliance with sections 10910 to 10915 of the Water Code, and that includes, without limitation, the elements of the assessment required to comply with subdivisions (d), (e), (f), and (g) of section 10910 of the Water Code.
- **11.83** "Water Demand Project" means any one of the following:
 - (A) A residential development of more than 500 dwelling units;
 - (B) A shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
 - (C) A commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;

- (D) A hotel or motel, or both, having more than 500 rooms;
- (E) An industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;

Except, a proposed photovoltaic or wind energy generation facility approved on or after October 8, 2011, is not a Water Demand Project if the facility would demand no more than 75 acre-feet of water annually.

- (F) A mixed-use project that includes one or more of the projects specified in subdivisions (A); (B), (C), (D), (E), or (G) of this section;
- (G) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project; or
- (H) For public water systems with fewer than 5,000 service connections, a project that meets the following criteria:
 - (1) A proposed residential, business, commercial, hotel or motel, or industrial development that would account for an increase of 10 percent or more in the number of a public water system's existing service connections; or
 - (2) A mixed-use project that would demand an amount of water equivalent to, or greater than, the amount of water required by residential development that would represent an increase of 10 percent or more in the number of the public water system's existing service connections.

(State CEQA Guidelines section 15155.)

- **11.84** "Waterway" means a bay, estuary, lake, pond, river, slough, or a perennial, intermittent, or ephemeral stream, lake, or estuarine-marine shoreline.
- **11.85** "Wetlands" has the same meaning as that term is construed in the regulations issued by the United States Army Corps of Engineers pursuant to the Clean Water Act. Thus, "wetlands" means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. (Public Resources Code section 21159.21(d), incorporating Title 33, Code of Federal Regulations, section 328.3.)
- **11.86** "Wildlife Habitat" means the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection. (Public Resources Code section 21159.21.)

11.87 "Zoning Approval" means any enactment, amendment, or appeal of a zoning ordinance; granting of a conditional use permit or variance; or any other form of land use, subdivision, tract, or development approval required from the city or county having jurisdiction to permit the particular use of the property.

12. <u>FORMS</u>

See forms A – S which accompany these Guidelines.

13. <u>COMMON ACRONYMS</u>

A.	***************************************
	ADEIR – Administrative Draft Environmental Impact Report AQMD – Air Quality Management District AQMP – Air Quality Management Plan AR – Administrative Record ARB – Air Resources Board
B.	********
	BMP – Best Management Practices BO – Biological Opinion
C.	**********
	Cal EPA – California Environmental Protection Agency CAP – Climate Action Plan CCAA – California Clean Air Act CCR – California Code of Regulations (Title 14 Sections 15000 et seq. are also known as the State CEQA Guidelines.) CE – Categorical Exclusion (NEPA) CESA – California Endangered Species Act CEQA – California Environmental Quality Act CFR – Code of Federal Regulations CMP – Congestion Management Plan CRWQCB – California Regional Water Quality Control Board
D.	***************************************
	DEIR – Draft Environmental Impact Report DFW – Department of Fish and Wildlife
E.	********
	EA – Environmental Assessment (NEPA term) EIR – Environmental Impact Report EIS – Environmental Impact Statement (NEPA term) EPA – Environmental Protection Agency ESA – Endangered Species Act; Environmental Site Assessment
F.	**********
	FCAA – Federal Clean Air Act FEIR – Final Environmental Impact Report FOIA – Freedom of Information Act (Federal) FONSI – Finding of No Significant Impact (NEPA term) FWS – Fish and Wildlife Service

G.	***************************************
	GHG – Greenhouse Gas
	GW – Ground Water
H.	***********
	HH&E – Human Health and Environment
	HRA – Health Risk Assessment
	HS – Hazardous Substance
I.	***************************************
	IS – Initial Study
J.	***************************************
K.	*************************
L.	***************************************
	LADD – Lifetime Average Daily Dose; Lowest Acceptable Daily Dose LEA – Local Enforcement Agency LESA – Land Evaluation and Site Assessment LUFT – Leaking Underground Fuel Tank LUST – Leaking Underground Storage Tanks. Reference Part 213 of Public Act 451 of 1994.
М.	***************************************
	MEIR – Master Environmental Impact Report
	MMRP – Mitigation Monitoring and Reporting Plan
	MPO – Metropolitan Planning Organization
	MND – Mitigated Negative Declaration
N.	***************************************
	ND – Negative Declaration
	NEPA – National Environmental Policy Act
	NOA – Notice of Availability
	NOC – Notice of Completion
	NOD – Notice of Determination
	NOE – Notice of Exemption NOI – Notice of Intent
	NOP – Notice of Preparation
	NOV – Notice of Violation
0.	*********

OPR – Office of Planning and Research

Р.	***************************************								
	 PEIR – Program Environmental Impact Report. Sometimes also used to describe a Project Environmental Impact Report PM – Particulate Matter PRA – Public Records Act PSA – Permit Streamlining Act 								
Q.	***************************************								
R.	***********								
	RCRA – Resource Conservation and Recovery Act (1976) Governs definition, handling, and disposal of hazardous waste.								
S.	*******								
	SCH – State Clearinghouse SEIR – Supplemental or Subsequent Environmental Impact Report SMARA – Surface Mining and Reclamation Act SWMP – Stormwater Monitoring Program SWPPP – Stormwater Pollution Prevention Program								
T.	*******								
	TCM – Transportation Control Measure TCP – Transportation Control Plan TDS – Total Dissolved Solids TMP – Transportation Management Plan Title V – refers to Title V of the Clean Air Act related to ambient air quality provisions TLV – Threshold Limit Value								
U.	*******								
	UBC – Uniform Building Code UFC – Uniform Fire Code UGST – Underground Storage Tank USDW – Underground Source of Drinking Water UWMP – Urban Water Management Plan								
V.	*******								
	VOC – Volatile Organic Compounds (Health & Safety Code, section 25123.6.) VOS – Vehicle Operating Survey								
W.	*******								
	WQS – Water Quality Standard WSA – Water Supply Assessment WTP – Water Treatment Plant. A facility designed to provide treatment to water. WWTP – Wastewater Treatment Plan								



BOARD AGENDA REPORT

Meeting Date:06-01-2022Dept. Head:Allen CarlisleSubmitted by:Amy PedersonDepartment:AdministrationApproved by:Allen Carlisle, CEO/GM

SUBJECT: APPOINTMENT OF NEW DISTRICT REPRESENTATIVE TO SERVE ON THE METRO COMMISSION/METRO WASTEWATER JOINT POWERS AUTHORITY (METRO JPA)

RECOMMENDATION(S):

Approve President Pommering's recommendation to appoint Karen Jassoy, the District's CFO/Director of Finance to serve as the District's representative on the Metro Commission/Metro JPA.

ALTERNATIVE(S):

Attachment(s):

None

FUNDING:

Requested amount:	N/A
Budgeted amount:	
Are funds available?	🗌 Yes 🗌 No
Project cost to date:	

PRIOR BOARD/COMMITTEE CONSIDERATION:

STRATEGIC PLAN IMPLEMENTATION:

This agenda item is consistent with the District's Strategic Plan and meets one or more of the following Strategic Goals: Provide safe, reliable water, recycled water and sewer services; Ensure fiscal health and competitively sustainable rates; Enhance customer communications and education; Increase water, wastewater and energy independence; Maintain workforce excellence; Expand park and recreation opportunities.

Reviewed by:		Action Requi	red:	Policy Updates:	Action Taken:
Dept Head	\square	Motion	\square	Rules & Regulations	As Recommended
Finance		Resolution		0	Reso/Ord. No
Legal Counsel Standard Form	\square	None	Ordinance Standard Practices None & Policies	Other	



Meeting Date:06-01-2022Dept. Head:Allen CarlisleSubmitted by:Kyle SwansonDepartment:AdministrationApproved by:Allen Carlisle, CEO/GM

BOARD AGENDA REPORT

SUBJECT: WATER FACILITIES REIMBURSEMENT AGREEMENT FOR SILVER COUNTRY ESTATES – HYDRO PUMP STATION

RECOMMENDATION(S):

Approve Water Facilities Reimbursement Agreement For Silver Country Estates – Hydro Pump Station.

ALTERNATIVE(S):

Deny Water Facilities Reimbursement Agreement or delay consideration to future meeting.

ATTACHMENT(S):

1. Water Facilities Reimbursement Agreement For Silver Country Estates – Hydro Pump Station

FUNDING:

Requested amount: None; any costs to the District will be covered under the terms of the reimbursement agreement,

Budgeted amount: Are funds available? Yes No Project cost to date:

PRIOR BOARD/COMMITTEE CONSIDERATION: August 26, 2019 & November 25, 2019 - Facilities Development & Operations Committee

STRATEGIC PLAN IMPLEMENTATION:

This agenda item is consistent with the District's Strategic Plan and meets one or more of the following Strategic Goals: Provide safe, reliable water, recycled water and sewer services; Ensure fiscal health and competitively sustainable rates; Enhance customer communications and education; Increase water, wastewater and energy independence; Maintain workforce excellence; Expand park and recreation opportunities.

Reviewed by:		Action Requi		Policy Updates:	Action Taken:
Dept Head		Motion		Rules & Regulations	As Recommended
Finance		Resolution	Ц		Reso/Ord. No.
Legal Counsel	\boxtimes	Ordinance		Standard Practices	Other
Standard Form		None		& Policies	Other

EXECUTIVE SUMMARY:

D.R. Horton, a developer of the Silver Country Estates development project, requested a late extension of an expired reimbursement agreement. Because the expired reimbursement agreement could not legally be extended, staff, legal counsel, and D.R. Horton developed a replacement reimbursement agreement for the expired reimbursement agreement at the recommendation of the Facilities Development and Operations Committee. The last five year extension for the expired reimbursement agreement was approved by the Board of Directors on March 5, 2014, and that reimbursement agreement expired in 2019.

DESCRIPTION:

As part of the Silver Country Estates development project completed in 1999, D.R. Horton San Diego Holding Co. and Santee Heights LLC (Developers), constructed facilities including a pump station (Magnolia) and contributed to the construction of a reservoir (Magnolia) and transmission pipeline. Padre Dam accepted these facilities on March 8, 1999. A reimbursement agreement (agreement) was entered into with said Developers for a portion of the costs associated with the facilities given that the facilities are capable of serving other properties. The original agreement had an expiration date of March 8, 2009 which was ten (10) years from the date of acceptance of the facilities by the District. The agreement allowed for extensions at five (5) year intervals provided that such extension was requested prior to the termination of the agreement. The District has typically granted such extensions so long as there has still been significant land available to develop that could use the facilities. The land that is still being developed that could be impacted by this reimbursement includes portions of Fanita Ranch, developments on Summit Avenue, and developments on Cuyamaca St.

D.R. Horton approached Padre Dam in April 2019 approximately one month after the expiration of the extended agreement. Padre Dam staff consulted with legal counsel to determine the options for renewal after expiration. Legal counsel determined that a new agreement would be required because an expired agreement cannot be legally extended, and that the new agreement would require "consideration" or something additional bargained for as part of the new agreement.

Staff presented reimbursement agreement options to the Facilities Development and Operations Committee at their August 26, 2019 meeting and their November 25, 2019 meeting. The Committee recommended the agreement be revised and brought back to the full Board of Directors for approval.

Staff worked with legal counsel and D.R. Horton to develop a new reimbursement agreement to replace the original reimbursement agreement. Neither staff nor D.R. Horton could contact Santee Heights LLC, or any successor thereof, and get them to join in the proposed new reimbursement agreement. The new reimbursement agreement would have a five year term, and would allow D.R. Horton to request a single five year extension term. The District would collect a reimbursement fee from each owner of property that connected to the relevant facilities. The District would pay D.R. Horton 99 percent of reimbursement agreement expires, whichever occurs first. As "consideration," the District would retain the other one percent of the reimbursement fees collected to pay for expenses incurred in administering the agreement. D.R. Horton would be required to indemnify the District in the event that Santee Heights LLC or any successor thereof takes issue with the proposed arrangement.

RECOMMENDATION(S):

Approve Water Facilities Reimbursement Agreement For Silver Country Estates – Hydro Pump Station.

Attachment 1

Service Area: A / WSA

Agreement No. _____

WATER FACILITIES REIMBURSEMENT AGREEMENT for Silver Country Estates – Hydro Pump Station

This Water Facilities Reimbursement Agreement for **Silver Country Estates – Hydro Pump Station** (this "Agreement") is made and entered into on ______, 2022 by and between PADRE DAM MUNICIPAL WATER DISTRICT, a municipal water district organized and operating pursuant to California Water Code section 71000 et seq. (the "District") and <u>D.R. Horton VEN, Inc.</u>, a California corporation, formerly known as D.R. Horton San Diego Holding Co., Inc., successor by merger to D.R. Horton San Diego No. 19 ("D.R. Horton"). The District and D.R. Horton may sometimes be individually referred to as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, District policies concerning the extension of water facilities within the District require each property owner or developer to construct or cause to be constructed at its sole expense all facilities needed to serve its property in accordance with the requirements, standards and specifications of District; and

WHEREAS, District Rules and Regulations permit the District to enter into a reimbursement agreement to partially reimburse property owners or developers for the costs of constructing extended facilities that will serve or otherwise benefit other properties from reimbursement fees collected from persons connecting to or benefiting from said facilities;

WHEREAS, D.R. Horton, Santee Heights, L.L.C. ("Santee Heights"), and the District previously entered into a water facilities reimbursement agreement ("Original Reimbursement Agreement"), a copy of which is attached to this Agreement as Exhibit "A" and by this reference incorporated herein; and

WHEREAS, the Original Reimbursement Agreement had an original term of 10 years from acceptance of the facilities constructed by D.R. Horton and Santee Heights, which term was extended for two (2) periods of five (5) years each, with an expiration date of March 8, 2019; and

WHEREAS, the Original Reimbursement Agreement, as extended, related specifically to an extension to District's existing water facilities (the "Facilities") to serve property located in the District, a portion of which was owned by D.R. Horton and the remainder of which was owned Santee Heights at the time the Original Reimbursement Agreement was entered into by the Parties and Santee Heights; and

WHEREAS, the property then owned by D.R. Horton is described on Exhibit "B" attached to this Agreement and by this reference incorporated herein (the "Property"); and

WHEREAS, the Facilities are described as <u>Magnolia Pump Station (A.K.A., Silver Country Estates –</u> <u>Hydro Pump Station), PDMWD Job No. 97012, Improvement Drawings W-3159 through W-3187A</u>, a copy of which is on file with the District and incorporated herein by this reference; and WHEREAS, under the Original Reimbursement Agreement, as extended, D.R. Horton incurred <u>Three Hundred Seventy-Three Thousand Seven Hundred and Ninety-Two</u> Dollars (\$<u>373,792</u>) in costs to install the Facilities, including but not limited to costs of engineering, construction, financing and insuring the work, of which \$10,082.16 has been reimbursed to it; and

WHEREAS, the remainder of the <u>Four Hundred Forty-Seven Thousand One Hundred Twenty</u> Dollars (\$<u>447,120</u>) total cost to install the Facilities was paid by Santee Heights; and

WHEREAS, Santee Heights' registration in California was cancelled on December 24, 1997 and its registration in Delaware (its state of formation) was voluntarily cancelled on December 31, 2004; and

WHEREAS, D.R. Horton and the District have attempted to include Santee Heights or a successor thereof in negotiations associated with this Agreement but have been unsuccessful in obtaining a response from any representative thereof; and

WHEREAS, the Original Reimbursement Agreement, as extended, expired on March 8, 2019, and notwithstanding the expiration, D.R. Horton has requested a functional equivalent of an extension thereof, with respect to D.R. Horton and District only, by entering into this Agreement; and

WHEREAS, the District is willing to enter this Agreement with D.R. Horton only, and will approve this Agreement in exchange for establishment of an administration fee to reimburse the District for activities related to administration of the terms of the Agreement, and pursuant to the terms and conditions set forth in the District's current form of facilities reimbursement agreements.

NOW, THEREFORE, the District and D.R. Horton agree as follows:

AGREEMENT

1. <u>Term</u>. This Agreement shall be for a term of five (5) years (the "Term"), commencing on ______, 2022 (the "Effective Date"), unless the Term is extended as provided for herein. If requested by D.R. Horton before the expiration of the original five-year Term, this Agreement may be extended by the District for one additional five (5) year term if the District's Board, in its sole discretion, determines such an extension is in the best interest of the Parties.

2. <u>Collection of Reimbursement Fees</u>. The District agrees to collect amounts for the reimbursement of D.R. Horton's costs incurred in constructing the Facilities from each owner of any property connecting to the Facilities (the "Reimbursement Fee"). The Reimbursement Fee shall be paid by each owner of property connecting to the Facilities, shall be in addition to the District's capacity or connection fees, and shall be determined by the District on the basis of:

A connection fee per meter connected or per Equivalent Dwelling Unit (EDU) connected for each property connecting to or benefiting from the Facilities, to cover each property owner's proportionate share of the Facilities.

Notwithstanding the above, the Parties may agree in writing to waive the collection of the Reimbursement Fee, or any portion thereof, from any owner of property connecting to the Facilities for specific parcels or for specific time periods.

3. <u>Connection to Facilities</u>: The District will not permit any person to directly connect to, or benefit from, the Facilities without first paying the Reimbursement Fee. Payment of the Reimbursement Fee by property owners or other persons seeking to connect to or otherwise benefit from the Facilities shall be a condition of District water service.

4. <u>Payment to D.R. Horton:</u>

(a) District shall pay to D.R. Horton 99% of all Reimbursement Fees collected pursuant to Section 2 of this Agreement until either: (a) D.R. Horton shall have received reimbursement of a total of \$370,054 (inclusive of the \$10,082.16 previously reimbursed to D.R. Horton); or (b) the term of this Agreement, as may be extended pursuant to Section 1, has expired. District shall retain one percent (1%) of each Reimbursement Fee for expenses incurred by it in administering this Agreement. Upon termination of this Agreement, the District shall pay D.R. Horton 99% of any remaining Reimbursement Fees collected in accordance with this Agreement, and the obligation of District to D.R. Horton shall thereupon cease and terminate and no further sums shall be payable or paid to D.R. Horton under this Agreement.

(b) Reimbursement Fees shall be deposited in a separate account and payments made to D.R. Horton in accordance with District Rules and Regulations. Reimbursement to D.R. Horton shall be made only from Reimbursement Fees collected by the District pursuant to this Agreement.

(c) District shall have no duty to make any reimbursement or other payment to D.R. Horton except as specified in this Agreement and said payment shall be made only from the Reimbursement Fees collected by the District. Further D.R. Horton, shall only be entitled to receive Reimbursement Fees from future owners whose land is benefited by the Facilities only if and when each such other owner secures permission from the District to connect to the Facilities. D.R. Horton understands that there are no guarantees whatsoever that District will secure any additional connections to any of the Facilities. District has no responsibility to secure future connections to all or any part of the Facilities.

5. <u>Abandonment/Replacement of Facilities:</u> If any portion of the Facilities for which a Reimbursement Fee is established by this Agreement must be abandoned or replaced during the Term of this Agreement, including any extension thereof pursuant to Section 1 of this Agreement, due to insufficient capacity or to physical or chemical deterioration or decomposition, the District may reduce the remaining Reimbursement Amount due D.R. Horton pursuant to Section 4 by an amount equal to 83.6% of a fraction, the numerator of which is the total cost of the Facilities required to be abandoned or replaced (as reasonably determined by District) and the denominator of which is the entire cost of the Facilities. (D.R. Horton incurred 83.6% of the cost to install the Facilities.)

6. <u>Other Fees by D.R. Horton</u>: This Agreement shall not exempt or relieve D.R. Horton from the payment of such other fees and charges as may be established by District, in accordance with its Rules and Regulations, for water and/or sewer service to the Property, including the standard capacity fees of District. At such time as D.R. Horton requests water and/or sewer service to the Property or any other properties owned by D.R. Horton, D.R. Horton shall pay to District such capacity fees and charges as may be then fixed by District in accordance with its rules and regulations. Notwithstanding any of the foregoing, if any of D.R. Horton's properties, including the Property, connects to the Facilities, D.R. Horton shall be exempt from the payment of the Reimbursement Fee collected pursuant to Section 2 of this Agreement.

7. <u>Notice</u>: Unless notified in writing of a change of address, all notices, payments or correspondence relating to this Agreement may be given by either: (i) hand delivery; or (ii) first class mail postage pre-paid, to the following addresses:

District:

General Manager Padre Dam Municipal Water District P.O. Box 719003 Santee, California 92072-9003

D.R. Horton:

D.R. HORTON Jennifer O'Leary Director of Forward Planning 2280 Wardlow Circle, Ste. 100 Corona, CA 92878

District shall not be responsible for locating D.R. Horton, beyond providing written notices to the address supplied District by D.R. Horton. Therefore, notice shall be deemed given if provided in either manner listed above to the address supplied by the Party to whom notice is addressed.

8. <u>Miscellaneous Provisions:</u>

(a) <u>No Third-Party Benefit</u>. Nothing in this Agreement shall confer any rights upon any person or entity not party to this Agreement.

(b) <u>Venue/Attorneys' Fees</u>. This Agreement shall be governed by and construed in accordance with the laws of the State of California, and any action to enforce this agreement must be brought in the County of San Diego, State of California. In the event of any dispute between the Parties, the prevailing Party shall be entitled to recover all reasonable costs incurred in resolving the dispute, including reasonable attorneys' and experts' fees.

(c) <u>Assignment</u>. This Agreement shall not be assigned by either Party without first obtaining the prior written consent of the other Party.

(d) <u>Authority</u>. As a condition precedent to this Agreement, the Parties will obtain any and all resolutions, approvals, and/or other actions necessary for the adoption and approval of the provisions of this Agreement and shall provide the other Party with copies of such resolutions, approvals and/or actions prior to the execution of this Agreement.

(e) <u>Severability</u>. In the event any one of the provisions of this Agreement is for any reason be held invalid, illegal or unenforceable, the remaining provisions of this Agreement shall be unimpaired, and the invalid, illegal or unenforceable provision(s) shall be replaced by a valid, legal, enforceable, and mutually acceptable provision(s) that comes closest to the intention of the Parties underlying the invalid, illegal or unenforceable provision(s).

(f) <u>Integration</u>. This Agreement represents the entire understanding of the Parties as to those matters contained herein, and supersedes and cancels any prior oral or written understandings, promises or representation with respect to those matters covered in it. This Agreement may not be modified or altered except in writing signed by both Parties.

(g) <u>No Waiver</u>. No covenant, term or condition of this Agreement shall be deemed to be waived by either Party unless such waiver is in writing and executed by the Party making the waiver. No waiver of any breach of any of the terms, covenants or conditions of this Agreement shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other term, covenant or condition contained herein.

(h) <u>Indemnity</u>. D.R. Horton shall indemnify, defend and hold harmless the District and its officials, officers, employees and agents from and against any and all liability, loss, damages, expenses, and costs of any kind (including, without limitation, court costs and reasonable attorneys' fees) incurred in connection with or arising from any claims, demands, or actions by Santee Heights or any of its affiliates, heirs, successors, assigns, directors, officers, employees, agents, contractors, or subcontractors related to this Agreement or any reimbursement made hereunder.

(i) <u>Construction</u>. The terms and conditions contained herein shall not be construed in favor of or against either Party, but shall be construed as if both Parties prepared the Agreement.

(j) <u>Execution</u>. This Agreement shall not be deemed to have been accepted and shall not be binding upon either Party until duly authorized officers of both Parties have executed it.

(k) <u>Counterparts.</u> This Agreement may be executed in duplicate counterparts, each of which shall be deemed an original.

SIGNATURES ON FOLLOWING PAGE(S)

IN WITNESS WHEREOF, the District and the D.R. Horton have executed this Water Facilities Reimbursement Agreement as of the date first written above.

PADRE DAM MUNICIPAL WATER DISTRICT

By:				
lts:	General Manager			
D.R. I	IORTON			
D.R. Horton VEN, Inc.				
By:				
lts:				

Attest:

District's Board Secretary

Exhibit "A" Copy of Original Reimbursement Agreement

[attached]

1083

ATTACHMENT NO.

ID <u>A/WSA</u> No. <u>74</u>-₩

WATER FACILITIES REIMBURSEMENT AGREEMENT STANDARD FEES

The parties to this agreement are PADRE DAM MUNICIPAL WATER DISTRICT, a municipal water district of the State of California organized pursuant to the Municipal Water District Law of 1911, hereinafter referred to as "District and <u>D.R. Horton San Diego Holding Co.</u>, and Santee Heights, L.L.C. hereinafter referred to as "Owners."

RECITALS:

A. District policy concerning extension of water distribution facilities within the District are to require each property owner or developer to construct or cause to be constructed at his sole expense all facilities needed to serve his property in accordance with the requirements, standards and specifications of District. If such extended facilities are capable of serving other properties, District is willing to enter into an agreement to partially reimburse the property owners or developers for the costs thereof from capacity fees collected from persons connecting to said facilities.

B. Owners have constructed or caused to be constructed an extension to District's water distribution facilities to serve Owner's property within the District. Said facilities are described as follows:

Magnolia Pump Station (A.K.A., Silver Country Estates - Hydro Pump Station), PDMWD Job No. 97012, Improvement Drawings W-3159 through W-3187A

C. Said facilities are capable of serving other properties and have been accepted by the District as part of its system. The parties desire to set forth in writing a procedure for the reimbursement to owners for a portion of the cost of said water facilities in the event there are future connections thereto.

AGREEMENT:

NOW, THEREFORE, the parties agree as follows:

1. District will not permit any person to connect to said facilities without the payment of the standard Pumping Capacity Fees of the District established for said area by the Rules and Regulations of the District.

2. From that portion of each Pumping Capacity Fee designated by the Rules and Regulations of District as "Pumping Fee", District shall pay D.R. Horton San Diego Holding Co. 83.6%; and Santee Heights, L.L.C. (McMillin Companies) 16.4% of said amount until owners have been reimbursed the sum of \$373,792 for D.R. Horton San Diego Holding Co., and \$73,328 for Santee Heights, L.L.C. or until ten years from March 8, 1999, the date of acceptance of the facilities by the District. The obligation of District to Owners shall thereupon cease and terminate and no further sums shall be payable or paid to Owners. If requested by Owners before the expiration of the original ten year period, this agreement may be extended at maximum five year intervals, if the District Board of Directors determines such an extension is in the best interest of the contracting parties.

1

3. District shall under no circumstances be liable to Owners for any interest on any sums paid or to be paid Owners. District shall have no duty to make any reimbursement or other payment to Owners except as specified in this agreement, and said payment shall be made only from the aforesaid fees collected by the District.

4. This agreement shall not exempt or relieve Owners from the payment of such fees and charges as may be established by District, in accordance with its rules and regulations, for water service to property of owners, including the standard capacity fees of District. At such time as Owners requests water service to property of Owners, Owners shall pay to District such capacity fees and charges as may be then fixed by District in accordance with its Rules and Regulations. However, if said property served by said Pump Station, Owners shall be exempt from the payment of said pumping fee.

5. Unless notified in writing of a change of address, all notices, payments or correspondence relating to this agreement may be given by mail as follows:

To District at the District's mailing address:

P.O. Box 719003, Santee, California 92072-9003

To Owners at:

D.R. Horton San Diego Holding Co. c/o Horton Continental 5927 Priestley Dr., Ste. 200 Carlsbad, CA 92008

Santee Heights, L.L.C c/o McMillin Companies 2727 Hoover Ave. National City, CA 91950

6. District shall not be liable for locating Owners, beyond written notices given to the address supplied District by Owners. Upon expiration of this agreement, if Owners do not apply for final payment within 60 days, the District will deposit fees collected in accordance with this agreement to the District's Pumping Capital Expansion Fund, and the obligation of District to Owners shall thereupon cease and terminate and no further sums shall be payable or paid to Owners.

IN WITNESS WHEREOF, the parties have executed this agreement as of

PADRE DAM MUNICIPAL WATER DISTRICT

By:

General Manager



1

D.R. HORTON SAN DIEGO NO. 19, INC., a California Corporation

By: Gary Crouch

Title: Vice President of Operations

SANTEE HEIGHTS, LLC, a Delaware Limited Liability Company By: McMillin Homes III, Inc., a California Corporation, its manager

A. Ful By: 124 æ

and

Title: <u>Sentor V.R</u> Rarald R.7 SKP.

#21205

Exhibit "B" Property

All of CITY OF SANTEE TRACT NO. 93-02 UNIT NO.'S 2, 3 & 5, in the City of Santee, County of San Diego, State of California, according to Map thereof No. 13476 filed in the Office of the San Diego County Recorder on September 12, 1997; and

All of CITY OF SANTEE TRACT NO. 93-02 UNIT NO.'S 4, 6 & 7 in the City of Santee, County of San Diego, State of California, according to Map thereof No. 13486 filed in the Office of the San Diego County Recorder on October 23, 1997.



DIRECTOR'S REPORT OF CONFERENCE/MEETING ATTENDANCE

Submitted by:	Bill Pommering
Conference/Meeting:	San Diego County Water Authority
Attendance Date(s):	05/26/22

SUMMARY OF CONFERENCE OR MEETING

These comments should be accompanied with a review of the published Agenda of today's meetings.

I unfortunately was not able to attend the early part of the Committee Meetings.

WATER PLANNING AND ENVIRONMENTAL COMMITTEE

Committee reviewed and discussed the Carlsbad Desalination Plant – Support of Poseidon Financing Activities.

The original plant construction was financed in part with tax-exempt municipal bonds. In June 2020, Poseidon completed construction of fishfriendly dilution pumps to support standalone operations with funds secured through a bank facility. Poseidon is preparing an approximately \$725M financing for the fourth quarter of 2022. Approximately \$652M of private activity bonds through the California Pollution Control Financing Authority (CPCFA). While current conditions are not favorable, it is expected to improve in the future. Poseidon is developing a plan for interim financing in advance of the 2022B Plants Bonds (new money). Such interim financing would fund Poseidon's near-term costs of the intake modifications. Staff will return to the Board should Poseidon elect to execute interim financing.

Committee was asked to approve the following recommendations:

Recommendations
 Adopt Resolution No. 2022 to support Poseidon Resources (Channelside) LP in their application to the California Pollution Control Financing Authority
 Today's actions support Poseidon's preparatory steps and are not approval to issue debt
 Water Authority staff will return to the Board as the refunding, new money, and interim financing plans unfold, and will recommend approval of debt issuance at a later date
 Authorize the General Manager to amend the Clean Energy Capital, LLC, Financial Advisory Services Agreement to increase the amount by \$399,725, from \$100,000 to \$499,725

Purchasing the plant currently does not make financial sense. In twenty years, CWA can purchase the plant for \$1.00. Currently, the plant is not completely operational.

Committee approved the recommendation.

The Annual Storage Assessment presentation was postponed until next month.

ENGINEERING AND OPERATIONS COMMITTEE

Consent calendar was approved. San Vicente Energy Storage Facility Professional Services Contract was approved by the Committee.

LEGISLATION AND PUBLIC OUTREACH COMMITTEE

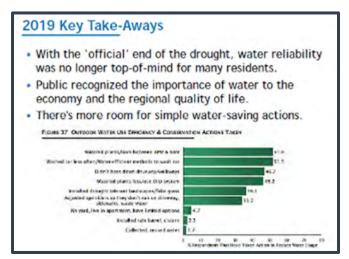
Committee is chaired by Frank Hilliker.

Consent agenda (all items concerned with supporting various legislation) were approved.

Legislative Issues: Washinton Report: working with elected leaders on project information and support. Due to supply chain issues, the "Buy American" stipulations may be relaxed for the reminder of this year. Sacramento Report: Legislators are working on finalizing all bills for this year must be completed by month end.

Small Contractor Outreach and Opportunities Program (SCOOP) Mid-Year Update was postponed to the next meeting.

2022 Public Opinion Poll. CWA had done more than a dozen such surveys over the past twenty years. Track public sentiment on water-related issues. Helps to focus and refine outreach programs.



New poll will sample eight-hundred adults with sixty questions. Offered in English and Spanish. Resulting poll will have an error of four percent of less. The new poll will be conducted in June/July 2022, with results in July or August 2022. Focus Areas of poll: Regional water reliability, drought, water-use efficiency and conservation and water affordability.

ADMINISTRATIVE AND FINANCE COMMITTEE

Consent Calendar to note and file the Monthly Treasurer's Report on Investments and Cash Flow. Item was approved.

Financial Strategy Work Group update will come back to the Administrative and Finance Committee next month.

Recommended Fiscal Years 2022 and 2023 Mid-Term Budget Update.

Recomm	nended Mid-term Budget
million	ommended mid-term budget requires an additional \$60.6 in budget appropriation (authorization to spend) or 3.6% e adopted budget of \$1,693,496,900.
needs, I	illion budget adjustment does not increase funding argely due funding supported by grants, MWD ents, and bond proceeds.
services	litional expenditures (salary & benefits, professional etc.) of \$18 million is offset by matching revenues g in an overall net zero need.
	term budget adjustment therefore does not impact the rates and charges.

Recommended Mid-term Sources of Funds Projections

- Water Sales Volumes
- FY2022 Expected to be 5% higher than adopted budget
- . FY2023 Projected to be 0.9% higher than adopted budget
- Infrastructure Access Charges
- Consistent with the rates and charges recommendation to remain flat
- Investment Income
- * Projected significantly higher due to current market conditions
- Other Income
- Increase due to funds received from MWD
- Contributions in Aid of CIP
- + San Vicente Energy Storage Facility Project

(in \$ millions)	FYs 22&23 Adopted		FYs 22&23 Forecast		Variance	
(in a ministra)					\$	
Water Purchases & Treatment	\$	1,110.4	5	1,117.1	\$ 6.7	0.61
CIP Expanditures		170.4		177.6	7.2	4.28
Debt Service		256.1		260.2	4.2	1.61
OSA Mitigation		5,9		5.9	0	05
Operating Departments		113.4		120.4	6.9	6.15
Equipment Replacement		4.9		4.7	(0.2)	3.61
Grant Expenditures		29.0		27.8	(1.2)	4.05
Other Expenditures*		3,4		40.3	36.9	10775
Total Uses of Funds	\$	1,693.5	\$	1,754.1	\$ 60.6	3.6%

Recommended Mid-term Uses of Funds Projections

- Water Purchases and Treatment
- Forecasting \$6.7 million over the adopted budget
- Driven by additional purchases due to reduced member agency local supplies
- Capital Improvement Program
- Overage primarily due to San Vicente Energy Storage Facility Project
- Savings in other projects offset total need
- Debt Service
- Increase due to Series 2022A bonds and increase in Commercial Paper interest
- Commercial Paper interest rates fluctuate with market conditions

Recommended Mid-term Uses of Funds Projections

- Operating Departments
- Approved Labor & Benefits
 - Negotiated Labor & Benefits increases
- Increases directed by Board
- Third Party Reviews of CIP. LRFP Model, Cost-of-Service Study
- Three full-time equivalent positions in Finance
- Other Expenditures
- Increase driven by funds received and passed-through to Member Agencies

Project Category	FYs 22823	FYs 22823	Variar	100
(in \$ thousands)	Appropriation	Forecast	\$	*
Asset Management	97.925	99,757	1.833	1.99
Emergency Storage Program	14.902	13,291	(1.611)	(10.8%)
Environmental Mitigation	14,266	8,019	(6.247)	(43.8%
Master Planning & Studies	8.783	19.227	10.444	118.99
New Facilities	31.040	33,255	2,215	7.19
Other	3.466	4,005	539	15.69
Total	\$170,381	\$177,555	\$ 7.174	4.2%

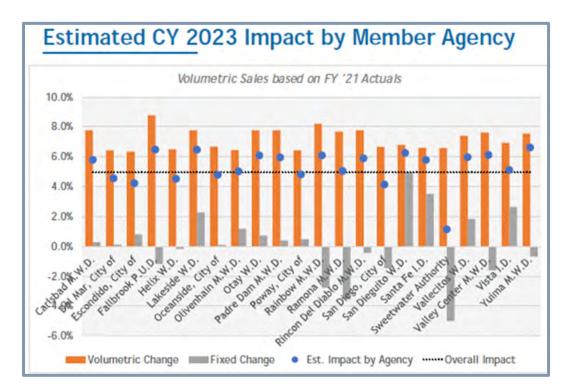
	D 3 IN A PURCH
Project Name	Budget Adjustment
San Vicente Energy Storage Facility*	\$18.000
Mission Trails Flow Regulatory Structure (FRS) II/Lake Murray Control Valve (transfer from Hauck Mesa)	\$3.000
Hauck Mesa Storage Reservoir (transfer to Mission Trails)	\$(3.000)
Carlsbad Desalination Project	\$455
Coscholla Mid-Canal Storage (now)	\$5,000
Total Anticipated Mid-Term CIP Adjustments	\$23,455
Adopted FY 2022 & 2023 Multi-Year Plan:	\$1,502,235
Anticipated FY 2022 & 2023 Multi-Year Plan Recommen	dation: \$1,525,690

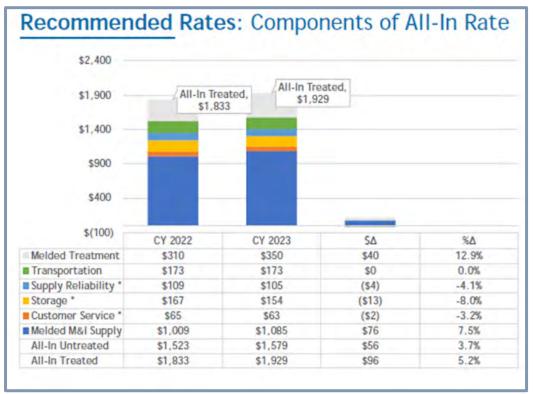
New Viscolar Learning Hannys Landay associated SIMD from the State, which will be speed one smallpair years to Execu Years Half & 2023, the project to expression any size approximately 125 AM of the secretical facets.

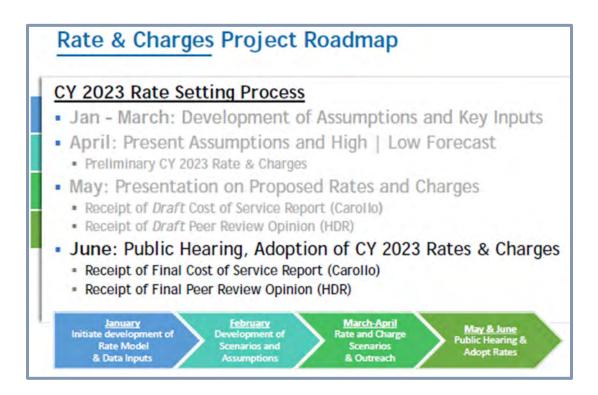
Concerns Concerns Do Marconada	FY122823	FYs22423	Variance		
Expense Category (in thousands)	Amended	Forecast	8	*	
Labor & Benefits	\$ 99,422	\$ 105,214	\$ 5,792	6.0%	
Direct Charges to CIP/Grants	(18,232)	(18.105)	127	-0.7%	
Operating Labor & Benefits Total	\$81,190	\$87,109	\$ 5,919	7.3%	
Services	28.063	28.294	211	0.8%	
Supplies	3,126	3,666	540	17.3%	
Utilities	3,121	3,133	12	0.4%	
Insurance	2,348	2,479	131	5 6%	
Leases/Rent	753	666	(87)	17.63	
Other	3.067	2.993	(94)	-3.0%	
Fixed Assets	323	319	(4)	-1.28	
Non-Personnel Total	\$40,840	\$41,550	\$ 710	1.75	
Capitalized Overhead Allocation	(8,623)	(8,299)	324	-3.85	
Total Operating by Expense	\$113,407	\$120,360	\$ 6.953	6.1%	

(In \$ thousands)	FYs 22623 Adopted Budget		FYs 22&23 Forecast	Variance s		
Water Sales	\$ 1,34		\$ 1,351,010		7,515	0.6
Water Purchases & Treatment Net Water Sales	1,110 \$ 23	0.422 3.073	1.117,120 \$ 233,889		6,699 817	0.6
Summary of Net Mil	dterm Adjus	tment	s (in \$ thousa	nds)	ſ.	
CIP Expenditures					\$ 7.1	74
San Vicente Energy St	torago Facility				70.4	114
CIP Project Savings					(3,2	71)
Dobt Service					\$ 4,1	80
Operating Department	s				\$ 6,9	53
			Sub-Total		\$ 18,3	07
Water Sales					\$ (0)	7)
San Vicente Energy Sto	orage Facility:	\$18M (WR award		\$ (10.44	14)
Investment Income					\$ (7.0	(6)
		Net To	tal Adjustment		5	0

Mid-term Budget Consideration for Adoption will come to the June Board meeting for consideration.



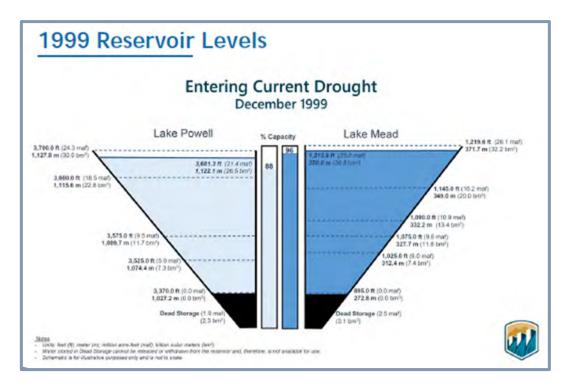


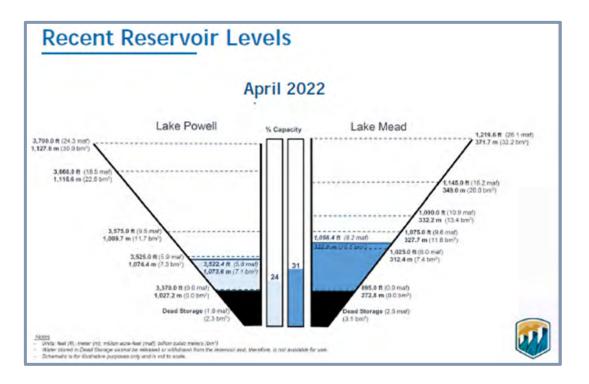


Committee approved setting a public hearing for adopting rates to be held on June 22nd.

COLORADO REIVER BOARD REPRESENTATIVE'S REPORT

At the May meeting, the Bureau of Reclamation presented the following two graphics.





The black indicates "dead Storage" which is water that cannot be used. MWD's portion of water is at the lowest position. IID priority is third in line, making the QSA water invaluable.

Committee was brought into closed session. Item was existing litigation: SDCWA v. Metropolitan Water District of Southern California. Committee came out of Closed Session recommending that the Legal contract with Keker be amended to provide for additional costs as well as returning over \$10M to member agencies.

IN	PORTED WATER COMMITTEE
The	e Imported Water Committee has recommended to the Board that:
(1)	the Keker Van Nest & Peters LLP legal services two-year contract through June 2023 be amended to increase the approved maximum from \$2.7 million to \$6.4 million; and
(2)	\$10,449,112.78 of the \$14,649,112.78 which MWD paid to the Water Authority this year for attorney's fees and costs be immediately paid out to the member agencies as shown on the attached chart, with the remainder being used for the \$3.7 million increase in the Keker contract, and \$500,000 for trial-related costs and expenses

FORMAL BOARD MEETING

Called to order. Minutes of prior meeting were approved. Chair's report was given. Chair held a meeting with Governor at an invitation-only meeting. Governor is not happy with lack of conservation across the state. It was conveyed to him that you can't conserve your way out of a drought. Agencies asked the Governor to work with the agencies and not dictate to them. Agencies are concerned with a "one-size fits all" approach. Governor stated he is listening but wants results. Reports of Committee actions were given. The Consent Agenda was reviewed and approved. Special AB 361 Determination was reviewed and passed. Overview of Water Authority Organization was moved to June Meeting. Special Reports: There will be a special Board Meeting on June 09th to interview the candidates for General Counsel. No General Counsel's Report. SANDAG will be studying the interconnector at the airport. No other SANDAG reports were made.

The Board went into closed session for two items: Existing Litigation and Public Employee Appointment (General Counsel.

Unfortunately, I was not able to stay until the conclusion of the meeting.



DIRECTOR'S REPORT OF CONFERENCE/MEETING ATTENDANCE

Conference/Meeting:	AWP JPA Board Meeting
Attendance Date(s):	May 19, 2022

SUMMARY OF CONFERENCE OR MEETING

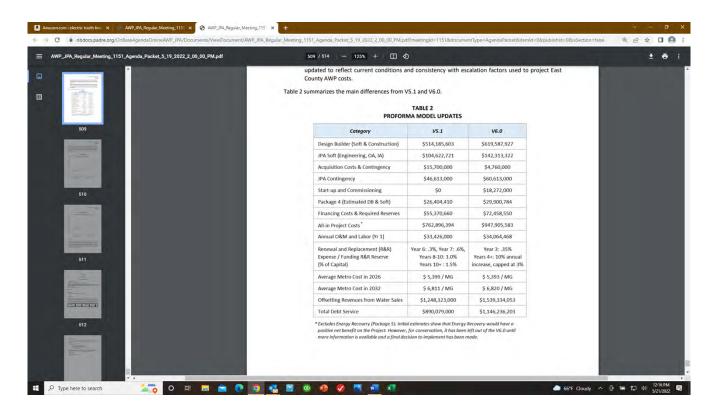
The JPA Board:

Meeting commenced at 2:05 pm.

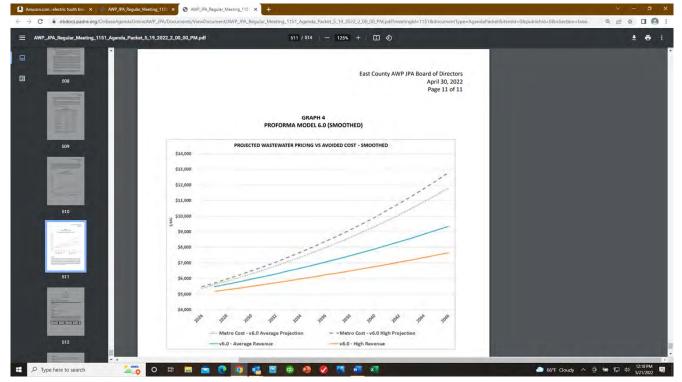
- 1. Authorized Remote Teleconference Public Meetings per AB 361
- 2. Went into Closed Session
 - a. Nothing to report
- 3. Approved April 5, 2022 Regular Board Meeting minutes
- 4. Amended AWP Joint Powers Authority policy and procedures establishing future meeting to be held at 2:00 pm on the 3rd Thursday of each month.
- 5. Adopted Resolution of Necessity for the Acquisition of Real Property and Easements (Eminent Domain) for the Mission Gorge Pump Station needed for the ECAWP.
 - a. This followed an extensive staff report describing two years of negotiation with the City of SD which has withheld the final steps to complete the transfer of this City designated "surplus property".
 - b. City of SD representative admitted this transfer was being intentionally being withheld to motivate changing the already City approved brine line and residual disposal project. City staff said even though they acknowledged the contract was already processed and approved by the City, it was done by prior staff and City Council members. Thus, they do not want to honor that contract!
 - c. AWP staff and legal counsel indicated that the eminent domain should be approved with a delayed implementation if the City could successfully come to a new agreement on the Residual Agreement in short order.
 - d. The AWPJPA approved the Resolution of Necessity.
- 6. Following staff presentation on the maximum pricing, the AWPJPA Board approved the Progressive Design-Build Agreement for Packages 1,2 & 3 to perform Phase 2 activities for a fixed lump sum price of \$595,720,591.
- 7. Staff proved an information report on the FY 2023 Budget and FY 2023-2026 CIP Budget.

Written Board Report – Page 2 of 2

Updated Project Costs Chart:



Price comparisons remain positive versus status quo no project:





PADRE DAM

DIRECTOR'S REPORT OF CONFERENCE/MEETING ATTENDANCE

Submitted by:	Bill Pommering
Conference/Meeting:	AWP/JPA Board of Directors Meeting
Attendance Date(s):	05/19/2022

SUMMARY OF CONFERENCE OR MEETING

The meeting was held beginning at 2:00 PM. Directors Goble, Anderson attended in person, as did Joel Scalzitti from Helix Water District. Director Caires attended via Zoom. The Board adjourned into Closed Session at the beginning of the meeting. Approval of the Minutes of the April 05th Board Meeting was confirmed. The Board also approved a single item on the Consent Agenda: they amended the days/times of future meetings to be on the third Thursday of the month at 2:00 PM. They also determined that while a Board Meeting could be cancelled, the meetings for February, May, August, and November are held.

There was a large audience in attendance for this meeting, The Board, after much discussion and public comment, adopted an eminent domain finding for acquiring the Mission Gorge Pump Station solely since the City of San Diego had taken a stance of not wishing to comply with agreements that the City had signed previously. The City offered to reopen negotiations but was not willing to abide with their previously signed agreements with the AWP JPA. The Board's action was heartedly endorsed by the audience, something not usually seen at public meetings of this sort.

The Board took further action on amending certain agreements for packages of the AWP program as well as professional service agreements.

A full report of the AWP's FY 23 Budget and FY 23-26 Capital Improvement Budgets was present to the Board.

With no further agenda items, the meeting was adjourned.



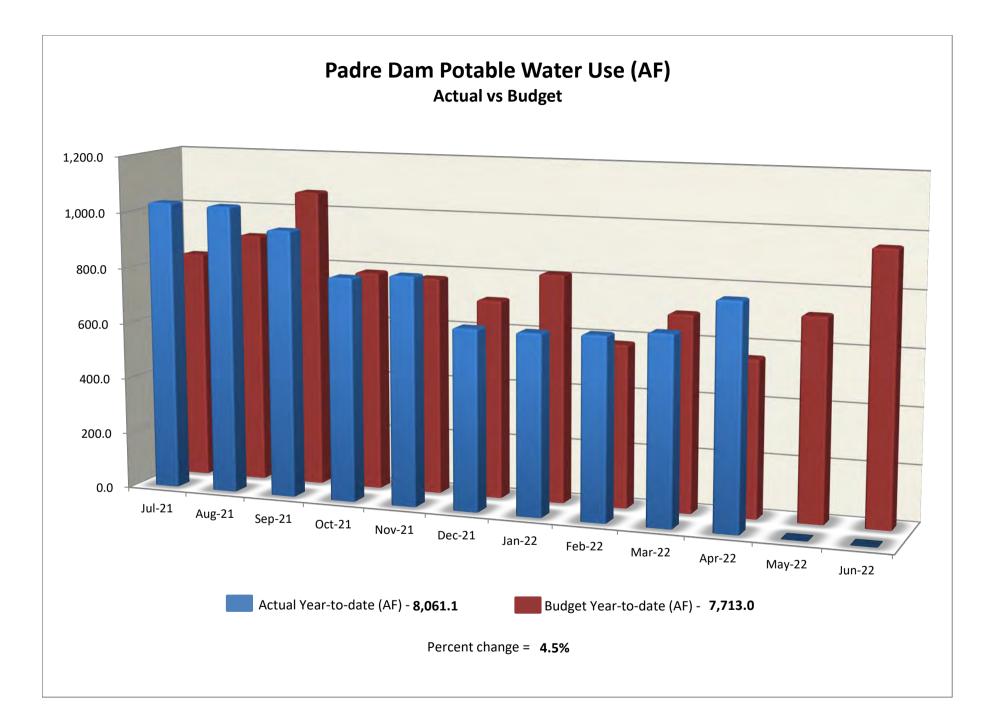
GENERAL MANAGER'S REPORT June 1, 2022

Information:

1. Padre Dam Potable Water Use – Actual vs Budget FY 21/22

2.	Feature Article:	"East County Water Recycling Project is a Go After Final Cost Approved"

- 3. News Article: "Californians Could See Mandatory Water Cuts Amid Drought"
- 4. News Article: "California Businesses Face Turf Watering Ban Amid Historic Drought Conditions"
- 5. News Article: "With Severe Drought, An Urgent Call to Rework the Colorado River's Defining Pact"
- 6. News Article: "Lake Powell, Producing Energy to Millions, Majorly Threatened by Drought Conditions"
- 7. News Article: "PFAS Chemicals Do Not Last Forever"



East County water recycling project is a go after final cost approved

The \$950 million facility should be online by 2026

BY BLAKE NELSONSTAFF REPORTER

May 20, 2022 12:12 PM PT

The governing body overseeing a proposed water recycling project in East County has unanimously voted to begin construction, a major milestone for a system projected to provide nearly a third of the water for part of the region.

The three members of the Joint Powers Authority also locked down a \$950,370,000 cost for the East County Advanced Water Purification project during a public meeting Thursday in Santee.

The room erupted in applause after the "yes" votes from San Diego County Supervisor Joel Anderson, El Cajon Councilmember Steve Goble and August Caires, from the Padre Dam Municipal Water District's board of directors.

A combination of loans, grants and other incentives will cover the cost, which has risen because of inflation and supply chain issues. California Assemblymember Akilah Weber is also asking for \$25 million from the state budget, and U.S. Rep. Darrell Issa is pushing for \$70 million from Congress, according to their representatives.

The wastewater treatment plant aims to clean millions of gallons a day specifically from El Cajon, Santee and other parts of the county. That water is currently used only once before it's passed along to the coast.

The new buildings will be near Santee Lakes, between the north end of the campground and the Ray Stoyer Water Recycling Facility.

A groundbreaking ceremony is scheduled for June 1. Officials hope the project will be online by the beginning of 2026.

The plant was recently threatened after San Diego officials backed out of paying for a pipeline because of legal issues. City officials attended Thursday's meeting to offer a compromise, and project leaders said they were optimistic the issue could be resolved soon.

Source: https://www.sandiegouniontribune.com/communities/east-county/story/2022-05-20/east-county-water-recycling-project-is-a-go-after-final-cost-approved

AP News

Californians could see mandatory water cuts amid drought

By KATHLEEN RONAYNEtoday



1 of 5

FILE - In this July 8, 2021, file photo, California Gov. Gavin Newsom and sign interpreter Julia Townsend stand at the edge of a diminished Lopez Lake near Arroyo Grande, Calif. Newsom threatened Monday, May 23, 2022, to impose mandatory, statewide restrictions on water use if people don't start using less on their own as the drought drags on and the hotter summer months approach. (David Middlecamp/The Tribune of San Luis Obispo via AP, File)

SACRAMENTO, Calif. (AP) — California Gov. Gavin Newsom threatened Monday to impose mandatory water restrictions if residents don't use less on their own as a drought drags on and the hotter summer months approach.

Newsom raised that possibility in a meeting with representatives from water agencies that supply major cities including Los Angeles, San Diego and the San Francisco Bay Area. The Democratic governor has avoided issuing sweeping, mandatory cuts in water use and instead favored giving local water agencies power to set rules for water use in the cities and towns they supply.

January through March typically is when most of California's annual rain and snow falls, but this year those months were the driest in at least a century. Despite calls for conservation, the state's water use went up dramatically in March – <u>19% compared to the same month in 2020</u> – and now Newsom is considering changing his approach.

"Every water agency across the state needs to take more aggressive actions to communicate about the drought emergency and implement conservation measures," Newsom said in a statement.

California is in its third year of drought and virtually all areas of the state are <u>classified as</u> <u>either in severe or extreme drought</u>. Due to low water levels in state reservoirs, the state is releasing only a limited amount of water from its supplies.

Newsom last summer called on Californians to voluntarily reduce their water use by 15% by doing things like taking five-minute showers and avoiding baths, only running the washing machine and dishwasher with full loads and limiting water use for cleaning outdoor areas. Water used for farming isn't counted.

Several local water officials present in the meeting said the tone was positive and focused on how all of the agencies can work together to promote conservation.

"From our perspective it works best when local water managers deal with local water supply conditions, but we're trying to support the state, we're trying to support the governor as best we can," said Ed Stevenson, general manager for the Alameda County Water District.

The district gets about 40% of its water from state supplies. It's water use is down about 7% since Newsom called for voluntary conservation.

San Diego County Water Authority, meanwhile, hasn't needed any water from state supplies since July partly because it relies on a mix of other sources including a desalination plant, said board Chairman Gary Croucher. But he said the district still has a role to play in responding to the drought. The authority is made up of 24 water agencies including the city of San Diego, where water use is down 1.3% since Newsom called for savings.

"If anybody wants to say that we're independent and we're okay just by ourselves, they're fooling themselves. We really need to work together as a group of collaborators," he said.

How soon Newsom could impose mandatory restrictions if conservation doesn't improve wasn't clear. Spokesperson Erin Mellon said the administration would reassess conservation progress in just "a few weeks." She didn't offer a metric the administration would use to measure success.

Newsom has already moved to <u>force more conservation</u> from local water districts. The state water board will vote Tuesday whether to ban watering of decorative grass and to force local agencies to boost conservation efforts.

After the last drought, the state required water districts to submit drought response plans that detail six levels of conservation based on available supply. Newsom has asked the board to require those districts move into "Level 2" of their plans, which assumes a 20% water shortage.

Each district can set its own rules, and they often include things like further limiting water use for outdoor purposes and paying people to install more efficient appliances. They must include a communication plan to urge conservation.

If approved those restrictions would take effect June 10. Water agencies that don't comply could be fined \$500 per day, as could businesses or other institutions that continue to water ornamental grass, said Edward Ortiz, a spokesperson for the water board.

Last week while touring a water recycling plant in Los Angeles County, Newsom spoke about better communicating the need for water conservation with the state's 39 million people. He's included \$100 million in his budget for drought messaging.

The Metropolitan Water District of Southern California, the state's largest water wholesaler, has adopted sweeping water restrictions for cities that rely primarily on state supplies. Starting June 1, the local agencies must limit lawn watering to one day per week, set volumetric limits on water use or face fines.

In the meeting, District General Manager Adel Hagekhalil said he told Newsom it would help if some of the state money for conservation could be used to help local districts step up enforcement to curb water waste.

"I appreciate that (Newsom) really wants to work with us," Hagekhalil said.

During the last drought, in 2015 former Gov. Jerry Brown issued a mandatory 25% cut in the state's overall water use, and the state water board set requirements for how much each water district had to cut based on their existing use; districts with higher water use were asked to cut more. Water agencies could be fined up to \$10,000 per day if they didn't comply.

The state water board has imposed <u>some statewide restrictions</u> such as banning people from watering their lawns for 48 hours after rainstorms and sprinklers from running onto sidewalks.

Broadly, the state needs to be thinking about how to set California up to better deal with drought, said Dr. Newsha Ajami, a water expert at the Lawrence Berkeley National Laboratory who studied conservation messaging during the last drought.

"We need to have a long-term strategy for how we are going to deal with these more frequent hotter, drier droughts that we are experiencing and actually do things when we are not in the drought," she said.

Attendees at the private meeting also included representatives from the Los Angeles Department of Water and Power, East Bay Municipal Utility District, the San Francisco Public Utilities Commission, Valley Water, the Association of California Water Agencies, California Urban Water Agencies and the California Municipal Utilities Association.

California Businesses Face Turf Watering Ban Amid Historic Drought Conditions

by City News Service3 hours ago



Low water at Lake Oroville in Butte County in March. Drone photo courtesy California Department of Water Resources

The <u>State Water Resources Control Board</u> voted Tuesday to ban watering of nonfunctional turf at commercial, industrial and institutional properties, the latest in a series of steps to conserve water amid a historic drought.

The ban — which does not include turf at residences or turf used for recreation or community purposes — will be effective once approved by the Office of

Administrative Law, which typically takes about 10 days, according to the board. Violations of the ban would be punishable by a fine of up to \$500.

The board also voted to require local agencies to implement water-use restrictions — with such limits currently covering only about half of California's population. The restrictions are aimed at addressing a shortage of water supplies that's been pegged at up to 20%.

"The severity of this drought requires all Californians to save water in every possible way," said Joaquin Esquivel, chair of the State Water Board. "The regulation compels water systems and local authorities to implement a range of additional critical conservation measures as we enter the hot and dry summer months."

The board's meeting came one day after Gov. Gavin Newsom <u>renewed his calls for</u> <u>strict water conservation measures</u> across California during a meeting with the state's largest urban water suppliers. Newsom's warning during that meeting was: If local efforts don't save enough water, the state will have to step in and impose mandatory restrictions.

"Every water agency across the state needs to take more aggressive actions to communicate about the drought emergency and implement conservation measures," he said. "Californians made significant changes since the last drought but we have seen an uptick in water use, especially as we enter the summer months. We all have to be more thoughtful about how to make every drop count."

Newsom will meet with the agencies again in two months to get an update on conservation efforts. He also asked them to submit water use data more frequently and increase transparency so the state can more accurately measure whether it is meeting its conservation goals.

The city of Los Angeles has already moved forward on some stricter water-use limits.

Starting June 1, the city will enact two-day outdoor watering restrictions — down from the current three — with watering permitted at odd- numbered street addresses on Mondays and Fridays, and at even-numbered addresses on Thursdays and Sundays.

The Metropolitan Water District of Southern California, which supplies water to much of the region, has ordered areas that depend on water from the State Water Project to reduce outdoor watering to one day per week.

"Metropolitan agrees with and supports the governor's urgent call for increased water conservation and reduction in water consumption as we approach the hotter and drier summer months," MWD General Manager Adel Hagekhalil said Monday. "We appreciate the governor's collaborative approach in addressing statewide drought conditions by allowing water agencies to determine the water savings actions appropriate for the specific circumstances of their communities."

So far, San Diego County has not faced restrictions thanks to the Carlsbad desalination plant and investments in other water sources.

According to Newsom's office, banning watering of decorative lawns would save between 156,000 acre-feet and 260,000 acre-feet per year, the equivalent of water used by 780,000 households in a year.

The governor's office also urged people to shower for only five minutes or less, stop taking baths, only wash full loads of clothes and use a broom instead of a hose to clean outdoor areas.

Source: https://timesofsandiego.com/business/2022/05/25/california-businesses-face-turf-watering-ban-amid-historic-drought-conditions/

CALIFORNIA

With severe drought, an urgent call to rework the Colorado River's defining pact



A motor home travels across the Hoover Dam near Boulder City, Nev., in June 2021. A white "bathtub ring" above the dam shows how far below capacity Lake Mead — one of the nation's largest reservoirs — has fallen. (Luis Sinco / Los Angeles Times)

BY <u>IAN JAMES</u>STAFF WRITER MAY 19, 2022 5 AM PT

One hundred years after a landmark agreement divided the waters of the Colorado River among Western states, the pact is now showing its age as a hotter and drier climate has shrunk the river.

The flow of the Colorado has declined <u>nearly 20%</u> since 2000. Reservoirs have dropped to <u>record</u> <u>low levels</u>. And despite a <u>series of deals</u> among the states to temporarily take less water from the river, the shortage <u>continues to worsen</u>.

Former Interior Secretary Bruce Babbitt, who oversaw management of the river under President Clinton, said it's become clear that the 1922 Colorado River Compact should be revamped to adapt to the reduced amount of water that is available as global warming compounds the 22-year megadrought in the watershed.

Babbitt said that a few years ago, he had thought the seven states could get by while leaving the agreement unchanged. But the Colorado River Basin has been drying out so rapidly with rising temperatures, he said, that the pact should be updated to allow the states to proportionally scale back their water use to deal with what scientists describe as the <u>aridification</u> of the West.

"While I once thought that these aridification scenarios were kind of abstract and way out in the future, I don't think that anymore," Babbitt said in an interview with the Los Angeles Times. "It's absolutely urgent that we start thinking now, while there's time, about how we adjust the compact, the regulations, the necessary reductions, in the most careful way so that we limit the damage, which can really be extreme."

The levels of Lake Mead and Lake Powell, the nation's largest reservoirs, have dropped to their lowest point since they were filled.

Representatives of California, Arizona and Nevada signed an agreement in December to take less water from the river over the next two years. But the <u>latest projections</u> from the federal government show that larger cuts will take effect next year as Lake Mead continues to decline.

Managers of water agencies have said the continuing downward spiral in reservoir levels shows that the entire region, from the Rocky Mountains to the U.S.-Mexico border, will need to devise <u>bigger</u> <u>steps to reduce water use</u>. But many of those who manage water supplies have expressed a reluctance to rewrite the Colorado River Compact, which laid down the foundational framework that has become the law of the river.

"The basic issue is how do you manage a river to balance inflow with diversions, what you take out? It's a simple balance equation," Babbitt said. "We must reach water balance, cut diversions down to the level, which on a short-term average is the amount of water coming in. You've got to balance the water coming in, water going out."

Babbitt said problems in the <u>Colorado River Compact</u> include how it was written, based on assumptions of much larger flows, and how certain provisions become unworkable under such dry

The 1922 agreement divided the water among four states in the river's Upper Basin (Colorado, Wyoming, Utah and New Mexico) and three states in the Lower Basin (Arizona, Nevada and California), with the dividing line between the two basins drawn at Lees Ferry, just upstream from the Grand Canyon. Separately, a <u>1944 treaty</u> established how much water Mexico would receive.

The way the compact divided the river, splitting 15 million acre-feet between the Upper Basin and the Lower Basin states, is now colliding with the reality that the river's <u>average yearly flow</u> since 2000 has been about 12.3 million acre-feet.

"With the onslaught of drought and the aridification as a result of climate change, those numbers aren't working," Babbitt said.

One big reason they no longer work, Babbitt said, is that the century-old agreement includes a provision requiring the Upper Basin states to deliver 7.5 million acre-feet per year to the Lower

Basin, the largest share of which goes to California. The Upper Basin states face future scenarios in which they would be required to make huge and disproportionate reductions in water use, Babbitt said.

"That's going to have to be dealt with. And that means that the compact itself is going to have to be renegotiated to put a little more balance into who bears the brunt of the reduced flows," Babbitt said.

Water from the Colorado River is used by about 40 million people, flowing to cities, farmlands and tribal nations from the Rocky Mountains to Southern California. The river has long been overused. So much water is diverted that the river's delta in Mexico largely dried up decades ago.

To cope with the river's decline, officials representing the seven states have sought to work through consensus-building, avoiding conflicts by negotiating temporary deals for sharing water reductions while keeping the century-old system of allocating water. They are dealing with the shortage under temporary rules adopted 2007, as well as a short-term deal called the <u>Drought Contingency Plan</u> that was signed in 2019. They will need to negotiate new rules for handling shortages by 2026, when the current rules expire.

"We can no longer just kind of muddle along. We really have to think big, because we're going to have to create a new regulatory framework. And it doesn't mean that we have to start over from scratch," Babbitt said. "The Colorado River Compact has worked for 100 years. But there is now a future scenario in which the fixed delivery obligation — from the Upper Basin states at Lees Ferry to California, Arizona and Nevada — simply doesn't work."

Lake Powell, the second-largest reservoir on the river, has declined to just 25% of full capacity. The federal government, trying to reduce the risk of the lake reaching critically low levels at Glen Canyon Dam, has announced that is <u>holding back additional water</u> in the reservoir this year.

"The compact will have to be adjusted to say, at some point, further river declines due to drought must be shared equitably across both basins in a kind of proportionate basis," Babbitt said. "We're not going to rewrite the whole thing. We're not going to advocate a great revolution or some other methodology for running the river."

"Everybody has got to acknowledge that at some point, we're all going to share the shortage up and down the basin everywhere, in equitable fashion. We'll all take a proportionate hit," he said.

Babbitt was Arizona's governor from 1978 to 1987 and was secretary of the Interior from 1993 to 2001. Now 83, Babbitt remains engaged in issues such as advocating for preservation of water supplies, protection of wilderness and action on climate change.

Babbitt has witnessed a stark transition on the Colorado River over the last four decades. In 1983, when he was Arizona's governor, the flooding river filled Lake Powell and <u>came within inches</u> of overtopping Glen Canyon Dam.

As Interior secretary in the 1990s, Babbitt worked on developing rules for handling the "surplus" water that was coming down the river. After those rules for handling surplus water were completed, the Colorado River Basin plunged into drought in the early 2000s.

Scientists studying ancient records in tree rings have found that the current megadrought in western North America, from Montana to California to northern Mexico, has become the region's <u>driest 22-year period</u> in at least 1,200 years and is intensifying as accumulating greenhouses gases push temperatures higher.

In other <u>research</u>, scientists have studied how much more the river could shrink as temperatures rise, projecting that for each additional 1 degree Celsius (1.8 degrees Fahrenheit) of warming, the average flow is <u>likely to drop</u> about 9%.

In a <u>study</u> published last month, scientists at Los Alamos National Laboratory projected that climate change will bring large losses of snowpack in the Rocky Mountains, where much of the river's flow begins as melting snow and rain. The researchers found that areas in Colorado, Utah and Wyoming could see a major reduction in water resources in the future and that conditions in the Upper Basin could become more like the arid Southwest.

"We're really seeing this being a much more water-limited future," said Katrina Bennett, a hydrologist and co-author of the study. "We are losing our snowpacks. It is getting more arid. And we are likely to see that signal continue. But as long as we can understand it, then we can plan for this and work on this problem together."

Babbitt said tweaking the 1922 Colorado River Compact to update it would help deal with the situation and enable the seven states to better address the "structural deficit," the imbalance between water supplies and demands that has sent reservoirs dropping to new lows.

He said the latest plan by Arizona, California and Nevada to take less water from Lake Mead, facilitated partly by paying some entities to reduce water use, is only "delaying the crisis." The <u>temporary deal</u> aims to keep an extra 1 million acre-feet of water in the lake in 2022 and 2023.

Meanwhile, Lake Mead continues to decline.

"The fact is that there is way too much water being diverted," Babbitt said. "You've got to balance the water you take out to the amount of water that the river's bringing in."

Source: https://www.latimes.com/california/story/2022-05-19/former-interior-secretary-calls-for-revamping-colorado-river-compact

Lake Powell, producing energy to millions, majorly threatened by drought conditions

By <u>Steve Nielsen</u> Published May 23, 2022 9:13PM Updated 9:50PM <u>Special Reports</u> FOX 10 Phoenix

Lake Powell, producing energy to millions, now majorly threatened by major drought conditions

The water crisis in **Arizona** affects all of us. From our tap water to our crops, even our electricity. The supply is running short, so FOX 10's Steve Nielsen headed to **Lake Powell to investigate our ongoing water crisis** and uncover what's being done to safeguard our most important resource in the desert.

Arizona. There is no place like it – anywhere in the world where the beauty of the landscape is crafted quite like this.

For so many visitors, they'll just stop and stare, contemplating everything, but that's the long view. A critical eye reveals problems decades in the making and solutions in short supply.

Visitors used to hear water flowing at Lake Powell, but now it's just wind blowing across the desert, and approaching Glen Canyon Dam, you'll hear the sound of heavy machinery.

Bob Martin is the Power Manager for the Upper Colorado Region at the Bureau of Reclamation and says they conduct routine maintenance on the doors that let water in and through the Colorado River every seven years.

"When we pull the gate up, it will be absolutely covered in mussels," Martin explained. Invasive mussels, to be exact, but that's a problem for another day.

For now, the focus is on the water, or the lack thereof.

"If it persists, further reductions are going to have to be made," he said.

Lake Powell historical data in 2011 shows the water level was at 3,622 feet. It ebbs and flows a little bit every year, but there's been a steep drop off the last two years.

As of May 2022, the water level is sitting at 3,522.

How low is that really? Elevation makers on the side of the dam stop 100 feet above where the water sits now.

"The last time we were at this elevation we were filling, so this is quite a unique situation we're in," Martin said.

Thirty-two feet lower, and the elevation will hit 3,490. That's the lowest it can be before the dam no longer generates power, which 6,000,000 people depend on.

"It's cheap power. It's a real bargain for the utilities and its clean power the emissions we produce is water that goes throughout the southwest and without that power that we produce, that has to be replaced somehow through other sources that could be coal or nuclear," Martin said.

Simply put: The more water, the more power.

The weight of the water pushes it through the turbines in the dam, generating the power and eventually feeding the river on the other side. The water would still have to drop another 150 feet before it can no longer pass through the dam, drying out the river that leads to **Lake Mead**. Even at Lake Powell's current levels, the impacts are felt everywhere on the lake.

Evidence of once high water levels are all around if you know what to look for. For example, one of the original boat ramps is completely dry and you have to go a long way down to get to where the marina is now.

A much larger boat ramp now ends in orange barricades and again the marina is still a ways off. Another ramp is being constructed at the current water level to get boats in and out. There are plans to prevent the levels from dropping even more as hundreds of millions of federal dollars are being invested to create or conserve more water.

In spring 2020, the Bureau of Reclamation announced more water will be released from reservoirs that feed Lake Powell, and less water will be released from Glen Canyon.

"That water is to get us through next year and get us above minimum power pool," Martin said. "So in a sense, if we were a farm, were financing another year's operation hoping the next year's crop is better."

Hope only gets you so far.

But Martin says you can always hope, and recent history backs him up.

"The worst water year we had was 1977 and the best water year we had was 1982-1983 time frame. So that's a pretty short time to go from worst to best, so we never know what mother nature will throw at us. We have to be wise and see what the patterns have been and adjust water usage accordingly, but it could turn around on us. You just don't know. You have to have that optimism that next year is going to be better and if it isn't, you hope the next year after that is better," Martin said.

Cities in Maricopa County have announced plans to reduce water usage by 5%, and farmers brace for tighter restrictions in the desert.

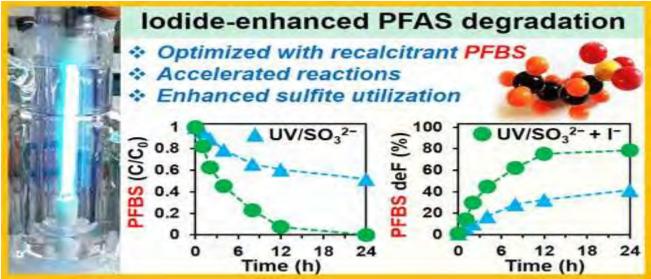
Stay tuned for a deep dive into how Lake Powel water levels are affecting businesses that rely on the lake. We'll talk with Arizona farmers who are already being impacted by water restrictions.

Source: https://www.fox10phoenix.com/news/lake-powell-producing-energy-millions-majorly-threatened-major-drought-conditions

```
Phys.Org
```

PFAS chemicals do not last forever

by Holly Ober, University of California - Riverside



Graphical abstract. Credit: Environmental Science & Technology (2022). DOI: 10.1021/acs.est.1c07608

Once dubbed "forever chemicals," per-and polyfluoroalkyl substances, or PFAS, might be in the market for a new nickname.

That's because adding iodide to a water treatment reactor that uses ultraviolet (UV) light and sulfite destroys up to 90% of carbon-fluorine atoms in PFAS forever chemicals in just a few hours, reports a new study led by environmental engineering researchers at UC Riverside. The addition of iodide accelerates the speed of the reaction up to four times, saving energy and chemicals.

"lodide is really doing some substantial work," said corresponding author Jinyong Liu, an assistant professor of <u>chemical</u> and environmental engineering. "Not only does it speed up the reaction but it also allows the treatment of a ten times higher concentrations of PFAS, even some very recalcitrant structures."

Liu's lab has been working on ways to destroy PFAS through <u>photochemical reactions</u> since 2017. The new method has already attracted interest from industry and Liu's group is partnering with companies to conduct pilot tests.

Synthetic chemicals known as PFAS contain multiple very strong carbon-fluorine bonds. Widespread use of these nonbiodegradable compounds in countless products since the 1940s has contaminated <u>water supplies</u> across America, with various negative health effects on human and animals. Because the carbon-fluorine bond is very hard to break, PFAS pass through most water treatment systems unchanged.

Photochemical degradation by UV light and sulfite (SO_3^{2-}) is, to date, one the most effective ways to break PFAS down. The original process used a lot of electricity because the <u>chemical</u> <u>reactions</u> occurred slowly. It also left multiple carbon-fluorine bonds remaining in the degradation products, with unknown health effects.

Last year, the researchers reported that oxidation treatments before and after the UV/sulfite treatment can achieve almost 100% destruction of carbon-fluorine bonds in various major PFAS pollutants.

In the new work, the researchers added iodide to the UV/sulfite system to treat a particularly stubborn four-carbon PFAS molecule called perfluorobutane sulfonate (PFBS), which degrades poorly in the original UV/sulfite setting. The iodide accelerated the reaction and completely removed PFBS within 24 hours.

As expected, the UV/sulfite+iodide system also degraded other PFAS, such as the frequently reported eight-carbon PFOA and PFOS, with ease. The addition of iodide also enabled the system to destroy concentrated PFAS in brine solution, which is a practical challenge for groundwater remediation. Ion-exchange systems are used to clean the groundwater, but the PFAS chemicals captured in the resin need to be washed out and destroyed in a cost-effective way.

The paper, "Accelerated degradation of perfluorosulfonates and perfluorocarboxylates by UV/sulfite + <u>iodide</u>: reaction mechanisms and system efficiencies," is published in *Environmental Science & Technology*.

Source: https://phys.org/news/2022-05-pfas-chemicals.html



Meeting Date:06-01-2022Dept. Head:Karen JassoySubmitted by:Karen JassoyDepartment:FinanceApproved by:Allen Carlisle, CEO/GM

BOARD AGENDA REPORT

<u>SUBJECT</u>: PERFORMANCE INDICATORS FOR THE THIRD QUARTER OF FY '22

RECOMMENDATION(S):

Note and File; Informational report only.

ALTERNATIVE(S):

None

ATTACHMENT(S):

1. N/A

FUNDING:

Requested amount:	N/A
Budgeted amount:	
Are funds available?	🗌 Yes 🗌 No
Project cost to date:	

PRIOR BOARD/COMMITTEE CONSIDERATION:

STRATEGIC PLAN IMPLEMENTATION:

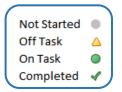
This agenda item is consistent with the District's Strategic Plan and meets one or more of the following Strategic Goals: Provide safe, reliable water, recycled water and sewer services; Ensure fiscal health and competitively sustainable rates; Enhance customer communications and education; Increase water, wastewater and energy independence; Maintain workforce excellence; Expand park and recreation opportunities.

Reviewed by:		Action Requi	red:	Policy Updates:	Action Taken:
Dept Head	\boxtimes	Motion		Rules & Regulations	As Recommended
Finance		Resolution		Rules & Regulations	Reso/Ord. No.
Legal Counsel		Ordinance		Standard Practices	•
Standard Form		None	\boxtimes	& Policies	Other

DESCRIPTION:

On June 21, 2017, the Board approved the District's Five Year Business Plan and Five Year Budget for fiscal years 2018 through 2022. As part of the Plan, staff developed both quantitative and qualitative key performance indicators (KPIs) to provide transparency and accountability on the numerous goals, programs and projects that will be funded by the Five Year Budget.

Qualitative indicators track performance towards or achievement of the specific departmental goals outlined in the Plan. Some qualitative indicators are ongoing performance measurements while others are specific milestones that must be met. It is important to track qualitative indicators quarterly to ensure staff stays focused, identify if there is a risk a goal may not be achieved or to communicate when a goal is complete. Qualitative indicators will be reported as either "Not Started", "Off Task", "On Task" or "Complete" each quarter by one of the following icons:



In comparison, quantitative indicators show performance against a specific number of planned tasks. These are additional performance goals tied mostly to work in the Operations department. It is important to track quantitative indicators quarterly to show performance against a goal but it is also important to look at them cumulatively; there are a number of reasons a task may fall behind in one period but it is also possible to exceed a goal in future periods so that the cumulative goal is met. Staff will also track and report on unplanned/unscheduled work to provide workload context. Quantitative indicators will be reported as either "Good", "Fair" or "Poor" performance to goal, quarterly and cumulatively by one of the following icons:

>=90%	\circ
> = 75%	Δ
< 75%	

Staff committed to complete a KPI report card and provide it to the Board quarterly as an agenda item. Twice a year, the report card will simply be a "Note and File" agenda item. Semi-annually, staff provides a financial update and annually provides a detailed report and presentation to the Board highlighting accomplishments and problem areas for all department. This report is for the third quarter of FY '22 and is a "Note and File" only.

RECOMMENDATION:

Note and file; Informational report only.



WORKFORCE MANAGEMENT AND SUPPORT								
Description	Goal		Quarter					
Staffing		1st	2nd	3rd	4th			
Time to Hire	Less than 45 days							
Cost per hire	Less than \$500							
Create District HR Video	Completed by end of FY19							
Assessment on Need for Salary Survey	Completed by end of FY22		 Image: A second s	~				
Number of Internships	Min of 2 per year							
Internal Promotions	20%							
Involuntary Turnover	Less than 5%							
Engagement								
Stream Engagement	95% monthly							
Maintain Employee Recognition Events	Annually							
Active laterals	More than 12 annually							
Performance								
Job Related Goals on Annual Review	100%			٠				
EE On Development Plans	40%							
Maintain Mandated Training	As required by law			٠				
Pay for Performance Assessment	100% of Annual Reviews on time							
Workers Compensation								
Workers Compensation Incident Rate	Baseline 2017 (4.40%) – goal is below 5%			•				
XMOD Improvement	Maintain at or below 1.18	•						
Credit Incentive Points	Strive for 90% or better each year to offset premiums							

ENGINEERING AND DEVELOPMENT							
Description	Goal	Quarter					
Capital Program Development and Implementation		1st	2nd	3rd	4th		
Expend or commit planned CIP budget	85% by the end of the Five Year Business Plan						
Minimize overall change orders for CIP program	Below 10%						
Provide project update to Stream when project is bid	100% of projects						
Planning and Compliance							
Update Sewer System and Urban Water Management Plans	Updated to July 1, 2021 to tie to regulatory deadline	~	~	~			
Renew NPDES permit	Renew by 2021			 Image: A second s			
Review and update Comprehensive Facilities Master Plan	Complete by 2021						
Implement Ph1 of the East County AWP Program	Complete by 2022						
Development Services							
Review and Update Capacity Fee	Review quarterly, update per policy						
Provide Development Projects update to website and Stream	Quarterly						
Complete plan review of projects	Within 4 to 6 weeks from plan check fees being paid						
Inspection							
Dig Alert Response	Within 2 days of notification and accuracy rate of 99.9%						
Close out projects timely	Within 3 months of filing of notice of completion						
Right of Way (R/O/W)							
Resolve any encroachment	Within 6 months of discovery						
Ensure necessary R/O/W for development/capital projects is acquired	Before finilization of plan review / before bidding projects						

Not Started ● Off Task △ On Task ● Complete ✔

CUSTOMER SERVICES						
Description	Goal	Quarter				
Billing, Receipts, and Collections		1st	2nd	3rd	4th	
Maximize collection of bad debts	Reduce bad debt sent to agency by 10%					
Decrease printing and mailing costs	Increase number of e-bill users by 10%					
Customer Assistance						
Increase response to customer inquiries	Minimize abandoned calls and reduce customer call wait times					
Track registered users of Aquahawk online water use portal	Increase customer registration by 30%					
Meter Services AMI						
Increase efficiency and performance of upper level AMI System	Reduce AMI Gateways from 44 units to 17 units by end of 2017	~	~	~		
Increase efficiency and performance of upper level AMI System	Reduce number of repeaters in AMI infrastructure by 50%					
Reduce manual meter reading	Maintain AMI electronic reading percentage of over 99% at all times					

OPERATIONS AND WATER QUALITY							
Description	Goal	Quarter					
perations and Maintenance Department - General			2nd	3rd	4th		
Expand the use of GIS	Ongoing						
Pursue solutions to the flooding issues in Sycamore Creek	Ongoing						
Complete all regulatory reports	Annually						
Construction Group							
Site paving projects	Ongoing						
Minimize Sewer Hot Spots using Smart Cover technologies	Ongoing						
Water Operations							
Install reservoir management systems	By 2020						
Site security upgrades	Ongoing						
Ready all pump stations for bypass pumping operations	By 2021						
Water Recycling Facility							
Meet permit discharge requirements 365 days	Ongoing						
Perform required maintenance of all major plant equipment annually	Annually						
Inspect chlorine scrubber	Annually						
Overhaul one vertical turbine pump and motor	Bi-Annually beginning 2019						
Evaluate a new computerized maintenance program	Ongoing						
Laboratory and WRF Control Room upgrades	By 2018	~	~	~			
NPDES Permit renewal process	Ongoing (Expires in 2021)						

	FINANCIAL MANAGEMENT						
Description	Goal	Quarter					
Accounting		1st	2nd	3rd	4th		
Time to Run Payroll	Less than 4 days						
Timely processing of Invoices	Realize 90% of discounts available						
Timely filing of all IRS/State of CA payroll related reports	Within 30 days after quarter end						
Timely issuance of 1099s and W2s Annually	By January 31 each year						
Timely distribution of financial statements	To Board by 2nd meeting each month						
Timely distribution of audit	To Board by 2nd meeting in November		~				
Timely filing of State Controllers Report	Annually by January 31						
Stay Current on Munis Software	Convert to V11 by end of FY '18	\checkmark	~	~			
Budgeting and Planning							
Timely budget completion	Finalized and approved before beginning of each fiscal year			~			
Timely completion of Budget to actual reports for departments	By 3rd week after month end						
Issue 10 Year History report Annually	Draft by October 31 each year, final within 30 days of completed audit		~				

Not Started 🛛 🛆 Off Task 🛆 On Task 🔍 Complete 🗸

FINANCIAL MANAGEMENT (Cont.)					
Description Goal					
inance and Investing			2nd	3rd	4th
Comply with debt service Coverage Requirements	Debt Service Coverage greater than 1.2X	~			
Comply with Bond Disclosure Requirements	Annual Continuing Disclosure Report posted by March 31				
Minimize Borrowing Costs	Maintain at least an AA credit rating		~	1	

	PARK AND CAMPGROUND				
Description	Goal	Goal	Qua	rter	
Financial Sustainability		1st	2nd	3rd	4th
Occupancy Rate	Above 80% annually	•		•	
Sponsorship Revenue (1)	15% revenue increase by 2022	A			
Event Area Revenue (1)	\$200,000 by 2022			•	
Call Metrics	90%+ Service Rate monthly			•	Τ
Good Sam	9.0 annual rating			•	
Instagram Followers	5,000 by 2022	×	A	~	
Facebook Likes	15,000 by 2022	V	~	~	Τ
Organizational Development					
Stream Engagement	Weekly login; 12 articles and 2 discussions annually			•	
Award Applications	1 annually	V	~	~	
Work Camper Program	Create development plan by 2018	✓	~	~	
Work Camper Program	Implement applicant software tracking by 2018	V	~	~	
Predictive and Preventive Maintenance					
Urban Forest	Trim 80% of the trees in our Urban Forest by 2022	•		•	
HVAC Units	Perform quarterly maintenance at 100%	•		•	
Dynamic Vision Plan					
General Store Remodel	Complete by 2020	V	~	~	
Park Administrative Building Remodel	Complete by 2020	×	1	~	T

	PUBLIC COMMUNICATION				
Description	Goal	Quarter			
Demonstrating Value		1st	2nd	3rd	4th
Engagement on Value of Water (2)	Provide at least 1 tour or class to customers on a quarterly basis				
Develop and maintain online reporting tool for performance measurements	Develop in first year of plan and continue semi-annual updates				
Informational campaigns on water services	Develop new messaging or tactic at least twice annually				
Water Supply and Reliability Messaging					
AWP Tours (2)	Minimum of 1,000 visitors per year	 Image: A start of the start of	1	~	
AWP Outreach	Positive customer feedback and continued increase in customer reach				\square
Water Supply Condition Messaging	Develop messaging as needed based on conditions				
AWP Construction Outreach	Messaging to impacted residents and businesses				
Public Outreach					
Enhance Outreach	Use of new technology or online services for customers			•	
Provide updates to the District website	New items monthly				
District Project communications	Provide information to customers at least 7 days before work begins				
Media Relations	Positive earned media on District stories				\square
Social Media Engagement	Increased reach of message and customer engagement				
Branding	Ensure District is presented positively & accurately in all representations				
District Reports (Water Quality, Annual Report & other required)	Complete reports on time each year				
Web Videos	At least 1 new services video per year; additional videos for social media				

(2) These goals are "ON HOLD" due to COVID-19, although staff was/is prepared for both.

Not Started ● Off Task △ On Task ● Complete ✔

PL	JBLIC COMMUNICATION (Cont.)				
Description	Goal		Qua	rter	
Government Relations		1st	2nd	3rd	4th
Provide comments on items with impact to Padre Dam	At least 90% of items that have an impact on Padre Dam and ratepayers				
Legislative Updates to the Board	At least semi-annually				
Enhance relationships with elected officials	Meet with annually and share important District news regularly				

	INFORMATION TECHNOLOGY				
Description	Goal		Quarter		
IT Infrastructure and Operations		1st	2nd	3rd	4th
Transition to Exchange Online and Office 365	Complete by 7/1/2019	 ✓ 	~	~	
Upgrade Active directory domain level to 2012/2016	Complete by 3/31/2019	 ✓ 	~	~	
Expand and maintain data and telecommunications networks	Ongoing				
Replace phone system with a unified system District wide	Assessment RFP out by 03/31/19			~	
Upgrade all servers to Microsoft Windows Server 2012-2016	Complete by 12/1/2020			~	
Implement IT/GIS staff technical training program	Ongoing				
Implement IT/GIS staff change management training program	Complete by 12/1/2018				
Improve Documentation and tracking of all IT contracts	Ongoing			•	
IT Service and Applications					
Migrate services to Cloud computing models where feasible	When feasible	•		•	
Place all major applications on an update schedule	Complete by 7/1/19	~	~	~	
Improve SQL report access and availability	Complete by 7/1/2020	~	~	~	
Improve multiple source data integration	Complete by 7/1/2020				
Implement end user operating system and application training program	Ongoing	~	~	~	
Expand mobile user access to District information and applications	Ongoing	 Image: A set of the set of the	~	~	
Improve IT Service Delivery	Ongoing				
Upgrade all compatible desktops to Windows 10	Complete by 3/31/2019	~	~	~	
Improve Help Desk ticket response time	Ongoing			•	
Develop web-based IT/technology orientation for new employees	Complete by 10/30/2019				
Information Security					
Expand end user interactive Cyber Security awareness program	Ongoing	~	~	~	
Conduct a districtwide cyber security assessment	Annually with periodic updates	×	~	~	
Generate Backup And Recovery Plans for server hardware recovery	Ongoing	•		•	
Generate Backup And Recovery Plans for data recovery	Ongoing	•		•	

Operations and Water Quality	1	st Qtr (Jul-Sep	o)	2n	d Qtr (Oct-D	ec)	3r	d Qtr (Jan-M	ar)	4	th Qtr (Apr-J	un)		Curren	
Water Recycling Facility	GOAL	ACTUAL	% TO GOAL	GOAL	ACTUAL	% TO GOAL	GOAL	ACTUAL	% TO GOAL	GOAL	ACTUAL	% TO GOAL	GOA	۰L	Α
Flow Meter Calibration	0	0	-	0	0	-	15	15	100%	0		-		15	
Chlorine/Sulfur Dioxide Inspections ⁽¹⁾	3	5	167%	3	5	167%	3	6	200%	3		0%		9	
Mixer Inspections ⁽²⁾	3	0	0%	4	15	375%	4	5	125%	4		0%		11	
Mixer Rebuilds ⁽³⁾	3	7	233%	4	15	375%	4	5	125%	4		0%		11	
Submersible Pump Inspections ⁽⁴⁾	4	6	150%	4	6	150%	4	5	125%	5		0%		12	
Analyzer Calibration	15	15	100%	15	15	100%	15	15	100%	15		0%		45	
Exercise all Valves throughout the WRF	11	11	100%	11	11	100%	11	11	100%	11		0%		33	
Perform Hazmat Drill	0	0	-	1	0	0%	-	0	-	1		0%		1	
Wastewater Group															
Sewer Lines Cleaning Footage	151,000	252,277	167%	151,000	184,146	122%	151,000	271,993	180%	151,000		0%	453,	,000	
Sewer Hot Spots Cleaned ⁽⁵⁾	60	. 18	30%	60	. 99	165%	60	27	45%	104		0%		180	
CCTV Footage	15,000	16,022	107%	15,000	15,098	101%	15,000	36,511	243%	15,000		0%		,000	
Sewer Line Repairs (Laterals and Mains) ⁽⁶⁾	7	4	57%	. 8	2	25%	, 7	10	143%	, 8		0%		22	
Sewer Lift Station Inspections	45	40	89%	45	52	116%	45	52	116%	45		0%		135	
Unplanned:											<u>.</u>	4			
Sanitary Sewer Overflows (SSO's)		0			0			0							
Private Lateral Sewer Discharge (PLSD)		0			0			1							
Construction Group Valve Replacement Special Projects Poly service Replacements (Added FY '21) Unscheduled: Water Services Installed Sewer Services Installed Fire Services Installed Recycled Water Services Installed Relocated/Abandoned Services (All) Unplanned: External Agency Mandated Work Water Main Failures/Unplanned Outages		43 2 17 6 1 1 0 1 1 2 1 1	130% 200% 113%	33 1 15	30 0 12 0 0 0 0 1 1 2	91% 0% 80%	33 1 15	27 0 13 4 0 0 0 4 4 0 0 0	82% 0% 87%	33 0 15		0% - 0%		99 2 45 	
Water Operations Group															
Water Mains Flushed	100	119	119%	100	118	118%	100	120	120%	100		0%		300	
Valves Exercised	675	1,138	169%	675	982	145%	675	934	138%	675		0%		,025	
Water Quality Monitoring Samples	338	364	108%	341	332	97%	336	358	107%	330		0%		,015	
Reservoirs Dosed	60	138	230%	60	130	217%	60	53	88%	60		0%		180	
Water System Site Inspections (45 sites) ⁽⁷⁾	250	346	138%	250	278	111%	250	328	131%	250		0%		750	
Pump/Motor Maintenance/Recondition	-	1	100%	-	2	200%	2	0	0%	-		-		2	
Pressure Reducing Stations Maintenance	2	0	0%	2	2	100%	3	8	267%	2		0%		7	
Portable Pumps Exercised ⁽⁸⁾	-	2	200%	2	0	0%	2	0	0%	-		-		4	
Large Meter Calibration (Added FY '21)	20	20	100%	0	0	-	-	0		-		-		20	
	20	20	100/0	0	0	-		0	-		1	-	L	20	—

> = 90%	
> = 75%	
< 75%	•

rrent Fiscal Year	·	Five Y	Five Year Plan Cumulative				
ACTUAL	% TO GOAL	GOAL	ACTUAL	% TO GOAL			
15	100%	75	75	100%			
16	178%	53	81	153%			
20	182%	82	80	98%			
27	245%	69	79	114%			
17	142%	71	97	137%			
45	100%	285	286	100%			
33	100%	209	207	99%			
0	• 0%	9	3	🔶 33%			

156%	708,416
<u> </u>	144
150%	67,631
🔶 73%	16
107%	144

0	
1	

100		101%
2		100%
42	-	93%

10	
1	
1	
0	
6	

2	
3	

357	119%
3,054	151%
1,054	104%
321	178%
952	127%
3	_ 150%
10	143%
2	6 5 0%
20	100%

126%	3,618,408	2,869,000
82%	1,205	1,464
167%	476,826	285,000
77%	155	202
99%	544	551

3	
22	

627	456		73%
10	18		180%
285	241	-	85%

5 22 6 88	88	
6	5	
	22	
88	6	
<u> </u>	88	

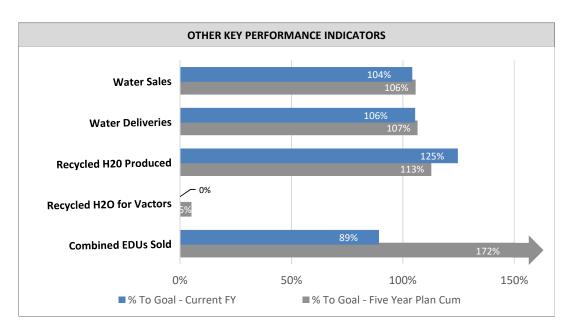
7	
55	

1,180	2,113	179%
12,825	16,851	131%
6,395	6,682	104%
1,140	2,073	182%
4,859	6,075	125%
8	24	_ 300%
43	57	133%
19	13	🔶 68%
100	99	99%

Operations and Water Quality (cont)	1:	st Qtr (Jul-Se	o)	2n	d Qtr (Oct-De	ec)	3r	d Qtr (Jan-M	ar)	41	h Qtr (Apr-Ju	ın)	C	urrent Fiscal Year		
Electrical/Cathodic Group	GOAL	ACTUAL	% TO GOAL	GOAL	ACTUAL	% TO GOAL	GOAL	ACTUAL	% TO GOAL	GOAL	ACTUAL	% TO GOAL	GOAL	ACTUAL	% ТО	GOAL
Infrared Camera MCC's	44	34	77%	36	36	100%	44	44	100%	36		0%	124	114		92%
Motor Control Centers Serviced	12	12	100%	12	4	33%	12	12	100%	12		0%	36	28		78%
Generators Exercised ⁽¹¹⁾	96	96	100%	96	96	100%	96	96	100%	96		0%	288	288		100%
CP Test Station Reads WSA ⁽⁹⁾	-	0	-	237	237	100%	-	0	-	237		0%	237	237		100%
Reservoir - CP Reads ⁽¹⁰⁾	8	0	0%	8	16	200%	8	0	0%	8		0%	24	16		67%
Reservoir - Coating & CP Dive Inspection	1	0	0%	1	3	300%	1	1	100%	1		0%	3	4		133%
Compliance Group																
FOG Inspections	33	36	109%	26	38	146%	35	47	134%	22		0%	94	121		129%
FOG Spot Checks	36	5	14%	32	72	225%	43	30	70%	37		0%	111	107		96%
Industrial Waste	4	4	100%	3	4	133%	4	2	50%	1		0%	11	10		91%
Cross Connection Control Inspections	45	64	142%	81	68	84%	15	49	327%	68		0%	141	181		128%
Fleet Maintenance Group																
Fleet Maintenance (Service Ticket/Repairs)	45	57	127%	45	48	107%	45	53	118%	45		0%	135	158		117%
Vehicle Rehabilitation/Rebuild	1	1	100%	0	0	-	1	0	0%	1		0%	2	1		50%
Capital Equipment Replacements	5	8	160%	0	0	-	4	1	25%	0		-	9	9		100%
Generators - Annual Service (12)	0	0	-	14	14	100%	0	0	-	0		-	14	14		100%
Portable Pumps - Annual Service ⁽¹³⁾	0	0	-	4	1	25%	0	1	100%	0		-	4	2	٠	50%
Facilities Maintenance Projects Completed	1	2	200%	1	3	300%	1	2	200%	1		0%	3	7		233%
Customer Services	1:	st Qtr (Jul-Sep	o)	2n	d Qtr (Oct-De	ec)	3r	d Qtr (Jan-M	ar)	41	h Qtr (Apr-Ju	ın)	C	urrent Fiscal Year		
Meter Services and AMI	GOAL	ACTUAL	% TO GOAL	GOAL	ACTUAL	% TO GOAL	GOAL	ACTUAL	% TO GOAL	GOAL	ACTUAL	% TO GOAL	GOAL	ACTUAL	% ТО	GOAL
Replace failing Datamatic AMI Radios ⁽¹⁴⁾	-	-	-	-	-	-	-	-	-	-	-	-	0	0		-
Meter Replacements MMP ⁽¹⁵⁾	900	1,711	190%	900	812	90%	600	816	136%	600		0%	2,400	3,339		139%

CHANGE IN NET POSITION					
Operation	YTD Actual	YTD Budget	Variance		
Potable Water	\$4,734,200	\$1,416,639	3,317,561		
Sewer	\$2,166,102	\$677,691	1,488,411		
Recycled Water	\$825,756	\$647,628	178,128		
Park	\$953,043	\$16,170	936,873		
Combined	\$8,679,101	\$2,758,128	5,920,973		

OPERATING EXPENSES							
Expense YTD Actual YTD Budget Variance							
Salaries and Wages	\$10,034,020	\$10,178,840	(144,820)				
Employee Benefits	\$7,201,164	\$7,915,946	(714,782)				
Professional Services	\$2,279,538	\$4,804,999	(2,525,461)				
Materials & Supplies	\$4,638,181	\$4,982,673	(344,492)				
Admin Expenses	\$2,021,854	\$2,138,681	(116,827)				
Utilities	\$1,583,051	\$1,517,517	65,534				
Billing Credits	(\$1,726,334)	(\$1,894,329)	8 167,995				
Total	\$26,031,474	\$29,644,327	(3,612,853)				



> = 90%	
> = 75%	
< 75%	•

Five Year Plan Cumulative				
GOAL	ACTUAL	% TO GOAL		
716	679	95%		
228	211	93%		
1,800	1,791	100%		
2,373	1,867	<u> </u>		
188	130	🔶 69%		
19	12	63%		

80%	47	59
137%	1,338	977
116%	988	855
====	0	

724

558

130%

79%

558

703

855	988	116%
14	8	• 57%
45	26	🔶 58%
73	74	101%
18	12	🔶 67%
19	36	189%

Five Year Plan Cumulative										
GOAL	ACTUAL	% TO GOAL								
15,400	11,410	🔶 74%								
15,000	20,027	134%								



Meeting Date:06-01-2022Dept. Head:Karen JassoySubmitted by:Kevin WooDepartment:FinanceApproved by:Allen Carlisle, CEO/GM

BOARD AGENDA REPORT

SUBJECT: FINANCE AND TREASURER'S REPORT FOR THE TEN MONTHS ENDED APRIL 30, 2022

RECOMMENDATION(S):

NOTE AND FILE: Finance and Treasurer's Report for the Ten Months Ended April 30, 2022

ALTERNATIVE(S):

None. For information only.

ATTACHMENT(S):

1. Monthly Financial Statements and Treasurer's Report

FUNDING:

Requested amount:	
Budgeted amount:	
Are funds available?	🗌 Yes 🗌 No
Project cost to date:	

PRIOR BOARD/COMMITTEE CONSIDERATION:

STRATEGIC PLAN IMPLEMENTATION:

This agenda item is consistent with the District's Strategic Plan and meets one or more of the following Strategic Goals: Provide safe, reliable water, recycled water and sewer services; Ensure fiscal health and competitively sustainable rates; Enhance customer communications and education; Increase water, wastewater and energy independence; Maintain workforce excellence; Expand park and recreation opportunities.

Reviewed by:		Action Requi	red:	Policy Updates:	Action Taken:
Dept Head	\boxtimes	Motion		Rules & Regulations	As Recommended
Finance		Resolution		Nules & Negulations	Reso/Ord. No.
Legal Counsel		Ordinance		Standard Practices	Other
Standard Form		None	\boxtimes	& Policies	Other

EXECUTIVE SUMMARY:

Pursuant to California Government Code Section 53646 and the District Standard Practices and Policies Manual, Section 19.2, Investment Policy, the Board is to receive monthly reports of the summary of financial operations, cash balances and investments.

RECOMMENDATION(S):

NOTE AND FILE: Finance and Treasurer's Report for the Ten Months Ended April 30, 2022.

PADRE DAM MUNICIPAL WATER DISTRICT

MONTHLY FINANCIAL STATEMENTS

April 30, 2022

Summary Fact Sheet	Page 1
Notes to Financial Statements	Page 2-A/B
Statement of Net Position	Page 3
Statement of Cash Flows	Page 4
Summary of Operations	Page 5
Graph of Operating Revenues & Expenses	Page 5 - A
Potable	Page 5 - B
Monthly Water Consumption	Page 5 - B - 1
Monthly Water Consumption - Graph	Page 5 - B - 2
Cumulative Water Consumption - Graph	Page 5 - B - 3
Recycled Water	Page 5 - C
Monthly Water Consumption	Page 5 - C - 1
Sewer	Page 5 - D
Park	Page 5 - E
Park Supplementary P & L	Page 5 - E - 1
Park Statistical Data	Page 5 - E - 2
Departmental Expenditures	Page 6
Departmental Expenses Variances - Actual to Budget	Page 6 - A
Budget Notes to Operating Expenses	Page 6 - B
Legal Expenses	Page 7
Contract Services	Page 8
Organizational Staffing	Page 9
Major Construction Projects	Page 10
Overtime	Page 11
Treasurer's Report	Page 12 - 18

PADRE DAM MUNICIPAL WATER DISTRICT

SUMMARY FACT SHEET

FOR TEN MONTHS ENDING APRIL 30, 2022

	PRIOR YR	YEAR TO DATE									
	 ACTUAL	ACTUAL			BUDGET		VARIANCE	%			
Total Operating Revenues	\$ 67,277,666	\$	70,158,831	\$	66,117,579	\$	4,041,252	6.1			
Total Direct Costs	21,141,456		21,292,518		21,589,756		297,238	1.4			
Revenues Available for Ops	 46,136,210		48,866,313		44,527,824		4,338,489	9.7			
Total Operating Expenses	35,036,616		37,342,561		41,674,737		4,332,176	10.4			
Income (Loss) fm Ops	 11,099,594		11,523,752		2,853,087		8,670,665	303.9			
Total Non Op Income (Exp)	(1,327,902)		(3,146,711)		(888,623)		(2,258,089)	(254.1)			
Change in Net Position	\$ 9,771,692	\$	8,377,041	\$	1,964,465	\$	6,412,576	326.4			

Legal Expenses (Non-Litigation)	\$ 33,742	\$ 143,150	\$ 327,379	\$ 184,228	56.3%
Contract & Professional	\$ 2,964,650	\$ 2,456,959	\$ 5,447,814	\$ 2,990,855	54.9%
Overtime	\$ 176,731	\$ 179,504	\$ 141,875	\$ (37,629)	-26.5%
Major CIP Projects	\$ 5,245,187	\$ 6,924,200	\$ 24,840,483	\$ 17,916,283	72.1%
Departmental Expenses	\$ 27,756,838	\$ 29,364,000	\$ 33,791,170	\$ 4,427,170	13.1%
Cash & Investments - Unrestricted	\$ 99,911,602	\$ 94,149,022	\$ 79,516,651	\$ 14,632,371	18.4%
Cash & Investments - Restricted	\$ 15,345,806	\$ 15,524,640	\$ 12,654,147	\$ 2,870,493	22.7%
Staffing	135.5	129.6	141.5	11.9	8.4%
Sales in Acre Feet - Potable Water	8,309	7,915	7,381	534	7.2%

Page 1

Padre Dam Municipal Water District Notes to the Financial Statements Ten Months Ending 4/30/22

Page No.

Director of Finance Summary: For the ten months ending April 30, 2022, Padre Dam had a net gain of \$8.4M, primarily due to the water and sewer operations. CRF fund balance is \$18.8M. CIP spending is at 23.2% of budget. (The Board approved minimum fund balance for CRF is \$17.7M.)

- Page 5Combined Change in Net Position:
The change in net position of \$8.4M is favorable to budget
by \$6.4M (326.4%). This variance consists of \$8.6M favorable variance from operations and
\$2.2M unfavorable variance from non-operating activity. Favorable variance in gross profit of
\$4.3M and \$4.3M favorable variance from Padre Dam internal operating expenses (net)
generated the \$8.7M favorable variance from operations.
- Page 5 <u>Total Operating Revenues</u>: Combined Operating Revenues of \$70.2M are favorable to budget by \$4.0M or 6.1%. Water sales are favorable to budget by 5.4%. Sewer sales are favorable to budget by 3.5%.
- Page 5Direct Costs:Direct costs incurred of \$21.3M are favorable to budget by \$297.2K (1.4%)
mostly due to water purchases being \$358K higher than budget and sewer METRO costs being
\$29K lower than budgeted. Energy purchases are \$111.0K higher than budgeted. Water
purchases are 2.6% higher than budget. Energy purchases have exceeded energy billings by
\$218K. (Cost of electricity is about 15.0 cents/KWH vs. 12.0 cents/KWH budgeted.) A 5%
"water shrinkage" was budgeted and shrinkage of up to 3% to 5% is considered normal.
- Page 5 <u>Internal Operating Expenses:</u> Combined Operating Expenses of \$37.3M are \$4.3M favorable to budget. All categories are favorable to budget except utilities, billing credits, and depreciation.
- Page 5Non-Operating Activity:
Non-Operating Activity (net) is \$2.2M unfavorable to budget. Net
interest expense was unfavorable to budget by \$139K. There was an unrealized loss on
investments. Gains and losses are not budgeted because they are hard to predict.
- Page 4,Cash & Investments Balances:Total cash & investments at month end is \$109.7M andPage 15includes \$15.5M of restricted funds and \$94.2M of designated and other funds. Total cash & investments have decreased \$6.8M from the beginning of the fiscal year.
- Page 5\$93,410,146 Combined Designated Fund Balance:On a combined basis, the Board
designated fund is lower by \$6.6M for the ten months ending April 30, 2022; Rate Stabilization
fund balance is \$38.8M and has increased by \$15.4M. Capital Replacement fund balance is
\$18.8M and has decreased by \$10.2M. The Major CIP Fund Balance was rebalanced to reflect
the 2020/21 audit.
- Page 5b\$46,019,371 Retail Fund Balance:
Stabilization funds have increased by \$10.3M while Capital Replacement funds have decreased
by \$7.0M. The Major CIP Fund Balance was rebalanced to reflect the 2020/21 audit.
- Page 5c\$18,239,268 Water Recycling Fund Balance:
decreased by \$285K. Rate Stabilization funds have increased by \$915K while Capital
Replacement funds have decreased by \$412K. The Major CIP Fund Balance was rebalanced
to reflect the 2020/21 audit.

- Page 5d\$24,157,711 Sewer Fund Balance:
Stabilization funds have increased by \$2.4M while Capital Replacement funds have decreased
by \$1.1M. The Major CIP Fund Balance was rebalanced to reflect the 2020/21 audit.
- Page 5e\$4,993,796 Park Fund Balance:
stabilization funds have increased by \$1.8M while Capital Replacement funds have decreased
by \$1.6M. There is a \$2.6M pending reimbursement from Park COP Acquisition fund for
expenditures related to General Store project.
- Page 5e,Park operating revenues of \$6.6M are \$576K (9.6%) favorable to budget. The actual campingSe1, 5e2revenues are higher than budget by \$220K. Actual operating expenditure levels are favorable
to budget by \$556K (10.0%), which combines to produce \$1.0M actual net gain, favorable by
\$1.1M to the YTD net loss predicted in the budget of \$91K. A total \$86K gain was projected in
the 2021/22 budget.
- Page 4Retiree Health/Life Benefit-Set Aside:
other post-employment benefits (Post-Retirement Health Benefits) be disclosed in the annual
financial statements beginning with fiscal year ending 6/30/09. Based on the latest actuarial
study as of June 30, 2015, PDMWD had a total actuarial accrued liability of \$26.7 million, of
which \$11.0M has been funded. The Board approved a staff proposed plan to fund this
obligation consistent with GASB No. 45. All funding is placed in a trust fund with CalPERS to
meet GASB requirements. This leaves \$15.7M as the unfunded actuarial accrued liability,
which is being funded over a 30-year amortization period in accordance with GASB No. 45.

PADRE DAM MUNICIPAL WATER DISTRICT

Statement of Net Position

All District Operations

	Unaudited April 30, 2022		Audited June 30, 2021		Change
ASSETS					0
Current Assets					
Cash & Investments	\$ 94,149,022		\$ 100,725,348		\$ (6,576,326)
Current Restricted Cash & Investments	655,541		655,541		-
Accounts Receivable	19,957,057		18,823,062		1,133,995
Other Current Assets	8,984,589		8,611,149		373,440
Total Current Assets	123,746,209	28.7%	128,815,100	29.8%	(5,068,891)
Restricted Assets					
Cash & Investments	14,869,099		15,073,043		(203,944)
Accrued Interest Receivable	21,951		21,951		
Total Restricted Assets	14,891,050	3.5%	15,094,994	3.5%	(203,944)
Property, Plant and Equipment					
Property, Plant and Equipment	421,774,528		420,998,745		775,783
Work in Progress	11,323,627		4,545,653		6,777,974
Less: Accumulated Depreciation	(157,928,804)	<u> </u>	(151,505,666)		(6,423,138)
Total Property, Plant and Equipment	275,169,351	63.8%	274,038,732	63.5%	1,130,619
Total Assets	413,806,610	96.0%	417,948,826	96.8%	(4,142,216)
DEFERRED OUTFLOWS OF RESOURCES					
Debt Issuance Costs & Deferred Amount on Refunding	1,374,870		1,374,870		-
Pension Annual Required Contribution	15,975,502		12,475,502		3,500,000
Total Deferred Outflows of Resources	17,350,372	4.0%	13,850,372	3.2%	3,500,000
LIABILITIES					
Current Liabilities	5,869,805		14,715,759		(8,845,954)
Long Term Debt	45,939,902		48,892,439		(2,952,537)
Other Noncurrent Liabilities	4,466,074		4,168,724		297,350
Pension Liability (Net)	59,089,500		59,089,500		-
Total Liabilities	115,365,281	26.9%	126,866,422	29.6%	(11,501,141)
DEFERRED INFLOWS OF RESOURCES					
Pension net Difference on Projected & Actual Earnings	2,785,155		2,785,155		
Total Deferred Outflows of Resources	2,785,155	2.4%	2,785,155	2.1%	
NET POSITION					
laure the estim Consisted Accester wet			226 484 022		4 002 626

Investment in Capital Assets, net

230,267,650

226,184,023

Total Net Position	\$ 313,006,547	73.1%	\$ 302,147,621	70.4%	\$ 10,858,926	
Unrestricted	 74,816,667		 67,721,102		 7,095,564	
Restricted	7,922,231		8,242,496		(320,265)	

Page 3

PADRE DAM MUNICIPAL WATER DISTRICT

STATEMENT OF CASH FLOWS

FOR TEN MONTHS ENDING APRIL 30, 2022

						Other				
	Potable	Recycled	_		Total	Restricted		Non-Op	-	Grand
	Water	Water	Sewer	Park	<u>Designated</u>	CEF/Other	<u> </u>	Other	METRO	Total
	Page 5B	Page 5C	Page 5D	Page 5E		Page 3				Page 5
Beginning Cash & Investments	\$ 51,159,437 \$	18,524,737 \$	25,465,879 \$	4,836,414	\$	\$ 13,033,666 \$	2,694,917 \$	0	\$ 738,881	\$ 116,453,931
Cash Provided (Used) from Operations:										
Change in Net Position	6,602,879	838,465	2,272,765	1,041,327	10,755,436	(594,399)	970	(1,784,954)	-	8,377,053
Add Back Depreciation	5,028,554	790,401	1,155,950	1,003,655	7,978,561	-	-	-	-	7,978,561
Change in Short Term Liabilities*	(5,733,859)	(840,566)	(2,271,529)	-	(8,845,954)	-	-	-	-	(8,845,954
Change in Current Assets*	(977,104)	(143,240)	(387,090)	-	(1,507,435)	-	-	-	-	(1,507,435
Change in Deferred Amount on Refunding (discount on debt)	-	-	-	-	-	-	-	-	-	-
Change in Debt Issuance Costs (COI on debt)	-	-	-	-	-	-	-	-	-	-
Change in Deferred Inflow/Outflow on Pension (Net)	(1,615,000)	(565,000)	(1,070,000)	(250,000)	(3,500,000)	-	-	-	-	(3,500,000
Cash Provided (Used) from Operations	3,305,470	80,060	(299,904)	1,794,982	4,880,608	(594,399)	970	(1,784,954)	-	2,502,225
Cash Provided (Used) from Other Sources:										
Change in Long Term Borrowings:										
Notes Payable	(1,709,549)	(41,278)	-	(689,660)	(2,440,487)	(512,050)	-	-	-	(2,952,537
Other Noncurrent Liabilities*	695,021	101,888	275,340	_	1,072,248	(774,898)	-	_	_	297,350
Contributed Capital	817,502	1,771	140,528	_	959,802	1,522,071	_	_	_	2,481,873
Transfers *	(1,156,989)	(169,611)	(458,354)	_	(1,784,954)	-	_	1,784,954	_	2,401,075
Transfers 2009 COP	(1,150,505)	(105,011)	(+50,55+)		(1,704,554)			1,704,994		(0
Transfers 2010 Park Loan					_					_
Transfer Debt Service (2009 COP)	-	-	-	-	-	-	-	-	_	-
	-	-	-	-	-	-	-	-	-	-
Transfers - Other (METRO)	-	-	-	-	-	-	-	-	-	-
Transfers - Other	(167,420)	-	-	-	(167,420)	167,420	-	-	-	-
Cash Provided (Used) from Other Sources	(1,521,435)	(107,230)	(42,485)	(689,660)	(2,360,811)	402,543	-	1,784,954	-	(173,314
Total Cash Provided (Used)	1,784,034	(27,170)	(342,389)	1,105,322	2,519,797	(191,856)	970	-	-	2,328,911
Uses of Cash for Property Acquisition:										
Property, Plant & Equipment from CIP	25,148	-	(29,258)	-	(4,109)	-	-	-	-	(4,109
Capitalized Contributed Capital	(817,502)	-	(140,528)	-	(958,031)	-	-	-	-	(958,031
Capital Equipment Purchases *	(833,348)	(122,166)	(330,140)	(83,412)	(1,369,066)	-	-		-	(1,369,066
Disposals*	1,005,611	147,419	398,383	4,008	1,555,422	-	-			1,555,422
Net Change in CIP	(620,091)	25,253	(101,542)	(79,403)	(775,784)	-	-	-	-	(775,784
Change in Accumulated Depreciation due to disposals	(1,005,611)	(147,419)	(398,383)	(4,008)	(1,555,422)	-	-	-	-	(1,555,422
CIP Capitalization	181,216	_	77,664	_	258,880	_	_	_	_	258,880
Construction in Progress	(5,479,616)	(136,134)	(543,518)	(864,528)	(7,023,796)	(13,058)	_	_	_	(7,036,854
CIP expensed	(3,473,010)	(150,154)	(343,310)	(004,320)	(7,023,750)	(13,030)		-		(7,030,034
Net Change in WIP	(5,298,400)	(136,134)	(465,854)	(864,528)	- (6,764,916)	(13,058)	-	-	-	(6,777,974
Uses of Cash for Property Acquisition	(6,924,102)	(258,300)	(965,780)	(947,940)	(9,096,121)	(13,058)	_	_	_	(9,109,180
Total Uses of Cash	(6,924,102)	(258,300)	(965,780)	(947,940)	(9,096,121)	(13,058)	-	-	-	(9,109,180
Park CS Fund Transfer	(1)	(0)	(0)	-	(1)	1	-	-	-	-
Net Change in Cash & Investments	(5,140,068)	(285,470)	(1,308,170)	157,382	(6,576,326)	(204,914)	970	-	-	(6,780,269
Ending Cash & Investments	\$ 46,019,369 \$	18,239,267 \$	24,157,710 \$	4,993,796	93,410,141	\$ 12,828,753 \$	2,695,887 \$	0	\$ 738,881	\$ 109,673,662

* Note: Allocation (of changes in receivables/payables/other assets) are based upon a constant percentage (overhead allocation percentage) applied throughout the fiscal year.

PADRE DAM MUNICIPAL WATER DISTRICT **STATEMENT OF OPERATIONS**

FOR TEN MONTHS ENDING APRIL 30, 2022

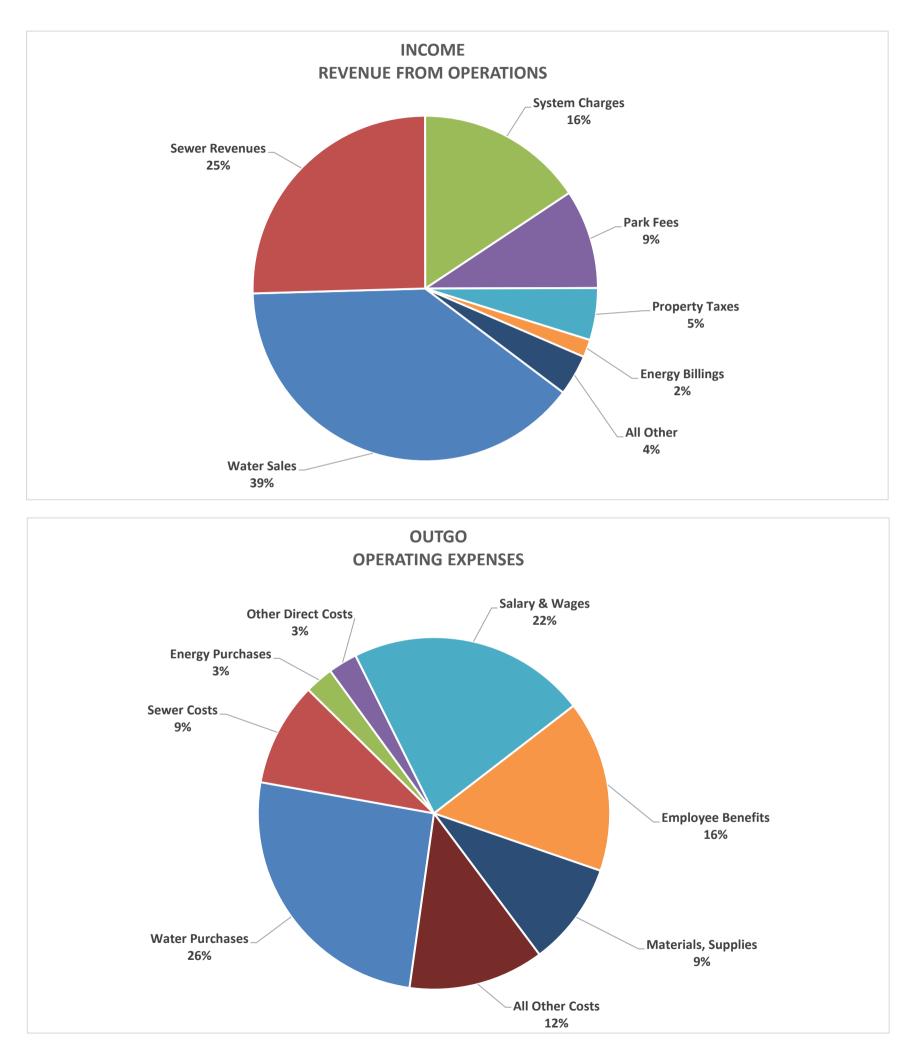
							VAI	RIANCE	
	PRIOR YR	Y	EAR - T	O-DATE		BUDGET		PRIOR Y	R
	ACTUALS	ACTUAI	L	BUDGE	т	Favor/(Unf	avor)	Favor/(Unfa	vor)
ncome (Loss) from Operations:	\$	\$	%	\$	%	\$	%	\$	%
Revenues:									
Water Sales	\$ 27,799,947	\$ 27,550,702	39.3	\$ 26,132,145	39.5	\$ 1,418,557	5.4	\$ (249,245)	(0.9)
Infrastructure Access Charge	1,042,570	1,157,543	1.6	1,146,793	1.7	10,750	0.9	114,973	11.0
Energy Billings	1,230,882	1,161,950	1.7	1,269,249	1.9	(107,299)	(8.5)	(68,932)	(5.6)
CWA/Metro Credits	167,680	147,200	0.2	142,130	0.2	5,070	3.6	(20,480)	(12.2)
Padre Dam Sewer Processing Fee	1,057,513	1,057,513	1.5	1,057,513	1.6	(0)	(0.0)	-	-
Sewer Revenues	16,046,337	16,791,104	23.9	16,230,820	24.5	560,284	3.5	744,767	4.6
System Charges	10,312,100	11,004,286	15.7	10,743,160	16.2	261,126	2.4	692,186	6.7
Park Fees	5,788,056	6,513,063	9.3	5,986,353	9.1	526,710	8.8	725,007	12.5
Property taxes subvention	2,991,945	3,412,067	4.9	2,986,923	4.5	425,144	14.2	420,122	14.0
Other Revenues	840,636	1,363,403	1.9	422,493	0.6	940,910	222.7	522,767	62.2
Total Operating Revenues	67,277,666	70,158,831	100.0	66,117,579	100.0	4,041,252	6.1	2,881,165	4.3
Direct Costs:									
Water Purchases	12,926,965	13,487,386	19.2	13,845,262	20.9	357,876	2.6	(560,421)	(4.3)
Infrastructure Access Charge	1,046,680	1,144,344	1.6	1,146,793	1.7	2,449	0.2	(97,664)	(9.3)
Energy Purchases	1,226,355	1,380,222	2.0	1,269,249	1.9	(110,973)	(8.7)	(153,867)	(12.5)
Sewer METRO Costs	4,778,926	3,960,367	5.6	3,989,760	6.0	29,393	(8.7)	818,559	(12.3)
Padre Sewer Treatment		1,057,513	5.0 1.5	1,057,513	0.0 1.6	29,393	0.0	818,555	17.1
Fish Stock/Propane	1,057,513 105,017	262,686	0.4	281,179	0.4	18,493	6.6	- (157,669)	- (150.1)
								i	(150.1)
Total Direct Costs	21,141,456	21,292,518	30.3	21,589,756	32.7	297,238	1.4	(151,062)	(0.7)
Revenues Available for Operating Expenses	46,136,210	48,866,313	69.7	44,527,824	67.3	4,338,489	9.7	2,730,103	5.9
Operating Expenses:									
Salary & Wages	11,426,375	11,534,758	16.4	11,786,025	17.8	251,267	2.1	(108,383)	(0.9)
Employee Benefits	8,323,354	8,281,365	11.8	9,072,059	13.7	790,694	8.7	41,989	0.5
Professional Services	2,964,650	2,456,959	3.5	5,447,814	8.2	2,990,855	54.9	507,691	17.1
Materials, Supplies, Vehicle & Building	4,777,607	5,005,562	7.1	5,523,098	8.4	517,536	9.4	(227,955)	(4.8)
Administrative Expenses	1,543,887	2,340,951	3.3	2,352,814	3.6	11,863	0.5	(797,064)	(51.6)
Utilities	1,602,892	1,752,857	2.5	1,714,170	2.6	(38,687)	(2.3)	(149,965)	(9.4)
Billing Credits	(2,881,927)	(2,008,452)	(2.9)	(2,104,810)	(3.2)	(96,358)	(4.6)	(873,475)	(30.3)
Subtotal	27,756,838	29,364,000	41.9	33,791,170	51.1	4,427,170	13.1	(1,607,162)	(5.8)
Depreciation/Amort	7,279,778	7,978,561	11.4	7,883,567	11.9	(94,994)	(1.2)	(698,783)	(9.6)
Total Operating Expenses	35,036,616	37,342,561	53.2	41,674,737	63.0	4,332,176	10.4	(2,305,945)	(6.6)
									· · ·
Income (Loss) from Operations	11,099,594	11,523,752	16.4	2,853,087	4.3	8,670,665	303.9	424,158	3.8
Non Operating Activity									
Interest Expense	(1,624,506)	(1,506,270)	(2.1)	(1,527,346)	(2.3)	21,076	1.4	118,236	7.3
Interest Income (Non CEF)	715,581	406,191	0.6	594,893	0.9	(188,702)	(31.7)	(309,390)	(43.2)
Interest Income (CEF/Restricted)	128,308	72,651	0.1	43,830	0.1	28,821	65.8	(55,657)	(43.4)
Gain/Loss on Sale of Fixed Assets	3,995	109,578	0.2	-	-	109,578	n/a	105,583	2,642.9
Gain/Loss on Investments	(551,280)	(2,228,861)	(3.2)	-	-	(2,228,861)	n/a	(1,677,581)	(304.3)
Other Income/(Expense)	-	-	-	-		-	n/a	-	#DIV/0!
Total Non Operating Income (Expenses)	(1,327,902)	(3,146,711)	(4.5)	(888,623)	(1.3)	(2,258,089)	(254.1)	(1,818,809)	(137.0)
Change in Net Position	\$ 9,771,692	\$ 8,377,041	11.9	\$ 1,964,465	3.0	\$ 6,412,576	326.4	\$ (1,394,651)	(14.3)
DESIGNATED CASH & INVESTMENTS	Prior Yr	<u>Current Yr</u>		Rate Stabilization		Capital Replacement		Major CIP Reserve	
Balance 07/01	92,933,284	99,986,471		23,413,742		28,974,075		47,598,654	
Audit Rebalancing	5_,568,207	-		10,706,972		1,081,759		(11,788,731)	
Change in Net Position	10,543,270	10,755,436		-,,-		,,		() ==) =)	
Add Back Depreciation/Amort	7,279,778	7,978,561							
Changes in Payables/Receivables, Other	(5,043,701)	(12,781,141)							
Cash Generated from Operations	12,779,347	5,952,856		5,952,856		-		-	
CIP/Capital Equip	(5,296,154)	(9,096,121)				(9,096,121)		-	
Debt Principal	(2,822,758)	(2,440,487)				(2,440,487)		-	
Transfers to CRF fm Rate Stab	-	-		-		-		-	
Interest Income Transfer Cash Used for Property Acquisition & Debt	(8,118,912)	- (11,536,608)		(238,429) (238,429)		238,429 (11,298,179)			
Cush osculor Froperty Acquisition & Debt								-	
		- (000 = 70)		(1,013,881)		21,307		-	
Financing/Contrib Capital/Other Transfers	1,579,007	(992,573)							
Financing/Contrib Capital/Other Transfers Net Change in Cash & Investments	1,579,007 6,239,442	(992,573) (6,576,326)		15,407,518		(10,195,113)		(11,788,731)	

Board Minimum Fund Targets:	65,088,103	17,413,166	17,680,040	29,994,896
Board Maximum Fund Targets:	118,252,795	32,800,238	28,657,661	<i>56,794,896</i>

PADRE DAM MUNICIPAL WATER DISTRICT

Monthly Financial Statements

FOR TEN MONTHS ENDING APRIL 30, 2022



PADRE DAM MUNICIPAL WATER DISTRICT STATEMENT OF OPERATIONS FOR TEN MONTHS ENDING APRIL 30, 2022

				VARIANCE					
POTABLE WATER	PRIOR YR	·	YEAR - TO	- DATE		BUDG	ET	PRIOR	/R
	ACTUALS	ΑСТUΑ	L	BUDGE	т	Favor/(Jnfavor)	Favor/(Uni	avor)
ncome (Loss) from Operations:	\$	\$	%	\$	%	\$	%	\$	%
Revenues:									
Water Sales	\$ 25,592,335	\$ 25,431,665	58.8	23,930,590	59.4	\$ 1,501,075	6.3	\$ (160,670)	(0.6)
Infrastructure Access Charge	1,042,570	1,157,543	2.7	1,146,793	2.8	10,750	0.9	114,973	11.0
Energy Billings	1,230,882	1,161,950	2.7	1,269,249	3.2	(107,299)	(8.5)	(68,932)	(5.6)
CWA/ Metro Credits	-	-	-	-	-	-		-	-
Padre Dam Sewer Processing Fee	-	-	-	-	-	-		-	-
Sewer Revenues	-	-	-	-	-	-		-	-
System Charges	10,097,569	10,773,107	24.9	10,532,080	26.1	241,027	2.3	675,538	6.7
Park Fees	-	-	-	-	-	-		-	-
Property taxes subvention	2,991,945	3,412,067	7.9	2,986,923	7.4	425,144	14.2	420,122	14.0
Other Revenues	658,675	1,299,362	3.0	416,660	1.0	882,702	211.9	640,687	97.3
Total Operating Revenues	41,613,976	43,235,694	100.0	40,282,295	100.0	2,953,399	7.3	1,621,718	3.9
Direct Costs:									
Water Purchases	12,926,965	13,487,386	31.2	13,845,262	34.4	357,876	2.6	(560,421)	(4.3)
Infrastructure Access Charge	1,046,680	1,144,344	2.6	1,146,793	2.8	2,449	0.2	(97,664)	(9.3)
Energy Purchases	1,226,355	1,380,222	3.2	1,269,249	3.2	(110,973)	(8.7)	(153,867)	(12.5
Sewer METRO Costs	- · · · ·	-	-	-	-	-		-	-
Padre Sewer Treatment	_	-	-	-	-	-		-	-
Fish Stock/Propane	_	-	-	-	-	-		-	-
	15,200,000	16,011,952	37.0	16,261,303	40.4	249,351	1.5	(811,952)	(5.3)
Revenues Available for Operating Expenses	26,413,976	27,223,742	63.0	24,020,991	59.6	3,202,751	13.3	809,766	3.1
Operating Expenses:									
Salary & Wages	6,448,749	6,462,917	14.9	6,571,410	16.3	108,493	1.7	(14,169)	(0.2)
Employee Benefits	4,682,466	4,626,143	10.7	5,046,688	12.5	420,545	8.3	56,322	1.2
Professional Services	1,799,601	1,425,977	3.3	3,246,152	8.1	1,820,175	56.1	373,624	20.8
Materials, Supplies, Vehicle & Building	2,318,194	2,395,690	5.5	2,649,530	6.6	253,839	9.6	(77,496)	(3.3)
Administrative Expenses	924,430	1,447,235	3.3	1,407,941	3.5	(39,294)	(2.8)	(522,805)	(56.6
Utilities	117,092	132,963	0.3	128,715	0.3	(4,249)	(3.3)	(15,872)	(13.6)
Billing Credits	(2,347,109)	(1,635,730)	(3.8)	(1,699,535)	(4.2)	(63,805)	(3.8)	(711,378)	(30.3)
Subtotal	13,943,422	14,855,196	34.4	17,350,901	43.1	2,495,704	14.4	(911,774)	(6.5)
Depreciation/Amort	4,559,955	5,028,554	11.6	4,844,744	12.0	(183,810)	(3.8)	(468,599)	(10.3)
Total Operating Expenses	18,503,377	19,883,751	46.0	22,195,645	55.1	2,311,894	10.4	(1,380,373)	(7.5)

Income (Loss) from Operations	7,910,599	7,339,991	17.0	1,825,347	4.5	5,514,645	302.1	(570,607)	(7.2)
Non Operating Activity									
Interest Expense	(946,850)	(876,453)	(2.0)	(892,359)	(2.2)	15,906	1.8	70,397	7.4
Interest Income	245,475	139,341	0.3	305,570	0.8	(166,229)	(54.4)	(106,134)	(43.2)
Gain/Loss on Sale of Fixed Assets	-	-	-	-	-	-		-	-
Other Income/(Expense)	(100,000)	-	-	-	-	-		100,000	100.0
Total Non Operating Income (Expenses)	(801,375)	(737,112)	(1.7)	(586,789)	(1.5)	(150,323)	(25.6)	64,263	8.0
Change in Net Position	\$ 7,109,224	\$ 6,602,879	15.3	\$ 1,238,558	3.1	\$ 5,364,322	433.1	\$ (506,345)	(7.1)

POTABLE WATER CASH & INVESTMENTS	Prior Yr	<u>Current Yr</u>	Rate Stabilization	Capital Replacement	Major CIP Reserve
Balance 07/01	45,570,407	51,159,439	13,380,391	13,996,721	23,782,327
Audit Rebalancing		-	7,156,264	1,239,370	(8,395,634)
Change in Net Position	7,109,224	6,602,879			
Add Back Depreciation/Amort	4,559,955	5,028,554			
Changes in Payables/Receivables, Other	(2,674,707)	(7,630,943)			
Cash Generated from Operations	8,994,473	4,000,490	4,000,490	-	-
CIP/Capital Equip	(2,436,122)	(6,924,102)		(6,924,102)	-
Debt Principal	(2,008,307)	(1,709,549)		(1,709,549)	-
Transfers to CRF fm Rate Stab	-	-	-	-	-
Interest Income Transfer	-	-	(82,211)	82,211	-
Cash Used for Property Acquisition & Debt	(4,444,429)	(8,633,651)	(82,211)	(8,551,439)	-
Financing/Contrib Capital/Other Transfers	1,469,183	(506,908)	(774,824)	267,916	
Net Change in Cash & Investments	6,019,226	(5,140,068)	10,299,719	(7,044,153)	(8,395,634)
Balance 04/30	51,589,633	46,019,371	23,680,110	6,952,569	15,386,693

Board Minimum Fund Targets:	35,660,424	10,322,480	8,615,720	16,722,224
Board Maximum Fund Targets:	68,667,286	19,028,089	14,916,973	34,722,224

PADRE DAM MUNICIPAL WATER DISTRICT POTABLE WATER SALES IN ACRE FEET - COMBINED WESTERN & EASTERN FOR THE TEN MONTHS ENDING APRIL 30, 2022

		Western			Eastern			<u>Total</u>		<u>Combined</u>
	Actual	Budget	Variance	Actual	Budget	Variance	Actual	Budget	Variance	Percent
July Totals	664	456	209	440	332	108	1,104	787	317	40.3%
August Totals	515	498	17	388	363	26	904	861	43	5.0%
September Totals	640	608	32	440	414	27	1,080	1,021	59	5.8%
October Totals	499	445	54	297	307	(10)	796	753	44	5.8%
November Totals	422	457	(35)	275	286	(10)	698	743	(45)	-6.1%
December Totals	434	415	19	295	265	30	729	680	49	7.2%
<u>January</u>										
Tier 1	328	328	0	158	175	(18)	485	503	(18)	-3.5%
Tier 2	32	52	(20)	22	49	(27)	53	101	(48)	-47.1%
Tier 3	4	7	(3)	5	17	(12)	9	24	(14)	-61.3%
Non-tiered	88	100	(12)	27	51	(24)	114	151	(37)	-24.4%
January Totals	451	487	(35)	211	292	(81)	662	778	(116)	-15.0%
February										
Tier 1	258	233	25	150	147	3	407	379	28	7.3%
Tier 2	28	25	3	34	30	4	62	55	7	12.0%
Tier 3	4	3	1	11	9	2	15	12	4	30.6%
Non-tiered	72	68	4	31	41	(10)	103	109	(6)	-5.7%
February Totals	362	329	33	225	227	(1)	587	556	32	5.7%
<u>March</u>										
Tier 1	265	306	(41)	140	154	(14)	405	460	(55)	-11.9%
Tier 2	32	37	(5)	26	23	2	58	61	(3)	-4.8%
Tier 3	5	4	1	8	6	2	13	10	2	24.5%
Non-tiered	77	99	(22)	26	39	(13)	103	138	(35)	-25.5%
March Totals	379	447	(68)	200	222	(22)	578	669	(90)	-13.5%
<u>April</u>							- 4 - 6	0 - 0		
Tier 1	330	233	97	189	139	50	519	372	147	39.5%

Tier 2	40	24	16	47	30	17	87	54	33	62.2%
Tier 3	6	3	3	17	8	8	22	11	11	101.2%
Non-tiered	96	63	33	52	34	18	148	97	51	52.2%
April Totals	471	323	149	305	211	94	776	534	242	45.4%

Current Year-to-date Totals

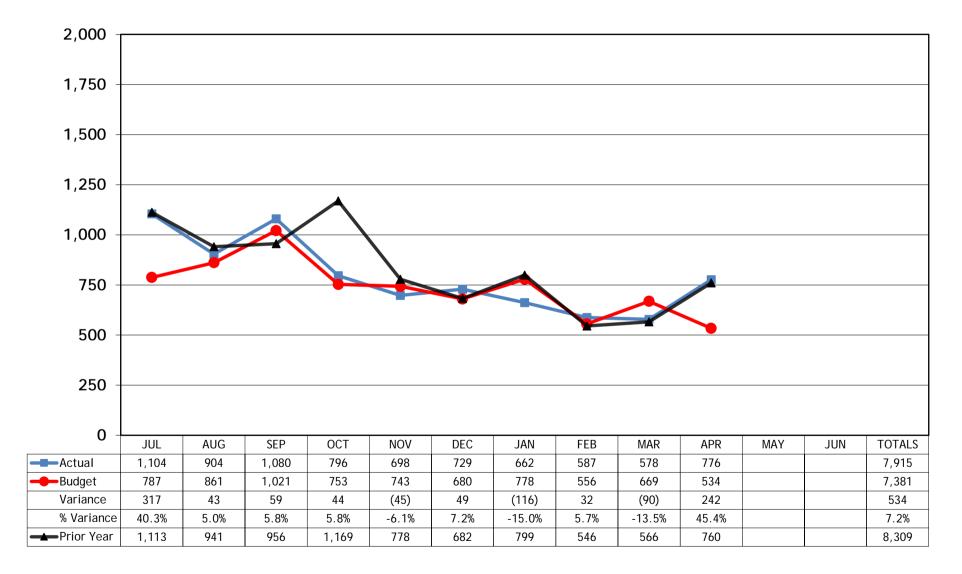
Tier 1	3,102	2,774	328	1,769	1,443	326	4,871	4,217	654	15.5%
Tier 2	579	622	(43)	558	783	(225)	1,136	1,405	(268)	-19.1%
Tier 3	118	41	77	276	160	116	395	201	194	96.4%
Non-tiered	1,039	1,027	12	474	532	(58)	1,513	1,559	(46)	-3.0%
Grand Totals	4,838	4,464	375	3,077	2,918	159	7,915	7,381	534	7.2%

Prior Year to Date Totals

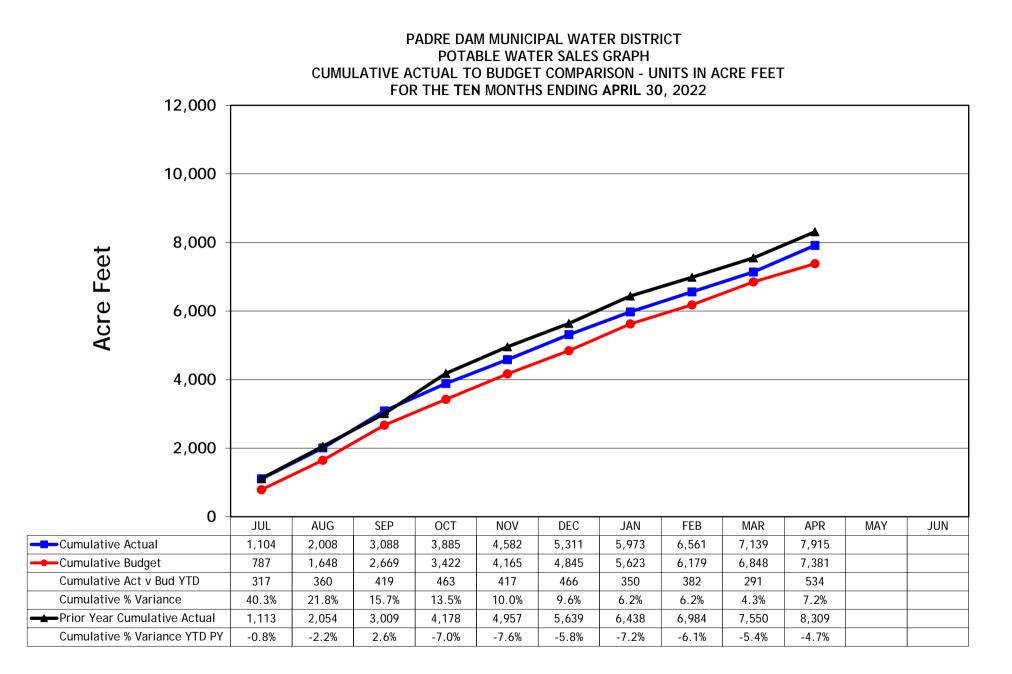
Tier 1	3,193	2,774	419	1,820	1,443	377	5,013	4,217	796	18.9%
Tier 2	669	622	47	607	783	(176)	1,276	1,405	(129)	-9.2%
Tier 3	135	41	94	305	160	145	440	201	240	119.2%
Non-tiered	1,016	1,027	(11)	564	532	32	1,580	1,559	21	1.4%
Grand Totals	5,014	4,464	550	3,296	2,918	378	8,309	7,381	928	12.6%



PADRE DAM MUNICIPAL WATER DISTRICT POTABLE WATER SALES GRAPH ACTUAL TO BUDGET COMPARISON - UNITS IN ACRE FEET FOR THE TEN MONTHS ENDING APRIL 30, 2022



Acre Feet



PADRE DAM MUNICIPAL WATER DISTRICT STATEMENT OF OPERATIONS FOR TEN MONTHS ENDING APRIL 30, 2022

VARIANCE **RECYCLED WATER** PRIOR YR BUDGET **PRIOR YR** YEAR - TO - DATE ACTUALS ACTUAL Favor/(Unfavor) Favor/(Unfavor) BUDGET Income (Loss) from Operations: % \$ \$ \$ % Ś % \$ % **Revenues:** 2,201,555 60.9 (82,518) (88,575) Water Sales \$ 2,207,612 \$ 2,119,037 59.6 \$ \$ (3.7) \$ (4.0) Infrastructure Access Charge --------**Energy Billings** -----_ _ CWA/Metro Credits 147,200 3.9 5,070 167,680 4.1 142,130 3.6 (20,480) (12.2) Padre Dam Sewer Processing Fee 1,057,513 (0) 1,057,513 1,057,513 29.7 29.3 (0.0) -Sewer Revenues -------214,531 231,179 211,080 20,099 System Charges 6.5 5.8 9.5 16,648 7.8 Park Fees -------Property taxes subvention -_ Other Revenues 23,891 932 0.0 932 (22,959) (96.1)3,555,861 3,612,278 100.0 (56,417) (115,366) **Total Operating Revenues** 3,671,227 100.0 (1.6) (3.1) **Direct Costs:** Water Purchases Infrastructure Access Charge **Energy Purchases** Sewer METRO Costs Padre Sewer Treatment Fish Stock/Propane -----**Total Direct Costs** --------**Revenues Available for Operating Expenses** 3,671,227 3,555,861 100.0 3,612,278 100.0 (56,417) (1.6) (115,366) (3.1) **Operating Expenses:** Salary & Wages 919,778 921,799 25.9 937,273 25.9 15,474 1.7 (2,021) (0.2) **Employee Benefits** 644,813 637,057 695,103 58,046 8.4 7,756 17.9 19.2 1.2 Professional Services 124,627 98,752 2.8 224,765 6.2 126,012 56.1 25,874 20.8 Materials, Supplies, Vehicle & Building 282,486 291,930 8.2 322,861 8.9 30,931 9.6 (9,443) (3.3) (56.6) Administrative Expenses 97,301 152,329 4.3 148,220 4.1 (4,109) (2.8) (55,028) Utilities 210,972 239,569 6.7 231,910 6.4 (7*,*659) (3.3) (28,597) (13.6) **Billing Credits** (524,136) (365,277) (10.3) (380,559) (10.5) (15,282) (4.0) (158,859) (30.3) 55.6 (12.5) Subtotal 1,755,842 1,976,160 2,179,573 60.3 203,414 9.3 (220,318) Depreciation/Amort 777,372 790,401 22.2 974,208 27.0 183,806 18.9 (13,029) (1.7) 2,533,214 **Total Operating Expenses** 2,766,561 77.8 3,153,781 87.3 387,220 12.3 (233,347) (9.2)

Income (Loss) from Operations	1,138,013	789,300	22.2	458,498	12.7	330,802	72.1	(348,713)	(30.6)
Non Operating Activity									
Interest Expense	(28,230)	(26,131)	(0.7)	(27,758)	(0.8)	1,627	5.9	2,099	7.4
Interest Income	132,647	75,296	2.1	107,421	3.0	(32,125)	(29.9)	(57,352)	(43.2)
Gain/Loss on Sale of Fixed Assets	-	-	-	-	-	-		-	
Other Income/(Expense)	-	-	-	-	-	-		-	
Total Non Operating Income (Expenses)	104,417	49,165	1.4	79,663	2.2	(30,499)	(38.3)	(55,253)	(52.9)
Change in Net Position	\$ 1,242,430	\$ 838,465	23.6	\$ 538,161	14.9	\$ 300,304	55.8	\$ (403,966)	(32.5)
RECYCLED CASH & INVESTMENTS	Prior Yr	<u>Current Yr</u>		Rate Stabilization		Capital Replacement		Major CIP Reserve	
Balance 07/01	16,905,439	18,524,738		750,391		5,088,352		12,685,994	
Audit Rebalancing		-		788,069		207		(788,276)	
Change in Net Position	1,242,430	838,465							
Add Back Depreciation/Amort	777,372	790,401							
Changes in Payables/Receivables, Other	(644,198)	(1,446,918)							
Cash Generated from Operations	1,375,604	181,948		181,948		-		-	
CIP/Capital Equip	(32,914)	(258,300)				(258,300)		-	
Debt Principal	(152,872)	(41,278)				(41,278)		-	
Transfers to CRF fm Rate Stab	-	-		-		-		-	
Interest Income Transfer		-		(54,966)		54,966		-	
Cash Used for Property Acquisition & Debt	(185,786)	(299,578)		(54,966)		(244,612)		-	
Financing/Contrib Capital/Other Transfers	(44,147)	(167,840)				(167,840)			
Net Change in Cash & Investments	1,145,671	(285,470)		915,051		(412,245)		(788,276)	
Balance 04/30	18,051,110	18,239,268		1,665,443		4,676,107		11,897,718	
	linimum Fund Townstor	0.202.020		700 702		4 440 307		2 472 500	
	linimum Fund Targets:	8,383,638		790,783		4,419,287		3,173,568	
Board IV	aximum Fund Targets:	11,631,810		1,564,483		5,093,759		<i>4,973,568</i>	

PADRE DAM MUNICIPAL WATER DISTRICT WATER RECYCLING SALES & PARK ACRE FEET FOR THE TEN MONTHS ENDING APRIL 30, 2022

	Prior Year			Non-Billable		
Month	2020/21 Actual	Actual	Budget	Variance	% Variance	Park ⁽¹⁾
July	128.9	123.7	96.7	27.0	27.9%	12.9
August	100.9	104.1	91.1	13.0	14.3%	10.7
September	109.3	121.5	114.0	7.5	6.5%	12.3
October	141.5	94.5	104.4	(9.9)	- 9 .5%	6.8
November	95.7	56.7	83.1	(26.4)	-31.8%	5.5
December	63.3	67.6	61.3	6.3	10.3%	3.3
January	68.4	35.1	42.2	(7.1)	-16.9%	1.0
February	39.1	31.6	29.3	2.3	8.0%	1.9
March	35.5	45.1	29.6	15.5	52.5%	4.8
April	53.2	56.1	34.0	22.1	64.8%	4.8
Мау	79.0		60.3	(60.3)	-100.0%	
June	88.1		78.0	(78.0)	-100.0%	
Year-to-date	835.8	736.0	685.7	50.3	7.3%	64.0
Annual Totals ⁽³⁾	1,002.9	874.3	824.0	50.3	6.1%	(1.0)

(1) Non-billable sales to the Park in excess of 65 acre-feet are eligible for MWD/CWA credits.

(2) Amount over/(under) the 65 AF threshold.

(3) Annual fiscal year threshold for paid incentives is 850 AF, volumes in excess are noncredited with reset in July.

PADRE DAM MUNICIPAL WATER DISTRICT STATEMENT OF OPERATIONS

FOR TEN MONTHS ENDING APRIL 30, 2022

							VARIANCE			
EWER	PRIOR YR	·	YEAR - 1	TO - DATE		BUDGET		PRIOR YR		
	ACTUALS	ΑСТUΑ	L	BUDGE	T	Favor/(Unfa	avor)	Favor/(Unfavor)		
me (Loss) from Operations:	\$	\$	%	\$	%	\$	%	\$	%	
evenues: Water Sales	\$ -	Ś -		\$ -		\$ -		\$ -		
Infrastructure Access Charge	ې - -	Ş <u>-</u>	-	Ş - -	-	Ş - -		Ş -	-	
Energy Billings	-	-	_	-	_	-		-	-	
CWA/ Metro Credits	-	-	-	-	-	-		-	-	
Padre Dam Sewer Processing Fee	-	-	-	-	-	-		-	-	
Sewer Revenues	16,046,337	16,791,104	99.9	16,230,820	100.0	560,284	3.5	744,767		
System Charges	-	-	-	-	-	- -		-	-	
Park Fees	-	-	-	-	-	-		-	-	
Property taxes subvention	-	-	-	-	-	-		-	-	
Other Revenues	157,779	13,205	0.1	5,833	0.0	7,372	126.4	(144,574)	(9	
Total Operating Revenues	16,204,116	16,804,309	100.0	16,236,653	100.0	567,656	3.5	600,193		
irect Costs:										
Water Purchases	-	_	-	_	-	-		_		
Infrastructure Access Charge	-	-	-	-	-	-		-		
Energy Purchases	-	-	-	-	-	-		-		
Sewer METRO Costs	4,778,926	3,960,367	23.6	3,989,760	24.6	29,393	0.7	818,559	1	
Padre Sewer Treatment	1,057,513	1,057,513	6.3	1,057,513	6.5	0	0.0	-		
Fish Stock/Propane	-	-	-	-	-	-		-		
Total Direct Costs	5,836,439	5,017,880	29.9	5,047,273	31.1	29,393	0.6	818,559	1	
evenues Available for Operating Expenses	10,367,677	11,786,429	70.1	11,189,380	68.9	597,049	5.3	1,418,752	1	
perating Expenses:										
Salary & Wages	2,931,343	2,937,784	17.5	2,987,100	18.4	49,316	1.7	(6,441)	(
Employee Benefits	2,241,711	2,214,747	13.2	2,416,543	14.9	201,796	8.4	26,964	·	
Professional Services	749,901	594,210	3.5	1,352,444	8.3	758,234	56.1	155,690	2	
Materials, Supplies, Vehicle & Building	1,505,225	1,555,544	9.3	1,720,364	10.6	164,820	9.6	(50,319)	(
Administrative Expenses	403,023	630,949	3.8	613,931	3.8	(17,018)	(2.8)	(227,926)	(5	
Utilities	534,808	607,301	3.6	587,885	3.6	(19,416)	(3.3)	(72,493)	(1	
Billing Credits	(10,682)	(7,444)	(0.0)	(20,482)	(0.1)	(13,038)	(63.7)	(3,238)	(3	
Subtotal	8,355,327	8,533,089	50.8	9,657,784	59.5	1,124,695	11.6	(177,762)	(
Depreciation/Amort	1,158,902	1,155,950	6.9	1,108,564	6.8	(47,386)	(4.3)	2,952		
Total Operating Expenses	9,514,229	9,689,039	57.7	10,766,348	66.3	1,077,309	10.0	(174,810)	(:	
ncome (Loss) from Operations	853,448	2,097,390	12.5	423,032	2.6	1,674,358	395.8	1,243,942	14	
	<u>·</u>					i				
on Operating Activity										
Interest Expense	-	-	-	-	-	-		-		
Interest Income	308,957	175,376	1.0	143,433	0.9	31,943	22.3	(133,581)	(4	
Gain/Loss on Sale of Fixed Assets	-	-	-	-	-	-		-		
Other Income/(Expense)		-	-	-	-		22.2	(122 501)		
Total Non Operating Income (Expenses)	308,957	175,376	1.0	143,433	0.9	31,943	22.3	(133,581)	(4	
ange in Net Position	\$ 1,162,405	\$ 2,272,765	13.5	\$ 566,465	3.5	\$ 1,706,301	301.2	\$ 1,110,361	9	
SEWER CASH & INVESTMENTS	Prior Yr	<u>Current Yr</u>		Rate Stabilization		<u>Capital Replacement</u>		Major CIP Reserve		
Balance 07/01	24,421,628	25,465,881		6,727,858		7,607,690		11,130,333		
Audit Rebalancing	4 4 6 3 4 6 5	-		2,762,639		(157,818)		(2,604,821)		
Change in Net Position Add Back Depreciation/Amort	1,162,405	2,272,765								
Changes in Payables/Receivables, Other	1,158,902 (1,424,796)	1,155,950 (3,453,279)								
Cash Generated from Operations	896,511	(24,564)		(24,564)		_		-		
CIP/Capital Equip	(486,926)	(965,780)				(965,780)		<u>-</u>		
Debt Principal	-	-						-		
Transfers to CRF fm Rate Stab	-	-		-		-		-		
Interest Income Transfer				(89,442)		89,442				
Cash Used for Property Acquisition & Debt	(486,926)	(965,780)		(89,442)		(876,338)				
Financing/Contrib Capital/Other Transfers	(37,766)	(317,825)		(239,057)		(78,769)				
	371,819	(1,308,170)		2,409,577		(1,112,925)		(2,604,821)		
Net Change in Cash & Investments		1								
-	24 793 447	24 157 711		9 137 /3/		6 494 765		8 525 512		
Net Change in Cash & Investments Balance 04/30	24,793,447	24,157,711		9,137,434		6,494,765		8,525,512		
Balance 04/30	24,793,447	24,157,711		9,137,434 4,460,393		6,494,765 3,691,895		8,525,512 10,099,104		

PADRE DAM MUNICIPAL WATER DISTRICT STATEMENT OF OPERATIONS FOR TEN MONTHS ENDING APRIL 30, 2022

							VAI	RIANCE	
PARK	PRIOR YR		YEAR - 1	ΓΟ - ΟΑΤΕ		BUDGET		PRIOR	YR
	ACTUALS	ACTU	AL	BUDG	ET	Favor/(Un	ifavor)	Favor/(Un	favor)
Income (Loss) from Operations:	\$	\$	%	\$	%	\$	%	\$	%
Revenues:									
Water Sales	\$ -	\$-	-	\$-	-	\$-		\$-	-
Infrastructure Access Charge	-	-	-	-	-	-		-	-
Energy Billings	-	-	-	-	-	-		-	-
CWA/ Metro Credits	-	-	-	-	-	-		-	-
Padre Dam Sewer Processing Fee	-	-	-	-	-	-		-	-
Sewer Revenues	-	-	-	-	-	-		-	-
System Charges	-	-	-	-	-	-		-	-
Park Fees	5,788,056	6,513,063	99.2	5,986,353	100.0	526,710	8.8	725,007	12.5
Property taxes subvention	-	-	-	-	-	-		-	-
Other Revenues	291	49,904	0.8	-	-	49,904		49,613	17,049.1
Total Operating Revenues	5,788,347	6,562,967	100.0	5,986,353	100.0	576,614	9.6	774,620	13.4
Direct Costs:									
Water Purchases	-	-	-	-	-	-		-	-
Infrastructure Access Charge	_	-	-	-	-	-		-	-
Energy Purchases	-	-	-	-	-	-		-	-
Sewer METRO Costs	-	-	-	-	-	-		-	-
Padre Sewer Treatment	-	-	-	-	-	-		-	-
Fish Stock/Propane/Etc	105,017	262,686	4.0	281,179	4.7	18,493	6.6	(157,669)	(150.1)
Total Direct Costs	105,017	262,686	4.0	281,179	4.7	18,493	6.6	(157,669)	(150.1)
Revenues Available for Operating Expenses	5,683,330	6,300,281	96.0	5,705,174	95.3	595,107	10.4	616,951	10.9
Operating Expenses:									
Salary & Wages	1,126,505	1,212,258	18.5	1,290,241	21.6	77,983	6.0	(85,753)	(7.6)
Employee Benefits	754,365	803,418	12.2	913,726	15.3	110,308	12.1	(49,053)	(6.5)
Professional Services	290,522	338,019	5.2	624,453	10.4	286,434	45.9	(47,498)	(16.3)
Materials, Supplies, Vehicle & Building	671,702	762,398	11.6	830,342	13.9	67,944	8.2	(90,696)	(13.5)
Administrative Expenses	119,133	110,438	1.7	182,722	3.1	72,284	39.6	8,695	7.3
Utilities	740,021	773,024	11.8	765,661	12.8	(7,363)	(1.0)	(33,003)	(4.5)
Billing Credits	-	-	-	(4,234)	(0.1)	(4,234)	(100.0)	-	#DIV/0!
Subtotal	3,702,247	3,999,555	60.9	4,602,912	76.9	603,357	13.1	(297,307)	
Depreciation/Amort	783,548	1,003,655	15.3	956,050	16.0	(47,605)	(5.0)	(220,107)	(28.1)
Total Operating Expenses	4,485,795	5,003,210		5,558,962	92.9	555,752	10.0	(517,414)	(11.5)
Income (Loss) from Operations	1,197,535	1,297,071	19.8	146,212	2.4	1,150,859	787.1	99,537	8.3

Non Operating Activity									
Interest Expense	(296,826)	(271,923)	(4.1)	(275,466)	(4.6)	3,543	1.3	24,903	8.4
Interest Income	28,502	16,179	0.2	38,470	0.6	(22,291)	(57.9)	(12,323)	(43.2)
Gain/Loss on Sale of Fixed Assets	-	-	-	-	-	-		-	
Other Income/(Expense)	100,000		-		-			(100,000)	(100.0)
Total Non Operating Income (Expenses)	(168,324)	(255,744)	(3.9)	(236,996)	(4.0)	(18,748)	(7.9)	(87,420)	(51.9)
Change in Net Position	\$ 1,029,211	\$ 1,041,327	15.9	\$ (90,784)	(1.5)	\$ 1,132,111	1,247.0	\$ 12,117	1.2

PARK CASH & INVESTMENTS	Prior Yr	<u>Current Yr</u>	Revenue Stabilization	Capital Replacement
Balance 07/01	6,035,810	4,836,414	2,555,102	2,281,311
Change in Net Position	1,029,211	1,041,327		
Add Back Depreciation/Amort	783,548	1,003,655		
Changes in Payables/Receivables, Other	(300,000)	(250,000)		
Cash Generated from Operations	1,512,759	1,794,982	1,794,982	-
CIP/Capital Equip	(2,340,192)	(947,940)		(947,940)
Debt Principal	(661,579)	(689,660)		(689,660)
Transfers to CRF fm Rate Stab	-	-	-	-
Interest Income Transfer	-	-	(11,810)	11,810
Cash Used for Property Acquisition & Debt	(3,001,771)	(1,637,600)	(11,810)	(1,625,790)
Financing/Contrib Capital/Other Transfers	191,737			
Net Change in Cash & Investments	(1,297,275)	157,382	1,783,172	(1,625,790)
Balance 04/30	4,738,536	4,993,796	4,338,274	655,522
	imum Fund Targets:	2,792,650	1,839,511	953,139
Board Max	imum Fund Targets:	4,550,020	3,286,880	1,263,139

Park Operations Supplementary Schedule FYE June 30, 2022 (Period-To-Date)

	Refer	ence Purposes	For The 1	<mark>0 Month(s) End</mark>	<mark>ing April 30</mark> ,	, 2022
	FYE 6-30-2022 Published-Budget (total)	FYE 6-30-2021 Actual (10 Month(s) Ending 04/30/21)	FYE 6-30-2022 Published-Budget (period-to-date)	FYE 6-30-2022 Actual (period-to-date)	Actual Compare Favorable/(U	•
Dovopuos						
Revenues: Attendance						
Entrance Fees	\$ 393,574	\$ 323,574	\$ 308,083	\$ 409,251	\$ 101,168	32.8%
Reserved Area Fees	200,000	11,089	149,243	157,694	8,451	5.7%
Fishing Fees Boat Rental	350,000 80,000	372,850 0	284,966 60,185	297,833 76,642	12,867 16,457	4.5% 27.3%
Bicycle Rental	0	0	0	0	0	#DIV/0!
Community Recreation Fees RV & Tent Sites	5,000 4,566,566	0 3,816,351	5,000 3,759,841	0 3,979,380	(5,000) 219,539	-100.0% 5.8%
Cabin	479,738	397,081	399,464	424,195	24,731	6.2%
RV Storage	610,000 5,000	511,945	506,741	542,033	35,292	7.0%
Propane Utilities	5,000 250,000	6,553 250,436	4,322 211,464	8,895 294,719	4,573 83,255	105.8% 39.4%
Laundry	40,418	32,221	35,819	31,368	(4,451)	-12.4%
Other Revenues Total	21,487 7,001,783	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u>357.1%</u> 9.7%
	7,001,783	5,751,616		0,302,292		7.170
General Store Store Sales/Concession Fees	300,000	56,529	243,660	260,675	17,015	7.0%
Total	300,000	56,529	243,660	260,675	17,015	7.0%
Total Revenues	7,301,783	5,788,347	5,986,353	6,562,967	576,614	9.6%
Direct Costs:						
Fish Stocking Propane	150,000 5,000	101,230 3,787	120,094 4,316	121,101 6,585	(1,007) (2,269)	-0.8% -52.6%
Purchases	190,000	0	156,769	135,000	21,769	-52.0% 13.9%
Total	345,000	105,017	281,179	262,686	18,493	6.6%
Gross Profit:	6,956,783	5,683,330	5,705,174	6,300,281	595,107	10.4%
Operating Expenses:						
Salary & Wages	1,454,792	1,052,557	1,230,984	1,126,932	104,052	8.5%
Benefits	1,031,326	705,519	872,664	747,292	125,372	14.4%
Employee Training & Development	36,000	11,941	30,468	11,356	19,112	62.7%
Advertising & Promotion	124,190	79,425	105,084	66,851	38,233	36.4%
Dues & Subscriptions	9,644	5,929	8,162	5,708	2,454	30.1%
License & Permits	11,825	14,448	10,008	10,752	(744)	-7.4%
Insurance	10,000	0	8,460	0	8,460	100.0%
Office Supplies	12,800	2,773	10,834	5,132	5,702	52.6%
Operating Supplies	77,200	18,922	65,320	21,902	43,418	66.5%
	100	21	88	21,702	43,410	68.2%
Postage						
Materials & Supplies	258,311	220,588	218,572	270,942	(52,370)	-24.0%
Repairs & Maintenance	639,445	430,757	541,068	468,565	72,503	13.4%
Vehicle/Equipment Usage	0	0	0	0	0	#DIV/0!
Professional Fees	717,055	282,742	606,738	332,510	274,228	45.2%
Telephone	20,745	13,561	17,546	13,010	4,536	25.9%
Utilities	875,679	720,289	740,960	753,179	(12,219)	-1.6%
Travel/Conventions&Meetings	3,000	26	2,540	3,475	(935)	-36.8%
Miscellaneous	0	0	0	0	0	#DIV/0!
Overhead	162,368	142,749	137,652	161,921	(24,269)	-17.6%
Billing Credits	(5,000)	0	(4,234)	0	(4,234)	-100.0%
Total	5,439,480	3,702,247	4,602,914	3,999,555	603,359	13.1%
Operating Income (Loss) before deprec	1,517,303	1,981,083	1,102,260	2,300,726	1,198,466	108.7%
Depreciation-direct	(1,053,458)	(716,903)	(877,882)	(937,134)	(59,252)	-6.7%
Depreciation-indirect	(93,802)	(66,645)	(78,168)	(66,521)	11,647	14.9%
Amortization	0	0	0	0	0	#DIV/0!
Operating Income (Loss) after deprec	370,043	1,197,535	146,210	1,297,071	1,150,861	787.1%
Non-Operating Activity:						
Interest Income	46,164	28,502	38,470	16,179	(22,291)	-57.9%
Interest Expense	(330,559)	(296,826)	(275,466)	(271,923)	3,543	1.3%
Other Income/(Expenses)	0	100,000	0	0	0	#DIV/0!
Total Non-Operating Income/(Expenses)	(284,395)	(168,324)	(236,996)	(255,744)	(18,748)	-7 9%

Change in Net Position 1,029,211 85,648 \$ 1,132,113 (90,786) \$ 1,041,328 \$ 1247.0% \$ \$

(168,324)

(284,395)

(255,744)

(18,748)

(236,996)

K:\Kevin\ParkMonthly-2022\Park_FS_FYE_6-30-2022_(monthly)_ForSandy\(FYE 6-30-2022 (period-to-date))

Total Non-Operating Income/(Expenses)



-7.9%

5-E-1

Padre Dam Municipal Water District Park Operations (Statistics) For The Ten Month(s) Ending April 30, 2022

		Number of Gate Admissions (does not include walk-through admissions)											
Month	Actual	Budget	Vari	ance	Prior Year								
July	10,957	10,237	720	7.0%	6,145								
August	8,852	8,157	695	8.5%	5,418								
September	6,806	6,104	702	11.5%	4,250								
October	6,938	5,962	976	16.4%	5,441								
November	6,103	5,014	1,089	21.7%	5,318								
December	3,553	4,277	(724)	-16.9%	4,135								
January	6,560	5,171	1,389	26.9%	5,913								
February	6,121	4,295	1,826	42.5%	5,479								
March	7,218	6,077	1,141	18.8%	6,759								
April	8,761	8,902	(141)	-1.6%	8,069								
FY 2021/22 (to-date)	71,869	64,196	7,673	12.0%	56,927								

		Number of Campsite Hookups (Existing)									
	Actua	al	Budg	et	Actual t	Reference					
Month	Hookups	Hookups Occup		Occup	Var	iance	Prior Year				
July	4,772	91.6%	4,767	91.5%	5	0.1%	4,931				
August	5,170	99.3%	4,520	86.8%	650	14.4%	4,797				
September	4,385	87.0%	3,681	73.0%	704	19.1%	4,246				
October	4,588	88.1%	3,630	69.7%	958	26.4%	4,346				
November	4,414	87.6%	3,679	73.0%	735	20.0%	4,118				
December	4,536	87.1%	3,992	76.6%	544	13.6%	4,498				
January	4,592	88.2%	4,074	78.2%	518	12.7%	4,340				
February	4,222	89.8%	3,742	79.6%	480	12.8%	4,004				
March	4,787	91.9%	4,061	78.0%	726	17.9%	4,634				
April	4,684	92.9%	3,900	77.4%	784	20.1%	4,355				
FY 2021/22 (to-date)	46,150	90.4%	40,047	78.4%	6,103	15.2%	44,269				

			Number of	Campsi	te Hookups	(New)	
	Actua	al	Budg	et	Actual t	o Budget	Reference
Month	Hookups	Occup	Hookups	Occup	Var	iance	Prior Year
July	3,941	96.3%	3,756	91.8%	185	4.9%	3,918
August	3,902	95.4%	3,663	89.5%	239	6.5%	3,908
September	3,663	92.5%	3,294	83.2%	369	11.2%	3,577
October	3,697	90.3%	3,355	82.0%	342	10.2%	3,742
November	3,717	93.9%	3,356	84.7%	361	10.8%	3,570
December	3,836	93.7%	3,632	88.8%	204	5.6%	3,687
January	3,829	93.6%	3,724	91.0%	105	2.8%	3,725
February	3,514	95.1%	3,436	93.0%	78	2.3%	3,462
March	3,849	94.1%	3,726	91.1%	123	3.3%	3,782
April	3,793	95.8%	3,466	87.5%	327	9.4%	3,627
FY 2021/22 (to-date)	37,741	94.1%	35,406	88.2%	2,335	6.6%	36,998

Park_FS_FYE_6-30-2022_(monthly)_ForSandy

5-E-2

(K:\Kevin\ParkMonthly-2022) 5/23/20228:56 AM

PADRE DAM MUNICIPAL WATER DISTRICT Departmental Expenditures

FOR TEN MONTHS ENDING APRIL 30, 2022

	PRIOR YR		YEAI	VARIANCE					
	 ACTUAL	ACTU	JAL		BUDGET			Favor/(Unfa	vor)
Operating Expenses:									
Staff Wages & Salaries	\$ 11,426,375	\$ 11,534,758	39.39	6	\$ 11,786,025	34.9%	\$	251,267	2.1%
Employee Benefits	8,323,354	8,281,365	28.29	6	9,072,059	26.8%		790,694	8.7%
Contract & Professional Services	2,964,650	2,456,959	8.49	6	5,447,814	16.1%		2,990,855	54.9%
Materials, Supplies, Bldg, etc.	4,777,607	5,005,562	17.09	6	5,523,098	16.3%		517,536	9.4%
Administrative Expenses	1,543,887	2,340,951	8.09	6	2,352,814	7.0%		11,863	0.5%
Utilities	 1,602,892	 1,752,857	6.09	6	1,714,170	5.1%		(38,687)	-2.3%
Subtotal	30,638,765	31,372,452	106.89	6	35,895,980	106.2%		4,523,528	12.6%
Billing Credits	 (2,881,927)	 (2,008,452)	-6.89	6	(2,104,810)	-6.2%		(96,358)	-4.6%
TOTAL OPERATING EXP	\$ 27,756,838	\$ 29,364,000	100.09	<u>//</u>	\$ 33,791,170	100.0%	\$	4,427,170	13.1%
Departmental Expenses:									
Finance	\$ 4,182,815	\$ 4,851,899	16.59	6	\$ 4,815,349	14.3%	\$	(36,550)	-0.8%
Engineering	1,806,003	1,764,631	6.09	6	4,082,126	12.1%		2,317,495	56.8%
Operations & Water Quality	12,573,651	11,773,614	40.19	6	14,307,969	42.3%		2,534,355	17.7%
Human Resources	3,699,317	4,234,596	14.49	6	4,510,213	13.3%		275,617	6.1%
Administration	1,109,788	1,401,192	4.89	6	1,608,991	4.8%		207,799	12.9%
Park & Campgrounds	3,561,722	3,843,265	13.19	6	4,466,521	13.2%		623,256	14.0%
Advanced Water Purification (1)	 823,542	 1,494,803	5.19	6		0.0%		(1,494,803)	N/A
TOTAL DEPARTMENTAL EXP	\$ 27,756,838	\$ 29,364,000	100.09	6	\$ 33,791,170	100.0%	\$	4,427,170	13.1%

Page 6

PADRE DAM MUNICIPAL WATER DISTRICT DEPARTMENTAL EXPENSE VARIANCES FOR THE TEN MONTHS ENDING APRIL 30, 2022

	Salary	Employee	Professional	Materials &	Administrative		Billing	
Department	and Wages	Benefits	Services	Supplies, etc.	Expenses	Utilities	Credits	Totals
Finance	61,841	175,637	275,800	(248,991)	(183,121)	1,095	(118,811)	(36,550)
Engineering	356,003	379,219	2,023,264	39,738	60,475	258	(541,462)	2,317,495
Operations and Water Quality	707,329	699,335	29,111	528,502	50,907	(42,617)	561,786	2,534,355
Human Resources	18,177	54,051	156,966	54,753	(6,776)	4,712	(6,266)	275,617
Administration	(90,955)	(76,061)	252,055	81,602	25,366	7,399	8,393	207,799
Water and Sewer Operations	1,052,395	1,232,181	2,737,196	455,604	(53,149)	(29,153)	(96,358)	5,298,716
Park and Campground	94,409	122,404	274,226	67,557	72,342	(7,682)	-	623,256
Subtotal	1,146,804	1,354,585	3,011,422	523,161	19,193	(36,835)	(96,358)	5,921,972

Other (AWP)	(895,537)	(563,891)	(20,567)	(5,625)	(7,330)	(1,852)		(1,494,803)
	(075,557)	(303,071)	(20,307)	(3,023)	(7,330)	(1,052)	-	(1,494,003)
Water, Sewer and Park Totals	251,267	790,694	2,990,855	517,536	11,863	(38,687)	(96,358)	4,427,169

PADRE DAM MUNICIPAL WATER DISTRICT NOTES TO OPERATING EXPENSES FOR THE TEN MONTHS ENDING APRIL 30, 2022

Actual - \$29,364,000 Budget - \$33,791,170 Variance - \$4,427,170 Pe

Percent - 13.1%

Staff Wages and Salaries

District salaries & wages in gross, total \$11,534,758 and are \$251,267 or 2.1% favorable to budget.

- Significant Budget Variances:
 - Regular pay is favorable to budget by \$129,928.
 - Comp Time pay is favorable to budget by \$73,752.
 - Sick Leave pay is favorable to budget by \$106,664.
 - All other wage accounts net to an unfavorable budget variance of \$59,077.
 - Budgeted wages are spread by month based on actual pay period ending dates.

Employee Benefits

Benefits to employees total \$8,281,365 and are \$790,694 or 8.7% favorable to budget.

- Significant Budget Variances:
 - OPEB is favorable to budget by \$419,713.
 - Health & Dental Insurance is favorable to budget by \$306,557.
 - Worker's Comp Insurance is favorable to budget by \$107,201.
 - All other benefit accounts net to an unfavorable budget variance of \$42,777.
 - Budgeted benefits are spread by month based on actual pay period ending dates.

Contract and Professional Services

Professional services expenses total \$2,456,959 and are \$2,990,855 or 54.9% favorable to budget.

- Significant Budget Variances:
 - Other Professional services are favorable to budget by \$2,243,694.
 - Engineering services are favorable to budget by \$338,500.
 - Financial services are favorable to budget by \$169,628.
 - All other professional services accounts net to a favorable budget variance of \$239,033.

Materials and Supplies, Building, and Vehicle

These accounts total \$5,005,562 and are a combined \$517,536 or 9.4% favorable to budget.

- Significant Budget Variances:
 - Maintenance & Repair is favorable to budget by \$308,194.
 - Expendable Equipment is favorable to budget by \$243,206.
 - Materials & Supplies is unfavorable to budget by \$33,864.

Administrative Expenses

Administrative expenses total \$2,340,951 and are \$11,863 or 0.5% favorable to budget.

- Significant Budget Variances:
 - Training & Development is favorable to budget by \$119,695.
 - Travel is favorable to budget by \$45,955.
 - All other administrative expense accounts are unfavorable to budget by \$153,787.

<u>Utilities</u>

Utilities expenses total \$1,752,857 and are \$38,687 or 2.3% unfavorable to budget.

- Significant Budget Variances:
 - Gas & Electric is unfavorable to budget by \$55,774.
 - All other accounts are favorable to budget by \$17,087.

Billing Credits

Billing credits total \$2,008,452 and are \$96,358 or 4.6% unfavorable to budget.

These credits are calculated based on wages directly related to individual capital projects, and is the value of the labor involved in the construction of fixed assets.

PADRE DAM MUNICIPAL WATER DISTRICT LEGAL EXPENDITURES FOR TEN MONTHS ENDING APRIL 30, 2022

BBK & Other	Prior Yr													YTD	ANNUAL
LEGAL	2020/21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	ACTUAL	BUDGET
EXPENDITURES	Actual		0											Total	2021/22
GENERAL LEGAL:															/
General	81													0	0
Acct/IS/Fin/Cust Serv	755		211	282	101	2,130		3,052	3,370	4,577				13,725	7,000
Communications	0			202	101	2,100		3,032	3,370	-1,077				0	39,750
Admin (GM & Board)	33,039	4,479	2,631	3,723	3,889	3,730	1,880	2,766	3,586	3,282				29,966	125,204
Personnel	1,057	.,		0)/ 20	0,000	0,700	2,000		0,000	0)202				0	43,500
Public Info	0													0	0
Engineering	28,420	2,368	2,158	564	601	153	1,564	413	1,348	413				9,581	150,400
Plant	0	,	,			984	,		,					984	0
Field Ops	2,120				83									83	12,000
Park	6,122							110	220					330	15,000
Cust. Service	0													0	0
Metro Sewer	1,506	250	2,314	323	1,526	266	1,123	161	1,316	2,279				9,559	0
ADA Issues	0													0	0
El Capitan Pipeline Lease Negotiations	2,706	738	3,595	289										4,622	0
Special Counsel (Engineering)	18,566		1,076	7,238	770	4,415	1,059	449	1,605	3,692				20,304	0
Special Counsel (Field Ops)	2,925									3,371				3,371	0
Special Counsel (Park)	23,518	10,245	3,669	3,160	4,396	13,908	9,997	4,989	4,109	6,005				60,477	0
Special Counsel (Finance)	1,074	20)210	417	0)200	.,	385	0,007	.,	.,200	353				1,156	0
Special Counsel (Personnel)	51,543	1,348	1,059	2,536	546	4,916	449	1,524	931	1,463				14,772	0
Special Counsel (AWP & Interim TAC)	0	1,548	1,039	2,550	0	4,910	449	1,524	951	289				289	0
Special Counsel (Board)	190	2,729	4,554	96	417	1,156	64	225		6,452				15,692	0
Advanced Water Purification Project	33,090	6,653	770	3,041	3,308	96	449	449	1,332	2,953				19,053	0
Sub total	206,712	28,810	22,455	21,253	15,637	32,140	16,587	14,138	17,816	35,128	0	0	0	203,963	392,854
Less: Capitalized Portion of General Legal	(31,149)	(10,245)	(3,572)	(2,326)		(13,908)	(10,676)	-	(4,411)	(6,005)	0	0	0	(60,812)	0
Total Non-litigation Legal Expense	175,563	18,565	18,883	18,928	11,369	18,231	5,911	8,736	13,405	29,123	0	0	0	143,150	392,854
LITIGATION:															
Total Litigation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPITALIZED PROJECTS:							_		_						
Add: Capitalized portion of General Legal	31,149	10,245	3,572	2,326	4,267	13,908	10,676	5,402	4,411	6,005				60,812	0
Other	2,112	10,243	178	32	4,207	13,908	352	113	4,411	465		-	-	1,549	0
Castlerock Reorganization	4,194	115	1,972	35	104	145	2,604	1,045	3,332	-05				9,092	0
Total Capitalized Expenditures	37,455	10,364	5,723	2,392	4,494	14,051	13,632	6,560	7,768	6,470	0	0	0	71,453	0
OTHER:	01,100			_,	.,	,		0,000	.,	•,•				,	
JM Pipe Litigation (Shared)	2,233	52	147	79	184	27	33							523	0
JM Pipe Litigation (Sole Benefit)	190	52	147	161	104	27								161	0
CPUC De-Energization Proceeding	0			101										0	0
Driscoll & Omens Prop 218 Litigation (Sole Benefits)	11,944	4,120	455	82	3,083	673	1,445	1,088	257	45				11,247	0
Driscoll & Omens Prop 218 Litigation (Sole Denents)	4,168	236	156	88	100	23	626	244	237	168				1,872	0
Driscoll & Omens Prop 218 Litigation (PRA Requests)	17,903	383	734	480	100	767	627	17	109	100				3,273	0
Tin Fish Lease	11,976	1,156	96		10,	, , ,	027	±,	105					1,252	0
Santee Basin Issues	63	_,												0	0
Sycuan Water Service Agreement	0													0	0
PP&E Annual billing	0													0	0
Third Party Reimbursable Legal Services	19,027			62	93	404	156	900	484	208				2,307	0
Kevin Winder v. Padre Dam MWD	0								_	15,160				15,160	0
GRAND TOTAL	280,523	34,875	26,194	22,272	19,480	34,176	22,430	17,543	22,254	51,173	0	0	0	250,397	392,854

PADRE DAM MUNICIPAL WATER DISTRICT CONTRACT & PROFESSIONAL SERVICES FOR TEN MONTHS ENDING APRIL 30, 2022

	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	YTD ACTUAL Total	ANNUAL BUDGET
FINANCE	13,361	29,405	15,128	30,561	28,991	16,969	25,002	63,085	36,055	34,672	-	-	293,229	657,567
ENGINEERING	30,626	162,990	118,481	44,016	128,187	84,814	241,248	61,526	71,472	33,224	-	-	976,584	3,579,423
OPERATIONS	19,160	16,927	83,593	56,317	23,540	21,181	20,054	80,312	77,347	44,346	-	-	442,777	541,793
HUMAN RESOURCES	11,131	20,562	5,182	24,576	63,840	21,993	11,135	4,989	99,399	15,219	-	-	278,026	547,857
ADMINISTRATION	7,830	5,451	35,390	6,296	9,587	8,357	3,075	1,932	4,686	17,854	-	-	100,458	468,939
PARK & CAMPGROUND	26,236	26,517	44,299	28,118	23,349	49,101	28,240	37,952	43,973	24,726	-	-	332,511	717,055
ADVANCED WATER PURIFICATION (1.)	3,280	-	8,297	4,066	4,026	96	757	5,023	449	7,380	-	-	33,374	-
SUBTOTAL	111,624	261,852	310,370	193,950	281,520	202,511	329,511	254,819	333,381	177,421	-		2,456,959	6,512,634
Other	-	-	-	-	-	-	-	-	-	-	-		-	-
TOTAL	111,624	261,852	310,370	193,950	281,520	202,511	329,511	254,819	333,381	177,421	-	-	2,456,959	6,512,634

Note (1.): AWP expenses are paid from the METRO Fund.

Padre Dam Municipal Water District

Organizational Staffing By Department

	Budget FY '22	Actual 3/31/2022
ADMINISTRATION		•
GENERAL MANAGER	1	1
ASSISTANT GENERAL MANAGER	0	1
BOARD SECRETARY	1	1
ADMINISTRATIVE ASSISTANT - GM	1	2
TOTAL ADMINISTRATION	3	5
OPERATIONS		
DIRECTOR OF OPERATIONS & WATER QUALITY	1	1
ADMINISTRATIVE ASSISTANT	1	1
CATHODIC PROTECTION PROGRAM COORDINATOR	1	1
COMPLIANCE SPECIALIST (ADMINISTRATOR)	1	1
COMPLIANCE SPECIALIST	1	1
CONSTR & MAINT SUPERVISOR (UTILITY CREW SUPERVISOR)	3	3
CONSTRUCTION EQUIPMENT OPERATOR	5	4
DISTRIBUTION MAINTENANCE SUPERVISOR	1	1
OPERATIONS MANAGER (DISTRIBUTION MAINTENANCE	1	
MANAGER)	1	1
ELECTRICAL/INSTR CONTROL SUPERVISOR	1	1
ELECTRICAL/INSTR CONTROL TECHNICIAN	2	2
EQUIPMENT MECHANIC	2	2
FACILITIES MAINTENANCE SPECIALIST	1	0
FACILITIES MAINTENANCE WORKER	1	3
LAB ANALYST	2	2
LAB ANALYST-SENIOR	1	1
LAB ASSISTANT (Temporary)	1	1
OOC DISTRIBUTION MAINTENANCE SUPERVISOR	1	1
OPERATIONS SUPERVISOR	1	1
PLANT MANAGER	1	1
RECYCLED WATER PLANT OPERATOR	4	4
RECYCLED WATER PLANT SUPERVISOR	1	1
SCADA ADMINISTRATOR/TECHNICIAN	1	1
SYSTEMS OPERATOR TECHNICIAN	10	9
UTILITY WORKER	11	13
UTILITY WORKER - Temporary	4	0
WAREHOUSE SPECIALIST	0	1
WAREHOUSE WORKER	2	0
WASTEWATER COLLECTION SYSTEMS WORKER	2	2
WATER QUALITY (CONTROL) SPECIALIST	1	1
TOTAL OPERATIONS	65	61
	4	
DIRECTOR OF ENGINEERING	1	0
	0	1
ENGINEERING MANAGER - AWP	2	2
ENGINEERING MANAGER - CIP	1	1
ENGINEERING SUPERVISOR	1	0
CONSTRUCTION INSPECTOR	2	2
CONSTRUCTION INSPECTOR - OOC	0	0
ENGINEER	3	2
ENGINEER - LIMITED TERM (AWP)	2	2
ENGINEER STAFF ASSISTANT	1	0
ENGINEERING TECHNICIAN	2	1

Padre Dam Municipal Water District

Organizational Staffing By Department

	Budget FY '22	Actual 3/31/2022
ENGINEERING TECHNICIAN - LIMITED TERM	0	0
RIGHT OF WAY AGENT	1	0
TOTAL ENGINEERING	16	11
FINANCE		-
DIRECTOR OF FINANCE	1	1
ACCOUNTING MANAGER	1	1
SENIOR ACCOUNTANT	1	1
ACCOUNTING SPECIALIST	3	3
CUSTOMER SERVICE MANAGER	1	1
CUSTOMER SERVICE REPRESENTATIVE	7	7
LIMITED TERM CUSTOMER SERVICE REP	1	1
FIELD SERVICES SUPERVISOR	1	1
FIELD SERVICES TECHNICIAN	5	4
FIELD SERVICES TECHNICIAN - TEMPORARY / LIMITED TERM	1	1
TOTAL FINANCE	22	21
HUMAN RESOURCES		-
DIRECTOR OF HUMAN RESOURCES	1	1
HUMAN RESOURCES SPECIALIST	1	1
Retired Annuitent	0	0.0
HR STAFF SUPPORT - PIPELINE	1	0.0
SAFETY & RISK MANAGER	1	1
COMMUNICATIONS ASSISTANT	1	1
COMMUNICATIONS OFFICER	1	1
INFO SYSTEMS MANAGER	1	1
INFO SYSTEMS TECH SPECIALIST (SYSTEM ADMINISTRATOR)	1	1
INFO SYSTEMS TECH SPECIALIST (I/S ASSISTANT)	1	1
LIMITED TERM INFO SYSTEMS TECH SPECIALIST	1	1
Intern - Information Systems	0	0.4
GIS COORDINATOR	1	1
GIS/CAD SPECIALIST	1	1
GIS/CAD SPECIALIST - LIMITED TERM	1	1
TOTAL HUMAN RESOURCES	13	12.4
PARK		
DIRECTOR OF PARK & RECREATION	1	1
PARK RECREATION MANAGER	1	1
PARK OPERATIONS MANAGER	1	1
PARK & RECREATION SUPERVISOR - OUTSIDE	1	2
PARK & RECREATION SUPERVISOR - INSIDE	1	0
PARK & RECREATION INSIDE COORDINATOR	4	4
PARK & RECREATION OUTSIDE COORDINATOR	7	5
PARK & RECREATION OPERATIONS ADMINISTRATOR	1	1
PARK & REC AIDE - PART-TIME	5.2	4.2
Park & Recreation Outside Coordinator (Part-Time)	0	0.0
Park & Recreation Outside Coordinator (Temporary)	0	0
PARK SUPPORT STAFF (PART-TIME)	0	0
PARK SUPPORT STAFF (seasonal)	0	0
PARK SUPPORT STAFF (on call)	0.3	0
TOTAL PARK & CAMPGROUNDS	22.5	19.2
TOTAL STAFFING	141.5	129.6

PADRE DAM MUNICIPAL WATER DISTRICT MAJOR CONSTRUCTION PROJECTS FOR TEN MONTHS ENDING APRIL 30, 2022

		ANNUAL		ACTUAL		TOTAL	REMAININ	
OB #	DESCRIPTION	BUDGET	Month of	YTD	Costs	PROJECT	PROJECT	
		2021/22	April 30, 2022	2021/22	ITD *	BUDGET	BUDGET	
98046	JOINT WTR AGENCIES NCCP (MSCP WILDLIFE CORRID)	-	-	2,230	827,855	825,625	(2,2	
98048	ANNUAL RAISE AIR VACS **	-	-	3,123	240,280	237,157	(3,1	
99017	WSA VALVE REPLACEMENT PROGRAM **	146,504	39,219	417,980	8,382,105	8,110,629	(271,4	
201004	SEWER MANHOLE REHAB **	-	-	-	771,171	771,171	-	
202008	WSA POLYSERVICE REPLACEMENT **	128,638	6,320	189,365	3,546,569	3,485,842	(60,7	
202032	ESA POLYSERVICE REPLACEMENT **	106,846	11,805	60,140	1,338,772	1,385,477	46,7	
202033	ESA AIRVACS	-	-	-	322,421	322,421	-	
202034	ESA VALVE REPLACEMENT PROGRAM**	147,180	79,672	542,426	3,170,909	2,775,663	(395,2	
203032	ESA SEC. SUPPLY CONN ORIG SITE RESTORATION	-	-	-	10,789,414	10,789,414		
204021	HWD/PD CONNECTION @ CAMINO CANADA (97008)	-	-	-	19,975	19,975		
204030	MAGNOLIA AVE SO RELIEF SEWER SEGMENT 1 DSN & CONST	-	-	-	39,007	39,007		
205002	SECURITY UPGRADES PH2	-	-	-	798,757	798,757		
205014	CSC PHASE II OPS	-	-	-	12,059,245	12,059,245		
206007	LAKESIDE INTERCEPTOR REPL PARTICIPATION	-	-	-	1,229,835	1,229,835		
206011	COTTONWOOD ESTATES D/P	-	-	-	105,995	105,995		
206040	WRF PLC NEWWORK UPGRADE	-	-	-	24,457	24,457		
207004	S LAKES PK-RESTROOM RENOVATION	-	-	-	7,003	7,003		
207006	WRF TREATMENT EQUIPMENT REPLACEMENT PROGRAM	-	-	-	237,830	237,830		
207039	WRF NPDES RENEWAL	-	-	-	268,270	268,270		
208003	SCADA SOFTWARE UPGRADES - OPS	-	-	-	1,388,040	1,388,040		
208015	BLOWOFF INSTALLATIONS **	5,385	-	-	785,617	791,002	5,	
208026	5 RES RETRO PH 3 - W. VICTORIA	-	-	-	5,959,345	5,959,345		
208027	5 RES RETRO PH 4 - BLOSSOM VALLEY	-	-	-	126,389	126,389		
208029	S LAKES PK-SHELTERS REPLACEMENT	-	-	-	1,107,705	1,107,705		
	CSC ELEC RELIABILITY & CONSOLIDATION	-	-	-	79,323	79,323		
	IPS SCREENING IMPROVEMENT PROJ	-	-	_	106,086	106,086		
	EMERGENCY GENERATOR - FLINN SPRINGS PS	_	_		1,173,630	1,173,630		
	RIOS CANYON PS EMERG GEN SET				768,176	768,176		
		-	-	-	557			
	ALPINE HIGH SCHOOL D/P (PART OF SPANISH BIT LOOP)	-	-	-		557		
	ESA 2ND CONNECTION MITIGATION & MONITORING	-	-	-	340	340		
	ALPINE RANCH ESTATES WEST D/P	-	-	-	26,322	26,322		
210019	COMPUTER PROJECT 2010/2011	-	-	-	35,552	35,552		
210026	SUNRISE RESERVOIR EROSION CONTROL	-	-	-	652,687	652,687		
211003	PROSPECT AVE. WIDENING (CUYAMACA TO MAGNOLIA)	-	-	-	1,247,411	1,247,411		
211012	SOLAR POWER - RES/OPS/WRF SITES	-	-	-	6,640	6,640		
211014	RIOS CANYON SUCT LINE REHAB/REPLACEMENT	-	-	-	420,466	420,466		
211017	S LAKES PK - CAMPGROUND PLAYGROUND RENOVATION	-	-	-	130,775	130,775		
211022	WALMART SWR DIVERSION PRELIMINARY STUDY	-	-	-	(136,306)	(136,306)		
211023	VAULT LID REPLACEMENT	-	-	-	49,897	49,897		
211025	WRF CHLORINE TROLLEY MODIFICATION	-	-	-	407,891	407,891		
212002	WRF PAVING REPAIR	-	-	-	74,303	74,303		
212004	COUNTY WING AVENUE SEWER RELOCATION	-	-	-	132,162	132,162		
	LAKESIDE WD CONNECTION - ABANDON	-	_	_	100,176	100,176		
	FY 11/12 CIP POST ENG ASBUILTS (SUBSEQUENT)		_		16,084	16,084		
		_	-					
		-	-	-	270,751	270,751		
	VIEWSIDE LANE 8" RPLC DESIGN & CONSTRUCTION	-	-	-	96,226	96,226		
	ANNUAL SEWER RPLC/REHAB - BRAVERMAN SEWER CIPP PH	-	-	-	352,072	352,072		
	FINANCIAL COMPUTER SYST UPGRADE - CIS SOFTWARE	-	-	-	1,444,450	1,444,450		
	FINANCIAL COMPUTER SYST UPGRADE - FINANCE & HR SOFT	-	-	-	733,266	733,266		
212014	CSC PHASE II, VERIZON RELOCATION	-	-	-	6,062	6,062		
212015	ESA SECONDARY CONNEC LAND ACQ - VALLONE	-	-	-	757,864	757,864		
212016	S LAKES PK - SYCAMORE RESTROOM REPAIRS	-	-	-	504,630	504,630		
212018	S LAKES PK - PAVING LAKE 1	-	-	-	129,815	129,815		
213002	WRF MAGNETIC METER INSTALL	-	-	-	1,617	1,617		
213005	ESA SECONDARY CONNECTION LAND ACQ - EL DORADO	-	-	-	277,850	277,850		
213006	FY 2013/14 CIP POST ENG ASBUILT	-	-	-	59,993	59,993		
213007	WSA VALVE REPLACEMENT PROGRAM (2013/14)	-	-	-	281,892	281,892		
213008	ANNUAL SEWER RPLC/REHAB - SEWER CIPP REPAIRS 13/14	-	-	-	276,682	276,682		
213009	WRF VALVE REPLACEMENT FY 14	-	-	-	102,351	102,351		
	CHOCOLATE SUMMIT RES LAND ACQ.	-	-	_	130,541	130,541		
	EMERGENCY DIESEL TRAILER PUMP	-	-	_	430,504	430,504		
	IPS CHOPPER PUMP PROJECT	_	_	_	430,304	8,626		
		_	-	-				
	PS 3 & 4 SURGE TANK COATING (PREV. RESERVOIR & SURGE	-	-	-	160,504	160,504		
	IPS GRINDERS & GATES RPLC	-	-	-	170,224	170,224		
	PS 1 SURGE TANK REPLACEMENT DESIGN & CONSTRUCTION	-	-	-	654,091	654,091		
	POINCIANA DR.	-	-	-	33	33		
	ESA SECONDARY CONNECTION ALT SITE	200,000	65	31,759	21,160,414	21,328,655	168,	
214008	PARK OFFICE / RESTROOM RENOVATION	-	-	-	(621)	(621)		
24 4 0 0 0	WRF CHLORINE TROLLEY POST CONSTRUCTION	_	-	-	45,724	45,724		

PADRE DAM MUNICIPAL WATER DISTRICT MAJOR CONSTRUCTION PROJECTS FOR TEN MONTHS ENDING APRIL 30, 2022

		ANNUAL		ACTUAL		TOTAL	REMAINING	
JOB #	DESCRIPTION	BUDGET	Month of	YTD	Costs	PROJECT	PROJECT	
		2021/22	April 30, 2022	2021/22	ITD *	BUDGET	BUDGET	
214012	LA CRESTA PRS PLANNING	-	-	-	252,625	252,625	-	
	SMALL DIA SEWER REPAIRS	-	-	-	278,019	278,019	-	
	S LAKES TENGO (WIFI) UPGRADE	-	-	-	120,017	120,017	-	
	MAST STEEL PIPE REPAIRS DESIGN & CONSTR.	-	-	-	506,031	506,031	-	
	URBAN WATER MGMT PLAN 2015 - 2016	-	-	-	320 10 427	320	-	
	PROSPECT BRIDGE PIPE REPAIR VALVE REPLACEMENT PROGRAM FY 14/15 (CONTRACT)	-	-	-	10,437 386,314	10,437 386,314	-	
	PROP ONE - WRF EXPANSION	-	-	_	183,677	183,677	_	
	ESA SECONDARY CONNECTION GRADING	-	-	-	378,825	378,825	-	
	GROSSMONT COLLEGE PRIVATIZATION	-	-	-	311,917	311,917	-	
	CSC TENANT IMPROVEMENT	-	-	-	32,513	32,513	-	
215011	EAST COUNTY REGIONAL REUSE PROGRAM	-	-	-	772,766	772,766	-	
215012	ANNUAL SEWER ASSESSMENT	-	-	-	109	109	-	
215014	S LAKES LAKE 1 LANDSCAPE	-	-	-	52,716	52,716	-	
215015	SEWER PROJECTS 16/17	-	-	-	3,100,769	3,100,769	-	
215016	AWP BRINE MINIMIZATION PILOT TESTING	-	-	-	18	18	-	
215018	SANTEE LAKES OPS YARD BUFFER	-	-	-	-	-	-	
215022	COUNTY OF SD WING AVE	-	-	-	139,289	139,289	-	
	S LAKES FAMILY REC AREA (LAKE 4)	-	-	-	370	370	-	
	PIPELINES AT BRIDGE CROSSINGS	-	-	-	-	-	-	
	EL CAP PL VALVE & VAULT REMOVAL WOODSIDE (PREV 36" T	-	-	-	48,178	48,178	-	
	S LAKES STANDBY GENERATOR	-	-	-	273,425	273,425	-	
	S LAKES PARK RESERVATION SOFTWARE UPGRADE	-	-	-	22,858	22,858	-	
	S LAKES SNACKLE BOX	-	-	-	5,359	5,359	-	
	S LAKES WEBSTE DESIGN	-	-	-	9,558	9,558	-	
	S LAKES SHED IMPROVEMENT RECYCLED WATER PUBLIC FILLING STATION	-	-	-	47,242 162,210	47,242 162,210	-	
	WRF AERATION PANELS	-	-	-	224,151	224,151		
	S LAKES KIWANIS PLAYGROUND SHADE STRUCTURE	-	-	_	37,662	37,662	_	
	OPS YARD FENCE REPLACEMENT	-	-	-	-	-	-	
	PS 3 & 4 SURGE TANKS REPLACEMENT	-	-	-	1,110,978	1,110,978	-	
	WRF CONCRETE REPAIR	-	-	-	553,855	553,855	-	
	WRF FENCE REPLACEMENT	-	-	-	322,152	322,152	-	
216027	METER SHOP ROOF REPLACEMENT	-	-	-	165,320	165,320	-	
216028	S LAKES WEST SIDE PARKING	-	-	-	1,668,358	1,668,358	-	
216029	S LAKES KIWANIS PLAYGROUND RUBBERIZED SURFACE	-	-	-	40,292	40,292	-	
216030	GIS BUILD OUT	-	-	-	59,683	59,683	-	
216032	FY 17 CIP POST ENG ASBUILTS	-	-	-	121,190	121,190	-	
216033	OPS YARD POST CONSTRUCTION ASBUILTS	-	-	-	68,206	68,206	-	
	SITE PAVING AS NEEDED	370,373	-	99,735	425,416	696,054	270,63	
	WRF SCADA HARDWARE	-	-	-	81,757	81,757	-	
	S LAKES SHORELINE RESTORATION	-	-	-	25,375	25,375	-	
		540,660	-	-	104	540,764	540,660	
		-	-	-	535	535	-	
	SEWER TRANS-RIVER INTERCEPTOR (SIPHON) - DESIGN & COI WATER PUMPS REPLACEMENT PROGRAM	1,974,224	-	-	- 38,492	1,974,224	1,974,224	
	S LAKES GENERAL STORE & ADMIN. BLDG IMPROVEMENTS	-	- 10,114	- 789,386	9,571,869	38,492 8,782,483	(789,38	
	SUNRISE RESERVOIR DRAINAGE & SITE IMPROVEMENTS	-	-	- 185,580	14,370	14,370	(765,56)	
	IPS WET WELL IMPROVEMENTS	-	-	-	-	-	-	
	S LAKES ADA IMPROVEMENTS	-	-	-	51,732	51,732	-	
	S LAKES OBSERVATION DECK	-	-	-	2,962	2,962	-	
217015	S LAKES DOG PARK	-	-	-	35,700	35,700	-	
217019	RES. (VIEJAS MTN) REBURB/COATING - DESIGN & CONSTRUC	-	-	-	686,754	686,754	-	
217020	ANNUAL SEWER REPL/REHAB	-	-	-	293,110	293,110	-	
217021	ALPINE BLVD. WATER MAIN RELOCATE	-	-	-	72,586	72,586	-	
217022	WOODROSE AVE. TECHITE SEWER REPLACEMENT	-	-	-	789,149	789,149	-	
217023	ONBASE INSTALLATION & CONVERSION	-	-	-	26,460	26,460	-	
	IPS WET WELL & FORCE MAIN IMPROVEMENTS	-	-	-	1,517,562	1,517,562	-	
	FACILITY EROSION REPAIRS FY 18	-	-	-	1,025	1,025	-	
	FANITA TERRACE RES. REFURB/COATING - DESIGN & CONSTR	2,261,502	-	-	449	2,261,951	2,261,50	
	WRF PRIMARY & SECOND BASIN REFURBISHING	-	-	-	60,921	60,921	-	
	S LAKES WEST LK 16/17 IMPROVEMENTS	-	-	-	56,956	56,956	-	
		-	-	-	7,503,429	7,503,429	-	
	SECURITY ENHANCEMENTS-FIELD SITES	-	-	27,625	82,409	54,784	(27,62	
	QUAIL CANYON PRESSURE REDUCING STATION	322,782	8,816	239,027	421,863	505,618	83,75	
218012	S LAKES POOL COMPLEX IMPROVEMENTS	-	-	-	227,418	227,418	-	
340044		116 000	-	-	50,370	147,208	96,83	
	SCADA UPGRADES AT DISTRICT FACILITIES - WATER WRF LAB RENOVATIONS	96,838			180,545	180,545		

PADRE DAM MUNICIPAL WATER DISTRICT MAJOR CONSTRUCTION PROJECTS FOR TEN MONTHS ENDING APRIL 30, 2022

NUMBER NOTE NUMBER NUMBER <th></th> <th></th> <th>ANNUAL</th> <th></th> <th>ACTUAL</th> <th></th> <th>TOTAL</th> <th>REMAINING</th>			ANNUAL		ACTUAL		TOTAL	REMAINING
212021 List Concrets SEGEWORD PERFERSIVEMENT - <th>JOB #</th> <th>DESCRIPTION</th> <th>BUDGET</th> <th>Month of</th> <th>YTD</th> <th>Costs</th> <th>PROJECT</th> <th>PROJECT</th>	JOB #	DESCRIPTION	BUDGET	Month of	YTD	Costs	PROJECT	PROJECT
21202 TAVEAR & W.Y.G. PHOYS BPRC URSANDE 1.08.275			2021/22	April 30, 2022	2021/22	ITD *	BUDGET	BUDGET
12.020 SMAN CONSENS MODERNALATION 1 1 1 1 5 5.338 1 20009 SMAN CONSENS MODERNALATION 36.447 . <t< td=""><td>218026</td><td>LOS COCHES RESERVOIR PIPE REPLACEMENT</td><td>-</td><td>-</td><td>-</td><td>304,744</td><td>304,744</td><td>-</td></t<>	218026	LOS COCHES RESERVOIR PIPE REPLACEMENT	-	-	-	304,744	304,744	-
12102 SIVINE RELIAN Y NOTS 0 - 10000 0.0000 0.00000 0.00000000000000000000000000000000000	218027	TAVERN & W VIC @ HWY 8 PIPE UPGRADE	1,091,775	-	5,633	82,515	1,168,657	1,086,142
121021 LAS 1 VIRE SD, OWRSHOW 864,47 1 1 1 8	218028	DEVELOPMENT SERVICES MODERNIZATION	-	-	-		-	-
21203 21203 21203 21203LASK STANDARLASK STANDAR <thlask standar<<="" td=""><td></td><td></td><td>-</td><td>-</td><td>-</td><td></td><td></td><td>-</td></thlask>			-	-	-			-
212003 SLARES FIGU CLANNEGSTATION 1 <t< td=""><td></td><td></td><td>-</td><td>-</td><td>-</td><td></td><td></td><td></td></t<>			-	-	-			
21203 STWE MANNO F SHAR 2019 1 </td <td></td> <td></td> <td>1,250,000</td> <td>1,174</td> <td>5,486</td> <td></td> <td></td> <td>1,244,514</td>			1,250,000	1,174	5,486			1,244,514
21203 WF LIGHTING LIGRANDES - <td></td> <td></td> <td>-</td> <td>-</td> <td>-</td> <td></td> <td></td> <td>-</td>			-	-	-			-
21809 WHT FLIGTTS & CARA URGADES - - - 1161-117 1			-	-	-			-
212000 PLUE STATUCE INPROVEMENTS - DESIGN & CONSTRUCTION 1.298.483 10.683 9.6.683 119.7.70 20.099 1.29.7.80 210001 ACCRS CONTROL, STAURTY & FIRE SYSTEM MAINTENANCE - 7.0.65 7.0.65 7.0.65 7.0.65 7.0.65 7.0.65 7.0.65 7.0.66 7.0.66 7.0.61 7.0.60.09 7.0.61.00 7.0.61.00 7.0.61.00 7.0.61.00 7.0.61.00 7.0.61.00 7.0.61.00 7.0.61.00 7.0.61.00 7.0.61.00 7.0.61.00 7.0.61.00 7.0.61.00 7.0.61.00 7.0.00 <t< td=""><td></td><td></td><td>-</td><td>-</td><td>-</td><td></td><td></td><td>-</td></t<>			-	-	-			-
12000 ACCES CONTROL SECURIT & FIRE SYSTEM MAINTENANCE - - C 2.005 2.005 2.006 3.796.118 3.796.118 3.796.118 3.796.118 1.056.903 210202 CARDIA DE PPELINE 1.029.470 4.505 9.217 10.93.99 1.017.570 199.846 1.015.149 210202 WAIVE REPLACEMENT CONTRACTED WAITER 1.060.00 3.018 5.0155 11.27.905 10.27.905 10.27.905 10.27.905 10.27.905 10.27.905 10.27.905 10.93.900 7.63.900 7.63.900 7.63.900 7.63.900 7.63.900 7.63.900 7.63.900 7.63.900 7.63.900 7.73.900			-	-	-			-
21002 CORDULE DEPIRING 3,390,000 2,000,80 2,709,195 3,76,110 1,086,033 21032 LENY CONSON RES REFUB 1,024,420 4,850 9,271 10,939 1,025,080 1,117,750 1,11,117,117,117,117,117,117,117,117,11			1,950,438	10,663	96,463			1,853,975
121023 FIRM VIDUNSON REX REFURE 1,072,400 4,950 9,771 10,939 1,072,600 1,979,400 21020 VALVE REPLACEMENT CONTRACTED - WATER 1,050,000		,	-	-	-			-
21002 VALVE REPLACEMENT CONTRACTED 1.050,000 3.018 50.0155 11.27,500 9.99,445 220001 NIRF ZIMPRO BATHMOOM 8.SWR REPL - - - 50.000 50.000 - 220005 RUS CANYON PS SURGE TANK 566,324 10,44 594,723 643,881 775,482 61,811 220005 SURVER RE MARNOOLE REHABILITATION 0200 707,284 415,608 493,785 5599,789 773,321 223,422 220011 SURVER RE MARNOOLE REHABILITATION 0200 707,284 415,608 493,785 569,789 783,271 223,422 220011 SURVER RE MARNOOLE REHABILITATION 0200 707,284 415,608 493,786 69,693 6,603 - - 20000 783,221 223,000 250,000 250,000 250,000 250,000 250,000 250,000 250,000 29,014,91 3,459,281 148,126 - - 163,000 23,000 29,016,00 29,016,00 29,010,00 29,010,00 29,010,00 29,010,00 29,010,00 29,010,00				-				
220001 WHE ZMMRIG ALTHOOM & SWR BPL					-			
22000 SLAKES N LG S ENTROON REMODEL - - - 38,206 - 22000 NIOS CANYON PS 25 UNICE TANK 566,534 10,144 504,723 6973,081 754,892 65,811 22000 SUMER & MANNOL REHABILITATION 2020 767,268 415,608 499,786 509,789 782,271 227,482 22001 SLAKES CAAP ICATION CABING - - 69,993 66,693 - 22002 MOS CANYON PS 25000 - - 30,306 55,56 25,000 22003 MOS CANNOT COLLEG MERTS TNUCTURE 220,000 - - 151,702 209,283 146,126 22004 MOS SOMOT COLLEG MERTS TNUCTURE 220,000 - - 230,000 240,822 240,827 </td <td></td> <td></td> <td>1,050,000</td> <td>3,018</td> <td>50,155</td> <td></td> <td></td> <td>999,845</td>			1,050,000	3,018	50,155			999,845
220005 RIOS CAMYON PS SURGE TANK 556,534 10,144 504,773 693,081 724,882 61,811 220005 SEVER MANRIDURE HINTIS 547,000 - - - - - 547,000 547,000 547,000 547,000 547,000 547,000 547,000 547,000 547,000 547,000 547,000 547,000 547,000 547,000 547,000 547,000 547,000 55,356 55,356 25,000 - - 60,693 - - 60,693 - - 2000 12,112,10,900 2,914,791 34,58,981 55,506 25,000 22000 - - 230,000 22000 - 230,000 22000 99,786 57,575			-	-	-			-
22000 COUNTY SEVER IMPROVEMENTS 547.000 767.268 415.668 499.765 509.78 783.271 27,482 22001 SLMER & MANNOLE RHABILITATION 2020 767.268 415.668 499.765 509.78 783.271 27,482 22001 SLMES SCAAP LCATING CABINS - - 80.554 36.554 36.554 35.564 35.564 35.564 35.564 35.564 35.564 35.564 35.564 35.564 250.000 22002 WOOSDE AVENUE ROUNDABOUT 148.126 - - 151.702 299.828 148.126 220020 VOOSDE AVENUE ROUNDABOUT 148.126 - - 129.000 299.000 220020 VOOSDE AVENUE ROUNDABOUT 148.126 - - 129.000 290.000 220020 VOOSDE AVENUE ROUNDABOUT 148.126 - - 129.000 167.435 220020 VIPELINE RUC-1-81 UNERASE TANAM NAIN CROSSINGS DE 225.000 381.41 57.575 57.575 25.250.00 367.705 220120			-	-	-			-
220010 SEWER & MANHOLE REHABULTATION 2020 767,268 415,608 493,786 509,799 783,271 273,422 220011 SLAKES SCADA FLOATING CABINS - - 6,6,63 36,554 - - - 6,6,73 69,693 - - 30,906 55,396 - 20005 FV21 POST ENG ASBUILTS 25,000 - - - 30,906 55,396 - 20005 SWONG OSDE AVENUE ROUNDABOUT 148,126 - - - 209,828 148,126 200025 SIMPON & SLUDGET MAINI MAROVEMENT 556,000 3,112 10,900 2,914,791 3,459,891 545,100 210027 ROSONG REPARIS PYT2/27 101,390 9 6,506 - - - 230,000 - - 30,0705 75,575 223,007 16,475 - - 30,0705 75,575 223,007 - 16,475 236,6705 - - - 2,365,650 - - - 2,383,422 - -				10,144	504,723	693,081		
22011 S LAKES SCADA FLOATING CABINS			-	-	-	-		
220015 IVAC REPLACEMENT OPS BUILDING -			767,268	415,608	493,786			273,482
220012 P21 POST ENG ASBUILTS 25,000			-	-	-			-
220022 VOODSIDE AVENUE ROUNDABOUT 148,126 151,702 299,828 148,126 220027 SIMPION & SUDGET MAIN IMROVEMENT 556,000 3,112 10,900 2,914,791 3,459,891 545,100 220030 ROSIONT COLIEGE METER STRUCTURE 230,000 420,000 221022 EROSION REPAIRS FY21/22 101,390 9 6,506 218,891 313,775 94,884 221020 PRECARA RPLC 322,067 14,500 146,000 167,425 221021 WRR SCADA RPLC 322,067 360,705 167,425 221021 WRR SCADA RPLC 326,0705 447,000 447,000 447,000 447,000 447,000 447,000 2,383,42 2,383,42 2,383,42 2,383,42 2,383,42 2,383,42 2,383,42 2,383,42 2,380,60 2,385,60 2,365,60 2,365,60 2,365,60 2,365,60 2,365,60 2,365,60 2,365,60 2,365,60 2,365,60 2			-	-	-			
220202 SIPHON & SLUDGET MAIN IMPROVEMENT 556,000 3,112 10,900 2,914,791 3,459,891 545,100 220030 GROSSMONT COLLEGE METER STRUCTURE 230,000 - - 230,000 230,000 220100 EROSIGN REPARIS YU1/2/2 101,300 9 6,506 218,891 33,775 49,884 22100 PIPELINE RPLC - I-8 UNENCASED TRANS MAIN CROSSINGS DE 222,000 33,411 57,575 57,575 222,000 30,0765 22101 WIR SCADA RPLC 360,705 447,000 - - 630,705 303,075 CONSTRUCTION SUPPORT FOR CIP PROJECTS 447,000 - - - 360,705 2,538,342 - - - 360,705 360,705 EVERANSION (6 MCD) - DESIGN & CONSTRUCTION 2,538,342 - - - - 2,538,342 2,538,342 2,538,342 2,538,342 2,538,342 2,538,342 2,538,342 2,538,342 2,538,342 2,538,342 2,538,342 2,538,342 2,538,342 2,538,342 2,538,342			-	-	-			
22003 GROSSMONT COLLEGE METER STRUCTURE 230,000 230,000 230,000 221002 PRISION REPARS FY21/22 101,390 9 6,506 218,891 313,75 54,845 221007 PRISION REPARS FY21/22 33,411 57,575 57,575 522,000 33,411 57,575 522,000 307,557 221021 WR SCADA RPLC 330,005 - - - 306,075 307,557 CONSTRUCTION SUPPORT FOR CIP PROJECTS 330,0705 - - - 306,075 306,075 ENERKOY FERICIENCY PROJECTS 447,000 - 40,822 40,822 64,070 447,000 IPS EXPANSION (6 MGD) - DESIGN & CONSTRUCTION 2,358,565 - - - 2,538,342 2,538,342 22001 PARK DAY USE RESTROOM REMODEL 64,000 - 40,822 40,822 66,000 323,000 WR FERENCIAL SEREN MASTER FLANE MODELS (PREV SEWER TOWN CENTE 2,358,565 323,000 323,000 323,000 323,000 323,000 323,000 323,000				-	-			
221002 EROSION REPAIRS FY21/22 101,390 9 6,506 218,891 313,775 94,884 221007 PIPELINE RPLC - Is UNENCASED TRANS MAIN CROSSINGS DE 225,000 33,411 57,757 57,575 220,007 300,705 22102 UNER SCADA RPLC 3360,705 - 14,500 14,500 360,705 360,705 CONSTRUCTION SUPPORT FOR CIP PROJECTS 360,705 - - - 447,000 - - 447,000 447,000 IPS EXPANSION (6 MG0) DESIGN & CONSTRUCTION 2,538,342 - - - 2,538,342 2,538,342 22001 PARK DAY USE RESTROOM REMODEL 64,000 - 40,822 40,822 40,822 40,822 40,822 323,000 323,000 WRF GENERATOR TRANSFER PLAN PROJECTS (PREV SEWER TOWN CENTE 2,365,650 - - - 2,365,650 2,365,650 - - 2,365,650 2,365,650 SEWER MAULT AND VAULT PIPING R& 323,000 - - - 2,365,650 323,000 351,000 <td></td> <td></td> <td></td> <td>3,112</td> <td>10,900</td> <td>2,914,791</td> <td></td> <td></td>				3,112	10,900	2,914,791		
212007 PIPELINE RPLC - I-B UNENCASED TRANS MAIN CROSSINGS DE 225,000 33,411 57,575 57,575 225,000 167,425 221021 WFF SCADA RPLC 322,067 - 14,500 342,007 330,7567 CONSTRUCTION SUPPORT FOR CIP PROJECTS 360,705 - - - 360,705 ENERGY EFFICIENCY PROJECTS 4447,000 - - 447,000 447,000 IPS EXPANSION (6 MGD) - DESIGN & CONSTRUCTION 2,538,342 - - 2,538,342 2,538,342 22001 PARK DAY USE RESTROOM REMODEL 64,000 - 40,822 46,000 2,355,650 - - 2,365,650 2,365,650 - - 2,365,650 54,000 591,000 591,000 591,000 591,000 591,000 100,000 - 100,000 100,000 - 343,320 - (44,320) 22101 SLAKES CAMMEG PLAYG SHADE STRUCTURE - - 34,320 - (44,320) 22102 Prospect & Meas Water Main Lowering - - <			-	-	-	-		
212021 WRF SCADA RPLC 322,067 - 14,500 14,500 322,067 307,557 CONSTRUCTION SUPPORT FOR CIP PROJECTS 360,705 - - - 360,705 360,705 ENERGY EFFICIENCY PROJECTS 447,000 - - 447,000 447,000 IPS EVAANSION (G MGD) - DESIGN & CONSTRUCTION 2,538,342 - - 2,538,342 2,538,342 22001 PARK DAY USE RESTROOM REMODEL 64,000 - 40,822 46,822 2,365,650 2,365,650 2,365,650 2,365,650 323,000 - - 323,000 324,000 324,000								
CONSTRUCTION SUPPORT FOR CIP PROJECTS 360,705	221007	PIPELINE RPLC - I-8 UNENCASED TRANS MAIN CROSSINGS DES	-	33,411				
ENERGY EFFICIENCY PROJECTS 447,000 - - 447,000 IPS EXPANSION (6 MGD) - DESIGN & CONSTRUCTION 2,538,422 - - 2,538,342 2,538,342 22200 PARK DAY USE RESTROOM REMODEL 60,00 - 40,822 40,822 64,000 23,178 SWER MASTER PLAN PROJECTS (PREV SEWER TOWN CENTE 2,365,650 - - 2,365,650 2,365,650 SEWER VAULT AND VAULT PIPING R&R 323,000 - - - 3,23,000 323,000 WRF ELECTRICAL 591,000 - - - 591,000 591,000 - 56,000 56,000 - - 56,000 56,000 - - 6,60,000 00,000 WRF ELECTRICAL 591,000 100,0	221021			-	14,500	14,500		
IPS EXPANSION (6 MGD) - DESIGN & CONSTRUCTION 2,538,342				-	-	-		
22200PARK DAY USE RESTROOM REMODEL664,000-40,82240,822664,00023,178SEWER MASTER PLAN PROJECTS (PREV SEWER TOWN CENTE2,365,6502,365,6502,365,650SEWER VAUT AND VAUT PINING R&R323,000323,000323,000WRF ELECTRICALS91,000323,000591,000WRF GENERATOR TRANSFER SWITCH55,00065,00056,000WRF SUBE GATE & AUTOMATION28,48682,48622101S LAKES CAMPG PLAYG SHADE STRUCTURE-34,32034,320-(16,724)22102Prospect & Mesa Water Main Lowering39,260118,828150,00013,17222102RW Santee Lakes Interconnect <td></td> <td></td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td></td> <td></td>			-	-	-	-		
SEWER MASTER PLAN PROJECTS (PREV SEWER TOWN CENTE 2,365,650 2,365,650 323,000 SEWER VAULT AND VAULT PIPING R&R 323,000 - - - 323,000 323,000 WRF ELECTRICAL 591,000 - - - - 323,000 551,000 56,000 WRF ELECTRICAL 550,000 - - - - 550,000 56,000 WRF FEDERATOR TRANSFER SWITCH 56,000 - - - - 100,000 104,200 102,420 104,220<				-	-	-		
SEWER VAULT AND VAULT PIPING R&R 323,000 323,000 WRF ELECTRICAL 591,000 591,000 591,000 WRF GENERATOR TRANSFER SWITCH 56,000 56,000 56,000 WRF FIPING & VALVING 100,000 56,000 100,000 WRF SLDE GATE & AUTOMATION 28,486 42,8486 22,2002 Prospect & Mesa Water Main Lowering 34,320 22,2002 RW Santee Lakes Interconnect 36-IN TRANS MAIN VALVE/VAULT UPGRADES ALPINE PACIFIC RESERVOIR IMPROVEMENTS D/P GENERAL ILIT STATION -REPLACE AGING ELECTRICAL EQUIPMENT MCC/SWITCHGEAR MOUNTAIN TOP S	222001			-	40,822	40,822		
WRF ELECTRICAL 591,000 591,000 WRF GENERATOR TRANSFER SWITCH 56,000 56,000 WRF GENERATOR TRANSFER SWITCH 56,000 56,000 100,000 WRF PIPING & VALVING 100,000 100,000 100,000 WRF SLIDE GATE & AUTOMATION 28,486 28,486 28,486 22101 S LAKES CAMPG PLAYG SHADE STRUCTURE 34,320 34,320 (34,320) 22102 Prospect & Mesa Water Main Lowering 34,320 118,828 118,828 118,828 150,000 31,722 36-IN TRANS MAIN VALVE/VAULT UPGRADES		SEWER MASTER PLAN PROJECTS (PREV SEWER TOWN CENTE		-	-	-		
WRF GENERATOR TRANSFER SWITCH 56,000 - - - 56,000 56,000 WRF PIPING & VALVING 100,000 - - 100,000 100,000 WRF SLIDE GATE & AUTOMATION 28,486 - - 28,486 28,486 221013 SLAKES CAMPG PLAYG SHADE STRUCTURE - 34,320 34,320 - (34,320) 221025 Prospect & Mesa Water Main Lowering - (564) 166,724 150,000 (31,724) 222020 RW Santee Lakes Interconnect - 93,260 118,828 118,828 150,000 31,172 3G-IN TRANS MAIN VALVE/VAULT UPGRADES - </td <td></td> <td></td> <td></td> <td>-</td> <td>-</td> <td>-</td> <td></td> <td></td>				-	-	-		
WRF PIPING & VALVING 100,000 - - 100,000 WRF SLIDE GATE & AUTOMATION 28,486 - - 28,486 28,486 221011 S LAKES CAMPG PLAYG SHADE STRUCTURE - 34,320 34,320 - (34,320) 221025 Prospect & Mesa Water Main Lowering - (564) 166,724 166,724 150,000 (16,724) 222002 RW Santee Lakes Interconnect - 93,260 118,828 118,828 150,000 31,172 36-IN TRANS MAIN VALVE/VAULT UPGRADES -				-	-	-		
WRF SLIDE GATE & AUTOMATION228,48622,8486228,48622101S LAKES CAMPG PLAYG SHADE STRUCTURE34,32034,320(34,320)221025Prospect & Mesa Water Main Lowering-(564)166,724166,724150,000(16,724)222020RW Santee Lakes Interconnect-93,260118,828118,828150,00031,17236-IN TRANS MAIN VALVE/VAULT UPGRADESALPINE PACIFIC RESERVOIR IMPROVEMENTS			-	-	-	-		
221011S LAKES CAMPG PLAYG SHADE STRUCTURE-34,32034,320(34,320)221025Prospect & Mesa Water Main Lowering-(564)166,724166,724150,000(16,724)222007RW Santee Lakes Interconnect-93,260118,828118,828150,00031,17236-IN TRANS MAIN VALVE/VAULT UPGRADESALPINE PACIFIC RESERVOIR IMPROVEMENTSD/P GENERAL <td< td=""><td></td><td>WRF PIPING & VALVING</td><td></td><td>-</td><td>-</td><td>-</td><td></td><td></td></td<>		WRF PIPING & VALVING		-	-	-		
221025Prospect & Mesa Water Main Lowering1(564)166,724166,724150,000(16,724)222002RW Santee Lakes Interconnect93,260118,828118,828150,00031,17236-IN TRANS MAIN VALVE/VAULT UPGRADES </td <td></td> <td></td> <td>28,486</td> <td>-</td> <td>-</td> <td>-</td> <td>28,486</td> <td></td>			28,486	-	-	-	28,486	
222002 222002 2 RW Santee Lakes InterconnectImage: Constraint of the second secon			-	-			-	(34,320)
36-IN TRANS MAIN VALVE/VAULT UPGRADES <td></td> <td></td> <td>-</td> <td></td> <td></td> <td></td> <td></td> <td>(16,724)</td>			-					(16,724)
ALPINE PACIFIC RESERVOIR IMPROVEMENTSD/P GENERALFANITA TERRACE RES. REFURB/COATING - DESIGN & CONSTRLIFT STATION - REPLACE AGING ELECTRICAL EQUIPMENTMCC/SWITCHGEAR MOUNTAIN TOP PS	222002		-	93,260	118,828	118,828	150,000	31,172
D/P GENERAL Interpretend on the set of the		36-IN TRANS MAIN VALVE/VAULT UPGRADES	-	-	-	-	-	-
FANITA TERRACE RES. REFURB/COATING - DESIGN & CONSTR -			-	-	-	-	-	-
LIFT STATION -REPLACE AGING ELECTRICAL EQUIPMENT IN COMPANY IN COM			-	-	-	-	-	-
MCC/SWITCHGEAR MOUNTAIN TOP PSImage: Construction of the sector of the sect		-	-	-	-	-	-	-
RES. (JERRY JOHNSON) REBURB/COATING - DESIGN & CONSTRU -			-	-	-	-	-	-
SEWER TECHITE PIPE WOODROSE AVE DESIGN & CONSTRU -		-	-	-	-	-	-	-
WRF CHEMICAL TANKS Image: Chemitan tanks Image: Chemitan tank			-	-	-	-	-	-
Image: Mark State Imark State Image: Mark State Image: M			-	-	-	-	-	-
100% of ANNUAL BUDGET 29,808,579 % of ANNUAL BUDGET COMPLETED 23.2% DEVELOPER JOBS 112,670		WRF CHEMICAL TANKS	-	-	-	-	-	-
% of ANNUAL BUDGET COMPLETED 23.2% DEVELOPER JOBS 112,670			29,808,579	806,851	6,924,200	131,524,718	154,709,098	23,184,379
DEVELOPER JOBS 112,670		100% of ANNUAL BUDGET	29,808,579					
		% of ANNUAL BUDGET COMPLETED			23.2%			
GRAND TOTAL ALL JOBS 7,036,870		DEVELOPER JOBS			112,670			
		GRAND TOTAL ALL JOBS			7,036,870			

* Inception to Date

**Capitalized annually, JOB remains open.

CIP Summary by Department										
	Annual CIP	Month	YTD	100% Budget						
Department	Budget	Completed	Completed	% Completed						
Engineering	25,816,873	563,998	4,362,565	16.9%						
Field Ops	2,830,153	139,479	1,563,779	55.3%						
Water Recycling	1,097,553	93,260	133,328	12.1%						
Finance	-	-	-	0.0%						
GM	-	-	-	0.0%						
Park	64,000	10,114	864,528	1350.8%						
Totals	29,808,579	806,851	6,924,200	23.2%						

PADRE DAM MWD CIP SUMMARY FOR TEN MONTHS ENDING APRIL 30, 2022

]		Capital Rep	placement		Restricted	Capi			
P R O J E C T	Job # or WO#	YTD CIP ACTUAL	Potable	Recycled	led Sewer Park		Energy	Potable	Sewe	r	TOTALS
		EXPEND					610	611	521 523		
JOINT WATER AGENCIES NCCP (MSCP)	98046	2,230	1,137	312	45	-	-	558	156	22	2,230
ANNUAL RAISE AIR VACS	98048	3,123	3,123	-	-	-	-	-	-	-	3,123
WSA VALVE REPLACEMENT PROGRAM	99017	417,980	417,980	-	-	-	-	-	-	-	417,980
WSA POLYSERVICE REPL	202008	189,365	189,365	-	-	-	-	-	-	-	189,365
ESA POLY SERVICE REPLACEMENT	202032	60,140	60,140	-	-	-	-	-	-	-	60,140
ESA VALVE REPLACEMENT	202034	542,426	542,426	-	-	-	-	-	-	-	542,426
ESA SECONDARY CONNECTION ALT SITE	214007	31,759	19,437	-	-	-	-	12,322	-	-	31,759
SITE PAVING AS NEEDED	216035	99,735	92,255	2,493	4,987	-	-	-	-	-	99,735
S LAKES GENERAL STORE & ADMIN. BLDG IMPROVEMENTS	217007	789,386	-	-	-	789,386	-	-	-	-	789,386
SECURITY ENHANCEMENTS-FIELD SITES	217041	27,625	27,625	-	-	-	-	-	-	-	27,625
QUAIL CANYON PRESSURE REDUCING STATION	217042	239,027	239,027	-	-	-	-	-	-	-	239,027
SCADA UPGRADES AT DISTRICT FACILITIES - WATER	218014	-	-	-	-	-	-	-	-	-	-
GROSSMONT RESERVOIR REFURB/COATING	218024	602,645	602,645	-	-	-	-	-	-	-	602,645
TAVERN & W VIC @ HWY 8 PIPE UPGRADE	218027	5,633	5,633	-	-	-	-	-	-	-	5,633
BLOSSOM VALLEY RES IMPROVEMENT	218035	5,486	5,486	-	-	-	-	-	-	-	5,486
PUMP STATION IMPROVEMENTS -DESIGN & CONSTRUCTION	219004	96,447	96,447	-	-	-	-	-	-	-	96,447
CORDIAL RD PIPELINE	219026	2,303,067	2,303,067	-	-	-	-	-	-	-	2,303,067
JERRY JOHNSON RES REFURB	219028	9,271	9,271	-	-	-	-	-	-	-	9,271
VALVE REPLACEMENT FY 2019/20	219029	50,155	50,155	-	-	-	-	-	-	-	50,155
RIOS CANYON PS2 SURGE TANK	220005	504,723	504,723	-	-	-	-	-	-	-	504,723
SEWER & MANHOLE REHABILITATION 2020	220010	493,786	-	-	493,786	-	-	-	-	-	493,786
SIPHON & SLUDGET MAIN IMPROVEMENT	220027	10,900	-	-	10,900	-	-	-	-	-	10,900
EROSION REPAIRS FY21/22	221002	6,506	6,506	-	-	-	-	-	-	-	6,506
I-8 Unencased Transmission Main Crossing	221007	57,575	57,575	-	-	-	-	-	-	-	57,575
WRF SCADA Replacement	221021	14,500	-	14,500	-	-	-	-	-	-	14,500
PARK DAY USE RESTROOM REMODEL	221011	34,320	-	-	-	34,320	-	-	-	-	34,320
Prospect & Mesa Water Main Lowering	221025	166,724	166,724	-	-	-	-	-	-	-	166,724
PARK DAY USE RESTROOM REMODEL	222001	40,822	-	-	-	40,822	-	-	-	-	40,822
RW Santee Lakes Interconnect	222002	118,828	-	118,828	-	-	-	-	-	-	118,828
			-	-	-	-	-	-	-	-	
TOTALS		6,924,184	5,400,747	136,134	509,717	864,528	-	12,880	156	22	6,924,184
Developer Jobs		112,670	78,869	-	33,801	-	-	-	-	-	112,670
TOTALS		7,036,854	5,479,616	136,134	543,518	864,528	_	12,880	156	22	7,036,854

OVERTIME REPORT

FOR TEN MONTHS ENDING APRIL 30, 2022

		J	ul-21 A	lug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-2	2	ytd Total	ANNUAL BUDGET
FINANCE:																	
11	Accounting	\$	355 \$	126 \$	237 \$	641	\$ 551 \$	284 \$	283 \$	46 \$	1,019 \$	-	\$-	\$ -	ç	3,542	\$ 3,000
12	Customer Service		-	-	-	-	-	-	-	-	-	-	-	-		-	500
13	Meter Reading		76	-	-	-	-	659	271	432	1,721	630	-	-		3,789	500
19	Finance Administration		-	-	-	-	-	-	-	-	-	-	-	-		-	-
Total Fina	ance	\$	431 \$	126 \$	237 \$	641	\$ 551 \$	943 \$	554 \$	478 \$	2,740 \$	630	\$-	\$ -	(7	5 7,331	\$ 4,000
ENGINEER	ING:																
31	Developer Projects	\$	459 \$	- \$	- \$	-	\$-\$	- \$	- \$	- \$	- \$	-	\$ -	\$-	ç	\$ 459	\$ 250
34	District Projects		-	-	-	-	-	-	-	-	-	-	-	-		-	4,000
37	Inspection		3,351	2,311	4,223	4,875	3,719	3,092	1,814	599	601	233	-	-		24,818	12,000
39	Engineering Administration		-	-	-	-	-	-	-	-	-	-	-	-		-	750
Total Eng	gineering	\$	3,810 \$	2,311 \$	4,223 \$	4,875	\$ 3,719 \$	3,092 \$	1,814 \$	599 \$	601 \$	233	\$ -	\$ -	ć	\$ 25,277	\$ 17,000
OPERATIO	NS:																
41	System Operators	\$	2,734 \$	3,223 \$	1,938 \$	3,608	\$ 1,568 \$	3,823 \$	2,853 \$	1,690 \$	2,215 \$	3,876	Ś -	\$-	Ś	5 27,528	\$ 32,000
43	Electrical	r		-	204	257	-	1,027	251	-	122	326	-			2,187	3,000
44	Warehouse Inventory		-	-	-	-	-	-	-	-	-	-	-	-		-	250
45	, Mechanic		-	-	-	-	-	-	-	-	-	444	-	-		444	1,000
46	Valve Crew		1,144	838	2,149	3,303	898	1,245	561	845	142	2,555	-	-		13,680	7,000
47	Pump Station Maintenance		15	-	294	-	602	1,134	177	238	229	714	-	-		3,403	3,000
48	SCADA		250	-	-	-	58	233	-	292	677	2,541	-	-		4,051	5,000
49	Cathodic Coating/Maintenance		-	-	249	1,155	248	-	-	825	1,114	1,073	-	-		4,664	2,500
51	Plant Operations		5,708	426	512	980	212	272	836	2,145	1,795	1,804	-	-		14,690	10,000
52	Lab / Monitoring		-	327	-	456	350	42	227	76	67	251	-	-		1,796	1,000
53	Cross Connection		-	-	-	-	-	-	-	-	-	-	-	-		-	-
55	Wtr Recl		-	-	-	-	-	-	-	-	-	-	-	-		-	-
61	Facilities Maintenance		432	-	-	-	-	740	440	825	135	1,068	-	-		3,640	3,000
66	Industrial Compliance		-	-	16	-	-	-	-	-	-	-	-	-		16	-
71	Sewer Collector System Maint		1,903	652	1,187	8,345	2,183	1,216	1,723	995	2,756	1,706	-	-		22,666	20,000
72	Operating Contingency		-	-	-	-	-	-	-	-	-	-	-	-		-	-
73	Construction Crews		3,335	1,218	1,721	3,758	3,298	3,133	3,439	4,011	2,338	5,975	-	-		32,226	40,000
79	Field Operations Admin		-	-	-	-	-	-	-	-	-	-	-	-		-	-
Totals Op	perations	\$	15,521 \$	6,684 \$	8,270 \$	21,862	\$ 9,417 \$	12,865 \$	10,507 \$	11,942 \$	11,590 \$	22,333	\$ -	\$ -	Ş	5 130,991	\$ 127,750
HUMAN R	ESOURCES & SAFETY:																
92	Human Resources	\$	- \$	- \$	- \$	-	\$-\$	- \$	- \$	- \$	- \$	-	\$-	\$ -	Ś	5 -	\$-
95	Safety		-	-	-	-	-	-	-	-	-	-	-	-		-	-
16	Network		249	111	124	542	249	437	28	379	420	144	-	-		2,683	3,500
91	Communications		-	-	-	-	-	-	-	-	-	-	-	-		-	-
Total Hu	man Resources & Safety	\$	249 \$	111 \$	124 \$	542	\$ 249 \$	437 \$	28 \$	379 \$	420 \$	144	\$ -	\$ -	¢,	2,683	\$ 3,500
ADMINIST	RATION:																
<u>40111131</u> 69	Administrative Services	\$	- \$	- \$	- \$	-	\$-\$	- \$	- \$	- Ś	_ ¢	-	\$ -	Ś.	Ś	5 -	\$ -
93	Board & Board Support	7	- -	- 7	- -	-	- Y	-	- -	- -	- -	-	т [.]	۰ ۲	7	-	- -
																I	

OVERTIME REPORT

FOR TEN MONTHS ENDING APRIL 30, 2022

	J	ul-21	Aug	g-21	Sep-21		Oct-21	N	ov-21		Dec-21	Ja	an-22	Fe	b-22	N	lar-22	A	pr-22	Ma	ay-22	Ju	n-22	1	YTD Total		NNUAL JDGET
99 General Management Total Administration	\$	-	\$	-	- \$ -	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	174 174	\$	-	\$	-	\$	174 174	\$	-
<u>PARK & CAMPGROUND:</u> 62 Day Use Recreation Svcs 64 Campgrounds Total Park & Campgrounds	\$ \$	1,357 - 1,357	\$ \$	1,542	-	16 \$ 16 \$	1,618 - 1,618		1,605 - 1,605		1,090 - 1,090	\$ \$	667 - 667	\$ \$	396 - 396	-	745 - 745		1,672 - 1,672	-	- -	\$ \$	- -	\$ \$	12,408 - 12,408	\$ \$	18,000 - 18,000
OTHER: 80 AWP Total Park & Campgrounds	\$ \$	299 299	\$ \$	-	•	36 \$ 36 \$	135 135		-	\$ \$	-	\$ \$	-	\$ \$	-	\$ \$	-	\$ \$	120 120	\$ \$	-	\$ \$	-	\$ \$	640 640		-
GRAND TOTAL ALL DEPARTMENTS	\$	21,667	\$ 1	0,774	\$ 14,65	6\$	29,673	\$	15,541	\$	18,427	\$	13,570	\$ 2	13,794	\$	16,096	\$	25,306	\$	-	\$	-	\$	179,504	\$	170,250

MONTHLY TREASURER'S STATEMENTS

April 30, 2022

Notes to Treasurer's Statements	Page 13
Cash and Investment Summary	Page 14
Graph - Investments by Type - Market Value	Page 15
Graph - Major Investment Yield Comparison	Page 16
California Bank & Trust Loan and COP - Financial Requirements	Page 17
Glossary of Terms	Page 18

Padre Dam Municipal Water District Notes to the Treasurer's Statements as of 4/30/22

In April, there were several maturities and purchases of investments. Maturities included an FHMS K047 A1 note with a \$4K par value and coupon rate of 2.827%, an FHMS K041 A1 note with a \$7K par value and coupon rate of 2.720%, an FHLMC Multifamily Structured note with a \$.5K par value and coupon rate of 2.454%, an MBALT 2020-A A3 note with a \$16K par value and coupon rate of 1.840%, a TAOT 2019-B A3 note with a \$31K par value and coupon rate of 2.570%, an Allya 2019-4 A3 note with a \$12K par value and coupon rate of 1.840%, an HDMOT 2020-A A3 note with a \$6K par value and coupon rate of 1.870%, an NALT 2020-A A3 note with a \$24K par value and coupon rate of 1.840%, a GMCar 2020-1 A3 note with a \$8K par value and coupon rate of 1.890%, a TAOT 2020-A A3 note with a \$26K par value and coupon rate of 1.660%, a NAROT 2020-B A3 note with a \$14K par value and coupon rate of .550%, a HAROT 2020-1 A3 note with an \$18K par value and coupon rate of 1.610%, a BMWOT 2020-A A3 note with a \$7K par value and coupon rate of .480%, a Carmx 2020-3 A3 note with an \$8K par value and coupon rate of .620%, a HART 2020-B A3 note with a \$13K par value and coupon rate of .480%, a TAOT 2020-C A3 note with a \$14K par value and coupon rate of .440%, a WOART 2020-B A3 note with a \$4K par value and coupon rate of .630%, a GMCar 2020-3 A3 note with a \$12K par value and coupon rate of .450%, a GMALT 2020-3 A3 note with a \$13K par value and coupon rate of .450%, a VZOT 2020-A A1A note with a \$13K par value and coupon rate of 1.850%, an FHLMC Multifamily Structured note with an \$11K par value and coupon rate of 2.510%, a NALT 2020-B A3 note with a \$15K par value and coupon rate of .430%, a MBALT 2020-B A3 note with a \$2K par value and coupon rate of .400%, a TAOT 2020-D A3 note with a \$4K par value and coupon rate of .350%, a GMCar 2020-1 A3 note with a \$6K par value and coupon rate of 1.840%, an HAROT 2020-3 A3 note with an \$8K par value and coupon rate of .370%, a JP Morgan Chase & Company note with a \$200K par value and coupon rate of 3.207%, a Fannie Mae note with a \$250K par value and coupon rate of .250%, an Amazon.com Corporate note with a \$215K par value and coupon rate of .400%, a Fannie Mae note with a \$300K par value and coupon rate of .250%, and an International Bank of Recon and Development note with a \$780K par value and coupon rate of .125%. Purchases included an Exxon Mobil Corporate note with a \$190K par value and coupon rate of 2.709%, a 3M Company Corporate note with a \$165K par value and coupon rate of 2.000%, an Intel Corporate note with a \$75K par value and coupon rate of 3.700%, a GMCar 2022-2 A3 note with a \$140K par value and coupon rate of 3.100%, a TAOT 2022-B A3 note with a \$165K par value and coupon rate of 2.930%, an Amazon.com Corporate note with a \$215K par value and coupon rate of 3.000%, an HDMOT 2022-A A3 note with a \$225K par value and coupon rate of 3.060%, a JP Morgan Chase note with a \$205K par value and coupon rate of 4.080%, a Bank of NY Mellon Corporate note with a \$325K par value and coupon rate of 3.350%, a Carmx 2022-2 A3 note with a \$220K par value and coupon rate of 3.490%, a Cintas Corporate note with a \$115K par value and coupon rate of 3.450%, and a National Rural Util Coop Corporate note with a \$60K par value and coupon rate of 3.450%.

Including proceeds from the issuance of the COP, about 22.6% of available cash is now in LAIF at an interest rate of .523%. LAIF balance at the end of the month was \$24,836,186. Not including the proceeds from the issuance of the COP Loan, about 23.2% of available cash is in LAIF.

PFM managed funds of \$54,337,062 had a yield to maturity at market of 2.598%, a yield to maturity at cost of .868% and an average duration of 1.75. Padre Dam MWD managed funds of \$52,640,721 had a yield at cost of .257%. The total portfolio average time to maturity was 390 days. Not including the proceeds from the issuance of the COP Loan, the average time to maturity was 400 days.

The Dow closed at 32,977 at month end, about 1,701 points lower than it was at the end of last month. Treasury bond prices on shorter term maturities were higher from last month. The yield on the 30-year bond was higher from 2.448% to 2.997%. The yields on shorter-term bonds of 3 to 5 years were higher from the prior month. The Fed Funds Rate ranged between .25% and .50%.

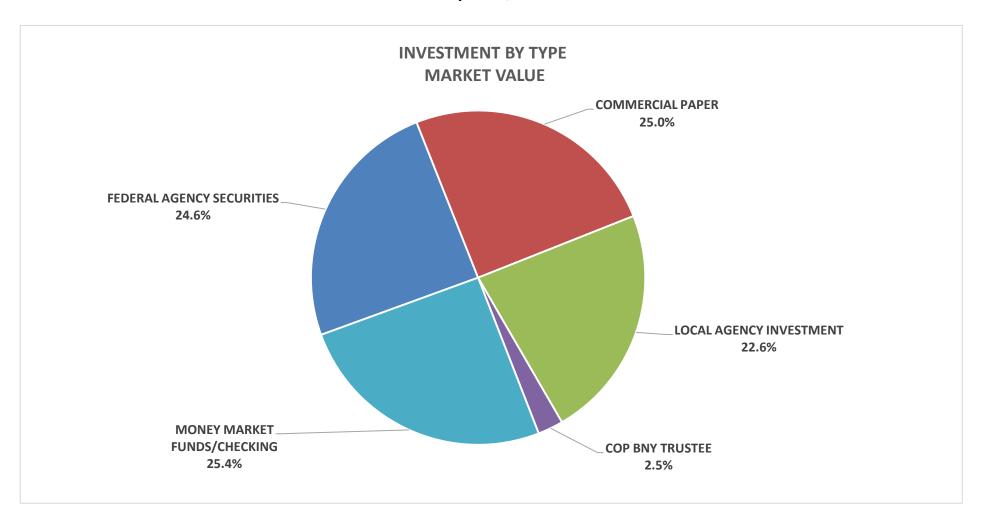
All investments have been made in accordance with Padre Dam MWD Investment Policy. The Investment Summary provides documentation that Padre Dam MWD has sufficient funds to meet a minimum of six months pool's expenditure requirements, in compliance with Government Code, Section 53646.

			PADRE			IENT SUMM	TER DIS	TRICT						
	Description/Issuer	Coupon Rate	YTM at Cost April 30, 2022	YTM at Mkt April 30, 2022	Par Value April 30, 2022	Original Cost April 30, 2022	Market Value April 30, 2022	Source of Valuation April 30, 2022	Accrued Interest April 30, 2022	Variance Cost to Mkt April 30, 2022	Actual % of Total Inv.	Board Authorized Limits	Maturity Date	Day: to Matur
06/04/20 313 07/10/20 313 08/04/20 313 02/21/20 313	NCY SECURITIES 35G04Q3 - Fannie Mae Notes 35G05G4 - Fannie Mae Notes 35G05G4 - Fannie Mae Notes 37B1BS0 - FHLMC Multifamily Structured Notes	0.250% 0.250% 0.250% 2.510%	0.320% 0.320% 0.220% 1.780%	2.200% 2.390% 2.390% 2.910%	350,000 1,045,000 500,000 487,808	349,300 1,042,753 500,430 497,222	342,886 1,018,834 487,481 486,825		386 806 385 1,020	(6,414) (23,919) (12,950) (10,397)			05/22/23 07/10/23 07/01/23 11/25/22	43 42 20
02/11/20 313 03/04/20 313 03/06/20 313	37BFE80 - FHMS K041 A1 37BKRH5 - FHMS K047 A1 37BSPW7 - FHLMC Multifamily Structured Notes 37BTU25 - FHMS K724 A2 37EAEFA2 - Freddie Mac Notes	2.720% 2.827% 2.454% 3.062% 0.250%	2.180% 2.270% 1.420% 1.520% 0.280%	2.840% 2.960% 3.040% 3.100% 2.610%	149,146 112,385 470,938 500,000 915,000	152,572 115,244 487,127 527,363 914,094	148,749 112,020 467,565 499,705 881,484		338 265 963 1,276 934	(3,823) (3,223) (19,562) (27,658) (32,611)			08/25/24 12/25/24 08/25/23 11/25/23 12/04/23	97 48 57
06/26/20 313 07/06/20 313 08/21/20 313	37EAEFA2 - Freddie Mac Notes 37EAES4 - Freddie Mac Notes 37EAEV7 - Freddie Mac Notes 37EAEV7 - Freddie Mac Notes 37EAEZ8 - Freddie Mac Notes	0.250% 0.250% 0.250% 0.250%	0.280% 0.350% 0.290% 0.280% 0.280%	2.300% 2.300% 2.460% 2.560%	1,005,000 530,000 750,000 840,000	1,002,065 529,375 749,235 839,244	981,652 517,687 728,660 811,312		872 460 349 1,021	(20,414) (11,688) (20,575) (27,932)			06/26/23 06/26/23 08/24/23 11/06/23	42 42 48
04/27/21 912 04/06/21 912 05/06/21 912	2828CAW1 - US Treasury Notes 2828CAW1 - US Treasury Notes 2828X70 - US Treasury Notes 2828YM6 - US Treasury Notes	0.250% 0.250% 2.000% 1.500%	0.220% 0.260% 0.370% 0.440%	2.560% 2.560% 2.720% 2.860%	550,000 470,000 550,000	1,101,074 549,893 493,335 570,174	1,061,844 530,922 463,464 532,125		1,269 634 26 22	(39,230) (18,971) (29,871) (38,049)			11/15/23 11/15/23 04/30/24 10/31/24	50 73 91
04/09/21 912 05/03/21 912 01/05/22 912	2828YM6 - US Treasury Notes 282CAP6 - US Treasury Notes 282CAP6 - US Treasury Notes 282CBA8 - Treasury Notes 282CBA8 - US Treasury Notes	1.500% 0.125% 0.125% 0.000% 0.125%	0.440% 0.240% 0.240% 0.750% 0.190%	2.860% 2.520% 2.520% 2.600% 2.600%	800,000 45,000 80,000 1,000,000 170,000	828,625 44,875 79,769 988,008 169,681	774,000 43,467 77,275 960,781 163,333		33 2 4 470 80	(54,625) (1,408) (2,494) (27,227) (6,348)			10/31/24 10/15/23 10/15/23 12/15/23 12/15/23	53 53 59
02/24/21 912 02/03/21 912 03/03/21 912	282CBA8 - US Treasury Notes 282CBA8 - US Treasury Notes 282CBE0 - US Treasury Notes 282CBM2 - US Treasury Notes 282CBM2 - US Treasury Notes	0.125% 0.125% 0.125% 0.125% 0.125%	0.130% 0.200% 0.170% 0.270% 0.290%	2.600% 2.640% 2.660% 2.660%	105,000 900,000 2,000,000 135,000	109,081 104,791 898,734 1,991,563 134,399	103,333 100,882 862,453 1,911,562 129,030		49 329 518 35	(3,909) (36,281) (80,000) (5,368)			12/15/23 12/15/23 01/15/24 02/15/24 02/15/24	59 62 69
08/09/21 912 08/05/21 912	282CCG4 - US Treasury Notes 282CCK5 - US Treasury Notes 282CCL3 - US Treasury Notes 282CCT6 - US Treasury Notes	0.250% 0.125% 0.375% 0.375%	0.470% 0.180% 0.330% 0.420%	2.780% 2.310% 2.780% 2.810%	2,285,000 320,000 1,700,000 1,500,000	2,270,272 319,675 1,702,391 1,498,242	2,166,466 312,000 1,612,875 1,419,375		2,150 134 1,867 1,165	(103,807) (7,675) (89,516) (78,867)			06/15/24 06/30/23 07/15/24 08/15/24	42 80
11/04/21 912 12/03/21 912 01/05/22 912 02/03/22 912	282CCX7 - US Treasury Notes 282CDB4 - US Treasury Notes 282CDMO - US Treasury Notes 282CDN8- US Treasury Notes 282CDS7 - US Treasury Notes 282CDS7 - US Treasury Notes	0.375% 0.625% 0.500% 0.000% 1.125% 1.125%	0.500% 0.790% 0.590% 1.020% 1.390% 1.800%	2.840% 2.840% 2.600% 2.870% 2.880% 2.880%	1,000,000 755,000 2,500,000 1,100,000 450,000 800,000	996,250 751,284 2,495,703 1,099,270 446,590 784,813	943,750 715,480 2,419,141 1,048,438 429,539 763,625		479 206 5,220 4,140 1,482 2,635	(52,500) (35,804) (76,563) (50,832) (17,051) (21,188)			09/15/24 10/15/24 11/30/23 12/15/24 01/15/25 01/15/25	89 57 90 99
	Sub-Totals		0.554%	2.676%	27,970,279	28,025,433	26,926,687	PFM	32,027	(1,098,746)	24.6%	No Limit		6
06/03/20 023 05/12/21 023 11/23/21 025	007TAC9 - Allya 2019-4 A3 3135BP0 - Amazon Corporate Notes 3135BW5 - Amazon Corp Notes 5816CG2 - American Express Corp Notes 5816CG2 - American Express Corp Notes	1.840% 0.400% 0.450% 2.500% 2.500%	1.840% 0.450% 0.500% 1.140% 1.270%	1.870% 2.320% 2.830% 3.420% 3.420%	86,004 55,000 320,000 215,000 150,000	85,988 54,923 319,533 222,697 154,800	85,957 53,869 305,057 210,759 147,041		70 90 676 1,359 948	(30) (1,054) (14,476) (11,938) (7,759)			06/15/24 06/03/23 05/12/24 07/30/24 07/30/24	3 7 8
01/13/22 026 05/11/20 037 05/11/20 037	665WDY4 - American Honda Finance Corporate Note: 665WEA5 - American Honda Finance Corporate Notes 7833DV9 - Apple Notes 7833DV9 - Apple Notes	0.750% 0.750%	0.770% 1.530% 0.840% 0.750%	3.240% 3.370% 2.340% 2.340%	180,000 225,000 170,000 175,000	179,881 224,822 169,538 175,000	170,247 214,209 167,263 172,182		308 1,013 602 620	(9,634) (10,614) (2,275) (2,818)			08/09/24 01/13/25 05/11/23 05/11/23	9 3 3
08/12/21 055 04/01/22 055 03/10/21 055	636NAC7 - Astazeneca Finance Corp Notes 565EBU8 - BMW US Capital Corp Notes 565EBZ7 - BMW US Capital Corporate Notes 591RAC8 - BMWLT 2021-1 A3 Notes 051GFF1 - Bank of America Corporate Notes	0.700% 0.750% 3.250% 0.000% 0.000%	0.700% 0.750% 3.280% 0.290% 1.090%	3.100% 3.100% 3.560% 0.880% 3.240%	285,000 75,000 160,000 100,000 120,000	284,974 74,993 159,850 99,997 127,691	271,361 71,147 158,623 98,985 121,681		848 123 433 5 400	(13,613) (3,846) (1,227) (1,012) (6,009)			05/28/24 08/12/24 04/01/25 01/25/24 04/01/24	8 1,0 6
09/28/20 060 07/26/21 060 04/22/21 060	051GHF9 - Bank of America Corporate Notes 051GHR3 - Bank of America Corp Notes 051GJR1 - Bank of America Corp Notes 406RAN7 - Bank Of NY Mellon Corp Notes	3.550% 3.458% 0.976% 0.000%	1.620% 1.530% 0.980% 0.970%	3.570% 3.800% 2.950% 3.450%	270,000 260,000 140,000 135,000	287,350 277,644 140,000 138,443	269,901 257,564 132,196 127,992		1,491 1,149 34 42	(0,003) (17,449) (20,080) (7,804) (10,450)			03/05/24 03/15/25 04/22/25 04/24/25	6 1,0 1,0
07/15/20 096 09/15/21 096	406RAX5 - Bank of NY Mellon Corp Notes 661RAD3 - BMWOT 2020-A A3 Notes 690AAC7 - MWWLT 2021-2 A3 Notes 0122DT2 - Bristol-Myers Squibb Notes	0.850% 0.480% 0.330% 0.537%	0.870% 0.480% 0.330% 0.540%	3.080% 0.820% 1.350% 1.270%	370,000 72,533 140,000 165,000	369,760 72,527 139,986 165,000	350,383 71,924 136,285 163,174		52 6 8 413	(19,377) (603) (3,700) (1,826)			10/25/24 10/25/24 12/26/24 11/13/23	9
08/06/20 130 03/30/22 140 11/30/21 140	067WQZ8 - CA State Dept Water Reservoir Water Tax 067WRA2 - CA State Dept Water Reservoir Water Tax 041NFZ9 - Comet 2022-A A1 Notes 041NFY2 - COMET 2021-A3 A3 Notes	0.414% 2.800% 1.040%	0.350% 0.410% 2.800% 1.040%	2.510% 2.850% 3.020% 2.290%	75,000 40,000 425,000 305,000	75,000 40,000 424,968 304,958	74,064 38,499 420,767 288,526		109 69 1,025 141	(936) (1,501) (4,201) (16,431)			12/01/22 12/01/23 03/15/27 11/16/26	5 1,7 1,6
07/22/20 143 01/22/20 143 10/21/20 143	314QAC8 - Carmx 2021-2 A3 Notes 315FAD9 - Carmx 2020-3 A3 Notes 315XAC2 - Carmax Auto Owner Trust 316HAC6 - Carmx 2020-4 A3 Notes 316NAC3 - Carmx 2021-1 A3 Notes	0.520% 0.620% 1.890% 0.500% 0.340%	0.520% 0.620% 1.890% 0.500% 0.340%	1.600% 0.940% 2.020% 1.070% 0.980%	135,000 102,479 99,674 135,000 90,000	134,971 102,462 99,654 134,970 89,982	129,613 101,542 99,335 132,497 87,961		31 28 84 30 14	(5,358) (919) (319) (2,473) (2,021)			02/17/26 03/17/25 12/15/24 08/15/25 12/15/25	1,0 9 1,2
07/28/21 143 05/17/21 149 05/11/20 166	317DAC4 - Carmx 2021-3 A3 913R2L0 - Caterpillar Financal Services Notes 6764BV1 - Chevron Corp Notes 2967HT1 - Citigroup Corp Notes	0.550% 0.450% 1.410% 3.750%	0.550% 0.500% 1.140% 0.850%	1.400% 3.030% 2.440% 3.400%	345,000 280,000 115,000 180,000	344,943 279,625 115,000 198,936	333,186 265,761 113,490 181,272		84 574 620 2,531	(11,757) (13,864) (1,510) (17,664)			06/15/26 05/17/24 05/11/23 06/16/24	1,5 7 3
01/25/22 173 05/11/20 200 12/03/21 200	2967MX6 - Citigroup Corpe Notes 327CAN3 - Citigroup Inc Corporate Notes 030NCR0 - Comcast Notes 030NCRO - Comcast Corp Notes	0.981% 0.000% 0.370% 3.700%	0.980% 2.010% 1.200% 1.130%	2.990% 3.630% 3.180% 3.180%	95,000 65,000 175,000 150,000	95,000 65,000 191,707 158,990	89,546 61,355 176,699 151,456		466 349 288 247	(5,454) (3,645) (15,009) (7,533)			05/01/25 01/25/26 04/15/24 04/15/24	1,3
01/12/22 216 03/23/21 225 12/06/19 233	772KJV2 - CT State Go Bonds 688AAS1 - Cooporatieve Rabobank Corporate Notes 552G3C2 - Credit Suisse New York CD 341VZT1 - DNB Bank ASA/NY CD 422EVE6 - John Deere Capital Corp Notes	2.000% 0.000% 2.040% 1.200%	1.800% 1.480% 0.590% 2.030% 1.210%	2.590% 3.480% 2.480% 2.010% 2.460%	15,000 420,000 420,000 540,000 15,000	15,090 418,736 420,000 540,000 14,996	14,898 397,402 413,051 540,023 14,827		100 1,749 310 4,590 13	(192) (21,333) (6,949) 23 (170)			07/01/23 01/10/25 03/17/23 12/02/22 04/06/23	
03/04/21 244 06/10/21 244 09/10/21 244	422EVEG - John Deere Capital Corp Notes 422EVN6 - John Deere Capital Corp Notes 422EVQ9 - John Deere Corp Notes 422EVU0 - John Deere Capital Corporate Notes 1271AD6 - Fl State Board of Admin Taxable Revenue E	0.000% 0.450% 0.625% 1.258%	0.480% 0.490% 0.650% 1.260%	2.480% 2.780% 2.920% 3.020% 3.430%	220,000 65,000 45,000 135,000	219,844 64,919 44,971 135,000	14,627 211,487 61,748 42,558 126,251		286 117 40 566	(170) (8,357) (3,171) (2,413) (8,749)			04/06/23 01/17/24 06/07/24 09/10/24 07/01/25	
01/24/22 345 02/22/21 345 01/25/21 345	5286AC2 - FordO 2022-A A3 Notes 532NAC9 - Fordo 2021-A A3 Notes 532QAC2 - FORDL 2021-A A3 Notes 2554AC1 - GMCar 2021-4 A3 Notes	0.000% 0.300% 0.260% 0.680%	1.290% 0.300% 0.260% 0.480%	2.150% 1.100% 0.720% 1.710%	140,000 180,000 95,000 135,000	139,983 179,985 94,989 134,997	135,232 175,334 94,215 129,113		80 24 11 38	(4,751) (4,650) (773) (5,883)			06/15/16 08/15/25 02/15/24 09/16/26	(2, 1,
01/15/20 362 08/20/20 362 10/14/20 362	2569AC9 - GMALT 2020-3 A3 258NAC6 - GMCAR 2020-1 A3 2590AC5 - GMCAR 2020-3 A3 Notes 260KAC8 - GMCAR 2020-4 A3 Notes	0.450% 1.840% 0.450% 0.380%	0.450% 1.850% 0.430% 0.380%	0.720% 1.880% 0.910% 0.890%	70,066 60,479 168,551 90,000	69,289 60,465 169,460 89,981	69,051 60,422 167,042 88,515		10 46 32 14	(239) (42) (2,417) (1,466)			08/21/23 09/16/24 04/16/25 08/18/25	1,0 1,2
02/24/21 362 07/20/20 369 07/21/21 380	261LAC5 - GMCAR 2021-1 A3 Notes 261RAC2 - GMALT 2021-1 A3 Notes 9550BD9 - General Dynamics Corporate Notes 0140AC7 - GMCar 2021-3 A3 0144AC9 - GMALT 2021-2 A3 Notes	0.350% 0.260% 3.375% 0.480% 0.340%	0.350% 0.260% 0.540% 0.480%	0.940% 0.750% 2.590% 1.480% 1.210%	105,000 185,000 285,000 215,000	104,983 184,981 307,546 214,987	102,892 183,389 287,279 206,406		15 15 4,435 43	(2,091) (1,592) (20,268) (8,580)			10/16/25 02/20/24 05/15/23 06/16/26 05/20/24	1,
01/19/22 380 11/21/21 381 11/19/20 381	0144AC9 - GMALT 2021-2 AS Notes 0146AC4 - GMCar 2022-1 A3 Notes 141EC23 - Goldman Sachs Group Bonds 141GXL3 - Goldman Sachs Group Notes 141GXZ2 - Goldman Sachs Group Notes	0.000% 3.850% 0.627% 0.000%	0.350% 1.260% 1.380% 0.630% 0.670%	2.230% 3.640% 1.610% 1.830%	210,000 120,000 100,000 185,000 135,000	209,967 119,990 106,362 185,000 135,000	206,309 114,954 100,443 182,227 132,156		22 63 1,208 528 134	(3,658) (5,036) (5,919) (2,773) (2,844)			03/20/24 11/16/26 07/08/24 11/17/23 03/08/24	1,
01/29/20 412 03/28/22 437 05/26/21 438	284UAD6 - HDMOT 2020-A A3 7076MC2 - Home Depot Corporate Notes 811JAC1 - HART 2021-2 A3 Notes 813KAC6 - HAROT 2020-3 A3	2.350% 2.700% 0.640% 0.370%	1.870% 2.760% 0.640% 0.370%	1.870% 3.060% 1.170% 0.900%	48,698 40,000 210,000 221,584	48,688 39,930 209,992 221,551	48,695 39,594 204,334 218,727		40 99 31 30	(336) (5,658) (2,824)			10/15/24 04/15/25 08/15/25 10/18/24	1,0 1,1
02/23/22 438 11/24/21 438	813RAC1 - Harot 2020-1 A3 815BAC4 - HAROT 2022-1 A3 Notes 815GAC3 - HAROT 2021-4 A3 Notes 8516CB0 - Honeywell Corp Notes	1.610% 1.880% 0.880% 0.000%	1.610% 1.880% 0.890% 0.910%	1.800% 2.520% 1.930% 3.120%	176,902 265,000 160,000 135,000	176,867 264,960 159,966 137,433	176,263 258,442 153,939 128,005		79 221 39 759	(604) (6,518) (6,028) (9,428)			04/21/24 05/15/26 01/21/26 06/01/25	1,4 1,5
10/28/20 448 01/20/21 448	0452AG5 - Hormel Food Corporate Notes 891RAC4 - Hart 2020-C A3 Notes 891TAC0 - HALST 2021-1A A3 Notes 891VAC5 - HALST 2021-B A3 Notes	0.650% 0.380% 0.330% 0.330%	1.980% 0.390% 0.330% 0.330%	2.950% 0.980% 0.950% 1.450%	215,000 210,000 100,000 215,000	208,694 209,952 99,988 214,968	205,029 206,214 98,942 209,972		575 35 15 32	(3,665) (3,738) (1,046) (4,996)			06/03/24 05/15/25 01/16/24 06/17/24	1,:
07/22/20 449 04/28/21 449	8977AD0 - Hart 2022-A A3 Notes 933FAC0 - Hart 2020-B A3 Notes 933LAC7 - Hart 2021-A A3 Notes 933MAC5 - HALST 2021-C A3 Notes	2.220% 0.480% 0.380% 0.380%	2.220% 0.480% 0.380% 0.380%	2.760% 0.810% 1.230% 1.750%	315,000 135,963 115,000 225,000	314,988 135,937 114,988 224,980	307,926 134,786 111,770 217,842		311 29 19 38	(7,062) (1,151) (3,218) (7,137)			10/15/26 12/16/24 09/15/25 09/16/24	1,2
03/10/22 458 04/24/20 458 09/23/21 458	8140BD1 - Intel Corp Notes 814QBP4 - Intel Corporate Notes 81X0DM7 - Inter-American Development Bank 81X0DZ8 - Inter-American Development Bank Notes	2.875% 3.400% 0.500% 0.500%	0.560% 2.400% 0.510% 0.520%	2.970% 3.390% 2.310% 2.870%	150,000 185,000 555,000 1,095,000	162,380 190,382 554,811 1,094,190	149,727 185,055 544,450 1,035,240		2,036 629 1,210 578	(12,653) (5,327) (10,361) (58,949)			05/11/24 03/25/25 05/24/23 09/23/24	1,(3
08/06/20 459 07/26/21 466 09/16/20 466	9058JM6 - International Bank Recon & Development 9200HU8 - IBM Corp Notes 647PAH9 - JP Morgan Chase & Corp Notes 647PBS4 - JP Morgan Notes	0.250% 3.625% 3.220% 0.653%	0.320% 0.470% 1.480% 0.650%	2.600% 3.160% 3.560% 2.110%	380,000 250,000 140,000 60,000	379,183 277,440 148,505 60,000	366,399 252,009 138,732 57,988		414 1,989 751 49	(12,784) (25,432) (9,773) (2,012)			11/24/23 02/12/24 03/01/25 09/16/24	1,0
06/01/21 466 02/24/22 466 04/14/21 500	647PBY1 - JP Morgan Chase & Co. Notes 647PCH7 - JPMorgan Corp Notes 647PCV6 - JP Morgan Stanley Corp Notes 017TAC5 - KCOT 2021-1A A3 Notes	0.563% 0.824% 2.595% 0.620%	0.560% 0.820% 2.600% 0.620%	2.550% 2.840% 3.740% 2.040%	170,000 155,000 110,000 185,000	170,000 155,000 110,000 184,962	160,965 145,813 105,561 176,642		199 532 531 51	(9,035) (9,187) (4,439) (8,320)			02/16/25 06/01/25 02/24/26 08/15/25	1, 1, 1,
07/28/21 501 03/08/22 539 .1/10/20 544	117EAC8 - KCOT 2022-1A A3 Notes 117XAE2 - KCOT 2021-2A A3 983QBE8 - Lockheed Martin Corp Notes 438CYH9 - Los Angeles CCD CA Taxable Go Bond 769EAC2 - MBALT 2020-B A3	2.670% 0.560% 2.900% 0.440% 0.400%	2.670% 0.560% 2.040% 0.440% 0.400%	3.290% 2.170% 1.420% 2.590% 0.780%	220,000 155,000 190,000 135,000 47,013	219,969 154,994 194,703 135,000 47,010	214,363 146,483 190,085 131,444 46,742		261 39 918 150 8	(5,606) (8,511) (4,617) (3,556)			10/15/26 11/17/25 03/01/25 08/01/23 11/15/23	1, 1,
01/27/21 587 03/09/21 589 08/25/20 604	770GAC4 - MBALT 2020-5 AS 770GAC4 - MBALT 2021-A A3 Notes 933YAR6 - Merck Corporate Notes 412AVS9 - MN St Taxable Go Bonds 746BDQ6 - Morgan Stanley Corp Notes	0.400% 0.250% 2.750% 0.400% 3.875%	0.400% 0.250% 0.940% 0.370% 0.870%	0.760% 3.240% 2.440% 3.410%	100,000 130,000 335,000 170,000	99,990 139,027 335,261 187,881	99,127 128,324 326,635 171,523		11 804 335 37	(268) (863) (10,703) (8,626) (16,358)			01/16/24 02/10/25 08/01/23 04/29/24	1,
02/18/22 617 02/07/22 637 09/14/21 641	747YEM3 - Morgan Stanley Corporate Notes 743HFC1 - National Rural Util Coop Corporate Notes 1062AU8 - Nestle Holdings Corporate Notes 6140DN0 - NJ TPK Auth B Taxable Municipal Notes	2.630% 0.000% 0.606% 0.897%	2.630% 1.880% 0.610% 0.900%	3.700% 3.590% 3.170% 3.370%	165,000 110,000 300,000 115,000	165,000 109,997 300,000 115,000	158,778 105,066 282,535 107,807		880 481 237 344	(17,465) (7,193)			02/18/26 02/07/25 09/14/24 01/01/25	1, 1,
.2/23/20 650 .2/23/20 650 96/30/20 654	0036DR4 - NY State Urban Development Taxable Bond 0036DS2 - NY State Urban Development Taxable Bond 479CAD0 - NAROT 2020-B A3 479NAD6 - NALT 2020-A A3	0.480%	0.480% 0.620% 0.550% 1.840%	2.320% 3.060% 0.850% 1.830%	120,000 375,000 132,098 1,214	120,000 375,000 132,094 1,214	118,094 358,429 131,227 1,214		74 297 32 1	(1,906) (16,571) (868) 0			03/15/23 03/15/24 07/15/24 01/15/23	
08/09/21 693 1/08/21 693	480EAD3 - Nalt 2020-B A3 371RR40 - PAACAR Financial Corp Notes 371RR57- PACCAR Financial Corp Notes 3448CT3 - Pepsi Corporate Notes	0.430% 0.500% 0.900% 0.000%	0.430% 0.520% 0.900% 1.020%	0.650% 3.080% 3.040% 3.250%	98,462 145,000 275,000 130,000	98,451 144,922 274,984 139,100	98,152 136,849 260,820 128,167		19 165 1,189 10	(299) (8,072) (14,163) (10,933)			10/16/23 08/09/24 11/08/24 04/03/25	
93/18/21 808 92/22/22 857 92/07/22 857	1196BT8 - Roche Holdings Corporate Notes 8513BN4 - Charles Schwab Corp Notes 7477BM4 - State Street Corporate Notes 7477BR3 - State Street Corporate Notes	2.132% 0.750% 2.901% 1.746%	2.130% 0.770% 2.380% 1.750%	3.330% 3.130% 3.520% 3.080%	460,000 175,000 360,000 125,000	460,000 174,913 367,247 125,000	445,084 167,425 351,951 119,123		1,389 157 899 509	(14,916) (7,488) (15,295) (5,877)			03/10/25 03/18/24 03/30/26 02/06/26	1, 1,
1/29/21 876 03/10/22 876 03/07/22 885	7914BS1 - Suntrust Banks Corporate Notes 612EBD7 - Target Corp Notes 612EBL9- Target Corporate Notes 579YBH3 - 3M Company Corporate Notes	4.000% 3.500% 2.250% 2.000%	2.690% 1.040% 2.230% 2.130%	3.650% 2.950% 3.240% 3.290%	200,000 180,000 190,000 190,000	207,844 191,275 190,093 189,305	201,983 182,073 184,712 183,494 234,803		4,000 2,100 190 813 174	(5,861) (9,202) (5,381) (5,811)			05/01/25 07/01/24 04/15/25 02/14/25	1, 1,
01/11/21 892 09/13/21 892 10/13/20 892	232HAC9 - TAOT 2020-A A3 236THU2 - Toyota Motor Credit Corp Notes 236TJN6 - Toyota Motor Credit Corporate Notes 236XAC0 - TAOT 2020-D A3 Notes 237VAB5 - TAOT 2020-C A3 Notes	1.660% 0.450% 0.625% 0.350% 0.440%	1.660% 0.450% 0.640% 0.350% 0.440%	1.800% 2.920% 3.130% 0.790% 0.860%	235,541 280,000 140,000 90,000 165,563	235,524 279,983 139,934 89,983 165,550	234,893 268,631 132,045 84,453 163,877		174 385 117 13 32	(632) (11,352) (7,889) (5,530) (1,673)			05/15/24 01/11/24 09/13/24 01/15/25 10/15/24	
94/21/21 892 91/10/20 892 93/03/22 904	237 VABS - TAOT 2020-C AS Notes 238XACO - TAOT 2021-A A3 Notes 239JAD6 - TAOT 2019-B A3 Notes 4764AX5 - Unilver Corporate Bonds 4764BN6 - Unilever Capital Corp Notes	0.390% 2.570% 2.600% 0.626%	0.440% 0.390% 2.180% 1.830% 0.630%	1.470% 2.480% 3.130% 3.110%	140,456 131,710 135,000 100,000	140,440 133,506 137,214 100,000	103,877 141,949 131,865 133,617 94,570		17 150 1,716 137	(1,673) 1,509 (1,640) (3,597) (5,431)			04/22/24 08/15/23 05/05/24 08/12/24	
95/19/21 913 98/12/20 922 0/31/19 923	324PEB4 - United Health Group Notes 290BAA9 - VZOT 2020-A A1A 3040GS2 - Ventura County CA Taxable Go Bond 348TAA2 - VZOT 2020-A A1A	0.550% 0.470% 1.657% 1.850%	0.590% 0.470% 1.660% 1.850%	2.910% 1.030% 1.150% 1.900%	190,000 285,000 540,000 94,217	189,802 284,940 540,000 94,206	181,190 280,591 540,680 94,123		482 41 2,237 53	(8,613) (4,349) 680 (83)			05/15/24 02/20/25 08/01/22 07/20/24	1,
2/13/21 928 2/03/20 928 96/11/20 931 96/30/20 931	868KAC7 - Valet 2021-1 A3 Notes 868VAC3 - VWAlt 2020-A A3 Notes 1142EK5 - Walmart Stores Corporate Notes 1142EK5 - Walmart Stores Corporate Notes	1.020% 0.750% 3.400% 3.400%	1.020% 0.400% 0.680% 0.520%	2.040% 1.030% 2.430% 2.430%	215,000 115,000 175,000 300,000	214,992 114,978 189,305 325,593	206,326 113,742 176,927 303,303		67 14 2,066 2,759	(8,665) (1,237) (12,378) (22,290)			06/22/26 01/22/24 06/26/23 06/26/23	1,
94/05/22 302 94/06/22 885 94/06/22 458	163WACO - WOART 2020-B A3 231GAF9 - Exxon Mobil Corporate Notes 579YBH3 - 3M Company Corporate Notes 8140AS9 - Intel Corporate Notes	0.630% 2.709% 2.000% 3.700%	0.630% 2.860% 2.850% 2.950% 2.100%	1.020% 3.380% 3.290% 3.410% 2.120%	65,261 190,000 165,000 75,000	65,256 189,204 161,156 76,760 120,071	64,492 186,561 159,350 75,658 130,803		18 786 706 709	(764) (2,643) (1,805) (1,102) (1,67)			05/15/25 03/06/25 02/14/25 07/29/25	1, 1, 1,
.4/13/22 892 04/13/22 023 .4/20/22 412	2585AC5 - GMCar 2022-2 A3 Notes 238FAD5 - TAOT 2022-B A3 Notes 3135CE4 - Amazon Corporate Notes 284YAD8 - HDMOT 2022-A A3 Notes 647PC77 - IPMorgan Chase Corporate Notes	3.100% 2.930% 3.000% 3.606% 4.080%	3.100% 2.930% 3.060% 3.060% 2.380%	3.130% 2.990% 3.110% 3.350% 4.140%	140,000 165,000 215,000 225,000 205,000	139,971 164,996 214,658 224,963 205,000	139,803 164,611 214,347 222,081 204 570		217 242 323 210 899	(167) (385) (311) (2,881) (430)			02/16/27 09/15/26 04/13/25 02/15/27 04/26/26	1, 1, 1,
04/26/22 064 04/28/22 143 05/03/22 172	647PCZ7 - JPMorgan Chase Corporate Notes 406RBC0 - Bank of NY Mellon Corporate Notes 317HAC5 - Carmx 2022-2 A3 Notes 252MAP5 - Cintas Corporate Notes 743HFE7 - National Rural Util Coop Corporate Notes	4.080% 3.350% 3.490% 3.450% 3.450%	2.380% 3.360% 3.490% 3.460% 3.460%	4.140% 3.420% 3.470% 3.560% 3.690%	205,000 325,000 220,000 115,000 60,000	205,000 324,955 219,967 114,975 59,984	204,570 324,351 220,193 114,643 59,569		899 151 64 - -	(430) (604) 226 (332) (415)			04/26/26 04/25/25 02/16/27 05/01/25 06/15/25	1, 1, 1,
то	Sub-Totals		1.179% 0.868%	2.521% 2.598%	28,084,466 56,054,745	28,366,878 56,392,311	27,410,375 54,337,062	PFM PFM	74,328	(956,503) (2,055,249)	25.0% 49.5%	30%		
HER CASH &	WD MANAGED & INVESTMENTS vestment Fund see (2004/2009 COP funds) y Market		0.523% 0.000% 0.000%	0.523% 0.000% 0.000%	24,836,186 - 73,954	24,836,186 - 73,954	24,836,186 - 73,954	LAIF BNY Bank Stmt.	5,000 X X	0 0	22.6% 0.0% 0.1%	30,000,000 na 20%		
lif. Bank & Tru ecking, Park C	y Market ust Money Market & Savings Checking, Petty Cash & Other Cash TAL PADRE DAM MANAGED		0.000% 0.020% 0.015% 0.257%	0.000% 0.020% 0.015% 0.257%	73,954 21,339,387 6,391,193 52,640,721	73,954 21,339,387 6,391,193 52,640,721	73,954 21,339,387 6,391,193 52,640,721	Bank Stmt. Bank Stmt. Bank Stmt.	x x x 5,000	0 0 0 -	0.1% 19.5% 5.8% 48.0%	20% 20%		
nk of NY Trust	INVESTMENTS (before COP)		0.573%	1.446% 0.950%	108,695,466 2,695,885	109,033,032 2,695,885	106,977,783 2,695,885	BNY	111,355 x	- 0	97.5% 2.5%	na		
	tee (2009 COP funds) Debt Reserve Fund		0.040% 0.950%	0.040% 0.950%	2,695,885	2,695,885	2,695,885	BNY	x	0	0.0%	na		

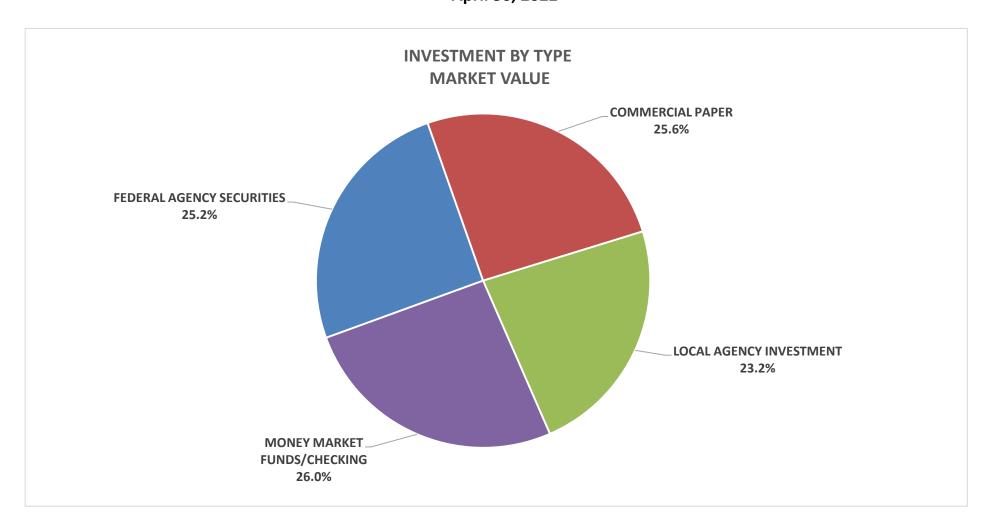
Page 14

CASH AND INVESTMENT SUMMARY (Total)

April 30, 2022

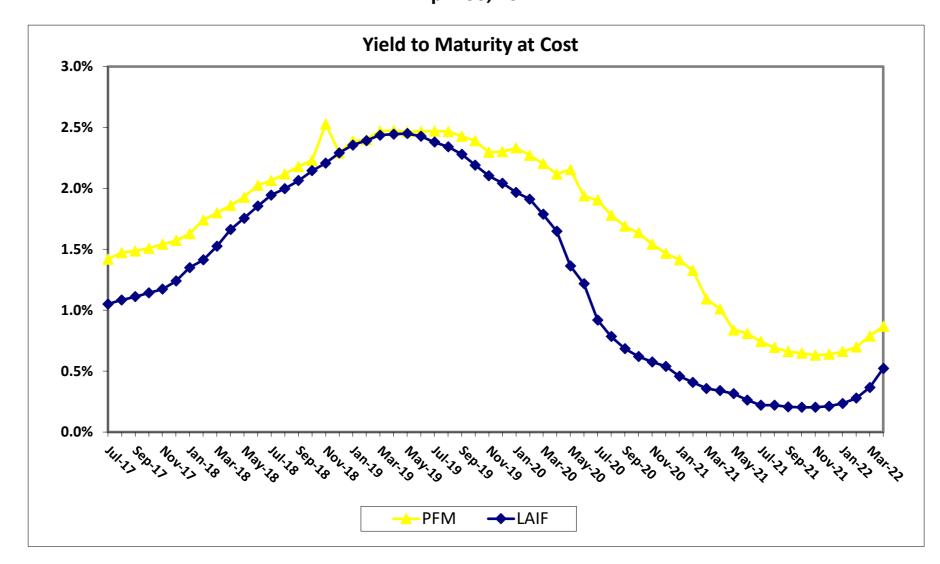


CASH AND INVESTMENT SUMMARY (excluding COP Funds) April 30, 2022



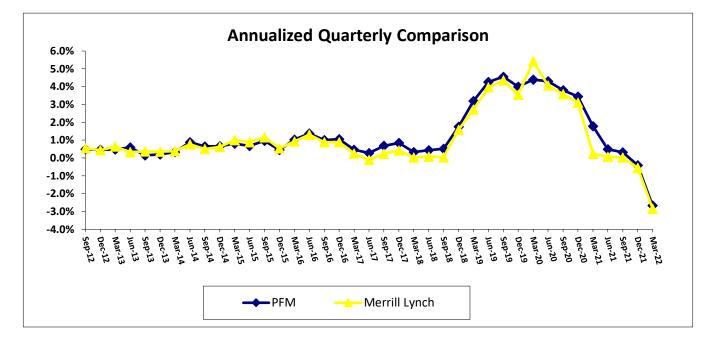
PADRE DAM MUNICIPAL WATER DISTRICT MAJOR INVESTMENT YIELD COMPARISONS

April 30, 2022



Month-Year	L. A.	I. F.	P . F. M.						
	BALANCE	INTEREST	BALANCE	INTEREST					
		Yield at Cost		Yield at Cost					
Jul-17	21,289,692	1.051%	44,391,070	1.4209					
Aug-17	21,289,692	1.084%	44,396,325	1.4739					
Sep-17	21,289,692	1.111%	44,272,825	1.4879					
Oct-17	21,347,314	1.143%	44,313,186	1.5099					
Nov-17	21,347,314	1.172%	44,253,033	1.5419					
Dec-17	21,347,314	1.239%	44,205,616	1.572					
Jan-18	21,412,123	1.350%	44,005,991	1.6289					
Feb-18	21,412,123	1.412%	48,490,565	1.740					
Mar-18	21,412,123	1.524%	50,144,954	1.798					
Apr-18	21,491,789	1.661%	50,163,995	1.860					
May-18	21,491,789	1.755%	50,333,062	1.928					
Jun-18	21,451,533	1.854%	50,284,723	2.025					
Jul-18	21,593,770	1.944%	50,276,085	2.063					
Aug-18	21,593,770	1.998%	50,495,801	2.118					
Sep-18	21,593,770	2.063%	50,492,188	2.179					
Oct-18	21,711,096	2.144%	50,081,570	2.229					
Nov-18	21,711,096	2.208%	50,403,161	2.527					
Dec-18	23,711,096	2.291%	52,009,584	2.292					
Jan-19	23,844,790	2.355%	52,177,542	2.388					
Feb-19	23,844,790	2.392%	52,312,298	2.401					
Mar-19	23,844,790	2.436%	52,614,379	2.470					
Apr-19	23,994,373	2.445%	52,810,640	2.474					
May-19	23,994,373	2.449%	53,040,905	2.464					
Jun-19	23,997,900	2.428%	53,371,111	2.468					
Jul-19	24,147,700	2.379%	53,463,523	2.470					
Aug-19	24,147,700	2.341%	53,800,684	2.467					
Sep-19	24,147,700	2.280%	53,748,236	2.428					
Oct-19	24,296,442	2.190%	54,529,591	2.391					
Nov-19	24,296,442	2.103%	53,950,559	2.296					
Dec-19	24,296,442	2.043%	53,751,689	2.302					
Jan-20	24,436,019	1.967%	54,346,404	2.332					
Feb-20	24,436,019	1.912%	54,731,432	2.272					
Mar-20 Apr-20	24,436,019 24,559,001	1.787% 1.648%	54,773,424 55,444,872	2.203					
May-20	24,559,001	1.363%	55,484,963	2.118					
Jun-20	24,559,001	1.217%	55,699,351	1.938					
Jul-20	24,648,612	0.920%	55,910,230	1.938					
Aug-20	24,648,612	0.784%	55,861,808	1.780					
Sep-20	24,648,612	0.685%	55,865,333	1.689					
Oct-20	24,700,953	0.620%	55,918,641	1.636					
Nov-20	24,700,953	0.576%	55,972,540	1.542					
Dec-20	24,700,953	0.540%	55,979,563	1.467					
Jan-21	24,740,008	0.458%	55,998,783	1.414					
Feb-21	24,740,008	0.407%	56,100,840	1.326					
Mar-21	24,740,008	0.357%	55,950,614	1.093					
Apr-21	24,767,036	0.339%	56,083,434	1.010					
May-21	24,767,036	0.315%	56,208,844	0.839					
Jun-21	24,769,091	0.262%	56,084,221	0.810					
Jul-21	24,787,258	0.221%	56,237,330	0.742					
Aug-21	24,787,258	0.221%	55,972,110	0.6949					
Sep-21	24,787,258	0.206%	56,196,707	0.6619					
Oct-21	24,802,351	0.203%	55,952,540	0.648					
Nov-21	24,802,351	0.203%	55,773,046	0.631					
Dec-21	24,802,351	0.212%	55,671,686	0.6389					
Jan-22	24,816,630	0.234%	55,594,357	0.6619					
Feb-22	24,816,630	0.278%	54,741,282	0.6979					
Mar-22	24,816,630	0.365%	54,577,141	0.7879					
Apr-22	24,836,186	0.523%	54,337,062	0.8689					

PFM Performance vs Merrill Lynch 1 to 3 Yr Treasury Index April 30, 2022



As of	PFM	Merrill Lynch					
Quarter	12 Month Return	12 Month Return					
Ending							
Sep-12	0.49%	б О.56 %					
Dec-12	0.46%	б О.43 %					
Mar-13	0.48%	б О.64 %					
Jun-13	0.60%	ő 0.33%					
Sep-13	0.14%	ő 0.37%					
Dec-13	0.20%	б 0.36 %					
Mar-14	0.33%	б О.38 %					
Jun-14	0.89%	б 0.76%					
Sep-14	0.65%	ő 0.50%					
Dec-14	0.66%	ő 0.62%					
Mar-15	0.80%	б 1.00%					
Jun-15	0.67%	б О.88 %					
Sep-15	0.96%	б 1.16%					
Dec-15	0.45%	б 0.54%					
Mar-16	1.03%	ő 0.92%					
Jun-16	1.37%	ő 1.31%					
Sep-16	1.00%	6 0.88%					
Dec-16	1.05%	ú 0.89%					
Mar-17	0.46%	ő 0.25%					
Jun-17	0.28%	-0.11%					
Sep-17	0.68%	ő 0.24%					
Dec-17	0.84%	ő 0.42%					
Mar-18	0.33%	ő 0.03%					
Jun-18	0.43%	6 0.08%					
Sep-18	0.52%	б 0.04%					
Dec-18	1.75%	ú 1.58%					
Mar-19	3.20%	ő 2.72%					
Jun-19	4.26%	3.96%					
Sep-19	4.56%	4.36%					
Dec-19	4.00%	ő 3.55%					
Mar-20	4.39%	б 5.42%					
Jun-20	4.30%	б 4.07%					
Sep-20	3.80%	ы́ 3.58 %					
Dec-20	3.44%	3.10%					
Mar-21	1.78%	б 0.24%					
Jun-21	0.49%	6 0.07%					
Sep-21	0.32%	б О.03 %					
Dec-21	-0.41%	<i>-</i> 0.55%					
Mar-22	-2.67%	-2.84%					

Note: These percentages include the yield at cost and current market gain (or loss) so results

can be significantly higher or lower than the yield at cost due to volatile market behavior.

Page 16-B

April 30, 2022

I. California Bank Loan Financial Requirements:

	Minimum Required	 April 30, 2022	Meets Loan
			Requirement
(a) Minimum DSC Ratio			
Operating Income before interest, depreciation & amortization		\$ 18,845,182	
Annual Debt Service		\$ 4,313,906	
	1.5 to 1	4.4 to 1	YES
(d) Maximum Total Debt to Tangible Net Worth Ratio			
Total Liabilities		\$ 115,365,281	
Total Fund Equity (Assets - Liabilities)		\$ 298,441,329	
	.5 to 1	0.4 to 1	YES
(e) Minimum Cash and Investments			
Current Cash & Investments	\$ 7,500,000	\$ 94,149,022	YES

NOTE: Interest Rate on CB&T \$5,000,000 loan is based on 61% of the prime rate. Interest rate for the current month is 2.135%. (Current balance is \$102K)

II. Certificate of Participation (COP) Rate Covenant Ratio Requirements:

(a) "District Net Revenues" / (Annual Installment Payments + Debt Service on Parity Debt)

	Minumum Required		pril 30, 2022	Meets COP
				Requirement
District Net Revenues (as defined in Official Statement)		\$	17,861,872	
Annual Installment Payments+Debt Service on Parity Debt		\$	3,594,922	
Resulting Ratio (minimum must be met on annual basis)	1.2 to 1		5.0 to 1	YES

(b) "District Net Revenues" - (Rate Stabilization and Capital Repl Funds) / (Annual Installment Payments + Debt Service on Parity Debt)

	Minimum Required	April 30, 2022		Meets COP
				Requirement
District Net Revenues, excluding Rate Stab and Capital Repl Funds		\$	17,383,030	
Annual Installment Payments+Debt Service on Parity Debt		\$	3,594,922	
Resulting Ratio (minimum must be met on annual basis)	1.05 to 1		4.84 to 1	YES

(c) "Water System Net Revenues" / (Annual Installment Payments on Water System Debt + Debt Service on Water System Parity Debt)

	Minimum Required	April 30, 2022		Meets COP
				Requirement
Water System Net Revenues (as defined in Official Statement)		\$	10,750,817	
Annual Installment Payments+Debt Service on Parity Debt (WATER SYSTE	M ONLY)	\$	2,848,738	
Resulting Ratio (minimum must be met on annual basis)	1.00		3.77	YES

GLOSSARY OF TERMS

AGENCIES:

Debt instrument(s) issued by US Government agencies, departments, and government-sponsored corporations. Some agencies have a direct government guarantee, others have an implied government guarantee. All agency securities are of the highest credit quality.

AMORTIZED COST:

The original cost of the principal adjusted for the periodic reduction of any discount or premium from the purchase date until the date of the report.

BANKERS ACCEPTANCE:

This is an investment instrument issued by a bank, guaranteeing the payment of a customer's drafts for a stated amount for a specified period. It substitutes the bank's credit for the buyer and eliminates the seller's risk. This security is created out of a trade transaction.

BOOK VALUE:

The amount paid for the security inclusive of any accrued interest and premium/discount, and inclusive of any amortized premium/discount. A security that has a book value in excess of face value was purchased with accrued interest or at a premium; thus, the yield-to-maturity on the security will be the same as or less than the stated rate. A security that has a book value less than face value was purchased at a discount; thus, the yield to maturity will always be in excess of the stated rate.

CERTIFICATES OF DEPOSIT:

A security instrument representing specific cash deposits in commercial banks, having varying maturities and yields based on size and maturity. This security has pooled collateral pledged against the deposit.

COMMERCIAL PAPER:

Primarily used by large corporations to finance receivables. Commercial paper is a short term, unsecured promissory discount note that usually pays interest at maturity.

COUPON:

The interest rate on a debt security that an issuer promises to pay.

DAYS TO MATURITY:

The number of days remaining from the reporting date until the maturity of the security on a weighted average basis.

DURATION:

A measure of the sensitivity of a security's price to a change in the market value. Values from 1.0 to 3.0 are considered conservative. For example, a portfolio with a duration of 1.5 would increase 1.5% for every 1% decrease in market.

MARKET % OF PORTFOLIO:

The percentage of each security type as compared to total investments.

MARKET VALUE:

The current market value of the security. This is based on the price a security can be traded in the market at the close of the month.

MATURITY DATE:

The date in which the security matures. With managed pool accounts and passbook/checking accounts there are no maturity dates as these accounts are ongoing.

NEGOTIABLE CERTIFICATES OF DEPOSIT:

Securities that are issued by major international and domestic banks and are similar to certificates of deposits purchased at a local bank; however, unlike collateralized certificates of deposit they are liquid with an active secondary market for strong issuers.

PAR VALUE:

The stated maturity value of a security or remaining face amount.

PURCHASE DATE:

The day in which the security was delivered to the Authority's safekeeping account.

TREASURY BILL:

Obligations issued by the United States Treasury with a maturity of under one year and having virtually no risk.

TREASURY NOTE:

Obligations issued by the United States Treasury with a maturity ranging from one to ten years, paying interest semiannually and having virtually no risk.

UNREAL G/L ON BOOK:

The unrealized gain or loss on book is the difference between the amortized cost of the security as of the report date and the market value.

YTM AT COST:

The yield to maturity at cost is the rate of return based on the original cost, the annual interest receipts, maturity value and the time period from purchase date to maturity.

YTM AT MARKET:

The yield to maturity at market is the rate of return based on the current market value, the annual interest receipts, the maturity value and the time period remaining until maturity.